

*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

WEDNESDAY 20th APRIL 2022

Popanyinning Hall
Francis Street, Popanyinning

COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “Confidential Matters”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

DISCLAIMER

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

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

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1. **DECLARATION OF OPENING:**

The Shire President, Cr Dowling, declared the meeting open at 2.03pm.

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

2.1.1 Attendance

Cr Eliza Dowling
Cr Robert Harris
Cr Julie Christensen
Cr Adrian Kowald
Cr Pete Dowdell

President
Deputy President

Mr Stan Scott
Mr Fred Steer

Chief Executive Officer
Deputy Chief Executive Officer

Public Gallery

Mr Brian Harwood
Mr David Sivyler (left at 2.05 pm)

2.1.2 Apologies

Cr Dawson Bradford
Mr Bruce Brennan

Manager of Works and Services

2.1.3 Leave of Absence

Nil

3. **STANDING ORDERS:**

COUNCIL DECISION 2022/30:

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

Moved: Cr Dowdell

Seconded: Cr Harris

Carried 5/0

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 Brian Harwood – Sealing of Corrie Street

Question

Mr Harwood operates Harwood Contracting at 1 Ridley Street, Cuballing. He is not permitted to access his business from Ridley Street and must access from Corrie Street. Corrie Street is an unsealed road, and the dust affects other residents in Corrie Street including one person with asthma. Mr Harwood lodged a petition on behalf of the residents of Corrie Street in January but has not received a reply.

He also questioned why he is not able to directly access Ridley Street.

Response:

Cr Dowling advised that she was not familiar with the petition and apologised that no response had been provided.

The CEO undertook to follow up his request. He advised that the request has probably been marked as a budget submission, but should have been acknowledged. The CEO also advised that Ridley Street is part of Great Southern Highway and access is a Main Roads decision. They will generally limit the number of access points, especially if an alternative is available.

4.3.2 David Sivyer – WA Kaolin and Cuballing East Road.

Question

Mr Sivyer is a local resident and shareholder in WA Kaolin. He requested an update on whether WA Kaolin will be using Cuballing East Road.

Response

The CEO advised that the latest information from WA Kaolin, provided at an information briefing immediately prior to the Council meeting, is that WA Kaolin is not seeking to transport product via Cuballing East Road.

Mr Sivyer left at 2.05 pm.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

Cr Christensen advised that she no longer required a leave of absence for the May 2022 meeting but would be seeking a leave of absence for the July meeting.

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Wednesday 16th March 2022

COUNCIL DECISION 2022/31:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 16th March 2022 be confirmed as a true record of proceedings.

Moved: Cr Harris

Seconded: Cr Christensen

Carried 5 / 0

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:**

Nil

8. DISCLOSURE OF FINANCIAL INTEREST:

The Chief Executive Officer, Mr Scott, Declared a financial interest in item 12.1.1 as it relates to his Employment Contract.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1 List of Payments – March 2022

File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	7 th April 2022
Author:	Nichole Gould
Attachments:	9.1.1A List of February Municipal Accounts 9.1.1B Credit Card Transactions 9.1.1C Petty Cash Transactions

Summary

Council is to review payments made under delegation in March 2022.

Background – Nil

Comment

Council is provided at Attachments 9.1.1A with a list of payments made from Council's bank account during the month of March 2022.

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 2022/32:

That Council receives:

- 1. the List of Accounts paid in March 2022 under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, including payments from Council's Municipal Fund totalling \$412,712.53 included at Attachment 9.1.1A; and**
- 2. a summary of transactions completed on Credit Cards by Council Staff for the period ending 10th March 2022 included at Attachment 9.1.1B**
- 3. a summary of transactions completed with Petty Cash by Council Staff for the period ending 28th February 2022 included at Attachment 9.1.1C.**

Moved: Cr Kowald

Seconded: Cr Harris

Carried 5 / 0

LIST OF MARCH 2022 MUNICIPAL FUND ACCOUNTS

Chq/EFT	Name	Description	Amount
01032022	Police Licensing	Police Licensing Payments	237.70
02032022	Police Licensing	Police Licensing Payments	700.65
03032022	Police Licensing	Police Licensing Payments	5,375.25
04032022	Police Licensing	Police Licensing Payments	724.55
08032022	Police Licensing	Police Licensing Payments	14,517.30
09032022	Police Licensing	Police Licensing Payments	819.10
10032022	Police Licensing	Police Licensing Payments	106.10
11032022	Police Licensing	Police Licensing Payments	279.20
14032022	Police Licensing	Police Licensing Payments	1,673.00
15032022	Police Licensing	Police Licensing Payments	1,087.80
16032022	Police Licensing	Police Licensing Payments	1,403.45
18032022	Police Licensing	Police Licensing Payments	1,554.40
21032022	ATO Clearing Account BAS	ATO Clearing Account BAS	54,688.00
21032022	Police Licensing	Police Licensing Payments	183.25
22032022	Police Licensing	Police Licensing Payments	2,164.25
23032022	Police Licensing	Police Licensing Payments	1,343.60
25032022	Police Licensing	Police Licensing Payments	527.90
28032022	Police Licensing	Police Licensing Payments	1,298.40
29032022	Police Licensing	Police Licensing Payments	1,423.25
30032022	Police Licensing	Police Licensing Payments	973.70
31032022	Police Licensing	Police Licensing Payments	225.00
EFT6866	Allwork Civil	Supply and lay all line marking at Francis St Popanyinning	1,518.00
EFT6867	C&D Cutri	Carry out 11 x Level 1 Bridge inspections	1,650.00
EFT6868	Cloud Payment Group	Debt Collection	1,644.60
EFT6869	Corsign (WA) Pty Ltd	8 x Flood marker signs brackets and posts	1,826.00
EFT6870	DX Print Group Pty Ltd	Business Cards	198.00
EFT6871	Exteria Street & Park Outfitters	10 x Norfolk Bin Surrounds	21,783.30
EFT6872	Great Southern Fuel Supplies	Bulk Diesel Fuel Delivery	4,370.97
EFT6873	Great Southern Waste Disposal	Rubbish Removal	6,341.16
EFT6874	Hancock's Home Hardware	Monthly account	63.00
EFT6875	Harwood Contracting Services	6m ³ of garden bed soil	660.00
EFT6876	ITR Pacific Pty Ltd	Cutting edges teeth and keepers bolts nuts and pins	1,528.98
EFT6877	Komatsu Australia Pty Limited	2 x Air conditioner Filters	145.11
EFT6878	Narrogin Auto Electrics	Fitting of new UHF two way and arial	2,483.62
EFT6879	Narrogin Packaging and Motorcycles & Accessories	1 x 5lt Hand Sanitizer Gel 2 x Hand Foam bottles	159.50

Attachment 9.1.1A

Chq/EFT	Name	Description	Amount
EFT6880	Narrogin Glass & Quickfit Windscreens & Narrogin Window Tinting	Repairs to sliding doors and windows	137.50
EFT6881	Rural Traffic Services Pty Ltd	Supply 3 x Traffic controllers	2,061.80
EFT6882	Shire of Narrogin	Disposal of kerbside collection	6,215.22
EFT6883	Stabilised Pavements of Australia	Wandering-Narrogin Road Stabilisation	74,579.73
EFT6884	Toll Ipec (Courier Australia)	Monthly Freight Charges	11.46
EFT6885	Truck Centre (WA) Pty Ltd	Material costs for first service	82.04
EFT6886	Kathleen Mary Gibson	Rates refund	1,700.00
EFT6887	Builders Registration Board Building Commission	February 2022 Building Forms	63.50
EFT6888	Building & Construction Industry Training	BCITF Forms February 2022	91.75
EFT6889	E Fire and Safety	Annual Fire Safety Service - 9.0kg Extinguisher x 2 Extinguisher UV Bag x4	1,192.40
EFT6890	Edwards Motors	107,000km Service CNO	645.95
EFT6891	Kalexpress & Quality Transport	Corsign - Narrogin Wandering Road Signage	244.72
EFT6892	Makit Narrogin Hardware	2 x Thin Cutting Discs 5 x Cupboard Knobs	241.30
EFT6893	Melchiorre Plumbing and Gas	Unblock drain and install new dishwasher	675.90
EFT6894	Narrogin Earthmoving and Concrete	Dry Hire steel drum roller for cement stabilising re-instatements	1,155.00
EFT6895	Cuby Windscreens	Supply and fit 1 x new windscreen	1,051.50
EFT6896	Narrogin Hire Service and Reticulation	Reticulation parts for Popanyinning main street	247.78
EFT6897	R Munns Engineering Consulting Services	Cuballing East Road Pavement design to cad drawings	6,692.98
EFT6898	Regional Communication Solutions	1 x phone booster kit for CNO	1,100.00
EFT6899	Sheridan's	4 full colour name bar	109.78
EFT6900	Zircodata Pty Ltd	Lodgement of archive boxes	16.55
EFT6901	Marketforce	West Advertising	1,077.08
EFT6902	Cannon Hygiene Australia Pty Ltd	Sanitary Bin Service	1,461.44
EFT6903	Corsign (WA) Pty Ltd	6 x Children signs for Bus stops	679.80
EFT6904	Great Southern Fuel Supplies	Bulk Diesel Fuel Delivery	9,747.05
EFT6905	Great Southern Waste Disposal	Rubbish Removal	6,991.06
EFT6906	H+H Architects	Design Services for Independent Aged Living Units	2,167.00
EFT6907	Hersey Safety Pty Ltd	24 x cotton gloves	39.60

Attachment 9.1.1A

Chq/EFT	Name	Description	Amount
EFT6908	Hollywood Touch	2 x PVC posts 4 x PVC rail 2 x caps for posts	140.00
EFT6909	ITR Pacific Pty Ltd	20 Grader blades	2,244.00
EFT6910	Lets Talk Flowers	Large Native ANZAC Day Wreaths	220.00
EFT6911	Mary Heffernan	30 x Face Masks	300.00
EFT6912	Metrocount	12 x 6v welded battery packs for road counters 100m x roll road tube	1,115.40
EFT6913	Narrogin Toyota & Mazda	Supply of 1 x New SR5 Hilux 4x4	20,491.16
EFT6914	Narrogin Country Fresh Meats	Catering	137.74
EFT6915	Narrogin Embroidery	Embroidery - Shire Uniforms	40.00
EFT6916	Narrogin Hire Service and Reticulation	Hire of Floor Saw concrete Hire of Trencher machine 13 x 25mm class 9 PVC pipe	291.10
EFT6917	Peter John Denton	69 x assorted native ground covers and small shrubs	897.00
EFT6918	Stabilisation Technology Pty Ltd	Pavement Investigation and Design, Soil Testing, Analysis of traffic data	9,119.00
EFT6919	Whitford Fertilisers Narrogin	Weighbridge - Waste Management	93.50
20122	Department Of Transport	Vehicle Registration Renewal -	46.95
20123	Shire of Cuballing	Staff Expenses	213.15
20124	Water Corporation	Water Charges - Hall at Francis Street Popanyinning	8.19
20125	Synergy	Electricity Charges - Street Lights	783.09
20126	Water Corporation	Water Charges - Standpipe at Francis Street	2,119.88
DD2935.1	StampStore	1x Self Inking Rubber Stamp	85.50
DD2938.1	Hostplus Super	Superannuation contributions	272.35
DD2938.2	Aware Super Pty Ltd	Payroll deductions	5,212.31
DD2938.3	Matrix Superannuation	Superannuation contributions	181.93
DD2938.4	Australian Super	Payroll deductions	1,738.08
DD2938.5	CBUS	Superannuation contributions	383.82
DD2938.6	MLC	Superannuation contributions	35.98
DD2938.7	Colonial First State	Superannuation contributions	218.58
DD2954.1	inet Limited	Monthly NBN Internet Service CEO Residence	89.99
DD2956.1	National Australia Bank	Credit Card Charges	2,771.85
DD2957.1	Telstra	SMS Message Harvest Ban Service	306.47
DD2965.1	Hostplus Super	Superannuation contributions	273.70
DD2965.2	Aware Super Pty Ltd	Payroll deductions	5,648.15
DD2965.3	Matrix Superannuation	Superannuation contributions	181.93
DD2965.4	Australian Super	Payroll deductions	1,736.08

Attachment 9.1.1A

Chq/EFT	Name	Description	Amount
DD2965.5	CBUS	Superannuation contributions	490.41
DD2965.6	Colonial First State	Superannuation contributions	218.58
DD2966.1	Telstra	Phone Charges - Shire Office	273.44
DD2967.1	Telstra	SMS Message Harvest Ban Service	291.51
EFT6920	Bruce Brennan	Electricity Charges 50% Reimbursement	336.18
EFT6921	Cuby Tavern	Catering	241.00
EFT6922	Edge Planning & Property	Town Planning Service	1,443.20
EFT6923	Haulmore Trailer Sales	1 x door cylinder ram with over centre valve for side tipper	1,167.00
EFT6924	Narrogin Hire Service and Reticulation	Assorted retic parts for main street Popanyinning	163.90
EFT6925	R J Smith Engineering	Manufacture and supply Shire of Cuballing sign	1,567.90
EFT6926	Shire of Narrogin	Ranger Services	246.00
EFT6927	Winc Australia Pty Limited	Stationery	327.28
20127	Synergy	Electricity Charges - Shire Office	894.38
DD2978.1	Hostplus Super	Payroll deductions	604.97
DD2978.2	Aware Super Pty Ltd	Payroll deductions	4,398.17
DD2978.3	Matrix Superannuation	Superannuation contributions	181.93
DD2978.4	Australian Super	Payroll deductions	1,756.08
DD2978.5	CBUS	Superannuation contributions	490.41
DD2978.6	Colonial First State	Superannuation contributions	282.04
EFT6928	BMR Mechanical Pty Ltd	Fix hydraulic fault Possibly electrical	860.10
EFT6929	Busselton Advanced Driver Training	HR driver training lesson and assessment	1,795.00
EFT6930	CJD Paclease	1 x 205 lt Chemtex Ct 20	894.34
EFT6931	Farmworks Narrogin	2 x 20lt Roundup ultra max	728.64
EFT6932	Great Southern Fuel Supplies	Bulk Diesel Fuel Delivery	6,197.71
EFT6933	Keeling Electrical Group Pty Ltd	New power points in crib hut for fridge and microwave and sorting two way power cords into a safe manner	1,287.95
EFT6934	Lucas Lloyd Stringer	Reimbursement for Medical and Police Clearance	209.90
EFT6935	McPest Pest Control	1 x spider spray	330.00
EFT6936	Narrogin Bearing Services	4 x Ratchet Load Binders	365.23
EFT6937	Narrogin Freightlines	Monthly Freight Charges	941.67
EFT6938	Narrogin Packaging and Motorcycles & Accessories	4 x boxes 50 Face Masks	200.00
EFT6939	Narrogin Toyota & Mazda	1 x New Mazda CX-30 B 6Auto wagon G20 Touring	35,800.00

Attachment 9.1.1A

Chq/EFT	Name	Description	Amount
EFT6940	Narrogin Pumps Solar and Spraying	1 x 75mm camlock 1 x 100mm camlock 2 x rolls thread tape	137.38
EFT6941	Office of the Auditor General	Fee for the attest audit for the year ended 30 June 2021	18,480.00
EFT6942	Pingelly Tyre Service	supply and fit 2 x new tubes 20.5r25 to Cat Loader	1,901.79
EFT6943	R J Smith Engineering	1 x beacon light bracket	230.00
EFT6944	Reinforced Concrete Pipes	40 x 1200 x 450x 1200 reinforced concrete box culverts	6,119.52
EFT6945	Stanley Scott	Reimbursement for Removal Expenses	1,109.18
EFT6946	Security Man Pty Ltd	Security Monitoring	110.00
EFT6947	Stewart And Heaton Clothing Co	Name Badges for Wildlands Fire Jackets	136.29
20128	Australian Communications and Media Authority	Annual Licence - Mt Shaddick	114.00
20129	Synergy	Electricity Charges – Council Properties	2,989.42
20131	Water Corporation	Water Charges – Council properties	2,381.22
20132	Shire of Cuballing	Groceries	463.95
			412,712.53

CREDIT CARD TRANSACTIONS

SUPPLIER	DETAIL OF PURCHASE	TOTAL
Narrogin Better Home Living	Dishwasher And Installation	1,109.00
Aussie Broadband	Internet Provider	79.00
Saved By Spot	GPS Emergency Finder System	771.21
Seek	DCEO Job Advertisement	357.50
Main Roads WA	Oversize Permit	432.00
NAB Bank Fee	Saved By Spot – International Currency Bank Fee	23.14
	TOTALS	2,771.85

PETTY CASH

Item details	Refreshments 04105	Staff Expenses 1042390	Vehicle Maintenance P252	GST10%	Total
Groceries	79.60			4.81	79.60
Staff		57.60		5.24	57.60
Licensing			75.95	4.31	75.95
	79.60	57.60	75.95	14.36	213.15

COLES CARD

Item details	Refreshments 04105	Office Main J4114	Events 1051040.520	GST10%	Total
Groceries	224.35		152.90	21.64	377.25
Misc (Cleaning supplies)		86.70		7.89	86.70
	224.35	86.70	152.90	29.53	463.95

9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	13 ^h April 2022
Author:	Fred Steer
Attachments:	9.1.2A Statement of Financial Activity

Summary

Council is to consider the Statement of Financial Activity for March 2022.

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

Operating Revenue key points include.

- General Purpose Funding – Rates were raised on 28th July 2021;
- Transport – MRWA Direct Grant amount received \$87,145;
- Transport – Regional Road Group claims up to date;
- Transport – 100% of Roads to Recovery funding for 2021/22 has been received;
- Financial Assistance Grants – third quarterly payment has been received;
- FESA – ESL grant funding – third quarterly payment has been received;
- CBH Grass Roots grant funding received;
- DVA grant funding for war memorial received;
- Standpipe income less than budgeted, possibly due to wet winter;
- Fire Mitigation – 2nd claim has been received; and
- Youth Traineeship Grant Funding for 2021/22 has been refunded.

Operating Expenses – The key items of variance include:

- Plant repairs overbudget due to repairs to fire vehicles annual service;
- Fire Mitigation expenses less than budgeted, offset by less grant income claimed;
- Both Refuse sites expenses running under budget;
- Loss on disposal on assets under budget due to higher return on sale of assets than anticipated; and
- Capital acquisitions are underbudget – due to timing of major projects & plant purchases.

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

Administration Allocations have been calculated to 31st March 2022.

Depreciation expense is calculated to 31st March 2022.

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 2022/33:

That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 31st March 2022 be received.

Moved: Cr Dowdell

Seconded: Cr Kowald

Carried 5 / 0

SHIRE OF CUBALLING
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 31 March 2022

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

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MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2022

INFORMATION

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 31 March 2022
Prepared by: Fred Steer, Deputy Chief Executive Officer

BASIS OF PREPARATION

REPORT PURPOSE

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

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 non-current assets, financial assets and liabilities.

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.

SIGNIFICANT ACCOUNTING POLICES

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 presented as operating cash flows.

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.

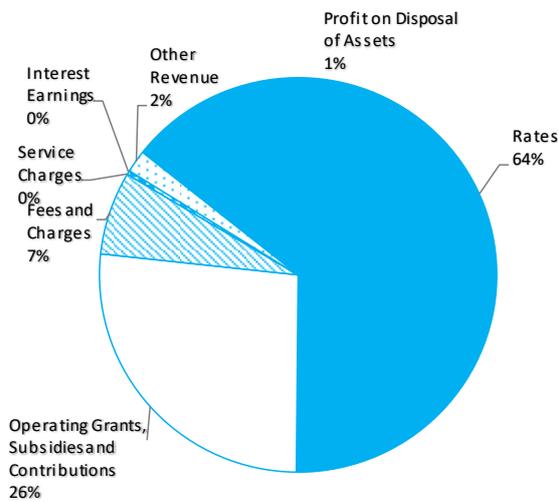
ROUNDING OFF FIGURES

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

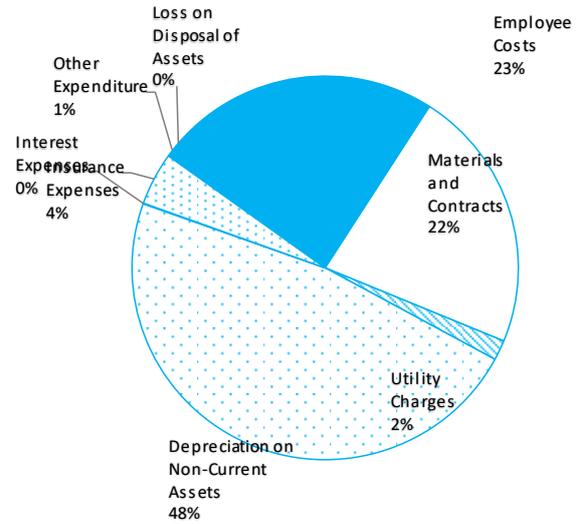
**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 31 MARCH 2022**

SUMMARY GRAPHS

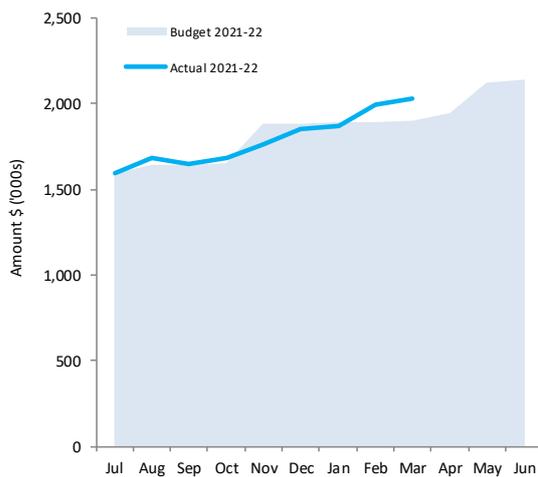
OPERATING REVENUE



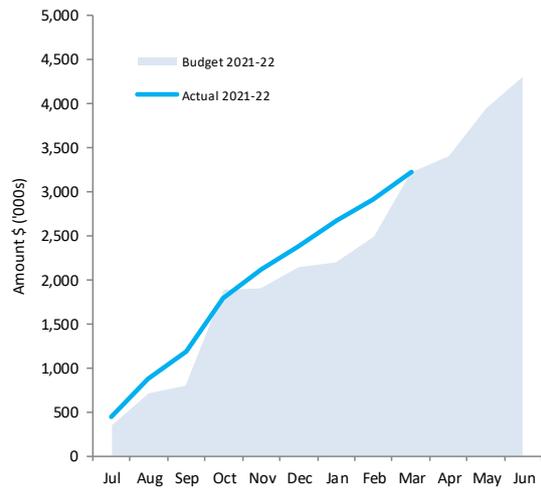
OPERATING EXPENSES



Budget Operating Revenues -v- Actual

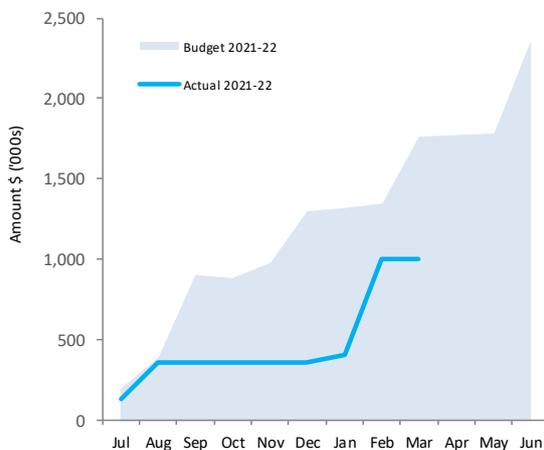


Budget Operating Expenses -v- YTD Actual



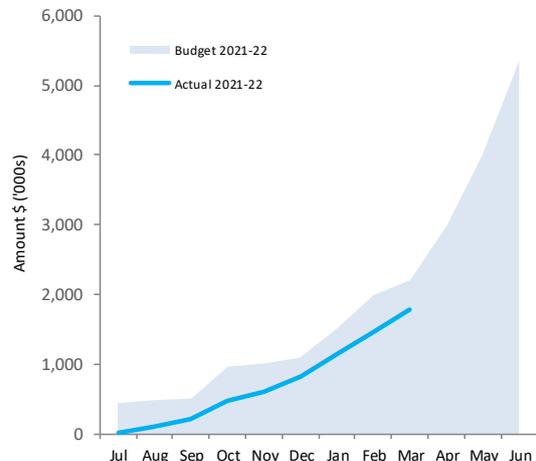
CAPITAL REVENUE

Budget Capital Revenue -v- Actual



CAPITAL EXPENSES

Budget Capital Expenses -v- Actual



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

**KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 31 MARCH 2022**

STATUTORY REPORTING PROGRAMS

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

PROGRAM NAME	OBJECTIVE	ACTIVITIES
GOVERNANCE	Administration and operation of facilities and services to members of council, other costs that relate to tasks of elected members and ratepayers on matters which do not concern specific council activities	Complete Council meetings, Complete all Administration activities, Lobby other levels of government to support the aims of the Shire of Cuballing
GENERAL PURPOSE FUNDING	Rates, general purpose government grants and interest revenue	Manage Rates and collection. Maintain Property Data
LAW, ORDER, PUBLIC SAFETY	Supervision of various local laws, fire prevention, emergency services and animal control.	Provide ranger service, bush fire and emergency management
HEALTH	Inspections of septic and food control	Inspect food premises.
EDUCATION AND WELFARE	Support school activities	Provide activities of support of local schools
HOUSING	Provision and maintenance of staff housing	Provide staff & other housing
COMMUNITY AMENITIES	Operation of refuse sites, noise control and administration of Town Planning Scheme	Provision of waste & recycling services including the operation of the Cuballing & Popanyinning transfer stations. Also includes the provision of town planning services.
RECREATION AND CULTURE	Maintenance of halls, recreation centre and various reserves. Support library services in Narrogin.	Maintain halls & Civic buildings, parks and gardens and recreational facilities including managing the Dryandra Equestrian Centre lease.
TRANSPORT	Construction and maintenance of streets, roads, bridges, footpaths, drainage works, traffic signs, bus shelters and depot maintenance.	Maintain and protect local environmentally significant areas including the maintenance of Council roads and footpaths. Also includes the provision of vehicle licensing services.
ECONOMIC SERVICES	The regulation and provision of tourism, area promotion, building control, noxious weeds, vermin control and standpipes.	Control of noxious weeds on council property, DrumMuster and provision of building registration services. Includes tourism and promotion and supporting the Dryandra Country Visitors Centre.
OTHER PROPERTY AND SERVICES	Private works operation, plant repairs and operation costs.	Includes private works, overhead and plant allocations and the provision of building surveying services.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

STATUTORY REPORTING PROGRAMS

	Ref Note	Annual Budget	YTD Budget	YTD Actual	Variance (\$)	Variance (%)
Opening Funding Surplus(Deficit)	1(b)	\$ 1,904,205	\$ 1,904,205	\$ 1,934,871	\$ 30,666	2%
Revenue from operating activities						
General Purpose Funding	5	1,540,427	1,520,038	1,520,742	704	0%
Governance		44,950	42,452	27,959	(14,493)	(34%) ▼
Law, Order and Public Safety		133,112	111,285	97,555	(13,730)	(12%) ▼
Health		800	594	731	137	23%
Education and Welfare		2,500	2,500	0	(2,500)	(100%)
Housing		0	0	0	0	
Community Amenities		75,516	75,188	80,686	5,498	7%
Recreation and Culture		12,773	11,392	9,974	(1,418)	(12%)
Transport		249,755	209,092	231,284	22,192	11% ▲
Economic Services		38,700	28,998	14,767	(14,231)	(49%) ▼
Other Property and Services		45,000	33,744	45,115	11,371	34% ▲
		2,143,533	2,035,283	2,028,813		
Expenditure from operating activities						
General Purpose Funding		(88,500)	(56,366)	(55,889)	477	1%
Governance		(138,957)	(161,687)	(159,399)	2,288	1%
Law, Order and Public Safety		(298,263)	(252,229)	(268,988)	(16,759)	(7%)
Health		(45,907)	(34,407)	(33,106)	1,301	4%
Education and Welfare		(45,708)	(34,248)	(12,931)	21,317	62% ▲
Housing		(40,711)	(30,882)	(36,457)	(5,575)	(18%) ▼
Community Amenities		(353,068)	(266,364)	(246,129)	20,235	8%
Recreation and Culture		(378,844)	(294,120)	(288,289)	5,831	2%
Transport		(2,715,046)	(2,067,099)	(1,976,274)	90,825	4%
Economic Services		(162,367)	(125,412)	(115,141)	10,271	8%
Other Property and Services		(34,500)	(26,327)	(30,838)	(4,511)	(17%)
		(4,301,871)	(3,349,140)	(3,223,441)		
Operating activities excluded from budget						
Add Back Depreciation		2,060,628	1,545,381	1,531,502	(13,879)	(1%)
Adjust (Profit)/Loss on Asset Disposal	6	42,073	42,073	(1,639)	(43,712)	(104%) ▼
Adjust Provisions and Accruals		0	0	0	0	
Amount attributable to operating activities		(55,636)	273,597	335,235		
Investing Activities						
Non-operating Grants, Subsidies and Contributions	10	2,360,758	1,164,433	1,006,239	(158,194)	(14%) ▼
Proceeds from Disposal of Assets	6	115,000	115,000	119,303	4,303	4%
Land Held for Resale		0	0	0	0	
Capital Acquisitions	7	(5,353,726)	(2,765,051)	(1,779,135)	985,916	36% ▲
Amount attributable to investing activities		(2,877,968)	(1,485,618)	(653,593)		
Financing Activities						
Proceeds from New Debentures		850,000	850,000	0	(850,000)	(100%) ▼
Repayment of Debentures	8	(77,812)	(36,753)	(36,753)	0	0%
Transfer from Reserves	9	353,507	83,139	83,139	0	0%
Transfer to Reserves	9	(93,911)	(84,051)	(84,051)	0	0%
Amount attributable to financing activities		1,031,784	812,335	(37,665)		
Closing Funding Surplus(Deficit)	1(b)	2,385	1,504,519	1,578,848		

KEY INFORMATION

▲▼ 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.

The material variance adopted by Council for the 2021/22 year is \$5,000 or 10% whichever is the greater.

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

KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 31 MARCH 2022

NATURE OR TYPE DESCRIPTIONS

REVENUE

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 instalments, interest on arrears and service charges.

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, contributions or donations.

PROFIT ON ASSET DISPOSAL

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

FEES AND CHARGEES

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 on rate arrears and interest on debtors.

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.

EXPENSES

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, etc.

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 technology, rental or lease expenditures.

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.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

BY NATURE OR TYPE

	Ref Note	Annual Budget	YTD Budget	YTD Actual	Variance (\$)	Variance (%)	
		\$	\$	\$	\$	%	
Opening Funding Surplus (Deficit)	1(b)	1,904,205	1,904,205	1,934,871	30,666	2%	
Revenue from operating activities							
Rates	5	1,241,862	1,295,770	1,293,500	(2,271)	(0%)	
Operating Grants, Subsidies and Contributions	10	702,067	569,176	538,863	(30,313)	(5%)	
Fees and Charges		143,279	127,752	138,255	10,503	8%	
Interest Earnings		10,575	7,911	6,689	(1,222)	(15%)	
Other Revenue		45,750	34,674	37,235	2,561	7%	
Profit on Disposal of Assets	6	0	0	14,272	14,272		▲
		2,143,533	2,035,283	2,028,813			
Expenditure from operating activities							
Employee Costs		(1,027,922)	(745,038)	(731,620)	13,418	2%	
Materials and Contracts		(865,829)	(747,850)	(713,757)	34,092	5%	
Utility Charges		(62,565)	(46,773)	(54,288)	(7,515)	(16%)	▼
Depreciation on Non-Current Assets		(2,060,628)	(1,545,381)	(1,531,502)	13,879	1%	
Interest Expenses		(23,708)	(17,766)	(1,904)	15,862	89%	▲
Insurance Expenses		(159,902)	(159,848)	(143,575)	16,273	10%	▲
Other Expenditure		(59,245)	(44,412)	(34,162)	10,250	23%	▲
Loss on Disposal of Assets	6	(42,073)	(42,073)	(12,633)	29,440		
		(4,301,871)	(3,349,140)	(3,223,441)			
Operating activities excluded from budget							
Add back Depreciation		2,060,628	1,545,381	1,531,502	(13,879)	(1%)	
Adjust (Profit)/Loss on Asset Disposal	6	42,073	42,073	(1,639)	(43,712)	(104%)	▼
Adjust Provisions and Accruals		0	0	0	0		
Amount attributable to operating activities		(55,636)	273,597	335,235			
Investing activities							
Non-operating grants, subsidies and contributions	10	2,360,758	1,164,433	1,006,239	(158,194)	(14%)	▼
Proceeds from Disposal of Assets	6	115,000	115,000	119,303	4,303	4%	
Land held for resale		0	0	0	0		
Capital acquisitions	7	(5,353,726)	(2,765,051)	(1,779,135)	985,916	36%	▲
Amount attributable to investing activities		(2,877,968)	(1,485,618)	(653,593)			
Financing Activities							
Proceeds from New Debentures		850,000	850,000	0	(850,000)	(100%)	▼
Repayment of Debentures	8	(77,812)	(36,753)	(36,753)	0	0%	
Transfer from Reserves	9	353,507	83,139	83,139	0	0%	
Transfer to Reserves	9	(93,911)	(84,051)	(84,051)	0	0%	
Amount attributable to financing activities		1,031,784	812,335	(37,665)			
Closing Funding Surplus (Deficit)	1(b)	2,385	1,504,519	1,578,848			

KEY INFORMATION

▲▼ 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.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**NOTE 1(a)
NET CURRENT ASSETS**

SIGNIFICANT ACCOUNTING POLICIES

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 resale where it is held as non current based on Council's intentions to release for sale.

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 City 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 City 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 City does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

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.

INVENTORIES

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 necessary to make the sale.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

OPERATING ACTIVITIES
NOTE 1(b)
ADJUSTED NET CURRENT ASSETS

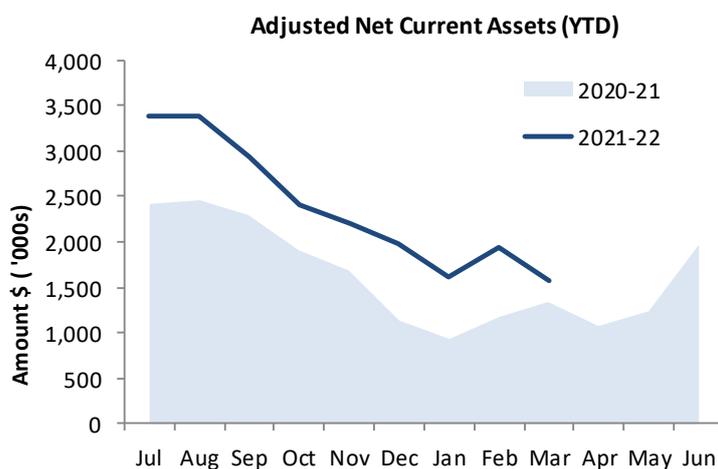
		Last Years Closing	This Time Last Year	Year to Date Actual
	Note	30 June 2021	31 Mar 2021	31 Mar 2022
		\$	\$	\$
Adjusted Net Current Assets				
Current Assets				
Cash Unrestricted	3	1,831,039	979,750	1,446,572
Cash Restricted	3	1,076,895	1,321,346	1,077,807
Receivables - Rates	4	122,255	121,175	149,061
Receivables - Other	4	92,407	296,553	5,295
Loans receivable		0	0	0
ATO Receivable		0	0	26,012
Inventories		5,613	6,061	5,613
		3,128,210	2,724,886	2,710,360
Less: Current Liabilities				
Payables		(116,110)	(73,961)	(15,119)
ATO Payables		0	0	(36,230)
Provisions - employee		(260,765)	(196,543)	(260,765)
Long term borrowings		(44,358)	(18,185)	(7,605)
Bonds & Deposits		(334)	(1,743)	(2,357)
		(421,566)	(288,689)	(322,075)
Unadjusted Net Current Assets		2,706,643	2,436,197	2,388,285
Adjustments and exclusions permitted by FM Reg 32				
Less: Cash reserves	3	(1,076,895)	(1,321,346)	(1,077,807)
Less: Loans receivable		0	0	0
Add: Provisions - employee		260,765	196,543	260,765
Add: Long term borrowings		44,358	18,185	7,605
Adjusted Net Current Assets		1,934,871	1,329,579	1,578,848

SIGNIFICANT ACCOUNTING POLICIES

Please see Note 1(a) for information on significant accounting policies relating to Net Current Assets.

KEY INFORMATION

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is a negative) as presented on the Rate Setting Statement.

**This Year YTD****Surplus(Deficit)****\$1.58 M****Last Year YTD****Surplus(Deficit)****\$1.33 M**

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**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 2021/22 year is \$5,000 or 10% whichever is the greater.

Reporting Program	Var. \$	Var. %	Variance	Timing/ Permane	Explanation of Variance
	\$	%			
Revenue from operating activities					
Governance	(14,493)	(34%)	▼	Permanent	Profit on disposal of assets
General Purpose Funding	704	0%		Permanent	Not Material
Law, Order and Public Safety	(13,730)	(12%)	▼	Permanent	Fire Mitigation Grant income lower than budgeted
Health	137	23%		Timing	Not Material
Education and Welfare	(2,500)	(100%)		Timing	Grant funding not received (Seniors)
Housing	0			Timing	Not Material
Community Amenities	5,498	7%		Permanent	Cemetery income & waste income higher than budgeted
Recreation and Culture	(1,418)	(12%)		Timing	Income from Yornaning Bike track not received
Transport	22,192	11%	▲	Permanent	Local road grant higher than budgeted & sale of scrap
Economic Services	(14,231)	(49%)	▼	Timing	Standpipe charges lower than budgeted
Other Property and Services	11,371	34%	▲	Permanent	Workers Compensation Claims higher than budgeted
Expenditure from operating activities					
Governance	2,288	1%		Timing	Not Material
General Purpose Funding	477	1%		Timing	Not Material
Law, Order and Public Safety	(16,759)	(7%)		Permanent	Repairs to fire vehicles (claimable)
Health	1,301	4%		Timing	Training for EHO not undertaken yet
Education and Welfare	21,317	62%	▲	Permanent	Aged persons accommodation loan not drawn down so no repayments made for 2021/22.
Housing	(5,575)	(18%)	▼	Timing	CEO housing maintenance
Community Amenities	20,235	8%		Timing	Refuse site & public toilet maintenance expenses below budget
Recreation and Culture	5,831	2%		Timing	Halls maintenance under budget, Yornaning dam maintenance over budget
Transport	90,825	4%		Timing	Timing on disposal of assets & depreciation
Economic Services	10,271	8%		Timing	Noxious weeds control & Area Promotion
Other Property and Services	(4,511)	(17%)		Timing	Not Material
Investing Activities					
Non-operating Grants, Subsidies and Contributions	(158,194)	(14%)	▼	Timing	Timing of project progress - unable to claim grants as per Note 10
Proceeds from Disposal of Assets	4,303	4%		Timing	Timing on sale of assets
Land Held for Resale	0				
Capital Acquisitions	985,916	36%	▲	Timing	Timing of capital works program. Mostly Aged Persons Accommodation & Cuballing East Road
Financing Activities					
Proceeds from New Debentures	(850,000)	(100%)	▼	Timing	Aged Persons Accommodation
Transfer from Reserves	0	0%		Timing	Not material
Repayment of Debentures	0	0%		Timing	Not material
Transfer to Reserves	0	0%		Timing	Not material

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

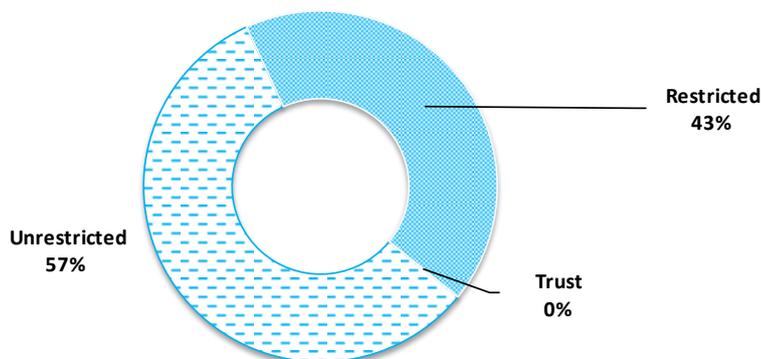
Cash and Investments	Unrestricted	Restricted	Trust	Total	Institution	Interest Rate	Maturity Date
				YTD Actual			
	\$	\$	\$	\$			
Cash on Hand							
Petty Cash and Floats	700			700	NAB	0.00%	At Call
At Call Deposits							
Municipal Fund	1,445,872			1,445,872	NAB	0.00%	At Call
Term Deposits							
Reserve Funds		1,077,807		1,077,807	NAB	0.20%	08-Feb-22
Total	1,446,572	1,077,807	0	2,524,379			

SIGNIFICANT ACCOUNTING POLICIES

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.

KEY INFORMATION

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.



Total Cash	Unrestricted
\$2.52 M	\$1.45 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

OPERATING ACTIVITIES
NOTE 4
RECEIVABLES

Rates Receivable	30 June 2020	31 Mar 22
Opening Arrears Previous Year	\$ 84,880	\$ 122,255
Levied this year	1,258,745	1,386,062
Less Collections to date	(1,221,370)	1,359,256
Equals Current Outstanding	122,255	149,061
Net Rates Collectable	122,255	149,061
% Collected	90.29%	89.25%

Receivables - General	Current	30 Days	60 Days	90+ Days	Total
Receivables - General	\$ 932	\$ 276	\$ 208	\$ 3,879	\$ 5,295
Percentage	18%	5%	4%	73%	
Balance per Trial Balance					
Sundry debtors					5,295
GST receivable					26,012
Total Receivables General Outstanding					31,307

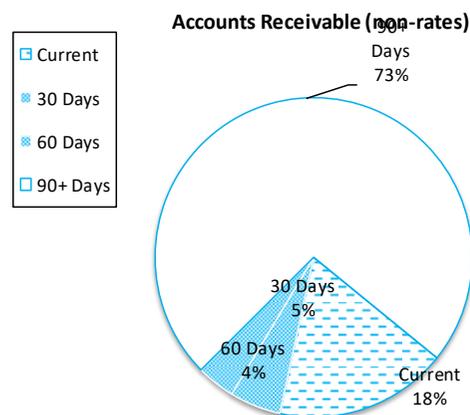
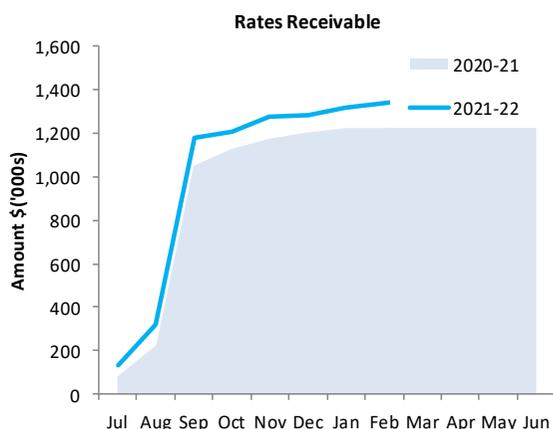
Amounts shown above include GST (where applicable)

KEY INFORMATION

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.

SIGNIFICANT ACCOUNTING POLICIES

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.



Debtors Due
\$31,307
Over 30 Days
82%
Over 90 Days
73%

Collected	Rates Due
89%	\$149,061

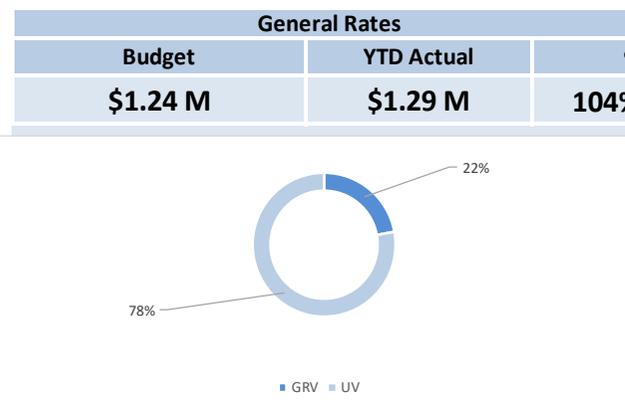
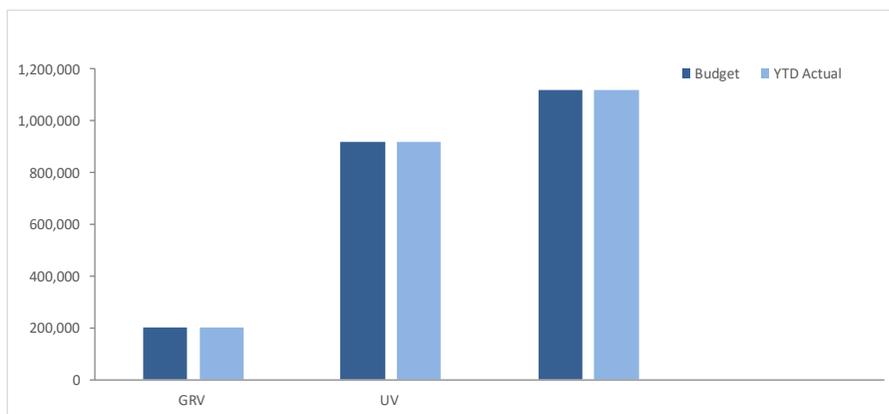
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

OPERATING ACTIVITIES
NOTE 5
RATE REVENUE

General Rate Revenue	Annual Budget						YTD Actual				
	Rate in	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE	\$			\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
GRV	0.083965	188	2,369,718	198,973	0	0	198,973	198,973	0	0	198,973
UV	0.006846	182	134,494,000	920,746	0	0	920,746	920,746	0	0	920,746
Sub-total		370	136,863,718	1,119,719	0	0	1,119,719	1,119,719	0	0	1,119,719
Minimum											
	\$										0
GRV	759	142		107,778	0	0	107,778	107,778	0	0	107,778
UV	1,023.00	155		158,565	0	0	158,565	158,565	0	0	158,565
		297	0	266,343	0	0	266,343	266,343	0	0	266,343
Sub-Totals		667	136,863,718	1,386,062	0	0	1,386,062	1,386,062	0	0	1,386,062
Discount							(85,000)				(90,799)
Concession / Write Offs							(58,450)				(117)
COVID Subsidy							(1,000)				(635)
Interim Rates							250				(1,011)
Ex-Gratia Rates							490				0
Amount from General Rates							1,241,862				1,293,499
Ex-Gratia Rates											0
Total General Rates							1,241,862				1,293,499

SIGNIFICANT ACCOUNTING POLICIES

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.

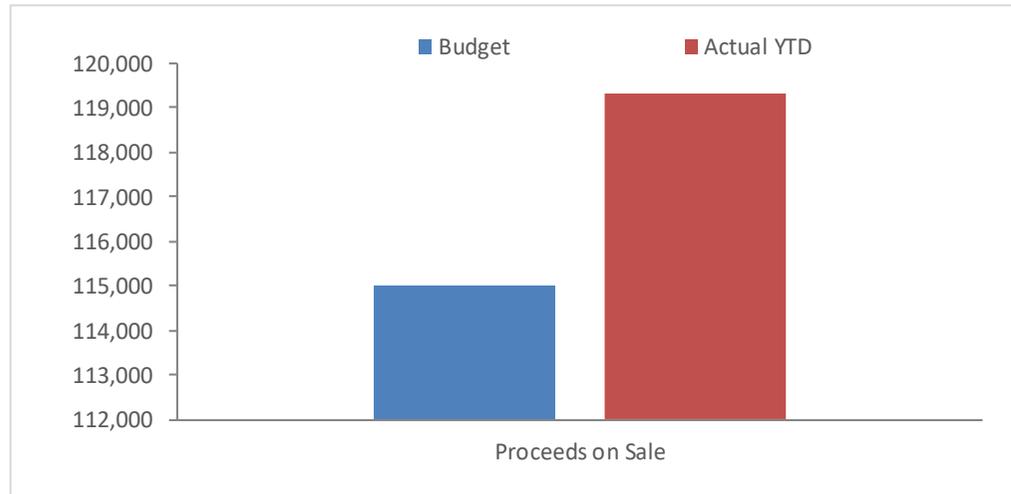


NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

Attachment 9.1.2A
OPERATING ACTIVITIES
NOTE 6
DISPOSAL OF ASSETS

Asset Ref.	Asset Description	Amended Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	
10089	Isuzu Giga	60,000	35,000		(25,000)		56,422	1,415	
10051	Bomag Roller	40,000	30,000		(10,000)	39,151	26,518		(12,633)
16	CN0 Dual Cab Utility	27,058	25,000		(2,058)		36,364	12,857	
103	CN1 Dual Cab Utility	30,015	25,000		(5,015)				
		157,073	115,000	0	(42,073)	39,151	119,303	14,272	(12,633)

KEY INFORMATION



Proceeds on Sale			
Budget		YTD Actual	%
\$115,000		\$119,303	104%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

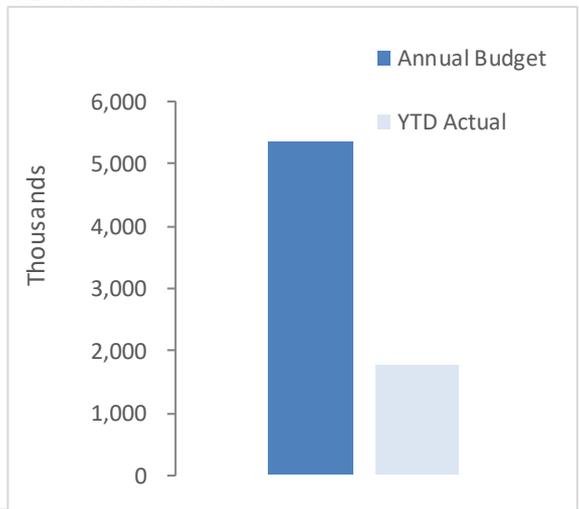
INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS

Capital Acquisitions	Amended		YTD Actual Total	YTD Budget Variance
	Annual Budget	YTD Budget		
	\$	\$	\$	\$
Land & Buildings	2,549,561	1,045,313	468,930	576,383
Plant & Equipment	486,000	0	452,000	(452,000)
Furniture & Equipment	0	0	0	0
Roads	2,190,879	1,643,058	762,936	880,122
Recreation	0	0	0	0
Parks, Gardens, Recreation Facilities	72,286	54,189	71,509	(17,320)
Other Infrastructure	55,000	22,491	23,759	(1,268)
Capital Expenditure Totals	5,353,726	2,765,051	1,779,135	985,916
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	2,360,758	1,164,433	1,006,239	(158,194)
Borrowings	850,000	850,000	0	(850,000)
Other (Disposals & C/Fwd)	115,000	115,000	119,303	4,303
Cash Backed Reserves				
Infrastructure Reserve	121,000	0	0	0
Pensioner Unit Maintenance Reserve	0	0	0	0
Plant Replacement Reserve	40,000	0	0	0
Contribution - operations	1,866,968	635,618	653,593	17,975
Capital Funding Total	5,353,726	2,765,051	1,779,135	(985,916)

SIGNIFICANT ACCOUNTING POLICIES

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 using fair value at reporting date.

KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$5.35 M	\$1.78 M	33%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$2.36 M	\$1.01 M	43%

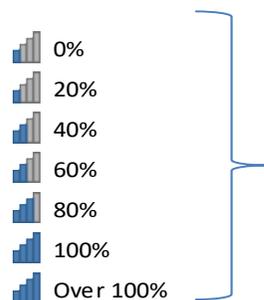
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**INVESTING ACTIVITIES
NOTE 7**

CAPITAL ACQUISITIONS (CONTINUED)

Capital Expenditure Total

Level of Completion Indicators



Percentage YTD Actual to Annual Budget

Expenditure over budget highlighted in red.

Level of completion indicator	Acc / Job	Annual Budget	YTD Budget	YTD Actual	Variance
Capital Expenditure					
Land					
Cuballing Railway Reserve Business Case	C201	35,000	14,580	625	13,955
Buildings					
Administration Building Disabled Access	J4114C	62,833	62,833	71,528	(8,695)
Building Renewal - Cuballing Memorial Park	C203	85,368	28,444	2,488	25,956
Cuballing Transfer Station Shed Floor	C160	9,960	7,452	6,700	752
Administration Building Refurbishment	J4114D	73,211	54,900	46,823	8,077
Popanyinning Main Street Refurbishment	C204	200,465	83,510	244,629	(161,119)
Aged Persons Accommodation	C084	1,587,188	793,594	96,137	697,457
LRCI Phase 3 Projects	C300	495,536	371,652	0	371,652
Total Land & Buildings		2,549,561	1,045,313	468,930	576,383

Attachment 9.1.2A

Plant & Equipment						
	Prime Mover	12407	200,000	0	203,973	(203,973)
	Bomag Roller	12426	170,000	0	159,490	(159,490)
	Two Way System	12411	15,000	0	1,000	(1,000)
	MWS Vehicle	12406	53,000	0	54,992	(54,992)
	WS Vehicle	12417	48,000	0	0	0
	DCEO Vehicle	4267	0	0	32,545	(32,545)
Total Plant & Equipment			486,000	0	452,000	(452,000)
Furniture & Equipment						
	Nil		0	0	0	0
Total Furniture & Equipment			0	0	0	0
Infrastructure - Roads						
	RRG - Narrogin Wandering Road	R129E	352,151	264,105	304,552	(40,447)
	RRG - Stratherne Road 20/21	R001C	103,604	77,697	143,832	(66,135)
	RRG - Wandering Narrogin Road	R001D	160,343	120,240	167,283	(47,043)
	RTR - Popanyinning East Road Gravel Sheeting	R004B	0	0	17,537	(17,537)
	RTR - Popanyinning East Road Gravel Sheeting	RTR004	35,113	26,316	4,146	22,170
	RTR - Popanyinning West Widening	RTR002	215,044	161,253	33,116	128,137
	BS - Narrogin Wandering Road Black Spot	BS129	7,000	5,247	2,600	2,647
	WSFN - Cuballing East Road	WSF006	1,317,624	988,200	85,737	902,463
	WSFN - Cuballing East Road	WSF129	0	0	4,132	(4,132)
Total Road Infrastructure			2,190,879	1,643,058	762,936	(18,208)
Recreation						
	Nil		0	0	0	0
Total Recreation			0	0	0	0
Parks, Ovals & Playgrounds						
	Yornaning Dam - Stage 3	C189	66,079	49,554	62,612	(13,058)
	Yornaning Dam - Stage 4	C186	0	0	6,118	(6,118)
	Yornaning Dam - Mountain Bike Track	C197	6,207	4,635	2,779	1,856
Total Parks, Ovals & Playgrounds			72,286	54,189	71,509	(17,320)
Other Infrastructure						
	Bridge Improvements - Capital Upgrade	11214	30,000	22,491	21,100	1,391
	Transfer Station Bin Lids	C163	0	0	2,659	(2,659)
	Depot Fencing & Gates - Eastern Boundary	10744	25,000	18,747	0	18,747
Total Other Infrastructure			55,000	22,491	23,759	1,391
	TOTAL CAPITAL EXPENDITURE		5,353,726	2,765,051	1,779,135	90,245

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**FINANCING ACTIVITIES
NOTE 8
BORROWINGS**

Information on Borrowings Particulars	2020/21	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Annual Budget	Actual	Annual Budget	Actual	Annual Budget	Actual	Annual Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Transport									
Loan 63 - Graders	29,228	0	0	29,228	29,228	(0)	29,228 0	485	485
Economic Services									
Loan 64 - Lot 74 Austral St	130,702			7,524	15,130	123,178	130,702	1,418	2,755
Education and Welfare									
Loan 65 - Aged Persons Housing			850,000	0	33,454	0	850,000	0	20,468
Total	159,930	0	850,000	36,753	77,812	123,177	1,009,930	1,904	23,708

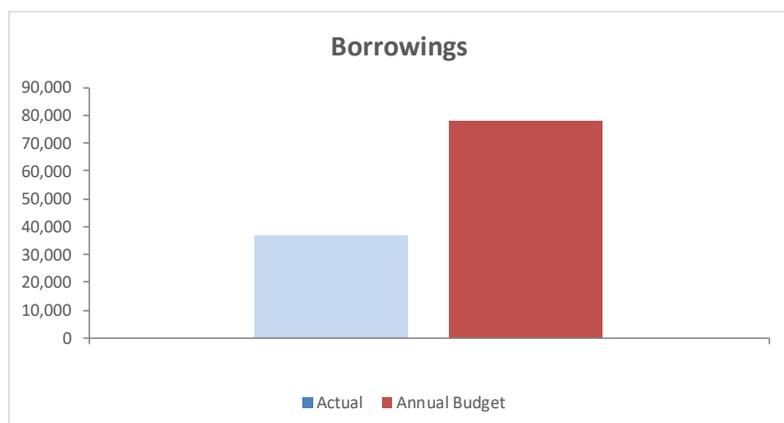
All debenture repayments were financed by general purpose revenue.

SIGNIFICANT ACCOUNTING POLICIES

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.

KEY INFORMATION

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.



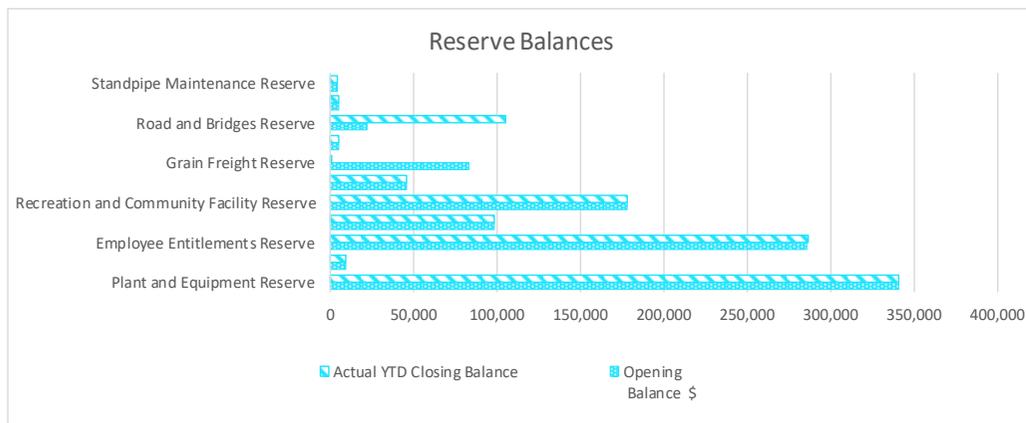
Principal Repayments	\$36,753
Interest Earned	\$6,689
Interest Expense	\$1,904
Reserves Bal	\$1.08 M
Loans Due	\$0.12 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

Cash Backed Reserve

Reserve Name	Opening	Budget Interest	Actual Interest	Budget Transfers	Actual Transfers	Budget Transfers	Actual Transfers	Budget Closing	Actual YTD
	Balance	Earned	Earned	In (+)	In (+)	Out (-)	Out (-)	Balance	Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Plant and Equipment Reserve	340,654	1,960	288		288	(121,000)	0	221,614	340,942
IT and Office Equipment Reserve	9,149	32	8		8	0	0	9,181	9,157
Employee Entitlements Reserve	286,072	1,067	242		242	(20,000)	0	267,139	286,314
Housing Reserve	98,208	367	83		83	(40,000)	0	58,575	98,291
Recreation and Community Facility Reserve	178,046	792	151		151	(85,368)	0	93,470	178,197
Refuse Site Reserve	45,422	205	38		38	0	0	45,627	45,460
Grain Freight Reserve	83,139	0	0		0	(83,139)	(83,139)	0	0
Equestrian Reserve	4,910	50	4	4,772	4	0	0	9,732	4,914
Road and Bridges Reserve	21,883	486	89	83,139	83,228	0	0	188,736	105,111
Community & Sporting Club Reserve	5,316	21	5	1,000	5	(4,000)	0	2,337	5,321
Standpipe Maintenance Reserve	4,096	20	3		3	0	0	4,116	4,099
	1,076,895	5,000	912	88,911	84,051	(353,507)	(83,139)	900,527	1,077,807

KEY INFORMATION



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

Attachment 9.1.2A
NOTE 10
GRANTS AND CONTRIBUTIONS

Grants and Contributions

Description	Annual Budget	YTD Budget	YTD Actual	Variance
Operating grants, subsidies and contributions				
General Purpose Funding				
Grants Commission - General Purpose	276,000	207,000	190,721	(16,279)
CBH - Grass Roots Funding	0	0	15,000	15,000
Governance				
Insurance & Other Reimbursements	0	0	0	0
Department Primary Industries & Regional Development	35,000	35,000	0	(35,000)
Law, Order & Public Safety				
DFES - Bush Fire Brigades	31,547	23,661	25,032	1,371
Fire Mitigation Grant	84,825	84,825	68,373	(16,452)
Fire Prevention	12,990	0	0	0
Education & Welfare				
Stay on your feet	2,500	2,500	0	(2,500)
Community Amenities				
Other Income - Reimbursements	0	0	0	0
Recreation & Culture				
Mountain Bike Track Income	4,000	3,000	444	(2,556)
Youth Week Funding	1,000	750	500	(250)
Transport				
Main Roads - Direct Grant	87,145	87,145	87,145	0
Grants Commission - Roads Component	152,360	114,270	129,947	15,677
Economic Services				
Community Events	4,700	3,525	3,500	(25)
Other Property & Services				
Workers Compensation	10,000	7,500	18,201	10,701
Operating grants, subsidies and contributions Total	702,067	569,176	538,863	(30,313)
Non-operating grants, subsidies and contributions				
Education & Welfare				
Recreation & Culture				
Yornaning Dam Stage 4	15,156	15,156	15,156	0
Transport				
Main Roads - RRG	361,790	289,432	314,835	25,403
Roads to Recovery (RTR)	210,951	210,951	210,952	1
Black Spot (BS)	0	0	0	0
Wheatbelt Secondary Freight Network	1,171,254	468,502	465,296	(3,206)
Other Infrastructure				
Community Infrastructure Grants	49,815	39,852	0	(39,852)
Community Infrastructure Grants Phase 2	56,256	45,004	0	(45,004)
Community Infrastructure Grants Phase 3	495,536	95,536	0	(95,536)
Non-operating grants, subsidies and contributions Total	2,360,758	1,164,433	1,006,239	(17,654)
Grand Total	3,062,825	1,733,609	1,545,102	(47,967)

KEY INFORMATION

Some reclassification between Operating & Capital grants, contributions & reimbursements is required

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Proposed Wheatbelt South Regional Road Group Policy Amendment

Applicant: Shire of Narrogin
File Ref. No: ADM 008
Disclosure of Interest: Nil
Date: 24 March 2022
Author: Stan Scott - CEO
Attachments: 9.2.1A

Summary

The Shire of Narrogin has requested that an item be included in on the Agenda for the Next Regional Road Sub-Group meeting seeking to extend and increase temporary post amalgamation funding arrangements. Council is requested to determine its position on the matter.

Background

When the Town of Narrogin and the Shire of Narrogin amalgamated there was an arrangement to maintain a higher level of Regional Road Group funding to assist in the transition. This was part of a State Government Commitment under the State Road Funds to Local Government Agreement.

At the time of the amalgamation the Shire of Narrogin was given the option to either:

- Preserve the pre-amalgamation funding level for 3 years; or
- Maintain funding at 75% of the pre-amalgamation level for 5 years.

Narrogin took the second option. This 5 year period has now expired. Narrogin is now seeking RRG support for funding to be restored to twice the minimum funding level – effectively pre-amalgamation levels.

The request by the Shire of Narrogin to the Narrogin sub-group is as follows:

As discussed, see attached Shire of Narrogin minuted report that was presented to Council for resolution at it's Ordinary Council Meeting 22 February 2022.

Geoff, would you please convene a meeting of the Narrogin Subgroup, for the purpose of discussing this item (please attach this email and attached report) prior to presenting to the next meeting of the WBSRRG which is in August 2022, I think?

The resolution that the Shire of Narrogin Council carried on this item was as follows:

That with respect to the request for review of the Wheatbelt South Regional Road Group Policy and Procedures Manual, Council:

1. Request the Chief Executive Officer to apply to the Group to amend their Manual, under Council Amalgamations to read as follows: "Amalgamating Councils are entitled to the single annual maximum cap funding amount as determined by the Wheatbelt South Regional Road Group (WBSRRG) indicative allocation, multiplied by the number of Councils amalgamating, from the date of amalgamation continuing on an ongoing basis or until the WBSRRG resolves to change its policies and procedures in the allocation of funding to member Councils"; and

2. Request its delegates to the Group to seek a resolution from that Group, that the Shire of Narrogin continues to be eligible for amalgamated funding as per point 1.

Geoff, I would respectfully request that the Narrogin Subgroup read the attached report and discuss this item and vote to either support the resolution carried by the Shire of Narrogin Council or not. I would then like the item (minuted Council Report attached and minutes of the Narrogin Subgroup) to be presented to the next WBSRRG meeting and have it voted on in that forum by its delegates. Alli, your assistance with this would be greatly appreciated.

The bottom line with the request is that the WBSRRG amend its Policy and Procedure Manual under the Council Amalgamation Clause to read as above and that the amalgamated Shire of Narrogin be entitled to apply for amalgamated funding as per the amended amalgamated clause above on an ongoing basis.

An extract of the Minutes from the Shire of Narrogin is attached.

Comment

The transitional arrangements for amalgamating Councils was set to encourage Councils to amalgamate and provide a reasonable period for the new Council to make financial adjustments.

Narrogin argues that:

1. *Their maximum allocation does not disadvantage any other Shire because individual maximum allocations remain the same for other Shires.*

This does not account for the fact that it is a competitive program. Everyone cannot get the maximum.

2. *The change in allocation is fundamentally unfair, and that preserving the allocation would set a precedent for other Shires that may have to amalgamate in the future.*

There is some merit in this argument, but if there were wholesale amalgamations there would need to be a wholesale review of funding arrangements as well.

It is interesting that Narrogin is not seeking to extend its current funding arrangements, but instead revert funding to pre-amalgamation levels. This would in affect be a 33% increase in their maximum funding compared to the last 5 years.

It could be argued that the Shire of Narrogin reverting to a single allocation should not be a surprise. The funding rules were determined at the time of amalgamation and would have been reflected un the Shire of Narrogin's Corporate Business Plan and Long Term Financial Plan.

Recommendation

The CEO recommends that the Shire of Cuballing NOT support the changes to the Wheatbelt South Regional Road Group Policy and Procedures Manual as requested by the Shire of Narrogin.

Council does have the option of instead supporting a resolution to preserve the present funding arrangements.

Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027 seeks to deliver a diverse and safe transport system.

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

The CEO consulted with Manager of Works and Services.

Options

Council may resolve:

1. The Officer's Recommendation not to support the Proposal by the Shire of Narrogin; or
2. To support the proposal from the Shire of Narrogin;
3. To propose an alternative resolution to the RRG to preserve the present funding arrangements.

Voting Requirements – Simple Majority

COUNCIL DECISION 2022/34:

That Council NOT support the changes to the Wheatbelt South Regional Road Group Policy and Procedures Manual as requested by the Shire of Narrogin.

Moved: Cr Dowdell

Seconded: Cr Kowald

Carried 5 / 0

10.2 TECHNICAL AND RURAL SERVICES

Cr Early declared an Impartiality Interest.

10.2.1 WHEATBELT SOUTH REGIONAL ROAD GROUP POLICY AMENDMENT AND AMALGAMATED ROAD FUNDING

File Reference	28.8.1
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Nil
Date	10 February 2021
Author	Torre Evans – Executive Manager Technical & Rural Services
Authorising Officer	Dale Stewart – Chief Executive Officer
Attachments	Nil

Summary

Council is requested to consider endorsing a request to the Wheatbelt South Regional Road Group (WBSRRG) to amend its Policies and Procedures Manual, under Council Amalgamations to read as follows:

“Amalgamating Councils are entitled to the single annual maximum cap funding amount as determined by the Wheatbelt South Regional Road Group (WBSRRG) indicative allocation, multiplied by the number of Councils amalgamating, from the date of amalgamation continuing on an ongoing basis or until the WBSRRG resolves to change its policies and procedures in the allocation of funding to member Councils”.

And, that the amalgamated Shire of Narrogin, continue to be eligible for amalgamated funding as per the amended clause of Amalgamated Funding above.

Background

In July 2016, the former Shire and Town of Narrogin merged to become the Shire of Narrogin. This process was planned over a number of years which also included the Shire of Cuballing who subsequently resolved not to merge.

Both the former Shire and Town of Narrogin, were entitled to single entity maximum cap Regional Road Group funding allocation amounts prior to the merger for the maintenance of their respective Region Road Group listed roads.

At the WBSRRG meeting 29 July 2014 it was resolved as follows:

“5 REGIONAL ROAD GROUP COUNCIL AMALGAMATIONS
Lyn Baker gave an overview of the Technical Advisory Group’s motion, “to approach RRG to rescind or amend their previous motion to:

Amalgamating councils receive a maximum allocation of 100% of the average allocations the combined councils received three years immediately prior to the amalgamation OR 75% of the combined maximum allocation, whichever is the greatest, for a period of five years. A review will commence in the 4th year."

It was further noted that each of the Sub Groups came back with a further amendment proposed to the Technical Advisory Group amendment:

Lakes suggested to delete the requirement for the review;

Narrogin wants to have the review commence immediately;

Roe had clarified that the review would be for the overall methodology for the project allocations would commence in the fourth year; and

Hotham Dale agreed with the current motion and it was their understanding that a review of the overall methodology would be considered in the 4th year.

There was vigorous discussion between most members. It was resolved the clause "a review will commence in the 4th year" was to be treated as a separate item.

Following this discussion, Lyn Baker was requested to read the motion as it currently stands, which was:

"This Regional Road Group will rescind the previous motion from the meeting of 15 November 2014 and replace with:

Amalgamating councils receive a maximum allocation of 100% of the average allocations the combined councils received three years immediately prior to the amalgamation OR 75% of the combined maximum allocation, whichever is the greatest, for a period of five years. After this period, they will be treated as a single entity".

Lyn Baker stated we have a motion and can we have a show of hands to support that motion. Lyn counted 8 hands and declare 8 to Nil.

The Shire of Narrogin's amalgamated funding commenced from 2018/19, due to an administrative error from a former Main Roads administrator and will conclude at the end of financial year 2022/23 as per the current WBSRRG guidelines.

Consultation

Discussions on this subject have occurred with the:

- Shire President;
- Chief Executive Officer;
- Executive Manager Corporate and Community Services;
- Road Reference Group; and
- Manager Operations.

The Road Reference Group were presented with this report at their meeting held on 8 February 2022, where the three Elected Members present for the meeting voted unanimously in favour of the report, and for the report to be presented to Council for resolution.

Statutory Environment

The WBSRRG Policy Manual relates.

Policy Implications

There are no current policies that relate in seeking policy change in other organisations i.e., Main Roads Western Australia (MRWA) - WBSRRG.

Financial Implications

It is important for Council to note, that, should the author be successful in recommending WBSRRG policy change, and the Shire of Narrogin becomes eligible for 100% amalgamated funding, there will be additional municipal funding required, annually, post 2022/2023 financial year for expenditure on Regional Road Group (RRG) listed roads only, as contained within the current Ten-Year Road Program.

The RRG grant funding model is based on two thirds State funding and one third LGA (Municipal) funding. At present (amalgamated funding), based on single entity allocation of \$350k for example, the Shire can submit annual road works projects to the value of up to \$787,500. This is based on 75% of two allocations (\$700k) being \$525k (State two thirds). The shire must contribute a further \$262,500 (one third) for a total project allocation of \$787,500.

Should the author be successful with the recommendation contained in this report, Council will need to consider an annual allocation toward RRG road projects post 2022/2023 financial year, based on for example only, \$350k maximum cap allocation, this would mean that the States two thirds contribution would be \$700k and the Shire would need to contribute one third being \$350k. This equates to an additional \$87,500 over the current amalgamated funding. This is all dependant on the annual maximum cap allocation to the Shire which varies from year to year. The Shire in effect could be expending up to or possibly over \$1,050,000 per annum on RRG listed roads.

If the author is unsuccessful, and the WBSRRG rejects the request for the Shire of Narrogin to continue to be able to apply for amalgamated funding post 2022/2023, then the Shire will revert back to single entity allocation of State two thirds (e.g., \$350k) and the Shire will only need to contribute one third being \$175k.

In summary, should the author be successful with the recommendation to the WBSRRG, and Narrogin is able to apply for 100% amalgamated funding, then Council would need to consider an annual budget allocation of up to \$350k (or more dependent on the annual WBSRRG allocation which fluctuates from year to year) as the Shire's one third contribution towards WBSRRG nominated projects, post the 2022/2023 financial year.

Any commitment of additional annual municipal funding towards road grant funding may affect the funding of other competing projects for example – municipal funded road projects as contained in the Ten-Year Road Program or other projects and would need to be reflected in the Shire's Long Term Financial Plan.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective:	1.	Economic Objective (Support growth and progress, locally and regionally)
Outcome:	1.3	An effective well maintained transport network
Strategy:	1.3.1	Maintain and improve road network in line with resource capacity
Objective:	3.	Environment Objective (Conserve, protect and enhance our natural and built environment)
Outcome:	3.4	A well maintained built environment
Strategy:	3.4.1	Improve and maintain built environment

Comment/Conclusion

The Shire of Narrogin, under the current WBSRRG Policy and Procedure Manual regarding Amalgamated Funding, will revert back to single WBSRRG entity funding from the 2023/24 financial year however the length and number of WBSRRG listed roads to maintain from both merged Shires has not changed, in fact it has increased due to a minor boundary realignment with the Shire of West Arthur and additional sealing of Narrogin's gravel road network. If in fact the Shire of Cuballing had proceeded to amalgamate with the former Town and Shire of Narrogin, then this would potentially be three amalgamated Shires reverting back to single entity funding to support the upkeep on their WBSRRG listed roads.

It is the author's opinion that the current amalgamation funding clause is unfair and penalises Local Government Authorities (LGA) that voluntarily or are compulsorily required to merge with other LGA's. For example, the Shire of Narrogin uses the option of 75% of the combined maximum allocation for a period of five years. If both Shires had not merged then they would have been in a more advantageous financial position with respect to WBSRRG funding, as they both would still be attracting 100% single entity funding each.

The author believes that the proposed amendment to the amalgamation funding clause within the WBSRRG Policies and Procedure Manual to be fair, as other WBSRRG LGA members in the future may not have the choice to amalgamate voluntarily and may be required to amalgamate involuntarily. What would happen if five or six or more LGA were required to merge under the current amalgamation clause for example after the five-year period? They would revert back and be recognised as a single entity and be entitled to single entity WBSRRG funding allocation.

If the amended proposed version of the amalgamated clause was to be adopted by the WBSRRG, then the amalgamated Shires would be entitled to ongoing 100% amalgamated funding, which is the same as individual Shires pre amalgamation were entitled to. This would allow amalgamated Shires to maintain their WBSRRG listed roads to pre amalgamated standard and not to a substandard when the single entity funding recommences after five years. This would dramatically affect the maintenance standard of the roads and may cause road safety issues.

Member Shires of the WBSRRG, should consider this proposal favorably as they may one day choose or be required to amalgamate. If the amalgamation clause is amended as presented, then any amalgamated LGA's would not be disadvantaged by reverting back to single entity funding.

Member Shires of the WBSRRG may consider this proposal to put their Council at a disadvantage however there would be no disadvantage to any WBSRRG member Council as the calculation of the maximum cap based on the indicative allocation to the WBSRRG, remains the same and does not increase nor decrease should Narrogin or any other member Council receive amalgamated funding, see below chart from the WBSRRG Policy and Procedure Manual:

"6.5 Minimum and Maximum Allocations

Wheatbelt South Regional Road Group currently has a minimum allocation of \$60,000 and a maximum allocation based on the following model:

<i>Indicative Allocation</i>	<i>Maximum Cap</i>
<i><\$4 Million</i>	<i>\$250,000</i>
<i>\$4.0 - \$4.5Million</i>	<i>\$275,000</i>
<i>\$4.5 - \$5.0 Million</i>	<i>\$300,000</i>
<i>\$5.0 - \$5.5 Million</i>	<i>\$325,000</i>
<i>\$5.5 - \$6.0 Million</i>	<i>\$350,000</i>
<i>\$6.0 - \$6.5 Million</i>	<i>\$375,000</i>
<i>\$6.5 - \$7.0 Million</i>	<i>\$400,000</i>

**This model was endorsed by the RRG on 31/5/2011.*

Local Government Authorities may be subject to a capping amount which is on recommendation by the Technical Committee upon reviewing project applications."

Should Council resolve to accept the officer's recommendation, then the author would start the process by presenting Council's resolution to the Narrogin WBSRRG Subgroup in the first instance, then the WBSRRG Technical Committee and then the WBSRRG which may be rejected at any of the forums leading up to and including the WBSRRG meeting. The author is of the opinion that it is worth trying to access further long term Narrogin Road funding than not.

Council well may ask, is this level of funding (up to and possibly greater than \$1,050,000 per annum) required for the Shire's WBSRRG nominated road network and can the administration expend these funds on the roads? It is the authors opinion that, if successful, the additional funding can be utilised on the Shire's WBSRRG roads to improve the preservation of the asset, improve the functionality and safety of the asset and provide all road users of the asset a quality product. Council needs to consider the municipal funding required to fund this and where that would come from i.e., municipal road projects as listed in the Ten-Year Road Program or other competing projects? Council may consider that there are currently enough funds being expended on roads with municipal funding required in other areas, and that reverting back to single entity funding is appropriate?

The WBSRRG Policy and Procedures manual has been adopted and approved for use by the Wheatbelt South Regional Road Group, with reference to the minutes of the WBSRRG meeting held 13 May 2009.

Motions from the eight (8) elected subgroup delegates to the RRG proposing amendments to the WBSRRG Policy and Procedures Manual must be carried by a vote equal to or greater than 75% of

the eight subgroup elected delegates. This means six (6) of the eight (8) delegates needs to vote in favour of the recommendation.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION AND COUNCIL RESOLUTION 0223.006

Moved: Cr Wiese

Seconded: Cr Broad

That with respect to the request for review of the Wheatbelt South Regional Road Group Policy and Procedures Manual, Council:

1. Request the Chief Executive Officer to apply to the Group to amend their Manual, under Council Amalgamations to read as follows: *"Amalgamating Councils are entitled to the single annual maximum cap funding amount as determined by the Wheatbelt South Regional Road Group (WBSRRG) indicative allocation, multiplied by the number of Councils amalgamating, from the date of amalgamation continuing on an ongoing basis or until the WBSRRG resolves to change its policies and procedures in the allocation of funding to member Councils"*; and
2. Request its delegates to the Group to seek a resolution from that Group, that the Shire of Narrogin continues to be eligible for amalgamated funding as per point 1.

CARRIED 9/0

For: President Ballard, Cr Broad, Cr McNab, Cr Fisher, Cr Seale, Cr Pomykala, Cr Wiese, Cr Alexander, Cr Early.

Against: Nil

9.2.2 Review of the Delegations Register

Applicant:	N/A
File Ref. No:	ADM022
Disclosure of Interest:	Nil
Date:	24 th March 2022
Author:	Stan Scott - CEO
Attachments:	9.2.2A Draft June 2021 Delegations Register

Summary

Council is requested to review and confirm delegation of Council authority to the Chief Executive Officer.

Background

Section 5.46 of the Local Government Act 1995 requires that the Chief Executive Officer is to keep a register of the delegations made by Council to the Chief Executive Officer and to employees and at least once every financial year.

Council last reviewed all their delegations in June 2021.

Council should note that under section 5.44 of the Local Government Act, Council can only delegate to the Chief Executive Officer and the Chief Executive Officer is then able to delegate to Council employees. Therefore, although Council policy requires approval by two staff for some activities, the Council delegation is to the Chief Executive Officer and the Chief Executive Officer then on delegate, in writing, to additional staff. Some specialist delegations, particularly building and health matters, are on delegated to appropriately trained or qualified staff.

Currently the Chief Executive Officer's delegation of authority to Council employees possible under section 5.44 of the Local Government Act is recorded in the same document as Council's delegations to the Chief Executive Officer. In addition, all staff who are provided with delegated authority by the Chief Executive Officer are formally advised in writing of that delegation.

The Department publishes an Operational Guideline on Delegations. This provides guidance on delegations to assist Councils. Some of the references in this document have been overtaken by legislative changes but the principles still apply. It also canvasses the concept of "Acting through" which is articulated but not defined under Section 5.45 of the Act. Delegation requires the grant of an authority to exercise discretion, while acting through simply requires delivery of a task or a function in line with predetermined legislation policies or guidelines.

<https://www.dlgsc.wa.gov.au/department/publications/publication/delegations>

Comment

A revised draft list of Council's delegations are included at Attachment 9.2.1A, with new additions included in red and deletions struck out. Most of the changes involve one of the following:

1. There have been a number of changes to correct references to the legislative provisions. In particular the Health Act 1911 has been replaced by:
 - The Food Act 2008;
 - The Public Health Act 2016; and

- The Health (Miscellaneous Provisions) Act 1911 – This consists of the remaining provisions that were not replaced by the new statutes.
2. Where there is a Local Law directly relevant to a delegation, this reference has been added.
 3. Where there is a Council Policy relating to a particular matter the delegation has been made subject to the policy provisions rather than replicating the provisions in the delegation. This helps ensure that the two documents remain consistent with each other.
 4. Where there is a specific delegation made in a policy this has been listed in the delegations register.

A list of those delegations with notable changes is included below:

Delegation	Proposed Change
A2 Purchase Orders	Limits of sub-delegations are contained in the policy
A4 Media	Noted that only the president may speak on behalf of Council
A5, A7, A8	Reference to relevant Local Laws included
A6 Give Notice to Landowners	New Delegation
A11 Appointment of Authorised Officers – Enforcement and Legal Proceedings	More comprehensive list of References included
A20 Legal Representation Cost Indemnification	New delegation in line with policy
A21 Councillor Attendance at Conferences	New delegation in line with policy
H1 to H6	Updated health legislation references
W3 Seed Collection	Update to reflect new name of state department. Tidied up wording.
F7 Assistance to Community Organisations and Events	Included policy reference
F10 Disposal of impounded and abandoned vehicles	Removed guidelines, referenced policy.
F11 Issue of Credit Cards and Fuel Cards	New delegation to reflect policies
S2 Appointment of Staff	Removed delegation. This authority is already granted by the Local Government Act Section 5.41 (g) gives the CEO authority to hire and fire. Council can through Section 5.37 designate some positions as senior employees, but that is not a delegation.
S3 Authorisation to appoint Acting CEO	Guidelines removed and reference to relevant policy included.

Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027

GOVERNANCE & ORGANISATION - Our Council, Services, Policies and Engagement.

- An independent Council that is supported by an excellent organisation.
- Governance structures that ensure accountable, transparent and ethical decision making.

	Strategy	Outcome
4.2	Maintain a clear, transparent and ethical decision making process.	Openness and transparency in Council decisions.
4.5	Be innovative in the management of Shire operations, services, staff and resources to create a resilient and financially stable Shire.	A Shire that is progressive, sustainable, resilient and adaptive to changes.
4.6	Employees actively contribute to improved operational service delivery and ensure excellent customer service.	Employees continually improve the operational service delivery and the community receives excellent customer service.

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to Chief Executive Officer

- (1) A local government may delegate* to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to Chief Executive Officer's

A local government cannot delegate to a Chief Executive Officer any of the following powers or duties —

- any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in section 9.5;
- the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- any power or duty that requires the approval of the Minister or the Governor; or
- such other powers or duties as may be prescribed.

5.44 Chief Executive Officer may delegate powers and duties to other employees

- (1) A Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under this Act other than this power of delegation.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the Chief Executive Officer under section 5.42, but in the case of such a power or duty —
 - (a) the Chief Executive Officer's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the Chief Executive Officer's delegate, are subject to any conditions imposed by the local government on its delegation to the Chief Executive Officer.
- (4) Subsection (3)(b) does not limit the Chief Executive Officer's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
"conditions" includes qualifications, limitations or exceptions.

5.46. Register of, and records relevant to, delegations to Chief Executive Officer's and employees

- (1) The Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Building Act 2011

127 Delegation: special permit authorities and local governments

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.
- (2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority, or to an employee of one of the legal entities that comprise the special permit authority.
- (3) A delegation of a local government's powers or duties may be only to a local government employee.
- (4) The delegation must be in writing executed by or on behalf of the delegator.
- (5) Except as provided for in subsection (6A), a person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty —
 - (a) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.
- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (7) Nothing in this section limits the ability of the delegator to perform a function through an officer or agent.
- (8) In subsections (3) and (6A) —
CEO means chief executive officer;
local government employee, in relation to a local government, means a person employed by the local government under the Local Government Act 1995 section 5.36.

Bush Fires Act 1954

48 Delegation by Local Government

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to subdelegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

Policy Implications

As far as possible the Policy Manual should be the source of truth rather than duplicate policy in the delegations register.

Financial Implications – Nil

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. the Officer's Recommendation with additions to, amendment of or deletion of any of the delegations shown in the attached draft delegations register.

Voting Requirements – Absolute Majority

COUNCIL DECISION 2022/35

That Council endorses the draft Shire of Cuballing Delegations Register April 2022, included at Attachment 9.2.2A, as amended.

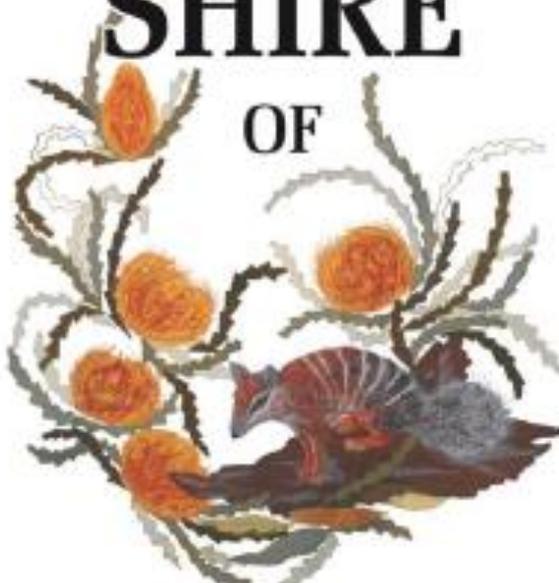
That Council authorises the President pursuant to Section 5.42 (2) of the *Local Government Act 1995* to notify the CEO in writing of the delegations endorsed by Council.

Moved: Cr Harris

Seconded: Cr Kowald

Carried by Absolute Majority 5 / 0

Shire of Cuballing – Delegations Register

SHIRE
OF

CUBALLING

**DELEGATIONS
REGISTER**

(Adopted 18 June 2021')

Shire of Cuballing – Delegations Register

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Shire of Cuballing – Delegations Register

1. ADMINISTRATION

A1: Legal Advice

The Chief Executive Officer is delegated the authority to appoint legal counsel and obtain advice, assistance and opinions as the Chief Executive Officer deems necessary in the exercise of the management of the Shire of Cuballing with all legal advice received to be made available at the next Council meeting.

Guidelines

This delegation is subject to sufficient provision having been made in Council's budget for any expenses to be incurred.

Reference: Local Government Act 1995 section 5.42

A2: Purchase Orders

The Chief Executive Officer is delegated the authority to issue Purchase Orders for goods or services on behalf of the Shire of Cuballing.

Guidelines

Issuing of a Council order is only permitted where sufficient funds have been allocated in Council's budget and the mode of purchase is in accordance with Council's Purchasing Policies.

Reference: Local Government Act 1995 section 5.42

On Delegation to the following officers in the following manner:

Deputy Chief Executive Officer	up to orders of \$20,000
Manager Works & Services	up to orders of \$20,000
Administration Officer	up to orders of \$3,000
Works Supervisor	up to orders of \$3,000

Conditions: Purchasing Limits will be as set out in Council Policy 2.2 Purchasing Policy.

A3: Tender Invitation

The Chief Executive Officer is delegated the authority to call Tenders to supply goods and/or services for all budgeted items.

Objective: To expedite the purchase of goods and services.

Reference: Local Government Act 1995 sections 3.57 & 5.42.
Local Government (Functions and General) Regulations 11.

A4: Media

The Chief Executive Officer is delegated the authority for the publicity of Council activities through the media.

Reference: Local Government Act 1995 section 5.42

Shire of Cuballing – Delegations Register

Shire of Cuballing Policy 1.6

Conditions: Does not include speaking on behalf of Council. Per Section 2.8 of the Act this function belongs to the President.

A5: Common Seal

The Chief Executive Officer is delegated the authority to affix Common Seal (witnessed by President and CEO) to documents to be executed by the Shire of Cuballing where such documents are consistent and in accord with resolutions of Council, subject to Council being notified of executed documents in a timely manner.

Reference: Local Government Act 1995 sections 5.42, 9.49A(2) & 9.49A(4)
Shire of Cuballing Standing Orders Local Law 1998, Clause 19.1

A6: Give Notice to Landowners

The CEO is delegated authority to issue notices to landowners and for occupiers to do any of the things specified in Schedule 3.1 of the Act

Reference: Local Government Act 1995 section 3.26

Forms

Forms
line: C

Forms

A7: Permission to Conduct Activities on Council Property

The Chief Executive Officer is delegated authority to grant permission to conduct activities on Council Property.

Objective: To expedite the Council approval process

Reference: Local Government Act 1995 section 5.42(1)
Shire of Cuballing Local Government Property Local Law 2018

On Delegation: *Deputy Chief Executive Officer*

A8: Liquor Permits

The Chief Executive Officer is delegated the authority to determine applications for the consumption and sale of liquor on property under the care, control and management of the Shire of Cuballing.

Objective: To expedite the Council approval process

Reference: Local Government Act 1995 section 5.42(1)
Liquor Control Act 1988 sections 59 & 119
Shire of Cuballing Local Government Property Local Law 2018

Shire of Cuballing – Delegations Register

A9: Impounding

The Chief Executive Officer is delegated the authority to exercise power in relation to the removal and impounding of any goods which are involved in any contravention that can lead to impoundment, and to use reasonable force in the exercise of this power.

Objective: To expedite good governance.

Reference: Local Government Act 1995 section 3.39 and Part 3.

A10: Enter Land in Emergencies

The Chief Executive Officer is delegated the authority to:

1. sign and issue Notices of Entry;
2. in the event of an emergency enter land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency; and
3. exercise reasonable force to gain entry to land in the event of an emergency.

Reference: Local Government Act 1995 section 3.32 and 3.34

A11: Appointment of Authorised Persons – Enforcement and Legal Proceedings

The Chief Executive Officer is delegated the authority to appoint:

1. persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Shire of Cuballing generally in proceedings in the court of petty sessions and Local Court.
2. under section 9.10 of the Local Government Act 1995 persons or classes of persons to be authorised for the purposes of performing particular functions.
3. under section 3.24 of the Local Government Act 1995 any person to exercise the powers given to a Local Government under Subdivision 2 of Division 3 of Part 3 of the Act.
4. under section 3.39 of the Local Government Act any person to exercise the powers given to a Local Government under subdivision 4 of Division 3 of Part 3 of the Act.
5. persons or classes of persons in relation to enforcement and legal proceedings.

Reference:

[Local Government Act 1995 sections 3.24, 3.39, 9.10, 9.16](#)

[Local Government \(Miscellaneous Provisions\) Act 1980](#)

[Caravan Parks and Camping Grounds Act 1995](#)

[Cat Act 2011;](#)

[Cemeteries Act 1986;](#)

[Control of Vehicles \(Off road Areas\) Act 1978](#)

[Dog Act 1976](#)

[Food Act 2008 126.\(13\)](#)

Forma

Shire of Cuballing – Delegations Register

[Public Health Act 2016 s24, 312](#)

[Health \(Miscellaneous Provisions\) Act 1911](#)

[Any subsidiary legislation made under an Act referred to above](#)

[Any written law prescribed for the purposes of his section 9.10\(1\) & \(2\) of the Local Government Act](#)

~~[1995 section 9.48](#)~~

~~[Dog Act](#)~~

~~[Bush Fires Act](#)~~

~~[Health Act](#)~~

~~[Local Laws](#)~~

Format

A12: Execution of Documents

The Chief Executive Officer is delegated the authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of the contract documents where:

1. the Council has authorised entering into a formal contract, or
2. a formal contract is authorised under a delegated authority from the Council, or
3. a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council;

Reference: Local Government Act 1995 section 5.42

A13: Destruction of Records

The Chief Executive Officer is delegated the authority to destroy records in accordance with Council's Record Keeping Plan.

Reference: Shire of Cuballing Record Keeping Plan
State Records Act 2000
State Records Office's General Disposal Authority for Local Government Records

A18: Industrial Representation

The Chief Executive Officer is delegated the authority to sign an employer's warrant for representation on industrial awards and to appear on the Shire of Cuballing's behalf.

Reference: Local Government Act 1995 sections 5.42

A19: Bond Refunds

The Chief Executive Officer is delegated the authority to refund bond monies where all conditions of approval have been met, with the aggrieved applicant having a right of appeal to Council.

Objective: To expedite the Council approval process

Shire of Cuballing – Delegations Register

Reference: [Local Government Act 1995 section 5.42\(1\)](#)
[Local Government Property Local Law 2018](#)

On Delegation: *Deputy Chief Executive Officer*

A20 Legal Representation Costs Indemnification

Forma

The Chief Executive Officer is delegated the authority to approve urgent legal advice for Councillors and Staff.

Objective To ensure that Staff and Council are protected

Reference: Local Government Act 1995, Section 6.7(2)

Conditions: Subject to the provisions of Council Policy 1.6 Legal Representation Costs Indemnification

A21 – Councillor Attendance at Conferences, Seminars and Workshops

Forma

The CEO is delegated authority to determine the attendance of a Councillor at a conference, seminar, training course or meeting.

Reference: Local Government Act 1995 section 5.42

Conditions: Subject to the provisions of Council Policy 3.11 Councillor Attendance at Conferences, Seminars or Workshops

Forma

Forma

2. BUILDING

B1 Building Permit

The Chief Executive Officer is delegated the authority to approve or refuse plans and specifications submitted under section 20 of the Building Act.

Reference: [Building Act 2011 Sections 20, 22, 127](#)

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

B2: Demolition Permit

The Chief Executive Officer is delegated the authority to approve or refuse plans and specifications submitted under section 21 of the Building Act.

Reference: [Building Act 2011 Sections 21, 22, 127](#)

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

Shire of Cuballing – Delegations Register

B3: Building Orders

The Chief Executive Officer is delegated authority to:

1. make building orders pursuant to section 110 of the Building Act 2011 in relation to: -
 - a. Building work;
 - b. Demolition work; or
 - c. An existing building or incidental structure; and
2. revoke building orders pursuant to section 117 of the Building Act 2011

Reference: Building Act 2011 Sections 110, 117, 127

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

B4: Extension of Period of Duration of Occupancy Permit or Building Approval Certificate

The Chief Executive Officer is delegated the authority to approve or refuse to approve applications submitted under section 65 of the Building Act

Reference: Building Act 2011 Section 65, 127

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

B5: Grant of Occupancy Permit, Building Approval Certificate

The Chief Executive Officer is delegated the authority to approve or refuse plans and specifications submitted under section 58 of the Building Act 2011.

Reference: Building Act 2011 Section 58, 127

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

3. HEALTH

H1 Offences

The Chief Executive Officer is delegated the authority to issue notices, serve direction and take actions on behalf of Council which is authorised by the Health Act 1911 or its subordinate legislation, conditional upon such action being reported to Council at its next held full meeting.

Reference: [The Food Act 2008 126.\(13\)](#)

[The Public Health Act 2016 s24. 312](#)

[The Health \(Miscellaneous Provisions\) Act 1911](#)

[Health Act 1911](#)

Shire of Cuballing Health Local Law 2007

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

Forma

Shire of Cuballing – Delegations Register

H2: Itinerant Food Vendors Licence

The Chief Executive Officer is delegated the authority to issue Itinerant Food Vendors Licence in accordance with the requirements of the Health Act and Shire of Cuballing Health Local Law.

Objective: To expedite the consideration of vendors' licence applications.

Reference: Local Government Act 1995 section 5.42
[The Food Act 2008 126.\(13\)](#)~~Health Act 1911~~
 Shire of Cuballing Health Local Law 2007

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

H3: Septic Tank Installations

That the Chief Executive Officer is delegated the authority to approve septic tanks and other apparatus for the treatment of sewage and disposal of effluent and liquid waste.

Reference: Health ([Miscellaneous Provisions](#)) Act 1911 Section 107(2)(a)

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

H4: Notices

The Chief Executive Officer is delegated the authority to issue notices to owners and occupiers of land requiring certain things to be done by the owner or occupier of that land.

Reference: Local Government Act 1995 section 3.25
 Health ([Miscellaneous Provisions](#)) Act Parts IV, V, VI, VII, VIIA, ~~VIII~~, IX, XV
[Food Act 2008, Part 6](#)

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

H5: Renewing Licences

The Chief Executive Officer is delegated the authority to renew all licences provided the circumstances of the original licence have not substantially altered.

Reference: [The Food Act 2008 126.\(13\)](#)
[The Public Health Act 2016 s24. 312](#)
[The Health \(Miscellaneous Provisions\) Act 1911](#)
~~Health Act 1911~~

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

Shire of Cuballing – Delegations Register

H6: Administration of Health

The Chief Executive Officer is delegated the authority to exercise and discharge the powers and functions of the Shire of Cuballing under the Health Act 1911 relating to:

- forming of opinions and making of declarations;
- the granting and issue of licenses, permits, certificates and approval;
- the issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions; **and**
- the ordering and authorisation of legal proceedings for breaches of the [The Food Act 2008](#), [the Public Health Act 2016](#), or the [Health \(Miscellaneous Provisions\) Act 1911](#), ~~Health Act 1911~~, all [subsidiary regulations](#) and local laws.

Format

Reference: [The Food Act 2008 126.\(13\)](#)
[The Public Health Act 2016 s24, 312](#)
[The Health \(Miscellaneous Provisions\) Act 1911](#)
[Shire of Cuballing Health Local Law 2007](#)

~~Health Act 1911~~

On Delegation: *Principal Environmental Health Officer/Building Surveyor*

4. PLANNING

P1: Home Occupations

The Chief Executive Officer is delegated authority to approve the issue of Home Occupation Licence subject to compliance with Shire of Cuballing Town Planning Scheme No 2.

Reference: Local Government Act 1995 section 5.42
 Shire of Cuballing Town Planning Scheme No 2

P2: Planning

The Chief Executive Officer is delegated authority for:

1. Requirements for Public Notice
 - 1.1 Making a determination on the form or forms of public notice to be given of a proposed development, scheme amendment, road closure or other proposal where the Local Planning Scheme or other legislation requires that such public notice be given and give such notice.
 - 1.2 Making a determination to require that public notice of a development to be given in accordance with Local Planning Scheme where such notice is considered to be in the public interest.
2. Approval of Permitted "P" and Incidental Uses

Shire of Cuballing – Delegations Register

Making a determination on all "P" and Incidental uses where a proposed development is generally in accordance with the Local Planning Scheme, Local Planning Strategy, Council policies and is consistent with guiding precedent approvals.

3. Residential Design Code Matters

Making a determination on any matter required to be determined under the Residential Design Codes including where an exercise of discretion is required, provided that appropriate notice of the proposed development is given to adjoining properties where it is required or is considered to have the potential to adversely affect the amenity of an adjoining property.

4. Minor Modification of Planning Determinations

Making modifications to planning approvals where:

- 4.1 the modification conforms to the relevant Local Planning Scheme objectives and policies;
- 4.2 the modification does not have a detrimental effect on the amenity of the locality; and
- 4.3 the extension to a development approval is to a maximum of 2 years.

NOTES:

- Where consent of abutting landowners was required for the original application, then the modification should also be referred to abutting landowners for comment where the modification requires a substantial variation from the original application.
- Where the original application was required to be the subject of public notice under the relevant Local Planning Scheme or the Residential Design Codes, then (if the modification is considered substantial) the modification will need a new public notice readvertised in accordance with the Local Planning Scheme or the Residential Design Codes.

5. Dealing with Subdivisions

Making recommendations to the Western Australian Planning Commission in respect of applications or other matters relating to Subdivision, Boundary Adjustment, Amalgamation and Strata Titling where such matters are in accordance with the Local Planning Scheme, Local Planning Strategy, Council Policies and established precedent, including minor variations to approved subdivisions and clearance of conditions provided appropriate consultation with other Council Officer's is carried out.

6. Dealing with Scheme Amendments

- 6.1 Requiring modifications to Local Planning Scheme Amendment documents to ensure that all documents are maintained at a consistent high quality and the information contained within the document addresses all issues considered relevant and will enable the public and referral agencies to fully understand the Amendment.
- 6.2 Accepting modifications to Local Planning Scheme Amendment documents required by the Western Australian Planning Commission or the Minister for Planning at any stage throughout the Scheme Amendment process.
- 6.3 Respond in writing to scheme amendment requests. Based on Council resolution, the CEO to set out that support for scheme amendment requests should cover multiple lots or a precinct compared to an individual lot, unless the site subject to the scheme amendment request is a considerable area or the applicant provides suitable justification for the proposal to the satisfaction of the Council.

Shire of Cuballing – Delegations Register

7. Legal Proceedings

- 7.1 all matters relating to Planning Infringement Notices including sections 228, 229, 230 and 231 of the Planning and Development Act
- 7.2 Taking all necessary action against owners or occupiers of properties to cease illegal uses, comply with the Local Planning Scheme and/or comply with conditions of Development Approval, including instituting prosecution proceedings under the Planning and Development Act, in the Court in its summary jurisdiction.
- 7.3 Represent Council, or appoint appropriate representatives, where necessary at prosecutions, appeals and enquiries pertaining to the enforcement of the provisions of the Planning and Development Act and the implementation of Council's Local Planning Scheme

8. Miscellaneous Matters

- 8.1 Electing to return or defer consideration of incomplete and unsatisfactory applications for planning consent.
- 8.2 Granting variations to relevant Planning Policies and provisions of the Residential Design Codes on Building Licence applications (where the application is exempt from the requirement to gain planning approval under the Residential Design Codes and/or the Local Planning Scheme).
- 8.4 Provision of written and verbal responses to planning appeals, mediated settlements resulting from appeals and Western Australian Planning Commission requests for reconsideration.
- 8.5 Prepare submissions and correspondence to government agencies and other organisations where consistent with the Local Planning Scheme, Local Planning Strategy, Council policies and guiding precedent approvals.

9. Right to have matter heard By Council

Where an applicant disputes or has issue with a planning determination made in accordance with this delegation, it will be a matter of right for the applicant to request that the matter be reconsidered by Council, provided the exercise of such right does not limit any other right of appeal that exists in Law.

10. Matters that may be of significant financial interest to Council

Despite other indications in this delegation, it is required that any planning matter that may have significant impact on Council infrastructure is to be determined by the Council.

Reference: Local Government Act 1995 section 5.42

P3: Subdivision Clearance

The Chief Executive Officer is delegated the authority to endorse subdivision referral proformas and to certify the compliance with subdivision conditions when satisfied that suitable arrangements have been made.

Reference: Local Government Act 1995 section 5.42
Town Planning and Development Act 1928 part III Sections 20 and 24

Shire of Cuballing – Delegations Register

P4: Second-hand Fencing

The Chief Executive Officer is delegated the authority to approve the use of second-hand material for fencing.

Reference: Local Government Act 1995 section 5.42

5. WORKS

W1: Roadside Clearing

The Chief Executive Officer is delegated the authority to permit clearing of roadside vegetation

Guideline Any application must comply with legislation and Council Policy.

Reference: Local Government Act 1995 section 5.42
Environmental Protection (Clearing of Native Vegetation) Regulations 2004
Shire of Cuballing Policy 5.18

On Delegation *Manager Works and Services*

W2: Road Trains/Mass Permits

The Chief Executive Officer is delegated the authority to approve Restricted Access vehicles (RAV) access, on low volume roads within the Shire of Cuballing.

Guideline An approval provided under this delegation must comply with Council Policy.

Reference: Local Government Act 1995 section 5.42

On Delegation *Manager Works & Services*

W3: Seed Collection

The Chief Executive Officer is delegated the authority to permission for wildflower picking and native seed collection on Shire of Cuballing property and reserves vested in or under the control of the Shire of Cuballing.

Guidelines

Any permission ~~is~~ will be subject to ~~the applicant obtaining necessary permits and or licenses from the Department of Biodiversity Conservation and Attractions and abiding by any conditions imposed and in accordance with conditions set by the Department of Environment and Conservation.~~

Reference: Local Government Act 1995 section 5.42

Shire of Cuballing – Delegations Register

On Delegation Manager Works & Services

W4 Undertaking Private Works

The Chief Executive Officer is delegated the authority to accepting or rejecting private works.

Reference: Local Government Act 1995 section 5.42(1)

*On Delegation Manager Works & Services for Private Works that are up to two full day in length.
Works Supervisor for Private Works that are up to one full day in length.*

W5: Temporary Road Closure

The Chief Executive Officer is delegated the authority to temporarily close roads during adverse weather conditions.

Reference: Local Government Act 1995 section 3.50

On Delegation Manager Works & Services

W6: Temporary Closure of Roads for Public Events

The Chief Executive Officer is delegated the authority to determine applications for the temporary closure of roads for public events.

Guidelines

The determination shall be in accordance with provisions of the Road Traffic (Events on Roads) Regulations 1991 and the Local Government Act 1995 and shall, when approved by the Chief Executive Officer, contain the following conditions:

1. The closure is to be advertised in a local newspaper.
2. Arrangements are to be made for appropriate signposting to effect the closure.
3. The applicant is to take out a Public Risk Insurance policy which indemnifies Council against any damages claims and a copy of the Policy is to be provided to Council.
4. The applicant is to notify the Police and Emergency Services and ensure that whilst the event is in progress, satisfactory arrangements are made to allow access to premises by Emergency Services.

The Chief Executive Officer may determine additional conditions to be imposed on any approvals issued.

Reference: Local Government Act 1995 section 3.50

W7: Tree Safety

The Chief Executive Officer is delegated the authority to issue an order to make a tree safe on private land and to enter that property to make a tree safe.

Shire of Cuballing – Delegations Register

Reference: Local Government Act 1995 section 5.42

On Delegation Manager Works & Services

W8: Sale of Surplus Equipment, Materials and Scrap

The Chief Executive Officer is delegated the authority to sell by the holding of a surplus goods sale at Council's Depot or any other fair means, items of surplus equipment, materials, tools, etc which are no longer required, are outmoded, or are no longer serviceable.

Guidelines

This delegation applies only to items with a sale value less than \$2,000.

Reference: Local Government Act 1995 section 5.42

6. FIRE CONTROL

BF1: Roadside Burning

The Chief Executive Officer is delegated the authority to approve applications for the burning of road verges

Guideline

Any approval will be conditional of being in accordance with Council Policy.

Reference: Local Government Act 1995 section 5.42
Shire of Cuballing Policy 6.4

BF2: Use of Shire Vehicles during Fire

The Chief Executive Officer is delegated the authority for the use of Council plant and equipment in the event of a fire.

Reference: Local Government Act 1995 section 5.42

On Delegation Manager Works & Services

BF3: Extension/Reduction Restricted/Prohibited Burning Periods

The Chief Executive Officer is delegated the authority to suspend, amend or vary Prohibited and Restricted burning times.

Guideline

The Chief Executive Officer will exercise this delegation in consultation with the Chief Bush Fire Control Officer.

Shire of Cuballing – Delegations Register

Reference: Local Government Act 1995 section 5.42
 Bush Fire Act 1954 sections 17(7)(a), 17(8), 17(10) & 18(5)(a)
 Bush Fire Regulations 1954 regulation 15C

BF4: Control of Fires

The Chief Executive Officer is delegated the authority, where Council's volunteer bush fire brigades believe they cannot effectively or safely manage a bush fire incident, to transfer control of that incident to the Department of Fire and Emergency Services (DFES).

Guidelines

The Shire will support DFES's management of any incident with:

- At least one and preferably more senior shire bushfire control officers will be a member of the Incident Management Team to provide local knowledge and facilitate effective liaison with local firefighting resources; and
- Shire bush firefighting resources, including appliances and volunteers, remaining at the incident and assisting in suppression activities as determined by the Incident Controller.

Reference: Bush Fires Act 1954 section 13(4)

BF5: Harvest Bans

The Chief Executive Officer is delegated the authority to impose harvest and vehicle movement bans.

Guideline

The Chief Executive Officer will exercise this delegation in consultation with the Chief Bush Fire Control Officer.

Reference: Local Government Act 1995 section 5.42
 Bush Fire Regulations 1954 regulations 38A, 38C, 39A & 39B

BF6: Fire Breaks

The Chief Executive Officer is delegated the authority, in liaison with the Chief Bush Fire Control Officer, to resolve fire hazard problems, including where considered necessary, to forward letters demanding the construction of fire breaks and where not complied with, the issuing of contracts for the construction of the break at the land owner's expense.

Reference: Local Government Act 1995 section 5.42
 Bush Fires Act 1954 sections 33 & 48

BF6: Bush Fires Act Infringements

The Chief Executive Officer is delegated the authority to issue infringement notices.

Guideline

The Chief Executive Officer will exercise this delegation in consultation with the Chief Bush Fire Control Officer.

Shire of Cuballing – Delegations Register

Reference: Local Government Act 1995 section 9.16
Bush Fires Act 1954

7. FINANCE

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 two hundred and fifty dollars, was raised in error, the Chief Executive Officer may approve that the amount be written off.

Reference: Local Government Act 1995 sections 5.42 & 6.12(c)

F2: Investment of Funds

The Chief Executive Officer is delegated the authority to invest surplus funds, trust funds, loan funds and reserve funds after ensuring that sufficient working capital is to be retained, in accordance with Council Policy.

Guideline

The Chief Executive Officer will exercise this delegation in consultation with the Deputy Chief Executive Officer.

Reference: Local Government Act 1995 section 5.42, 6.14
Local Government (Financial Management) Regulations regulation 19
Shire of Cuballing Policy 2.6 [Investment Policy](#)⁸

Shire of Cuballing – Delegations Register

F3: Payment of Accounts

The Chief Executive Officer is delegated authority to make payments from all Council bank accounts.

Guidelines

Each payment is to be authorised by two members of staff including:

1. one of the Chief Executive Officer, Deputy Chief Executive Officer or Manager Works & Services; and
2. one of either the Chief Executive Officer or Deputy Chief Executive Officer, Administration Officer, Rates Officer or Manager Works & Services.

Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing -

1. The payee's name;
2. The amount of the payment;
3. The date of the payment; and
4. Sufficient information to identify the transaction.

Reference: Local Government Act 1995 section 5.42
Local Government (Financial Management) Regulations 1996 regulation 12

On Delegation Deputy Chief Executive Officer

F6: Cost Recovery

The Chief Executive Officer is delegated to instigate proceedings to recover costs in Court.

Reference: Local Government Act 1995 section 5.42

F7: Assistance to Community Organisations and Events

The Chief Executive Officer is delegated to determine the level of in-kind assistance provided to community organisations and events.

Guidelines

This assistance may include the use of Shire plant and machinery or the use of employees.

Reference: Local Government Act 1995 section 5.42

[Conditions: Subject to Council Policy 5.14 - Use of Council Plant by Community Organisations](#)

F8: Rates

The Chief Executive Officer is delegated the performance of the following functions of the Council:

Shire of Cuballing – Delegations Register

1. Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40;
2. The service of Notice of Valuation and rates referred to in Section 6.41 of the LGA 1996;
3. Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995;
4. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book 6.76(4) of the LGA 1996;
5. The recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62 of the Local Government Act 1995;
6. Entering into a written agreement in accordance with 6.49 of the LGA 1996 for the payment of rates and service charges;
7. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled in accordance with 6.64(3) of the LGA 1996;
8. Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6); and
9. Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal (Section 6.79).

Reference: Local Government Act 1995 section 5.42

On Delegation: *Deputy Chief Executive Officer the recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62 of the Local Government Act 1995.*

F9: Insurance – Public Liability Claims

The Chief Executive Officer is delegated authority to consider claims against Council for property damage that does not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.

Guidelines

In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of a release form.

Reference: Local Government Act 1995 section 5.42

F10: Disposal of Impounded and Abandoned Vehicles

Shire of Cuballing – Delegations Register

The Chief Executive Officer is delegated authority to sell impounded or abandoned vehicles with an estimated value less than \$10,000.

Reference: [Local Government Act 1995 section 5.42](#)

Conditions: [Subject to the provisions of Council Policy 5.15 - Impounding and Disposal of Abandoned Vehicles](#)

Guidelines

~~The sale of the vehicles impounded or abandoned vehicles will be conducted in the following manner:~~

Estimated Market Value	Method of Advertising	Action
\$1 – \$500	Notices seeking offers for purchases shall be displayed on the Shire of Cuballing's notice boards, Facebook and on the website.	Any vehicle not purchased will be disposed of at the Cuballing Transfer Station.
\$501 – \$5,000	Notices seeking offers for purchases shall be advertised with local public notice and displayed on the Shire of Cuballing's notice boards, Facebook and on the website.	Any vehicle not purchased will be disposed of at the Cuballing Transfer Station.
\$5,001 +	Items shall be tendered as per the requirements of S2.58 of the Local Government Act 1995.	Any vehicle not purchased will be disposed of at the Cuballing Transfer Station.

~~All tenders/offers received shall be opened in accordance with approved tender opening procedures.~~

~~The Acceptance of tenders/offers by the Chief Executive Officer will be according to:~~

- ~~1. The highest tender/offer shall be accepted for any item.~~
- ~~1. Where two or more tenders/offers are received of equal value, the winning tender/offer shall be determined by a lottery.~~
- ~~2. If for any reason it is deemed necessary to vary from (a) or (b), then the matter must be referred to Council for its consideration.~~

~~Reference: [Local Government Act 1995 section 5.42](#)~~

F11: Approve Issue of Credit Cards or Fuel Cards

Forma

Forma

~~The Chief Executive Officer is delegated authority to approve the issue of Credit Cards or Fuel Cards to Council Staff.~~

~~Reference: [Local Government Act 1995 section 5.42](#)
[Local Government \(Financial Management\) Regulations 1996 regulation 12](#)~~

~~Conditions: [Subject to Council Policies 2.9 - Credit Cards and 2.10 – Fuel Cards](#)~~

Shire of Cuballing – Delegations Register

8. STAFF

S1: Conferences, Seminars And Training Courses

The Chief Executive Officer is delegated authority to approve the attendance by council staff at conferences, seminars and training courses where attendance will enhance the professional development of the officer, provide benefits to Council and is relevant to the duties and responsibilities of the officer.

Guidelines

This delegation is subject to sufficient provision having been made in Council's budget for any expenses to be incurred.

On Delegation *Manager Works & Services, Deputy Chief Executive Officer for conferences, seminars and training courses that are to be attended by staff under their responsibility that does not require Council incurring accommodation expenses.*

~~S2: Appointment of Staff~~

~~The appointment and termination of staff can only be confirmed by:~~

Position	Office
Chief Executive Officer	Council
Deputy Chief Executive Officer	Chief Executive Officer on recommendation to Council
Manager Works & Services	Chief Executive Officer on recommendation to Council
Principal Environmental Health Officer/Building Surveyor	Chief Executive Officer
Administration Staff	Chief Executive Officer
Works Staff	Chief Executive Officer

~~Guidelines~~

~~All appointments and terminations will be advised to Council at the first opportunity.~~

S3: Authorisation to Appoint Acting Chief Executive Officer

The Chief Executive Officer is delegated the authority to appoint either the Deputy Chief Executive Officer or the Manager Works and Services to be Acting Chief Executive Officer during the absence of the Chief Executive Officer.

Objective: To expedite the Council appointment process for an Acting Chief Executive Officer.

Guidelines

~~1. In the event that the Chief Executive Officer cannot delegate the appointment of the Acting Chief Executive Officer position, Council will authorise the appointment.~~

Shire of Cuballing – Delegations Register

~~2. Any appointment by the Chief Executive Officer or an Acting Chief Executive Officer cannot be for a period greater than four weeks.~~

~~3. Council is to be provided with prior notice when possible or notice as soon as practicable after any appointment is made.~~

Reference: Local Government Act 1995 section 5.42(1)

Conditions: Subject to the provisions of Council Policy 4.23 - Temporary Employment or Appointment of CEO

9.2.3 Cat Local Laws

Applicant:	CEO – Stan Scott
File Ref. No:	
Disclosure of Interest:	Nil
Date:	30 March 2022
Author:	CEO- Stan Scott
Attachments:	Draft Shire of Cuballing Cat Local Law 2022

Summary

The Purpose of this report is for Council to commence the process of adopting a Cat Local Law.

The presiding member is required to give notice to the meeting of the purpose and effect of the proposed Local Law and this notice is to be included in the Minutes of the meeting. The presiding member will read aloud the following:

Purpose - The purpose of the proposed Cats Local Law is to encourage responsible cat ownership and to provide for the effective management of cats within the Shire of Cuballing.

Effect - The effect of the proposed Cats Local Law is that persons who own or keep a cat within the Shire of Cuballing are to comply with the provisions of this local law.

Background

At its March 2022 Council Forum council was briefed on the process for adopting a Cat Local Law.

Local Law Procedure

The provisions of the *Local Government Act 1995* enable Western Australian Local Government to make local laws considered necessary for the good governance of their districts. All proposed Local Laws are required to be legislated in accordance with the following procedure;

Step	Status
Drafting of a Local Law;	Completed.
Council resolving to make a Local Law and the presiding member to give notice of the purpose and effect of the Local Law;	Purpose of this report
Providing State wide public notice summarising and calling for submissions within a specified time frame of no less than six weeks;	TBD
Providing a copy of the proposed Local Law to the Department of Local Government for submission to the relevant Minister;	TBD
Council resolving by absolute majority to make the Local Law taking into consideration any submission made;	TBD
Publishing the Local Law in the Government Gazette;	TBD
Providing State wide public notice that the Local Law is to come into effect; and	TBD
Providing an explanatory memorandum to the Joint Standing Committee on Delegated Legislation for assessment.	TBD

Comment

The *Cat Act 2011* and *Cat Regulations 2012* already provide the following key 'controls' in respect of cats.

- Registration - Cats to be registered and wear a registration tag
- Microchipping – cats to be microchipped implanted in a cat.
- Sterilisation – cats must be sterilised unless owned by a licensed breeder
- Change of ownership – requiring change of ownership to be reported
- Management of cats – provides powers to local governments to issue notices, seize cats, control cat management facilities and breeders
- Enforcement – creating offences and applying prescribed penalties.

The proposed Cat Local Law provides controls in relation to the most pressing local issues of cat nuisance, numbers of cats and protection of wildlife.

The CEO has been in discussion with the RSPCA about participation in a joint project to promote responsible cat ownership. There will be a separate agenda item on this matter, and if agreed by Council, implementation would likely be timed to coincide with the implementation of the Cat Local Law.

Strategic Implications - Nil

Statutory Environment:

Section 79 of the Cat Act 2011 (the Act), provides local governments with the power to make local laws on all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under the Act.

In particular section 79(3) of the Act provides that a Cat Local Law may be made as to one or more of the following —

- cats creating a nuisance;
- specifying places where cats are prohibited absolutely;
- limiting the number of cats that may be kept at premises;
- penalties.

A Cat Local Law does not operate outside the district of the local government for which it is made and is inoperative to the extent it is inconsistent with the Act or any other written law.

All Local Laws are reviewed by the Joint Standing Committee on Delegated Legislation. Any failure in process or drafting can result in a Local Law being disallowed.

Policy Implications

Nil

Financial Implications

The main costs associated with the Local Law making process are advertising costs including:

- Statewide Public Notice of intent to make a Local Law and inviting submissions;
- Publishing the Adopted Local Law in the Government Gazette; and
- Statewide Public Notice advising that the Local Law has come into effect.

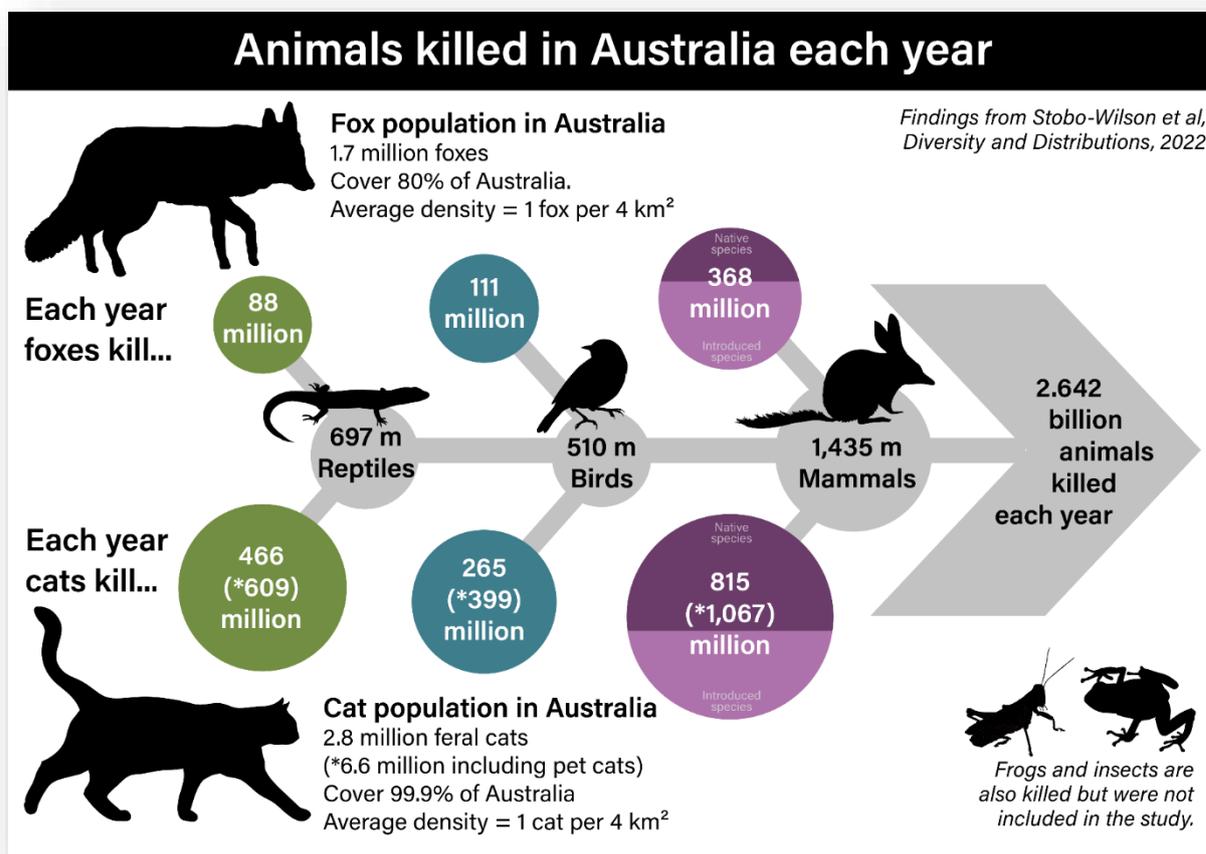
The Gazzettal and second Statewide public notice will be a budget item for 2022 – 23.

Economic Implication -

Nil

Environmental Considerations

A recent study published in *Diversity and Distributions* quantified the impact of foxes and cats on native fauna. The study found that cats and foxes wipe out 697 million reptiles, 510 million birds and 1.4 billion small animals annually in Australia. In total, about 2.6 billion introduced and native small animals are killed by just these two predators.



Foxes and cats killed more than 2.6 billion animals in Australia each year. (Supplied: Stobo-Wilson et al/*Diversity and Distributions*) – Source www.abc.net.au/news/science/2022-03-16/cats-foxes-feral-pests-native-wildlife/100902790 or search ABC foxes and cats

The ABC article reporting on the study said the following:

While there's no "silver bullet" for controlling cat and fox numbers, ecologist John Read from the University of Adelaide, who wasn't involved in this study, says there are some things that work well.

One key approach is for councils to enforce measures to keep domestic cats contained.

"Management of domestic cats is a huge issue," Dr Read said.

"Keeping cats contained helps prevent those environmental and health impacts and stops them getting out and breeding more feral cats."

By prohibiting domestic cats from Shire reserves we will reduce the impact on native fauna.

Consultation

The Local Law-making process has mandatory consultation requirements. Council is required to advertise its intention to adopt a local law and allow at least 42 days (6 weeks) for submissions. Council is then required to consider those submissions before adopting the Local Law. If the Local Law is modified as a result of submissions and is substantially different from the advertised Local Law the process must start again.

Options

Council may resolve:

1. the Officer's Recommendation; or
2. defer this item for consideration at another time; or
3. decide not to adopt a Cat Local Law..

Voting Requirements – Simple Majority

The Shire president read aloud the purpose and effect of the proposed Shire of Cuballing Cat Local Law 2022

COUNCIL DECISION 2022/36:

That Council:

- 1. Resolves to commence the process for making of the Shire of Cuballing Cat Local Law 2022 as attached**
- 2. Pursuant to the Local Government Act 1995 section 3.12(3) and (3a), give Statewide and Local Public Notice of the purpose and effect of the proposed Local Law and invite submissions from the public for a period of not less than 42 days.**
- 3. In accordance with the Local Government Act 1995 section 3.12(3) advise the Minister for Local Government of the proposed local laws**

Moved: Cr Christensen

Seconded: Cr Kowald

Carried 5 / 0

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995
Shire of Cuballing
CATS LOCAL LAW 2021

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Cuballing hereby records having resolved on 20 April 2022 to adopt the following local law.

PART 1 - PRELIMINARY

1.1 Citation:

This local law may be cited as the *Shire of Cuballing Cats Local Law 2022*.

1.2 Commencement

This local law comes into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Interpretation

(1) In this local law unless the context otherwise requires -

Act means the *Cat Act 2011*;

application means an application for a permit;

applicant means the occupier of the premises who makes an application for a permit under this local law;

authorised person means a person authorised by the local government, under section 9.10 of the *Local Government Act 1995* to perform the functions conferred on an authorised person under this local law;

cat has the meaning given to it in the Act;

cat management facility has the meaning given to it in the Act;

cat prohibited area means an area as outlined in Schedule 3;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the Shire of Cuballing;

nuisance means -

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

occupier has the meaning given to it in the *Local Government Act 1995*;

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under Part 3;

permit holder means a person who holds a valid permit under Part 3;

premises has the meaning given to it in the Act;

prescribed premises has the meaning given to it in the *Cat (Uniform Local Provisions) Regulations 2013*;

public place has the meaning given to it in the Act; and

standard number of cats has the meaning given to it in the *Cat (Uniform Local Provisions) Regulations 2013*.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

PART 2-CONTROL OF CATS

2.1 Cat not to be a nuisance

- (1) An owner shall not allow a cat to be or create a nuisance.
- (2) Where the local government receives a complaint from a person that is in accordance with the notice of complaint form as contained in Schedule 1 of this local law, and where in the opinion of an authorised person, that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.

- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012*.

2.2 Cats in Prohibited Areas

- (1) A cat shall not be in any cat prohibited area as listed on Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause 2.2(1) -
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat in accordance with the Act.

PART 3-NUMBER OF CATS THAT MAY BE KEPT

3.1 Interpretation

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

3.2 Prescribed premises

- (1) This local law limits the number of cats that may be kept at prescribed premises within the district except -
 - (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*; or
 - (b) a cat management facility operated by the local government; or
 - (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*.

3.3 Standard number of cats

- (1) For the purposes of the definition of *standard number of cats* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than two (2) cats may be kept on prescribed premises.

- (2) A person who keeps more than the standard number of cats on a prescribed premises without approval commits an offence.

3.4 Application for additional cats

- (1) Approval may be given for up to two (2) additional cats, where the total cats kept on the prescribed premises will not exceed four (4) cats.
- (2) An application for a permit to keep additional cats at a prescribed premises shall be-
 - (a) made in writing by an occupier of the premises in relation to those premises;
 - (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises; and
 - (c) accompanied by the consent in writing of the owner of the premises where the occupier is not the owner of the premises to which the application relates.

3.5 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.4.

3.6 Factors relevant to the determination of application

- (1) In determining an application for a permit the local government may have regard to-
 - (a) the physical suitability of the premises;
 - (b) the environmental sensitivity and general nature of the location surrounding the premises;
 - (c) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
 - (d) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (e) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to -
 - (a) consult with nearby residents; or
 - (b) advise nearby residents that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice,

before determining the application for a permit.

- (3) The local government may specify the extent of consultation with nearby residents, as specified in subclause 3.6(2)(a) and may specify which properties should be consulted.

3.7 Decision on application

- (1) The local government may-

- (a) approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.8 and may approve it subject to any other conditions it sees fit;
 - (b) approve an application but specify an alternative number of cats permitted to be housed at the premise; or
 - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1) then it shall advise the applicant accordingly in writing.

3.8 Conditions

- (1) Every permit is issued subject to the following conditions -
- (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act, the *Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*; and
 - (b) without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat -
 - (i) dies; or
 - (ii) is permanently removed from the premises.
- (2) In addition to the conditions in subclause (1) of this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

3.9 Compliance with conditions of permit

A permit holder shall comply with each condition of a permit.

3.10 Duration of a permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires -

- (a) if it is revoked; or
- (b) if the permit holder ceases to reside at the premises to which the permit relates.

3.11 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.12 Permit not transferable

A permit is not transferrable either in relation to the permit holder or the premises.

3.13 Permit to be kept at premises and available for view

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.

PART 4- MISCELLANEOUS

4.1 Giving of a Notice

- (1) A notice served under this local law may be given to a person: -
- (a) personally;
 - (b) by postal mail addressed to the person; or
 - (c) by leaving it for the person at her or his address.

PART 5 - OBJECTIONS AND APPEALS

5.1 Objections and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 6 - OFFENCES AND PENALTIES

6.1 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who contravenes or fails to comply with any provision of this local law is, upon conviction, liable to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

6.2 Prescribed offences

- (1) An offence against any provision of this local law is a prescribed offence for the purpose of section 62(1) of the Act.
- (2) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule is the modified penalty for that offence.

6.3 Forms

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice in respect to an offence against this local law may be given under section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the *Cat Regulations 2012*.

- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the *Cat Regulations 2012*.

Schedule 1 - Forms
[Cl. 2.1(2)]

Form 1 - Nuisance Complaint Form

TAKE NOTICE THAT a cat, believed to be a (1) _____
has created a nuisance by (2) _____
the cat is believed to belong to (3) _____
and is kept at (4) _____
and I (5) _____
of _____

requests the local government to institute proceedings, if the nuisance does not stop,
and undertake:

- (a) to give full information to the local government as to this matter; and
- (b) to appear in Court and give evidence as a witness to the truth of this complaint.

DATED this _____ day of _____ 20

(to be signed by complainant)

- | | |
|-----|--|
| (1) | Insert breed or kind of cat and, where possible, its sex and identifying marks. |
| (2) | Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the cat was at the time of the nuisance. |
| (3) | State name and address of the person believed to be the owner. |
| (4) | State, if known, where the cat is usually kept. |
| (5) | Insert name and address of complainant. |

Schedule 2
[Cl. 6.2(2)]

Prescribed Offences and Modified Penalties

Offence	Description	Modified Penalty
2.1(1)	Cat causing a nuisance	\$200
2.1(4)	Failure to comply with a cat control notice	\$200
2.2(1)	Cat in a prohibited area	\$200
3.3(1)	Keeping more than the standard number of cats without a permit	\$200
3.9	Failure to comply with a condition of a permit	\$200

Schedule 3
[Cl. 2.3(1)]

**AREAS WHERE CATS ARE PROHIBITED
ABSOLUTELY**

Land Details	Reserve Number	Description	Locality
97 (Lot 9) Alton Street	-	Works Depot	Cuballing
211 (Lot 6) Cuballing East Road	-	Vacant Land	Cuballing
207-209 (Lot 4 & 5) Cuballing East Road	-	Vacant Land	Cuballing
96 (Lot 20) Francis Street	-	Popanyinning Fire Shed & Hall Car Park	Popanyinning
Lot 151 Cnr Batts & Williams Roads	-	Vacant Land	Popanyinning
108 (Lot 14) Francis Street	-	Vacant Land	Popanyinning
186 (Lot 3) Campbell Street	-	Shire Office	Cuballing
73 (Lot 135) Andover Street	-	Vacant Land	Cuballing
19 (Lot 139) Brundell Street	-	Vacant Land	Cuballing
192 (Lot 12) Campbell Street	-	Vacant Land	Cuballing
189 Campbell Street	13851	CWA Hall	Cuballing
PTA Lease L2124-1	-	War Memorial	Cuballing
PTA Lease L3076-1	-	Fmr Railway Station	Popanyinning
PTA Lease L6765-1	-	Rail Corridor	Cuballing
PTA Lease L6878	-	Karping Rail Siding	Popanyinning
Rail Corridor, Ridley St	-	Machinery Display	Cuballing
Merwanga Rd	1892	Public Utility	Popanyinning
Stratheme Road	2556	Gravel	Stratheme
Yomaning Road	5271	Recreation - Yomaning Dam and Surrounds	Yomaning
191 Campbell Street	6651	Agricultural Hall Site	Cuballing
Stratheme Road	7530	Recreation	Cuballing
Springhill Road	8405	Cemetery	Cuballing
40 – 46 Andover Street	8525	Fire Shed & Parking	Cuballing
Chungamunning Road	8861	Gravel Reserve	Cuballing
1 Dowling Street	9874	Recreation	Popanyinning
176 Popanyinning East Road	9875	Public Cemetery	Popanyinning
98 Francis Street	9972	Hall & Local Governing	Popanyinning
151 Brundell Street	10186	Waste Transfer Station	Cuballing
164 Francis Street	10908	Show Ground	Popanyinning
2 Cowcher Street	11176	Parklands	Yomaning
189 Campbell Street, Cuballing	13851	Hall Site	Cuballing
Pauley Road	15462	Recreation	Commodine
138 Campbell Street	16269	Recreation	Cuballing

Land Details	Reserve Number	Description	Locality
Wandering Narrogin Road	18356	Historical Site/Old Well	West Popanyinning
Cnr Napping Pool and Williams Roads	18407	Hall Site	West Popanyinning
Cnr Shaddicks and Popanyinning East Roads	18604 + 9301	Recreation	East Popanyinning
Cnr Stratheme, Parsons, Taylors Roads	19021	Gravel Reserve	Cuballing
Congelin Narrogin Road	19747	Landscape Protection	Contine
Cnr Bunmulling and Doncon Roads	21024	Gravel Reserve	Popanyinning
Hotham Street	22234	Recreation	Popanyinning
106 Francis Street	23368	Children's Playground-Memorial Garden	Popanyinning
28 Austral Street	23650	Children's Playground	Cuballing
Wandering Narrogin Road	24439	Landscape Protection	West Popanyinning
98 Daylesford Road	27005	Waste Transfer Station	Popanyinning
61 Spragg St	30772	Gravel Reserve	Popanyinning
60 & 64 Antrim Street	36117	Water Supply	Cuballing
1 Rose Street	42722	Park Recreation & Drainage	Cuballing
94 Munro Street	43395	Parklands	Cuballing
Ridley Street	46773	Recreation	Cuballing
48 Forrest Street	47419	Popanyinning School House	Popanyinning
18 Andover Street	49201	Aged Persons Accommodation	Cuballing
Yormaning West Road	50040	Gravel Reserve	Yormaning
35 - 47 Alton Street, 1 Darcy Street	50156	Equestrian Park, Cross Country Course	Cuballing
213-217 Cuballing East Road	50698	Protection Of Natural Landscape	Cuballing
Cnr Congelin Narrogin Road, Melchiorre Road	1864	Conservation reserve	Cuballing
15 Cuballing East Rd	6457	Quarry	Cuballing
Corrie Street Cuballing	6458	Water	Cuballing
Wardering Road	8772	Water	Cuballing
Popanyinning East Road	9301	Gravel	Popanyinning
Bridge Street	9440	Recreation	Popanyinning
Cnr Cuballing East Road, Wardering Rd	9467	Water Reserve	Cuballing
Merwanga Road	9843	Recreation	Popanyinning
Merwanga Road	9886	Agricultural Hall	Popanyinning
49 Brundell Street	10310	Crown Land	Cuballing
Merwanga Road	10418	Church	Popanyinning
Popanyinning East Road	10492	Crown Land	Popanyinning
Popanyinning East Road	10497	Gravel Reserve	Popanyinning
43 Forrest Street	11198	Church	Popanyinning

Land Details	Reserve Number	Description	Locality
Bow street	11652	Church	Cuballing
Merwanga Road	11660	Church	Popanyinning
49 Lord Street	13013	Cemetery	Popanyinning
Hotham Street	14084	Park Lands	Popanyinning
Forrest Street	14559	Crown Land	Popanyinning
Yomaning Road	15925	Conservation Reserve	Yomaning
Springhill Road	16803	Gravel Reserve	Cuballing
186 Francis St	17371	Race Course	Cuballing
205 Cuballing East Rd	22136	Drainage	Cuballing
Townsend Road	27027	Gravel Reserve	Towsendale
17 Dowling Street	27150	Resting Place	Popanyinning
17 & 18 Howard Street	27705	Crown Land	Popanyinning

9.2.4 RSPCA Pet Sterilisation Program

Applicant:	CEO – Stan Scott
File Ref. No:	ADM 357
Disclosure of Interest:	Nil
Date:	11 April 2022
Author:	CEO- Stan Scott
Attachments:	9.2.4A Correspondence from RSPCA

Summary

The RSPCA is offering support to encourage responsible cat ownership.

Background

The RSPCA wrote to the Shire offering assistance for pensioners and health care card holders heavily subsidised support to become compliant with the Cat Act and Regulations.

Their letter sets out their offering in the following terms:

This innovative pilot program will:

- *Help community members meet requirements to register and sterilise their pets.*
- *Support local veterinary businesses.*
- *Enable those experiencing financial hardship to better care for their pets.*
- *Assist cat owners to comply with the Cat Act 2011, which mandates that all cats over six months of age be sterilised, microchipped and registered with their local government.*
- *Assist dog owners to comply with sterilisation requirements introduced under the Dog Amendment (Stop Puppy Farming Bill 2021), at a reduced cost when the Bill becomes law.*
- *Reduce local government workload by reducing the number of unwanted litters and, consequently, the number of strays and incoming animals in local pounds*

The RSPCA will be contacting local vets to seek support through discounted sterilisation procedures. They will in turn subsidise the procedure so that the cost to the pet owner will be substantially reduced. They will also provide free microchipping.

The Shire of Cuballing contribution to the program will be offering free lifetime registration to program participants. The income foregone would be \$50 for lifetime registration for sterilised cats or dogs for pensioners, or \$100 for non-pensioners.

Comment

The offer from the RSPCA is timely. If we can promote this program at the same time as we are implementing the Cay Local Law it may make the cat local law more palatable to cat owners. The program also supports local vets.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications - Nil

Financial Implications

The program will cost the Shire either \$50 or \$100 for every pet. It is arguable that those participating may not have otherwise completed the registration.

Economic Implication - Nil

Environmental Considerations - Nil

Consultation

The CEO has discussed the program with the RSPCA. If the Shire decides to participate, the RSPCA will commence the process of onboarding one or more local vets.

Options

Council may resolve:

1. the Officer's Recommendation; or
2. Decide not to participate in the program.

Voting Requirements – Simple Majority

COUNCIL DECISION 2022/37:

That Council:

Accepts the offer to participate in the RSPCA Pet Sterilisation Program;

Agrees to offer free lifetime pet registration for ratepayers participating in the program

Moved: Cr Christensen

Seconded: Cr Kowald

Carried 5 / 0



16 March 2022

Mr Stan Scott
CEO
Shire of Cuballing
PO Box 13
Cuballing, WA 6311

By email to: ceo@cuballing.wa.gov.au

Dear Mr Scott,

I am sure you are acutely aware of the burden placed on Local Government due to deficient pet management by some owners. Failure to sterilise, microchip and register dogs and cats leads to poor welfare outcomes for the animals as well as increased workload and costs for councils when animals stray and otherwise cause a nuisance (i.e. roaming and fighting with other dogs, spraying/markings their territory).

Our own work under the Animal Welfare indicates that pet owners who lack funds are most likely to fail to comply with these needs for their animals.

In light of these issues, and to support those with financial difficulties, RSPCA WA is launching a pilot Pet Sterilisation Program which offers reduced sterilisation costs, free microchipping and (where supported by the Local Government) lifetime pet registration for pet owners who hold a WA Seniors Card, Pensioner Concession Card or Health Care Card. With support from the Department of Primary Industries and Regional Development, the program is part funded by the State Government and administered by RSPCA WA. Sterilisation and microchipping is carried out by veterinary practices with whom RSPCA WA is partnering to deliver these services to the community.

This innovative pilot program will:

- Help community members meet requirements to register and sterilise their pets.
- Support local veterinary businesses.
- Enable those experiencing financial hardship to better care for their pets.
- Assist cat owners to comply with the *Cat Act 2011*, which mandates that all cats over six months of age be sterilised, microchipped and registered with their local government.
- Assist dog owners to comply with sterilisation requirements introduced under the *Dog Amendment (Stop Puppy Farming Bill 2021)*, at a reduced cost when the Bill becomes law.
- Reduce local government workload by reducing the number of unwanted litters and, consequently, the number of strays and incoming animals in local pounds

The Royal Society
for the Prevention of
Cruelty to Animals
Western Australia

ABN 48 026 009 507

100 Malaga Drive
Cnr Reed Highway
Malaga WA 6000

P 080 029 0000

E rspca@rspca.wa.org.au
W rspca.wa.org.au

PO Box 4147
Malaga WA 6004



I write to you today to seek a partnership with Shire of Cuballing as part of this innovative pilot.

Given the social and economic benefits of the program, and to add further incentives to strengthen the program even further, I am seeking your support in the form of Shire of Cuballing offering free lifetime registration to those pet owners who participate in the Pet Sterilisation Program.

It is anticipated that most of the program participants will be those who would ordinarily *not* consider getting their pets sterilised and registered, or those who are unaware of the need to do both. Therefore, increasing the number of pets which are sterilised and microchipped in Shire of Cuballing will both benefit local residents, and reduce workload on your rangers and other related services.

I would be very interested in the opportunity to discuss this partnership with you and have requested the program coordinator, Emily Mostyn-Brown, contact your office to follow up on this correspondence. Alternatively, Emily can be contacted directly on 9209 9315 or by email emostynbrown@rspcawa.org.au

Yours sincerely,



Ben Cave
Chief Executive Officer

9.2.5 Scheme Amendment No. 6 to the Shire of Cuballing Local Planning Scheme No. 2

Location:	Applies throughout the Shire
Applicant:	Edge Planning & Property for the Shire of Cuballing
File Ref. No:	ADM 324
Disclosure of Interest:	Nil
Date:	11 April 2022
Author:	Stan Scott
Attachments	9.2.5A Scheme Amendment No. 6 documentation 9.2.5B Attachment 1 of Scheme Amendment No. 6: <i>Shire of Cuballing Local Planning Scheme No. 2</i> text showing proposed amendments in highlight and strikeout

Summary

It is recommended that Council adopt Scheme Amendment No. 6 to formally commence the process of amending the *Shire of Cuballing Local Planning Scheme No. 2* text as set out in Attachment 9.2.5A.

Background

As Councillors are aware, the *Shire of Cuballing Local Planning Scheme No. 2* (LPS2) provides the statutory basis for Council regulating development and land use proposals.

The purpose of Amendment No. 6, outlined in Attachment 9.2.5A, is to modify the LPS2 text to:

- Ensure consistency with the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'Regulations');
- Ensure consistency with Schedule 1 - Model provisions for local planning schemes (Model Scheme Text) in the Regulations;
- Update the Zoning Table;
- Introduce provisions relating to contemporary planning matters;
- Ensure zone and reserve names are consistent with the Regulations; and
- Review opportunities to create an effective and efficient local planning system.

Attachment 9.2.5B outlines proposed modifications to the LPS2 text with new sections highlighted and deleted sections in strikeout. The aqua highlighted text are from the Model Scheme Text, green highlighted text are proposed new provisions, while white text are retained provisions from LPS2.

LPS2 was gazetted on 20 May 2005. Amendment No. 4 addressed the Regulations via an omnibus amendment. Based on the Western Australian Planning Commission's approval of the Report of Review, Amendment 6 seeks to ensure LPS2 is consistent with recent changes to the deemed provisions along with consistency with the Model Scheme Text.

The Regulations were gazetted on 25 August 2015 and has been subject to amendments. 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 LPS2. The deemed provisions are 'read into' schemes automatically under Section 257B of the Act. Provisions in LPS2, 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.

The Shire administration has audited LPS2 to determine which provisions are now superseded by the deemed provisions. As a result of recent changes to the Regulations, various parts of LPS2 are now superfluous. This Amendment is now pursued to remove provisions which have been replaced by the deemed provisions and to seek consistency with the Regulations.

Based on the approved Report of Review, the Amendment also updates other sections of the LPS2 text to address emerging planning issues, and to promote an effective and efficient local planning system.

The draft scheme amendment documentation was provided to Councillors in late 2021 for preliminary review to provide an opportunity for early input.

Comment

It is recommended that Council resolves to adopt Scheme Amendment No. 6, as outlined in Attachment 9.2.5A, to formally commence the process of amending LPS2.

The following matters have been identified as requiring modification to ensure LPS2 is consistent with the Regulations and to reflect the needs of the local community:

- Modifying planning provisions and the order of provisions in the scheme text to reflect the Model Scheme Text;
- Deleting provisions which are now superfluous due to the Deemed Provisions;
- Adding and modifying general and land use definitions;
- The Regulations (Schedules 1 and 2) include some additions and minor modifications to the wording and structure of a number of general and land use definitions. This has been done for the purpose of clarity and readability;
- Updating the Zoning Table to provide sufficient controls but also to provide flexibility for a range of appropriate uses in the different zones as expected in a non-metropolitan context;
- Adding provisions relating to matters including car parking and vehicle access, commercial vehicle parking, signage and advertisements, landscaping, caretaker's dwellings, workforce accommodation, servicing, general appearance of buildings and preservation of amenity, servicing, mining operations and regional facilities; and
- Ensure zone and reserve names, including on the scheme maps, are consistent with the Regulations.

Based on the Regulations, the scheme amendment is considered to be a 'standard' amendment.

The key stages in the amendment process are summarised below:

- 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. 6 will assist in improving the effectiveness and efficiency of the planning system.

Statutory Environment

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and LPS2.

Policy Implications - Nil

Financial Implications – 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:

- Not support the scheme amendment - this would mean the scheme amendment could not proceed. This is however considered to be contrary to components of the Regulations;
- Adopt the scheme amendment - choose to support the proposed amendment as set out in Attachment 9.2.5A either as proposed or with modifications; or
- Defer - for a period of time and seek additional information before proceeding to make a decision.

Voting Requirements - Simple Majority

COUNCIL DECISION 2022/38:

That Council:

1. **Agrees** to adopt an amendment to the *Shire of Cuballing Local 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. 6 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. 6 documents as outlined in Attachment 9.2.5A.
4. **Notes** the Shire will refer Scheme Amendment No. 6 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, advertise the amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

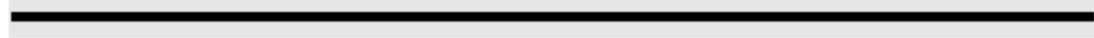
Moved: Cr Kowald

Seconded: Cr Harris

Carried 5 / 0

SHIRE OF CUBALLING

Local Planning Scheme No. 2



Updated to include AMD 5 GG 12/1/2021



Original Town Planning Scheme Gazettal
20 May 2005

SHIRE OF CUBALLING LPS NO. 2 - AMENDMENTS

AMD NO	GAZETT AL DATE	UPDATED		DETAILS
		WHEN	BY	
1	04/05/07	05/05/07	HA	Rezoning only
2	18/09/09	18/09/09	HA	Rezoning Only
3	05/06/18	06/06/18	ML D	Rezoning Lot 46 Forrest Street, Popanyinning from 'Public Purpose' reserve to 'Rural Townsite' zone with a residential density code of R10. Amend Scheme Map accordingly.
4	22/01/19	07/01/19	GM	<p>Delete Parts 2, 7, 8, 9, 10 and 11 in their entirety and Schedules 6, 7, 8 and 9 in their entirety.</p> <p>Delete the following definitions from Schedule 1, Dictionary of Defined Words and Expressions: advertisement; amenity; cultural heritage significance; local government; Local Planning Strategy; owner; premises; region scheme; Residential Design Codes; substantially commenced; and zone.</p> <p>Replace the definitions from Schedule 1 Dictionary of Defined Words and Expressions: plot ratio and Planning Act.</p> <p>Delete 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; industry - general; industry - extractive; industry - light; industry - mining; industry - rural; marine filling station; motor vehicle wash; night club; plantation; rural home business; shop; and telecommunications infrastructure.</p> <p>Add the following definitions to Schedule 1 Land Use Definitions: abattoir; ancillary dwelling; animal husbandry - intensive; bed and breakfast; child care premises; consulting rooms; family day care; grouped dwelling; holiday accommodation; holiday house; home business; home occupation; home office; hotel; industry; industry - extractive; industry - light; industry - primary production; mining operations; repurposed dwelling; road house; rural home business; second-hand dwelling; shop; single house; telecommunications infrastructure; transport depot; tree farm; and workforce accommodation.</p> <p>Delete reference to the following terms and replacing them with the corresponding terms throughout the Scheme text:</p> <p>planning approval to development approval planning application to development application single dwelling to single house council to local government outline development plan to structure plan Town Planning Act to Planning Act Town Planning Scheme to Local Planning Scheme</p> <p>Delete the preamble. Insert a new Schedule A - Supplemental Provisions with preamble and provisions</p>

AMD NO	GAZETTED DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>Amend the following clauses by removing the cross reference to the deemed provisions:</p> <p>Clause 3.4.1(b): Part 7 of the deemed provisions Clause 3.4.2(a): clause 67 of the deemed provisions Clause 4.3.2 'A': clause 64 of the deemed provisions Clause 4.3.3 Note 3: clause 67 of the deemed provisions Clause 4.4.2(b): clause 64 of the deemed provisions Clause 4.8(c): clause 80 of the deemed provisions Clause 4.9.2: clause 64 of the deemed provisions Clause 5.4.2: clause 64 of the deemed provisions Clause 5.6.2 (a): clause 64 of the deemed provisions Clause 5.6.3: clause 67 of the deemed provisions Clause 5.12.7: Part 7 of the deemed provisions</p> <p>Amend clause 1.5(g) by replacing 'First Schedule to the Town' to 'Schedule 7 of the Planning Act'.</p> <p>Delete the 'Note' in Clauses 4.8 and 4.11.</p> <p>Remove the following Use Classes and associated permissibility levels from the Zone Table in Clause 4.3: Agroforestry; Amusement parlour; Aquaculture; Betting agency; Cinema/theatre; Corrective institution; Dwelling; Funeral parlour; Hospital; Industry - general; Industry - mining; Industry - rural; Marine filling station; Motor vehicle wash; Nightclub; and Plantation.</p> <p>Insert the following land use terms and permissibility into the Zoning Table: Ancillary dwelling; Grouped dwelling; Holiday accommodation; Holiday house; Industry; Industry - primary production; Mining operations; Motor vehicle repair; Re-purposed dwelling; Roadhouse; Second-hand dwelling; Single house; Transport depot; Tree farm; and Workforce accommodation.</p> <p>Amend the permissibility of the following land uses in the Zoning Table: Agriculture – intensive; Caretaker's dwelling; Childcare premises; Consulting rooms; Convenience store; Educational establishment; Family day care; Home office; Industry – light; Industry – service; Market; Place of worship; Rural pursuit; Showroom; Telecommunications; infrastructure; Veterinary centre; Warehouse; and Winery.</p> <p>Modify the Development Table – General.</p> <p>Modify the heading in sub-clause 5.10.1 through deleting 'Relocated Second hand buildings' and replacing with 'Repurposed dwelling and second-hand dwelling'.</p> <p>Delete 'transported' in sub-clause 5.10.1 and replacing it with 'repurposed dwelling or second-hand dwelling'.</p> <p>Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.</p> <p>Update the Table of Contents and the List of Schedules.</p> <p>Insert reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering subclause (b) accordingly.</p> <p>Insert reference to the model and deemed provisions in clause 1.7.1 (b) by inserting new sub-clause (ii) and renumbering sub-clause (ii) accordingly.</p> <p>Delete current sub-clauses 5.7.1 - 5.7.3 and replace with new.</p>
5	12/1/2021	12/1/2021	MLD	Rezoning Lot 7 Alton Street, Lot 9 Alton Street, Lot 8 Austral Street, Lot 91

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>Austral Street, Lot 92 Austral Street and Lot 90 Beeston Street from 'Rural Townsite R5' Zone to 'Rural Townsite R10' Zone and amending the Scheme Map accordingly.</p> <p>Rezoning a portion of Lot 56 Austral Street from the 'Local Road' Reserve to the 'Rural Townsite' Zone, allocating an R-Coding of 'R5' and amending the Scheme Map accordingly.</p> <p>Rezoning a portion of Lot 397 Beeston Street from the 'Local Road' Reserve to the 'Rural Townsite' Zone, allocating an R-Coding of 'R2.5' and amending the Scheme Map accordingly.</p>

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Part 1 Preliminary

Part 2 Reserves

Part 3 Zones and the use of land

Part 4 General development requirements

Part 5 Special control areas

Part 6 Terms referred to in Scheme

Schedules

A - Supplemental provisions to the deemed provisions

1 - Exempted signage and advertisements

Shire of Cuballing Local Planning Scheme No. 2

Part 1 — Preliminary

1. Citation

This local planning scheme is the Shire of Cuballing Scheme No. 2.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the Gazette.

3. Scheme revoked

The following local planning scheme is revoked —

Shire of Cuballing Local Planning Scheme No. 1 gazetted on 18 February 1994.

4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note:

The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The Shire of Cuballing is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the scheme text), this Scheme includes the following —
 - (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;
 - (b) the Scheme Map.
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to —

- (a) set out the local government's planning aims and intentions for the Scheme area; and

- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are —

- (a) to encourage the sustainable development and expansion of the Cuballing and Popanyinning townsites to improve service viability while conserving or enhancing a strong sense of community;
- (b) to ensure that future subdivision and development within and near the Cuballing and Popanyinning townsites provide a broad range of housing and lifestyle choices that enhance the environment and character of the townsites;
- (c) to provide opportunities for planned, contained and sustainable rural residential and rural smallholding development with access to services and infrastructure within and abutting the existing town sites;
- (d) to assist employment and economic growth by facilitating the timely provision of suitable land for commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
- (e) 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;
- (f) to protect good quality agricultural soils suitable for sustainable production from inappropriate subdivision and development for non-agricultural purposes;
- (g) 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;

- (h) to protect the natural environment and biodiversity whilst ensuring appropriate development opportunities within the Shire are realised;
- (i) to manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses;
- (j) to safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area; and
- (k) to protect the existing local heritage by encouraging compatible development which will aid the restoration and retention of the property.

10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with other local planning schemes

There are no other local planning schemes of the Shire of Cuballing which apply to the Scheme area.

12. Relationship with region planning scheme

There are no region planning schemes which apply to the Scheme area.

Part 2 — Reserves

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local reserves

- (1) In this clause —

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows —

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
State Forest	<ul style="list-style-type: none"> To identify areas of State Forest.
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.
Emergency Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services.
Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services.
Recreational	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of public recreational facilities.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Drainage / Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.

Reserve name	Objectives
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Special Purpose Reserve	<ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification.

15. Additional uses for local reserves

There are no additional uses for land in local reserves that apply to this Scheme.

Part 3 — Zones and use of land

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows —

Table 2 - Zone objectives

Zone name	Objectives
Rural	<ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

Zone name	Objectives
Rural Residential	<ul style="list-style-type: none"> To provide for lot sizes in the range of 1 ha to 4 ha. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Townsite	<ul style="list-style-type: none"> To provide for a range of land uses that would typically 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 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.

17. Zoning table

The zoning table for this Scheme is as follows —

Table 3 - Zoning Table

LAND USE	Rural Townsite	Rural Residential	General Agriculture Rural
Abattoir	X	X	A
Agriculture – extensive	X	X	P
Agriculture – intensive	X	A	D
Ancillary dwelling	P	D	D
Animal establishment	X	A	D
Animal husbandry – intensive	X	X	A
Art Gallery	D	A	D
Bed and breakfast	P A	P A	P D
Betting agency	A	X	X
Brewery	A	A	A
Bulky Goods showroom	D	X	X
Caravan park	A	A	A X
Caretaker's dwelling	D	X	D
Car park	A	A	X
Child care premises	D	A	X
Cinema/theatre	D	X	X
Civic use	P D	P D	P D
Club premises	D	D	D
Commercial vehicle parking	D	D	P

LAND USE	Rural Townsite	Rural Residential	General Agriculture Rural
Community purpose	D	D	D
Consulting rooms	DA	A	AX
Convenience store	DA	X	X
Corrective institution	X	X	A
Educational establishment	A	A	A
Exhibition centre	D	D	D
Family day care	DA	DA	XD
Fast food outlet/lunch bar	D	X	X
Fuel depot	D	X	D
Funeral parlour	A	X	X
Garden centre	A	A	D
Grouped dwelling	D	DX	XD
Holiday accommodation	A	A	A
Holiday house	A	A	A
Home business	DA	DA	P
Home occupation	P	P	P
Home office	P	P	P
Home store	DA	X	X
Hospital	A	X	X
Hotel	A	X	X
Industry	A	X	A
Industry – cottage	D	D	D
Industry – extractive	X	X	A
Industry – light	D	X	A
Industry – primary production rural	X	X	D
Industry – service	D	X	A
Liquor store	D	X	X
Lunch bar	D	X	X
Market	AD	X	D
Medical centre	DA	X	X
Mining operations	XD	XD	AD
Motel	DA	X	X
Motor vehicle, boat or caravan sales	D	X	X
Motor vehicle repair	A	A	D
Motor vehicle wash	A	X	X
Nature based park	X	X	D
Office	D	X	X
Park home park	A	X	A
Place of worship	DA	A	A
Public Utility	A	A	A
Reception centre	DA	A	A
Recreation – private	D	D	D
Renewable energy facility	X	X	A
Re purposed dwelling	D	D	D
Residential building	PD	PD	PD
Residential care facility	A	X	X
Resource recovery centre	A	X	D
Restaurant/cafe	D	A	A
Restricted premises	A	X	X
Retirement village	D	X	X
Road house	DA	AX	A

LAND USE	Rural Townsite	Rural Residential	General Agriculture Rural
Rural home business	X	D	D
Rural pursuit/hobby farm	D P	P	P
Second hand dwelling	D	D	D
Service station	D A	A X	X
Shop	P D	X	X
Showroom	D	X	A
Single house	P	P	P
Small bar	D	X	X
Tavern	D A	X	X
Telecommunications infrastructure	D	D	D
Tourist development	A	X	A
Trade display	D	X	D
Trade supplies	A	X	A
Transport depot	X	A X	A
Tree farm	X	X	A
Veterinary centre	D A	A	A
Warehouse/storage	D A	X	A D
Waste disposal facility	X	X	A
Waste storage facility	A	X	D
Winery	A	A	A
Workforce accommodation	A	X	A

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area 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.
- (2) The symbols used in the zoning table have the following meanings —
 - P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
 2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
 - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
 - (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
 - (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —
 - (a) a structure plan;
 - (b) a local development plan
- 19. Additional uses**
- There are no additional uses for zoned land that apply to this Scheme.*
- 20. Restricted uses**
- There are no restricted uses which apply to this Scheme.*
- 21. Special use zones**
- (1) The Table sets out —
 - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) the classes of special use that are permissible in that zone; and

- (c) the conditions that apply in respect of the special uses.

Table 4 - Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU 1	Pt Lot 244 Ridley Street, Cuballing	Dwelling Single House Home Business Home Occupation Home Office Home Store	All use and development shall be in accordance plans, and conditions approved by the local government. No alterations or extensions to the land use shall be undertaken without the approval of the local government.

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note:

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

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent —
- the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - the carrying out of development on land if —
 - before the commencement of this Scheme, the development was lawfully approved; and
 - the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if —
- the non-conforming use of the land is discontinued; and
 - a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government —
- purchases the land; or
 - pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

- (1) A person must not, without development approval —
- alter or extend a non-conforming use of land; or

- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following —
- (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government —
- (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 — General development requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.

- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if —
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

There are no modifications to the R-Codes.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6 — Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

There are no other State planning policies that are to be read as part of the Scheme.

30. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

31. Environmental conditions

There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.

32. Site and Development Requirements

To the extent that a requirement referred to in clauses 34 to 51 is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in clauses 34 to 51 prevails.

33. Variations to site and development requirements

- (1) In this clause —
additional site and development requirements means requirements set out in this Scheme, except does not apply to land use permissibility under the zoning table or development to which the R-Codes apply.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —
 - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

34. Car parking and vehicle access requirements

- (1) Car parking shall be provided, in accordance with Table 5 and in accordance with the standards and requirements, including parking space layouts and dimensions, as set out in the relevant Australian Standard.
- (2) The local government may require the provision of spaces for cycle racks and vehicles for the disabled as considered necessary.

- (3) Where land is to be developed or used for purposes not mentioned in Table 5, or where a standard or requirement is not specified in the Scheme, the local government shall determine in each case the number of spaces to be provided on the land having due regard to the -
- nature of the proposed development;
 - number of employees or others likely to be employed or engaged in the use of the land;
 - anticipated demand for visitor parking; and
 - orderly, proper and sustainable planning of the area.
- (4) Car parking requirements shall be provided on the site the subject of the proposed development or land use, or in the immediate vicinity thereof provided that arrangements for the permanent retention of that parking can be set in place to the satisfaction of the local government.
- (5) The size of car parking spaces and the vehicular driveways providing entry to, or exit from, a parking area shall meet the minimum requirements set out in Table 6.
- (6) Where an applicant can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in Table 5, or that other off-street parking facilities are available and that these facilities can be shared with a nearby land use, the local government may vary parking requirements specified in Table 5.
- (7) All parking, loading and access areas shall be constructed prior to occupation of the development or at such time as may be agreed in writing between the local government and the proponent. Such areas shall be maintained by the landowner to the satisfaction of the local government.
- (8) Where the local government is satisfied that an application for development approval cannot provide the minimum car parking requirements on site, the local government may accept a cash payment in lieu of the provision of car parking spaces, subject to requirements specified by a local planning policy.

Table 5: Car parking requirements

Use	Minimum Number of Parking Spaces to be Provided
Bed and Breakfast	1 per bedroom
Caravan Park	1.25 per unit, bay or tent site
Civic Use	1 per 40m ² Gross Floor Area (GFA)
Club Premises	1 per 50m ² GFA, or where licensed: 1 per 5m ² and other activity area
Consulting Rooms / Medical Centre	4 per practitioner for the first practitioner and 2 bays for each practitioner thereafter
Family Day Care	1 per staff member + 2 extra spaces for the picking up and setting down of persons
Fast Food Outlet/Lunch Bar	1 per 4 seated patrons
Recreation – private	1 per 40m ² GFA

Hotel	1 per 5m ² public area + 1 per bedroom
Industry	1 per 100m ² GFA
Light & Service Industry	1 per 50m ² GFA
Liquor Store	1 per 40m ² GFA
Motel	1 per unit + 1 per 25m ² service area
Office	1 per 40m ² GFA
Cinema / theatre	1 per 4 seats provided
Place of Worship	1 per 4 seats provided
Residential	As per the Residential Design Codes
Restaurant/café	1 per 4 patrons
Service Station	1 per 200m ² gross site area
Shop	1 per 40m ² GFA
Bulky goods showroom	1 per 50m ² GFA
Tourist Development	1 per unit or dwelling + 1 space per staff member
Tavern	1 per 5m ² public area
Veterinary Centre	4 per practitioner
Warehouse / storage	1 per 100m ² GFA
Other Uses Not Listed	Determined by the local government after consideration of the parking need generated by the use and/or outlined in a Local Planning Policy.

Table 6 - Parking dimensions

Parking angle	Width of bay (m)	Length of bay (m)	Depth of bay (m)	Minimum manoeuvring depth (m)	Minimum total depth (m)
(a) One-way access					
90°	2.6	5.5	5.0	5.9	11.4
75°	2.6	5.5	6.0	5.3	11.3
60°	2.6	5.5	6.1	5.0	11.1
45°	2.6	5.5	6.1	3.6	9.7
30°	2.6	5.5	4.8	3.3	8.1
00° (parallel parking)	3.0	6.7	3.0	3.0	6.0
(b) Two-way access					
90°	2.6	5.5	5.5	6.0	11.5
75°	2.6	5.5	6.0	6.0	12.0
60°	2.6	5.5	6.1	6.0	12.1
45°	2.6	5.5	6.1	6.0	12.1
30°	2.6	5.5	4.4	6.0	10.4
00° (parallel parking)	3.0	6.7	3.0	6.0	9.0

35. Commercial vehicle parking

For lots containing and/or adjacent a dwelling in the Rural Townsite zone and within the Rural Residential zone, commercial vehicles shall comply with the following -

- (a) the commercial vehicle is located on freehold land;
- (b) the vehicle forms an essential part of the lawful occupation of the occupant of the single house or grouped dwelling and that occupation, if carried on upon the site, does not contravene the provisions of this Scheme;
- (c) the vehicle is not brought or taken from the lot between the hours of midnight and 6:00am; and
- (d) the vehicle is not carrying any residue hazardous or noxious material.

36. Development of land without constructed/dedicated road frontage or access

- (1) In considering a development application 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, the local government may -
 - (a) place conditions to require access by means of a dedicated or constructed road or require road construction;
 - (b) where dedicated road access is available, grant development approval 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 appropriate; or
 - (c) require other legal arrangements are made for permanent legal access, to the satisfaction of the local government.
- (2) The responsible authority shall be satisfied arrangements for vehicle access are acceptable including the location of access points and construction, with regard to the impact of the proposed land use and expected traffic volume and composition on traffic flow and safety, the character and function of the road, the volume and the width of the carriageway and visibility; and the ultimate volume and type of traffic generated by the development.

37. Signage and advertisements

- (1) Advertisements that advertise goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, but excluding political signage during elections, are prohibited.
- (2) Despite subclause (2), the local government will consider applications for development approval for advertisements on 'third party land' for a temporary period. The local government will have regard to the relevant Local Planning Policy.

38. Landscaping

- (1) Where landscaping is required under this Scheme or pursuant to a development approval, it shall be -
 - (a) provided in a location and standard to the satisfaction of the local government; and
 - (b) carried out at the time of the development or at such other time as may be agreed in writing between the proponent and the local government and shall thereafter be maintained to the satisfaction of the local government.
- (2) At the discretion of the local government, the landscaping requirement may include areas of natural bushland, and areas under covered ways and access driveways between a street alignment and any buildings, however garbage collection and handling spaces, other open storage areas and other driveways and parking areas shall not be included.
- (3) In order to improve the environmental amenity of areas that local government considers deficient in tree cover, local government may require as a condition of any development approval, the planting of such trees and/or groups of trees and species as specified by the local government which may include native vegetation re-establishment and/or drainage measures where considered necessary by the relevant public agency or local government.

39. General appearance of buildings and preservation of amenity

The local government may place conditions on any development approval granted to ensure the development will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality which may address matters including -

- (a) design and appearance of the development including screening of areas used for servicing, storage and waste management;
- (b) the colour or type of materials to be used on exposed surfaces;
- (c) and the height, bulk and massing of any building;
- (d) managing and controlling impacts of development; and
- (e) the condition of a repurposed dwelling or second-hand dwelling so that it does not adversely affect the amenity of the locality,

40. Ancillary dwellings

An ancillary dwelling on land which the R-Codes do not apply must be no greater than 100m², be co-located with the single house, must allow for the continued use of the lot for rural purposes on a rural lot and shall be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

41. Caretaker's dwellings

Caretaker's dwellings shall be -

- (a) limited to one (1) dwelling per lot;
- (b) a maximum plot ratio area of 100m²; and
- (c) incidental to the predominant use of the site.

42. Workforce accommodation

Applications for development approval for workforce accommodation shall address the following to the satisfaction of the local government -

- (a) the demonstrated need for workers accommodation necessary for the continued operation of an industry;
- (b) the suitability of the site to be developed for the proposed use;
- (c) the suitable siting of the land use in the context of surrounding existing and proposed land uses to avoid landscape impacts and land use conflicts;
- (d) all services to the dwellings from the lot boundary (including access and egress by vehicles and pedestrians) are to be shared, where applicable;
- (e) be located to minimise any amenity impacts from noise, dust, odour and light spill from the predominant land use;
- (f) maintain the amenity of the locality;
- (g) comply with the development standards of this Scheme or any R-code standards applicable; and
- (h) appropriate facility design and use including provision and/or access to recreation, entertainment and community services.

43. Dwellings without reticulated mains water supply

- (1) Where any dwelling is proposed to be constructed on a lot which cannot be connected to a reticulated mains water supply, that dwelling shall be provided with sufficient roof catchment or other methods acceptable to the local government and the provision of a rain water tank with a minimum capacity of 135,000 litres prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of potable water.
- (2) Where additional water supplies are required for fire-fighting purposes, the capacity of the rainwater tank shall be a minimum of 10,000 litres in addition to the minimum tank size specified in clause xx along with sufficient roof catchment or other methods of water capture acceptable to the local government.

44. Servicing

Development is to be serviced with power, water supply and wastewater and effluent disposal to a level commensurate with the intended land use, with arrangements in place to the satisfaction of the responsible authority and relevant agencies and in accordance with the below subclauses.

45. Waterway resource management and protection

- (1) In considering a development application which may have an impact on any water resources including waterways such as rivers, creeks, drainage lines, swamps and other wetlands, the local government shall have regard to -
- (a) managing water balance;
 - (b) maintaining and where possible enhancing water quality;
 - (c) encouraging water conservation;
 - (d) maintaining and where possible enhancing water related environmental values, recreational and cultural values; and
 - (e) advice from relevant government agencies.
- (2) The local government may require proponents to -
- (a) prepare a foreshore management plan, drainage strategy or other document to manage impacts of proposed development and subdivision and will require the proponent, or other agreed party, to appropriately implement the plan or strategy to the satisfaction of the local government;
 - (b) undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water management and protection issues.

46. Development adjoining a main road or railway

Development of noise-sensitive land uses adjoining a main road or railway may require assessment against State Planning Policy 5.4 - Road and Rail Noise to determine the likely impact of transport noise, and any required noise mitigation measures required.

47. Mining operations

In considering proposals to commercially extract minerals, the local government may, in keeping with s120 of the Mining Act 1978, exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

48. Regional Facilities

Where there are proposals including scheme amendment or development applications for a regional facility such as waste facilities and resource recovery facilities, the following shall be demonstrated -

- (a) facilities shall be located on a main road or on a road that is of a suitable standard and treatment, to accommodate significant increase in traffic volumes and freight tasks which may be generated by the

- proposal;
- (b) facilities shall contain or satisfactorily manage potential environmental (including water resources), noise, amenity and air quality impacts on the landholding without affecting nearby rural land uses;
- (c) facilities shall not be visually dominant within key viewsheds, and should be visually compatible with surrounding land uses and development; and
- (d) facilities shall be provided with essential services commensurate with the intended land use.

49. Development in the Rural Townsite zone

Non-residential development in the Rural Townsite zone shall meet the following site requirements -

Maximum Plot Ratio	Minimum Setback (metres)			Minimum Landscaping % of site
	Front	Side	Rear	
0.5	15	5	7.5	10%

50. Development in the Rural Residential Zone

- (1) The local government may require a Structure Plan to be prepared by the proponent and approved in the Rural Residential Zone prior to ~~any development or~~ subdivision being approved where detailed planning is required to ensure coordinated development and address matters such as access, servicing, land use, environmental impact and bushfire risk.
- (2) All development in the Rural Residential zone must be located within any building envelope or outside of any building exclusion area approved (as may be shown on an approved Structure Plan, Local Development Plan or approved building envelope plan), except for -
 - (a) provision of a suitable access way to the building envelope;
 - (b) rainwater tanks;
 - (c) provision of suitable boundary fencing; and
 - (d) implementation of an approved bushfire management plan or any other general bushfire requirements.
- (3) The local government may grant development approval for variation to subclause 3 under clause 32 where -
 - (a) the objectives of the zone are not compromised;
 - (b) the visual amenity and rural character of the locality;
 - (c) development within the proposed new building envelope will not increase bushfire risk; and
 - (d) the proposed size and location of the envelope can accommodate future development, including on-site

sewerage disposal systems and water supply tanks, and not have a detrimental effect on the environment.

- (4) Building envelopes and building exclusion areas in the Rural Residential Zone, shall be defined for maximum flexibility for building location, but subject to -
 - (a) avoidance of impacts to significant landscape and environmental elements;
 - (b) avoidance of impacts to areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding;
 - (c) building setback requirements of the Scheme unless appropriately justified by the proponent to the satisfaction of the local government; and
 - (d) where possible, positioning any building envelope to maximise the separation distance to adjoining agricultural land and to address bushfire risk.
- (5) Unless otherwise specified by an approved structure plan, local development plan or approved building envelope plan, the building setbacks from lot boundaries in the Rural Residential Zone shall be a minimum of -
 - (a) 15 metres from primary street boundaries; and
 - (b) 10 metres from other boundaries.
- (6) A reduction of the setbacks requirements may be permitted in the Rural Residential Zone where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.
- (12) Boundary fencing within the Rural Residential zone shall be post and minimum four strand wire, 1.0 to 1.3 metres high, or post and ring lock or similar approved by the local government. Solid fencing such as super six or pickets shall not be permitted on boundaries and shall only be permitted in proximity to buildings where the local government determines that it will not adversely affect the amenity of the area.

~~4.12.4 An 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.~~

~~4.12.5 The Structure Plan will need to contain the information listed in local government's Local Planning Policy - Rural Residential Development.~~

~~4.12.6 All subdivision in the Rural Residential zone shall have a minimum lot size of 4 ha unless it is demonstrated that the lots can be connected to a reticulated water supply.~~

~~4.12.7 All development, including a single house will require an application for development approval to be made to local government unless it is within a defined building envelope accepted by local government and be subject to the provisions of Part 7 of the deemed provisions.~~

~~AMD 4 CG 22/01/19~~

(14) In the Rural Residential zone in order to conserve the rural environment of features of natural beauty all native trees shall be retained unless their removal is authorised by local government and relevant public agencies and is associated with approved works, vehicle access or required bushfire mitigation measures or the trees are dead, diseased or dangerous.

~~4.12.9 Development proposals will need to have due regard to the EPA Position Statement No. 2 Environmental Protection of Native Vegetation in Western Australia.~~

~~4.12.10 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.~~

51. Development in the Rural ~~General Agriculture~~ Zone

(1) Development in the Rural zone shall conform to the following setback requirements -

- (a) 30 metres from road boundaries;
- (b) 20 metres from other boundaries; and
- (c) 50 metres from a boundary with State Forest, or reserved land managed for conservation purposes.

(2) A reduction of the setbacks requirements may be permitted in the Rural zone where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.

(3) The local government may grant development approval of up to two dwellings regardless of the dwelling type (e.g. grouped dwellings, caretakers dwellings, repurposed dwellings; second-hand dwelling or combinations there of) on any lot in the Rural zone, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are employed in those specified predominant land uses or activities. This clause does not apply to ancillary dwellings which can be approved in addition to the two dwellings.

(4) Notwithstanding sub-clause (3), the local government may consider, if

appropriately justified by the applicant, a third dwelling (regardless of the dwelling type) on a lot in the Rural Zone where one of the existing dwellings forms part of a heritage protected place and where there is a suitable agreement, to the satisfaction of the local government (in consultation if appropriate with the Heritage Council), to conserve and appropriately maintain the heritage significance of the dwelling.

- (5) When considering an application for more than one dwelling in accordance with sub clause 3 and 4 and regardless of the dwelling type in the Rural zone, the local government will have regard to -
- (a) the size of the subject land and its capacity to operate as a farm where used for agricultural production;
 - (b) bushfire risks;
 - (c) compatibility with adjoining and nearby uses;
 - (d) the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;
 - (e) the landscape values of the area and any impact of the proposal upon these values;
 - (f) access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable; and
 - (g) the existence of more than one (1) dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.
- (6) The above provisions do not preclude the local government from considering proposals for workforce accommodation in the Rural zone.

~~4.11.2 Applications for agriculture intensive land uses shall demonstrate the following:-~~

- ~~(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 responsible for 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 local government.~~

~~4.11.3 Notwithstanding the specific provisions of the Scheme or any Local Planning Policies detailed within the Scheme, local government 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.~~

~~4.11.5 Local government may also require tree planting and/or drainage measures in designated areas through its Local Planning Policy Natural Resource Management.~~

~~4.11.6 Areas designated under the provisions of Sub Clause 4.11.5 shall be identified on the~~

~~4.9 Categories of Development or Development in Areas Affected by Local Planning Policies~~

~~Where local government 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 local government in determining applications for development approval in addition to the relevant provisions of the Scheme.~~

~~4.11 Amenity Provisions 4.10.1~~

Part 5 — Special control areas

52. Special control areas

There are no special control areas which apply to this Scheme.

Part 6 — Terms referred to in Scheme

Division 1 — General definitions used in Scheme

53. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows —

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

cabin means a dwelling forming part of a tourist development or caravan park that is —

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

chalet means a dwelling forming part of a tourist development or caravan park that is —

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests;

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

floor area has meaning given in the Building Code;

minerals has the meaning given in the *Mining Act 1978* section 8(1);

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 incidental;

retail means the sale or hire of goods or services to the public;

Scheme commencement day means the day on which this Scheme comes into effect under section 87(4) of the Act;

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

wholesale means the sale of goods or materials to be sold by others.

- (2) A word or expression that is not defined in this Scheme —
 - (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.

Division 2 — Land use terms used in Scheme

54. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows —

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 including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry — intensive;

agriculture — intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of 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);
- (d) aquaculture;

~~**amusement parlour** means premises —~~

- ~~(a) that are open to the public; and~~
- ~~(b) that are used predominantly for amusement by means of amusement machines including computers; and~~
- ~~(c) where there are 2 or more amusement machines;~~

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 alpacas, beef, dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) sheep or other livestock in feedlots, sheds or rotational pens and excludes 'agriculture – extensive';

art gallery means premises —

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

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 *Racing and Wagering Western Australia Act 2003*;

brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

bulky goods showroom means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and children's goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;

(xii) swimming pools;

or

(b) used to sell by retail goods and accessories if —

- (i) a large area is required for the handling, display or storage of the goods; or
- (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

car park means premises used primarily for parking vehicles whether open to the public or not but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

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 a government department, an instrumentality of the State 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;

commercial vehicle parking means premises used for parking of one or 2 commercial vehicles but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

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 —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and

(b) operated during hours which include, but may extend beyond, normal trading hours; and

(c) the floor area of which does not exceed 300 m² 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 providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

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/lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —

(a) without further preparation; and

(b) primarily off the premises;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

(a) as a service station; or

(b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used —

(a) to prepare and store bodies for burial or cremation;

(b) to conduct funeral services;

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

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;

home store means a shop attached to a dwelling that —

- (a) has a net lettable area not exceeding 100 m²; and
- (b) is operated by a person residing in the dwelling;

hospital means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4);

hotel means premises providing accommodation the subject of a hotel license under the Liquor Licensing Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel.

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 premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

industry – light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

industry - rural means premises used for an industry that:

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production;

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;

liquor store — small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m²;

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 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;

motel means premises, which may be licensed under the *Liquor Control Act 1988* —

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

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 other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres;

motor vehicle wash means premises primarily used to wash motor vehicles;

nature based park means premises that are defined in the *Caravan Parks and Camping Grounds Regulations 1997*;

office means premises used for administration, clerical, technical, professional or similar business activities;

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997*;

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

reception centre means premises used for hosted functions on formal or ceremonial occasions;

recreation — private means premises that are —

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels);

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;

residential care facility means a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as

accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, but does not include a hospital, rehabilitation or psychiatric facility;

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste;

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or
- (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; or
- (c) smoking-related implements;

retirement village means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and land uses incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

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; and
- (f) dump points for the disposal of black and/or grey water from recreational vehicles.

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/hobby farm means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

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 other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

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;

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

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;

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement;

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

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/storage means premises including indoor or outdoor facilities used for —

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

waste disposal facility means premises used —

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste;

waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;

winery means premises used for the production of viticultural produce and associated 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.

55(2) A category of land use that is not defined in this Scheme –

- (a) has the meaning it has in Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015; or
- (b) if it is not defined in those Regulations – has the same meaning as it has in the R-Codes.

Schedule A - Supplemental provisions to the deemed provisions

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

61. Development approval is not required for works if -
- (a) the works are of a class specified in Column 1 of an item in the Table; and
 - (b) if conditions are set out in Column 2 of the Table opposite that item – all of those conditions are satisfied in relation to the works.

Table

	Column 1 – Works	Column 2 – Conditions
22	The erection or extension of a single house on a lot .	(a) a single house is a permitted ('P') use in the zone (where the R-Codes do not apply) in which that lot is located; (b) the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied; and (c) the works are not in a heritage-protected place or lot or location which does not have access to a dedicated and/or constructed road.
23	The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, deck, garage or carport on the same lot as a single house.	(a) a single house is a permitted ('P') use in the zone (where the R-Codes do not apply) in which that lot is located; (b) the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied; and (c) the works are not in a heritage-protected place.
24	The erection or installation of landscaping; letter boxes; or clothes lines where on the same lot as a single house or a grouped dwelling.	Where compliant with all relevant provisions in this Scheme
25	The erection or installation of advertisements.	Where exempt in Schedule 1 except in respect of a sign that is to be erected or installed in heritage protected place.
26	The minor filling, excavation or re-contouring of land.	(a) The Residential Design Codes do not apply (b) There is no more than 0.9 metres change to the natural ground level; (c) the works are not within a flood risk area; and (d) there are no other relevant scheme requirements

27	Retaining walls.	(a) The Residential Design Codes do not apply; and (b) There is no more than 0.9 metres change to the natural ground level.
28	Satellite dishes and other domestic telecommunication installation.	(a) The works comply with any relevant adopted standards outlined in a local planning policy; and (b) The works are not located in a heritage protected place.
29	The erection or placement of a sea container.	The works are in place for a maximum period of 3 months, unless it is associated with storing building materials to support building works approved by the local government.
30	Outbuildings.	(a) The Residential Design Codes do not apply; and (b) The works comply with any relevant adopted standards outlined in a local planning policy.
31	A dam.	(a) It is located in the Rural or Rural Residential zone for the purposes of water collection, storage, and use that is directly associated with a lawful land use, (b) It is not within 10 metres of a lot boundary or natural waterway; (c) It does not alter or affect waterways or water table; and (d) It does not direct runoff to areas other than the watercourse on site and/or impacts adjoining properties.

Clause 61(2)(i) Commercial vehicle parking involving one commercial vehicle per lot in the Rural Townsite or Rural Residential zones where it complies with the relevant development standards set out by the Scheme;

Clause 61(2)(j) 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.

Schedule 1 - Exempted Signage and Advertisements

Land use/works	Exempted sign type and number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum area of exempted sign
Dwellings	One professional name-plate as appropriate.	0.2m ²
Bed and Breakfast, Home Occupation, Holiday House, Family Day Care, Industry-Cottage, and other business operating from a dwelling	One advertisement describing the nature of the business operating from a dwelling.	0.2m ²
Community Purpose, Place of Worship and community related use	One advertisement detailing the function and/or the activities of the use/institution concerned.	0.2m ²
Exhibition Centre	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Bulky Goods Showroom, Shop, Convenience Store and other commercial uses	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 2.5 metres from the ground level of the building subject to compliance with Local Planning Policy	N/A
Industrial and Warehouse/Storage premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or the local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body;	N/A
	b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the local government of a municipality; and	N/A

	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single house	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Temporary Signs	b) Advertising signs associated with traffic management for events provided signs are – (i) not placed on the road reserve (with the exception of directional signs); (ii) displayed for a period not exceeding 8 weeks; (iii) located to promote the safety of motorists, pedestrians and cyclists. b) Advertising signs associated with traffic management for works on roads.	N/A
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):		
(i) Dwellings and grouped dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
Property Transactions Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows. (a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
Shop	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

ADOPTION

Adopted by resolution of the Local Government 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 Local Government of the SHIRE OF CUBALLING at the meeting of the Council held on the 21st day of October 2004 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: _____

SHIRE OF CUBALLING

Local Planning Scheme No. 2

Updated to include AMD 5 GG 12/1/2021

Original Town Planning Scheme Gazettal
20 May 2005

SHIRE OF CUBALLING LPS NO. 2 - AMENDMENTS

AMD NO	GAZETT AL DATE	UPDATED		DETAILS
		WHEN	BY	
1	04/05/07	05/05/07	HA	Rezoning only
2	18/09/09	18/09/09	HA	Rezoning Only
3	05/06/18	06/06/18	ML D	Rezoning Lot 46 Forrest Street, Popanyinning from 'Public Purpose' reserve to 'Rural Townsite' zone with a residential density code of R10. Amend Scheme Map accordingly.
4	22/01/19	07/01/19	GM	<p>Delete Parts 2, 7, 8, 9, 10 and 11 in their entirety and Schedules 6, 7, 8 and 9 in their entirety.</p> <p>Delete the following definitions from Schedule 1, Dictionary of Defined Words and Expressions: advertisement; amenity; cultural heritage significance; local government; Local Planning Strategy; owner; premises; region scheme; Residential Design Codes; substantially commenced; and zone.</p> <p>Replace the definitions from Schedule 1 Dictionary of Defined Words and Expressions: plot ratio and Planning Act.</p> <p>Delete 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; industry - general; industry - extractive; industry - light; industry - mining; industry - rural; marine filling station; motor vehicle wash; night club; plantation; rural home business; shop; and telecommunications infrastructure.</p> <p>Add the following definitions to Schedule 1 Land Use Definitions: abattoir; ancillary dwelling; animal husbandry - intensive; bed and breakfast; child care premises; consulting rooms; family day care; grouped dwelling; holiday accommodation; holiday house; home business; home occupation; home office; hotel; industry; industry - extractive; industry - light; industry - primary production; mining operations; repurposed dwelling; road house; rural home business; second-hand dwelling; shop; single house; telecommunications infrastructure; transport depot; tree farm; and workforce accommodation.</p> <p>Delete reference to the following terms and replacing them with the corresponding terms throughout the Scheme text:</p> <p>planning approval to development approval planning application to development application single dwelling to single house council to local government outline development plan to structure plan Town Planning Act to Planning Act Town Planning Scheme to Local Planning Scheme Delete the preamble. Insert a new Schedule A - Supplemental Provisions with preamble and provisions</p>

AMD NO	GAZETTED DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>Amend the following clauses by removing the cross reference to the deemed provisions:</p> <p>Clause 3.4.1(b): Part 7 of the deemed provisions Clause 3.4.2(a): clause 67 of the deemed provisions Clause 4.3.2 'A': clause 64 of the deemed provisions Clause 4.3.3 Note 3: clause 67 of the deemed provisions Clause 4.4.2(b): clause 64 of the deemed provisions Clause 4.8(c): clause 80 of the deemed provisions Clause 4.9.2: clause 64 of the deemed provisions Clause 5.4.2: clause 64 of the deemed provisions Clause 5.6.2 (a): clause 64 of the deemed provisions Clause 5.6.3: clause 67 of the deemed provisions Clause 5.12.7: Part 7 of the deemed provisions</p> <p>Amend clause 1.5(g) by replacing 'First Schedule to the Town' to 'Schedule 7 of the Planning Act'.</p> <p>Delete the 'Note' in Clauses 4.8 and 4.11.</p> <p>Remove the following Use Classes and associated permissibility levels from the Zone Table in Clause 4.3: Agroforestry; Amusement parlour; Aquaculture; Betting agency; Cinema/theatre; Corrective institution; Dwelling; Funeral parlour; Hospital; Industry - general; Industry - mining; Industry - rural; Marine filling station; Motor vehicle wash; Nightclub; and Plantation.</p> <p>Insert the following land use terms and permissibility into the Zoning Table: Ancillary dwelling; Grouped dwelling; Holiday accommodation; Holiday house; Industry; Industry - primary production; Mining operations; Motor vehicle repair; Re-purposed dwelling; Roadhouse; Second-hand dwelling; Single house; Transport depot; Tree farm; and Workforce accommodation.</p> <p>Amend the permissibility of the following land uses in the Zoning Table: Agriculture – intensive; Caretaker's dwelling; Childcare premises; Consulting rooms; Convenience store; Educational establishment; Family day care; Home office; Industry – light; Industry – service; Market; Place of worship; Rural pursuit; Showroom; Telecommunications; infrastructure; Veterinary centre; Warehouse; and Winery.</p> <p>Modify the Development Table – General.</p> <p>Modify the heading in sub-clause 5.10.1 through deleting 'Relocated Second hand buildings' and replacing with 'Repurposed dwelling and second-hand dwelling'.</p> <p>Delete 'transported' in sub-clause 5.10.1 and replacing it with 'repurposed dwelling or second-hand dwelling'.</p> <p>Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.</p> <p>Update the Table of Contents and the List of Schedules.</p> <p>Insert reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering subclause (b) accordingly.</p> <p>Insert reference to the model and deemed provisions in clause 1.7.1 (b) by inserting new sub-clause (ii) and renumbering sub-clause (ii) accordingly.</p> <p>Delete current sub-clauses 5.7.1 - 5.7.3 and replace with new.</p>
5	12/1/2021	12/1/2021	MLD	Rezoning Lot 7 Alton Street, Lot 9 Alton Street, Lot 8 Austral Street, Lot 91

AMD NO	GAZETT AL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>Austral Street, Lot 92 Austral Street and Lot 90 Beeston Street from 'Rural Townsite R5' Zone to 'Rural Townsite R10' Zone and amending the Scheme Map accordingly.</p> <p>Rezoning a portion of Lot 56 Austral Street from the 'Local Road' Reserve to the 'Rural Townsite' Zone, allocating an R-Coding of 'R5' and amending the Scheme Map accordingly.</p> <p>Rezoning a portion of Lot 397 Beeston Street from the 'Local Road' Reserve to the 'Rural Townsite' Zone, allocating an R-Coding of 'R2.5' and amending the Scheme Map accordingly.</p>

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Shire of Cuballing Local Planning Scheme No. 2

Part 1 — Preliminary

1. Citation

This local planning scheme is the Shire of Cuballing Scheme No. 2.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the Gazette.

3. Scheme revoked

The following local planning scheme is revoked —

Shire of Cuballing Local Planning Scheme No. 1 gazetted on 18 February 1994.

4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note:

The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The Shire of Cuballing is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the scheme text), this Scheme includes the following —

(a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;

(b) the Scheme Map.

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to —

(a) set out the local government's planning aims and intentions for the Scheme area; and

- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are —

- (a) to encourage the sustainable development and expansion of the Cuballing and Popanyinning townsites to improve service viability while conserving or enhancing a strong sense of community;
- (b) to ensure that future subdivision and development within and near the Cuballing and Popanyinning townsites provide a broad range of housing and lifestyle choices that enhance the environment and character of the townsites;
- (c) to provide opportunities for planned, contained and sustainable rural residential and rural smallholding development with access to services and infrastructure within and abutting the existing town sites;
- (d) to assist employment and economic growth by facilitating the timely provision of suitable land for commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
- (e) 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;
- (f) to protect good quality agricultural soils suitable for sustainable production from inappropriate subdivision and development for non-agricultural purposes;
- (g) 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;

- (h) to protect the natural environment and biodiversity whilst ensuring appropriate development opportunities within the Shire are realised;
- (i) to manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses;
- (j) to safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area; and
- (k) to protect the existing local heritage by encouraging compatible development which will aid the restoration and retention of the property.

10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with other local planning schemes

There are no other local planning schemes of the Shire of Cuballing which apply to the Scheme area.

12. Relationship with region planning scheme

There are no region planning schemes which apply to the Scheme area.

Part 2 — Reserves

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local reserves

(1) In this clause —

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

(2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows —

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
State Forest	<ul style="list-style-type: none"> To identify areas of State Forest.
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.
Emergency Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services.
Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services.
Recreational	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of public recreational facilities.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Drainage / Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.

Reserve name	Objectives
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Special Purpose Reserve	<ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification.

15. Additional uses for local reserves

There are no additional uses for land in local reserves that apply to this Scheme.

Part 3 — Zones and use of land

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows —

Table 2 - Zone objectives

Zone name	Objectives
Rural	<ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

Zone name	Objectives
Rural Residential	<ul style="list-style-type: none"> To provide for lot sizes in the range of 1 ha to 4 ha. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Townsite	<ul style="list-style-type: none"> To provide for a range of land uses that would typically 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 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.

17. Zoning table

The zoning table for this Scheme is as follows —

Table 3 - Zoning Table

LAND USE	Rural Townsite	Rural Residential	General Agriculture Rural
Abattoir	X	X	A
Agriculture – extensive	X	X	P
Agriculture – intensive	X	A	D
Ancillary dwelling	P	D	D
Animal establishment	X	A	D
Animal husbandry – intensive	X	X	A
Art Gallery	D	A	D
Bed and breakfast	P A	P A	P D
Betting agency	A	X	X
Brewery	A	A	A
Bulky Goods showroom	D	X	X
Caravan park	A	A	A X
Caretaker's dwelling	D	X	D
Car park	A	A	X
Child care premises	D	A	X
Cinema/theatre	D	X	X
Civic use	P D	P D	P D
Club premises	D	D	D
Commercial vehicle parking	D	D	P

LAND USE	Rural Townsite	Rural Residential	General Agriculture Rural
Community purpose	D	D	D
Consulting rooms	DA	A	AX
Convenience store	DA	X	X
Corrective institution	X	X	A
Educational establishment	A	A	A
Exhibition centre	D	D	D
Family day care	DA	DA	XD
Fast food outlet/lunch bar	D	X	X
Fuel depot	D	X	D
Funeral parlour	A	X	X
Garden centre	A	A	D
Grouped dwelling	D	DX	XD
Holiday accommodation	A	A	A
Holiday house	A	A	A
Home business	DA	DA	P
Home occupation	P	P	P
Home office	P	P	P
Home store	DA	X	X
Hospital	A	X	X
Hotel	A	X	X
Industry	A	X	A
Industry - cottage	D	D	D
Industry - extractive	X	X	A
Industry - light	D	X	A
Industry - primary production rural	X	X	D
Industry - service	D	X	A
Liquor store	D	X	X
Lunch bar	D	X	X
Market	AD	X	D
Medical centre	DA	X	X
Mining operations	XD	XD	AD
Motel	DA	X	X
Motor vehicle, boat or caravan sales	D	X	X
Motor vehicle repair	A	A	D
Motor vehicle wash	A	X	X
Nature based park	X	X	D
Office	D	X	X
Park home park	A	X	A
Place of worship	DA	A	A
Public Utility	A	A	A
Reception centre	DA	A	A
Recreation - private	D	D	D
Renewable energy facility	X	X	A
Re purposed dwelling	D	D	D
Residential building	PD	PD	PD
Residential care facility	A	X	X
Resource recovery centre	A	X	D
Restaurant/cafe	D	A	A
Restricted premises	A	X	X
Retirement village	D	X	X
Road house	DA	AX	A

LAND USE	Rural Townsite	Rural Residential	General Agriculture Rural
Rural home business	X	D	D
Rural pursuit/hobby farm	P	P	P
Second hand dwelling	D	D	D
Service station	DA	AX	X
Shop	P	X	X
Showroom	D	X	A
Single house	P	P	P
Small bar	D	X	X
Tavern	DA	X	X
Telecommunications infrastructure	D	D	D
Tourist development	A	X	A
Trade display	D	X	D
Trade supplies	A	X	A
Transport depot	X	AX	A
Tree farm	X	X	A
Veterinary centre	DA	A	A
Warehouse/storage	DA	X	AD
Waste disposal facility	X	X	A
Waste storage facility	A	X	D
Winery	A	A	A
Workforce accommodation	A	X	A

18. Interpreting zoning table

(1) The permissibility of uses of land in the various zones in the Scheme area 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.

(2) The symbols used in the zoning table have the following meanings —

P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;

D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;

X means that the use is not permitted by this Scheme.

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.

(3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —

(a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or

(b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or

(c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

(5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

(6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —

(a) a structure plan;

(b) a local development plan

19. Additional uses

There are no additional uses for zoned land that apply to this Scheme.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

(1) The Table sets out —

(a) special use zones for specified land that are in addition to the zones in the zoning table; and

(b) the classes of special use that are permissible in that zone; and

(c) the conditions that apply in respect of the special uses.

Table 4 - Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU 1	Pt Lot 244 Ridley Street, Cuballing	Dwelling Single House Home Business Home Occupation Home Office Home Store	All use and development shall be in accordance plans, and conditions approved by the local government. No alterations or extensions to the land use shall be undertaken without the approval of the local government.

(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note:

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

22. Non-conforming uses

(1) Unless specifically provided, this Scheme does not prevent —

(a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or

(b) the carrying out of development on land if —

(i) before the commencement of this Scheme, the development was lawfully approved; and

(ii) the approval has not expired or been cancelled.

(2) Subclause (1) does not apply if —

(a) the non-conforming use of the land is discontinued; and

(b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

(3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government —

(a) purchases the land; or

(b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

(1) A person must not, without development approval —

(a) alter or extend a non-conforming use of land; or

- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

(2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

(3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

(1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

(2) A register prepared by the local government must set out the following —

- (a) a description of each area of land that is being used for a non-conforming use;
- (b) a description of any building on the land;
- (c) a description of the non-conforming use;
- (d) the date on which any discontinuance of the non-conforming use is noted.

(3) If the local government prepares a register under subclause (1) the local government —

- (a) must ensure that the register is kept up-to-date; and
- (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.

(3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

(4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 — General development requirements

25. R-Codes

(1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.

(2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.

(2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.

(4) The R-Codes apply to an area if —

(a) the area has a coding number superimposed on it in accordance with subclause (3); or

(b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

There are no modifications to the R-Codes.

27. State Planning Policy 3.6 to be read as part of Scheme

(1) State Planning Policy 3.6 — Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.

(2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.

(3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

There are no other State planning policies that are to be read as part of the Scheme.

30. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

31. Environmental conditions

There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.

32. Site and Development Requirements

To the extent that a requirement referred to in clauses 34 to 51 is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in clauses 34 to 51 prevails.

33. Variations to site and development requirements

(1) In this clause —

additional site and development requirements means requirements set out in this Scheme, except does not apply to land use permissibility under the zoning table or development to which the R-Codes apply.

(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.

(3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.

(4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —

(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and

(b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —

(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and

(b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

34. Car parking and vehicle access requirements

(1) Car parking shall be provided, in accordance with Table 5 and in accordance with the standards and requirements, including parking space layouts and dimensions, as set out in the relevant Australian Standard.

(2) The local government may require the provision of spaces for cycle racks and vehicles for the disabled as considered necessary.

- (3) Where land is to be developed or used for purposes not mentioned in Table 5, or where a standard or requirement is not specified in the Scheme, the local government shall determine in each case the number of spaces to be provided on the land having due regard to the -
- (a) nature of the proposed development;
 - (b) number of employees or others likely to be employed or engaged in the use of the land;
 - (c) anticipated demand for visitor parking; and
 - (d) orderly, proper and sustainable planning of the area.
- (4) Car parking requirements shall be provided on the site the subject of the proposed development or land use, or in the immediate vicinity thereof provided that arrangements for the permanent retention of that parking can be set in place to the satisfaction of the local government.
- (5) The size of car parking spaces and the vehicular driveways providing entry to, or exit from, a parking area shall meet the minimum requirements set out in Table 6.
- (6) Where an applicant can demonstrate to the satisfaction of the local government that there is not the demand for the number of parking spaces specified in Table 5, or that other off-street parking facilities are available and that these facilities can be shared with a nearby land use, the local government may vary parking requirements specified in Table 5.
- (7) All parking, loading and access areas shall be constructed prior to occupation of the development or at such time as may be agreed in writing between the local government and the proponent. Such areas shall be maintained by the landowner to the satisfaction of the local government.
- (8) Where the local government is satisfied that an application for development approval cannot provide the minimum car parking requirements on site, the local government may accept a cash payment in lieu of the provision of car parking spaces, subject to requirements specified by a local planning policy.

Table 5: Car parking requirements

Use	Minimum Number of Parking Spaces to be Provided
Bed and Breakfast	1 per bedroom
Caravan Park	1.25 per unit, bay or tent site
Civic Use	1 per 40m ² Gross Floor Area (GFA)
Club Premises	1 per 50m ² GFA, or where licensed: 1 per 5m ² and other activity area
Consulting Rooms / Medical Centre	4 per practitioner for the first practitioner and 2 bays for each practitioner thereafter
Family Day Care	1 per staff member + 2 extra spaces for the picking up and setting down of persons
Fast Food Outlet/Lunch Bar	1 per 4 seated patrons
Recreation – private	1 per 40m ² GFA

Hotel	1 per 5m ² public area + 1 per bedroom
Industry	1 per 100m ² GFA
Light & Service Industry	1 per 50m ² GFA
Liquor Store	1 per 40m ² GFA
Motel	1 per unit + 1 per 25m ² service area
Office	1 per 40m ² GFA
Cinema / theatre	1 per 4 seats provided
Place of Worship	1 per 4 seats provided
Residential	As per the Residential Design Codes
Restaurant/café	1 per 4 patrons
Service Station	1 per 200m ² gross site area
Shop	1 per 40m ² GFA
Bulky goods showroom	1 per 50m ² GFA
Tourist Development	1 per unit or dwelling + 1 space per staff member
Tavern	1 per 5m ² public area
Veterinary Centre	4 per practitioner
Warehouse / storage	1 per 100m ² GFA
Other Uses Not Listed	Determined by the local government after consideration of the parking need generated by the use and/or outlined in a Local Planning Policy.

Table 6 - Parking dimensions

Parking angle	Width of bay (m)	Length of bay (m)	Depth of bay (m)	Minimum manoeuvring depth (m)	Minimum total depth (m)
(a) One-way access					
90°	2.6	5.5	5.0	5.9	11.4
75°	2.6	5.5	6.0	5.3	11.3
60°	2.6	5.5	6.1	5.0	11.1
45°	2.6	5.5	6.1	3.6	9.7
30°	2.6	5.5	4.8	3.3	8.1
00° (parallel parking)	3.0	6.7	3.0	3.0	6.0
(b) Two-way access					
90°	2.6	5.5	5.5	6.0	11.5
75°	2.6	5.5	6.0	6.0	12.0
60°	2.6	5.5	6.1	6.0	12.1
45°	2.6	5.5	6.1	6.0	12.1
30°	2.6	5.5	4.4	6.0	10.4
00° (parallel parking)	3.0	6.7	3.0	6.0	9.0

35. Commercial vehicle parking

For lots containing and/or adjacent a dwelling in the Rural Townsite zone and within the Rural Residential zone, commercial vehicles shall comply with the following -

- (a) the commercial vehicle is located on freehold land;
- (b) the vehicle forms an essential part of the lawful occupation of the occupant of the single house or grouped dwelling and that occupation, if carried on upon the site, does not contravene the provisions of this Scheme;
- (c) the vehicle is not brought or taken from the lot between the hours of midnight and 6:00am; and
- (d) the vehicle is not carrying any residue hazardous or noxious material.

36. Development of land without constructed/dedicated road frontage or access

- (1) In considering a development application 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, the local government may -

- (a) place conditions to require access by means of a dedicated or constructed road or require road construction;
- (b) where dedicated road access is available, grant development approval 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 appropriate; or
- (c) require other legal arrangements are made for permanent legal access, to the satisfaction of the local government.

- (2) The responsible authority shall be satisfied arrangements for vehicle access are acceptable including the location of access points and construction, with regard to the impact of the proposed land use and expected traffic volume and composition on traffic flow and safety, the character and function of the road, the volume and the width of the carriageway and visibility; and the ultimate volume and type of traffic generated by the development.

37. Signage and advertisements

- (1) Advertisements that advertise goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, but excluding political signage during elections, are prohibited.

- (2) Despite subclause (2), the local government will consider applications for development approval for advertisements on 'third party land' for a temporary period. The local government will have regard to the relevant Local Planning Policy.

38. Landscaping

- (1) Where landscaping is required under this Scheme or pursuant to a development approval, it shall be -
- (a) provided in a location and standard to the satisfaction of the local government; and
 - (b) carried out at the time of the development or at such other time as may be agreed in writing between the proponent and the local government and shall thereafter be maintained to the satisfaction of the local government.
- (2) At the discretion of the local government, the landscaping requirement may include areas of natural bushland, and areas under covered ways and access driveways between a street alignment and any buildings, however garbage collection and handling spaces, other open storage areas and other driveways and parking areas shall not be included.
- (3) In order to improve the environmental amenity of areas that local government considers deficient in tree cover, local government may require as a condition of any development approval, the planting of such trees and/or groups of trees and species as specified by the local government which may include native vegetation re-establishment and/or drainage measures where considered necessary by the relevant public agency or local government.

39. General appearance of buildings and preservation of amenity

The local government may place conditions on any development approval granted to ensure the development will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality which may address matters including -

- (a) design and appearance of the development including screening of areas used for servicing, storage and waste management;
- (b) the colour or type of materials to be used on exposed surfaces;
- (c) and the height, bulk and massing of any building;
- (d) managing and controlling impacts of development; and
- (e) the condition of a repurposed dwelling or second-hand dwelling so that it does not adversely affect the amenity of the locality.

40. Ancillary dwellings

An ancillary dwelling on land which the R-Codes do not apply must be no greater than 100m², be co-located with the single house, must allow for the continued use of the lot for rural purposes on a rural lot and shall be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

41. Caretaker's dwellings

Caretaker's dwellings shall be -

- (a) limited to one (1) dwelling per lot;
- (b) a maximum plot ratio area of 100m²; and
- (c) incidental to the predominant use of the site.

42. Workforce accommodation

Applications for development approval for workforce accommodation shall address the following to the satisfaction of the local government -

- (a) the demonstrated need for workers accommodation necessary for the continued operation of an industry;
- (b) the suitability of the site to be developed for the proposed use;
- (c) the suitable siting of the land use in the context of surrounding existing and proposed land uses to avoid landscape impacts and land use conflicts;
- (d) all services to the dwellings from the lot boundary (including access and egress by vehicles and pedestrians) are to be shared, where applicable;
- (e) be located to minimise any amenity impacts from noise, dust, odour and light spill from the predominant land use;
- (f) maintain the amenity of the locality;
- (g) comply with the development standards of this Scheme or any R-code standards applicable; and
- (h) appropriate facility design and use including provision and/or access to recreation, entertainment and community services.

43. Dwellings without reticulated mains water supply

(1) Where any dwelling is proposed to be constructed on a lot which cannot be connected to a reticulated mains water supply, that dwelling shall be provided with sufficient roof catchment or other methods acceptable to the local government and the provision of a rain water tank with a minimum capacity of 135,000 litres prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of potable water.

(2) Where additional water supplies are required for fire-fighting purposes, the capacity of the rainwater tank shall be a minimum of 10,000 litres in addition to the minimum tank size specified in clause xx along with sufficient roof catchment or other methods of water capture acceptable to the local government.

44. Servicing

Development is to be serviced with power, water supply and wastewater and effluent disposal to a level commensurate with the intended land use, with arrangements in place to the satisfaction of the responsible authority and relevant agencies and in accordance with the below subclauses.

45. Waterway resource management and protection

(1) In considering a development application which may have an impact on any water resources including waterways such as rivers, creeks, drainage lines, swamps and other wetlands, the local government shall have regard to -

- (a) managing water balance;
- (b) maintaining and where possible enhancing water quality;
- (c) encouraging water conservation;
- (d) maintaining and where possible enhancing water related environmental values, recreational and cultural values; and
- (e) advice from relevant government agencies.

(2) The local government may require proponents to -

- (a) prepare a foreshore management plan, drainage strategy or other document to manage impacts of proposed development and subdivision and will require the proponent, or other agreed party, to appropriately implement the plan or strategy to the satisfaction of the local government;
- (b) undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water management and protection issues.

46. Development adjoining a main road or railway

Development of noise-sensitive land uses adjoining a main road or railway may require assessment against State Planning Policy 5.4 - Road and Rail Noise to determine the likely impact of transport noise, and any required noise mitigation measures required.

47. Mining operations

In considering proposals to commercially extract minerals, the local government may, in keeping with s120 of the Mining Act 1978, exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

48. Regional Facilities

Where there are proposals including scheme amendment or development applications for a regional facility such as waste facilities and resource recovery facilities, the following shall be demonstrated -

- (a) facilities shall be located on a main road or on a road that is of a suitable standard and treatment, to accommodate significant increase in traffic volumes and freight tasks which may be generated by the

- proposal;
- (b) facilities shall contain or satisfactorily manage potential environmental (including water resources), noise, amenity and air quality impacts on the landholding without affecting nearby rural land uses;
 - (c) facilities shall not be visually dominant within key viewsheds, and should be visually compatible with surrounding land uses and development; and
 - (d) facilities shall be provided with essential services commensurate with the intended land use.

49. Development in the Rural Townsite zone

Non-residential development in the Rural Townsite zone shall meet the following site requirements -

Maximum Plot Ratio	Minimum Setback (metres)			Minimum Landscaping % of site
	Front	Side	Rear	
0.5	15	5	7.5	10%

50. Development in the Rural Residential Zone

- (1) The local government may require a Structure Plan to be prepared by the proponent and approved in the Rural Residential Zone prior to ~~any development or~~ subdivision being approved where detailed planning is required to ensure coordinated development and address matters such as access, servicing, land use, environmental impact and bushfire risk.
- (2) All development in the Rural Residential zone must be located within any building envelope or outside of any building exclusion area approved (as may be shown on an approved Structure Plan, Local Development Plan or approved building envelope plan), except for -
 - (a) provision of a suitable access way to the building envelope;
 - (b) rainwater tanks;
 - (c) provision of suitable boundary fencing; and
 - (d) implementation of an approved bushfire management plan or any other general bushfire requirements.
- (3) The local government may grant development approval for variation to subclause 3 under clause 32 where -
 - (a) the objectives of the zone are not compromised;
 - (b) the visual amenity and rural character of the locality;
 - (c) development within the proposed new building envelope will not increase bushfire risk; and
 - (d) the proposed size and location of the envelope can accommodate future development, including on-site

sewerage disposal systems and water supply tanks, and not have a detrimental effect on the environment.

(4) Building envelopes and building exclusion areas in the Rural Residential Zone, shall be defined for maximum flexibility for building location, but subject to -

(a) avoidance of impacts to significant landscape and environmental elements;

(b) avoidance of impacts to areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding;

(c) building setback requirements of the Scheme unless appropriately justified by the proponent to the satisfaction of the local government; and

(d) where possible, positioning any building envelope to maximise the separation distance to adjoining agricultural land and to address bushfire risk.

(5) Unless otherwise specified by an approved structure plan, local development plan or approved building envelope plan, the building setbacks from lot boundaries in the Rural Residential Zone shall be a minimum of -

(a) 15 metres from primary street boundaries; and

(b) 10 metres from other boundaries.

(6) A reduction of the setbacks requirements may be permitted in the Rural Residential Zone where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.

(12) Boundary fencing within the Rural Residential zone shall be post and minimum four strand wire, 1.0 to 1.3 metres high, or post and ring lock or similar approved by the local government. Solid fencing such as super six or pickets shall not be permitted on boundaries and shall only be permitted in proximity to buildings where the local government determines that it will not adversely affect the amenity of the area.

~~4.12.4 An 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.~~

~~4.12.5 The Structure Plan will need to contain the information listed in local government's Local Planning Policy - Rural Residential Development.~~

~~4.12.6 All subdivision in the Rural Residential zone shall have a minimum lot size of 4 ha unless it is demonstrated that the lots can be connected to a reticulated water supply.~~

~~4.12.7 All development, including a single house will require an application for development approval to be made to local government unless it is within a defined building envelope accepted by local government and be subject to the provisions of Part 7 of the deemed provisions.~~

~~AMD 4 CG 22/01/19~~

(14) In the Rural Residential zone in order to conserve the rural environment of features of natural beauty all native trees shall be retained unless their removal is authorised by local government and relevant public agencies and is associated with approved works, vehicle access or required bushfire mitigation measures or the trees are dead, diseased or dangerous.

~~4.12.9 Development proposals will need to have due regard to the EPA Position Statement No. 2 Environmental Protection of Native Vegetation in Western Australia.~~

~~4.12.10 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.~~

51. Development in the Rural General Agriculture Zone

(1) Development in the Rural zone shall conform to the following setback requirements -

- (a) 30 metres from road boundaries;
- (b) 20 metres from other boundaries; and
- (c) 50 metres from a boundary with State Forest, or reserved land managed for conservation purposes.

(2) A reduction of the setbacks requirements may be permitted in the Rural zone where, in the opinion of the local government, the topography, soil conditions, location or shape of the lot are such as to make adherence to the setback impractical, and the proposal otherwise meets the requirements of the Scheme.

(3) The local government may grant development approval of up to two dwellings regardless of the dwelling type (e.g. grouped dwellings, caretakers dwellings, repurposed dwellings; second-hand dwelling or combinations there of) on any lot in the Rural zone, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are employed in those specified predominant land uses or activities. This clause does not apply to ancillary dwellings which can be approved in addition to the two dwellings.

(4) Notwithstanding sub-clause (3), the local government may consider, if

appropriately justified by the applicant, a third dwelling (regardless of the dwelling type) on a lot in the Rural Zone where one of the existing dwellings forms part of a heritage protected place and where there is a suitable agreement, to the satisfaction of the local government (in consultation if appropriate with the Heritage Council), to conserve and appropriately maintain the heritage significance of the dwelling.

(5) When considering an application for more than one dwelling in accordance with sub clause 3 and 4 and regardless of the dwelling type in the Rural zone, the local government will have regard to -

- (a) the size of the subject land and its capacity to operate as a farm where used for agricultural production;
- (b) bushfire risks;
- (c) compatibility with adjoining and nearby uses;
- (d) the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;
- (e) the landscape values of the area and any impact of the proposal upon these values;
- (f) access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable; and
- (g) the existence of more than one (1) dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.

(6) The above provisions do not preclude the local government from considering proposals for workforce accommodation in the Rural zone.

~~4.11.2 Applications for agriculture intensive land uses shall demonstrate the following:-~~

- ~~(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 responsible for 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 local government.~~

~~4.11.3 Notwithstanding the specific provisions of the Scheme or any Local Planning Policies detailed within the Scheme, local government 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.~~

~~4.11.5 Local government may also require tree planting and/or drainage measures in designated areas through its Local Planning Policy – Natural Resource Management.~~

~~4.11.6 Areas designated under the provisions of Sub Clause 4.11.5 shall be identified on the~~

~~4.9 Categories of Development or Development in Areas Affected by Local Planning Policies~~

~~Where local government 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 local government in determining applications for development approval in addition to the relevant provisions of the Scheme.~~

~~4.11 Amenity Provisions 4.10.1~~

Part 5 — Special control areas

52. Special control areas

There are no special control areas which apply to this Scheme.

Part 6 — Terms referred to in Scheme

Division 1 — General definitions used in Scheme

53. Terms used

(1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows —

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

cabin means a dwelling forming part of a tourist development or caravan park that is —

(a) an individual unit other than a chalet; and

(b) designed to provide short-term accommodation for guests;

chalet means a dwelling forming part of a tourist development or caravan park that is —

(a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and

(b) designed to provide short-term accommodation for guests;

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

floor area has meaning given in the Building Code;

minerals has the meaning given in the Mining Act 1978 section 8(1);

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 incidental;

retail means the sale or hire of goods or services to the public;

Scheme commencement day means the day on which this Scheme comes into effect under section 87(4) of the Act;

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

wholesale means the sale of goods or materials to be sold by others.

(2) A word or expression that is not defined in this Scheme —

- (a) has the meaning it has in the Planning and Development Act 2005; or
- (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.

Division 2 — Land use terms used in Scheme

54. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows —

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 including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry — intensive;

agriculture — intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of 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);
- (d) aquaculture;

~~amusement parlour means premises —~~

~~(a) that are open to the public; and~~

~~(b) that are used predominantly for amusement by means of amusement machines including computers; and~~

~~(c) where there are 2 or more amusement machines;~~

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 alpacas, beef, dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) sheep or other livestock in feedlots, sheds or rotational pens and excludes 'agriculture — extensive';

art gallery means premises —

(a) that are open to the public; and

(b) where artworks are displayed for viewing or sale;

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 Racing and Wagering Western Australia Act 2003;

brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988;

bulky goods showroom means premises —

(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —

(i) automotive parts and accessories;

(ii) camping, outdoor and recreation goods;

(iii) electric light fittings;

(iv) animal supplies including equestrian and pet goods;

(v) floor and window coverings;

(vi) furniture, bedding, furnishings, fabrics, manchester and homewares;

(vii) household appliances, electrical goods and home entertainment goods;

(viii) party supplies;

(ix) office equipment and supplies;

(x) babies' and children's goods, including play equipment and accessories;

(xi) sporting, cycling, leisure, fitness goods and accessories;

(xii) swimming pools;

or

(b) used to sell by retail goods and accessories if —

(i) a large area is required for the handling, display or storage of the goods; or

(ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

car park means premises used primarily for parking vehicles whether open to the public or not but does not include —

(a) any part of a public road used for parking or for a taxi rank; or

(b) any premises in which cars are displayed for sale;

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 a government department, an instrumentality of the State 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;

commercial vehicle parking means premises used for parking of one or 2 commercial vehicles but does not include —

(a) any part of a public road used for parking or for a taxi rank; or

(b) parking of commercial vehicles incidental to the predominant use of the land;

community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

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 —

(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and

(b) operated during hours which include, but may extend beyond, normal trading hours; and

(c) the floor area of which does not exceed 300 m² 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 providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

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/lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —

(a) without further preparation; and

(b) primarily off the premises;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

(a) as a service station; or

(b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used —

(a) to prepare and store bodies for burial or cremation;

(b) to conduct funeral services;

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

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;

home store means a shop attached to a dwelling that —

- (a) has a net lettable area not exceeding 100 m²; and
- (b) is operated by a person residing in the dwelling;

hospital means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4);

hotel means premises providing accommodation the subject of a hotel license under the Liquor Licensing Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel.

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 premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

industry — light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

industry - rural means premises used for an industry that:

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production;

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;

liquor store — small means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300 m²;

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 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

mining operations means premises where mining operations, as that term is defined in the Mining Act 1978 section 8(1) is carried out;

motel means premises, which may be licensed under the Liquor Control Act 1988 —

(a) used to accommodate guests in a manner similar to a hotel; and

(b) with specific provision for the accommodation of guests with motor vehicles;

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 other than panel beating, spray painting or chassis reshaping of vehicles; or

(b) repairs to tyres other than recapping or re-treading of tyres;

motor vehicle wash means premises primarily used to wash motor vehicles;

nature based park means premises that are defined in the Caravan Parks and Camping Grounds Regulations 1997;

office means premises used for administration, clerical, technical, professional or similar business activities;

park home park means premises used as a park home park as defined in the Caravan Parks and Camping Grounds Regulations 1997;

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

reception centre means premises used for hosted functions on formal or ceremonial occasions;

recreation — private means premises that are —

(a) used for indoor or outdoor leisure, recreation or sport; and

(b) not usually open to the public without charge;

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels);

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;

residential care facility means a residential facility providing personal and/or nursing care primarily to aged or dependent persons which, as well as

accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. This may consist of multiple components that include residential respite (short-term) care, aged or dependent persons' dwellings and a retirement village, but does not include a hospital, rehabilitation or psychiatric facility;

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste;

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or
- (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; or
- (c) smoking-related implements;

retirement village means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and land uses incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

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; and
- (f) dump points for the disposal of black and/or grey water from recreational vehicles.

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/hobby farm means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

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 other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

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;

small bar means premises the subject of a small bar licence granted under the Liquor Control Act 1988;

tavern means premises the subject of a tavern licence granted under the Liquor Control Act 1988;

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;

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement;

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

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/storage means premises including indoor or outdoor facilities used for —

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

waste disposal facility means premises used —

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste;

waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;

winery means premises used for the production of viticultural produce and associated 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.

55(2) A category of land use that is not defined in this Scheme —

(a) has the meaning it has in Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015; or

(b) if it is not defined in those Regulations – has the same meaning as it has in the R-Codes.

Schedule A - Supplemental provisions to the deemed provisions

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

61. Development approval is not required for works if -

(a) the works are of a class specified in Column 1 of an item in the Table; and

(b) if conditions are set out in Column 2 of the Table opposite that item - all of those conditions are satisfied in relation to the works.

Table

	Column 1 – Works	Column 2 – Conditions
22	The erection or extension of a single house on a lot .	(a) a single house is a permitted ('P') use in the zone (where the R-Codes do not apply) in which that lot is located; (b) the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied; and (c) the works are not in a heritage-protected place or lot or location which does not have access to a dedicated and/or constructed road.
23	The erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, deck, garage or carport on the same lot as a single house.	(a) a single house is a permitted ('P') use in the zone (where the R-Codes do not apply) in which that lot is located; (b) the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied; and (c) the works are not in a heritage-protected place.
24	The erection or installation of landscaping; letter boxes; or clothes lines where on the same lot as a single house or a grouped dwelling.	Where compliant with all relevant provisions in this Scheme
25	The erection or installation of advertisements.	Where exempt in Schedule 1 except in respect of a sign that is to be erected or installed in heritage protected place.
26	The minor filling, excavation or re-contouring of land.	(a) The Residential Design Codes do not apply (b) There is no more than 0.9 metres change to the natural ground level; (c) the works are not within a flood risk area; and (d) there are no other relevant scheme requirements

27	Retaining walls.	(a) The Residential Design Codes do not apply; and (b) There is no more than 0.9 metres change to the natural ground level.
28	Satellite dishes and other domestic telecommunication installation.	(a) The works comply with any relevant adopted standards outlined in a local planning policy; and (b) The works are not located in a heritage protected place.
29	The erection or placement of a sea container.	The works are in place for a maximum period of 3 months, unless it is associated with storing building materials to support building works approved by the local government.
30	Outbuildings.	(a) The Residential Design Codes do not apply; and (b) The works comply with any relevant adopted standards outlined in a local planning policy.
31	A dam.	(a) It is located in the Rural or Rural Residential zone for the purposes of water collection, storage, and use that is directly associated with a lawful land use; (b) It is not within 10 metres of a lot boundary or natural waterway; (c) It does not alter or affect waterways or water table; and (d) It does not direct runoff to areas other than the watercourse on site and/or impacts adjoining properties.

Clause 61(2)(i) Commercial vehicle parking involving one commercial vehicle per lot in the Rural Townsite or Rural Residential zones where it complies with the relevant development standards set out by the Scheme;

Clause 61(2)(j) 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.

Schedule 1 - Exempted Signage and Advertisements

Land use/works	Exempted sign type and number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum area of exempted sign
Dwellings	One professional name-plate as appropriate.	0.2m ²
Bed and Breakfast, Home Occupation, Holiday House, Family Day Care, Industry-Cottage, and other business operating from a dwelling	One advertisement describing the nature of the business operating from a dwelling.	0.2m ²
Community Purpose, Place of Worship and community related use	One advertisement detailing the function and/or the activities of the use/institution concerned.	0.2m ²
Exhibition Centre	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Bulky Goods Showroom, Shop, Convenience Store and other commercial uses	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 2.5 metres from the ground level of the building subject to compliance with Local Planning Policy	N/A
Industrial and Warehouse/Storage premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or the local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body;	N/A
	b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority or the local government of a municipality; and	N/A

	c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single house	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Temporary Signs	b) Advertising signs associated with traffic management for events provided signs are – (i) not placed on the road reserve (with the exception of directional signs); (ii) displayed for a period not exceeding 8 weeks; (iii) located to promote the safety of motorists, pedestrians and cyclists. b) Advertising signs associated with traffic management for works on roads.	N/A
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows):		
(i) Dwellings and grouped dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
Property Transactions Advertisement signs displayed for the duration of a period over which property transactions are offered and negotiated as follows: (a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ² .
Shop	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

ADOPTION

Adopted by resolution of the Local Government 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 Local Government of the SHIRE OF CUBALLING at the meeting of the Council held on the 21st day of October 2004 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 AND SERVICES:

Nil

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil

Meeting adjourned 3.00 pm.

Mr Brian Harwood and the Deputy CEO, Mr Fred Steer, left the meeting at 3.00pm

Meeting Resumed behind closed doors

The Chief Executive Officer, Mr Scott, declared a Financial Interest in 12.1.1 as it relates to his Employment Contract.

12. CONFIDENTIAL MATTERS:

12.1.1	CEO Employment Contract & Key Performance Indicators
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Applicant:	CEO – Stan Scott
File Ref. No:	Personnel
Disclosure of Interest:	The matter relates to the CEOs employment conditions
Date:	5 April 2022
Author:	CEO- Stan Scott
Attachments:	12.1A Draft Key Performance Indicators 2022 12.1B Standards for Chief Executive Officer Recruitment, Performance and Termination

13. NEXT MEETING:

Ordinary Council Meeting, 2.00pm, Wednesday 18th May 2022 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

14. CLOSURE OF MEETING:

There being no further business, the Shire President, Cr Dowling, closed the meeting at 3.30pm