

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

## **Minutes**

**for the**

## **Ordinary Meeting of Council**

**held**

**2PM, WEDNESDAY 21<sup>st</sup> DECEMBER 2022**

Shire of Cuballing  
Council Chambers  
Campbell Street, Cuballing

These minutes were confirmed at the Ordinary Meeting held on Wednesday, 21st December 2022.

Signed.....

Cr Eliza Dowling, Shire President  
Wednesday, 21st December 2022

# **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:**

Meeting opened 2.02 pm

## **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  
Cr Dawson Bradford

President  
Deputy President

Mr Stan Scott  
Mr Bruce Brennan

Chief Executive Officer  
Manager of Works and Services

### **2.1.2 Apologies**

Mr Fred Steer

Deputy Chief Executive Officer

### **2.1.3 Leave of Absence**

## **3. STANDING ORDERS:**

### **COUNCIL DECISION 2022/133**

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

**Moved Cr Bradford**

**Seconded Cr Kowald**

**Carried 6/0**

## **4. PUBLIC QUESTION TIME:**

### **4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:**

Nil

### **4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:**

Nil



**4.3      PUBLIC QUESTIONS FROM THE GALLERY:**

Nil

**5.        APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

**6.        CONFIRMATION OF MINUTES:**

6.1.1      Ordinary Meeting of Council held on Wednesday 16 <sup>th</sup> November 2022
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**COUNCIL DECISION 2022/134**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday 16<sup>th</sup> November 2022 be confirmed as a true record of proceedings.**

**Moved Cr Christensen**

**Seconded Cr Dowdell**

**Carried 9/0**

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

Nil

## **8. DISCLOSURE OF FINANCIAL INTEREST:**

### **DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

### **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

*Cr Dowling submitted a Declaration of a Proximity Interest in relation to Item 9.2.6. She owns property adjacent to the applicant property.*

## **9. REPORTS OF OFFICERS AND COMMITTEES:**

### **9.1 DEPUTY CHIEF EXECUTIVE OFFICER:**

#### **9.1.1 List of Payments – November 2022**

File Ref. No: NA  
Disclosure of Interest: Nil  
Date: 13<sup>th</sup> December 2022  
Author: Nichole Gould  
Attachments: 9.1.1A List of November Municipal Accounts  
9.1.1B Credit Card Transactions

#### **Summary**

**Council is to review payments made under delegation in November 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 November 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 2022/135**

**That Council receives:**

1. the List of Accounts paid in October 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 \$464,757.27 included at Attachment 9.1.1A
2. a summary of transactions completed on Credit Cards by Council Staff for the period ending 4<sup>th</sup> October 2022 included at Attachment 9.1.1B

**Moved Cr Kowald**

**Seconded Cr Dowdell**

**Carried 6/0**

## LIST OF NOVEMBER 2022 MUNICIPAL FUND ACCOUNTS

Chq/EFT	Name	Description	Amount
EFT7450	Air Response	Supply & Install Toshiba RAS-22 Seiya Classic Split Inverter Air-conditioner	2,826.00
EFT7451	Country Paint Supplies	2 x 4lt Fish oil 2 x Mineral Turps	305.80
EFT7452	Cuby Tavern	Catering	130.00
EFT7453	Dews Mini Excavations	Excavator Hire to install culverts on the Cuballing East Road Excavator Hire for installing Culverts on the Cuballing East Road	3,135.00
EFT7454	Narrogin Agricultural Repairs	1 x Deck drive belt	65.00
EFT7455	Narrogin Toyota & Mazda	50,000km Service 0CN	377.04
EFT7456	Narrogin Country Fresh Meats	Catering	259.47
EFT7457	Intelife Group	Tree Mulching- various roads	42,075.00
EFT7458	Allan's Bobcat & Truck Hire	Grave Digging with excavator at Popanyinning cemetery	616.00
EFT7459	Builders Registration Board Building Commission	October 2022 Building Services Levy Remittance Advice	1,639.00
EFT7460	Busselton Advanced Driver Training	Road Ranger License Upgrade Course	1,795.00
EFT7461	C&D Cutri	Install culverts and Pre-cast headwalls on Cuballing East Road	6,138.00
EFT7462	Corsign (WA) Pty Ltd	Yornaning Dam Sign Phase 4 History interpretative signage bike trails as per graphic design	8,467.80
EFT7463	Cuby Roadhouse	Postage/Freight, fuel, catering - monthly account	1,270.29
EFT7464	Great Southern Fuel Supplies	Bulk Diesel Fuel Delivery	11,711.07
EFT7465	Hancocks Home Hardware	Monthly Account - 60L Tubs x 2, Insecticide Spray, Bypass secateurs and Wheelie Bin	149.10
EFT7466	Hanson Construction Materials	Washed 14mm Granite MRD Spec for Cuballing East Road Delivered to Short Road dump site	32,053.85
EFT7467	Landgate	Monthly Interim UV & GRV Scheduled Roll. 2022/2023	2,453.00
EFT7468	McDougall Weldments	Repairs to tow points for push pull stabilizer to hook on to	993.43
EFT7469	Narrogin Auto Electrics	Battery and terminals for Hino	431.07
EFT7470	Narrogin Cabinetmakers	Supply & Install new Storage Cabinet with Book shelving & integrated desk with shelf	7,568.00

<b>Chq/EFT</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT7471	Narrogin Earthmoving and Concrete	Drainage and spoil removal on Cuballing East Road with 30 ton excavator	10,914.75
EFT7472	Narrogin Freightlines	Freight Charges	267.55
EFT7473	Narrogin Pumps Solar and Spraying	Length of 1 inch see-through hose for water tank and float	88.84
EFT7474	Popanyinning General Store	Rates Incentive Prize	50.00
EFT7475	Parrys Narrogin	Staff Uniform	63.75
EFT7476	Popanyinning Progress Association	Leap Grant donation to bonfire 2022	1,500.00
EFT7477	Reinforced Concrete Pipes	Culvert Pipes and Headwalls	8,940.69
EFT7478	Shire of Narrogin	Disposal of Kerbside Collection Waste - Month of October	2,439.24
EFT7479	Shire of Pingelly	Meeting Procedures Training Course	275.00
EFT7480	Truck Centre (WA) Pty Ltd	20,000km service CN 272 UD Quon GW26 460	1,496.58
EFT7481	G.S. Hobbs Contracting	Hire of Final Trim Grader Operator & Machine GD655-5	13,835.25
EFT7482	Stallion Homes	October Progress Claim for Works completed at the Shire of Cuballing Independent Living Units	156,891.13
EFT7483	Quality Press	2 x burn permits books, pkt 10 private equipment books and 2x rolls vehicle ID stickers	326.70
EFT7484	G.S. Hobbs Contracting	Hire of Final Trim Grader Operator & Machine GD655-5	10,881.75
EFT7485	Cuby Tavern	Catering	289.00
EFT7486	DX Print Group Pty Ltd	Safe Work Statement books in duplicate 25s	583.00
EFT7487	Great Southern Fuel Supplies	Bulk Diesel Fuel Delivery	6,603.80
EFT7488	Great Southern Waste Disposal	Rubbish Removal - Household Service	7,199.13
EFT7489	H+H Architects	Design Services for Independent Aged Living Units	1,853.50
EFT7490	South West Fire Units	CN1992 'B' Service & repairs. Popanyinning LT	10,010.92
EFT7491	Air & Power	2 x Air Dryer inspection and service	1,521.25
EFT7492	BKS Electrical	Connect split system air-conditioner supplied by Air Response	550.00
EFT7493	Builders Registration Board Building Commission	BCITF Levy Payment Request Project No. 1225076 Lot 1395 West Yornaning Road, Cuballing	2,391.75
EFT7494	Cuby Tavern	Catering	130.00
EFT7495	Department of the Premier & Cabinet - State Law Publisher	Advertisement for the Government Gazette - Form 2 Tate to Crown	109.20

Chq/EFT	Name	Description	Amount
EFT7496	Dustex Australia Pty Ltd	1 x IBC pod 1000lt Dustex Dust Suppressant	2,068.00
EFT7497	G.S. Hobbs Contracting	Hire of Final Trim Grader Operator & Machine GD655-5	9,685.51
EFT7498	Great Southern Fuel Supplies	Bulk Unleaded Fuel Delivery	128.43
EFT7499	Griffin Valuation Advisory	Undertake Land, Building & Other Infrastructure Assets valuation for the Shire of Cuballing as at 30 June 2022	11,880.00
EFT7500	Hersey Safety Pty Ltd	2 x 15kg bags of rags 12 x heavy duty WD Lube 10 x glove clips 2 x 5lt hand cleaner 12 x bushman repellent 2 x hats 6 x fly nets 24 x magic trees 24 x stinga gloves 10 x coveralls 12 x rigger gloves 12 x lit grid gloves 12 x contact cleaner 2 x 100m string lines 1 x washer jet needle 2 x tech bit kits	2,080.10
EFT7501	Kalexpress & Quality Transport	Freight Charges - Dustex Australia	1,450.64
EFT7502	Marketforce	Advertisement for Plant Operator/General Hand. Narrogin Observer - Thursday 13/10/2022 & 20/10/2022	553.39
EFT7503	Melchiorre Plumbing and Gas	Replace faulty RPZ at Cuballing Standpipe	1,540.00
EFT7504	Narrogin Bearing Services	1 x v belt for Howard mower	87.47
EFT7505	Narrogin Earthmoving and Concrete	Dry Hire of Rubber tyred Roller	8,294.00
EFT7506	Narrogin Toyota & Mazda	1 x well body seal kit for Toyota Hilux. CN0	521.05
EFT7507	Narrogin Country Fresh Meats	Catering	156.61
EFT7508	Narrogin Pumps Solar and Spraying	8 metres of 75mm suction hose with two female camlock fittings	431.45
EFT7509	Popanyinning Progress Association	Support for Popanyinning Old time Dancing	1,200.00
EFT7510	Reinforced Concrete Pipes	Culverts and Headwalls	8,196.73
EFT7511	Repco Australia	2 x boxes wiper blades	103.40
EFT7512	South West Fire Units	CN1993 'B' Service & repairs. Popanyinning 4.4B	21,132.08
EFT7513	The West Australian	Bush Fire Directory Listing - FCOs	220.00
EFT7514	Unique Strokes WA	Scrape, sand down, fill & paint front fence	2,860.00
EFT7515	Wallis Computer Solutions	Warranty Extension for Server 2Yr ProSupport: NBD Onsite Service Extension Extended Warranty - 7th May 2025	3,839.98
EFT7516	Winc Australia Pty Limited	Stationery	202.66

<b>Chq/EFT</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT7517	Advanced Traffic Management (WA) Pty Ltd	Traffic control as per Schedule of rates for Cuballing East Road	31,471.20
20172	Shire of Cuballing	Building Permit Application Fees - Disability Access Ramp at Shire Office	246.36
20173	Shire of Cuballing	Petty Cash and Coles Card Recoup	283.35
20174	Synergy	Electricity Charges - Street Lights	682.52
20175	Shire of Cuballing	Demolition Permit - 74 Austral Street	259.37
20176	Water Corporation	Water Charges - Standpipe at Francis St	859.33
20177	Synergy	Electricity Charges - U 3 22 Campbell Street Cuballing	1,740.29
DD3295.1	Hostplus Super	Payroll deductions	819.87
DD3295.2	Matrix Superannuation	Superannuation contributions	195.21
DD3295.3	Australian Super	Payroll deductions	1,807.59
DD3295.4	Aware Super Pty Ltd	Payroll deductions	4,056.43
DD3295.5	Colonial First State	Superannuation contributions	574.17
DD3295.6	MLC Super Fund	Superannuation contributions	143.43
DD3296.1	National Australia Bank	Credit Card Charges	2,445.83
DD3311.1	linet Limited	Monthly Internet Service for CEO Residence - November 2022	89.99
DD3312.1	Telstra	Mobile Charges - CEO Phone	282.86
DD3322.1	Hostplus Super	Payroll deductions	820.18
DD3322.2	Aware Super Pty Ltd	Payroll deductions	4,845.02
DD3322.3	Matrix Superannuation	Superannuation contributions	195.21
DD3322.4	Australian Super	Payroll deductions	1,839.55
DD3322.5	Colonial First State	Superannuation contributions	574.17
DD3322.6	MLC Super Fund	Superannuation contributions	143.43

<b>CREDIT CARD TRANSACTIONS</b>		
<b>SUPPLIER</b>	<b>DETAILS OF PURCHASE</b>	<b>TOTAL</b>
Crown Promenade Perth	Postage Charges - Lost Property	20.17
Crown Promenade Perth	Meal and Laundry expenses - LG Professionals - Annual State Conference (CEO invoiced for laundry)	105.69
Scnitz - Belmont Forum	Meals expenses - LG Professionals - Annual State Conference	26.70
Crown Promenade Perth	Accommodation - LG Professionals - Annual State Conference.	695.87
Crown Promenade Perth	Refund - incorrect charges.	-151.28
The Reject Shop - Narrogin	Heavy Duty 100L Storage Tubs.	84.00
Coles Narrogin	Lollies (2 X Bag) Council Meeting.	20.00
Fortune French Hot Bread	Morning Tea expenses - Pre-Audit visit.	31.60
Coles Narrogin	Refreshments & stationery - Shire Office.	7.70
Aussie Broadband	Monthly Internet expenses.	79.00
Officeline	Mobile Whiteboard (Pivot frame)	778.80



## 9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	14 <sup>th</sup> December 2022
Author:	Fred Steer, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity

### **Summary**

**Council is to consider the Statement of Financial Activity for November 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 in July 2022;
- Transport – MRWA Direct Grant amount received
- Transport – First 40% of Regional Road Group claim has been submitted;
- Transport – First 40% of the 2022/2023 Wheatbelt Secondary Freight Network claim has been submitted;
- Financial Assistance Grants – early payment of 2022/23 grant has been received;
- FESA – ESL grant funding – early payment of 2022/23 grant has been received;

Operating Expenses – The key items of variance include:

- Employee costs are overbudget due to Public Works overheads;
- Insurance expenses are over budget due premiums paid in 2 instalments but allocated in budget over 12 months;
- Materials and Contracts are underbudget due timing for commencement of programs
- Capital acquisitions are underbudget – due to timing of major projects.

Detailed breakdown of material variances provided in Note 15 of the Statement of Financial Activity.

Administration Allocations have been calculated to 30<sup>th</sup> November 2022.

Depreciation expense is calculated to 30<sup>th</sup> November 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 2022/136**

**That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 30<sup>th</sup> November 2022 be received.**

**Moved Cr Kowald**

**Seconded Cr Christensen**

**6/0**

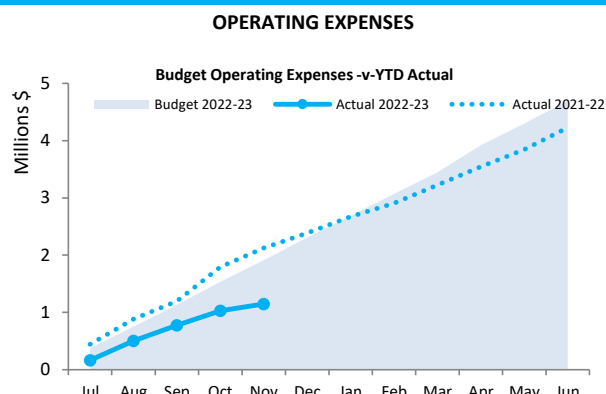
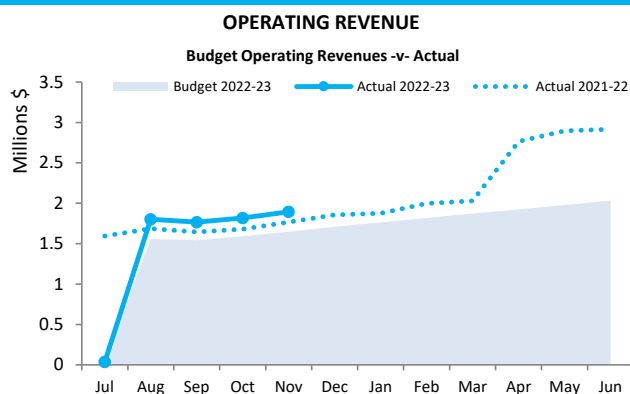
**SHIRE OF CUBALLING**  
**MONTHLY FINANCIAL REPORT**  
**(Containing the Statement of Financial Activity)**  
**For the period ending 30 November 2022**

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

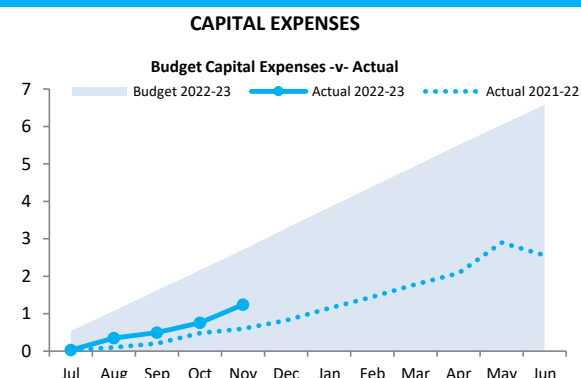
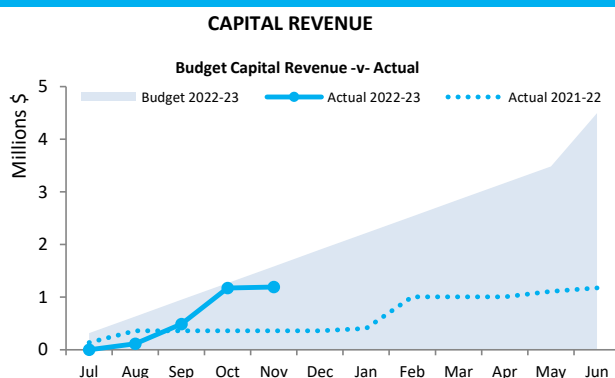
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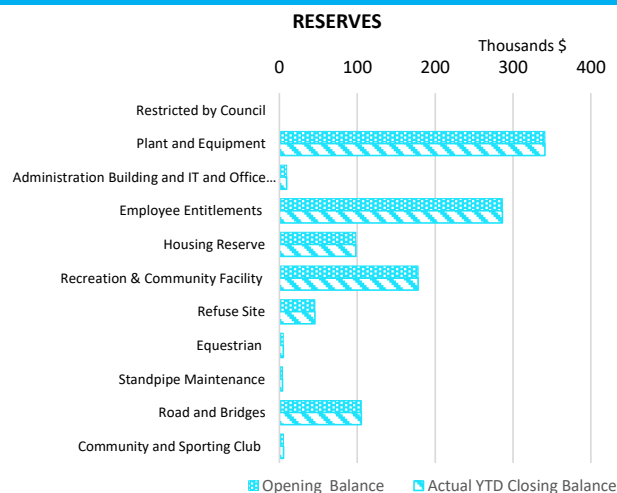
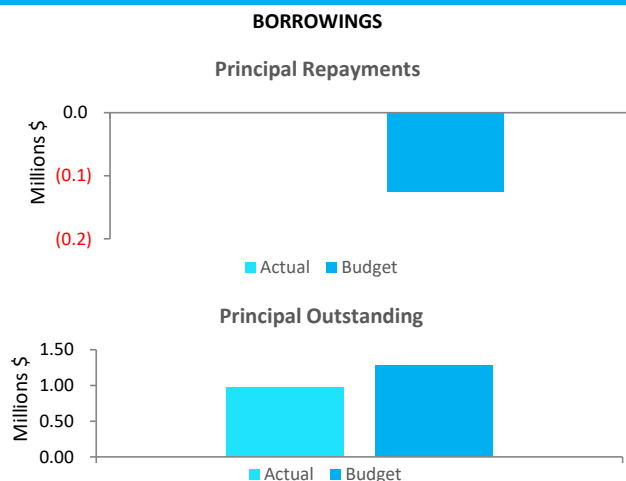
OPERATING ACTIVITIES



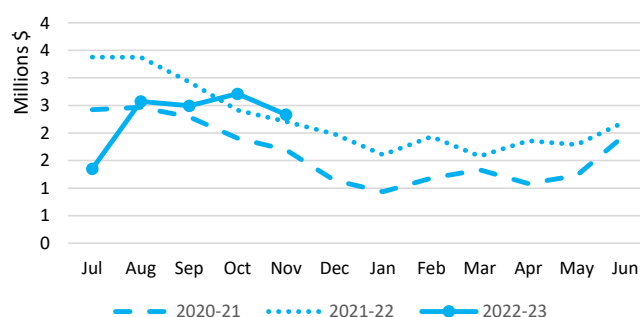
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



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

Funding surplus / (deficit) Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$1.51 M	\$1.51 M	\$1.51 M	\$0.00 M
Closing	(\$0.30 M)	\$0.90 M	\$2.33 M	\$1.43 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$3.72 M	% of total
Unrestricted Cash	\$1.45 M	39.0%
Restricted Cash	\$2.27 M	61.0%

Refer to Note 2 - Cash and Financial Assets

Payables		
	\$0.16 M	% Outstanding
Trade Payables	\$0.11 M	
0 to 30 Days		99.9%
Over 30 Days		0.1%
Over 90 Days		0%

Refer to Note 5 - Payables

Receivables		
	\$0.25 M	% Collected
Rates Receivable	\$0.28 M	82%
Trade Receivable	\$0.25 M	% Outstanding
Over 30 Days		32.1%
Over 90 Days		1.3%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.72 M)	\$0.52 M	\$0.75 M	\$0.23 M

Refer to Statement of Financial Activity

Rates Revenue		
YTD Actual	\$1.43 M	% Variance
YTD Budget	\$1.38 M	3.6%

Refer to Statement of Financial Activity

Operating Grants and Contributions		
YTD Actual	\$0.29 M	% Variance
YTD Budget	\$0.18 M	58.5%

Refer to Note 11 - Operating Grants and Contributions

Fees and Charges		
YTD Actual	\$0.14 M	% Variance
YTD Budget	\$0.06 M	122.0%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.83 M)	(\$1.12 M)	\$0.07 M	\$1.20 M

Refer to Statement of Financial Activity

Proceeds on sale		
YTD Actual	\$0.13 M	%
Adopted Budget	\$0.25 M	(49.9%)

Refer to Note 6 - Disposal of Assets

Asset Acquisition		
YTD Actual	\$1.24 M	% Spent
Adopted Budget	\$6.58 M	(81.1%)

Refer to Note 7 - Capital Acquisitions

Capital Grants		
YTD Actual	\$1.19 M	% Received
Adopted Budget	\$4.50 M	(73.5%)

Refer to Note 7 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.75 M	\$0.00 M	\$0.00 M	\$0.00 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	\$0.00 M
Interest expense	\$0.00 M
Principal due	\$0.97 M

Refer to Note 8 - Borrowings

Reserves	
Reserves balance	\$1.08 M
Interest earned	\$0.00 M

Refer to Note 9 - Cash Reserves

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

## KEY TERMS AND DESCRIPTIONS

### FOR THE PERIOD ENDED 30 NOVEMBER 2022

#### REVENUE

##### RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Excludes administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

##### OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers 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 identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

##### REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

##### FEES AND CHARGES

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

##### PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

## NATURE OR TYPE DESCRIPTIONS

#### EXPENSES

##### EMPLOYEE COSTS

All costs associated 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, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, 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)

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

Shortfall between the value of assets received over the net book value for assets on their disposal.

##### DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets. Excluding Land.

##### 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, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**BY NATURE OR TYPE**

	Ref	Adopted Budget	YTD Budget	YTD Actual	Variance \$	Variance %	Var.
	Note	(a)	(b)	(c)	(c) - (b)	((c) - (b))/(b)	
		\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1(c)	1,506,177	1,506,177	1,507,177	1,000	0.07%	
<b>Revenue from operating activities</b>							
Rates		1,378,840	1,378,590	1,427,777	49,187	3.57%	
Operating grants, subsidies and contributions	11	441,431	183,910	291,424	107,514	58.46%	▲
Fees and charges		149,696	62,320	138,373	76,053	122.04%	▲
Interest earnings		11,300	4,695	14,480	9,785	208.41%	▲
Other revenue		42,930	17,880	15,166	(2,714)	(15.18%)	
Profit on disposal of assets	6	8,833	0	6,750	6,750	0.00%	▲
		<b>2,033,030</b>	<b>1,647,395</b>	<b>1,893,970</b>	<b>246,575</b>	<b>14.97%</b>	
<b>Expenditure from operating activities</b>							
Employee costs		(1,234,563)	(514,170)	(482,872)	31,298	6.09%	
Materials and contracts		(1,174,371)	(493,245)	(428,739)	64,506	13.08%	▲
Utility charges		(62,635)	(26,015)	(26,562)	(547)	(2.10%)	
Depreciation on non-current assets		(2,035,605)	(848,130)	0	848,130	100.00%	▲
Interest expenses		(47,954)	(1,254)	0	1,254	100.00%	
Insurance expenses		(161,952)	(67,415)	(178,687)	(111,272)	(165.06%)	▼
Other expenditure		(61,810)	(25,740)	(31,006)	(5,266)	(20.46%)	▼
Loss on disposal of assets	6	(116,000)	(18,500)	0	18,500	100.00%	▲
		<b>(4,894,890)</b>	<b>(1,994,469)</b>	<b>(1,147,866)</b>	<b>846,603</b>	<b>(42.45%)</b>	
Non-cash amounts excluded from operating activities	1(a)	2,142,772	866,630	5,774	(860,856)	(99.33%)	▼
<b>Amount attributable to operating activities</b>		<b>(719,088)</b>	<b>519,556</b>	<b>751,878</b>	<b>232,322</b>	<b>44.72%</b>	
<b>Investing activities</b>							
Proceeds from non-operating grants, subsidies and contributions	12	4,496,101	1,584,100	1,192,409	(391,691)	(24.73%)	▼
Proceeds from disposal of assets	6	250,000	0	125,250	125,250	0.00%	▲
Payments for property, plant and equipment and infrastructure	7	(6,580,923)	(2,706,820)	(1,243,567)	1,463,253	54.06%	▲
<b>Amount attributable to investing activities</b>		<b>(1,834,822)</b>	<b>(1,122,720)</b>	<b>74,092</b>	<b>1,196,812</b>	<b>(106.60%)</b>	
<b>Financing Activities</b>							
Proceeds from new debentures	8	440,000	0	0	0	0.00%	
Transfer from reserves	9	444,887	0	0	0	0.00%	
Repayment of debentures	8	(124,980)	0	0	0	0.00%	
Transfer to reserves	9	(14,245)	0	0	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>745,662</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	
<b>Closing funding surplus / (deficit)</b>	1(c)	<b>(302,071)</b>	<b>903,013</b>	<b>2,333,147</b>	<b>1,430,134</b>	<b>(158.37%)</b>	▲

**KEY INFORMATION**

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

Refer to Note 15 for an explanation of the reasons for the variance.

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

**BASIS OF PREPARATION**

The financial report has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying Regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has 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 Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 13 to these financial statements.

**SIGNIFICANT ACCOUNTING POLICES**

**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 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 not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimation of fair values of certain financial assets
- estimation of fair values of fixed assets shown at fair value
- impairment of financial assets

**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.

**ROUNDING OFF FIGURES**

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

**PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 13 December 2022



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**(a) Non-cash items excluded from operating activities**

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
<b>Non-cash items excluded from operating activities</b>		\$	\$	\$
<b>Adjustments to operating activities</b>				
Less: Profit on asset disposals	6	(8,833)	0	5,774
Add: Loss on asset disposals	6	116,000	18,500	0
Add: Depreciation on assets		2,035,605	848,130	0
<b>Total non-cash items excluded from operating activities</b>		<b>2,142,772</b>	<b>866,630</b>	<b>5,774</b>

**(b) Adjustments to net current assets in the Statement of Financial Activity**

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

		Adopted Budget Opening 30 June 2022	Last Year Closing 30 June 2022	Year to Date 30 November 2022
<b>Adjustments to net current assets</b>				
Less: Reserves - restricted cash	9	(1,078,080)	(1,078,080)	(1,078,080)
Add: Borrowings	8	124,980	(1)	(1)
Add: Provisions employee related provisions	10	260,765	260,766	260,766
<b>Total adjustments to net current assets</b>		<b>(692,335)</b>	<b>(817,315)</b>	<b>(817,315)</b>

**(c) Net current assets used in the Statement of Financial Activity**

**Current assets**

Cash and cash equivalents	2	3,007,541	3,007,541	3,723,021
Rates receivables	3	144,603	144,603	282,402
Receivables	3	126,456	126,456	253,692
Other current assets	4	5,613	5,613	5,613

**Less: Current liabilities**

Payables	5	(5,732)	(4,732)	(159,277)
Borrowings	8	(124,980)	1	1
Contract liabilities	10	(694,224)	(694,224)	(694,224)
Provisions	10	(260,765)	(260,766)	(260,766)
<b>Less: Total adjustments to net current assets</b>	<b>1(b)</b>	<b>(692,335)</b>	<b>(817,315)</b>	<b>(817,315)</b>

<b>Closing funding surplus / (deficit)</b>		<b>1,506,177</b>	<b>1,507,177</b>	<b>2,333,147</b>
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**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. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
Municipal Cash at Bank		788,273	500,000	1,288,273		NAB	TBA	N/A
Municipal Cash Investments (Online and at call account)		660,080	694,224	1,354,304		NAB	TBA	N/A
Term Deposits		1,664	1,078,080	1,079,744		NAB	TBA	TBA
Petty Cash		700	0	700		N/A	N/A	N/A
<b>Total</b>		<b>1,450,717</b>	<b>2,272,304</b>	<b>3,723,021</b>	<b>0</b>			
<b>Comprising</b>								
Cash and cash equivalents		1,450,717	2,272,304	3,723,021	0			
		<b>1,450,717</b>	<b>2,272,304</b>	<b>3,723,021</b>	<b>0</b>			

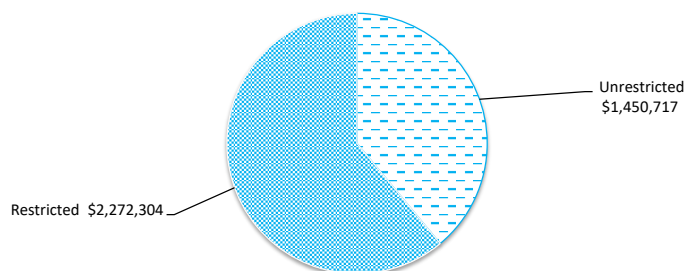
**KEY INFORMATION**

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

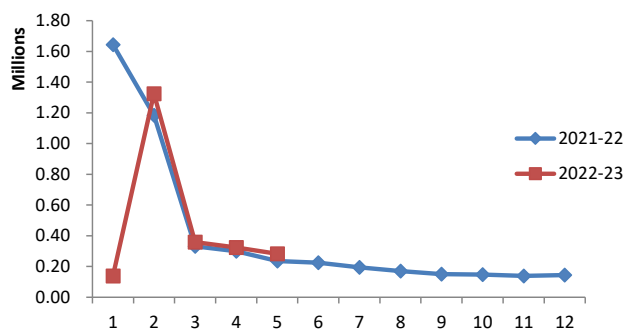
The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



Rates receivable	30 Jun 2022	30 Nov 2022
	\$	\$
Opening arrears previous years	143,603	144,603
Levied this year	1,012,792	1,427,777
Less - collections to date	(1,011,792)	(1,289,978)
Gross rates collectable	144,603	282,402
Net rates collectable	144,603	282,402
% Collected	87.5%	82%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(263)	140,780	63,765	0	2,645	206,927
Percentage	(0.1%)	68%	30.8%	0%	1.3%	
<b>Balance per trial balance</b>						
Sundry receivable						206,927
GST receivable						46,765
<b>Total receivables general outstanding</b>						<b>253,692</b>

Amounts shown above include GST (where applicable)

#### KEY INFORMATION

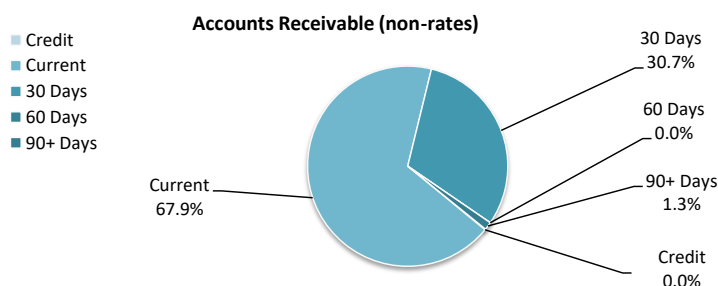
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

#### Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



	Opening Balance 1 July 2022	Asset Increase	Asset Reduction	Closing Balance 30 November 2022
<b>Other current assets</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Inventory</b>				
Fuel	5,613	0	0	5,613
<b>Total other current assets</b>	<b>5,613</b>	<b>0</b>	<b>0</b>	<b>5,613</b>
Amounts shown above include GST (where applicable)				

#### KEY INFORMATION

##### Inventory

Inventories are measured at the lower of cost and net realisable value.

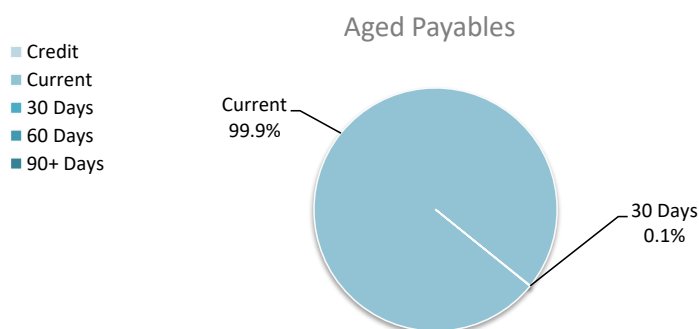
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	54,161	30	0	0	54,191
Percentage	0%	99.9%	0.1%	0%	0%	
<b>Balance per trial balance</b>						
Sundry creditors						109,102
Accrued salaries and wages						10,809
ATO liabilities						25,097
Bonds & Deposits						14,268
<b>Total payables general outstanding</b>						<b>159,276</b>

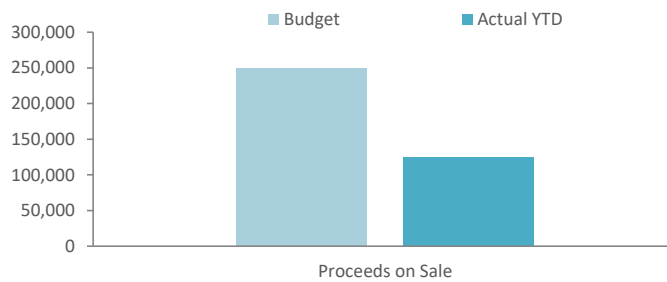
Amounts shown above include GST (where applicable)

#### KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	<b>Plant and equipment</b>								
	<b>Transport</b>								
	Komatsu Grader	197,500	100,000	0	(97,500)	0	0	0	0
	Komatsu Loader	118,500	100,000	0	(18,500)	118,500	125,250	6,750	0
	Toyota Prado	41,167	50,000	8,833	0	0	0	0	0
		<b>357,167</b>	<b>250,000</b>	<b>8,833</b>	<b>(116,000)</b>	<b>118,500</b>	<b>125,250</b>	<b>6,750</b>	<b>0</b>



	Adopted Budget	YTD Budget	YTD Actual	Forecast 30 June Closing	YTD Actual Variance
<b>Capital acquisitions</b>	\$	\$	\$		\$
Buildings	2,047,255	813,835	554,201	1,787,621	(259,634)
Plant and equipment	874,217	364,240	4,682	514,659	(359,558)
Infrastructure - roads	3,580,451	1,495,830	665,692	2,750,313	(830,138)
Infrastructure - bridges	55,000	22,915	18,992	51,077	(3,923)
Infrastructure - parks, ovals & playgrounds	24,000	10,000	0	14,000	(10,000)
<b>Payments for Capital Acquisitions</b>	<b>6,580,923</b>	<b>2,706,820</b>	<b>1,243,567</b>	<b>5,117,670</b>	<b>(1,463,253)</b>
<b>Capital Acquisitions Funded By:</b>					
	\$	\$	\$		\$
Capital grants and contributions	4,496,101	1,584,100	1,192,409	4,104,410	(391,691)
Borrowings	440,000	0	0	440,000	0
Other (disposals & C/Fwd)	250,000	0	125,250	375,250	125,250
Cash backed reserves					
Plant and Equipment	(340,000)		0	(340,000)	0
Housing Reserve	(20,000)		0	(20,000)	0
Recreation & Community Facility	(84,887)		0	(84,887)	0
Contribution - operations	1,839,709	1,122,720	(74,092)	642,897	(1,196,812)
<b>Capital funding total</b>	<b>6,580,923</b>	<b>2,706,820</b>	<b>1,243,567</b>	<b>5,117,670</b>	<b>(1,463,253)</b>

#### SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

#### Initial recognition and measurement for assets held at cost

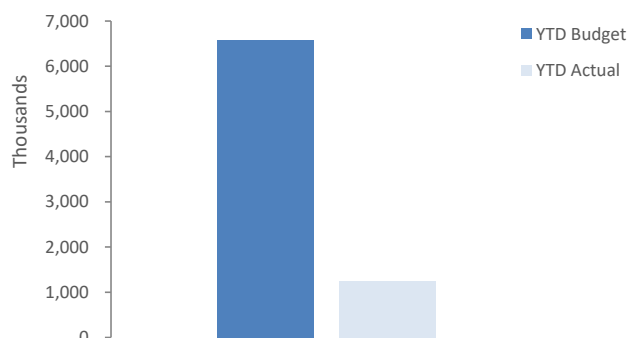
Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

#### Initial recognition and measurement between

#### mandatory revaluation dates for assets held at fair value

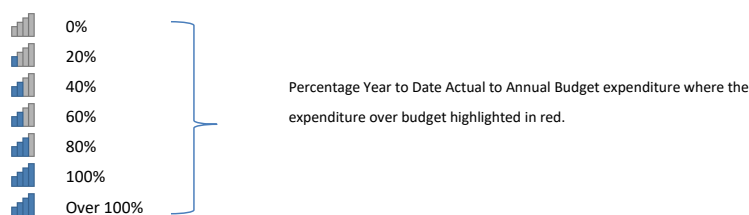
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Payments for Capital Acquisitions



Capital expenditure total

Level of completion indicators



Level of completion indicator, please see table at the end of this note for further detail.

Account Description		Adopted		YTD Actual	Variance (Under)/Over
		Budget	YTD Budget		
		\$	\$	\$	\$
<b>Buildings</b>					
C084	Aged Persons Accommodation Capital Expense	1,149,064	478,775	529,093	50,318
C162	Cuballing Town Hall - Capital Works	250,000	104,165	5,720	(98,445)
C164	Building Renewal - Cuballing Cwa Hall	293,304	122,205	0	(122,205)
C173	Skate Park Refurbishment	15,000	6,250	0	(6,250)
C186	Yornaning Dam Stage 4	0	0	6,761	6,761
C197	Yornaning Mountain Bike Track	0	0	1,410	1,410
C203	Cuballing War Memorial	99,887	41,610	2,148	(39,462)
J163A	Popanyinning Hall Capital Works	100,000	41,665	0	(41,665)
11057	Record Not Found	30,000	15,000	0	(15,000)
J4114D	Administration Office Refurbishment	100,000	0	0	0
12145	Capital Expenditure - Depot Upgrade	10,000	4,165	9,069	4,904
<b>Total Buildings</b>		<b>2,047,255</b>	<b>813,835</b>	<b>554,201</b>	<b>(259,634)</b>
<b>Furniture &amp; Equipment</b>					
Nil		0	0	0	0
<b>Total Furniture &amp; Equipment</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Plant &amp; Equipment</b>					
12411	Two Way system for Plant	20,000	8,330	0	(8,330)
12412	Capital Purchase - Grader	440,000	183,330	0	(183,330)
12414	Capital Purchase - CEO Vehicle Prado GXL	57,717	24,045	0	(24,045)
12419	Capital Expenditure - Plant & Equipment - Loader and Attachmen	350,000	145,830	0	(145,830)
12420	Capital Expenditure - Plant & Equipment - Mower	6,500	2,705	4,682	1,977
<b>Total Plant &amp; Equipment</b>		<b>874,217</b>	<b>364,240</b>	<b>4,682</b>	<b>(359,558)</b>
<b>Roads</b>					
R001E	Rrg Stratherne Rd 2022/23	210,600	87,730	15,854	(71,876)
R001D	Stratherne Road 2021/22	0	0	9,756	9,756
R129F	Wandering-Narrogin Road 2022/23	269,400	112,240	25,088	(87,152)
RTR014	Contine Siding Floodway	41,750	17,385	0	(17,385)
RTR017	Roads To Recovery Reeds Road Gravel Sheetting	0	0	18,182	18,182
RTR042	Dent Road Floodway	37,424	15,575	0	(15,575)
RTR052	Youngs Road Floodway	40,660	16,925	0	(16,925)
RTR056	LoI Gray Soak Road Floodway	74,927	31,210	17,246	(13,964)
RTR129	R2R Wandering Narrogin Road Final Seal	40,050	16,685	0	(16,685)
BS129	Blackspot - Wandering Narrogin Road	7,000	7,000	0	(7,000)
WSF006	Wheatbelt Secondary Freight Network Cuballing East Road	1,090,148	454,220	477,732	23,512
WSF007	Wheatbelt Secondary Freight Network 2022/23 Cuby East Road	1,509,832	629,085	100,618	(528,467)
WSF129	Wheatbelt Secondary Freight Narrogin Wandering Road	258,660	107,775	1,216	(106,559)
<b>Total Roads</b>		<b>3,580,451</b>	<b>1,495,830</b>	<b>665,692</b>	<b>(830,138)</b>
<b>Bridges</b>					
11214	Bridge Improvements - Capital Upgrades	55,000	22,915	18,992	(3,923)
<b>Total Bridges</b>		<b>55,000</b>	<b>22,915</b>	<b>18,992</b>	<b>(3,923)</b>
<b>Parks, Ovals &amp; Playgrounds</b>					
11128	Expenditure - Sporting Club Upgrades	24,000	10,000	0	(10,000)
<b>Total Parks, Ovals &amp; Playgrounds</b>		<b>24,000</b>	<b>10,000</b>	<b>0</b>	<b>(10,000)</b>
<b>TOTAL CAPITAL EXPENDITURE</b>		<b>6,580,923</b>	<b>2,706,820</b>	<b>1,243,567</b>	<b>(1,463,253)</b>



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**FINANCING ACTIVITIES**

**NOTE 8**

**BORROWINGS**

**Repayments - borrowings**

Information on borrowings			New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	Loan No.	1 July 2022	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Education and welfare</b>										
Aged Accommodation	65	850,000	0	0	0	(68,849)	850,000	781,151	0	(37,891)
<b>Transport</b>										
Grader	67	0	0	440,000	0	(40,671)	0	399,329	0	(7,639)
<b>Other property and services</b>										
Austral Land	64	115,572	0	0	0	(15,460)	115,572	100,112	0	(2,424)
<b>Total</b>		965,572	0	440,000	0	(124,980)	965,572	1,280,592	0	(47,954)
Current borrowings		124,980					(1)			
Non-current borrowings		840,592					965,573			
		965,572					965,572			

All debenture repayments were financed by general purpose revenue.

The Shire has no unspent debenture funds as at 30th June 2021, nor is it expected to have unspent funds as at 30th June 2022.

**KEY INFORMATION**

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022

OPERATING ACTIVITIES

NOTE 9

RESERVE ACCOUNTS

Reserve accounts

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Restricted by Council</b>									
Plant and Equipment	341,028	1,960		0	0	(340,000)	0	2,988	341,028
Administration Building and IT and Office	9,160	32		0	0	0	0	9,192	9,160
Employee Entitlements	286,388	1,067		0	0	0	0	287,455	286,388
Housing Reserve	98,316	367		0	0	(20,000)	0	78,683	98,316
Recreation & Community Facility	178,242	792		0	0	(84,887)	0	94,147	178,242
Refuse Site	45,472	205		0	0	0	0	45,677	45,472
Equestrian	4,915	50		5,245	0	0	0	10,210	4,915
Standpipe Maintenance	4,100	20		0	0	0	0	4,120	4,100
Road and Bridges	105,137	486		0	0	0	0	105,623	105,137
Community and Sporting Club	5,322	21		4,000	0	0	0	9,343	5,322
	<b>1,078,080</b>	<b>5,000</b>	<b>0</b>	<b>9,245</b>	<b>0</b>	<b>(444,887)</b>	<b>0</b>	<b>647,438</b>	<b>1,078,080</b>

		Opening Balance	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance
Other current liabilities	Note	1 July 2022				30 November 2022
		\$		\$		\$
<b>Other liabilities</b>						
- Capital grant/contribution liabilities		694,224	0	0	0	694,224
<b>Total other liabilities</b>		694,224	0	0	0	694,224
<b>Employee Related Provisions</b>						
Annual leave		108,129	0			108,129
Long service leave		152,637	0			152,637
<b>Total Employee Related Provisions</b>		260,766	0	0	0	260,766
<b>Total other current assets</b>		<b>954,990</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>954,990</b>
Amounts shown above include GST (where applicable)						

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 12

#### KEY INFORMATION

##### Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

##### Employee Related Provisions

###### Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled. The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

###### Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

##### Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

##### Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Adopted Budget Revenue	YTD Budget	YTD Revenue
	1 July 2022		(As revenue)	30 Nov 2022	30 Nov 2022	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Operating grants and subsidies</b>								
<b>General purpose funding</b>								
Income - Grants Commission	0	0	0	0	0	131,532	54,805	116,509
<b>Law, order, public safety</b>								
Income - Fire Prevention - Grants	0	0	0	0	0	38,997	16,245	35,262
Income Fire Mitigation Grants	0	0	0	0	0	40,000	16,665	0
<b>Education and welfare</b>								
Income Relating to Aged & Disabled - Senior Citizens	0	0	0	0	0	2,500	1,040	0
<b>Recreation and culture</b>								
Income - Youth Activity Funding	0	0	0	0	0	1,000	415	0
Income - Sporting Club Grants & Contributions	0	0	0	0	0	16,000	6,665	0
<b>Transport</b>								
Income - Grant - MRWA Direct	0	0	0	0	0	93,646	39,015	95,660
Income - Grants Commission Local Road Grant	0	0	0	0	0	103,056	42,940	20,674
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>426,731</b>	<b>177,790</b>	<b>268,105</b>
<b>Operating contributions</b>								
<b>Recreation and culture</b>								
Income - Relating to Other Recreation & Sport	0	0	0	0	0	0	0	323
<b>Economic services</b>								
Income Relating to Tourism & Area Promotion	0	0	0	0	0	4,700	1,955	3,500
<b>Other property and services</b>								
Income - Less Workers Compensation Claimed	0	0	0	0	0	10,000	4,165	19,496
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,700</b>	<b>6,120</b>	<b>23,319</b>
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>441,431</b>	<b>183,910</b>	<b>291,424</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022

NOTE 12  
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Non operating grants, subsidies and contributions revenue		
	Liability	Increase in	Decrease in	Liability	Current	Adopted	YTD	YTD
	1 July 2022	Liability	Liability	30 Nov 2022	Liability	Budget	Budget	Revenue
	\$	\$	(As revenue)	\$	\$	\$	\$	\$
<b>Non-operating grants and subsidies</b>								
<b>General purpose funding</b>								
Income - Phase 3 community Infrastructure Grant - LRCI	0	0	0	0	0	495,536	206,470	371,652
Income - Phase 3 Extension LRCI	0	0	0	0	0	247,768	103,235	0
<b>Education and welfare</b>								
Aged Accommodation	694,224	0	0	694,224	694,224	694,224	0	0
<b>Transport</b>								
Regional Road Grants	0	0	0	0	0	321,225	133,840	135,152
Cuballing East Wheatbelt Secondary Freight Network	0	0	0	0	0	705,958	294,145	685,605
WSFN - Income Wandering Narrogin Road	0	0	0	0	0	240,554	100,230	0
2022/23 Cuballing East Road Wheatbelt Secondary Freight	0	0	0	0	0	1,580,836	658,680	0
Roads to Recovery	0	0	0	0	0	210,000	87,500	0
	<b>694,224</b>	<b>0</b>	<b>0</b>	<b>694,224</b>	<b>694,224</b>	<b>4,496,101</b>	<b>1,584,100</b>	<b>1,192,409</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**NOTE 13  
TRUST FUND**

Funds held at balance date which are required by legislation to be credited to the trust fund and which are not included in the financial statements are as follows:

Description	Opening Balance 1 July 2022	Amount Received	Amount Paid	Closing Balance 30 Nov 2022
	\$	\$	\$	\$
Cuballing Cricket Club	200	0	0	200
Department of Transport - Licensing	658	113,805	(100,395)	14,068
				0
	858	113,805	(100,395)	14,268

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022

NOTE 14  
BUDGET AMENDMENTS

Proposed amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	<b>Budget adoption</b>						24,427
	Revised Budget Net Deficit position	Proposed	Opening Surplus(Deficit)			(326,498)	(302,071)
C191	Administration Office Refurbishment	Proposed	Operating Expenses		100,000		(202,071)
				0	100,000	(326,498)	(202,071)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**NOTE 15  
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 Actual materially.

The material variance adopted by Council for the 2022-23 year is \$5,000 or 10.00% whichever is the greater.

Nature or type	Explanation of positive variances		Timing/Permanent	Comments
	Var. \$	Var. %		
<b>Opening funding surplus / (deficit)</b>	\$ 1,000	% 0.07%		Finalisation of 2021/22 Annual Financial Statements
<b>Revenue from operating activities</b>				
Rates	49,187	3.57%		Allowance for rates to be written off (\$50k)
Rates (excluding general rate)	0	0.00%		Nil
Operating grants, subsidies and contributions	107,514	58.46% ▲	Timing	Main Roads Direct Grant (\$57k), FAG's (\$39k) & Workers Comp (\$19k)
Fees and charges	76,053	122.04% ▲	Timing	Rubbish collection fees (\$53k), Winter Ball (\$19k)
Service charges	0	0.00%		Nil
Interest earnings	9,785	208.41% ▲	Timing	Higher interest rates
Other revenue	(2,714)	(15.18%)		Not Material
Profit on disposal of assets	6,750	0.00% ▲	Permanent	Profit on sale of Komatsu Loader
<b>Expenditure from operating activities</b>				
Employee costs	31,298	6.09%	Timing	Public Works Overheads
Materials and contracts	64,506	13.08% ▲	Permanent	Admin refurbishment incorrectly allocated as maintenance (\$100k)
Utility charges	(547)	(2.10%)		Not Material
Depreciation on non-current assets	848,130	100.00% ▲	Timing	Depreciation not calculated for 22/23 financial year
Interest expenses	1,254	100.00%		Not Material
Insurance expenses	(111,272)	(165.06%) ▼	Timing	Premiums paid in 2 instalments (budget has allocated over 12 months)
Other expenditure	(5,266)	(20.46%) ▼	Timing	Elected Member related costs
Loss on disposal of assets	18,500	100.00% ▲	Timing	No assets disposed of at a loss to date
Non-cash amounts excluded from operating activities	(860,856)	(99.33%) ▼	Timing	Depreciation not processed in 22/23
<b>Investing activities</b>				
Proceeds from non-operating grants, subsidies and contributions	(391,691)	(24.73%) ▼	Timing	WSFN funding
Proceeds from disposal of assets	125,250	0.00% ▲	Timing	Disposal of Komatsu Grader
Payments for property, plant and equipment and infrastructure	1,463,253	54.06% ▲	Timing	WSFN projects
Non-cash amounts excluded from investing activities	0	0.00%		
<b>Financing activities</b>				
Proceeds from new debentures	0	0.00%		Nil
Transfer from reserves	0	0.00%		Nil
Payments for principal portion of lease liabilities	0	0.00%		Nil
Repayment of debentures	0	0.00%		Nil
Transfer to reserves	0	0.00%		Nil
<b>Closing funding surplus / (deficit)</b>	1,430,134	(158.37%)		As per the above explanations



## 9.2 **CHIEF EXECUTIVE OFFICER:**

### 9.2.1 Emergency Management MOU

Applicant:	Central Country Zone of WALGA
File Ref. No:	ADM226
Disclosure of Interest:	Nil
Date:	28 November 2022
Author:	CEO- Stan Scott
Attachments:	Current Emergency Management MOU

#### **Purpose**

Council is asked to support a further MOU offering mutual support between Local Governments in an emergency.

#### **Background**

In 2020 the Local Governments in Central Country Zone executed a memorandum of understanding which paves the way for Local Governments within the zone to provide practical support to each other during an emergency.

The MOU sets out the kinds of support that may be offered and how these will be accounted for. For longer term support more detailed financial arrangements would be required.

#### **Discussion**

The MOU formalises arrangements for providing support. These kinds of arrangements are common during emergencies, often ad hoc and not supported by any form of agreement. The MOU provides a starting point for immediate support, with longer term support subject to negotiation.

Notwithstanding what is in the MOU there are established protocols for providing equipment during an emergency for higher level incidents.

The last MOU was for 2 years. The CEO's view that a longer period of 3 to 5 years would be appropriate. It is unlikely that views on Shires providing support during a disaster is likely to change anytime soon. In any event the MOU is a statement of intent. The actual decisions on the level of support will be made at the time.

**Statutory Environment** - Nil

**Policy Implications** - Nil

**Financial Implications**

Each local government has the potential cost of providing support. In the event of a declared disaster funding support may be available.

**Economic Implication** - Nil

**Environmental Considerations** - Nil

**Consultation**

This proposal is being considered by all Central Country Zone Local Governments

**Options**

Council may whether or not to participate. If Council decides not to participate contrary to the Officer's Recommendation it must provide reasons.

Voting Requirements – Simple Majority

**COUNCIL DECISION 2022/137**

- 1. That Council agree to execute a new Memorandum of Understanding with other Shires in the Central Country Zone of WALGA to provide mutual support in an emergency.**
- 2. That Council would support a longer term MOU of 3 to 5 years if it has the support of the rest of the Zone.**

**Moved Cr Kowald**

**Seconded Cr Bradford**

**Carried 5/0**

# Local Government MoU

This Memorandum of Understanding is made on the 21<sup>st</sup> day of February 2020.

## Parties to the Agreement

Shire of Beverley,  
Shire of Brookton  
Shire of Corrigin  
Shire of Cuballing,  
Shire of Dumbleyung,  
Shire of Kulin,  
Shire of Lake Grace,  
Shire of Narrogin,  
Shire of Pingelly,  
Shire of Quairading,  
Shire of Wagin,  
Shire of Wandering,  
Shire of West Arthur,  
Shire of Wickepin,  
Shire of Williams

Hereinafter called the 'partnering LGs' 'parties' or 'partners'

## Aim

This Memorandum of Understanding (MOU) sets out a basic framework for cooperation between the Local Governments named, to promote cooperation in a disaster event which affects one or more of the partnering LGs.

The guiding principle of this MOU is that any support given to a partnering LG in a particular emergency event shall be voluntary and of a level that will not unduly compromise the operability of the partnering LG providing the support.

## Purpose

To facilitate the provision of mutual aid between partnering LGs during emergencies and post incident recovery.

To enhance the capacity of our communities to cope in times of difficulty.

To demonstrate the capacity and willingness of participating LGs to work co-operatively and share resources within the region.

### **Partnering Objectives**

Partners to this MOU, in times of community distress due to an emergency incident, agree where possible to:

1. Provide whatever resources may reasonably be available within the capacity of that LG to respond to the emergency incident if requested;
2. Provide at its absolute discretion, whatever resources may be available within the means of that LG to assist with post incident recovery in the community.

### **Allocation of Resources**

1. This MOU acknowledges that the allocation of a partnering LG's personnel and plant resources is an operational issue, and as such is the responsibility of the CEO of the LG seeking to offer aid.
2. This MOU seeks to demonstrate that the CEO's commitment to supporting other LGs in need is supported by the Elected Members of each participating Council.

### **Responsibilities**

The partners to this MOU recognise their responsibilities to have adequate arrangements in place in order to be in a position to respond to non-natural and natural disasters.

This MOU recognises that each LG will have its own LEMPs in place in accordance with the *Emergency Management Act 2005*. However, the intention of this MOU is to improve the efficiency of joint response to a disaster, share experiences, enhance cooperation between partnering LGs and improve regional resilience to disaster events.

The parties acknowledge that the provisions of this document are not intended to create binding legal obligations between them.

The parties acknowledge that:

1. nothing in this document authorises a party to incur costs or expenses on behalf of the other party; and
2. a party has no authority to act for, or to create or assume any responsibility obligation or liability on behalf of, the other party.

### **Partnering Expectations**

1. To provide where possible both physical and human resources to assist with the immediate response and recovery. Ongoing protracted assistance may be needed,

this may be subject to further negotiation and agreement in writing between the partners concerned.

2. Where possible, and if appropriate, the affected LG must utilise internal resources and local contractors before requesting assistance from another LG. This will ensure LGs are not seen to be competing with local businesses or offers of assistance.
3. All requests for support will be made through the Incident Controller (IC) of the designated Hazard Management Agency (HMA) for the incident, in consultation with the designated Local Recovery Coordinator (LRC) and the Local Emergency Coordinator (LEC).
4. All equipment provided must be covered by the partners own insurance, each LG is responsible for ensuring insurance policies allow for the provision of mutual aid.
5. Each individual Council will be responsible for continued salary and any workers compensation insurance for their own staff regardless of where they are operating during the disaster event.
6. Each LG will be responsible for any loss, damage or cost associated with the provision of support unless otherwise agreed in writing.
7. The LG requesting support will be responsible for all incidental costs associated with the provider's personnel and equipment such as catering, accommodation, OHS issues, transport, fuel and storage.

#### **Cost Recovery**

The Disaster Recovery Funding Arrangements, Western Australia (DRFAWA) guidelines provide for the reimbursement of expenditure incurred by partnering LGs during a disaster event. Each partnering LG is responsible for maintaining an accurate record of its expenditure during an event.

In the event the emergency is declared a Disaster, State and Commonwealth funding assistance will be sought in compliance with relevant State and Commonwealth Policies.

The affected partnering LG area will claim these costs accordingly under the DRFAWA guidelines.

In the event a partnering LG's resources and/or equipment are required to assist another partnering LG, these costs may not be claimable via DRFAWA. Therefore, any intended claim for reimbursement is a matter between partnering LGs.

#### **Duration and Amendment**

The MOU will come into effect at the date which all parties have signed the agreement.

This MOU can be reviewed at any time but cannot be amended except with the written consent of all partners.

#### **Term**

Unless mutually extended, terminated or parties withdraw, this MOU will expire on 31 December 2022.

#### **Withdrawal**

Any partner may withdraw from this MOU by giving 90 days written notice to the partnering LG's and the State Emergency Management Committee.

#### **Notices**

Communications in relation to this MOU should be addressed to:

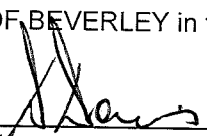
The Executive Officer, Central Country Zone of WALGA.

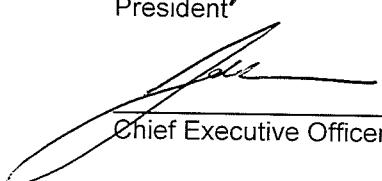
## Execution

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EXECUTED by the Parties

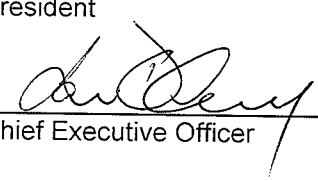
SHIRE OF BEVERLEY in the presence of:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Chief Executive Officer


SHIRE OF BROOKTON in the presence of:

  
\_\_\_\_\_  
President

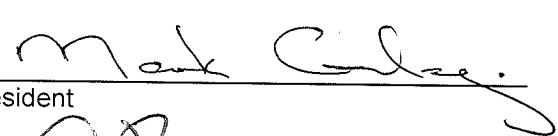
  
\_\_\_\_\_  
Chief Executive Officer


SHIRE OF CORRIGIN in the presence of:

  
\_\_\_\_\_  
President

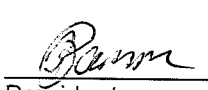
  
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Chief Executive Officer

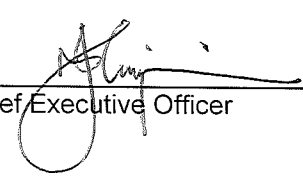
SHIRE OF CUBALLING in the presence of:

  
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President

  
\_\_\_\_\_  
Chief Executive Officer

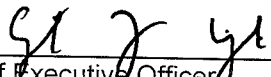
SHIRE OF DUMBLEYUNG in the presence of:

  
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President

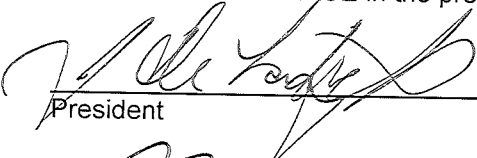
  
\_\_\_\_\_  
Chief Executive Officer


SHIRE OF KULIN in the presence of:

  
\_\_\_\_\_  
President


  
\_\_\_\_\_  
Chief Executive Officer

SHIRE OF LAKE GRACE in the presence of:

  
\_\_\_\_\_  
President


  
\_\_\_\_\_  
Chief Executive Officer


SHIRE OF NARROGIN in the presence of:

  
\_\_\_\_\_  
President

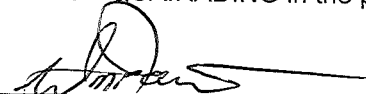
  
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Chief Executive Officer


SHIRE OF PINGELLY in the presence of:

  
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President

  
\_\_\_\_\_  
Chief Executive Officer

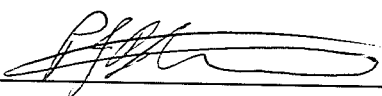
SHIRE OF QUAIRADING in the presence of:


  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Chief Executive Officer




SHIRE OF WAGIN in the presence of:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Chief Executive Officer (ACTING)

SHIRE OF WANDERING in the presence of:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Chief Executive Officer

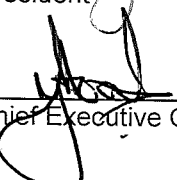
SHIRE OF WEST ARTHUR in the presence of:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Chief Executive Officer

SHIRE OF WICKEPIN in the presence of:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Chief Executive Officer

SHIRE OF WILLIAMS in the presence of:

\_\_\_\_\_  
President

  
\_\_\_\_\_  
Chief Executive Officer

## 9.2.2 WALGA – BEST PRACTICE GOVERNANCE REVIEW

Applicant:	WALGA
File Ref. No:	ADM226
Disclosure of Interest:	Nil
Date:	1 December 2022
Author:	CEO- Stan Scott
Attachments:	9.2.2A WALGA Best Practice Consultation Paper Model Options

### **Purpose**

Local Governments are asked to consider this paper and the governance model options put forward and provide a Council endorsed position to WALGA

### **Background**

In proposed changes to the Local Government Act will mean that WALGA is no longer constituted under that Act and will need another form of incorporation, probably through the Associations Incorporation Act.

The Best Practice Governance Review was initiated in March 2022 established a steering committee and considered other industry associations as well as WALGA's counterparts in other States and New Zealand.

The Steering Committee also drafted a set of principles to assess proposed models against.

The Steering Committee has developed 5 options, including option 5 which is the current model.

- Option 1: Two tier model, existing zones
- Option 2: Board, regional bodies
- Option 3: Board, amalgamated zones
- Option 4: Member elected board, regional groups
- Option 5: Current model

Alignment to principles: Each of these options are then assessed as to whether they align with the principles and their components. The assessment considers the option and whether it meets, partially meets or does not meet the principle component.

This assessment is set out in the attached Consultation Paper.

### **Discussion**

Member Local Governments are asked to consider this paper and the governance model options put forward and provide a Council endorsed position to WALGA.

It is suggested that Councils endorse a preferred model (which could be the Current Model) and provide a ranking in terms of an order of preference.

Submissions to WALGA are sought by **23 December 2022**.

The CEO has undertaken an assessment of the 5 proposed models using different criteria:

City / Country representation: all options have equal representation, only option 4 involved direct election of board members. Options 1-4 all involve 2 to 3 skills-based appointments to supplement the elected board members

Regional Structures: Only Option 1 and the present structure preserve the existing zones. There is not in the CEO's view a big commitment to existing zones from Shires. Option 3 combines zones, Option 2 creates new regional bodies and Option 4 makes regional bodies more issues based – for example a regional centres group.

Policy Forums – Each of option 2 and 3, as well as the current model, have policy forums. Option 1 has a Policy Council (effectively the existing State Council) to provide advice to the Board. Option 4 relies on the issues-based bodies for policy advice.

Governance Principles – None of the models fully meet all of the governance principles, but every model at least partially meet the principles. If we assume each of the principles has equal weight the existing model on fully meets 4 out of 10 principles, Options 1, 3 and 4 each meet 7 out of 10 while option 2 meets 8 out of 10.

The CEO's analysis of the specific features of the different models is set out below:

<b>Option Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Board Members</b>					
Zone/Body Elected	8	8	12		24
Direct Elected				8	
Appointed	3	3	2	3	
Meets / Year	6	6	6	6	
<b>Policy Council</b>	<b>yes</b>	<b>no</b>	<b>no</b>	<b>no</b>	<b>no</b>
Members	24				
Meets / Year	2+				
<b>Zones Structure</b>	<b>yes</b>	<b>no</b>	<b>yes</b>	<b>no</b>	<b>yes</b>
Existing	yes		no		yes
Consolidated	no		yes		no
<b>Regional Bodies</b>	<b>no</b>	<b>yes</b>	<b>no</b>	<b>yes</b>	<b>no</b>
Number		8		tbd	
Replace Zones?		yes		yes	
<b>Policy Teams</b>	<b>no</b>	<b>yes</b>	<b>yes</b>	<b>no</b>	<b>yes</b>
Board			✓		✓
Board & Regional Bodies		✓			

From feedback from other CEO's and discussion at the Zone meeting it appears likely that the current model will be well supported.

### Statutory Environment

Under proposed changes to the *Local Government Act* WALGA will no longer be constituted under the Local Government Act. As a separate piece of work WALGA will examine alternatives including the *Associations Incorporation Act* or a limited company.

Policy Implications Nil

### Financial Implications

Mutual arrangements for insurance and WALGA's role in assessing and endorsing preferred suppliers will remain in the Act.

Economic Implication - Nil

Environmental Considerations - Nil

### Consultation

The present process is the start of the consultation process with the WALGA membership.

### Options

Council will determine its preferred option. The recommendation below is based on Council discussion at the November Forum. Council is free to select a different order if it chooses.

### Voting Requirements – Simple Majority

#### **COUNCIL DECISION 2022/138**

**That the CEO inform WALGA that its preferred governance models from the options presented in order of preference are:**

- 1. Option 3 – Board, Amalgamated Zones**
- 2. Option 5 – Current Model**
- 3. Option 2 – Board, Regional Bodies**
- 4. Option 1 – Two Tier Model, Existing Zones**
- 5. Option 4 – Member Elected Board, Regional Groups**

**Moved Cr Kowald**

**Seconded Cr Harris**

**Carried 6/0**



# Best Practice Governance Review

## Consultation Paper – Model Options

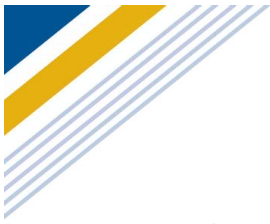
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3	Options and Current Model	<a href="#">7</a>
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5	Consultation Process and Next Steps	<a href="#">20</a>

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# Best Practice Governance Review

## 1. Introduction

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### Introduction

#### Background

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

Other drivers for the review included: misalignment between key governance documents; constitution amendments for State Councillors' Candidature for State and Federal elections; and legislative reforms for the *Local Government Act 1995*, and for the *Industrial Relations Act 1979*.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations – Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.
- Finalisation of governance principles and principle components across the domains of: **Representative, Responsive and Results Oriented**.

These activities are outlined in more detail in the Background Paper.

#### This document

This document outlines:

**Principles:** The governance model principles and principle components across the domains of: Representative, Responsive and Results Oriented. The principles were endorsed at the WALGA AGM on 3 October 2022.

**Governance model options:** Presents four potential governance model options and the structure and roles associated with each option. The four options are:

- **Option 1:** Two tier model, existing zones
- **Option 2:** Board, regional bodies
- **Option 3:** Board, amalgamated zones
- **Option 4:** Member elected board, regional groups
- **Option 5:** Current model

**Alignment to principles:** Each of these options are then assessed as to whether they align with the principles and their components. The assessment considers the option and whether it meets, partially meets or does not meet the principle component. Alongside this assessment are some discussion points. An example of this relates to diversity.

Diversity is a component of the governance model being representative. Diversity here may include consideration of whether the governance model comprises an appropriate diversity of skills and experience. It also provides opportunity to consider whether the governance model provides opportunity for members of diverse backgrounds e.g. people of Aboriginal and Torres Strait Islander descent, people with Culturally and Linguistically Diverse backgrounds.

Within all the model options, direct relationship with WALGA and regional / subregional collaboration would continue to be encouraged.

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# Best Practice Governance Review

## 2. Governance Principles

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### Governance Principles

The following Governance Principles were endorsed by members at the 2022 AGM

	Principle	Principle component	Component description	Governance implications
Representative	WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.	Composition	The composition of WALGA's governance model represents Local Government members from metropolitan and country councils.	The governing body will maintain equal country and metropolitan local government representation.
		Size	An appropriate number of members/representatives oversees WALGA's governance.	Potential reduction in the size of the overarching governing body.
		Diversity	WALGA's governance reflects the diversity and experience of its Local Government members.	Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience.
		Election Process	Considers the processes by which WALGA's governance positions are elected and appointed.	Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body.
Responsive	WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.	Timely Decision Making	WALGA's governance supports timely decision making.	WALGA's governance model facilitates responsive decision making.
		Engaged Decision Making	WALGA's Local Government members are engaged in decision making processes.	WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure.
		Agility	Considers the flexibility of WALGA's governance to adapt to changing circumstances.	WALGA's governance model is agile and future proofed for external changes.
Results Oriented	WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.	Focus	Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance.	Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues.
		Value Added Decision Making	Facilitates opportunities for value to be added to decision making.	Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions.
		Continuous Improvement	Considers regular review processes for components of the governance model, their purpose and achieved outcomes.	WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members.

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# Best Practice Governance Review

## 3. Options and Current Model

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### Options and Current Model

Five options, including the Current Model, with details of each of their key governance bodies




Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
 <p>Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents</p>	 <p>Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents</p>	 <p>Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents</p>	 <p>Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents</p>	 <p>State Council (25 members) 24 State Councillors 1 President</p>
 <p>Policy Council (25 members) 24 members plus President</p>	 <p>Regional Bodies (4 metro, 4 country)</p>	 <p>Zones (6 metro, 6 country)</p>	 <p>Policy Teams / Forums / Committees</p>	 <p>Zones (5 metro, 12 country)</p>
 <p>Zones (5 metro, 12 country)</p>	 <p>Policy Teams / Forums / Committees</p>	 <p>Policy Teams / Forums / Committees</p>	 <p>Regional Groups</p>	 <p>Policy Teams / Forums / Committees</p>

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## Option 1 – Two Tier Model, Existing Zones

A description of the governance body structure and role for Option 1

Governance Body	Structure	Role
 <b>Board</b>	11 members: 8 representative members elected from and by the Policy Council (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year. Responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
 <b>Policy Council</b>	24 members plus President. Members elected by and from the Zones (12 from 5 Metro Zones, 12 from 12 Country Zones).	Meet at least 2 times per year to contribute to policy positions and advocacy for input into Board, and to liaise with Zones on policy and advocacy. The Policy Council can form Policy Teams, Policy Forums and Committees, which would have responsibility for specific functions, such as policy development.
 <b>Zones</b>	5 Metro, 12 Country.	Meet at least 2 times per year to raise policy issues, elect representatives to the Policy Council, and undertake regional advocacy and projects as directed by the Zone.




## Option 2 – Board, Regional Bodies

A description of the governance body structure and role for Option 2

Governance Body	Structure	Role
 <b>Board</b>	11 members: 8 representative members elected from and by the Regional Bodies (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year responsible for governance of WALGA including strategy, financial oversight, policy development, advocacy priorities, employment of CEO, etc.
 <b>Regional Bodies</b>	Metro: North, South, East and Central. Country: Mining & Pastoral, Agricultural, Peel/South West/Great Southern, Regional Capitals. <i>Note: Local Governments can nominate their preferred regional body, with membership of the regional bodies to be determined by the board.</i>	Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members (1 from each of the Metro Regional Bodies and 1 from each of the Country Regional Bodies).
 <b>Policy Teams / Forums / Committees</b>	Membership drawn from the Board and Regional Bodies with some independent members.	Responsible for specific functions – such as policy development – as determined by the Board.




## Option 3 – Board, Amalgamated Zones

A description of the governance body structure and role for Option 3

Governance Body	Structure	Role
 <b>Board</b>	15 members: 12 elected from the Zones (6 from Metro/Peel, 6 from Country). President to be elected by the Board. The Board will appoint up to 2 independent, skills or constituency directors.	Meet 6 times per year. Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
 <b>Zones</b>	<p>Metro/Peel:</p> <ul style="list-style-type: none"> <li>Central Metropolitan</li> <li>East Metropolitan</li> <li>North Metropolitan</li> <li>South Metropolitan</li> <li>South East Metropolitan</li> <li>Peel</li> </ul> <p>Country*:</p> <ul style="list-style-type: none"> <li>Wheatbelt South</li> <li>Wheatbelt North</li> <li>Mid West / Murchison / Gascoyne</li> <li>Pilbara / Kimberley</li> <li>South West / Great Southern</li> <li>Goldfields / Esperance</li> </ul> <p><i>*indicative, re-drawing required</i></p>	Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members.
 <b>Policy Teams / Forums / Committees</b>	Membership drawn from Board with some independent members.	Responsible for specific functions – such as policy development – as determined by the Board.




## Option 4 – Member Elected Board, Regional Groups

A description of the governance body structure and role for Option 4

Governance Body	Structure	Role
 <b>Board</b>	11 members: 8 representative members elected via direct election, with each member Local Government to vote (4 elected by and from Metropolitan Local Governments, 4 elected by and from Country Local Governments). President elected by the Board from among the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year and responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
 <b>Policy Teams / Forums / Committees</b>	Membership drawn from Board with some independent members.	Meet at least 2 times per year. Responsible for specific functions – such as contributing to policy development – as determined by the Board.
 <b>Regional Groups</b>	Determined by members to suit needs. E.g. Regional Capitals, GAPP, VROCs, CEO Group, existing Zones.	Feed into policy development processes and undertake advocacy and projects as determined by the groups.

## Option 5 – Current Model

A description of the governance body structure and roles for the Current Model




Governance Body	Structure	Role
 <b>State Council</b>	24 members plus the President. Members elected by and from the Zones (12 from 5 Metropolitan Zones, 12 from 12 Country Zones).	Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy, employment of CEO, etc.
 <b>Zones</b>	5 Metro, 12 Country.	Consider the State Council Agenda, elect State Councillors, and undertake regional advocacy / projects as directed by the Zone.
 <b>Policy Teams / Forums / Committees</b>	Membership drawn from State Council with some independent members.	Responsible for specific functions – such as contributing to policy development, financial oversight etc. – as determined by State Council.

## Best Practice Governance Review

### 4. Alignment to Principles




## Option 1 – Two Tier Model, Existing Zones

Option 1 and its alignment to the principles

Option 1 – Two tier model, existing Zones		Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
 Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	Representative	Composition	Meets	<ul style="list-style-type: none"> <li>Board will have equal metropolitan and country membership</li> </ul>
		Size	Meets	<ul style="list-style-type: none"> <li>Board is smaller</li> </ul>
		Diversity	Meets	<ul style="list-style-type: none"> <li>Consideration of appointment processes for independent members</li> </ul>
		Election Process	Meets	<ul style="list-style-type: none"> <li>Board to be elected from Policy Council</li> </ul>
		Timely Decision Making	Meets	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
 Policy Council (25 members) 24 members plus President	Responsive	Engaged Decision Making	Meets	<ul style="list-style-type: none"> <li>Board meetings are not dependent on other governing body meetings</li> </ul>
		Agility	Partial	<ul style="list-style-type: none"> <li>Board is future-proofed from external changes</li> <li>Zone structures still underpin Council</li> </ul>
		Focus	Partial	<ul style="list-style-type: none"> <li>Prioritisation and focus may be a challenge</li> </ul>
 Zones (5 metro, 12 country)	Results Oriented	Value Added Decision Making	Meets	<ul style="list-style-type: none"> <li>Best practice board approaches will be adopted</li> </ul>
		Continuous Improvement	Meets	<ul style="list-style-type: none"> <li>Board would be responsible for ongoing reviews of governance body roles in consultation with members</li> </ul>




## Option 2 – Board, Regional Bodies

Option 2 and its alignment to the principles

Option 2 – Board, Regional Bodies		Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
 Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	Representative	Composition	Meets	<ul style="list-style-type: none"> <li>Board will have equal metropolitan and country membership</li> <li>How to establish regional body membership is a consideration</li> </ul>
		Size	Partial	<ul style="list-style-type: none"> <li>Board is smaller</li> <li>Number of regional bodies is a consideration</li> </ul>
		Diversity	Meets	<ul style="list-style-type: none"> <li>Consideration of appointment processes for independent members</li> </ul>
		Election Process	Meets	<ul style="list-style-type: none"> <li>Board election from regional bodies</li> </ul>
		Timely Decision Making	Meets	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
 Regional Bodies (4 metro, 4 country)	Responsive	Engaged Decision Making	Meets	<ul style="list-style-type: none"> <li>Board meetings are not dependent on regional body meetings</li> </ul>
		Agility	Meets	<ul style="list-style-type: none"> <li>Board and regional bodies are future proofed from external changes</li> </ul>
		Focus	Partial	<ul style="list-style-type: none"> <li>There may be challenges defining accountabilities and responsibilities of regional bodies</li> </ul>
 Policy Teams / Forums / Committees	Results Oriented	Value Added Decision Making	Meets	<ul style="list-style-type: none"> <li>Best practice board approaches will be adopted</li> </ul>
		Continuous Improvement	Meets	<ul style="list-style-type: none"> <li>Board will be responsible for ongoing reviews of governing body roles in consultation with members</li> </ul>




## Option 3 – Board, Amalgamated Zones

Option 3 and its alignment to the principles

Option 3 – Board, Amalgamated Zones		Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
 Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	Representative	Composition	Partial	<ul style="list-style-type: none"> <li>Board will have equal metropolitan and country membership</li> <li>There may be composition challenges for amalgamated zones</li> </ul>
		Size	Partial	<ul style="list-style-type: none"> <li>Board is smaller</li> <li>Amalgamation of zones to 12 in total</li> </ul>
		Diversity	Meets	<ul style="list-style-type: none"> <li>Consideration of appointment processes for independent members</li> </ul>
		Election Process	Meets	<ul style="list-style-type: none"> <li>Board election from zones</li> </ul>
 Zones (6 metro, 6 country)	Responsive	Timely Decision Making	Meets	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
		Engaged Decision Making	Meets	<ul style="list-style-type: none"> <li>Board meetings are aligned to zone meetings</li> </ul>
		Agility	Meets	<ul style="list-style-type: none"> <li>Board is future proofed from external changes</li> </ul>
 Policy Teams / Forums / Committees	Results Oriented	Focus	Partial	<ul style="list-style-type: none"> <li>Prioritisation and focus may be a challenge</li> </ul>
		Value Added Decision Making	Meets	<ul style="list-style-type: none"> <li>Best practice board approaches will be adopted</li> </ul>
		Continuous Improvement	Meets	<ul style="list-style-type: none"> <li>The Board would be responsible for ongoing reviews of governance body roles in consultation with members</li> </ul>




## Option 4 – Member Elected Board, Regional Groups

Option 4 and its alignment to the principles

Option 4 – Member elected Board, Regional Groups		Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
 Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	Representative	Composition	Partial	<ul style="list-style-type: none"> <li>Board will have equal metropolitan and country membership</li> <li>Membership of regional groups dynamic and ad hoc</li> </ul>
		Size	Partial	<ul style="list-style-type: none"> <li>Board is smaller</li> </ul>
		Diversity	Meets	<ul style="list-style-type: none"> <li>Consideration of appointment processes for independent members</li> </ul>
		Election Process	Meets	<ul style="list-style-type: none"> <li>Board election from a general meeting</li> </ul>
 Policy Teams / Forums / Committees	Responsive	Timely Decision Making	Meets	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
		Engaged Decision Making	Meets	<ul style="list-style-type: none"> <li>Board meetings are not dependent on policy teams / regional group meetings</li> </ul>
		Agility	Meets	<ul style="list-style-type: none"> <li>Board is future-proofed from external changes</li> </ul>
 Regional Groups	Results Oriented	Focus	Partial	<ul style="list-style-type: none"> <li>Policy teams / Regional Group meetings to influence priorities</li> </ul>
		Value Added Decision Making	Meets	<ul style="list-style-type: none"> <li>Best practice board approaches will be adopted</li> </ul>
		Continuous Improvement	Meets	<ul style="list-style-type: none"> <li>Board would be responsible for ongoing reviews of governing body roles in consultation with members</li> </ul>

## Option 5 – Current Model

Current model and its alignment to the principles

Option 5 – Current Model		Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
 State Council (25 members) 24 State Councillors 1 President	Representative	Composition	Meets	<ul style="list-style-type: none"> <li>State Council has equal metropolitan and country membership</li> </ul>
		Size	Partial	<ul style="list-style-type: none"> <li>State Council will retain 25 members</li> </ul>
		Diversity	Partial	<ul style="list-style-type: none"> <li>No control of diversity of State Council</li> </ul>
		Election Process	Meets	<ul style="list-style-type: none"> <li>State Council election from zones</li> </ul>
 Zones (5 metro, 12 country)	Responsive	Timely Decision Making	Partial	<ul style="list-style-type: none"> <li>Meeting frequency aligned to governing body roles</li> </ul>
		Engaged Decision Making	Meets	<ul style="list-style-type: none"> <li>State Council meetings are aligned to zone meetings</li> </ul>
		Agility	Partial	<ul style="list-style-type: none"> <li>State Council is not future proofed from external changes</li> </ul>
 Policy Teams / Forums / Committees	Results Oriented	Focus	Partial	<ul style="list-style-type: none"> <li>Prioritisation and focus may remain a challenge</li> </ul>
		Value Added Decision Making	Partial	<ul style="list-style-type: none"> <li>Best practice board approaches will not be adopted</li> </ul>
		Continuous Improvement	Meets	<ul style="list-style-type: none"> <li>State Council would continue to be responsible for ongoing reviews of governance body roles in consultation with members</li> </ul>

## Best Practice Governance Review

### 5. Consultation Process and Next Steps

# WALGA Best Practice Governance Review

## Consultation Process and Next Steps

### Consultation Process

#### Council Position

Member Local Governments are asked to consider this paper and the governance model options put forward and provide a Council endorsed position to WALGA.

It is suggested that Councils endorse a preferred model (which could be the Current Model) and provide a ranking in terms of an order of preference.

Submissions to WALGA are sought by **23 December 2022**.

#### Supplementary Market Research

An independent market research company has been engaged to ascertain insights from Elected Members and Chief Executive Officers about WALGA's governance model. Qualitative interviews and a quantitative survey will be undertaken to supplement Council positions.

#### Workshops and Forums

Requests for presentations on the work undertaken by the Steering Committee and the model options, as well as facilitation of workshops and discussions will be accommodated where practicable.

### Next Steps

#### Timetable

- Consultation and engagement with Members on this paper and governance model options will be undertaken from October 2022 until 23 December 2022.
- The Steering Committee will consider the outcomes of the consultation process during January 2023.
- A Final Report with a recommended direction will be the subject of a State Council Agenda item for the March 2023 State Council meeting.



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## Thank you

For more information, visit our [website](#) or contact Tim Lane, Manager Association and Corporate Governance, at [tlane@walga.asn.au](mailto:tlane@walga.asn.au) or 9213 2029.

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### 9.2.3 Application to Keep Additional Dog – 29 Popanyinning East Road. Popanyinning

Applicant: Barry Dillon  
File Ref. No: ADM290  
Disclosure of Interest: Nil  
Date: 5 December 2022  
Author: Stan Scott  
Attachments: Application for Exemption of Limitation of Number of Dogs

*NOTE: the application was submitted on a Shire of Narrogin form because at the time of his first approach Cuballing did not have a form. This has since changed.*

#### **Summary**

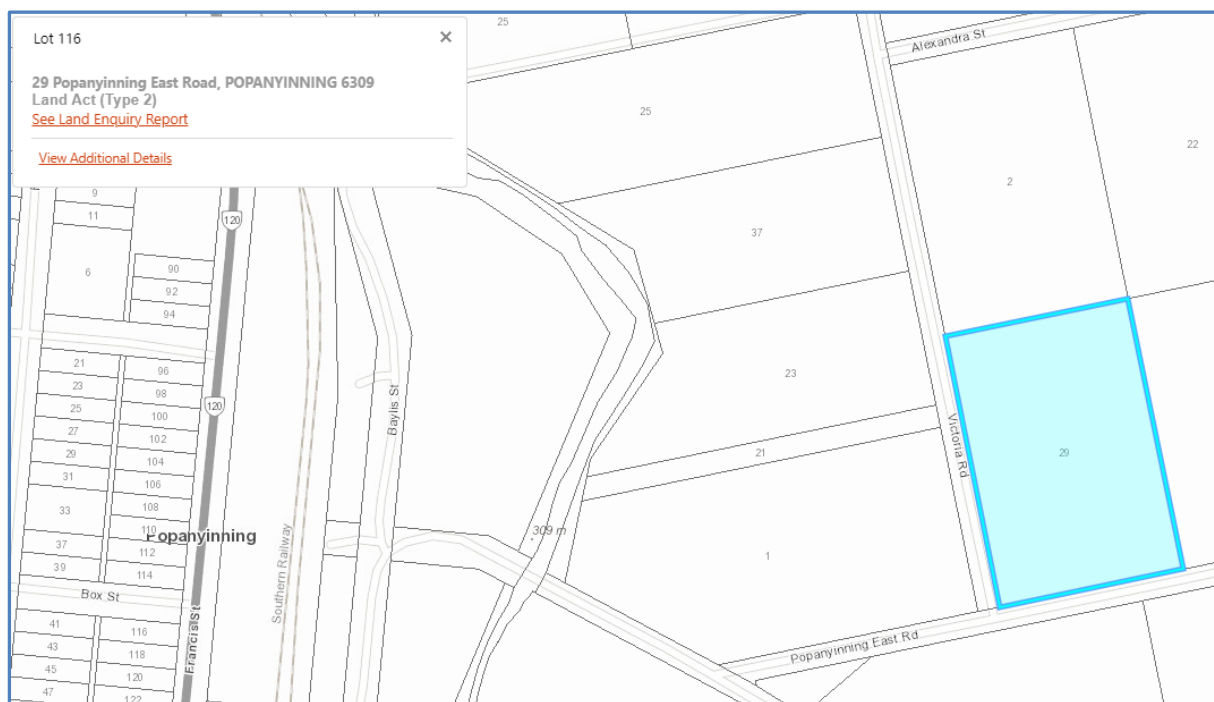
**Council is requested to consider an application from Mr Dillon to keep an additional dog within the Popanyinning town site.**

#### **Background**

The Shire of Cuballing Dog Local Law permits only 2 dogs to be kept at premises within a townsite unless granted an exemption.

Under section 26(3) of the Dog Act Council may grant an exemption to the limits on the number of dogs to be kept at premises, but any such exemption:

- may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
- may be revoked or varied at any time.



The property in question is 4 hectares (10 acres) and impact on neighbours would be minimal. Mr Dillon advises that he has consulted with neighbours and there were no objections, though this has not been verified.



### Comment

The Shire of Cuballing has received an application from Mr Barry Dillon to keep an additional dog at his residence at 29 Popanyinning East Road. Popanyinning.

Mr Dillon has two registered Cocker Spaniel / King Charles Spaniels cross dogs. Both dogs are almost 12 years old. Cocker Spaniels has a life expectancy of 12 to 15 years, while King Charles Spaniels have a life expectancy of 9 to 14 years. Mr Dillon's contention that the dogs are close to their end of life is probably accurate.

The new puppy he has purchased is a Rhodesian Ridgeback.

Mr Dillon first approached me at a Popanyinning Progress Association. I advised him later that the area where he lives is part of the gazetted townsite and that the 2 dog limit therefore applies.

### Strategic Implications – Nil

### Statutory Environment

#### Shire of Cuballing Dogs Local Law

##### 3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –
  - (a) licensed under Part 4 as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –
  - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
  - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

#### Dogs Act 1976

##### 26. Limitation as to numbers

- (1) A local government may, by a local law under this Act —
  - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
  - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
  - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
  - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
  - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
  - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
  - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
  - (b) cannot authorise the keeping in or at those premises of —
    - (i) more than 6 dogs that have reached 3 months of age; or

- (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
  - and
  - (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
  - (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
    - (i) a local law mentioned in subsection (1); or
    - (ii) an exemption granted under subsection (3);
  - or
  - (b) more than —
    - (i) 2 dangerous dogs (declared); or
    - (ii) 2 dangerous dogs (restricted breed); or
    - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
  - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.
- Penalty:
  - (a) for an offence relating to a dangerous dog —
    - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
    - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500;
  - (b) for an offence relating to a dog other than a dangerous dog —
    - (i) a fine of \$5 000;
    - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$100.
- (5) Any person who is aggrieved —
  - (a) by the conditions imposed in relation to any exemption under subsection (3); or
  - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
 may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

#### Policy Implications

Council has no policy to provide guidance for dealing with applications for an exemption from the provisions of the Dogs Local Law.

#### Financial Implications – Nil

#### Economic Implication – Nil

#### Social Implication

Keeping of pets can have positive impacts on mental health. Barking dogs is one of the more frequent complaints dealt with by the Shire each year.

#### Environmental Considerations – Nil

#### Consultation

The contract ranger inspected the premises and advised as follows:

- *I have inspected the above property and found the fences are adequate and in good condition.*
- *I have never had any dog issues or complaints about this property.*
- *I have no objections to this request.*

Mr Dillion advises that he has consulted with neighbours and there were no objections, though this has not been verified

### Options

Council may resolve:

1. the Officer's Recommendation; or
2. refuse the application giving reasons.

### Voting Requirements – Simple Majority

#### **OFFICER RECOMMENDATION**

**That Council permit the keeping of 3 dogs at 29 Popanyinning East Road. Popanyinning, subject to the following conditions:**

**1. All dogs must be confined to the property and kept under control by the following means:**

**(a) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height and construction to prevent the dogs at all times from passing over, under or through it, or**

**(b) An approved electronic confinement.**

**2. Any proven offense regarding the dogs under the Dog Act 1976 will result in the permit being revoked and the number of dogs kept at the premises will be reduced to a maximum of two (2) within fourteen (14) days.**

**3. All dogs must be registered and registration must be maintained.**

**4. The approval only applies to the following dogs:**

Name	Breed	Sex	Microchip No	Age	Colour
Charlie	Cocker Spaniel / King Charles	Male	982000153610750	11 years 7 Months	Red
Gizmo	Cocker Spaniel / King Charles	Male	978102100048136	11 years 7 Months	Black
Georgie	Rhodesian Ridgeback/ Rottweiler	Male	985113006098667	6 months	Tan with Black Head

**5. Upon the death or disposal of one or more of the above dogs, the permit will cease and the number of dogs permitted will revert to the lesser number.**

**6. The local government must be notified in writing of the dogs' details and any change to details, this includes change of address and/or change of ownership**

**Moved Cr Kowald**

**Motion lapsed for want of a seconder**

*Reason for not supporting the Officer's recommendation*

*Council noted that barking dogs remain one of the most common community complaints, and does not want to set a precedent by approving additional dogs in these circumstances.*

# APPLICATION FOR EXEMPTIONS OF LIMITATION OF NUMBER OF DOGS (FDRS038)



Shire of  
**Narrogin**  
Love the life

89 Earl Street  
PO Box 1145  
Narrogin WA 6312

www.narrogin.wa.gov.au  
enquiries@narrogin.wa.gov.au

CASHIER HOURS:  
8:30am – 4:30pm  
MONDAY- FRIDAY

## APPLICANT DETAILS

Pensioner / Guide Dog / Working Dog		Assessment No	
Surname	DILLON	First Name	BARRY
Residential Address	29 POPANYINNING EAST RD, POPANYINNING		
Postal Address	PO BOX 67 POPANYINNING WA 6309		
Telephone No		Mobile No	0487576168
Email Address	barrydillon@activ8.net.au		
Concession type	PENSIONER	Card No	CRN203-983-362C

DECLARATION BY OWNER/AGENT

1. I hereby make an application for an exemption to be granted by the Shire of Narrogin provided in Section 26 of the Dog Act 1976 (as amended) in order to permit me to keep the dogs referred to herein at the premises described below:

Signature Barry Dillon Date 15-11-2022

## Description of Premises

**NOTE: This section requires a 'to scale' sketch of the property to be attached to the application.**

Address where the dog will be kept	AS ABOVE
Are you the owner of the property?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If you are not the owner of the property, you will need to obtain a written letter of permission from the owner or authorised agent	
Size of property	TOTAL AREA 10 ACRES
Buildings on the property (eg. How many, type of building(s))	ONE SMALL STORAGE SHED AND ONE 6X18MT
Fencing type	PIG WIRE INFILLED WITH CHICKEN WIRE
How many dogs are kept at the property at present?	2
Are you a current paid member of any association or organisation of dog owners?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If 'Yes', please list the association(s) or organisation(s) (including contact details)	

<b>DOG 1</b>			
Name of Dog	CHARLIE	Age	11 years 7 months
Sex	MALE	Sterilised	Yes <del>NO</del> <del>XXXX</del> (forms to be attached)
Colours	RED	Markings	WHITE UPPER MUZZLE BEHIND THE NOSE
Breed	Dominant:	Crossbreed:	COCKER SPANIEL/KING CHARLES
Dangerous Dog	<del>XXX</del> No	Previous Shire	
Microchip No			
Is the dog kept for droving/tending stock?	<del>XXX</del> / No		
Has the dog previously been declared dangerous?	<del>XXX</del> / No (Dangerous dogs may only be registered for 1 year at a time)		
Is the dog kept as a commercial/security dog?	<del>XXX</del> / No Please provide details:		
Is the dog a Restricted Breed?	<del>XXX</del> / No / Unknown Breed:		
<b>DOG 2</b>			
Name of Dog	GIZMO	Age	.....11.....years .....7.....months
Sex	Male / Female	Sterilised	Yes / <del>NO</del> <del>XXXX</del> (forms to be attached)
Colours	BLACK	Markings	NIL
Breed	Dominant:	Crossbreed:	COCKER SPANIEL/KING CHARLES
Dangerous Dog	<del>XXX</del> / No	Previous Shire	
Microchip No			
Is the dog kept for droving/tending stock?	<del>XXX</del> / No		
Has the dog previously been declared dangerous?	<del>XXX</del> / No (Dangerous dogs may only be registered for 1 year at a time)		
Is the dog kept as a commercial/security dog?	<del>XXX</del> / No Please provide details:		
Is the dog a Restricted Breed?	<del>XXX</del> / No / Unknown Breed:		
Address where dogs will ordinarily be kept.	29 POPANYINNING EAST RD, POPANYINNING WA 6309		
<b>DOG 3</b>			
Name of Dog	GEORGIE	Age	.....years .....6.....months
Sex	Male / <del>XXXX</del>	Sterilised	<del>XXX</del> No / <del>XXXX</del> (forms to be attached)
Colours	TAN WITH DARKER HEAD	Markings	WHITE TOES ON FRONT FEET
Breed	Dominant:	Crossbreed:	RHODESIAN RIDGEBACK/ROTTWEILER
Dangerous Dog	<del>XXX</del> / No	Previous Shire	
Microchip No	985113006098667		
Is the dog kept for droving/tending stock?	<del>XXX</del> / No		
Has the dog previously been declared dangerous?	<del>XXX</del> / No (Dangerous dogs may only be registered for 1 year at a time)		
Is the dog kept as a commercial/security dog?	Yes / No Please provide details: WILL BE USED TO BREED 2-3 LITTERS		
Is the dog a Restricted Breed?	<del>XXX</del> / No / Unknown Breed:		
<b>DOG 4</b>			
Name of Dog		Age	.....years .....months
Sex	Male / Female	Sterilised	Yes / No / Exempt (forms to be attached)
Colours		Markings	
Breed	Dominant:	Crossbreed:	
Dangerous Dog	Yes / No	Previous Shire	
Microchip No			
Is the dog kept for droving/tending stock?	Yes / No		
Has the dog previously been declared dangerous?	Yes / No (Dangerous dogs may only be registered for 1 year at a time)		
Is the dog kept as a commercial/security dog?	Yes / No Please provide details:		
Is the dog a Restricted Breed?	Yes / No / Unknown Breed:		

Additional Information	
<b>Please detail the reason(s) you wish to keep the additional dog(s)</b>	
MY TWO CURRENT DOGS ARE BOTH AT THE NEAR END OF THEIR LIVES, AND AS THEY ARE WHAT GOT ME THROUGH	
THE TRAUMA OF LOSING MY WIFE, AND ALSO THAT CHARLIE STOPPED ME COMMITTING SUICIDE 6 YEARS AGO,	
I DEPEND ON MY DOGS FOR COMPANY A GREAT DEAL, TO CONTINUE LIVING ALONE. ONCE BOTH OLDER DOGS	
HAVE PASSED, I WILL THEN GET ANOTHER DOG BRINGING THE NUMBER I OWN TO 2	
<b>Have you ever incurred a penalty of any kind with the respect to the keeping of a dog or dogs?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Have you had dogs registered within another WA Local Government?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>If 'yes', please provide details</b>	
<b>Previous Local Government</b>	
<b>Name of dog(s) registered</b>	
<b>Your previous address</b>	

**Please provide any further comments and attach all relevant paperwork**

At the poppo progress assoc. meeting after anzac day I asked the CEO how hard it would be to get approval for a 3rd dog short term and I was told that it should not be a problem and to just apply to council once the dog turned 6months. My dogs are companion animals and as such are inside with me 99% of the time. they are restricted to a fenced in yard of approx 15mt x 15mt that has been inspected and approved by the ranger, sent out by the shire. I have approached the 3 neighbours that are within the 200mt specified by the CEO and have received the approval from them for the 3rd dog. After all the above I checked the council website and found that I live outside the township boundary and concluded I was allowed 4 dogs, so I went ahead with the purchase of the pup, but was later told by council that as far as the dog act goes, the subdivision is included in the township. CR A. Kowald was present at the above mentioned meeting and both the CEO and Cr Kowald said that I did not even have to register the new dog until it turned 6 months of age, and I have since found out that it is actually only 3 months of age, hence the late application. As stated above, my dogs are kept inside my residence, and as such, do not bark incessantly at night, as opposed to the 2 or 3 I can hear barking at all hours day and night. Finally, as far as the breed of the new pup goes, they are known for their instinct to stay at home and guard the premises, and not try to escape and roam around, nor are they known to attack sheep or alpacas, and as proof, the pup was born on a Katanning Farm which had chooks pet sheep and other animals roaming freely with the parents of the pup, not bothering the animals or small children that are there



## 9.2.4 Application to Keep Additional Dogs – 36 Russell St, Cuballing

Applicant: Kim Russell  
File Ref. No: ADM290  
Disclosure of Interest: Nil  
Date: 12 December 2022  
Author: Stan Scott  
9.2.4A Application for Exemption of Limitation of Number of Dogs  
Attachments: 9.2.4B Letter from Applicant  
9.2.4C Breed Characteristics

### **Summary**

**Council is requested to consider an application from Mrs Russell to keep additional dogs within the Cuballing town site.**

### **Background**

The Shire of Cuballing Dog Local Law permits only 2 dogs to be kept at premises within a townsite unless granted an exemption.

Under section 26(3) of the Dog Act Council may grant an exemption to the limits on the number of dogs to be kept at premises, but any such exemption:

- may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
- may be revoked or varied at any time.



The property in question is 0.76 hectares (1.9 acres) and impact on neighbours would be minimal.



This is an unusual set of circumstances which are set out in the application for exemption and accompanying letter. Mrs Russell has found a property in Cuballing and has made an offer subject to getting permission from the Shire to keep her dogs and cats.

Mrs Russell is carer for her husband who suffers from Alzheimer's. Mr Russell's daily routine which is important for his care, includes feeding and interacting with the pets. They previously lived on a larger property where there were not the same constraints on the number of pets.

The facts of the request are as follows:

**Dogs:**

- Mrs Russell has 5 dogs. That is 4 beagles and a Maremma;
- One of the beagles is 8 years old, two are 7 years old and one is 2 years old. The life expectancy of beagles is 12 -15 years old.
- The youngest Beagle is a trained tracking dog.
- The beagles will all wear barking collars
- The Maremma is one year old.

**Cats:**

- Mrs Russell also had 4 cats. However, since she lodged the application two of the cats have been euthanised due to this age and medical conditions. The letter regarding the cats is attached as it contains other information pertinent to the dogs application.

None of the dogs will be replaced when they pass. All have been with the Russells since birth.

**Comment**

The most common circumstance with applications for exemption from restrictions on the number of dogs arose from a dog complaint, or we become aware that there are more than 2 dogs at a residence. As a result claims are often retrospective seeking permission after the event.

On this occasion it is somewhat different. They previously lived on a farm where they were permitted to have up to six dogs. With Mr Russell's dementia this is no longer possible. The 2 acre property in Cuballing fits their needs perfectly and they have submitted an offer subject to Shire permission to keep their pets.

Mrs Russell has pointed out that looking after and interacting with the dogs is particularly beneficial to Mr Russell's wellbeing.

The information below is an extract from a carers resource from the dementia.com.au website, and confirms Mrs Russell's contentions relating to the health benefits:

***Benefits of engaging with pets***

*Engaging with animals and pets can help people living with dementia to:*

- *Express their emotions.*
- *Interact with the animal in a meaningful way.*

- *Feel validated and have a sense of purpose in caring for the animal.*
- *Reminisce on pets they owned, stimulating long and short-term memory.*
- *Enjoy a sense of comfort and security via a tactile and sensory experience.*
- *Engage in positive social behaviour like smiling, laughing, and eye contact.*

*Interacting with animals can be effective as an alternative to medication for a person with changed behaviour as a result of dementia, helping to counteract:*

- *Social withdrawal, apathy and restlessness.*
- *Aggressive behaviour, vocalising, pacing and intrusion.*
- *Reduced communication skills.*
- *Long and or short-term memory deficits.*
- *Disorientation towards time as well as place.*

Notwithstanding the clear benefits, it could be argued that these could be achieved with the standard number of dogs. So it becomes a question of whether it is reasonable to provide the approval given that they are moving from a place where 5 dogs were permitted.

Given the life expectancy of the dogs, and assuming no dog offenses it is likely the permission would have effect for several years.

It is notable that the Maremma is bred as a companion animal for stock . Mrs Russell will likely keep 3 sheep and several chickens and the Maremma would act as a guardian for these animals.

The youngest of the beagles is a trained tracking dog. Feedback from the SES in Narrogin is that this would be a beneficial skill for search and rescue and would be used.

The contract ranger has examined the property and advises:

*I inspected the above property. Around the house yard most of the fencing is 1800mm Colourbond with a picket fence across some of the front yard. The fencing around the paddock is normal ringlock.*

Online information on both dog breeds is that both are prone to barking. The barking collars on the beagles may be effective. The Maremma however is a working dog and will try to keep busy. This may include for example guarding the street and barking at every passing car and pedestrian. It could be argued that looking after 3 sheep and a dozen chickens would not be sufficient to keep it busy.

Refusal of all or part of the application may result in Mrs Russell not proceeding with the purchase of the property. However, council must also be mindful of the amenity issues for neighbouring properties. There may be no issues, but there is a risk.

Strategic Implications – Nil

Statutory Environment

### ***Shire of Cuballing Dogs Local Law***

#### **3.2 Limitation on the number of dogs**

- (1) This clause does not apply to premises which have been –
  - (a) licensed under Part 4 as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –
  - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
  - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

### **Dogs Act 1976**

#### **26. Limitation as to numbers**

- (1) A local government may, by a local law under this Act —
    - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
    - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
  - (2) A local law mentioned in subsection (1) —
    - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
    - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
    - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
    - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
  - (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
    - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
    - (b) cannot authorise the keeping in or at those premises of —
      - (i) more than 6 dogs that have reached 3 months of age; or
      - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
 and
    - (c) may be revoked or varied at any time.
  - (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
    - (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
      - (i) a local law mentioned in subsection (1); or
      - (ii) an exemption granted under subsection (3);
 or
    - (b) more than —
      - (i) 2 dangerous dogs (declared); or
      - (ii) 2 dangerous dogs (restricted breed); or
      - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
    - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.
- Penalty:**
- (a) for an offence relating to a dangerous dog —
    - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;

- (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500;
- (b) for an offence relating to a dog other than a dangerous dog —
  - (i) a fine of \$5 000;
  - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$100.
- (5) Any person who is aggrieved —
  - (a) by the conditions imposed in relation to any exemption under subsection (3); or
  - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
 may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected

#### Policy Implications

Council has no policy to provide guidance for dealing with applications for an exemption from the provisions of the Dogs Local Law.

#### Financial Implications

Nil

#### Economic Implication – Nil

#### Social Implication

Keeping of pets can have positive impacts on mental health. Barking dogs is one of the more frequent complaints dealt with by the Shire each year. This will be mitigated to a degree by the use of barking collars.

#### Environmental Considerations - Nil

#### Consultation

Apart from an assessment of the premises by the ranger there has been no public consultation. As the applicant is not presently resident in Cuballing so there is no history of previous complaints.

#### Options

On this item the CEO is in two minds and is seeking Council to make a determination. The Officer recommendation is worded so that Council, if it wishes to approve more than two but less than 5 of the dogs may modify the table accordingly.

Council may resolve:

1. the Officer's Recommendation; or
2. Make a different resolution. This could include for example allowing only the 3 older beagles, or allow the 4 beagles and not the Maremma;
3. refuse the application giving reasons.

#### Voting Requirements – Simple Majority

## **OFFICER RECOMMENDATION**

That Council permit the keeping of 5 dogs at 36 Russell Street, Cuballing, subject to the following conditions:

1. All dogs must be confined to the property and kept under control by the following means:

(a) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height and construction to prevent the dogs at all times from passing over, under or through it, or

(b) An approved electronic confinement.

2. The 4 beagles will be prevented from creating a nuisance by barking through the use of barking suppression collars;

3. Any proven offense regarding the dogs under the Dog Act 1976 will result in the permit being revoked and the number of dogs kept at the premises will be reduced to a maximum of two (2) within fourteen (14) days.

4. All dogs must be registered and registration must be maintained.

5. The approval only applies to the following dogs:

Name	Breed	Sex	Microchip No	Age	Colour
Gidgie	Beagle	Female	953010000982555	7 years	Black Tan White
Ziggy	Beagle	Male	941000018954924	7 years	Tan White
Brandi	Beagle / Cavalier	Female	978102100280363	8 Years	Tan White
Gingernuts (Ginge)	Beagle	Male	900113002482677	2 Years	Tan White
Zoey	Maremma	Female	991003001544065	1 Year	White

6. Upon the death or disposal of one or more of the above dogs, the permit will cease and the number of dogs permitted will revert to the lesser number.

7. The local government must to be notified in writing of the dogs' details and any change to details, this includes change of address and/or change of ownership.

## **COUNCIL DECISION 2022/139**

That Council does not approve additional dogs at 38 Russell Street, Cuballing

Moved Cr Dowdell

Seconded Cr Harris

Carried 6/0

*Reason for not supporting the Officer's recommendation*

*Council noted that barking dogs remain one of the most common community complaints, and does not want to set a precedent by approving additional dogs in these circumstances.*



## APPLICATION FOR EXEMPTIONS OF LIMITATION OF NUMBER OF DOGS

Applicant Details			
Full Name	Kim Russell		
Residential Address	36 Russell Street Cuballing WA 6311		
Postal Address			
Mobile No.	0467257438	Telephone No.	
Email Address	kim.russell@mail.com		
Are you a Pensioner?	Yes		
Concession Type	Healthcare	Card No.	126145702V
Is your Dog a Guide Dog or Working Dog?	1 is a working dog and 1 is a tracker		
<b>DECLARATION BY OWNER/AGENT</b> 1. I hereby make an application for an exemption to be granted by the Shire of Cuballing provided in Section 26 of the Dog Act 1976 (as amended) in order to permit me to keep the dogs referred to herein at the premises described below.			
Signature:  Date: 24/11/2022			

Description of Premises	
Address Where Dogs will be kept	36 Russell St Cuballing WA 6311
Are you the Owner of the Property?	Yes when settlement goes through 4/1/23
<b>If you are not the owner of the Property, you will need to obtain a written letter of permission from the owner or authorised agent</b>	
Size of the Property	1.89 acres
Buildings on the Property (eg. How many types of Building(s))	House with sheds
Fencing Type	House yard if fully enclosed and no visible points for our dogs
How many dogs are kept at the property at present?	None that is known presently
Are you a current paid member of any association or organisation of dog owners?	No
<b>If 'Yes', please list the association(s) or organisation(s) (including contact details)</b>	

<b>DOG 1</b>			
Name of Dog	Gidgi	Age	7
Sex	Female	Sterilised	Yes
Colours	Tri Colour	Markings	Black Tan White
Breed	Dominant: Beagle	Crossbreed:	
Dangerous Dog	No	Previous Shire	City of Wanneroo
Microchip No.	953010000982555		
Is the dog kept for droving/tending stock?	No		
Has the dog previously declared dangerous?	No		
Is the dog kept as a commercial/security dog?	No		
Is the dog a restricted Breed?	No		
<b>DOG 2</b>			
Name of Dog	Ziggy	Age	7
Sex	Male	Sterilised	Yes
Colours	Lemon	Markings	Tan White
Breed	Dominant: Beagle	Crossbreed:	
Dangerous Dog	No	Previous Shire	City of Wanneroo
Microchip No.	941000018954924		
Is the dog kept for droving/tending stock?	No		
Has the dog previously declared dangerous?	No		
Is the dog kept as a commercial/security dog?	No		
Is the dog a restricted Breed?	No		
<b>DOG 3 (Dog that you are applying for exemption)</b>			
Name of Dog	Brandi	Age	8
Sex	Female	Sterilised	Yes
Colours	Tan Black	Markings	
Breed	Dominant: Beagle	Crossbreed:	Cavalier
Dangerous Dog	No	Previous Shire	City of Wanneroo
Microchip No.	978102100280363		
Is the dog kept for droving/tending stock?	No		
Has the dog previously declared dangerous?	No		
Is the dog kept as a commercial/security dog?	No		
Is the dog a restricted Breed?	No		
<b>DOG 4 (If Applicable)</b>			
Name of Dog	Gingernuts (Gingie)	Age	2
Sex	Male	Sterilised	Yes
Colours	Lemon	Markings	Tan White
Breed	Dominant: Beagle	Crossbreed:	
Dangerous Dog	No	Previous Shire	City of Wanneroo
Microchip No.	900113002483677		
Is the dog kept for droving/tending stock?	Yes		
Has the dog previously declared dangerous?	No		
Is the dog kept as a commercial/security dog?	No		
Is the dog a restricted Breed?	No		

DOG 5(If Applicable)

Name of Dog Zoey Age 1

Sex Female Sterilised No

Colours White Markings

Breed Dominant: Maremma

Crossbreed:

Dangerous Dog ☐ No Previous Shire City of Wanneroo

Microchip No.991003001544065

Is the dog kept for droving/tending stock? Yes

Has the dog previously declared dangerous No

Is the dog kept as a commercial/security dog? No

Is the dog a restricted Breed? ☐ No







## APPLICATION FOR EXEMPTION OF LIMITATION OF NUMBER OF DOGS

### Declaration

I am aware that the Shire of Cuballing shall inspect the nominated premises and is obliged to notify Owners/Occupiers of properties nearby of the premises nominated in the application to keep more than two (2) dogs on a premise.

I am also aware that the Shire of Cuballing shall be entitled to advise persons notified, as mentioned above, as to any data or information contained in this application form. The Shire of Cuballing shall not make a decision with respect to the application until at least twenty-one (21) days after the service of the last of the notices referred to herein and shall take into account a report prepared by a Shire Ranger.

I agree that the Shire of Cuballing may at any time withdraw or amend the terms of any exemption which may at any time be granted with respect to *Section 26 of the Dog Act 1976 (as amended)*.

Full Name..... Kim Russell .....

Date..... 24/11/2022 .....

Signature.....  .....

**Cuballing Shire**

**Via Email**

24 November 2022

**To Whom It May Concern**

I am in the process of purchasing the property at 36 Russell Street Cuballing 6311 on the provision of being allowed extra dogs and cats.

I am also attaching the required paperwork for the dogs.

We have 4 cats

Oskar Grey Desexed Male 10 years

Willow Black & White Desexed Female 12 years

Winnie Black & White Desexed Female 12 Years

Mama White Brown Desexed Female 13 years

All these cats are microchipped and registered.

They are all elderly cats nearing the end of their lives and never leave the house, nor do they attack wildlife, climb or jump. Each of these cats do have medical conditions and require medication daily with Winnie dependant on Insulin injections for her diabetes.

I am also carer for my husband Iain who has Dementia and the dogs and cats are our companions and he attends to their feedings and their entertainment. It is easier for my husband to have a few duties to occupy his days. We have no intention of replacing animals as they pass away and ask for your approval for us to continue owning them and we are the only people who have ever cared for them and definitely would fret without me being a part of their lives. If we

leave home for any journeys to see family, these animals always come with us so never cause any problems with neighbours.

We are at present living with our daughter and her family until settlement is sorted and your approval @ 1 Bucktin St Collie 6225

Yours truly

A handwritten signature in black ink, appearing to read 'Kim Russell', with a stylized, cursive script.

Kim Russell

0467257438

### 9.2.4C – Breed Characteristics (Source - <https://www.purina.com.au/dogs>)

Characteristic	Maremma	Beagle
<b>Intelligence</b>	This breed can be very difficult to train as it is very strong willed. It will be loyal to one master but training may still take considerable effort. Early socialisation is essential as this is a big, strong dog and accidents could happen if the dog were not trained to get along with smaller pets and children.	Training must begin early or the beagle can get out of hand and indulge in its favourite habits - overeating and making a mess. Beagles do like to please their masters but must clearly be shown what is required and the owner must be firm and consistent. If one does not begin early and continue with firm commands, then this breed can be very hard to housebreak and will bark to an annoying degree.
<b>Energy</b>	Medium	High
<b>Suitability for Children</b>	Medium	High
<b>Tendency to Bark</b>	High	High
<b>Suitability as a Guard Dog</b>	High	Medium
<b>Ease of Transportation</b>	Low	Medium
<b>Level of Aggression</b>	Medium	Low
<b>Other Animal Compatibility</b>	Low	Low
<b>Overall Exercise Requirement</b>	This breed is best suited to farm life with lots of open space and livestock to guard. They are not an overly active breed, preferring to quietly watch over their flock. They are not suited to suburban living as they can become bored quickly.	Beagles do need a great deal of exercise. Because of their strong hunting instinct, they cannot be let off lead till extremely well trained to return when called. This will take a long time for the Beagle to learn as they are so strongly inclined to follow a scent. Garden walls must be high at least 6 feet and secure for the same reason - once on a scent, a Beagle does not return voluntarily. They are excellent escapologists and will attempt to dig their way out of any confinement. One way of keeping your dog well exercised would be to let it utilize its natural hunting talents. Field dog trials are popular with beagle owners. In terms of actual hunting, beagles can be worked as a pack or a brace (two dogs.) Regardless, the breed must be exercised extensively and is probably not a wise choice for the city dweller.

## 9.2.5 Oversized Shed at 52 Beeston Street, Cuballing

Applicant: Ms Deanna Hyland  
File Ref. No: A257  
Disclosure of Interest: Nil  
Date: 9<sup>th</sup> December 2022  
Author: Stan Scott  
Attachments: 9.2.5A Planning Application  
9.2.5B Site Plan

### **Summary**

**Planning Approval is recommended for an oversized outbuilding at 52 Beeston Street, Cuballing.**

### **Background**

#### *1. The application site*

The site is located on the north side of Cuballing. The property is 11,489 square metres in area and is largely cleared with some significant sized remnant trees.

The property has one existing outbuilding located adjacent to the dwelling. While the lot is largely cleared, some large vegetation remains on the property.

#### *2. The application*

The application seeks approval for an additional outbuilding (128m<sup>2</sup>) is proposed to be constructed close to the house and 35.9 metres from the nearest property boundary. The nearest residential building is 100 metres away.

The outbuilding is proposed to be a 3 door garage, made in Colourbond steel, to provide a workshop for domestic use, storage for vehicles and motorcycles and trailers and a socialising area. The outbuilding would have a wall height of 4 metres and with a gable roof a total height of 4.71 metres. The extra height is to accommodate the installation in the future of a vehicle hoist.

The Planning Application is included at Attachment 9.2.3B.

#### *3. Public consultation and submissions*

There has been no public consultation. The closest neighbours are 100 metres away and there are substantial trees between the proposed shed and neighbouring properties.

#### *4. Planning context*

The site is zoned "Rural Residential" in the *Shire of Cuballing Town Planning Scheme No. 2* (TPS2).

Council's *Local Planning Policy – Outbuildings* (LPPO) in part states planning approval may be granted where:

- (b) *that for properties in the Rural Residential Zone, where the lot size is over 1,500m<sup>2</sup>;*
- (i) *Zincalume construction, where the total outbuilding does not exceed 85m<sup>2</sup> in total floor area;*
  - (ii) *Colourbond construction, where the total outbuilding does not exceed 120m<sup>2</sup> in total floor area;*
  - (iii) *Masonry construction and/or where the total outbuilding has walls constructed of the same materials and appearance as the house and does not exceed 170m<sup>2</sup> in total floor area.*
- (c) *Wall height of any outbuildings not to exceed 3 metres. In the case of gable roof construction, the maximum height is not to exceed 4 metres.*
- ...
- (f) *Any application for planning approval which does not comply with the above shall be referred to Council for consideration.*

The proposed area for this outbuilding is 128m<sup>2</sup>, the proposed wall height is 4 metres, and gable height is 4.7 metres all of which exceed the threshold for Council consideration..



### Comment

While noting that the proposed outbuilding exceeds the maximum permitted height under the Local Planning Policy approval of the building is within the purview of Council. Approval would be consistent with previous approvals. It is recommended that the Council approve the Planning Application subject to conditions.

This follows assessment against the Shire of Cuballing TPS2, Council policy, information provided by the applicant, the submissions relating to the Planning Application and the site characteristics. Conditional approval is recommended given:

- the 128m<sup>2</sup> area of the outbuilding exceeds the 120 m<sup>2</sup> by less than 7%. The lot in question is 11,489 square metres which is large enough to accommodate a building of that scale.

- the 4.71 metre height of the outbuilding is greater than LPP limit of 4 metres. However the shed is more than 35 metres from the nearest lot boundary and is shielded by mature trees it will not be visually imposing on neighbours.

The application is consistent with a previous approval in September 2021. On that occasion however the shed was larger, higher and was on a smaller lot. In light of that precedent and the specifics of this application approval is recommended.

The applicant is not seeking approval to operate a home occupation or home business. If the use of the outbuilding were to change to that of a home occupation or home business, rather than for storage of vehicles and property, the applicant is required to apply for Planning Approval and meet the requirements of a home occupation or home business as set by LPS2. Should such an application be received, the Shire would invite comment from neighbours.

### Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027

ECONOMY – Our Economy, Infrastructure, Systems and Services.

Goals

- Promoting sustainable and diverse economic development opportunities that make the Shire of Cuballing an attractive place to live, work and visit.

	Strategy	Outcome
3.6	Facilitate and guide high quality and efficient building and development across the Shire.	A community with high quality and efficient buildings and development.

### Statutory Environment

*Shire of Cuballing Town Planning Scheme No. 2*

### Policy Implications

Local Planning Policy – Outbuildings

Local Planning Policies are non-statutory documents which provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by LPPO, but is required to have regard to the policy in determining the Planning Application.

Financial Implications – Nil

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

### Consultation

As the proposed building is more than 100 metres from the nearest neighbour and the shed is for domestic use neighbours were not consulted.

### Options

Council may resolve:

- the Officer's Recommendation to approve the Planning Application with conditions;



2. to approve the Planning Application with no conditions;
3. to refuse the Planning Application (providing reasons); or
4. to defer and seek additional information.

Voting Requirements – Simple Majority

**COUNCIL DECISION 2022/140**

**That Council approve the Planning Application for an outbuilding of 128m<sup>2</sup> in area, at 52 Beeson Street, Cuballing subject to the following conditions:**

1. this approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Where the Planning Approval has lapsed, no further development is to be carried out;
2. the development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the Council and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the Council;
3. the provision of details with the Building Permit as to how stormwater will be addressed for the proposed development to the satisfaction of Shire. The Shire will require that all stormwater from the outbuilding shall be collected, detained and suitably treated on site to the satisfaction of the Shire prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Council; and
4. the outbuilding is used for storage and personal recreation activities and is to be not used for commercial, industrial or habitable purposes or for accommodating livestock.

**ADVICE**

- A) In relation to Condition 3, stormwater from the proposed outbuilding is to be suitably detained on site (e.g. rainwater tanks, soakwells). Further, the proponent should in general, effectively manage run-off onto the adjoining properties or roads.
- B) The proponent is advised that this Planning Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- C) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**Moved Cr Kowald**

**Seconded Cr Dowdell**

**Carried 6/0**

## APPLICATION FOR DEVELOPMENT APPROVAL

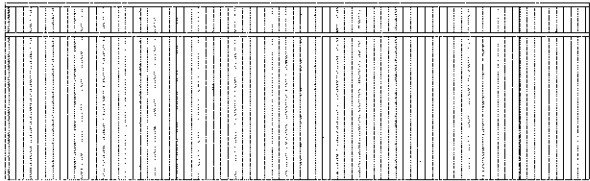
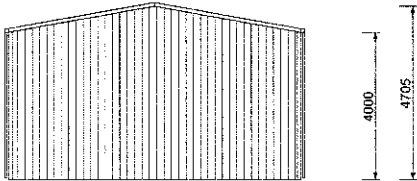
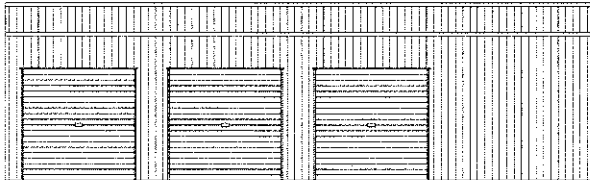
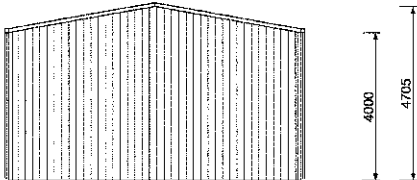



Owner Details		
Name: <u>DEANNE LYNDAL KILAND</u>		
ABN (if applicable):		
Address: <u>52 BEESTON STREET</u> <u>CUBALLING</u> Postcode: <u>6311</u>		
Phone: Work: ..... Home: ..... Mobile: <u>0411080486</u>	Fax: .....	Email: <u>deanne121@hotmail.com</u>
Contact person for correspondence: <u>RICK SMIDA</u>		
Signature: <u>Deanne Kiland</u>		Date: <u>6.12.22</u>
Signature:		Date:
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p>		
Applicant Details (if different from owner)		
Name:		
Address:		
Postcode: .....		
Phone: Work: ..... Home: ..... Mobile: .....	Fax: .....	Email:
Contact person for correspondence:		
<p>The information and plans provided with this application may be made available by the local government for public viewing in connection with the application.   <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>		
Signature:		Date:

Property Details		
Lot No:	House/Street No: 52	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants): .....		
Street name: BEESTON STREET	Suburb: CUBALLING	
Nearest street intersection: VART STREET		

Proposed Development	
Nature of development:	<input type="checkbox"/> Works <input checked="" type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use: SHED CONSTRUCTION ..... ..... .....	
Description of exemption claimed (if relevant): ..... ..... .....	
Nature of any existing buildings and/or land use: RESIDENTIAL HOUSE SMALL GARAGE ..... .....	
Approximate cost of proposed development: \$40,000 .....	
Estimated time of completion: MARCH 2023 - JUNE 2023 .....	

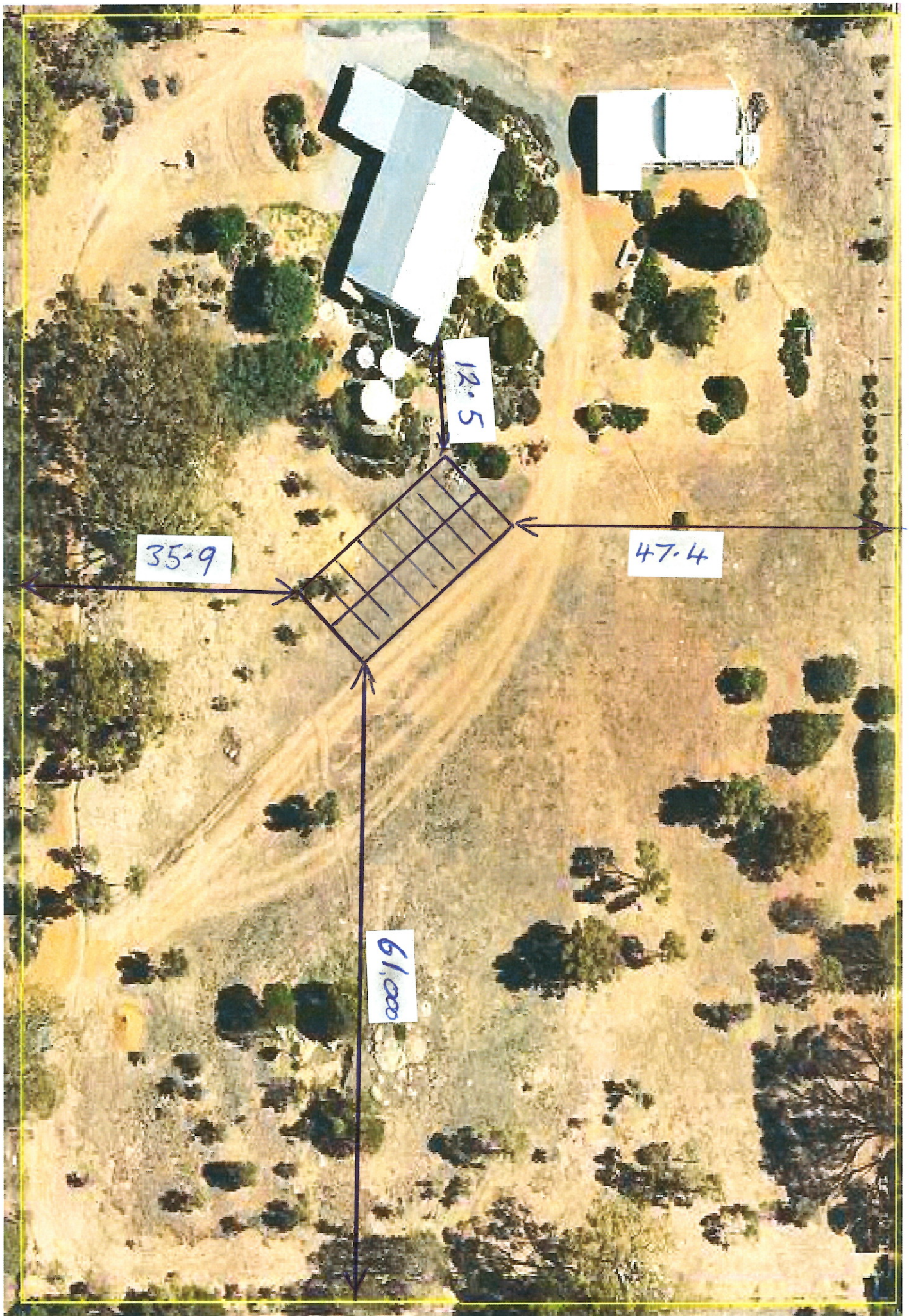
Acceptance Officer's initials:	OFFICE USE ONLY
Local government reference No:	Date received:

		<b>OPTION ITEMS LIST:</b> 3 x Roller Doors - 3 x H3000xW3050 - A Curtain (E1) 1 x Eng - Certificate (WA) - Enduro	
Company: Action Sheds Australia PTY LTD Address: 55 Eroeg Road Phone: 6559 1970 Email: kari@actionsheds.com.au Produced by Endurance TruQuote v4.4.0.0		CLIENT NAME: <b>Rick Smida</b> SITE ADDRESS: 52 Beeston Street Cuballing, WA, PC: 6311	CLIENT SIGNATURE: _____ TITLE: <b>Plan View</b> QUOTE No: <b>ASHKR56024</b> DATE: 21/11/2022 SCALE: NTS PAGES: 1 of 2 REV: A

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DATE: 21/11/2022	PAGES: 2 of 2									

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*Cr Dowling submitted a Declaration of a Proximity Interest in relation to Item 9.2.6. She owns property adjacent to the applicant property.*

*Cr Dowling left the Chambers at 2.55 pm.*

9.2.6	Temporary Storage of a Donga at Lot 23943 Popanyinning West Road, Popanyinning
-------	--

Applicant:	Ms Karina Whitmore
File Ref. No:	A275
Disclosure of Interest:	Nil
Date:	9 <sup>th</sup> December 2022
Author:	Stan Scott
Attachments:	9.2.6A Planning Application

### **Summary**

Planning Approval is recommended for the temporary storage of a Donga at Lot 23943 Popanyinning West Road, Popanyinning.

### **Background**

#### ***5. The application site***

The site is located on the West side of Popanyinning. While it is zoned General Agriculture two sides of the triangular block adjoining the Popanyinning townsite. The property is 23.5 hectares.

There is an existing transportable dwelling, a shed and another building on the property.

#### ***6. The application***

The applicant has been trying for some time without success to find a builder to construct an extension to the existing dwelling. She has recently purchased an additional transportable building which she plans to use as an extension to the existing dwelling. It appears the plans will consist of a covered timber deck breezeway to connect the two buildings. However, she needs somewhere to temporarily store the newly acquired second hand donga in the meantime.

The CEO provided the following advice to the applicant by email:

*The best way to deal with it is as two separate planning applications:*

*The first application for temporary storage will need details of where on the property you propose to store it. You will need to ensure that the area around the temporary building is cleared of flammable material to ensure that it does not create a fire hazard. Approval would be time limited and include provisions requiring the building to be removed from the property or utilised within a set period. It will also include a specific disclaimer that approval of the temporary storage should not be considered as de facto approval of the proposed use of the building. If you have your own timeline for the future use of the building, please let me know what that is.*

*The second planning application will relate to use of the donga as an extension of an existing dwelling. For this we will require details plans of the site and the proposed extension. The site plan should include the location of all buildings on the site as I understand there is a dwelling, and ancillary dwelling and an outbuilding already in place. As it is a second hand*

*dwelling, we would also require the building to be inspected by our Building Inspector to ensure that it is fit for reuse. The attached guide gives an indication of the documents that will need to be lodged in support of the application. As the configuration of the residence is changing, a new or updated Bushfire Attack Level assessment will be required.*

*I understand the first application is more urgent, so if you complete and lodge the first application, we can try to move on that fairly quickly. The second application is more complex and will take you longer to prepare so that can come later, bearing mind the likely condition on the temporary storage of the donga.*

## 7. Planning context

The site is zoned “General Agriculture” in the *Shire of Cuballing Town Planning Scheme No. 2* (TPS2). Placement of the donga temporarily on the property requires planning approval as does the extension of the dwelling. Ideally these would be treated as a single application, but given the urgent need to relocate the newly purchased dongas they are being treated separately.

### Comment

Given that the donga is second hand it will require an assessment to ensure it is fit for purpose as part of a residential building. As the dongas will substantially change the footprint of the residence a further updated Bushfire Attack Level Assessment will be required.

To be fair to the applicant the value of the second application will be discounted by the value of this application.

While approval of the second application is likely, there is nothing in this decision that pre-empts the outcome of the further application.

Noting that the proposed outbuilding exceeds the maximum permitted height under the Local Planning Policy approval of the building is within the purview of Council. Approval would be consistent with previous approvals. It is recommended that the Council approve the Planning Application subject to conditions.

### Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027

ECONOMY – Our Economy, Infrastructure, Systems and Services.

Goals

- Promoting sustainable and diverse economic development opportunities that make the Shire of Cuballing an attractive place to live, work and visit.

	Strategy	Outcome
3.6	Facilitate and guide high quality and efficient building and development across the Shire.	A community with high quality and efficient buildings and development.

### Statutory Environment

*Shire of Cuballing Town Planning Scheme No. 2*

Policy Implications Nil

Financial Implications – Nil

Economic Implication – Nil

Social Implication – Nil



## Environmental Considerations – Nil

## Consultation

There was no public consultation for this application.

## Options

Council may resolve:

1. the Officer's Recommendation to approve the Planning Application with conditions;
2. to approve the Planning Application with no conditions;
3. to refuse the Planning Application (providing reasons); or
4. to defer and seek additional information.

## Voting Requirements – Simple Majority

### **COUNCIL DECISION 2022/141**

**That Council approve the temporary storage of a second hand donga adjacent to the residence at Lot 23943 Popanyinning West Road, Popanyinning, subject to the following conditions**

- 1. This approval is to allow for the applicant to prepare a further development application for use of the second hand donga that is the subject of this application as an extension of the existing dwelling. If the subsequent planning application is not lodged with the Shire of Cuballing within 2 years this approval will expire and the applicant will be required to remove the donga.**
- 2. The second hand donga may not be used for residential purposes prior to the second planning application, obtaining a building license for the proposed works, and completion of the works pertaining to that building license.**
- 3. Nothing in this approval should be taken as an indication of the likelihood of a subsequent approval. Any further application will be considered on its merits.**

### **ADVICE**

- A) Prior to the further planning application, the second hand donga will need to be inspected by an engineer or building inspector to ensure that it is fit for purpose as a residential building;**
- B) The proposed extension will require completion of a new or updated Bushfire Attack Level Assessment.**
- C) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

**Moved Cr Kowald**

**Seconded Cr Dowdell**

**Carried 5/0**

8/12/22.

Hi Scott.

Attached is initial application for transport and temporary siting of office building 12 x 4 metres to my property 23843 Popanyinning West Rd. Popanyinning.

I then plan to put in application (assuming initial application is accepted) to use this building as an extension of existing denger which has already met "storage" requirements of Cuballing Council.

I have spent 2 years + trying to organise a "regular" built extension. Planning with a draftsman was time consuming and then I found out that initial quote given to me by a reputable local builder had more than doubled and time frame estimated to be completed end of 2023.

I have chosen to relocate a transportable (again) as it is within my budget and time frame.

Hoping to complete within 6 months, assuming approvals OK.

I have been in touch with Marko Valentini MSA Group to request Certificate of Compliance Have also consulted with Michael Gill (Engineer) re assessment. Awaiting further updates.

Hope this suffices for  
Laura Whitmore.

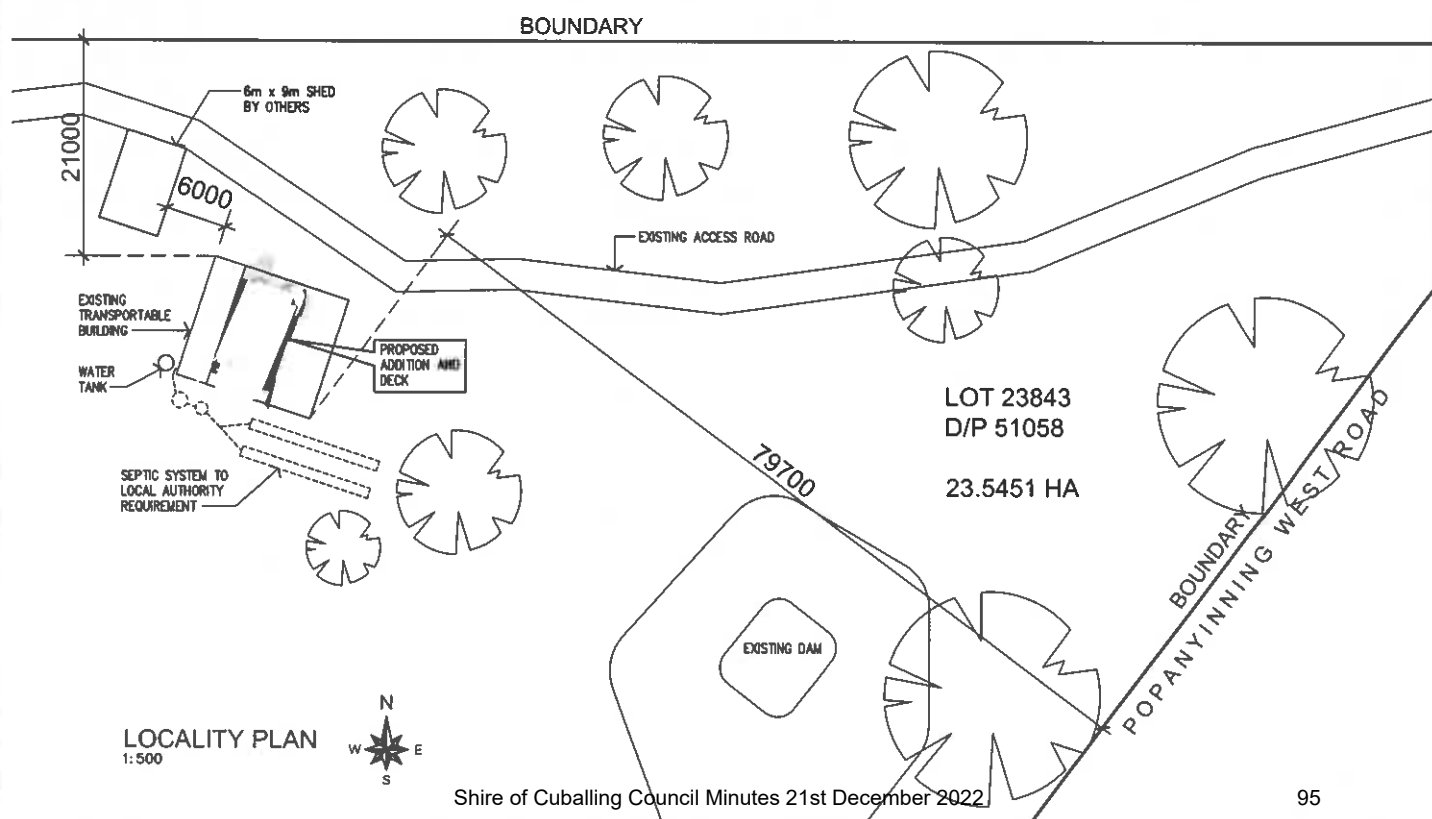
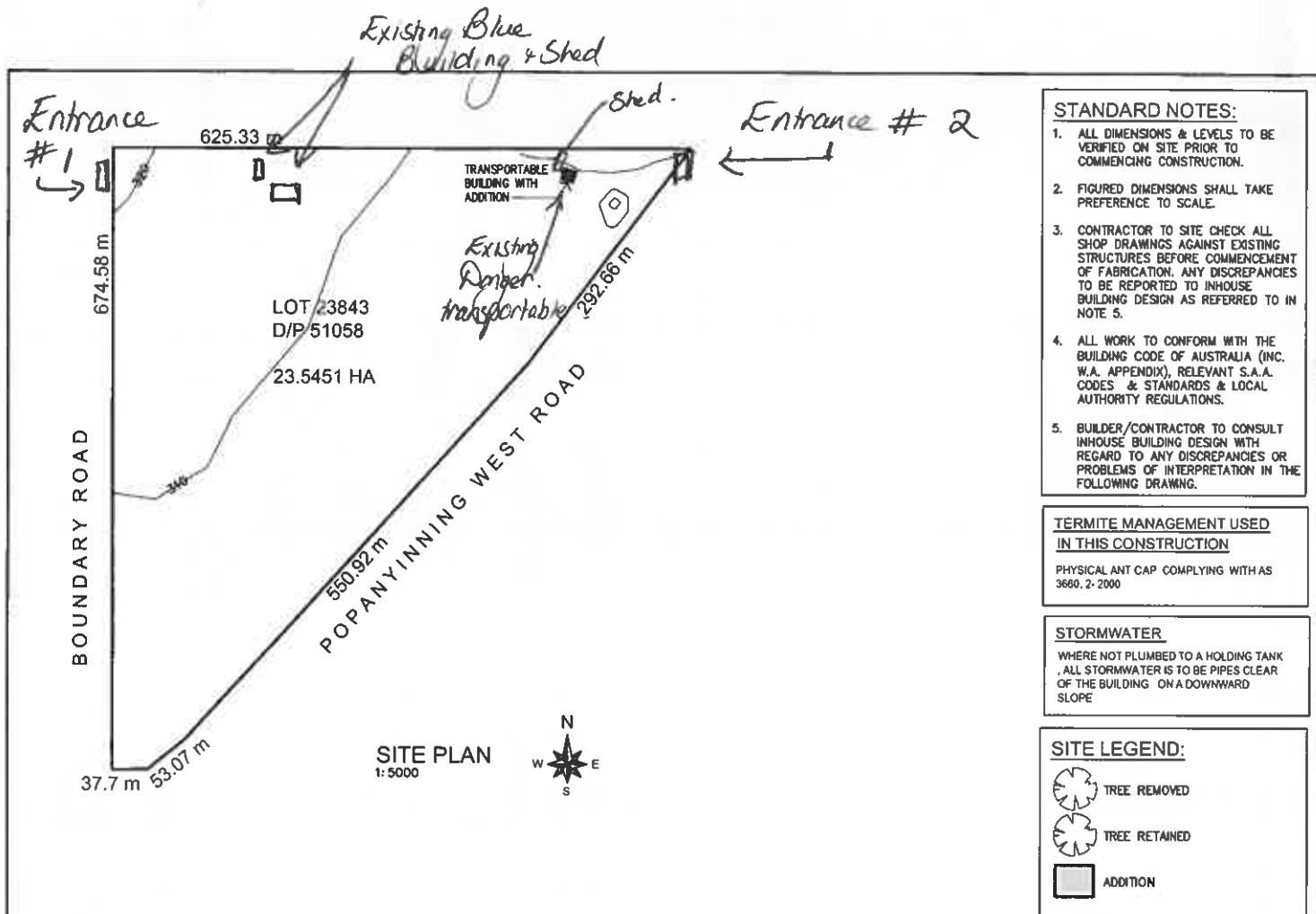
## APPLICATION FOR DEVELOPMENT APPROVAL

Owner Details		
Name: <span style="font-family: cursive; font-size: 1.2em;">KARINA WHITMORE</span>		
ABN (if applicable):		
Address: <span style="font-family: cursive; font-size: 1.2em;">38/12 PARRY ST FREMANTLE</span>		
Postcode: <span style="font-family: cursive; font-size: 1.2em;">6160</span>		
Phone: Work: ..... Home: ..... Mobile: <span style="font-family: cursive; font-size: 1.2em;">0433148179</span>	Fax: .....	Email: <span style="font-family: cursive; font-size: 1.2em;">karina_whitmore@hotmail.com</span>
Contact person for correspondence: <span style="font-family: cursive; font-size: 1.2em;">as above</span>		
Signature: <span style="font-family: cursive; font-size: 1.2em;">Karina Whitmore</span>		Date: <span style="font-family: cursive; font-size: 1.2em;">03/12/2022</span>
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>		
Applicant Details (if different from owner)		
Name:		
Address:		
Postcode:		
Phone: Work: ..... Home: ..... Mobile: .....	Fax: .....	Email: .....
Contact person for correspondence:		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature:		Date:

Property Details		
Lot No: 23843	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants): .....		
Street name: POPMYNNING WEST RD	Suburb: POPMYNNING,	
Nearest street intersection: BOUNDARY RD DOWLING ST		

Proposed Development	
Nature of development:	<input type="checkbox"/> Works <input checked="" type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use: TRANSPORTATION & PLACEMENT OF 12 x 4 (OFFICE BUILDING) ON SKIDS TO SITE AT 23843 POPMYNNING WEST RD, POPMYNNING. INITIAL APPLICATION AS A STORAGE UNIT WITH PLAN TO UTILISE AS EXTENSION TO EXISTING RANGER ON SITE CURRENTLY.	
Description of exemption claimed (if relevant): ..... ..... .....	
Nature of any existing buildings and/or land use: 1 <sup>10x4 m</sup> BEDROOM TRANSPORTABLE & SHED <sup>6x5</sup> LOCATED NORTH WEST <del>SHED</del> 1 <del>SHED</del> 12 x 3 m TRANSPORTABLE STORAGE UNIT LOCATED & SHED 9x7 LOCATED SOUTH EAST REMAINDER OF PROPERTY UTILISED FOR CROPPING/FARMING.	
Approximate cost of proposed development: \$80,000 INCLUDING PURCHASE OF UNIT & RELOCATION COST	
Estimated time of completion: 21/12/22	

OFFICE USE ONLY	
Acceptance Officer's Initials:	Date received:
Local government reference No: Shire of Cuballing Council Minutes 21st December 2022	



The new transportable will be temporary storage and therefore temporarily placed in front of existing approved building (storage unit) prior to application of Building Permit.



Removal of flammable material  
Area recently cleared (noise of big grasses 5/12/22)

*[Handwritten signature]*














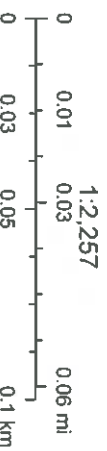


# Locate WA



11/12/2021, 10:38:40 AM

-  LGA
-  Laneway, Unsealed
-  Track, Unsealed
-  Minor Roads
-  Main Roads
-  Others
-  Mail, Sealed
-  Other
-  Minor, Sealed
-  Main, Sealed
-  Laneway, Sealed
-  Minor, Unsealed
-  Main, Unsealed



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, LANDGATE/SLIP, SLIP/Landgate, Landgate / SLIP





# GENERAL

- G1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL INSTANT TRANSPORTABLE OFFICES DRAWINGS AND MANUFACTURERS SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT.
- G2. ALL DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER FOR DECISION BEFORE PROCEEDING WITH THE WORK.
- G3. APPROVAL FOR THE USE OF ALTERNATIVE PRODUCTS OR DETAILS SHALL BE SOUGHT FROM THE ENGINEER.
- G4. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS STATED OTHERWISE.
- G5. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS AND THE REQUIREMENTS OF LOCAL COUNCIL AND OTHER RELEVANT STATUTORY AUTHORITIES.
- G6. DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE STRUCTURE IN A STABLE CONDITION AND ENSURING THAT NO PART IS OVER STRESSED UNDER CONSTRUCTION ACTIVITIES....
- G7. ALL CODES AND STANDARDS REFERRED TO IN THESE NOTES OR ON THE DRAWINGS ARE THE CURRENT EDITION INCLUDING AMENDMENTS.

## DESIGN LOADS

- D1. WIND LOADING: AS PER AS1170.2, DESIGN ULTIMATE 3 SECOND WIND GUST OF 30 m/s. DESIGN SERVICE 3 SECOND WIND GUST OF 30 m/s.
- D2. EARTHQUAKE DESIGN AS PER AS1170.4.
- D3. FLOOR LIVE LOAD: 3.0 kPa AS PER TABLE 3.1 OF AS1170.1
- D4. ROOF LIVE LOAD: 0.25 kPa AS PER TABLE 3.2 OF AS1170.1

## CONCRETE

- C1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS3600 AND OTHER RELEVANT AUSTRALIAN STANDARDS.
- C2. CONCRETE SHALL BE SUPPLIED BY AN APPROVED MANUFACTURER IN ACCORDANCE WITH AS1378.
- C3. CONCRETE SHALL HAVE THE FOLLOWING PROPERTIES:

ELEMENT	STRENGTH	SUMP	MAX AGGREGATE SIZE	MIN CEMENT CONTENT
IN SITU FOOTING	25MPa	60mm	20mm	290 KG/M <sup>3</sup>
PRECAST FOUNDATION	32MPa	60mm	20mm	300 KG/M <sup>3</sup>

## REINFORCEMENT

- R1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS3600 AND OTHER RELEVANT AUSTRALIAN STANDARDS.
- R2. REINFORCEMENT SHALL BE OF A GRADE D500N FOR HOT ROLLED DEFORMED BAR OR D50L FOR SQUARE AND RECTANGULAR MESH.
- R3. MINIMUM COVER TO REINFORCEMENT SHALL BE 30MM U.N.O.

CONFIRM IF WALL PANEL OF STEEL FRAMED WALL? UPDATE ALL WALL MARKERS TO SUIT: AS SOME CALL UP STUDS AND SOME CALL UP PANEL CURRENTLY..

## FOUNDATIONS

- F1. ALL FOUNDATIONS AND FOOTINGS SHALL BE FOUNDED ON WELL COMPACTED MATERIAL HAVING A SAFE ALLOWABLE BEARING CAPACITY OF 1500KPa.
- F2. FOUNDING LEVELS FOR FOOTINGS WHERE SHOWN, ARE ESTIMATES ONLY AND WILL BE ESTABLISHED DURING SITE INSPECTIONS.
- F3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ANY EXCAVATION IN A STABLE CONDITION WITHOUT ADVERSELY AFFECTING SURROUNDING PROPERTIES INCLUDING SERVICES....
- F4. HOLD DOWNS FOR MAIN BEAM TO FOOTING ARE TO BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURERS SPECIFICATION.

## STRUCTURE

- S1. ALL ELEMENTS TO BE AS NOTED ON DRAWINGS AND INSTANT TRANSPORTABLE OFFICES SPECIFICATIONS AND FIXING AS PER MANUFACTURERS SPECIFICATION AND AS NOTED IN THESE DRAWINGS.

## EXTERNAL WALLS

90MM THICK STEEL FRAMED STUD WALL TO MANUFACTURERS DESIGN AND DETAIL TO SUIT WIND REGION A AND ASSOCIATED LOADINGS STEEL TRUSSED ROOF STRUCTURE REFER DETAIL A MANUFACTURERS SPECIFICATIONS FOR FIXING REQUIREMENTS.

## ROOF

## FLOOR

REFER TO FLOOR CHASSIS DESIGN LAYOUT PLAN 19MM AQUATITE TOUNGE AND GROOVE FLOORING FIXED AS PER MANUFACTURERS SPECIFICATION.

## PRIMARY BEAMS

250UB31

## OUTRIGGERS

150 UC23

## SPREADERS

CENTER 75X75X8 ANGLE

## END BEAM

100PFC

## STRUCTURAL STEELWORKS

- S1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS4100 AND OTHER RELEVANT AUSTRALIAN STANDARDS.
  - S2. STEEL SHALL COMPLY WITH AS 3679.1, AS 3679.2, AS 1163, AS 3678 FOR GRADE REQUIREMENTS AS NOTED ON DRAWINGS.
  - S3. ALL WELDING SHALL BE IN ACCORDANCE WITH AS 1554.
  - S4. UNLESS NOTED OTHERWISE, ALL WELDS TO BE MIN 8MM SPFW ALL AROUND, CATEGORY SP WITH EX80XW50X ELECTRODES.
  - S5. ALL WELDS SHALL BE SUBJECT TO INSPECTION AND TESTING IN ACCORDANCE WITH AS 1554.
  - S6. ALL STEELWORK SHALL BE GIVEN A PROTECTIVE COATING IN ACCORDANCE WITH AS 2312 AND PROJECT SPECIFICATION.
  - S7. ALL WALL PLATES AND OPENING TRIMS TO BE G450 ZINCALUME.
  - S8. ALL STEELWORK TO BE TREATED IN ACCORDANCE WITH TABLE 3.4.2 PROTECTIVE COATINGS FOR STEELWORK OF THE BUILDING CODE OF AUSTRALIA.
- FIXINGS**
- FIX1. ALL FIXINGS SHALL BE AS PER ITO PROJECT SPECIFICATIONS AND PROVIDED FIXINGS MANUFACTURERS SPECIFICATION.
  - FIX2. ALL TEK FIXINGS TO BE MIN 14G AND TO HAVE MINIMUM 7MM EDGE DISTANCE AND 15MM SPACING BETWEEN ADJACENT TEKS.
  - FIX3. ZINCALUME FLASHING TO BE FIXED AT 200MM O.C TOP AND BOTTOM U.N.O.O ZINCALUME.
  - FIX4. ALL RIVETS TO HAVE MINIMUM 8MM U.L.S. SHEAR CAPACITY. RIVETS TO BE AT 200MM O.C U.N.O.

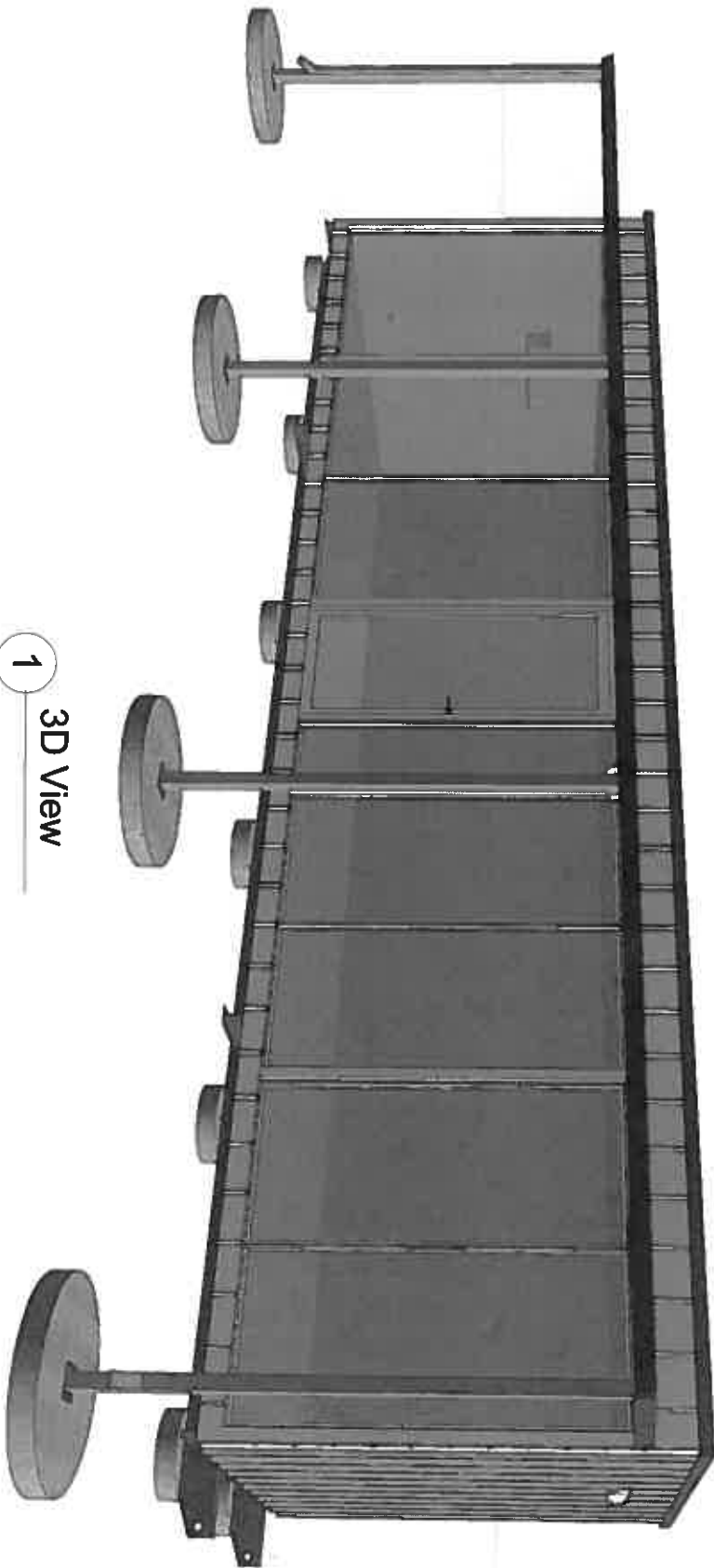
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REV	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	01.09.17

CLIENT:	IPG TRUST	JOB No:	5346
LOCATION:	EX WORKS	SHEET:	A3
TITLE:	ENGINEERING NOTES	DRAWN BY:	HV
	10.0 x 4.0 m PREMIUM SALES OFFICE	DATE:	01.09.17
		SCALE:	SCR
		DWG No:	5346-ENG
		DATE:	01.09.17

ALL WORKING DESIGN CRITERIA WIND LOAD IN ACCORDANCE WITH AS1170.2002 REGION A TERNUM CATEGORY 1



1  
3D View

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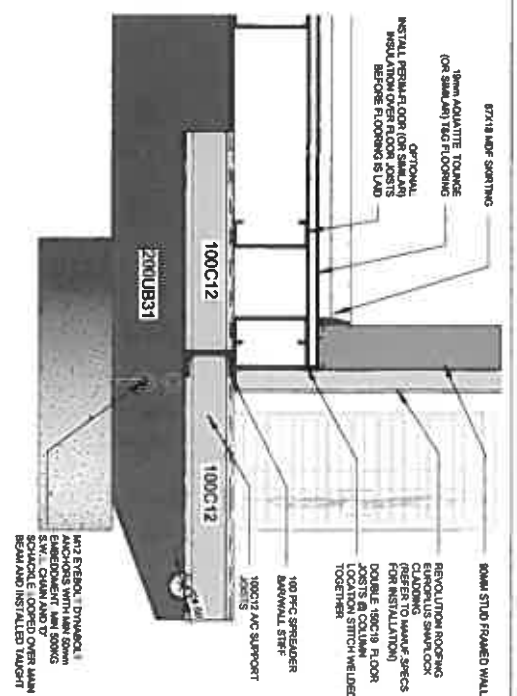
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Fax (08) 9406-6698

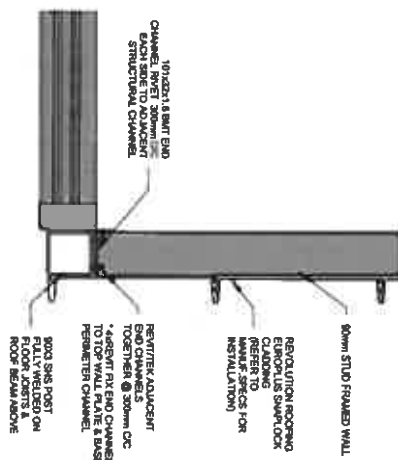
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5	ISSUED FOR APPROVAL	SCR	27.11.17	CLIENT	IPG TRUST	JOB No.	5346
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3	ISSUED FOR APPROVAL	SCR	11.09.17	TITLE	3D VIEW	DRAWN BY	HV
2	ISSUED FOR APPROVAL	SCR	06.09.17			SCALE	SCR
1	ISSUED FOR APPROVAL	SCR	31.08.17			DATE	27.11.17
REV	DESCRIPTION	INT	DATE			DATE	5346-3DV
							170-5500-901-131-0002

BUILDING DESIGN CRITERIA WIND LOAD  
IN ACCORDANCE WITH AS1170:2002  
REGION A, TERRAIN CATEGORY 2



3  
DET  
1:10

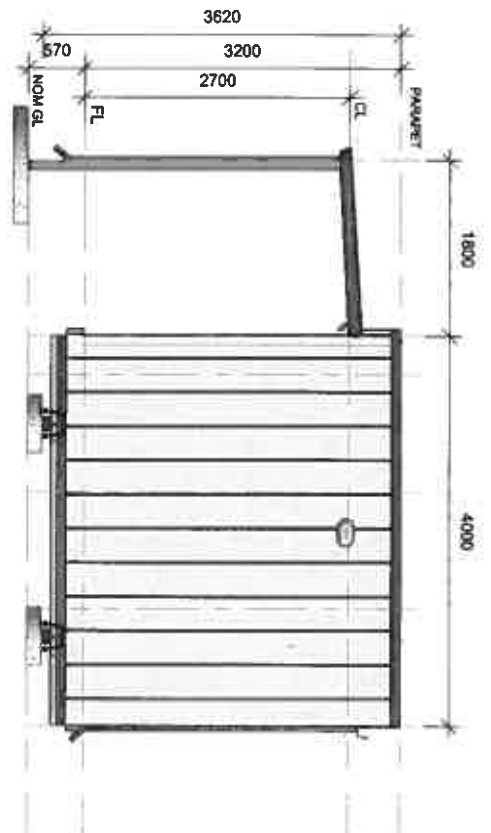


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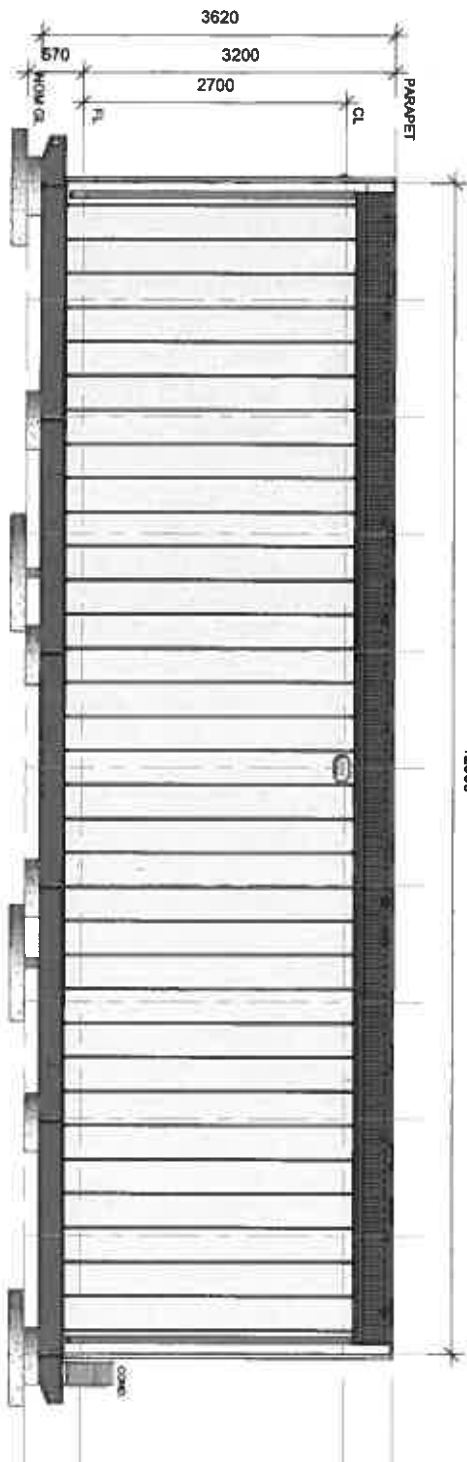


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[illegible]



1  
ELEVATION 1  
1 : 50



2  
ELEVATION 2  
1 : 50

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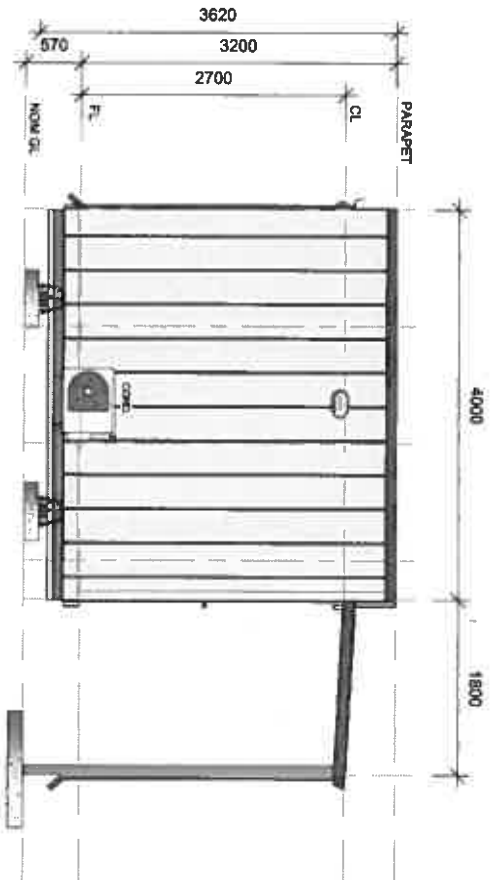
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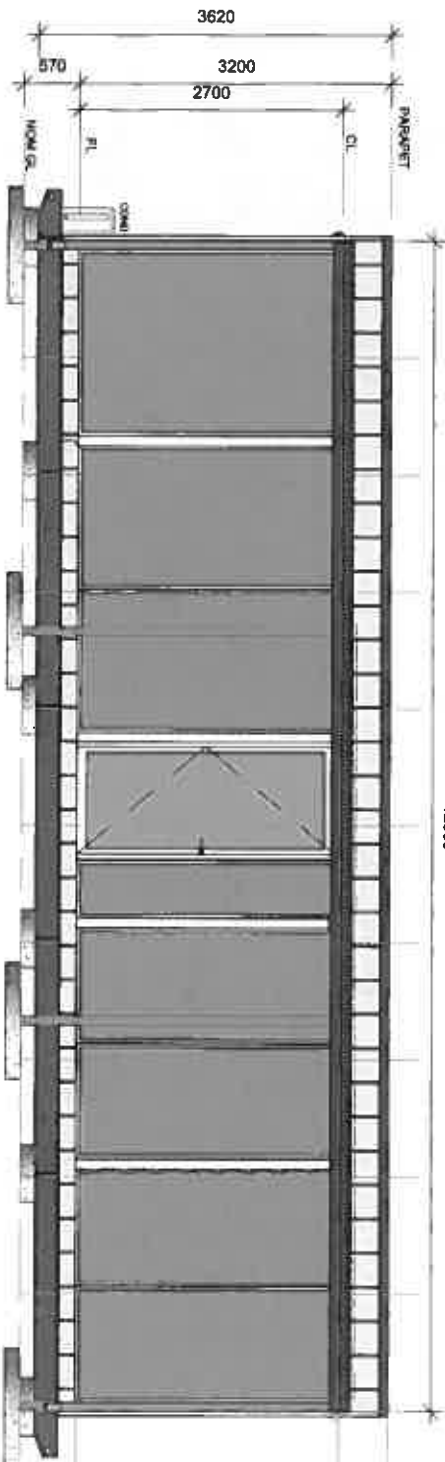
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2	ISSUED FOR APPROVAL	SCR	06.08.17		12.0 x 4.0 m PREMIUM SALES OFFICE	DATE	27.11.17
1	ISSUED FOR APPROVAL	SCR	31.08.17			DATE	27.11.17
REV	DESCRIPTION	INT	DATE			DATE	

BUILDING DESIGN CRITERIA WIND LOAD  
IN ACCORDANCE WITH AS 1170.2:2002  
REGION A, TERRAIN CATEGORY 2



1  
ELEVATION 3  
1 : 50

12000



2  
ELEVATION 4  
1 : 50

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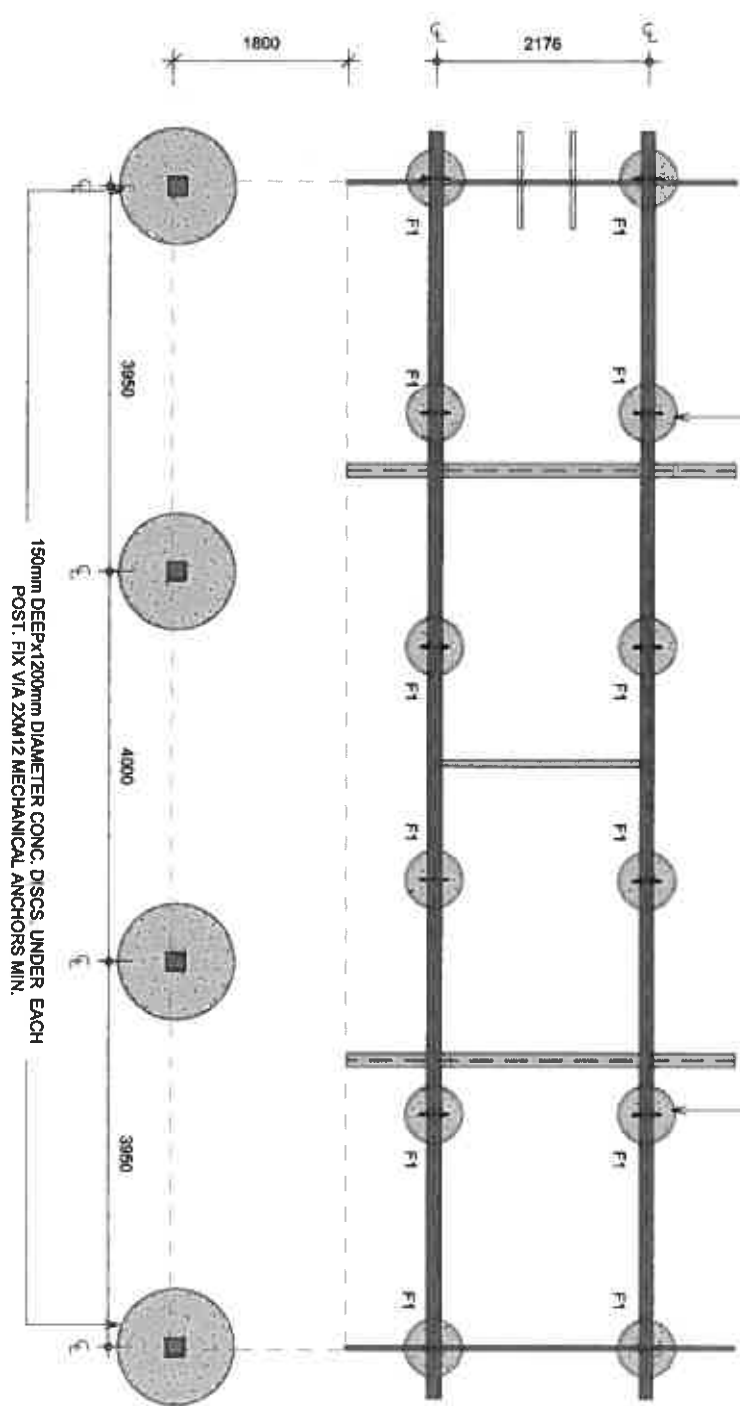
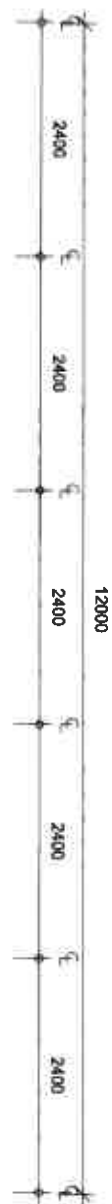
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5	ISSUED FOR APPROVAL	SCR	27.11.17	CLIENT	IPG TRUST	JOB No:	5346
4	ISSUED FOR APPROVAL	SCR	13.11.17	LOCATION	EX WORKS	SHEET	A3
3	ISSUED FOR APPROVAL	SCR	11.09.17	TITLE	ELEVATIONS	DRAWN BY	HV
2	ISSUED FOR APPROVAL	SCR	05.09.17	12.0 x 4.0 m PREMIUM SALES OFFICE	NOTE: THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE SIGNATURE OF THE DESIGNER	DATE	27.11.17
1	ISSUED FOR APPROVAL	SCR	31.08.17			SCALE	SCR
REV	DESCRIPTION	DATE				DATE	27.11.17

BUILDING DESIGN CRITERIA WIND LOAD  
AS 4055:2006  
REGION A 180000 NBS/17



# 1 FOOTING LAYOUT 1 : 50

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4	ISSUED FOR APPROVAL	SCR	13.11.17	CLIENT	IPG TRUST	SHEET	A3	DRAWN BY	HV	DATE	13.11.17
3	ISSUED FOR APPROVAL	SCR	11.08.17	LOCATION	EX WORKS	SCALE	SCR	DATE	13.11.17		
2	ISSUED FOR APPROVAL	SCR	06.08.17	TITLE	FOOTING LAYOUT	NOTE	THIS DRAWING IS UNCHECKED DO NOT SCALE DRAWING REF TO DIMENSIONS ONLY				
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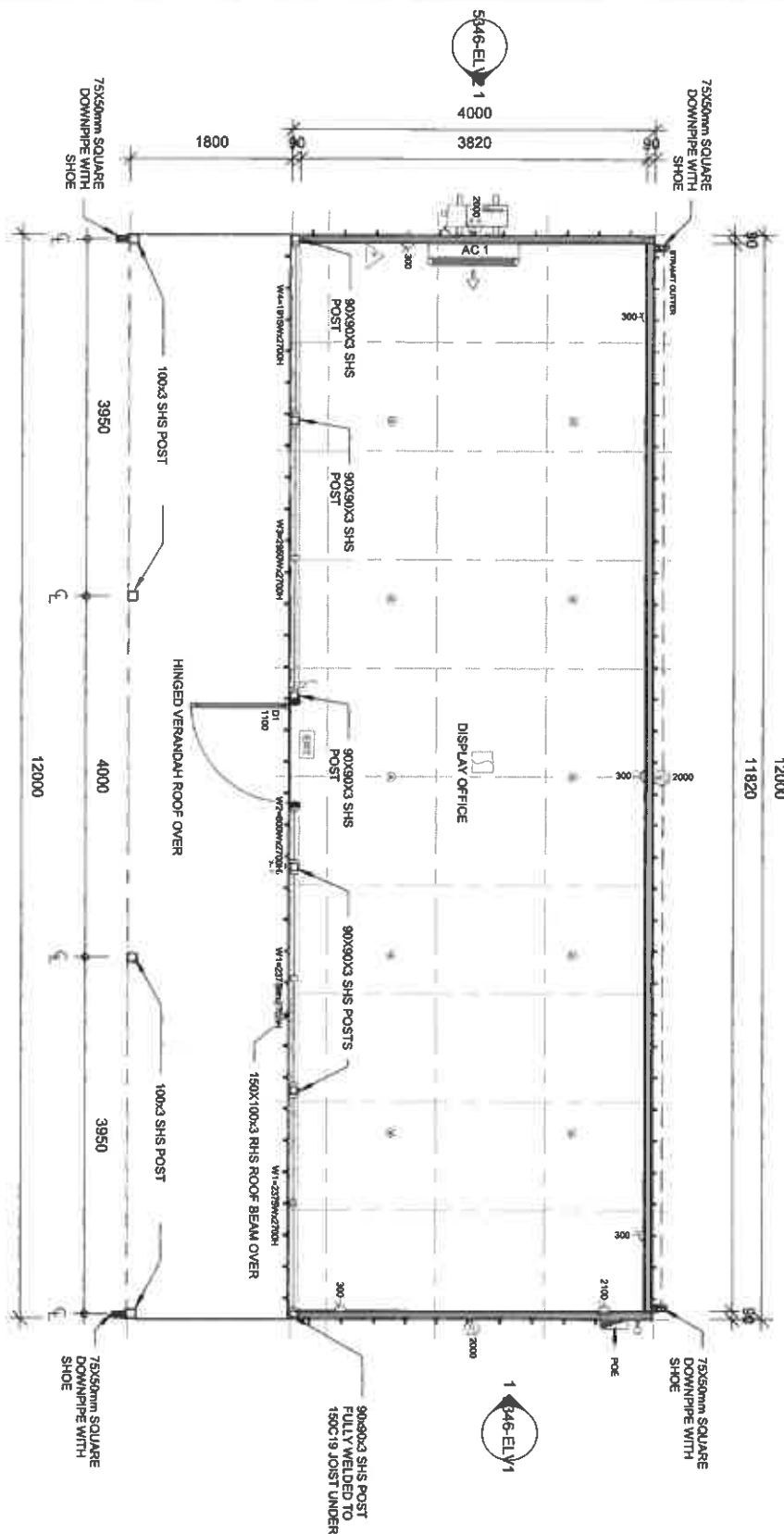
BUILDING DESIGN CRITERIA WIND LOAD  
 IN ACCORDANCE WITH AS 1170.2:2002  
 REGION A THERMAL CATEGORY 2

JOB No. **5346**









**FLOOR PLAN**  
1 : 50

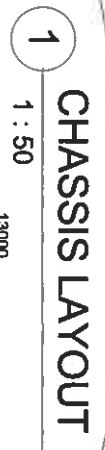
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REV	DESCRIPTION	DATE
5	ISSUED FOR APPROVAL	27.11.17
4	ISSUED FOR APPROVAL	13.11.17
3	ISSUED FOR APPROVAL	11.06.17
2	ISSUED FOR APPROVAL	06.06.17
1	ISSUED FOR APPROVAL	31.08.17

CLIENT	IPG TRUST
LOCATION	EX WORKS
TITLE	FLOOR PLAN / ELECTRICAL LAYOUT 12.0 x 4.0 m PREMIUM SALES OFFICE

DATE	27.11.17
SCALE	SCR
DWG NO.	5346-PLN

ELECTRICAL LEGEND	
	CIRCUIT BREAKER 20 AMPERE
	20A DOUBLE SWITCH
	20A DOUBLE SWITCH 10A BREAKER
	10A DOUBLE SWITCH
	10A DOUBLE SWITCH 5A BREAKER
	5A DOUBLE SWITCH
	5A DOUBLE SWITCH 2.5A BREAKER
	2.5A DOUBLE SWITCH
	2.5A DOUBLE SWITCH 1.25A BREAKER
	1.25A DOUBLE SWITCH
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CLIENT:	IPG TRUST		JOB No:	5346
LOCATION:	EX WORKS	SHEET:	A3	DATE:
TITLE:	CHASSIS AND JOIST LAYOUT	SCALE:	HV	DATE:
12.0 x 4.0 m PREMIUM SALES OFFICE		DATE:	13.11.17	DATE:
NOTE: THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.		ORDERED BY: SCR	DATE: 13.11.17	DWG No: 5346-CHA ITO-5500-G01-131-0002

## 9.2.7 Proposed Subdivision – Lot 4396 Williams-Kondinin Road, Wardering

Location:	Lot 4396 Williams-Kondinin Road, Wardering
Applicant:	BCE Surveying
File Ref. No:	163036
Disclosure of Interest:	Nil
Date:	12 December 2022
Author:	Stan Scott
Attachments	9.2.7A Application Details 9.2.7B Location plan 9.2.7C Other adjoining land owned by landowner 9.3.7D Referral Letter from WAPC

### Summary

**A subdivision application, for Lot 4396 Williams-Kondinin Road, Wardering, to create a homestead lot and a balance lot is not supported given the subdivision application is inconsistent with the local planning framework and would result in unplanned, ad-hoc fragmentation of rural land and set an undesirable precedent. Instead, a revised plan is requested seeking a boundary realignment where no additional lots are created.**

### Background

The Western Australian Planning Commission (WAPC) has referred a subdivision application to the Shire for comment. Details provided by the applicant are provided in Attachment 9.2.7A.

The application site (Lot 4396) is 27.455 hectares in area. The site is generally cleared, contains some native vegetation in the south-west section and has one existing dwelling and some sheds. The proposal is to create two new titles with:

- Lot 150 (homestead lot) to be 6.079 hectares in area to accommodate the existing dwellings and sheds; and
- Lot 151 (balance lot) to be 21.376 hectares in area to continue to be used for rural farming purposes.

The site's location is outlined in Attachment 9.2.7B which is approximately 12km east south-east of the Cuballing townsite, 14km north-east of Narrogin and 20km south-west of Wickepin.

The landowner, Mr Mark Conley, also owns Lots 4395, 4152 and 8837 which adjoin Lot 4396 (application site). These lots are outlined in Attachment 9.2.7C. The Applicant also owns adjoining Lot 4151.

### *Planning framework*

In summary:

- The property is zoned 'General Agriculture' in the *Shire of Cuballing Local Planning Scheme No. 2 (LPS2)*;
- The property is classified as 'Rural' in the *Shire of Cuballing Local Planning Strategy*;
- Portions of the site are classified as a Bushfire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>;

- State Planning Policy 2.5 Rural Planning includes an objective to 'provide investment security for existing, expanded and future primary production and promote economic growth in regional development on rural land for rural land uses'; and
- The WAPC's *Development Control Policy 3.4 Subdivision of Rural Land* (Policy DC3.4) outlines the WAPC will consider rural subdivision for a limited range of exceptional circumstances. One of these exceptional circumstances is for homestead lots subject to meeting relevant criteria. As part of this, the WAPC is to have due regard to the provisions of a local planning scheme and a local planning strategy.

Further details are outlined below.

Section 6.6 of Policy DC3.4 is of relevance to this application. The Policy, in part, states:

'The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.'

Clause 3.2(b) of LPS2 in part sets out the following objectives for the General Agriculture Zone:

- 'to preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner;
- to ensure the preservation of the rural character and rural appearance of land within the zone;
- to protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity'.

The *Shire of Cuballing Local Planning Strategy*, which was endorsed by the WAPC, in part sets out:

- Objectives in section 3.1 which include to 'promote and manage a sustainable settlement pattern to avoid unnecessary duplication of resources' and to 'promote agriculture as a key economic and social driver within the district';
- In section 3.5.1 'Farming is the core business of the district in the foreseeable future and must be protected to conduct normal operations. Due to the importance of agricultural land to the district economy, the Council considers it necessary to protect these areas from incompatible subdivision and development. Subdivision for residential, rural residential use and rural smallholding use are not supported outside of identified areas on the Strategy Plan. There is a general presumption against subdivision of rural land. This presumption against subdivision is in accord with WAPC SPP2.5 and DC3.4 with subdivision only considered in exceptional circumstances';
- Action 25 'Provide advice to the WAPC on subdivision applications which is guided to WAPC policy. In particular, to not generally support additional lots in rural areas but generally support boundary realignments'; and

- Advice 26 'Provide advice to the WAPC on homestead lot subdivision applications that it does generally not support creating an additional lot but will generally support a boundary realignment.'

### Comment

The Shire has and will support applications for homestead lots that are facilitated through a boundary realignment (rationalisation) where no additional lots are created. Based on Council's Local Planning Strategy, it is recommended that the Council resolve to advise the WAPC that the submitted plan be revised to create a homestead lot via a boundary realignment (where no additional lot is created). This would see the amalgamation of proposed Lot 151 (21.376 hectares) amalgamated with adjoining Lot 8837 (36.3908 hectares) which is owned by the landowner, plus the creation of proposed Lot 150 (6.079 hectares) as a homestead lot.

If the submitted plan is not modified to create a homestead lot via a boundary realignment, it is recommended that the Council advise the WAPC that subdivision application 163036 be refused (due to the creation of the additional lot). It is noted:

- The application as submitted is inconsistent with the local planning framework. The Council, in reviewing its Local Planning Strategy, specifically considered the matter of homestead lots and outlined it does not generally support the creation of additional lots in rural areas. In comparison, the Local Planning Strategy supports the creation of homestead lots when associated with a boundary realignment (where no additional lot is created);
- The application represents an unplanned breakdown of rural land. This is likely to have a negative impact on the character of the area including the potential for introducing 'rural lifestyle' surrounded by farming operations. This is considered incompatible with the planning intent of the zone and would result in ad-hoc fragmentation of agricultural land;
- If approved, the proposal is likely to set an undesirable precedent for rural areas. The fragmentation of rural land is likely and this is inconsistent with Policy DC3.4;
- The Local Planning Strategy supports new subdivisions, creating additional lots, to be within or adjoining the Cuballing and Popanyinning townsites. The reasons include protecting agricultural land, maintaining and growing the local economy and service delivery considerations. This includes servicing new residents that are further from Cuballing and Popanyinning;
- Historically, homestead lots were considered on their merits in parts of Western Australia where the population was declining. This is not the case for the Shire of Cuballing;
- There are a wide range of existing lot sizes in the Shire. Significantly, the Local Planning Strategy identifies generous areas for rural smallholding lots (4-40 hectares) that are close to the Cuballing and Popanyinning townsites;
- The applicant has not addressed the implications of economic viability and precedent of creating essentially a rural smallholding lot in the rural area; and
- The applicant did not raise or consider the Local Planning Strategy.

### Strategic Implications

The unplanned breakdown of rural land is inconsistent with the local planning framework. It will create a precedent for creating similar proposals that will place pressure on agricultural production and the cost of acquiring rural land.

### Statutory Environment

*Planning and Development Act 2005* and LPS2.

### Policy Implications

The application is inconsistent with the Local Planning Strategy.

### Financial Implications – Nil

### Economic Implications

The application creates an additional lot.

### Social Implications – Nil

### Environmental Considerations

There are minimal environmental considerations associated with the subdivision application.

### Consultation

The WAPC invites comments from the Shire, servicing agencies and relevant State Government departments on subdivision applications.

### Options

The Council can resolve to:

1. Recommend the application be refused;
2. Support the subdivision application with no conditions; or
3. Support the subdivision application with conditions.

### Voting Requirements – Simple Majority

#### **COUNCIL DECISION 2022/142**

**That Council, in relation to the subdivision application of Lot 4396 Williams-Kondinin Road, Wardering (WAPC 163036) advise the Western Australian Planning Commission, that:**

- 1. Based on the WAPC endorsed Local Planning Strategy, it supports applications for homestead lots that are facilitated through boundary realignment (rationalisation) where no additional lots are created.**
- 2. The WAPC seek a revised plan to create a homestead lot via a boundary realignment (where no additional lot is created). This would see the amalgamation**

of proposed Lot 151 (21.376 hectares) amalgamated with adjoining Lot 8837 (36.9808 hectares) which is owned by the landowner, plus the creation of proposed Lot 150 (6.079 hectares).

3. If the submitted plan is not modified to create a homestead lot via a boundary realignment, that the WAPC refuse subdivision application 163036 for the following reasons:
- a) The proposed subdivision is inconsistent with the General Farming zoning of the land in the Shire of Cuballing Local Planning Scheme No. 2. The purpose and intent of this zoning is to ensure the continued viability of agricultural production, to retain the rural character and amenity of the area and there is a presumption against subdivision.
  - b) The proposed subdivision is contrary to the Shire of Cuballing Local Planning Strategy which has a general presumption against the subdivision of land designated 'Rural' to create additional lots. The application is inconsistent with the Strategy's objective to support rural land being retained for primary production. The proposed lot size of Lot 150 is inconsistent with the settlement strategy which supports smaller lots close to the Cuballing and Popanyinning townsites in defined areas. Accordingly, the application represents the unplanned breakdown of rural landholdings.
  - c) The proposed subdivision is contrary to State Planning Policy 2.5 - Rural Planning by reason that it would result in the ad-hoc fragmentation of rural land, it would create rural settlement in an area remote from existing community services and infrastructure, and it would create increased potential for land use conflict.
  - d) The proposed subdivision is contrary to Development Control Policy 3.4 - Subdivision of Rural Land, on the basis that the subdivision of the subject land in the manner proposed has not been identified in a Local Planning Scheme or an endorsed Local Planning Strategy for closer settlement in the manner proposed and therefore represents the unplanned breakdown of landholdings.
  - e) The application will result in ad-hoc fragmentation of rural land.
  - f) The cumulative effect of the proposed development will adversely affect the character and amenity of the area.
  - g) The application does not comply with the planning intent for the zone or area and is inconsistent with orderly and proper planning for the area.
  - h) Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the General Farming Zone in this locality and in the Shire of Cuballing.

Moved Cr Bradford

Seconded Cr Dowdell

Carried 6/0





## Subdivision detail

Number of dwellings	1	Dwelling retained	Yes
Dwelling description	Retained in Full (Homestead)		
Number of outbuildings/structures	6	Structure/s retained	Yes
Other description	N/A		
Structure description	Retained in Full (Homestead)		
Is a battleaxe lot/s proposed?			No
Does plan show the width and length of the access leg, the area of the access leg and total area of the rear lot			Not applicable
Has the land ever been used for potentially contaminating activity			No
Does the land contain any sites that have been classified under the Contaminated Sites Act 2003			No
Does the land contain any sites that have been reported or required to be reported under the Contaminated Sites Act 2003			No
Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of acid sulfate soils in this location			No
Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?			No
Is the development with in a Bushfire Prone Area?			N/A
Are there any dewatering or drainage works proposed to be undertaken			No
Is excavation of 100 cubic metres or more of soil proposed			No
If yes did the Acid Sulfate Soils investigation indicate acid sulfate soils were present			No
Is a Termination Proposal Attached			No
Is a Strata Company Resolution Attached			No

## Fee & Payment

Fee amount	\$3,616.00	Payment Type	By Card
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## Attachments

Attachment name	Attachment type
1. BAL Additional Information-4.pdf	Bushfire Attack Level(BAL) assessment
2. Certificate of Title with Sketch 1771-652 Lot 4396 On Deposited Plan 113001 - Certificate of Title 1771-652-1.pdf	Certificate of Title
3. Form_1A_CheckList-6.pdf	Required Information about the Proposal
4. PDF MARK CONNELLY FIRE MAP 6-12-2018-5.pdf	Bushfire Attack Level(BAL) assessment
5. R1835_Authority to Act-2.pdf	Authorised Letter of Consent
6. R1837-01B Application Sketch_MGA2020-3.pdf	Subdivision Plan

Perth	Albany	Bunbury	Geraldton	Mandurah
140 William Street	PO Box 1108	Sixth Floor	Regional Planning and Strategy	Unit 2B
Perth	Albany	Bunbury Tower	Office 10	Suite 94/16 Dolphin Drive
Western Australia, 6000,	Western Australia, 6330	61 Victoria Street	209 Foreshore Drive	Mandurah
Locked Bag 2506 Perth, 6001		Bunbury	Geraldton	Western Australia, 6210
		Western Australia, 6230	Western Australia, 6530	
Tel: (08) 6551 9000	Tel: (08) 9892 7333	Tel: (08) 9791 0577	Tel: (08) 9960 6999	Tel: (08) 9586 4680
Fax: (08) 6551 9001	Fax: (08) 9841 8304	Fax: (08) 9791 0576	Fax: (08) 9964 2912	Fax: (08) 9581 5491

Service Legend

DRAINAGE

COMBO PIT

GRATE

SIDE ENTRY PIT

STORM WATER MANHOLE

ELECTRICITY

CABLE MANHOLE

CABLE PIT / BOX

CABLE DOME

CONSUMER POLE

LIGHT POLE

POWER POLE

STAY POLE

STAY WIRE ANCHOR

O/H POWER LINE

GAS

GAS MANHOLE

GAS MARKER

GAS METER

GAS VALVE

SEWERAGE

SEWER MANHOLE

PROPERTY CONNECTION

SEWER LINE

TELECOMMUNICATION

TEL / COMMS MANHOLE

TEL / COMMS MARKER

TEL / COMMS PIT

WATER

FLUSH POINT

HYDRANT

STOP VALVE

TAP

WATER MARKER

WATER METER

WATER LINE

SURVEY

DATUM

PEG FOUND

OTHER

AWNING / EAVES

ROOF RIDGE

FLOOR RL

WINDOW / DOOR

BANK - BOTTOM

BANK - TOP

SERVICE RECORD

STATUS

LOCATED

AVAILABLE

NO SERVICE

CONFIRM

SERVICE

WATER

SEWERAGE

GAS

TEL / COMM

POWER

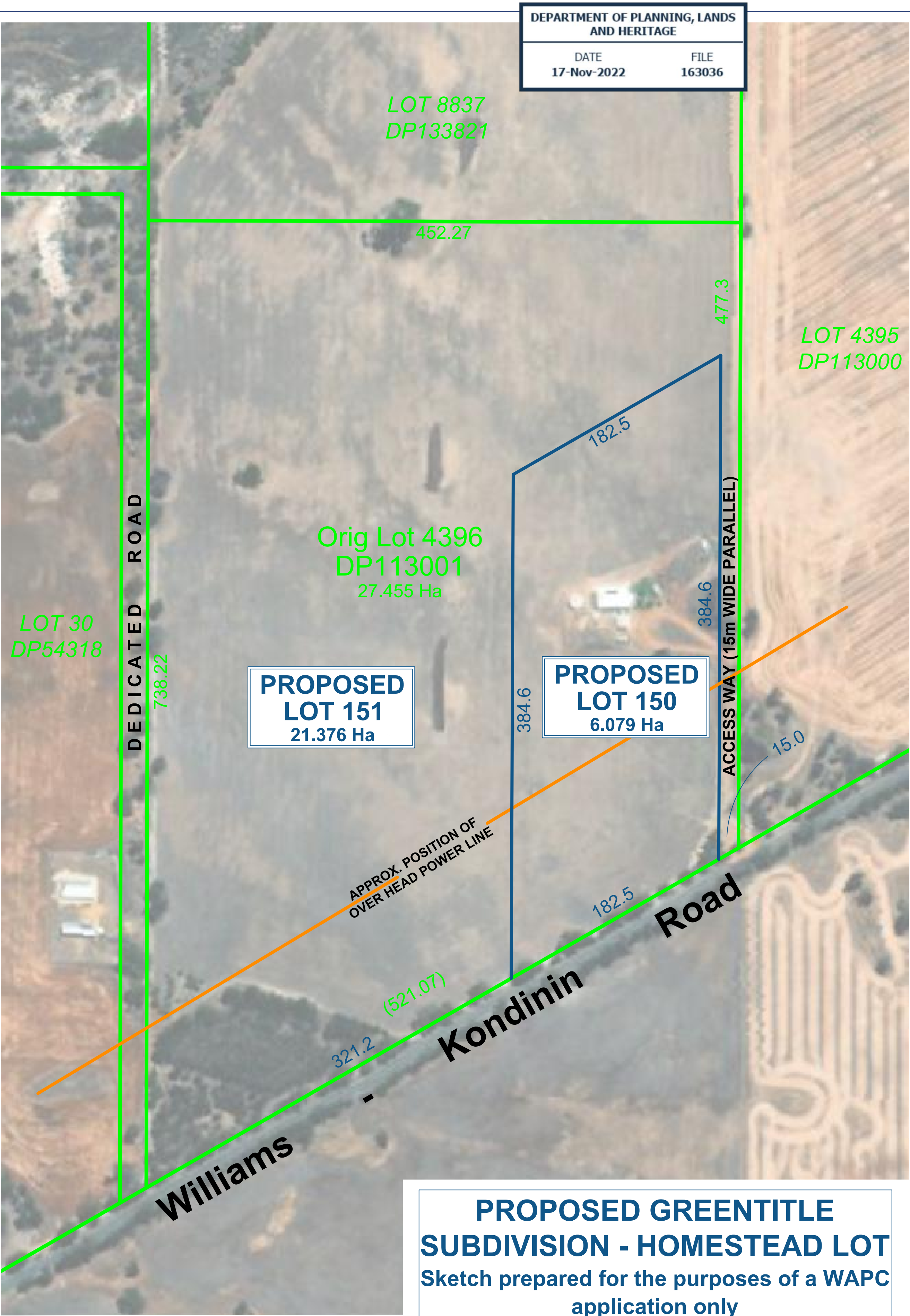
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SERVICES MARKED CONFIRM REQUIRE

BUILDER / CLIENT TO CONFIRM POSITION

AND / OR AVAILABILITY ON SITE.



**WARNING!**  
BOUNDARY RE-ESTABLISHMENT SURVEY  
REQUIRED TO CONFIRM LOT BOUNDARY  
POSITION AND DIMENSIONS.

**\*\*ALL STRUCTURES TO REMAIN\*\***  
UNLESS NOTED OTHERWISE

				LOT	: 4396	DP113001			
				SUBURB	: Wardering	C/T : 1771 / 652			
				AUTHORITY	: Shire of Cuballing	COORDINATE DATUM HORIZONTAL : MGA50 VERTICAL : N/A CONTOURS : N/A			
				DISCLAIMER	This plan has been prepared for the client only and should not be used in whole or part for any other purposes unless authorised by BCE Surveying Pty Ltd.				
B	EASTERN ACCESS WAY	KPA	03/11/22	KPA					
A	INITIAL ISSUE	KPA	28/10/22	KPA					
REV	DESCRIPTION	DRN	DATE	APP	SCALE : 1:500 @ A2 Portrait	10 0 5 10 20 30	Shire of Cuballing Council Minutes 21st December 2022		

BCE

SURVEYING

est 1994

JAS-ANZ

Quality Management ISO 9001

CLIENT : Mark Conley

SURVEYED ON : 28/10/2022

SURVEYOR : N/A

DRAFTER : KPA

PERTH  
9/7 KINTAIL ST  
APPLECROSS WA 6153  
Ph:(08) 9364 6608  
Fax:(08) 9364 8394  
admin@bcesurveying.com.au

BUNBURY  
24 MOLLOY STREET  
BUNBURY WA 6200  
Ph:(08) 9791 7411  
Fax:(08) 9791 9315  
admin@bcesurveying.com.au

SYDNEY  
Suite 3, 720 Old Princes Hwy  
Sutherland NSW 2232  
Mobile: 0427 395 944  
admin@bcesurveying.com.au

NORTH POINT

JOB No : R1837

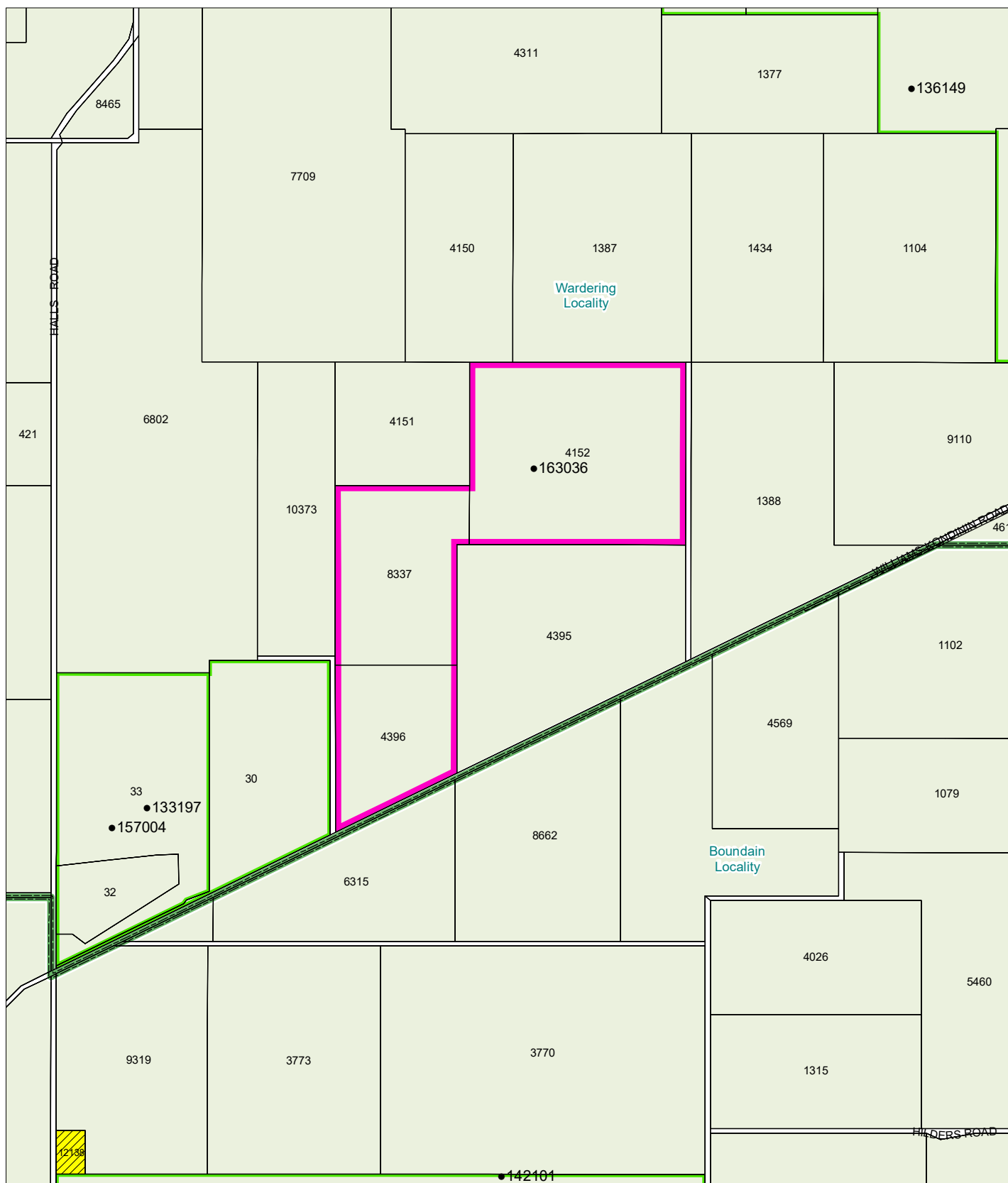
PLAN: APP

DRG: 001

REV. B

SHEET 1 OF 1

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## Location Plan for: Subdivision Application

This data is to be used only for the processing of a  
Subdivision Application

Application Number: **163036**

Decision: **Outstanding**

Printed: **18/11/2022**



Produced by Data Analytics,  
Department of Planning, Lands and Heritage, Perth WA

Base information supplied by  
Western Australian Land Information Authority SLIP 1180-2020-1

## Application Status

- Approved
- Outstanding

## Existing LPS Zones and Reserves

- Farming
- General agriculture
- Local road
- Public purpose
- Road

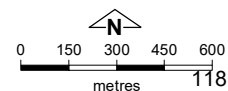
## Easements and Referrals

- Easements

## Region Scheme Reserves

## Localities & Local Government Boundaries

- Local government boundary
- Locality



Your Ref : 163036  
Previous Ref :  
Enquiries : Rosa Rigali (6551 9306)

18 November 2022

**Application No: 163036 - Lot No 4396, 4152, 8337 Williams Kondinin Road  
Wardering**

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by 30 December 2022 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)

Send responses via email to [referrals@dplh.wa.gov.au](mailto:referrals@dplh.wa.gov.au). **Always quote reference number "163036" when responding.**

This proposal has also been referred to the following organisations for their comments:  
*Western Power, Water Corporation, Main Roads Wa, Dept Of Water & Environment Regulations, Dept Biodiversity, Conser & Attraction and LG Shire Of Cuballing.*

Yours faithfully



Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

#### APPLICATION DETAILS

<b>Application Type</b>	Subdivision	<b>Application No</b>	163036
<b>Applicant(s)</b>	Bce Surveying		
<b>Owner(s)</b>	Mr Mark Conley		
<b>Locality</b>	Lot No 4396, 4152, 8337 Williams Kondinin Road Wardering		
<b>Lot No(s).</b>	4396, 4152, 8337	<b>Purpose</b>	Rural,Rural Living
<b>Location</b>		<b>Local Gov. Zoning</b>	General Agriculture,Local Road
<b>Volume/Folio No.</b>	1771/652	<b>Local Government</b>	Shire Of Cuballing
<b>Plan/Diagram No.</b>	113001	<b>Tax Sheet</b>	
<b>Centroid Coordinates</b>	mE mN		
<b>Other Factors</b>	BUSHFIRE PRONE AREA, MRWA - STATE ROAD EXTERNAL REFERRAL, THREATENED ECOLOGICAL COMMUNITY BUFFER, REMNANT VEGETATION (NLWRA), HYDROGRAPHY (DARRING BROOK)		



## 9.2.8 Proposed Subdivision – Lot 6802 Halls Road Wardering

Location:	Lot 6802 Halls Road, Wardering
Applicant:	BCE Surveying
File Ref. No:	A429 – WAPC 163096
Disclosure of Interest:	Nil
Date:	12 December 2022
Author:	Stan Scott
Attachments	9.2.8A Application Details 9.2.8B Location plan 9.2.8C Other adjoining land owned by landowner 9.2.8D Referral Letter from WAPC

### Summary

**A subdivision application, for Lot 6802 Halls Road, Wardering, to create a homestead lot and a balance lot is not supported given the subdivision application is inconsistent with the local planning framework and would result in unplanned, ad-hoc fragmentation of rural land and set an undesirable precedent. Instead, a revised plan is requested seeking a boundary realignment where no additional lots are created.**

### Background

The Western Australian Planning Commission (WAPC) has referred a subdivision application to the Shire for comment. Details provided by the applicant are provided in Attachment 9.2.7A.

The application site (Lot 6802) is 155.4 hectares in area. The site is generally cleared, contains some native vegetation and several farm dams, as well as one existing dwelling and some sheds. The proposal is to create two new titles with:

- Lot 250 (homestead lot) to be 4.68 hectares in area to accommodate the existing dwellings and sheds; and
- Lot 251 (balance lot) to be 153.05 hectares in area to continue to be used for rural farming purposes.

The site's location is outlined in Attachment 9.2.7B which is approximately 11km east south-east of the Cuballing townsite, 13km north-east of Narrogin and 21km south-west of Wickepin.

The landowner, Mr John Brown, also owns Lot 10373 which adjoins Lot 6802 (application site). These lots are outlined in Attachment 9.2.7C.

### *Planning framework*

In summary:

- The property is zoned 'General Agriculture' in the *Shire of Cuballing Local Planning Scheme No. 2* (LPS2);
- The property is classified as 'Rural' in the *Shire of Cuballing Local Planning Strategy*;

- Portions of the site are classified as a Bushfire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>;
- [State Planning Policy 2.5 Rural Planning](#) includes an objective to 'provide investment security for existing, expanded and future primary production and promote economic growth in regional development on rural land for rural land uses'; and
- The WAPC's *Development Control Policy 3.4 Subdivision of Rural Land* (Policy DC3.4) outlines the WAPC will consider rural subdivision for a limited range of exceptional circumstances. One of these exceptional circumstances is for homestead lots subject to meeting relevant criteria. As part of this, the WAPC is to have due regard to the provisions of a local planning scheme and a local planning strategy.

Further details are outlined below.

Section 6.6 of Policy DC3.4 is of relevance to this application. The Policy, in part, states:

'The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.'

Clause 3.2(b) of LPS2 in part sets out the following objectives for the General Agriculture Zone:

- 'to preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner;
- to ensure the preservation of the rural character and rural appearance of land within the zone;
- to protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity'.

The *Shire of Cuballing Local Planning Strategy*, which was endorsed by the WAPC, in part sets out:

- Objectives in section 3.1 which include to 'promote and manage a sustainable settlement pattern to avoid unnecessary duplication of resources' and to 'promote agriculture as a key economic and social driver within the district';
- In section 3.5.1 'Farming is the core business of the district in the foreseeable future and must be protected to conduct normal operations. Due to the importance of agricultural land to the district economy, the Council considers it necessary to protect these areas from incompatible subdivision and development. Subdivision for residential, rural residential use and rural smallholding use are not supported outside of identified areas on the Strategy Plan. There is a general presumption against subdivision of rural land. This presumption against subdivision is in accord with WAPC SPP2.5 and DC3.4 with subdivision only considered in exceptional circumstances';
- Action 25 'Provide advice to the WAPC on subdivision applications which is guided to WAPC policy. In particular, to not generally support additional lots in rural areas but generally support boundary realignments'; and



- Advice 26 'Provide advice to the WAPC on homestead lot subdivision applications that it does generally not support creating an additional lot but will generally support a boundary realignment.'

### Comment

The Shire has and will support applications for homestead lots that are facilitated through a boundary realignment (rationalisation) where no additional lots are created. Based on Council's Local Planning Strategy, it is recommended that the Council resolve to advise the WAPC that the submitted plan be revised to create a homestead lot via a boundary realignment (where no additional lot is created). This would see the amalgamation of proposed Lot 251 (153.05 hectares) amalgamated with adjoining Lot 10373 (37.49 hectares) which is owned by the landowner, plus the creation of proposed Lot 250 (4.68 hectares) as a homestead lot.

If the submitted plan is not modified to create a homestead lot via a boundary realignment, it is recommended that the Council advise the WAPC that subdivision application 163096 be refused (due to the creation of the additional lot). It is noted:

- The application as submitted is inconsistent with the local planning framework. The Council, in reviewing its Local Planning Strategy, specifically considered the matter of homestead lots and outlined it does not generally support the creation of additional lots in rural areas. In comparison, the Local Planning Strategy supports the creation of homestead lots when associated with a boundary realignment (where no additional lot is created);
- The application represents an unplanned breakdown of rural land. This is likely to have a negative impact on the character of the area including the potential for introducing 'rural lifestylers' surrounded by farming operations. This is considered incompatible with the planning intent of the zone and would result in ad-hoc fragmentation of agricultural land;
- If approved, the proposal is likely to set an undesirable precedent for rural areas. The fragmentation of rural land is likely and this is inconsistent with Policy DC3.4;
- The Local Planning Strategy supports new subdivisions, creating additional lots, to be within or adjoining the Cuballing and Popanyinning townsites. The reasons include protecting agricultural land, maintaining and growing the local economy and service delivery considerations. This includes servicing new residents that are further from Cuballing and Popanyinning;
- Historically, homestead lots were considered on their merits in parts of Western Australia where the population was declining. This is not the case for the Shire of Cuballing;
- There are a wide range of existing lot sizes in the Shire. Significantly, the Local Planning Strategy identifies generous areas for rural smallholding lots (4-40 hectares) that are close to the Cuballing and Popanyinning townsites;
- The applicant has not addressed the implications of economic viability and precedent of creating essentially a rural smallholding lot in the rural area; and
- The applicant did not raise or consider the Local Planning Strategy.

### Strategic Implications

The unplanned breakdown of rural land is inconsistent with the local planning framework. It will create a precedent for creating similar proposals that will place pressure on agricultural production and the cost of acquiring rural land.

#### Statutory Environment

*Planning and Development Act 2005* and LPS2.

#### Policy Implications

The application is inconsistent with the Local Planning Strategy.

#### Financial Implications – Nil

#### Economic Implications

The application creates an additional lot.

#### Social Implications – Nil

#### Environmental Considerations

There are minimal environmental considerations associated with the subdivision application.

#### Consultation

The WAPC invites comments from the Shire, servicing agencies and relevant State Government departments on subdivision applications.

#### Options

The Council can resolve to:

4. Recommend the application be refused;
5. Support the subdivision application with no conditions; or
6. Support the subdivision application with conditions.

#### Voting Requirements – Simple Majority

#### **COUNCIL DECISION 2022/143**

**That Council, in relation to the subdivision application of Lot 6802 Halls Road, Wardering (WAPC 163096) advise the Western Australian Planning Commission, that:**

- 4. Based on the WAPC endorsed Local Planning Strategy, it supports applications for homestead lots that are facilitated through boundary realignment (rationalisation) where no additional lots are created.**
- 5. The WAPC seek a revised plan to create a homestead lot via a boundary realignment (where no additional lot is created). This would see the amalgamation of proposed Lot 251 (153.05 hectares) amalgamated with adjoining**

**Lot 10373 (37.49 hectares) which is owned by the landowner, plus the creation of proposed Lot 250 (4.68 hectares).**

**6. If the submitted plan is not modified to create a homestead lot via a boundary realignment, that the WAPC refuse subdivision application 163036 for the following reasons:**

- i) The proposed subdivision is inconsistent with the General Farming zoning of the land in the Shire of Cuballing Local Planning Scheme No. 2. The purpose and intent of this zoning is to ensure the continued viability of agricultural production, to retain the rural character and amenity of the area and there is a presumption against subdivision.**
- j) The proposed subdivision is contrary to the Shire of Cuballing Local Planning Strategy which has a general presumption against the subdivision of land designated 'Rural' to create additional lots. The application is inconsistent with the Strategy's objective to support rural land being retained for primary production. The proposed lot size of Lot 150 is inconsistent with the settlement strategy which supports smaller lots close to the Cuballing and Popanyinning townsites in defined areas. Accordingly, the application represents the unplanned breakdown of rural landholdings.**
- k) The proposed subdivision is contrary to State Planning Policy 2.5 - Rural Planning by reason that it would result in the ad hoc fragmentation of rural land, it would create rural settlement in an area remote from existing community services and infrastructure, and it would create increased potential for land use conflict.**
- l) The proposed subdivision is contrary to Development Control Policy 3.4 - Subdivision of Rural Land, on the basis that the subdivision of the subject land in the manner proposed has not been identified in a Local Planning Scheme or an endorsed Local Planning Strategy for closer settlement in the manner proposed and therefore represents the unplanned breakdown of landholdings.**
- m) The application will result in ad-hoc fragmentation of rural land.**
- n) The cumulative effect of the proposed development will adversely affect the character and amenity of the area.**
- o) The application does not comply with the planning intent for the zone or area and is inconsistent with orderly and proper planning for the area.**
- p) Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the General Farming Zone in this locality and in the Shire of Cuballing.**

**Moved Cr Dowdell**

**Seconded Cr Kowald**

**Carried 6/0**



## Subdivision detail

Number of dwellings	1	Dwelling retained	Yes
Dwelling description	To be retained for homestead lot		
Number of outbuildings/structures	12	Structure/s retained	Yes
Other description	N/A		
Structure description	Approximate. Some to be retained for homestead lot and others on remaining rural farming land		
Is a battleaxe lot/s proposed?			No
Does plan show the width and length of the access leg, the area of the access leg and total area of the rear lot			Not applicable
Has the land ever been used for potentially contaminating activity			No
Does the land contain any sites that have been classified under the Contaminated Sites Act 2003			No
Does the land contain any sites that have been reported or required to be reported under the Contaminated Sites Act 2003			No
Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of acid sulfate soils in this location			No
Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?			No
Is the development with in a Bushfire Prone Area?			N/A
Are there any dewatering or drainage works proposed to be undertaken			No
Is excavation of 100 cubic metres or more of soil proposed			No
If yes did the Acid Sulfate Soils investigation indicate acid sulfate soils were present			No
Is a Termination Proposal Attached			No
Is a Strata Company Resolution Attached			No

## Fee & Payment

Fee amount	\$3,616.00	Payment Type	By Card
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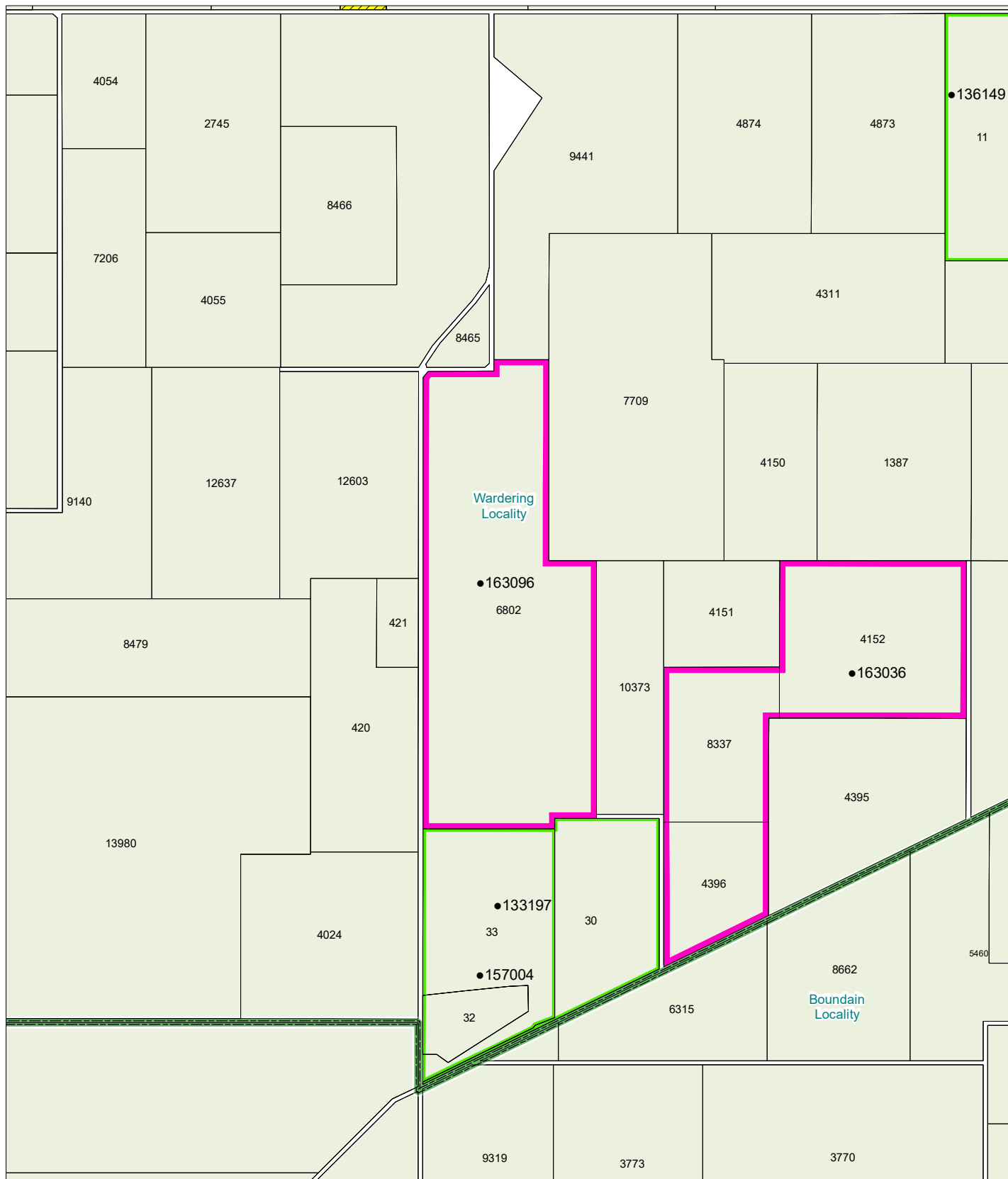
## Attachments

Attachment name	Attachment type
1. Certificate of Title with Sketch 1107-374 200 Halls Road_ WARDERIN 6311 - Certificate of Title 1107-374-1.pdf	Certificate of Title
2. R1842 - BAL Additional Information-4.pdf	Bushfire Attack Level(BAL) assessment
3. R1842_Authority to Act-2.pdf	Authorised Letter of Consent
4. R1842_Form_1A_CheckList-5.pdf	Required Information about the Proposal
5. R1842-02A Application Sketch_MGA2020-3.pdf	Subdivision Plan

Perth	Albany	Bunbury	Geraldton	Mandurah
140 William Street	PO Box 1108	Sixth Floor	Regional Planning and Strategy	Unit 2B
Perth	Albany	Bunbury Tower	Office 10	Suite 94/16 Dolphin Drive
Western Australia, 6000,	Western Australia, 6330	61 Victoria Street	209 Foreshore Drive	Mandurah
Locked Bag 2506 Perth, 6001		Bunbury	Geraldton	Western Australia, 6210
		Western Australia, 6230	Western Australia, 6530	
Tel: (08) 6551 9000	Tel: (08) 9892 7333	Tel: (08) 9791 0577	Tel: (08) 9960 6999	Tel: (08) 9586 4680
Fax: (08) 6551 9001	Fax: (08) 9841 8304	Fax: (08) 9791 0576	Fax: (08) 9964 2912	Fax: (08) 9581 5491







## Location Plan for: Subdivision Application

This data is to be used only for the processing of a  
Subdivision Application

Application Number: **163096**

Decision: **Outstanding**

Printed: **7/12/2022**



Produced by Data Analytics,  
Department of Planning, Lands and Heritage, Perth WA

Base information supplied by  
Western Australian Land Information Authority SLIP 1180-2020-1

## Application Status

- Approved
- Outstanding

## Existing LPS Zones and Reserves

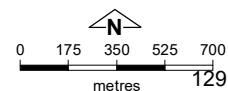
- Farming
- General agriculture
- Local road
- Public purposes
- Road

## Easements and Referrals

## Region Scheme Reserves

## Localities & Local Government Boundaries

- Local government boundary
- Locality



Your Ref : 163096  
Previous Ref :  
Enquiries : Rosa Rigali (6551 9306)

8 December 2022

***Application No: 163096 - Lot No 6802 Halls Rd Wardering***

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by 19 January 2023 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)

Send responses via email to [referrals@dplh.wa.gov.au](mailto:referrals@dplh.wa.gov.au). **Always quote reference number "163096" when responding.**

This proposal has also been referred to the following organisations for their comments:  
*Western Power, Water Corporation, Dept Biodiversity, Conser & Attraction and LG Shire Of Cuballing.*

Yours faithfully



Ms Sam Fagan  
Secretary  
Western Australian Planning Commission



#### APPLICATION DETAILS

<b>Application Type</b>	Subdivision	<b>Application No</b>	163096
<b>Applicant(s)</b>	Bce Surveying		
<b>Owner(s)</b>	Mr John Brown		
<b>Locality</b>	Lot No 6802 Halls Rd Wardering		
<b>Lot No(s).</b>	6802	<b>Purpose</b>	Rural Living,Rural
<b>Location</b>		<b>Local Gov. Zoning</b>	Local Road,General Agriculture
<b>Volume/Folio No.</b>	1107/374	<b>Local Government</b>	Shire Of Cuballing
<b>Plan/Diagram No.</b>	141053	<b>Tax Sheet</b>	
<b>Centroid Coordinates</b>	mE mN		
<b>Other Factors</b>	BUSHFIRE PRONE AREA, REMNANT VEGETATION (NLWRA), THREATENED ECOLOGICAL COMMUNITY BUFFER		

9.2.9	Application for Development Approval - Storage Shed – Lot 2 (No.132) Francis Street, Popanyinning
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Location:	Lot 2 (No. 132) Francis Street, Popanyinning
Applicant:	Andrew & Keryn Barsby
Landowner:	Andrew & Keryn Barsby
File Ref. No:	A970
Disclosure of Interest:	Nil
Date:	12 December 2022
Author:	Stan Scott
Attachments	9.2.9A Information from applicant 9.2.9B Location plan 9.2.9C Outbuildings Policy 9.2.9D Outbuilding Fact Sheet 9.2.9E <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> extract

### Summary

**Development approval is recommended for a storage shed at Lot 2 (No. 132) Francis Street, Popanyinning.**

### Background

#### *1. The application*

The reason the Council is considering the Development Application is that the applicant does not intend to construct a dwelling on Lot 2 and the proposed shed is slightly larger (16m<sup>2</sup>) than the maximum floor area set out in Council's Outbuilding Policy.

The applicant seeks development approval for a storage shed on a lot where it is not intended to construct a dwelling. The proposed storage shed has a length of 9m, a width of 9m, a wall height of 2.4m and is 3.19m to the roof apex. The storage shed is proposed to be constructed in Colourbond for walls, roof gutters and flashing.

Details submitted by the applicant are set out in Attachment 9.2.9A.

The applicant has also outlined a proposal to construct a dwelling on adjoining Lot 1 (No. 134) Francis Street which will be addressed through a separate Building Permit application. This is because the dwelling (single house) is exempt from requiring development approval given it meets the deemed-to-comply requirements of the *Residential Design Codes*.

The applicant also seeks permission to store two sea containers while constructing the dwelling. There is no objection to temporary sea containers while constructing the dwelling.

#### *2. Application site*

The location of Lot 2 (No. 132) Francis Street (the site) is outlined in Attachment 9.2.9B. The site is 1416m<sup>2</sup> in area, is vacant and has some vegetation. The site adjoins Francis Street and a laneway. The laneway is unsealed.

#### *3. Planning framework*

The site is zoned 'Rural Townsite' in the *Shire of Cuballing Local Planning Scheme No. 2* (LPS2). Given the applicant does not intend to construct a dwelling on Lot 2, the proposed use is best described as 'storage' which is defined in LPS2 as:

**“storage”** means premises used for the storage of goods, equipment, plant or materials;

Storage is a ‘D’ (discretionary) use in the Rural Townsite zone.

Clause 3.2(a) of LPS2 sets out the following objectives for the Rural Townsite zone:

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

Council’s *Local Planning Policy – Outbuildings* is provided in Attachment 9.2.9C. The application is consistent with Council policy with the exception that the proposed floor area of 81m<sup>2</sup> is larger than the 65m<sup>2</sup> floor area for lots below 1,500m<sup>2</sup> in the Rural Townsite zone.

The WAPC Outbuildings factsheet is outlined in Attachment 9.2.9D. This in part states “a shed with no dwelling and no other associated land use would be best described as ‘warehouse/storage’ as defined in the Regulations.”

Attachment 9.2.9E sets out an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* relating to matters to be considered by the local government in determining Development Application and options in determining applications.

Like most of the Popanyinning townsite, the site is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. It is suggested there is no requirement for a Bushfire Attack Level assessment for this Development Application. A BAL assessment will be required for the single house on Lot 1 (No. 134) Francis Street.

### Comment

While noting the application is inconsistent with a component of Council’s Outbuilding Policy, the Development Application is conditionally supported. This follows assessment against the planning framework, information provided by the applicant and the characteristics. Conditional approval is recommended given:

- Storage is a ‘D’ use in the Rural Townsite zone (can be considered on its merits);
- The colourbond storage shed is not considered to detract from the streetscape given the 10m setback from Francis Street. The storage shed is considered compatible with its setting in terms of height, bulk, scale, orientation and appearance, and will not adversely detract from the character and amenity of the area;
- The proposed storage shed, if effectively managed, should be compatible with the area’s character;
- The landowner lives on the adjoining lot;
- There will be minor traffic impacts on Francis Street; and

- Recommended development conditions and advice can assist to address any possible amenity considerations.

### Strategic Implications

Nil

### Statutory Environment

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

### Policy Implications

#### *Local Planning Policy – Outbuildings*

Local Planning Policies are non-statutory documents which provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy, but is required to have regard to the policy in determining the Development Application.

Approval of the Development Application does create a precedent. It is however understood there are existing sheds, larger than 65m<sup>2</sup>, on Rural Townsite zoned lots than are below 1,500m<sup>2</sup> in area.

It is recommended that Local Planning Policy – Outbuildings is reviewed and updated to reflect the Residential Design Codes and community expectations.

### Financial Implications

All costs associated with the development will be borne by the applicant. Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision or conditions through the State Administrative Tribunal.

### Economic Implications

Nil

### Social Implications

Nil

### Environmental Considerations

Some clearing is required.

### Consultation

Nil

### Options

The Council can:

1. Approve the Development Application with no conditions;
2. Approve the Development Application with conditions;
3. Refuse the Development Application (providing reasons); or

4. Defer and seek additional information.

Voting Requirements - Simple Majority

**COUNCIL DECISION 2022/144**

**That the Council approve the Development Application for a storage shed at Lot 2 on Plan 223056 (No. 132) Francis Street, Popanyinning subject to the following conditions:**

- 1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
- 2. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.**
- 3. The landowner maintains the site in a tidy condition so as not to prejudicially affect the amenity of the area.**
- 4. The external walls and roof of the storage shed are clad in Colourbond colours to the satisfaction of the local government.**
- 5. The storage shed is not used for commercial, industrial or habitable purposes.**

**ADVICE:**

- A) In relation to Condition 2, stormwater from the proposed storage shed is to be suitably detained on site (e.g. rainwater tanks, soakwells). Further, the proponent should effectively manage run-off onto the adjoining properties and/or onto Francis Street.**
- B) The proponent is advised that this development approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.**
- C) If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- D) The proponent/landowner is to ensure that noise levels are considerate of adjoining and nearby properties at all times which comply with the *Environmental Protection (Noise) Regulations 1997* (and any associated amendments).**
- E) The property is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. A low fuel area should be maintained around the storage shed.**

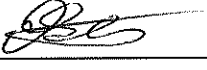
- F) Please liaise with the Shire regarding locating, constructing and draining a suitable crossover. This may separately require approval from Main Roads Western Australia.**
- G) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

**Moved Cr Kowald**

**Seconded Cr Harris**

**Carried 6/0**

## APPLICATION FOR DEVELOPMENT APPROVAL

Owner Details		
Name: <u>ANDREW + KERYN BARSBY</u>		
ABN (if applicable):		
Address: <u>30 ANSTEY RD</u> <u>FORESTDALE</u> Postcode: <u>6112</u>		
Phone: Work: <u>08 9592 6886</u> Home: ..... Mobile: <u>0400 442 413</u>	Fax: .....	Email: <u>barsbyfamily@icloud.com</u>
Contact person for correspondence: <u>ANDREW BARSBY</u>		
Signature: 		Date: <u>17/11/2022</u>
Signature: <u>K.A. Barsby</u>		Date: <u>17/11/2022</u>
The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).		

Applicant Details (if different from owner)		
Name:		
Address: ..... ..... Postcode: .....		
Phone: Work: ..... Home: ..... Mobile: .....	Fax: .....	Email: .....
Contact person for correspondence:		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature:		Date:

Property Details		
Lot No: Lot 1 & 2	House/Street No: 132 & 134	Location No: <del>132</del>
Diagram or Plan No: 223 056	Certificate of Title Vol. No: 751 & 1667	Folio: 48 & 521
Title encumbrances (e.g. easements, restrictive covenants): NO		
Street name: Frank's	Suburb: Popanyining	
Nearest street intersection: Popanyining west Road		

Proposed Development	
Nature of development:	<input type="checkbox"/> Works <input checked="" type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use	
Description of proposed works and/or land use: we want to combine both blocks into one to have our house & shed and to grow some fruit trees and vegies to retire on with our grand children permission to have 2 sea containers to store house stuff while building.	
Description of exemption claimed (if relevant): ..... ..... ..... .....	
Nature of any existing buildings and/or land use: vacant block ..... ..... .....	
Approximate cost of proposed development: \$150 000 .00 .....	
Estimated time of completion: 18 months .....	

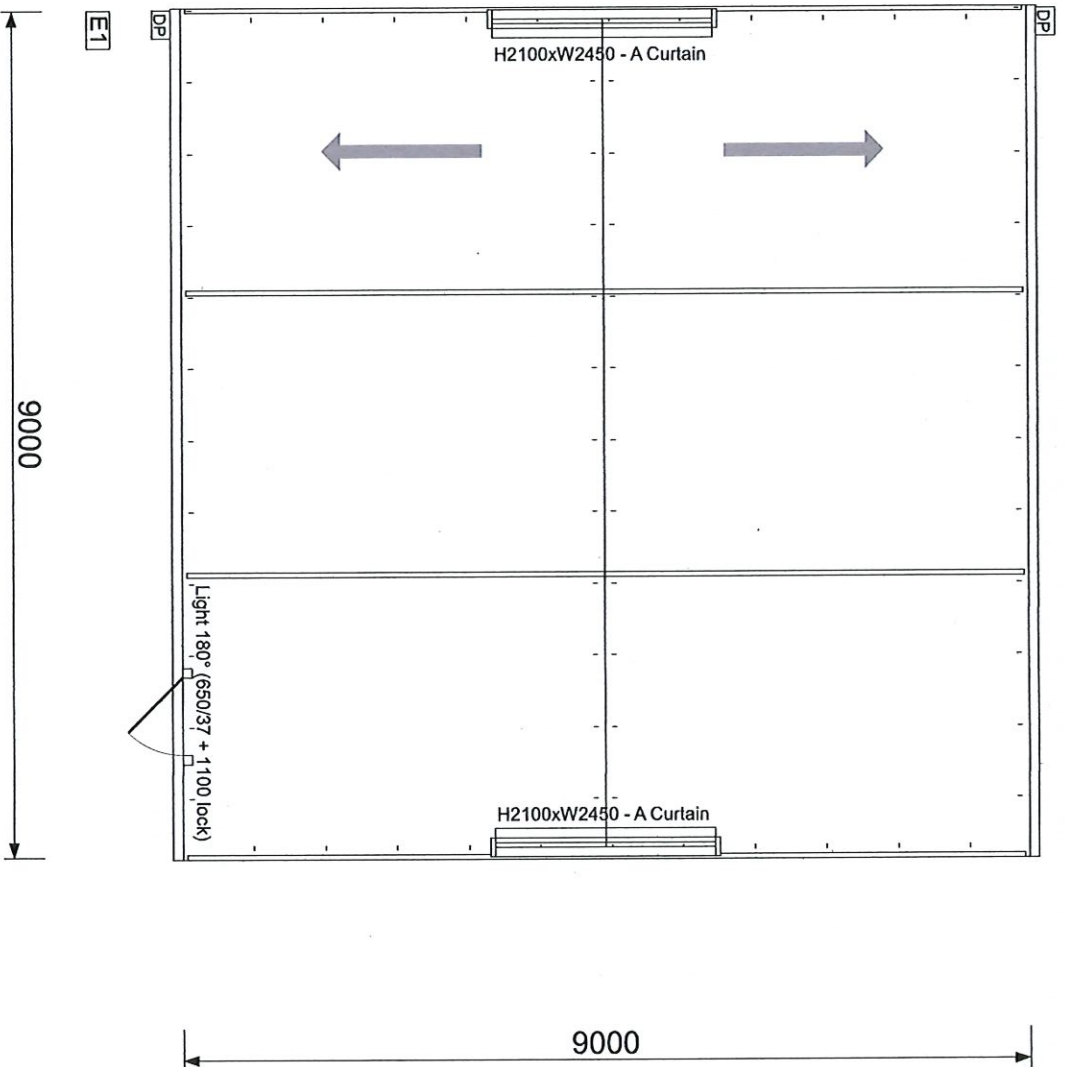
OFFICE USE ONLY	
Acceptance Officer's initials:	Date received:
Local government reference No:	





**OPTION ITEMS LIST:**

- 1 x PA Door
- 1 x Light 180° (650/37 + 1100 lock)
- 2 x Roller Doors
- 2 x H2100xW2450 - A Curtain
- (E1) 1 x Eng - Certificate (WA) - Enduro



Company: Action Sheds Australia PTY LTD

Address: 55 Ercog Road

Phone: 6559 1970

Email: mark@actionsheds.com.au



CLIENT NAME: Andrew Barsby

SITE ADDRESS: 132 Francis Street

Popanyinning, WA, PC: 6309

CLIENT SIGNATURE:

TITLE:

Plan View

QUOTE NO:

DATE:

28/10/2022

ASHMC56713

SCALE:

PAGES:

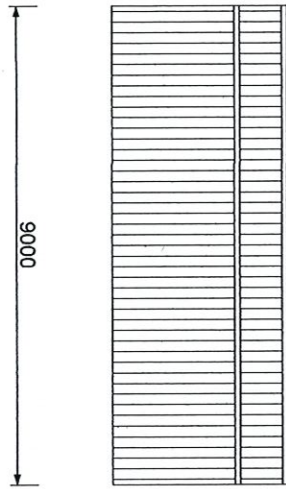
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NTS

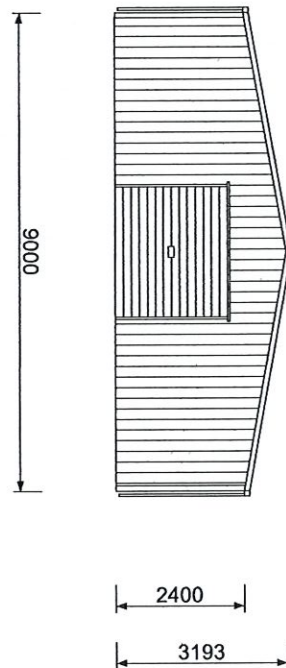
REV:

A

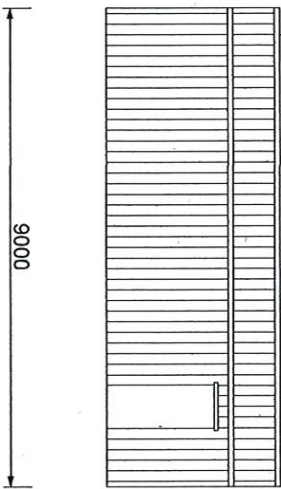




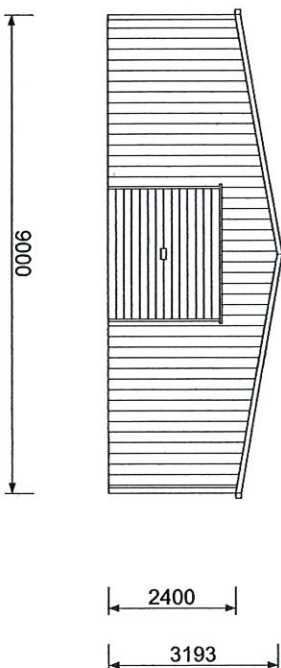
Back



Left



Front



Right

Company: Action Sheds Australia PTY LTD  
Address: 55 Eroog Road  
Phone: 6559 1970  
Email: mark@actionsheds.com.au



CLIENT NAME: Andrew Barsby  
SITE ADDRESS: 132 Francis Street  
Popanyinning, WA, PC: 6309

CLIENT SIGNATURE:  
.....

TITLE: Elevations View		REV: A
QUOTE NO: ASHMC56713	SCALE: NTS	
DATE: 28/10/2022	PAGES: 2 of 2	

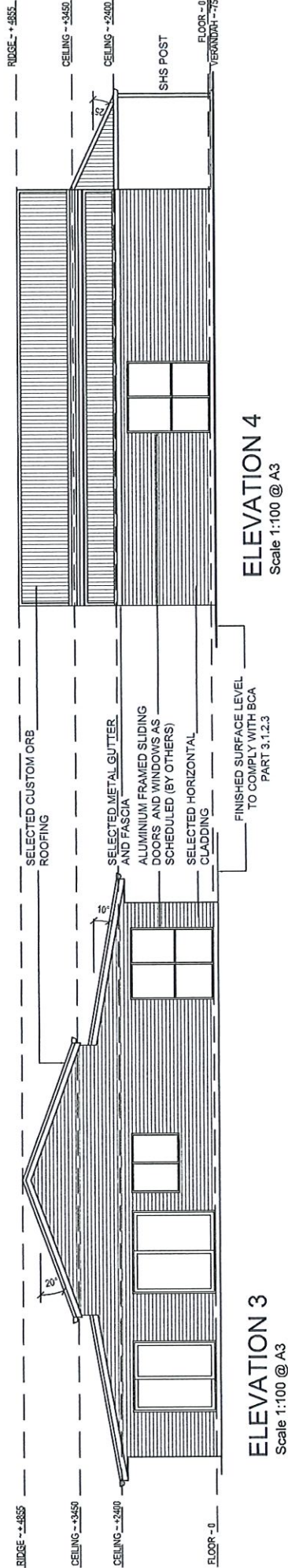
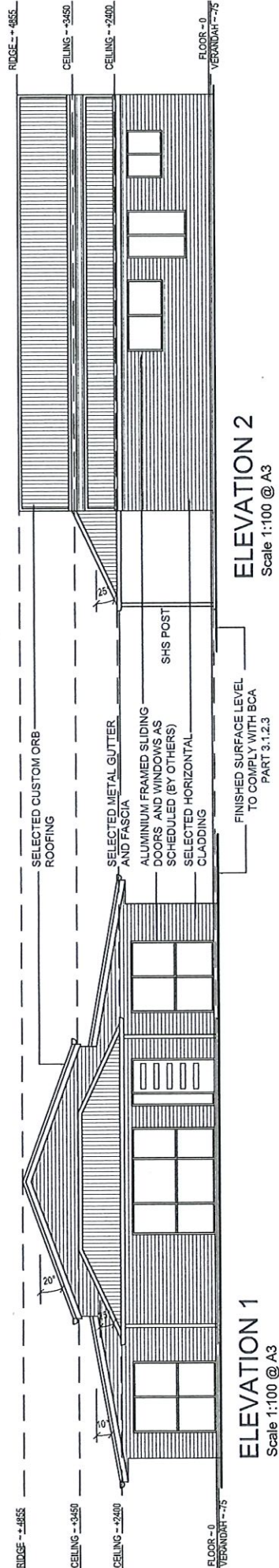
Print this floor plan to take to Council to commence the certification process.



Phone: 1800 764 764 [www.shedsnhomes.com.au](http://www.shedsnhomes.com.au)

# THE RURAL RETREAT 167 ELEVATIONS

Print this elevation to take to Council to commence the certification process.

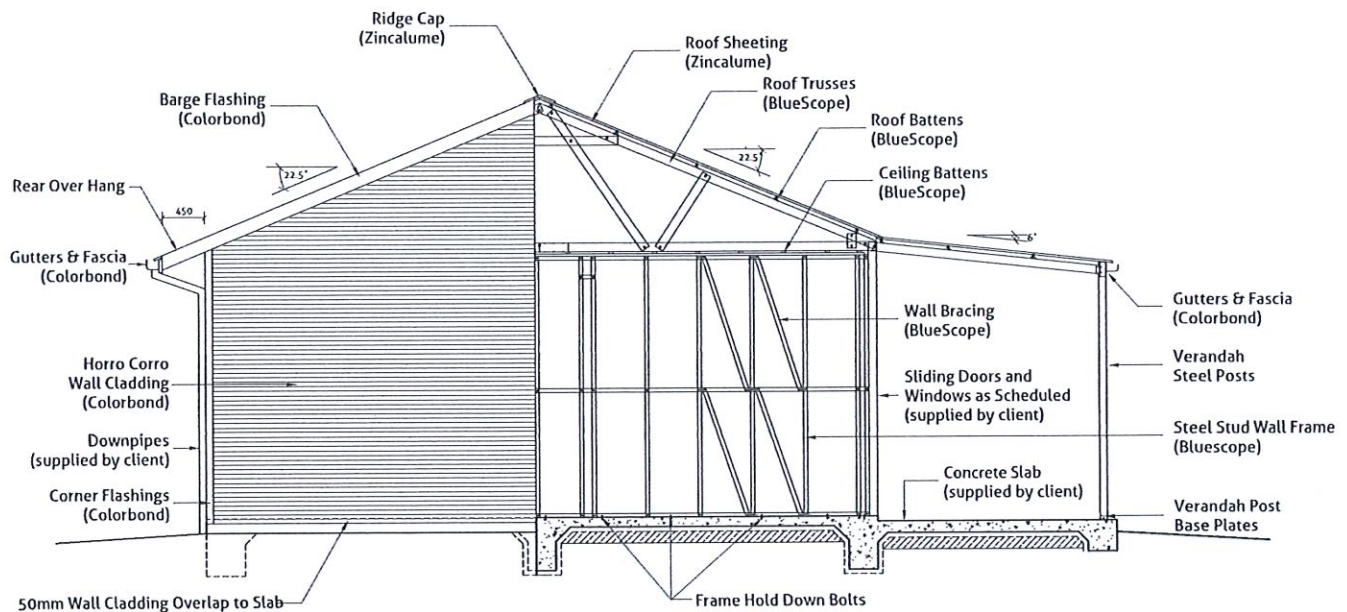


Phone: 1800 764 764      [www.shedshomes.com.au](http://www.shedshomes.com.au)



# KIT HOME STANDARD INCLUSIONS

This diagram highlights the standard inclusions of the steel kit home.



## WHAT SHEDS N HOMES SUPPLY

We supply the steel shell and structure of your new home, enabling you to source the rest without having to pay a builder's margin. Many of our competitors offer the full package including windows, doors, gyprock and plumbing – however, this comes at a price inflated by the additional margins. Our steel kit homes have been designed for the owner builder.

## WHAT YOU WILL NEED TO SUPPLY

Being the owner builder offers tremendous flexibility as you are in control of the ultimate look of your home. You will need to source trades, builders, doors, windows, thermal break, insulation, gyprock, flooring, fixtures, lighting and all other aspects of fitting out your home from your preferred suppliers. You are also left to take care of purchasing all appliances, furnishings and landscaping your property.

## PLUMBING AND ELECTRICAL WORK

It's amazing how much you can save by project managing your kit home build. Whilst you will need to hire contractors to do the work that requires special skills and/or licenses (like plumbing and electrical), you can save in other areas by completing the tasks yourself or enlisting the help of family and friends.

## DOES IT TAKE MUCH TIME?

Ultimately, this is up to you! As the builder you will need to coordinate your time, materials and trades effectively. Done right however, your home will be built to schedule! By being an owner builder, you will have the distinct advantage of working to a deadline that suits your needs – not somebody else's! Working weekends, after work hours or by simply taking some annual leave will put you on your path to building your own home in a time frame that suits you.

## PUTTING THE FRAME AND TRUSSES TOGETHER

We believe in simplicity and erecting our buildings is just that, simple! We provide all of our owner builders with a comprehensive set of floor and panel plans that clearly outlines each and every section in the most simplistic manner. Our panel-by-panel plans contain easy to understand instructions about what is required at each stage.



**100%  
TERMITE PROOF**



**RECYCLABLE  
MATERIAL**



**STRENGTH  
OF STEEL**



**STRAIGHT  
AND TRUE**



**NON  
COMBUSTIBLE**



**50 YEAR  
WARRANTY**



# RURAL RETREAT 167

167m<sup>2</sup>



 x4  x1  x2

Truecore



## STEEL KIT HOME INCLUSIONS

- TRUECORE® external and internal stud frame walls and roof trusses
- Internal framing predrilled for electrical and plumbing
- Horizontal COLORBOND® steel wall sheeting
- Corrugated ZINCALUME® steel roof sheeting
- COLORBOND® steel ridge capping, barge and flashings
- COLORBOND® steel gutters and fascias
- ZINCALUME® steel verandah posts
- All bracketry, bolts and screws provided
- Drawings for council submission
- Full engineering certification and plans

[shedsnhomes.com.au](https://shedsnhomes.com.au)

Ph: 1800 764 764

ACCESS ROAD

Water Main

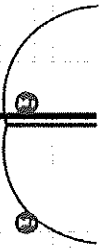
NEIGHBOUR

SHED

132

70m

GATE



134

70m

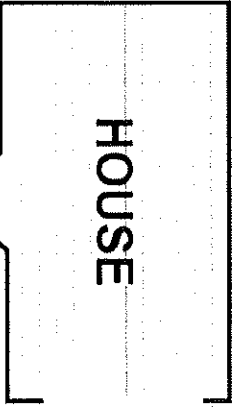
West  
Poppy  
Road

14m

HOUSE

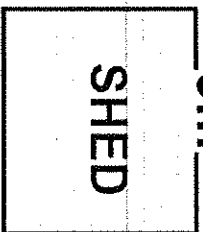
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10m



9m

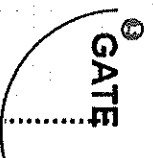
SHED



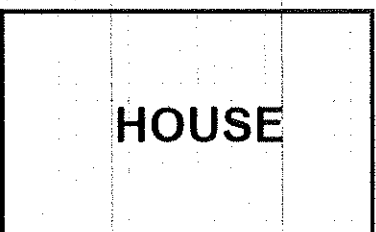
9m

10m

GATE



HOUSE



20m

FRANCIS STREET

20m



ACCESS ROAD

Water Main

NEIGHBOUR

SHED

GATE

134

132

70m

70m

West  
Poppy  
Road

14m

HOUSE

12.5m

10m

9m

SHED

9m

10m

GATE

HOUSE

20m

20m

FRANCIS STREET

WESTERN



AUSTRALIA

REGISTER NUMBER <b>2/DP223056</b>	
DUPLICATE EDITION <b>6</b>	DATE DUPLICATE ISSUED <b>1/11/2022</b>

## DUPLICATE CERTIFICATE OF TITLE

### UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1667 FOLIO 521

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

*BC Roberts*  
REGISTRAR OF TITLES



#### LAND DESCRIPTION:

LOT 2 ON DEPOSITED PLAN 223056

#### REGISTERED PROPRIETOR: (FIRST SCHEDULE)

KERYN MARGARET BARSBY  
ANDREW BARSBY  
BOTH OF 30 ANSTEY ROAD FORRESTDAL WA 6112  
AS JOINT TENANTS

(T P339142) REGISTERED 1/11/2022

#### LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

Warning A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
Lot as described in the land description may be a lot or location.

-----END OF DUPLICATE CERTIFICATE OF TITLE-----

#### STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice

SKETCH OF LAND:	1667-521 (2/DP223056)
PREVIOUS TITLE:	613-91
PROPERTY STREET ADDRESS:	132 FRANCIS ST, POPANYINNING.
LOCAL GOVERNMENT AUTHORITY:	SHIRE OF CUBALLING



WESTERN



AUSTRALIA

**DUPLICATE CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

REGISTER NUMBER	
1/DP223056	
Duplicate Edition	DATE DUPLICATE ISSUED
7	1/11/2022

VOLUME 751 FOLIO 48

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

*BC Roberts*  
REGISTRAR OF TITLES



**LAND DESCRIPTION:**

LOT 1 ON DEPOSITED PLAN 223056

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

KERYN MARGARET BARSBY  
ANDREW BARSBY  
BOTH OF 30 ANSTEY ROAD FORRESTDAL WA 6112  
AS JOINT TENANTS

(T P339142) REGISTERED 1/11/2022

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

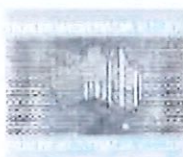
Warning A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
Lot as described in the land description may be a lot or location.

-----END OF DUPLICATE CERTIFICATE OF TITLE-----

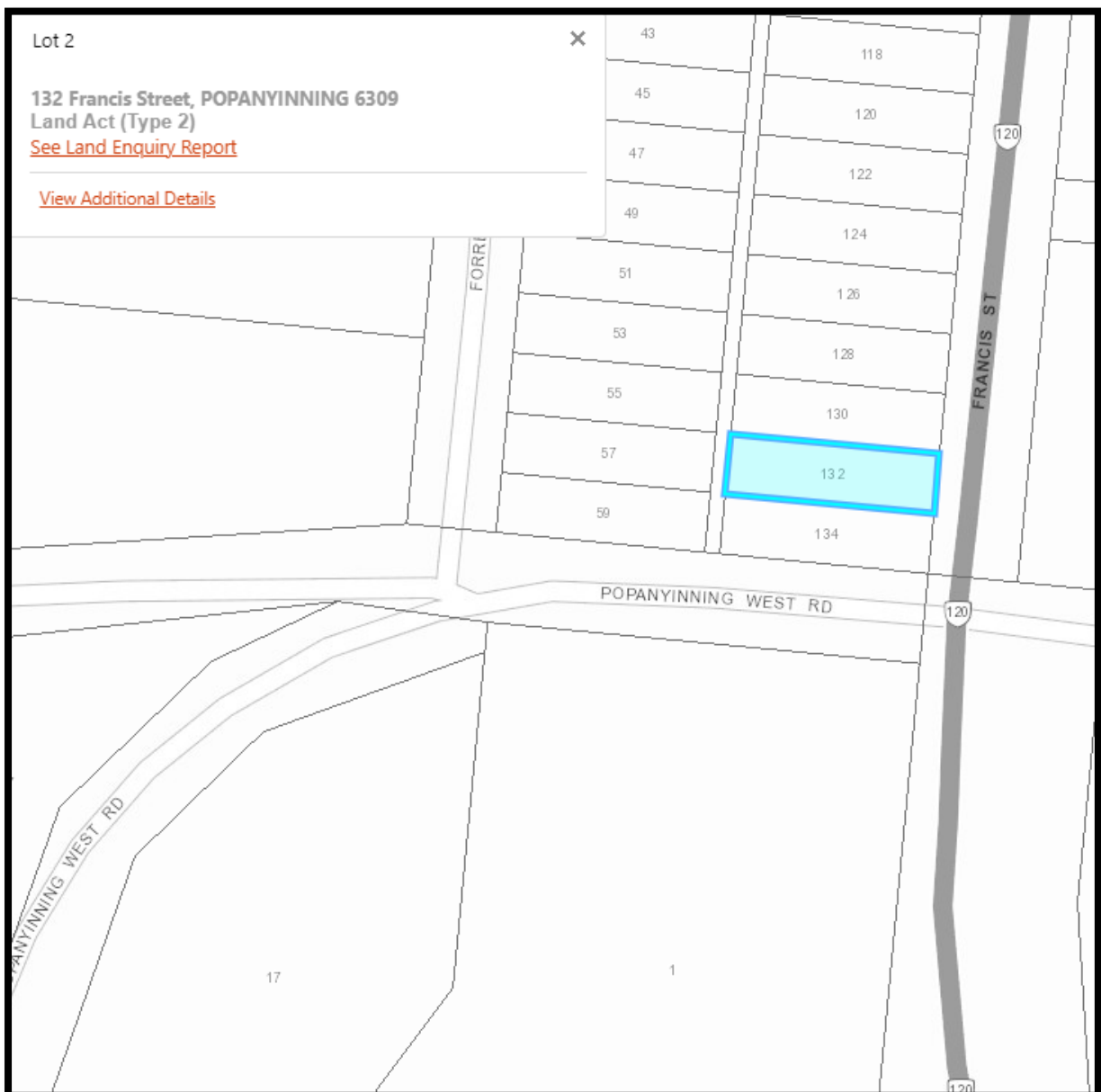
**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 751-48 (1/DP223056)  
PREVIOUS TITLE: 345-76  
PROPERTY STREET ADDRESS: 134 FRANCIS ST, POPANYINNING.  
LOCAL GOVERNMENT AUTHORITY: SHIRE OF CUBALLING



### 9.2.9B Location Map – 132 Francis Street, Popanyinning



## **LOCAL PLANNING POLICY OUTBUILDINGS**

Within all Rural Townsite and Rural Residential zoned land and on General Agricultural zoned lots with an area of 2ha or less, planning approval may be granted to outbuildings appurtenant to any dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any dwelling on site and provided the proposed development complies with the following:

- (a) In the Rural Townsite and Rural Residential zones of the Shire, where the lot size is 1500m<sup>2</sup> or less in area:
  - (i) Zincalume construction, where the total outbuilding does not exceed 55m<sup>2</sup> in floor area;
  - (ii) Colourbond construction, where the total outbuilding does not exceed 65m<sup>2</sup> in floor area;
  - (iii) Masonry construction and/or where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m<sup>2</sup> in floor area and no parapet wall is greater than 8 metres in length.
- (b) In Rural Townsite and Rural Residential zones of the Shire where the lot size is over 1500m<sup>2</sup> or on General Agricultural zoned lots with an area of 2 ha or less;
  - (i) Zincalume construction, where the total outbuilding does not exceed 85m<sup>2</sup> in total floor area;
  - (ii) Colourbond construction, where the total outbuilding does not exceed 120m<sup>2</sup> in total floor area;
  - (iii) Masonry construction and/or where the total outbuilding has walls constructed of the same materials and appearance as the house and does not exceed 170m<sup>2</sup> in total floor area.
- (c) Wall height of any outbuildings not to exceed 3 metres. In the case of gable roof construction, the maximum height is not to exceed 4 metres.
- (d) Prior to the considering a parapet wall construction on any boundary, the applicant will present to Council with written agreement to the same by any affected adjoining landowner.
- (e) The applicant providing the Local Government with a written undertaking that the outbuilding constructed will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Scheme.



- (f) Any application for planning approval which does not comply with the above shall be referred to Council for consideration.
- (g) No planning approval will be granted for any outbuildings on any Rural Townsite or Rural Residential zoned lot which does not contain a residence.
- (h) Setbacks from boundaries for Outbuildings
  - (i) If attached to the dwelling the setbacks for an outbuilding shall be a minimum of 1.0 metre from side boundaries with eaves not closer than 0.75 metres to a side boundary in the Rural Townsite Zone. Setback to the rear boundary shall be as specified in the Residential Design Codes for Rural Townsite zoned lots and/or a minimum of 10 metres for Rural Residential zoned land.
  - (ii) If detached from the dwelling, outbuildings shall be at least 1.8 metres clear of the dwelling with a minimum setback of 1.0 from the side boundary and 1.2m from the rear boundary in the Rural Townsite Zone and shall be a minimum of 10 metres rear setback in the Rural Residential Zone.

This fact sheet sets out land use planning considerations relevant to **outbuildings** on land in Western Australia.

This fact sheet has been prepared to assist in interpreting the definition and treatment of outbuildings in planning instruments, particularly in the implementation of *State Planning Policy 7.3: Residential Design Codes Volume 1* (R-Codes) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

## What is an outbuilding?

An outbuilding is defined by the R-Codes as *"an enclosed non-habitable structure that is detached from any dwelling."* Based on this definition, an outbuilding requires a dwelling.

Outbuildings are also known as sheds, barns and workshops, with varying design, size and construction materials. They may be pre-constructed, transported to and then placed on land, and are capable of being adapted for various uses. For clarity purposes, this fact sheet refers to outbuildings where the R-Codes apply, and sheds in other circumstances.

Outbuildings / sheds are not always associated with residential development, and may be considered works associated with other land uses e.g. a light industry with a shed for storage and repairs. However, a shed with no dwelling and no other associated land use would be best described as 'warehouse / storage', as defined in the Regulations.

## Do outbuildings require development approval?

In a residential setting, outbuildings are assessed against the R-Codes and local planning scheme. The R-Codes are applied in local planning schemes as if they were part of the scheme, and principally apply to residential zoned land. R-Code requirements and outbuilding standards may be applied to other zones if prescribed by the local planning scheme. Local planning policies can also provide exemptions from development approval, and be used to vary the R-Codes.

### Exemption for requiring development approval under the deemed provisions

Under clause 61 of the deemed provisions of the Regulations, the erection or extension of an outbuilding is exempt from development approval where:

- the R-Codes apply, and the outbuilding satisfies the deemed-to-comply requirements
- the outbuilding is on the same lot as a single house or a grouped dwelling
- the outbuilding is not located in a place that is the subject of an order, a heritage agreement, or in the Register of Heritage Places under the *Heritage Act 2018*, or in a heritage area or on a heritage list under a local planning scheme
- the outbuilding is not located within a special control area or a bushfire prone area as designated by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998* (as amended), for which development approval may be required.

Clause 5.4.3 of the R-Codes sets out the outbuildings design principle and deemed-to-comply requirements. This is to protect the streetscape and visual amenity by requiring outbuildings to have a relatively small floor area, be low in height, and located away from view.

The deemed-to-comply requirements are satisfied if the outbuilding is – (1) not attached to a dwelling (2) non-habitable (3) maximum area 60m<sup>2</sup> (aggregate) or 10% of site (whichever is less) (4) maximum wall height of 2.4m (5) maximum ridge height of 4.2m (6) located behind street front setback (7) private open space requirements are met and (8) boundary setbacks achieved.

### Other exemptions from development approval

A local government may add supplemental provisions to its scheme to set out exemptions from requiring development approval. This is typical for sheds in rural and rural residential areas. A local planning policy (LPP) can also provide exemptions and set out parameters in more detail.

### Situations where a development approval is required

Where the R-Codes apply, development approval for outbuildings is required when:

1. there are no specific exemptions from development approval in the local planning scheme or a LPP
2. the deemed-to-comply requirements are not satisfied.

The proposed outbuilding would be assessed against the outbuildings design principle in the R-Codes - *"Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."*

Where the R-Codes don't apply, development approval for a shed is required when:

1. there are no specific exemptions from development approval in the local planning scheme or a LPP
2. the shed is not associated with a dwelling.

## **Purpose of outbuilding**

A shed structure is not an outbuilding if it is proposed on a lot without a dwelling. A land use must then be identified in the proposal consistent with the purpose of the proposed structure.

The 'warehouse / storage' use is the most suitable if the shed is not associated with a land use such as agriculture or light industry. Outbuildings and sheds are not land uses in themselves, therefore a land use needs to be established to determine whether it is permissible under the local planning scheme. For example, if a property has an approved or permitted use, the proposed shed may be applied for to store materials, equipment, plant associated with that use.

Where outbuildings are proposed to be separated from a dwelling by way of subdivision, there will often be a condition to demolish the separated outbuilding.

Without a dwelling, a shed by itself takes on a warehouse / storage land use, which is not usually permitted in a residential zone.

## **Scheme provisions for outbuildings / sheds**

The deemed provisions, R-Codes and LPP are the primary instruments used to regulate outbuildings and sheds. Provisions may be inserted that provide guidance for non-residential zones if development control and/or exemptions are required. Provisions could address matters such as location, size, design, materials, appearance, and/or amenity considerations.

## **When WAPC approval is required to vary the R-Codes in a LPP**

LPPs are the most flexible instrument to govern the development of outbuildings / sheds. Clause 7.3.2 of the R-Codes also allows a local government (with approval of the Western Australian Planning Commission) to vary the deemed-to-comply requirements for outbuildings through a LPP.

A LPP can vary the R-Codes outbuildings deemed-to-comply requirements other than requirements 1 and 2 (that it's not habitable and is associated with a dwelling), which is reflected in the outbuilding definition.

When requesting WAPC approval for variations to the R-Codes in a LPP, the proposal needs to: outline the need for the variation specific to that locality or region; be consistent with the objectives and design principles; and, be capable of implementation as part of the ongoing building approval process.

Reasons to vary the R-Codes may include: the needs of a locality or region; expectations and needs of residents; climate; lifestyle; desired built form; and, to provide for orderly and proper planning outcomes.

Variations may provide more flexibility, or set more stringent requirements. For example, an outbuilding's maximum wall height requirement may be impractical for items proposed to be stored and a variation could provide for a greater height.

## **When WAPC approval is not required**

LPPs that provide development exemptions or guidance in other zones, and/or addresses visual impact/amenity do not require WAPC approval. For example, visual impacts could be avoided or managed by directly locating behind a dwelling; taking advantage of landform; requiring design, scale, construction materials and finishes to be sympathetic to the built or landscape character; providing for screening materials including existing or planted trees and vegetation.

Local governments could have a LPP that deals with outbuildings. The WAPC only determines the parts of a LPP that sets variations to the R-Codes, leaving flexibility for the local government elsewhere in the LPP.

## **Temporary habitation of outbuildings**

A shed cannot be characterised as an outbuilding if there is no association with a habitable dwelling on the same lot.

However, an outbuilding may be part of a development proposal that includes a dwelling, with the outbuilding intended to be constructed first, to store the materials/equipment for the dwelling construction. As there is a risk that the outbuilding may be constructed and used without a dwelling, conditions of development approval may be required to control the timing of construction to ensure that the outbuilding is developed in association with the dwelling and not before.



While some local governments have allowed people to live in sheds while dwellings are constructed, this is a breach of building legislation unless they have been converted to a habitable standard (class 1), as sheds are classified as class 10 structures, which are non-habitable.

Regulation 11(2)(c) of the *Caravan Parks and Camping Grounds Regulations 1997* provides for occupation of one caravan on site for up to year, which may be considered in conjunction with a development application. Such use may be linked to conditions such as; having a building permit for the dwelling; a statutory declaration acknowledging that use of the caravan is temporary; ensuring there is suitable provision made for water supply and effluent disposal; and the caravan being located within an outbuilding.

Temporary uses are also considered under section 61 of the deemed provisions, which could also be used for a caravan.

### ***Are shipping containers outbuildings?***

As a shipping container is a structure that is typically enclosed and not used for habitable purposes, it falls within the definition of an outbuilding. The two most common sizes of shipping containers are typically referred to as 20 and 40 footers.

Shipping containers & the R-Codes	Internal length	Internal width	Internal height	Internal floor area
20	5.9m	2.35m	2.4m	13.86m <sup>2</sup>
40	12.03m	2.35m	2.4m	28.27m <sup>2</sup>
R-Code deemed to comply	Silent	Silent	Wall height 2.4m	60m <sup>2</sup> or 10% of lot

Depending on the dimensions and placement of a shipping container, it may be capable of meeting the deemed-to-comply requirements of the R-Codes. If a local government has concerns about the appearance of this kind of outbuilding or shed, the solution is to introduce scheme provisions or a LPP that deals with visual impacts including design, materials and finishes.

Where a shipping container does not meet the definition of an outbuilding under the R-Codes or an applicable LPP, it will require development approval against the most applicable land use under the local planning scheme.

## **67. Consideration of application by local government**

- (1) Development approval cannot be granted on an application for approval of —
  - (a) development that is a class X use in relation to the zone in which the development is located, unless —
    - (i) the development relates to land that is being used for a non-conforming use; and
    - (ii) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use;
  - or
  - (b) development that otherwise does not comply with a requirement of this Scheme, unless —
    - (i) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or
    - (ii) the development is permitted under a provision of this Scheme in relation to non-conforming uses.
- (2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —
  - (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
  - (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
  - (c) any approved State planning policy;
  - (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
  - (e) any policy of the Commission;
  - (f) any policy of the State;
  - (fa) any local planning strategy for this Scheme endorsed by the Commission;
  - (g) any local planning policy for the Scheme area;
  - (h) any structure plan or local development plan that relates to the development;
  - (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
  - (k) the built heritage conservation of any place that is of cultural significance;
  - (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
  - (m) the compatibility of the development with its setting, including —
    - (i) the compatibility of the development with the desired future character of its setting; and

- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
  - (n) the amenity of the locality including the following —
    - (i) environmental impacts of the development;
    - (ii) the character of the locality;
    - (iii) social impacts of the development;
  - (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
  - (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
  - (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
  - (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
  - (s) the adequacy of —
    - (i) the proposed means of access to and egress from the site; and
    - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
  - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
  - (u) the availability and adequacy for the development of the following —
    - (i) public transport services;
    - (ii) public utility services;
    - (iii) storage, management and collection of waste;
    - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
    - (v) access by older people and people with disability;
  - (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
  - (w) the history of the site where the development is to be located;
  - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
  - (y) any submissions received on the application;
  - (za) the comments or submissions received from any authority consulted under clause 66;
  - (zb) any other planning consideration the local government considers appropriate.
- (3) Subclause (1) has effect despite the zoning table for this Scheme.

*[Clause 67 amended: SL 2020/252 r. 74.]*

### **9.3      MANAGER OF WORKS AND SERVICES:**

Nil at this time

### **9.4      CEMETERY ADVISORY COMMITTEE**

<b>9.4.1</b>	<b>Recommendation from the December 2022 Special Meeting of the Cemeteries Advisory Committee</b>
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Applicant:	Cemeteries Advisory Committee
File Ref. No:	ADM 326
Disclosure of Interest:	Nil
Date:	2 December 2022
Author:	Stan Scott - CEO
Attachments:	Minutes of the Cemeteries Advisory Committee 28 October 2022

#### **Summary**

**Council is requested to consider the recommendations from the Special Meeting of the Cemeteries Advisory Committee.**

#### **Background**

The committee met for the first time on 28 October 2022, and will meet every 6 months on the last Friday of April and October. Cr Christensen was elected as the presiding member. The day after the meeting Committee members visited the Popanyinning Cemetery, the Popanyinning Pioneer Cemetery and the Cuballing Cemetery. As a result of those visits and an offer from the Cuballing Community Volunteer Group to paint the niche wall at the Cuballing Cemetery the presiding member give notice of a Special meeting to be held on Friday 2 December 2022

This item is to consider recommendations from that meeting.

#### **Painting the Niche Wall at Cuballing**

The Cuballing Cemetery has a niche wall for the interment of ashes. Recesses are left in the wall. Ashes are deposited in the niche and secured by a brass plaque commemorating the deceased. The Popanyinning Cemetery also has a niche wall.

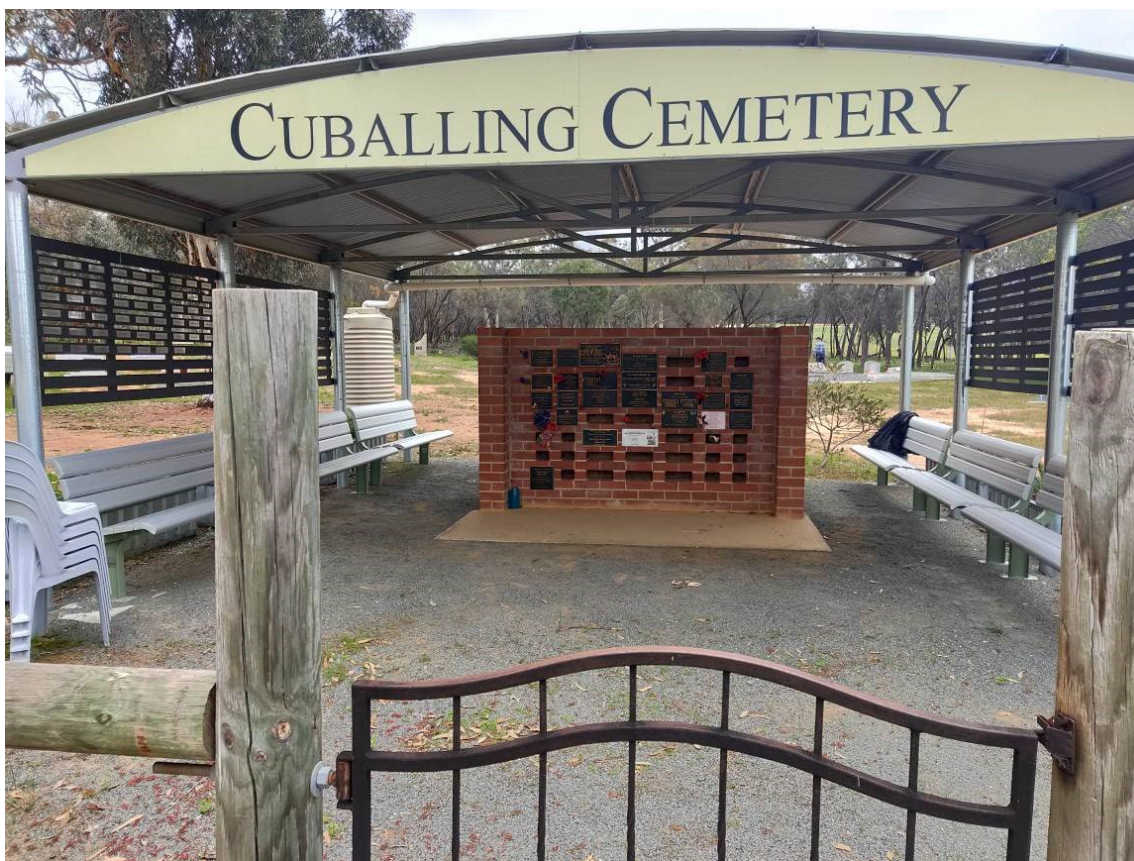
Both walls are made of brick. The Popanyinning Niche wall is painted while the Cuballing Niche wall is face brick. The Cuballing Community Volunteer Group has suggested painting the Cuballing niche wall in an exterior satin finish 'Pale Biscuit' (heritage cream colour).

The proposal is as a result of a view expressed during site visits that the painted niche wall looks more attractive. This is a matter of individual taste. The Popanyinning Cemetery also has a cream-coloured timber fence which may add to the aesthetics. The Cuballing Cemetery does not have a cream fence, but it does have a surrounding shelter.

Apart from the aesthetics there is also the ongoing maintenance cost. The Niche Wall at Popanyinning need to be repainted every few years to maintain its appearance. There is



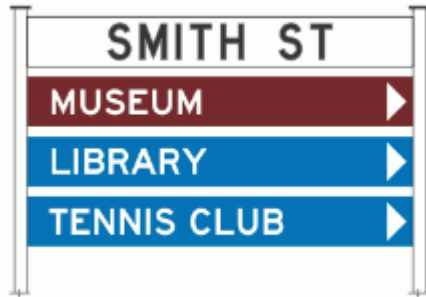
presently no such requirement at Cuballing. That said, the exterior paint comes with a 20 year guarantee and the Cuballing Niche wall is under cover so is largely protected from the weather.



### **Pioneer Cemetery**

As part of the site visits following the inaugural Cemetery Advisory Committee meeting it was noted that the Popanyinning Pioneer Cemetery is not easy for find. The Popanyinning Progress Association worked with Outback Graves for the installation of grave markers at the pioneer cemetery. They also provided a quote on the provision of interpretive signage to help visitors to find the two clusters of graves at the site.

Directional signage will be either blue tourist information signs or brown heritage signs.



Alternatively larger signs in blue or brown.



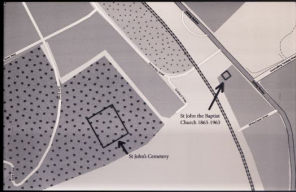

Signs from Great Southern Highway require Main Roads permission, so a finger sign matching the present cemetery signs, except in brown rather than blue. A second sign, perhaps larger could be installed at the entry to lord street.

### St John the Baptist Catholic Cemetery

A Roman Catholic cemetery was established at this location (Newcastle Town Lot 76) on 5 May 1864.  
The last recorded burial occurred in 1897.

The cemetery was named after the first Roman Catholic Church built in 1863-1864 in the township of Newcastle that had been proclaimed in 1860. Today this township is called Toodyay.

The original St. John the Baptist Catholic Church was built downhill from here on Newcastle's main thoroughfare. The church building is now a private residence and is located near the junction of Stirling Terrace and Hamersley Street. The railway arrived at Newcastle in late 1887 and the line was soon extended northwards creating the separation between church and cemetery that you see today.

Although the burial records we have found for this cemetery date from the nineteenth century, there are anecdotal accounts of later burials.

By the early twentieth century a section of the main Toodyay Public Cemetery, located on the other side of the Avon River, was being used for Catholic burials. In 1945 a bushfire came through the old Catholic Cemetery (this site) and burnt the remaining wooden markers, and St John the Baptist Catholic Cemetery soon faded from public memory.

Finally, an interpretive sign from Outback Graves could be placed near the entry to the Pioneer Cemetery. An example of previously produced sign is above

#### Comment

The Cemeteries Advisory Committee having finally had the opportunity to meet is working with enthusiasm to improve our cemeteries.

The Special Meeting was called because the committee considered after their site visits that some things should be considered ahead of their next scheduled meeting in April.

#### Strategic Implications - Nil

#### Statutory Environment – Nil

Council's Cemetery obligations are set out in the *Cemeteries Act 1986*. The Act sets out the requirements for managing cemeteries by Cemetery Boards. Section 6 of the Act provides for the Council of the Local Government to perform the functions of the board for cemeteries vested in the Local Government.

The *Shire of Cuballing Local Law relating to the Cuballing and Popanyinning Cemeteries* provides that, subject to any directions given by Council, the CEO will perform all the powers and functions of the board.

#### Policy Implications Nil

#### Financial Implications

There are modest cost implications from the proposals:

- Painting of the niche wall would require the purchase of paint and sealer. There would be no labour cost if the volunteer offer is accepted, and this could be accommodated in the Cemetery maintenance budget.
- A laser engraved interpretive signs 800mm High x 500mm Wide would cost \$525.00ex GST. The other signs could be accommodated in the existing road maintenance budget which includes street signs.

#### Economic Implication - Nil

#### Environmental Considerations - Nil

#### Consultation

Nil

#### Options

The Council can resolve to accept or reject the committee's recommendations

#### Voting Requirements - Simple Majority



#### **COMMITTEE RECOMMENDATION 1**

**The Committee recommends that:**

- 1. Council arrange for the painting of the niche wall at the Cuballing Cemetery;**
- 2. Council accepts the offer from the Cuballing Community Volunteer Group to do the painting project as volunteers.**

*Note: The Manager of Works and Services advised that we will need to extend the niche wall by installing a further set of niches on the other side and it may be better to delay painting or other treatment until that work is completed.*

*The Shire president noted that there may be a case for rendering prior to painting.*

*Matter was referred back to the Cemetery Advisory Committee for its next meeting in April 2023.*

#### **COMMITTEE RECOMMENDATION / COUNCIL DECISION 2022/145**

**That the committee recommend that Council improve signage to the Popanyinning Pioneer Cemetery including:**

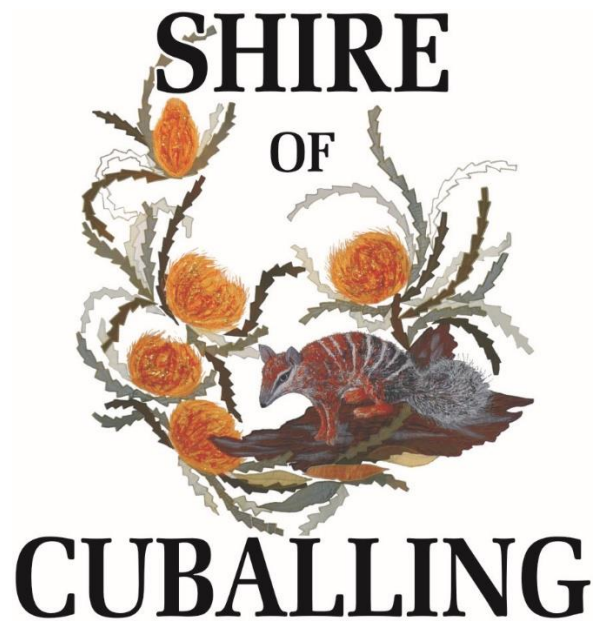
- A brown finger sign with distance on Great Southern Highway;**
- A larger brown tourist sign at the entry to Lord Street;**
- An Interpretive sign at the entry to the Pioneer Cemetery.**

**Moved Cr Christensen**

**Seconded Cr Kowald**

**Carried 6/0**





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

## **MINUTES**

**for the Special Meeting of**

### **Cemeteries Advisory Committee**

**to be held at**

10.00 am Friday 2<sup>nd</sup> December 2022

#### **To Discuss:**

- **Painting of the Niche Wall at the Cuballing Cemetery; and**
- **Signage for the pioneer cemetery at Popanyinning.**

Shire of Cuballing  
Council Chambers  
Campbell Street, Cuballing

## **DISCLAIMER**

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# Agenda

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## 1. **DECLARATION OF OPENING:** Meeting Opened 10.16am

As Cr Christensen was not present the committee agreed for Ms Ferguson to chair the meeting.

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

### 2.1.1 Attendance

#### Members

Ms Dianne Ferguson (Acting Presiding Member)

Mr Reis Chattillon

Ms Helen Elliott

Ms Monique D'Alton

#### Others

Mr Stan Scott (CEO – Minutes)

### 2.1.2 Apologies

Cr Julie Christensen

Cr Adrian Kowald COVID

### 2.1.3 Leave of Absence

Nil

## 3. **STANDING ORDERS:**

#### **OFFICER'S RECOMMENDATION:**

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

**Moved Mr Chattillon**

**Seconded Ms D'Alton**

**Carried 4/0**

## 4. **PUBLIC QUESTION TIME:**

### 4.1 Public Questions from the Gallery

Nil

## 5. **APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

## 6. **CONFIRMATION OF MINUTES:**

Not applicable – minutes will be confirmed at the next Ordinary Meeting

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

Nil

**8. DISCLOSURE OF FINANCIAL INTEREST:**

**DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

**DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

## 9. **REPORTS OF OFFICERS:**

### 9.1 Painting the Niche Wall at the Cuballing Cemetery

Applicant: Shire of Cuballing  
File Ref. No: ADM 326  
Disclosure of Interest: Nil  
Date: 23 November 2022  
Author: Stan Scott - CEO  
Attachments:

#### **Summary**

The Cuballing Community Volunteer Group has approached the CEO to provide paint to allow them to paint the niche wall at the Cuballing Cemetery. The CEO advised the committee that it would first need Council's agreement to make this change.

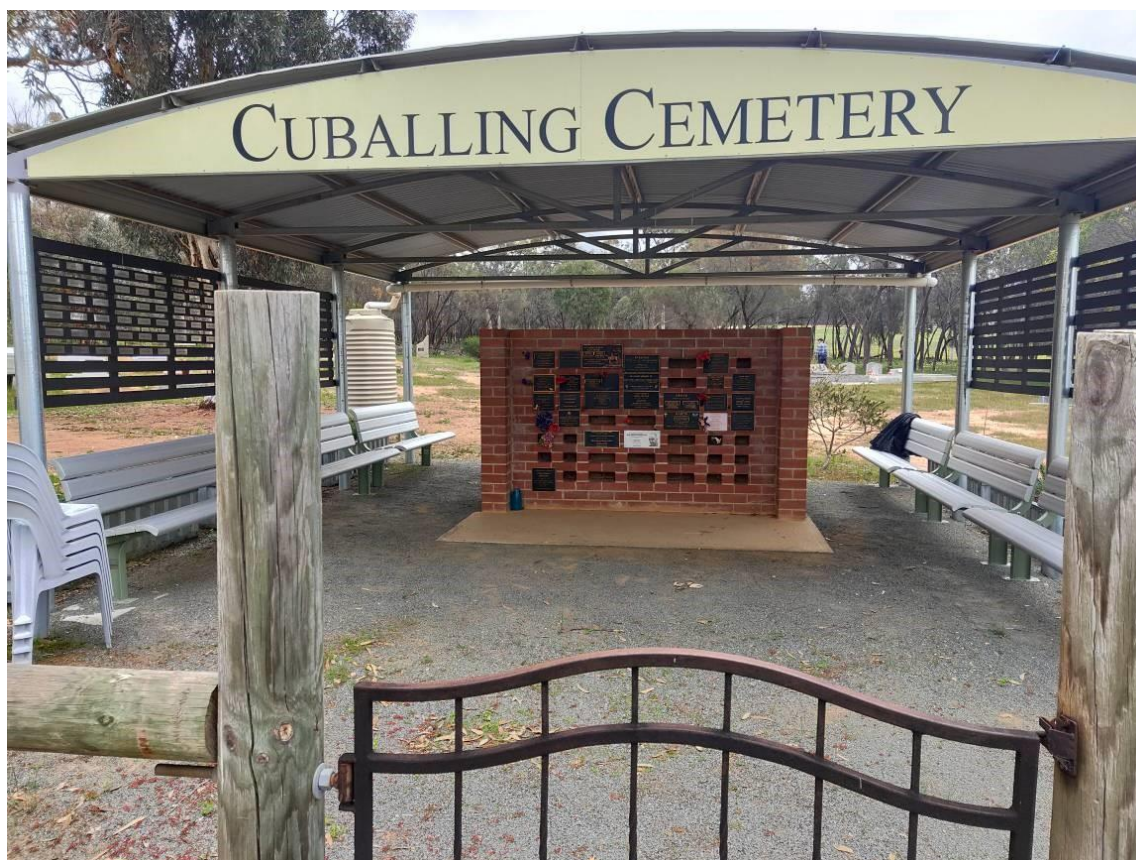
#### **Background**

The Cuballing Cemetery has a niche wall for the interment of ashes. Recesses are left in the wall. Ashes are deposited in the niche and secured by a brass plaque commemorating the deceased. The Popanyinning Cemetery also has a niche wall.

Both walls are made of brick. The Popanyinning Niche wall is painted while the Cuballing Niche wall is face brick. The Cuballing Community Volunteer Group has suggested painting the Cuballing niche wall in an exterior satin finish 'Pale Biscuit' (heritage cream colour)







#### Discussion:

The proposal is as a result of a view expressed during site visits that the painted niche wall looks more attractive. This is a matter of individual taste. The Popanyinning Cemetery also has a cream-coloured timber fence which may add to the aesthetics. The Cuballing Cemetery does not have a cream fence, but it does have a surrounding shelter.

Apart from the aesthetics there is also the ongoing maintenance cost. The Niche Wall at Popanyinning needs to be repainted every few years to maintain its appearance. There is presently no such requirement at Cuballing.

The two Cemeteries are very different, and that is OK.

#### Comment

Council when it considers the committee's recommendation will need to determine if painting the niche wall would improve its appearance, and if so whether the improvement justifies the increased maintenance cost.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications Nil

Financial Implications

The Shire makes an annual budget allocation to the maintenance of the cemeteries.

Economic Implication - Nil

Environmental Considerations - Nil

Consultation

The Cemeteries Advisory Committee conducted site visits to both cemeteries in October 2022.

Options

The committee is asked to resolve whether or not to recommend to Council to paint the niche wall at the Cuballing Cemetery and if so whether that work should be undertaken by volunteers.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That the committee determine whether or not to recommend painting the Niche Wall at Cuballing Cemetery, and whether the work if recommended should be undertaken by volunteers.

#### **COMMITTEE RECOMMENDATION**

**The Committee recommends that:**

- 1. Council arrange for the painting of the niche wall at the Cuballing Cemetery;**
- 2. Council accepts the offer from the Cuballing Community Volunteer Group to do the painting project as volunteers.**

**Moved Ms D'Alton**

**Seconded Ms Ferguson**

**Carried 4/0**



## 9.1 Signage for Popanyinning Pioneer Cemetery

Applicant: Shire of Cuballing  
File Ref. No: ADM 326  
Disclosure of Interest: Nil  
Date: 28 November 2022  
Author: Stan Scott - CEO  
Attachments:

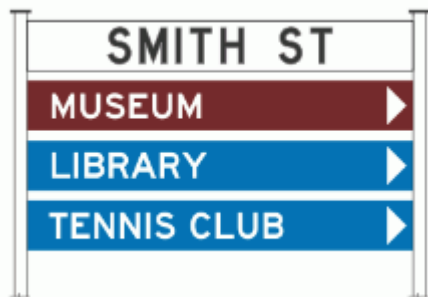
### **Summary**

Committee members noted during site visits that there is a lack of directional signage to the Popanyinning Pioneer Cemetery.

### **Background**

As part of the site visits following the inaugural Cemetery Advisory Committee meeting it was noted that the Popanyinning Pioneer Cemetery is not easy to find. The Popanyinning Progress Association worked with Outback Graves for the installation of grave markers at the pioneer cemetery. They also provided a quote on the provision of interpretive signage to help visitors to find the two clusters of graves at the site.

Directional signage will be either blue tourist information signs or brown heritage signs.

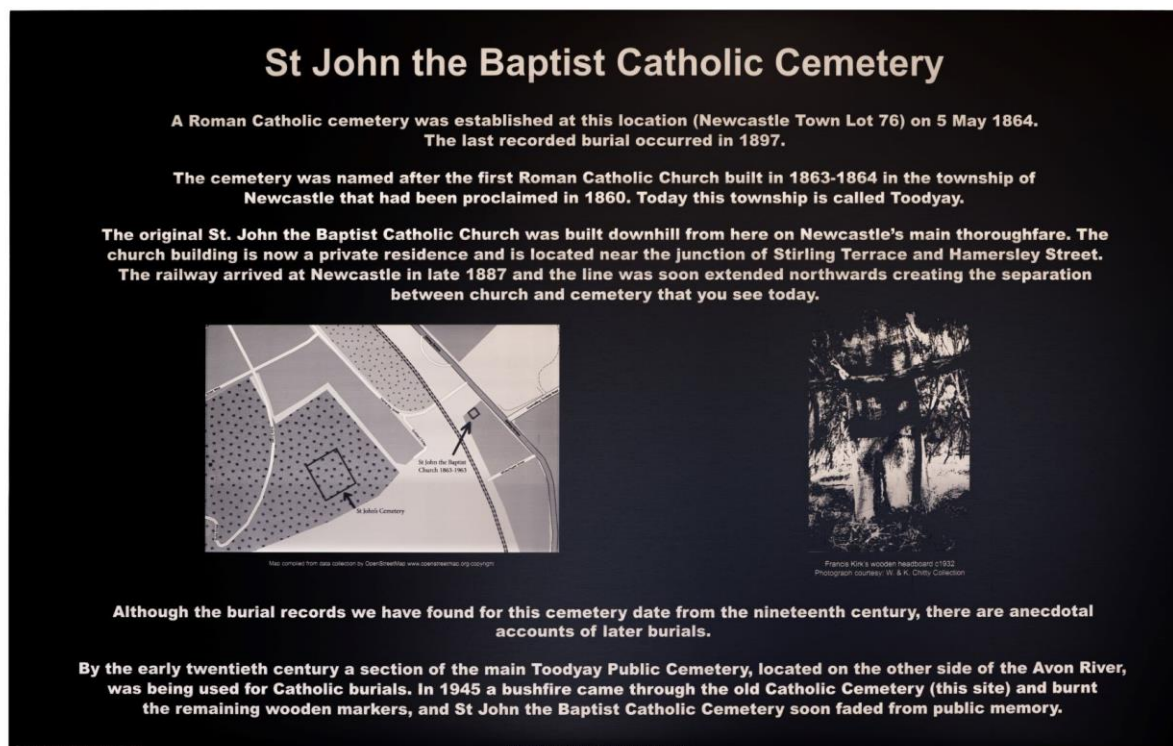


Alternatively larger signs in blue or brown.



Signs from Great Southern Highway require Main Roads permission, so a finger sign matching the present cemetery signs, except in brown rather than blue. A second sign, perhaps larger could be installed at the entry to lord street.

Finally, an interpretive sign from Outback Graves could be placed near the entry to the Pioneer Cemetery. An example of previously produced sign is below.



#### Discussion:

Street signage could be funded from our road signage budget. The interpretive signage is not part of the budget but could be funded from cemetery maintenance.

#### Comment

Council will need to consider whether proposed improvements may reasonably be funded from existing budget allocations.

#### Strategic Implications - Nil

#### Statutory Environment – Nil

#### Policy Implications Nil

#### Financial Implications

A laser engraved interpretive signs 800mm High x 500mm Wide would cost \$525.00ex GST.

#### Economic Implication - Nil

#### Environmental Considerations - Nil

#### Consultation

The Cemeteries Advisory Committee conducted site visits to both cemeteries in October 2022.

### Options

The committee is asked to resolve whether or not to recommend to Council to paint the niche wall at the Cuballing Cemetery and I so whether that work should be undertaken by volunteers.

### Voting Requirements – Simple Majority

#### OFFICER'S RECOMMENDATION:

That the committee recommend that Council improve signage to the Popanyinning Pioneer Cemetery including:

- A brown finger signs on Great Southern Highway;
- A larger brown tourist sign at the entry to Lord Street;
- An Interpretive sign at the entry to Lord Street.

#### **COMMITTEE RECOMMENDATION:**

**That the committee recommend that Council improve signage to the Popanyinning Pioneer Cemetery including:**

- **A brown finger signs with distance on Great Southern Highway;**
- **A larger brown tourist sign at the entry to Lord Street;**
- **An Interpretive sign at the entry to the Pioneer Cemetery.**

**Moved Mr Chattillon**

**Seconded Ms Elliott**

**Carried 4/0**

## **10. NEXT MEETING**

2.00 pm, Friday 28<sup>th</sup> April 2023

## **11. CLOSURE OF MEETING:**

Meeting Closed 10.31 am.

**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.

**12. CONFIDENTIAL MATTERS:**

12.1.1	2023 Australia Day Citizenship Awards
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**13. NEXT MEETING:**

Ordinary Council Meeting, 2.00pm. Wednesday 15<sup>th</sup> February 2023 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing

**14. CLOSURE OF MEETING:**

Meeting Closed 3.34 pm