



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

AGENDA

for the

Ordinary Meeting of Council

to be held

2PM, WEDNESDAY 15 NOVEMBER 2023

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

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.

1.	DECLARATION OF OPENING:	4
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	4
2.1.1	Attendance	4
2.1.2	Apologies	4
2.1.3	Leave of Absence	4
3.	STANDING ORDERS:	4
4.	PUBLIC QUESTION TIME:	4
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:	4
4.2	WRITTEN QUESTIONS PROVIDED IN ADVANCE:	4
4.3	PUBLIC QUESTIONS FROM THE GALLERY:	5
5.	APPLICATIONS FOR LEAVE OF ABSENCE:	5
6.	CONFIRMATION OF MINUTES:	5
6.1.1	Ordinary Meeting of Council held on Wednesday 18 October 2023	5
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:	5
8.	DISCLOSURE OF FINANCIAL INTEREST:	6
9.	REPORTS OF OFFICERS AND COMMITTEES:	7
9.1	DEPUTY CHIEF EXECUTIVE OFFICER:	7
9.1.1	List of Payments – October 2023	7
9.1.2	Statement of Financial Activity	14
9.2	CHIEF EXECUTIVE OFFICER:	16
9.2.1	Council Meeting Schedule 2024	16
9.2.2	Local Government Single House Approval Functions	20
9.2.3	State Planning Policies and Planning Codes - Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015	27
9.2.4	Appointment of Delegate to the Narrogin & Dryandra Visitor Centre Reference Group	38
9.2.5	Numbat Country Reprint	51
9.3	MANAGER OF WORKS AND SERVICES:	53
9.4	COMMITTEE REPORTS:	53
10.	ELECTED MEMBERS’ MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	53
11.	URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:	53
12.	CONFIDENTIAL MATTERS:	53
13.	NEXT MEETING:	53
14.	CLOSURE OF MEETING:	53

1. DECLARATION OF OPENING:

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr Eliza Dowling
Cr Robert Harris
Cr Julie Christensen
Cr Scott Ballantyne
Cr Adrian Kowald

President
Deputy President

Mr Stan Scott
Mr Narelle Rowe
Mr Anthony Mort

Chief Executive Officer
Deputy Chief Executive Officer
Acting Manager of Work and Services

2.1.2 Apologies

Nil

2.1.3 Leave of Absence

Mr Bruce Brennan, Manager of Works and Services. Returning for December's meeting

3. STANDING ORDERS:

OFFICER'S RECOMMENDATION:

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

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 at this time.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil at this time.

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Wednesday 18 October 2023

OFFICER'S RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 18 October 2023 be confirmed as a true record of proceedings.

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

Nil at this time.

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 AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1 List of Payments – October 2023

File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	10 October 2023
Author:	Juanita Waltho
Attachments:	9.1.1A List of Municipal Accounts 9.1.1B List of Credit Card Transactions 9.1.1C Petty Cash and Coles Card

Summary

Council is to review payments made under delegation in October 2023.

Background – Nil

Comment

Council is provided with details of payments and credit card transactions made during the month of October 2023 as listed in the attachments.

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

OFFICER'S RECOMMENDATION:

That Council receives:

- 1. the List of Accounts paid in October 2023 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 \$291800.06 included at Attachment 9.1.1A.**
- 2. a summary of transactions completed on Credit Cards by Council Staff for the period ending 31 October 2023 included at Attachment 9.1.1B.**
- 3. a summary of transactions completed on Coles Cards and Petty Cash for the period ending 31 October 2023.**

LIST OF OCTOBER 2023 MUNICIPAL FUND ACCOUNTS

Chq/EFT	Name	Description	Amount
831	POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS FOR MONTH	-20098.80
2035	Shire of Cuballing	MATERIALS FOR THE SHIRE OFFICE - GST FREE	-227.55
EFT8364	BKS Electrical	Supply & Install Exhaust fan to disabled toilet room	-734.25
EFT8365	Manager Works & Services	50% Reimbursement Synergy - 22/07/2023 to 18/09/2023	-193.44
EFT8366	C&D Cutri	Level 1 Bridge Inspections as per quote 30/8/23	-2090.00
EFT8367	CANNON HYGIENE AUSTRALIA PTY LTD	Sanitary Bin Service - All Shire Buildings	-1704.57
EFT8368	CENTRAL COUNTRY ZONE OF WALGA	Central Country Zone Subscription	-1100.00
EFT8369	CUBALLING BUILDING COMPANY	CWA Hall Certificate of Occupancy	-834.90
EFT8370	CUBY ROADHOUSE	Morning tea for BFAC, various Supplies for Office & Depot, Fuel, Refreshment for Council Meetings	-889.19
EFT8371	GREAT SOUTHERN WASTE DISPOSAL	Rubbish Removal - Recycling Service x 269 @ \$3.86 Each	-8136.96
EFT8372	HERSEY SAFETY PTY LTD	Items listed on Delivery dockets 48557,48558 - Safety & Protective Clothing	-2574.95
EFT8373	KEVREK PTY LTD	Supply and fit hydraulic leg to Kevrek as per Quote on the 7/6/23	-2527.58
EFT8374	Melchiorre Plumbing & Gas	Supply and install New Solar Hart 300l as per quote 3210	-9210.19
EFT8375	NARROGIN AUTO CENTRE	15,000 km service Ford Ranger	-484.33
EFT8376	NARROGIN PACKAGING AND MOTORCYCLES & ACCESSORIES	Hire of tables, cloths, red carpet etc for Winter Ball	-287.00
EFT8377	CUBY WINDSCREENS & CUBY AGRICULTURAL WINDSCREENS	1 x New front windscreen CN 027	-462.00
EFT8378	Narrogin Glass & Quickfit Windscreens	Repairs to depot fly screen at crib room	-101.05
EFT8379	PH & KE Gow	Re application for land Resumption Wandering Narrogin Road	-3014.11
EFT8380	Popanyinning Progress Association	Leap grant 2023 Popanyinning Progress Association	-1500.00
EFT8381	R J SMITH ENGINEERING	Spray Paint tins x 6 for Generator trailer	-88.98
EFT8382	WALLIS COMPUTER SOLUTIONS	Support Hours in addition to original Quotation	-2123.44

EFT8383	WEST COAST SHADE	Tie down Lead for Rec Centre Shade Sail and Two Shackles (stainless steel)	-100.00
EFT8384	ZASCO ELECTRICAL	Supply and fit 6.5kw Solar power system to CEO House as per Quote 18/4/23	-5350.00
EFT8385	Perth Office Supplies	Supply of 20 x Dolce Armchair Anthracite	-3190.00
EFT8386	CONDOR RURAL ENTERPRISES PTY LTD	Rates refund for assessment A177 94 FRANCIS STREET POPANYINNING WA 6309	-172.20
EFT8387	PAUL ALLAN HARKEN	Rates refund for assessment A142 CALCORAN ROAD POPANYINNING WA 6309	-1257.80
EFT8388	WAYNE GREGORY BIRD	Rates refund for assessment A2483 SPRAGG STREET POPANYINNING WA 6309	-410.40
EFT8389	GENERAL STEEL PRODUCTS	REFUND FOR DOUBLE PAYMENT FOR BUILDING APPLICATION BP 4 - 23/24	-768.60
EFT8390	ROBIN NEWMAN	REFUND FOR LIFETIME REGISTRATION FOR L000222 (SCOUT) PAID LIFETIME UNSTERILISED, DOG IS NOW STERILISED	-150.00
EFT8391	APS POWER	1 x Shindaiwa 37KVA Generator as Quoted 00000418 1 x 6 x15amp Distribution Board 32amp 1 x Stand for 6 outlet Distribution Board	-25432.00
EFT8392	Best Office Systems	Monthly Photocopier Charges - 20/08/2023 to 20/092023	-1196.08
EFT8393	DEWS MINI EXCAVATIONS	Drainage works on Campbell St Cuballing excavator work	-1980.00
EFT8394	GOODYEAR AUTOCARE NARROGIN	4 x New Trailer Tyres fitted for Float	-2085.00
EFT8395	GREAT SOUTHERN FUEL SUPPLIES	Bulk Diesel Fuel Delivery - Docket no. D2154594	-21439.59
EFT8396	INTELIFE GROUP	Excavator Hire for Tree Mulching as per quote Q395 @ \$250+phr Turners, Melchiorre, Bunmulling, Shaddicks Road 1 x Mobilisation and De -Mob @ \$3000+ This is to go through WALGA Preferred Supplier Program	-43862.50
EFT8397	PARK MOTOR BODY BUILDERS	1 x 3 way complete tipper pivot kit for UD Truck	-2172.50
EFT8398	PINGELLY TYRE SERVICE	Supply and fit 4 x Trailer Tyres for side tipper	-1364.00
EFT8399	R J SMITH ENGINEERING	1 x side wind jockey wheel and yellow paint for new generator	-300.08
EFT8400	R MUNNS ENGINEERING CONSULTING SERVICES	Onsite Field Condition Assessment Survey of Roads, Culverts, Signage and Footpath Assets	-17847.50

EFT8401	Stabilisation Technology Pty Ltd	Supply of Engineer and investigation of Pavement Inspection as per quote 728 Take soil samples and CBR Tests	-6935.50
EFT8402	WESTRAC	2,000hr Service on Cat 140 Grader as per Estimate 18/7/23	-9574.69
EFT8403	ZIRCODATA PTY LTD	Monthly Archive Storage Fees - 26/08/2023 to 25/09/2023	-22.43
EFT8404	Allans Auto Electrics and Air Conditioning	Replace all Air solenoids and Electric Switches for Water tanker and Install New in sealed box	-3227.95
EFT8405	BUILDERS REGISTRATION BOARD Building Commission	Building Services Levy Remittance Advice Form 81 - September 2023	-356.98
EFT8406	BURGESS RAWSON (WA) PTY LTD	Water Consumption - Cuballing War Memorial 02/08/2023-29/09/2023	-148.15
EFT8407	CORSIGN (WA) PTY LTD	7 x signs and post including fixing hardware as per quote attached	-989.45
EFT8408	Cuballing Cricket Club	Catering for the LGIS Golf Challenge Cuballing Golf Club	-1100.00
EFT8409	Earl Street Surgery	Pre-Employment Health Check - Works Staff	-220.00
EFT8410	GREAT SOUTHERN FUEL SUPPLIES	Bulk Diesel Fuel - Docket No. 2156286	-3208.44
EFT8411	HOLLY DOWLING	2023 Winter Ball Band "Trip"	-1000.60
EFT8412	KALEXPRESS & QUALITY TRANSPORT	Monthly Freight Charges - Various Accounts - Sprayline, Parts for Sundry Plant	-103.49
EFT8413	LGIS INSURANCE	Employee Assistance Program (EAP) effective from 130923-300624	-3196.61
EFT8414	McDougall Weldments	Monthly Account - Various Accounts Parts for Sundry Plant	-774.20
EFT8415	McLeods Barristers & Solicitors	Submitting application to DPLH for the removal or modification of a taking order on 18 Brundell Street	-1413.06
EFT8416	NARROGIN PACKAGING AND MOTORCYCLES & ACCESSORIES	2 x boxes gloves 4 x lemon disinfectant, Various Cleaning Supplies	-193.00
EFT8417	Narrogin Embroidery	Shire of Cuballing Logo embroidery on 3 x Shirts	-42.00
EFT8418	Parrys Narrogin	3 x Work Pants 3 x Shirts long sleeve ONA with HI VIS Night strips 1 x Bomber Jacket	-587.30
EFT8419	SHIRE OF NARROGIN	Ranger Services 2023/24 Labour and Travel - September	-586.00
EFT8420	South West Fire Units	CN1990 'B' Service & Repairs	-30217.15
EFT8421	WALLIS COMPUTER SOLUTIONS	2 x Adobe Acrobat Pro 2020 Licenses (A. Mort, M. Atwell)	-1981.10
EFT8422	Winc Australia Pty Limited	Duramat PVC Chair mat, Various Stationery.	-553.46

EFT8423	G.S. HOBBS CONTRACTING	Hire of Semi side Tipper for Cuballing East road WSFN This is to go through WALGA Preferred Supplier Program	-6622.00
20234	SYNERGY	ELECTRICITY CHARGES - LOT 468 BRUNDELL STREET CUBALLING	-5539.75
20236	Shire of Cuballing	Standpipe Charges - Popanyinning Standpipe Popanyinning Fire Shed	-20.00
20237	Shire of Cuballing	Refreshments for Council Meeting	-110.05
20238	Water Corporation	WATER CHARGES - 82 AUSTRAL STREET CUBALLING	-656.10
DD3808.1	AWARE SUPER PTY LTD	Payroll deductions	-4773.96
DD3808.2	MATRIX SUPERANNUATION	Superannuation contributions	-308.63
DD3808.3	HOSTPLUS SUPER	Superannuation contributions	-641.98
DD3808.4	MyNorth Super	Superannuation contributions	-299.04
DD3808.5	AUSTRALIAN SUPER	Payroll deductions	-2093.78
DD3808.6	Colonial First State	Superannuation contributions	-272.09
DD3808.7	MLC Super Fund	Superannuation contributions	-272.09
DD3808.8	ANZ SMART CHOICE SUPER	Superannuation contributions	-257.28
DD3818.1	NATIONAL AUSTRALIA BANK	MWS CREDIT CARD - September	-4986.17
DD3829.1	IINET LIMITED	Monthly NBN Internet Service - October 2023	-89.99
DD3830.1	Telstra	Phone	-393.84
DD3831.1	Telstra	Phone	-393.84
DD3832.1	Telstra	Shire Office Landline Charges	-292.01
DD3833.1	Telstra	Shire Office Landline Charges	-304.16
DD3836.1	AWARE SUPER PTY LTD	Superannuation contributions	-5814.09
DD3836.2	MATRIX SUPERANNUATION	Superannuation contributions	-308.63
DD3836.3	HOSTPLUS SUPER	Superannuation contributions	-645.51
DD3836.4	AUSTRALIAN SUPER	Payroll deductions	-2073.19
DD3836.5	Colonial First State	Superannuation contributions	-272.09
DD3836.6	MLC Super Fund	Superannuation contributions	-272.09
DD3836.7	ANZ SMART CHOICE SUPER	Superannuation contributions	-194.60
		TOTAL	\$291800.06

CREDIT CARD TRANSACTIONS

	Comments	Amount
LONESTAR BUNBURY	DINNER FOR SOUTHWEST WORKCARE FORUM	34.50
TAXIPAY	TAXIFARE FOR LOCAL GOVERNMENT WEEK	31.03
WA BAR & GRILL EATON	DINNER FOR SOUTHWEST WORKCARE FORUM	22.41
MCDONALDS	BREAKFAST FOR SOUTHWEST WORKCARE FORUM	12.59
SMP IMO CAR WASH	KELMSCOTT CAR WASH FOR CEO VEHICLE OCN	18.48
CROWN PERTH MCDONALDS	BREAKFAST FOR LOCAL GOVERNMENT WEEK	11.50
LOCAL GOVERNMENT PROFESSIONALS	EXCEL WORKSHOP	472.73
CROWN PERTH	ACCOMMODATION FOR LOCAL GOVERNMENT WEEK	605.10
CROWN PERTH	ACCOMMODATION FOR LOCAL GOVERNMENT WEEK	1008.50
CROWN PERTH	ACCOMMODATION FOR LOCAL GOVERNMENT WEEK	16.05
ADOBE	ANNUAL ADOBE SUBSCRIPTION FEE	31.99
CROWN PERTH	ACCOMMADATION FOR LOCAL GOVERNMENT WEEK	96.26
CROWN PERTH	DINNER FOR LOCAL GOVERNMENT WEEK	93.18
CALTEX NARROGIN	FUEL FOR DCEO VEHICLE - CN039	36.37
KELS KITCHEN DELIGHTS	CATERING FOR THE LGIS GOLF TOURNAMENT	690.91
MOBILE EXPERTS - ELLENBROOK	SCREEN PROTECTOR FOR MWS PHONE	27.23
SHIRE OF CUBALLING	VEHICLE RENEWAL - CN3469	24.23
SHIRE OF CUBALLING	VEHICLE RENEWAL - CN3468	24.23
SHIRE OF CUBALLING	VEHICLE RENEWAL - CN157	106.14
TRUCKLINE ALBANY	VALVE KIT	120.00
TRAINING MOMENTUM	5 DAY COURSE FOR ADMIN SAFETY OFFICER	1049.46
	GST	453.28
	TOTAL	4986.17

PETTY CASH

Item details	Refreshments	Aged Units	Office Maintenance	Refund	Admin Stationary	GST10%	Total
	04105	J084C	J4114	1042510.170	04231		
Grocery		4.00	8.00			1.09	12.00
Stationary/postage							
Misc (Cleaning Supplies)							
Stationery/Postage			5.25			.48	5.25
Outside Staff Goods							
Staff				-7.40			-7.40
						Total	9.85
\$7.40 reimburses to Coles Card. Staff purchase on Coles Card					Cash on Hand		590.15
In September					Till float		100.00
					Grand total		700.00

COLES CARD

Item details	Refreshments	Works	Office Maintenance	Events	Refund	GST 10%	Total
	104105		J4114	CE02	1042510.170		
Groceries - Council Refreshments	7.50					.68	7.50
Groceries – Office			58.15			.75	58.15
Groceries – Community Consult				69.80		1.87	69.80
Misc (Cleaning Supplies)							
Works/ Staff Goods					7.40		7.40
						Total	142.85
\$7.40 refund from petty cash. Staff purchase on Coles Card					Total on Hand		364.55
In September by error.					Grand total		\$507.40

9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	9 November 2023
Author:	Narelle Rowe, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity - TABLED

Summary

Council is to consider the Statement of Financial Activity for October 2023.

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

Nil.

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

OFFICER'S RECOMMENDATION:

That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 31 October 2023 be received.

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Council Meeting Schedule 2024

Applicant:	N/A
File Ref. No:	ADM238
Disclosure of Interest:	Nil
Date:	27 October 2023
Author:	Stan Scott - CEO
Attachments:	Nil

Summary

Council is to consider Council Meeting dates, locations and starting time for 2024.

Background

It is a legislative requirement for Council to advertise at least once per year the dates times and location of its Ordinary Council Meetings through a Local Public Notice.

Should it be necessary to change the date, time or location of any meeting the change must also be advertised.

Comment

This current meeting schedule has Council's Ordinary meetings held every month with no meeting held in January. Since 2018 Council has held its meetings on the third Wednesday of each month, except where there is a clash with a public holiday. There is no clash in 2023.

In 2023 Council has held all of its meetings in the Council chambers with the exception of the May meeting which was held at the Popanyinning Hall.

Proposal for 2024

Following informal discussion with Council it is proposed to make some changes to Council's meeting schedule for 2024.

New Meeting Time

Historically meetings have commenced at 2.00 pm. Lunch has been available on arrival prior to the meeting. Council forum follows the Council meeting. Dinner has been available following the forum, usually a barbeque with catered salad selection. It is not uncommon for there to be a lag between the forum and the meal if all matters have been dealt with.

It is proposed that the meeting time be changed to 3.00 pm, followed by a Council Forum. This means that it would no longer be necessary to supply lunch, though afternoon tea would be available. Rather than a barbeque, Councillors could have dinner at the Cuballing Tavern. This will provide a further opportunity for community engagement.

New Meeting Venue

There has been informal discussion within Council about the possibility of holding Council meetings at the CWA Hall. The administration building is quite constrained for space, and the space presently set aside as a dedicated Council Chambers is valuable office real estate.

The refurbishment of the CWA Hall is largely complete, including installing WiFi. It would be possible to hold Council Meetings in that space quite effectively. There is now a separate kitchen and meeting space. If access was required to an additional document or resource the administration building is across the road.

The Proposal

It is proposed that for 2024 that Council again hold its May meeting at the Popanyinning Hall, and the 10 remaining meetings at the newly refurbished CWA Hall in Cuballing, all commencing at 3.00pm. There would be no meeting in January.

The default catering arrangement would be afternoon tea available on arrival, or following the Council meeting. Dinner would be at the Cuballing Tavern following the forum

The proposed schedule does not include dates for:

- An Annual Electors Meeting. The timing of this meeting is dependent on actions of Council's auditors and outside the direct control of Council;
- A Special Council Meeting to consider the Draft 2023/24 Budget if required. This is not a given, and it may be possible to complete budget deliberations during the normal schedule of meetings.
- Workshops, or subject specific forums on an ad hoc basis during the year, but these are not decision-making forums – decisions may only be made a formal Council Meeting.
- Meetings of Committees of Council not required to be open to the public including Council's Audit Committee;
- Plant committee meetings which are ad hoc and not based on a set schedule. These will be advertised by Local Public Notice when scheduled; and
- Occasions where Councillors informally gather for Elected Member development or to inspect, review or workshop individual matters.

Dates for the Cemeteries Advisory Committee have been scheduled for the last Friday of April and October. These will be included in the advertisement.

The proposed Council meeting schedule is:

Wednesday, 21 February 2024

Wednesday, 20 March 2024

Wednesday, 17 April 2024

Wednesday, 15 May 2024

Wednesday, 19 June 2024

Wednesday, 17 July 2024

Wednesday, 21 August 2024

Wednesday, 18 September 2024

Wednesday, 16 October 2024

Wednesday, 20 November 2024

Wednesday, 18 December 2024

All meetings commence at 3pm. All meetings to be held in the CWA Hall with the exception of the May Meeting which will be held at the Popanyinning Hall.

Meetings of the Cemeteries Advisory Committee will be held in the Council CWA Hall as follows:

2.00 pm, Friday 19th April 2024

2.00 pm, Friday 25th October 2024

The April meeting of the Cemeteries Advisory Committee has been brought forward one week because the last Friday of April is the day after Anzac Day which would limit the availability of members.

Strategic Implications – Nil

Statutory Environment

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications – Nil

Financial Implications

Local advertising in the Narrogin Observer will occur a relatively small charge that can be met with Council's budget allocation.

Economic Implication – Nil

Social Implications

Advertising Council Meetings is a statutory requirement but may encourage some members of the public to attend.

Environmental Considerations – Nil

Consultation – Nil
Options

The Council can resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments to times or venues; or
3. a different schedule of meetings, giving reasons for not accepting the Officer's Recommendation.

Voting Requirements – Simple Majority

OFFICER RECOMMENDATION

That Council adopt and advertise the following schedule of Ordinary Council Meetings for 2024:

- | | | |
|--|----------------|--------------------------|
| 1. Wednesday, 21 February 2024 | 3.00 pm | CWA Hall |
| 2. Wednesday, 20 March 2024 | 3.00 pm | CWA Hall |
| 3. Wednesday, 17 April 2024 | 3.00 pm | CWA Hall |
| 4. Wednesday, 15 May 2024 | 3.00 pm | Popanyinning Hall |
| 5. Wednesday, 19 June 2024 | 3.00 pm | CWA Hall |
| 6. Wednesday, 17 July 2024 | 3.00 pm | CWA Hall |
| 7. Wednesday, 21 August 2024 | 3.00 pm | CWA Hall |
| 8. Wednesday, 18 September 2024 | 3.00 pm | CWA Hall |
| 9. Wednesday, 16 October 2024 | 3.00 pm | CWA Hall |
| 10. Wednesday, 20 November 2024 | 3.00 pm | CWA Hall |
| 11. Wednesday, 18 December 2024 | 3.00 pm | CWA Hall |

That Council Advertise the following Schedule of meetings for the Cemeteries Advisory Committee for 2024:

- | | | |
|-----------------------------------|----------------|-----------------|
| 1. Friday, 19 April 2024 | 2.00 pm | CWA Hall |
| 2. Friday, 25 October 2024 | 2.00 pm | CWA Hall |

9.2.2 Local Government Single House Approval Functions

Applicant:	Department of Planning Land and Heritage
File Ref. No:	ADM74
Disclosure of Interest:	Nil
Date:	6 November 2023
Author:	Stan Scott, Chief Executive Officer
	9.2.2 A Letter from PDLH
Attachments:	9.2.2 B Information Sheets - Local Government Role and Responsibility in the Decision-Making Process for Single Houses

Summary

Council is requested to note changes to planning decision making processes and determine whether or not to make a submission.

Background

The Director General of the Department of Planning Land and Heritage has written to CEO's advising of impending changes to approval processes for single house developments. The approval for these developments has been delegated to CEOs and will no longer be a decision of Council.

The letter sets out the following changes:

In summary, the proposed amendments will:

- *identify prescribed development approval functions and prescribed single house development (which excludes development in a heritage-protected place and may continue to be determined under delegated authority or by the Council as appropriate);*
- *outline requirements and circumstances for performing the prescribed development approval functions; and*
- *outline the requirements for authorising an employee if the functions are not to be performed by the CEO.*

A copy of the letter and an information sheet detailing the changes are at Attachment 9.2.2A and 9.2.2B respectively.

Comment

The letter indicates that:

It is anticipated that the actions required to implement the changes to local government functions in determining applications for single houses, including introduction of the regulations, will be finalised in the second quarter of 2024. Consultation on the proposed regulatory changes closes on 31 January 2024.

The information sheet indicates that the purpose of the changes is to reduce red tape and speed up the delivery of housing developments.

There is little evidence that for moots approvals that there is any delay attributable to Local Government.

Council's own delegation register, in relation to planning matters, delegates responsibility to the CEO for the approval of permitted uses, which includes single residential dwellings in all zones.

The only real difference between delegated approvals and Council approvals is waiting for a Council meeting.

Strategic Implications – Nil

Statutory Environment – Planning and Development Amendment Bill 2023

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – This is part of the DPLH consultation process.

Options

Council is asked to determine whether or not to make a submission in relation to the proposed changes.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council provides in principle support for speeding up planning approval processes but objects to the reduction of Council's planning powers. Council has of its own volition delegated approval processes for single dwellings to the CEO.



Mr Stan Scott
Chief Executive Officer
Shire of Cuballing

Via email: ceo@cuballing.wa.gov.au

Dear Mr Scott

**LOCAL GOVERNMENT SINGLE HOUSE APPROVAL FUNCTIONS -
AMENDMENTS TO THE PLANNING AND DEVELOPMENT (LOCAL PLANNING
SCHEMES) REGULATIONS 2015**

I am writing to you on behalf of the Minister for Planning regarding the upcoming changes to the State Planning Framework. These changes will include amendments to the *Planning and Development Act 2005* (PD Act) and several amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) which are being consulted on separately.

The purpose of this letter is to advise you that the Planning and Development Amendment Bill 2023, recently introduced to Parliament, will enable regulations to be made regarding the functions of local government exercised under local planning schemes in relation to development applications for single houses.

The insertion of new section 257C into the PD Act will result in most development applications for single houses being determined by the Chief Executive Officer (CEO) or employees of the local government authorised by the CEO rather than by the elected Council. Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No.3) 2023 have been prepared to support the amendment to the PD Act.

Pursuant to section 256(2)(a) of the PD Act, the Minister for Planning must consult with local government on any changes to the LPS Regulations. I am therefore seeking your feedback on the proposed amendments to the LPS Regulations.

In summary, the proposed amendments will:

- identify prescribed development approval functions and prescribed single house development (which excludes development in a heritage-protected place and may continue to be determined under delegated authority or by the Council as appropriate);
- outline requirements and circumstances for performing the prescribed development approval functions; and
- outline the requirements for authorising an employee if the functions are not to be performed by the CEO.

An information sheet has been published on the Department of Planning, Lands and Heritage's website, providing further details of the proposed amendments and is available at <https://www.wa.gov.au/system/files/2023-10/info-sheet-local-gov-role.pdf>.

The Department is providing a series of information sessions on the proposed changes and implications for local government. Details of the information is available at <https://www.wa.gov.au/government/document-collections/planning-and-development-amendment-bill-2023-and-associated-regulations#documents>.

It is anticipated that the actions required to implement the changes to local government functions in determining applications for single houses, including introduction of the regulations, will be finalised in the second quarter of 2024. Consultation on the proposed regulatory changes closes on 31 January 2024, feedback and comments can be submitted through the Department's <https://consultation.dplh.wa.gov.au> or email: planningreform@dplh.wa.gov.au .

For any queries regarding the proposed changes to the LPS Regulations relating to single house development applications, please contact the Reform Delivery team via the email address above or on 6551 8002.

Yours sincerely



Anthony Kannis PSM
Director General

23 October 2023



GOVERNMENT OF
WESTERN AUSTRALIA

Planning Reform



Information Sheet

Local Government Role and Responsibility in the Decision Making Process for Single Houses

Overview and Background

Changes proposed through the Planning and Development Amendment Bill 2023 (**Bill**) will provide the ability to specify that certain types of development applications relating to single houses are to be determined by authorised local government officers. The types of development applications that will be covered by these changes are:

- Single houses; and
- Development ancillary or incidental to that (i.e. any renovations or additions to a single house).

This does not apply in heritage protected places (houses on the State or local register, or in a heritage area). This means that most single house developments will not go to Council for a decision and will instead be determined by local government officers. It is noted that many local government's currently delegate the majority of decision making to their Chief Executive Officer (**CEO**) or planning staff and this practice is encouraged to continue but it is acknowledged that places with heritage value can be of significant public interest to involve the Council.

The intent of this reform is to reduce unnecessary red tape, provide a consistent process for how single house developments are dealt with across the State and improve efficiencies in decision making to assist with the delivery of housing. The changes will also enable the Council to focus on strategic planning, ensuring that local planning frameworks are contemporary and fit for purpose.

Disclaimer

The information in this document provides a summary of the proposed reforms and associated background information, to assist with project understanding.



Proposed Changes

Part 4 of the Bill proposes to introduce a new section 257C which will provide the ability for Regulations to:

- Prescribe what the development approval functions of the local government are (prescribed development approval function).
- Specify that for certain types of single house developments these functions must be done by the CEO of the local government or employees authorised by the CEO and cannot be done by the Council or a committee of the Council.
- Deal with other matters including the performance of development approval functions, authorisation of local government employees and any supplementary or incidental matters.

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (**Deemed Provisions**) is proposed to be amended to:

- Identify the development approval functions that these regulations apply to (any decision relating to a development application).
- Define the type of development this applies to being a “prescribed single house development” as:
 - New or alteration and additions to an existing single house;
 - Any development associated with a single house such as ancillary accommodation, patios, boundary walls or fences, garages or carports; and
 - Exclude this part from applying to a heritage protected place (houses on the State or local register, or in a heritage area).
- Outline that development approval functions for the above types of development are to be done by the CEO of the local government or employees authorised by the CEO. Such applications cannot be determined by the Council.
- Outline that such decisions cannot be subject to the direction of the Council. However, Councils have an important role to play in strategic planning for their communities to ensure the local planning frameworks (strategies, schemes and policies) are contemporary and fit for purpose.
- Outline provisions relating to the authorisation of employees who can perform these functions.

The amendments to the Deemed Provisions are required to be separately consulted on. Consultation activities will occur early in 2024.



3. More Information and Questions

If you require further information, please contact Reform Delivery on 6551 8002 or email planningreform@dplh.wa.gov.au.

Acronyms and Abbreviations Used

- **Bill** – Planning and Development Amendment Bill 2023
- **CEO** – Chief Executive Officer
- **Deemed Provisions** – Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

9.2.3	State Planning Policies and Planning Codes - Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015
-------	---

Applicant: Minister for Planning Land and Heritage
File Ref. No: ADM341
Disclosure of Interest: Nil
Date: 6 November 2023
Author: Stan Scott, Chief Executive Officer
9.2.2 A Letter from PDLH
Attachments: 9.2.2 B Information Sheets - State Planning Policies and Planning Codes

Summary

The Minister for Planning is required to consult with Local Governments before introducing changes to Local Planning Scheme Regulations. Some substantial changes are planned, and the consultation period closes on 17 November 2023.

Background

The Director General of the Department of Planning Land and Heritage has written to Local Governments on behalf of the minister to consult on proposed changes to the Local Planning Scheme Regulations.

The proposed changes are:

*The introduction of **Planning Codes**, along with the repositioning of SPPs as strategic guidance documents, form a small but important part of our ongoing implementation of the State Government's Action Plan for Planning Reform.*

To bring the new Planning Codes stream into effect and make the required adjustments to SPP settings, the following regulatory and legislative changes are required:

- 1. amendments to the Planning and Development Act 2005 (Act) to include a new Section 3A, providing the 'head of power' for Planning Codes;*
- 2. introduction of two new sets of subsidiary regulations designed to address the preparation, modification and repeal requirements for both Planning Codes and SPPs; and*
- 3. minor consequential modifications to the existing Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) to include references to Planning Codes in lieu of SPP, where applicable. CEO's advising of impending changes to approval processes for single house developments. The approval for these developments has been delegated to CEOs and will no longer be a decision of Council.*

The letter sets out the following changes:

The key changes to the LPS Regulations are:

- changes to the definitions of basic and standard amendments to reference the Planning Codes;*
- changes to the model provisions to insert reference to Planning Codes; and*

- *changes to the deemed provisions to ensure decisions-makers can consider Planning Codes when assessing applications.*

A copy of the letter and an information sheet detailing the changes are at Attachment 9.2.3A and 9.2.3 B respectively.

Comment

Consultation in this case may well be a misnomer. The changes involve a complete repositioning of various instruments in the planning system:

- State Planning Policies will go from being combination of policy and process to more strategic documents;
- New Planning Codes will set out planning detail in relation to any matter that could be dealt with by a Local Planning Scheme, and will be read into schemes and will have the same status as subsidiary legislation.
- State planning schemes will become less and less stand alone, and more a repository for deemed provisions.

There is a lot to be said for consistent planning provisions so that rules are similar from location to location, making it easier for people to build and develop homes and businesses. The Residential Design Codes have been part of the planning landscape for many years and make detailed planning easier.

However, at some point do Local Planning Schemes stop being Local, and local decision making, simply a rubber stamp applying state rules.

Consultation can take many forms from genuine engagement to telling. This is closer to the telling end of the scale. They are inviting comments, not submissions.

Strategic Implications – Nil

Statutory Environment:

1. Planning and Development (Planning Codes) Regulations 2023 (**Planning Code Regulations**)
2. Planning and Development (State Planning Policies) Regulations 2023 (**SPP Regulations**)

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation

There is a legislative requirement for the Minister for Planning to consult with Local Governments on changes to the Local Planning Schemes regulations

Options

Council is asked to determine whether or not to make comment in relation to the proposed changes.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council notes the proposed changes to the Local Planning Scheme Regulations, but not provide comment at this time.

Mr Stan Scott
Chief Executive Officer
Shire of Cuballing

Via-email to: enquiries@cuballing.wa.gov.au

Dear Mr Scott

STATE PLANNING POLICIES AND PLANNING CODES - AMENDMENTS TO THE PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

I am writing on behalf of the Minister for Planning regarding the upcoming changes to the State Planning Framework. These changes will facilitate the introduction of a new planning instrument – to be known as Planning Codes – which change the status of State Planning Policies (SPPs) and introduce new processes for the preparation, review and revocation of these instruments through regulations.

The introduction of Planning Codes, along with the repositioning of SPPs as strategic guidance documents, form a small but important part of our ongoing implementation of the State Government's Action Plan for Planning Reform.

To bring the new Planning Codes stream into effect and make the required adjustments to SPP settings, the following regulatory and legislative changes are required:

1. amendments to the *Planning and Development Act 2005* (Act) to include a new Section 3A, providing the 'head of power' for Planning Codes;
2. introduction of two new sets of subsidiary regulations designed to address the preparation, modification and repeal requirements for both Planning Codes and SPPs; and
3. minor consequential modifications to the existing Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) to include references to Planning Codes in lieu of SPP, where applicable.

Pursuant to section 256 of the Act, the Minister for Planning must consult with local governments on any changes to the LPS Regulations. I am therefore seeking your feedback on the proposed amendments required to facilitate the aforementioned changes.

The key changes to the LPS Regulations are:

- changes to the definitions of basic and standard amendments to reference the Planning Codes;
- changes to the model provisions to insert reference to Planning Codes; and
- changes to the deemed provisions to ensure decisions-makers can consider Planning Codes when assessing applications.

An information sheet has been published on the Department of Planning, Lands and Heritage's (Department) website that provides further technical details of the proposed amendments, including transitional provisions. This is available to download here: [info-sheet-state-planning-policies_0.pdf \(www.wa.gov.au\)](https://www.wa.gov.au/info-sheet-state-planning-policies_0.pdf)

The relevant new and revised regulations, including the consequential amendments to the LPS Regulations to facilitate these changes, can also be viewed here: [Planning and Development Amendment Bill 2023 and Associated Regulations \(www.wa.gov.au\)](https://www.wa.gov.au/planning-and-development-amendment-bill-2023-and-associated-regulations)

It is anticipated that all the necessary changes to implement Planning Codes and the required changes to SPPs, including the introduction of the regulations mentioned above, will be finalised in the first quarter of 2024.

The consultation period on the proposed regulatory changes closes at **5:00pm**, on **17 November 2023** and comments can be submitted to policy@dplh.wa.gov.au.

For any queries regarding changes to the LPS Regulations, or the SPP and Planning Code regulations in general, I encourage you to contact Jacquie Stone, Executive Director Policy at the Department, via email to policy@dplh.wa.gov.au or by telephone on 6551 9373.

Yours sincerely



Anthony Kannis PSM
Director General

19 October 2023



Information Sheet

State Planning Policies and Planning Codes

1. Background

The *Action Plan for Planning Reform* seeks to ensure appropriate mechanisms are in place to keep the State Planning Policy framework up to date through regular review via an efficient amendment process. Implementation of this initiative was supported by feedback received during the consultation on planning reform.

Two new sets of regulations will be introduced to create new streamlined processes to prepare, amend and repeal State Planning Policies (**SPP**) and Planning Codes, consistent with planning reform outcomes. Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015 (**LPS Regulations**) are required. These are explained below.

It is anticipated that the three sets of regulations will come into effect in the first half of 2024.

1.1 Overview

These changes have two key components. A new planning instrument, Planning Codes are being created, in addition to retaining SPP. In addition, the process for creating and amending both Planning Codes and SPPs will be moved from the *Planning and Development Act 2005* (**PD Act**) into new regulations.

Planning Codes can:

- Deal with any matter that can be dealt with by a local planning scheme as listed in Schedule 7 of the PD Act.
- Be read into local planning schemes and will have the status of subsidiary legislation.

Disclaimer

The information in this document provides a summary of the proposed reforms and associated background information, to assist with project understanding.



State Planning Policies will:

- Focus on strategic policy, providing direction on land use planning.
- Remain 'due regard' documents for decision making.

2. Proposed Changes

Two new sets of regulations have been prepared:

1. Planning and Development (Planning Codes) Regulations 2023 (**Planning Code Regulations**)
2. Planning and Development (State Planning Policies) Regulations 2023 (**SPP Regulations**)

These regulations include the processes to make, amend and repeal Planning Codes and SPP, and will replace the current processes outlined in Part 3 of the PD Act.

2.1 Key Changes to the SPP and Planning Code Process

The key changes to the process associated with SPP and Planning Codes included in the regulations are outlined below:

- Enables the review of part of a SPP or Planning Code, rather than the whole document having to be reviewed.
- Allows for the Western Australian Planning Commission (**WAPC**) to determine the classification of an amendment as basic/administrative, standard, or substantial.
- Introduces administrative amendments to SPPs, which are not required to be advertised.
- Requires standard or substantial amendments to be advertised for specified periods based on the classification of the amendment.
- Requires the Minister for Planning's approval before a new Planning Code, SPP or substantial amendment can be advertised.
- Provides for the Minister for Planning to grant final approval for basic / administrative amendments (instead of the Governor).
- Provides for the Governor to grant final approval for all other types of amendments, new SPP and Planning Codes, and repeal of SPP and Planning Code.



2.2 Amendment Streams for SPP and Planning Codes

To create a more contemporary and adaptable State planning system, risk-based amendment streams will be introduced for SPP and Planning Codes. The table below provides a summary of the three amendment streams available:

Amendment Streams for Planning Codes			
Stream		Advertising Period	Ministerial Approval to Advertise
Basic	A standard amendment to correct an administrative or minor error related to a map, plan or diagram; and/or a change to ensure consistency with a public planning document, subsidiary legislation or a government policy. These amendments are not likely to adversely affect any land or owner or occupier, and are not referred to the EPA or not being assessed by the EPA.	14 days	Not required
Standard	An amendment that the WAPC considers does not constitute a substantial alteration to the policy.	60 days	Not required
Substantial	An amendment that is not a standard amendment.	90 days or longer if WAPC determines	Required
Amendment Streams for State Planning Policies			
Stream		Advertising Period	Ministerial Approval to Advertise
Administrative	A standard amendment to correct an administrative or minor error related to a map, plan or diagram; and/or a change to ensure consistency with a public planning document, subsidiary legislation or a government policy.	Not required	Not required
Standard	An amendment that the WAPC considers does not constitute a substantial alteration to the policy.	60 days	Not required
Substantial	An amendment that is not a standard amendment.	90 days or longer if WAPC determines	Required



2.3 Consequential Amendments to the LPS Regulations

Amendments are required to the LPS Regulations to integrate Planning Codes into local planning schemes, to ensure they are considered by decision makers. The following changes are being made:

- Basic and standard definition to reference Planning Codes (r.34)
- Scheme review requirements to reference Planning Codes (r.66).

Schedule 1 (**Model Provisions**) and Schedule 2 (**Deemed Provisions**) of the LPS Regulations will also be amended as outlined below:

Schedule in LPS Regulations	Amendments
Model Provisions	<ul style="list-style-type: none"> • Clauses 29 and 30 to facilitate Planning Codes to be read as part of a scheme (replacing Clauses 27 to 30 regarding SPPs). • Clause 32 to enable schemes to specify requirements relating to development that are additional to those set out in the Residential Design Codes (R-Codes) and any other Planning Code/s (that may be prepared by the WAPC).
Deemed Provisions	<ul style="list-style-type: none"> • R-Codes definition to remove reference to s.26 of the PD Act. • Clauses 28 and 67 to ensure SPP and Planning Codes can be considered when decision makers are exercising their powers under these provisions.



2.4 Further Amendments to SPP and Planning Code Regulations

The Bill proposes further amendments to the provisions in the PD Act for the preparation, amendment and review of SPP and Planning Codes. If the Bill is approved by Parliament, further changes will be required to the new SPP Regulations and Planning Code Regulations. These changes are foreshadowed as follows:

Instrument	Amendments
Planning Codes Regulations	<ul style="list-style-type: none"> • Provide that a basic amendment to Planning Codes will not require advertising (amend division 3 of draft regulations). • Rename basic amendment to administrative amendment, for consistency with SPP amendment types. • Amend division 2 of the Planning Code regulations to reflect that Planning Codes may be referred to the EPA. • Provide the review process for conducting a 10 year review, and outline the preparation and approval process of review reports.
SPP Regulations	<ul style="list-style-type: none"> • Provide the review process for conducting a 10 year review, and outline the preparation and approval process of review reports.

2.5 Transitional Provisions

Section 291 of the Planning and Development Amendment Act 2020 (**Amendment Act**) provides that the R-Codes are taken to be Planning Codes. The R-Codes will continue to be read into schemes and operation of the scheme and the R-Codes will not be impacted.

While no other Planning Codes are proposed at this time, there is legislative scope for further Planning Codes to be developed and implemented in the future. Other Planning Codes will only have effect when a local planning scheme or an improvement scheme is amended to include reference to that specific Planning Code.

Local planning schemes that incorporate SPP will need to be amended to remove reference to any SPP being read as part of the scheme. This amendment, which is to align with the Model Provisions, is likely to be able considered a 'basic' amendment and will not require advertising.

3. More Information and Questions

If you require further information, please contact the Policy and Projects team on 6551 8002 or email policy@dplh.wa.gov.au.



Acronyms and Abbreviations Used

- **Amendment Act** – *Planning and Development Amendment Act 2020*
- **Bill** – Planning and Development Amendment Bill 2023
- **Deemed Provisions** – Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015
- **EPA** – Environmental Protection Authority
- **LPS Regulations** – Planning and Development (Local Planning Scheme) Regulations 2015
- **Model Provisions** – Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015
- **PD Act** – *Planning and Development Act 2005*
- **Planning Code Regulations** – Planning and Development (Planning Codes) Regulations 2023
- **R-Codes** – Residential Design Codes
- **SPP** – State Planning Policies
- **SPP Regulations** – Planning and Development (State Planning Policies) Regulations 2023
- **WAPC** – Western Australian Planning Commission

9.2.4	Appointment of Delegate to the Narrogin & Dryandra Visitor Centre Reference Group
-------	---

Applicant: N/A
File Ref. No: ADM 144
Disclosure of Interest: Nil
Date: 6 November 2023
Author: Stan Scott
Attachments: 9.2.4 A Letter from the Shire of Narrogin
9.2.4 B. Narrogin & Dryandra Visitor Centre Reference Group Terms of Reference
9.2.4 C Code of Conduct

Summary

Council is to consider the appointment of a delegate to the Narrogin & Dryandra Visitor Centre Reference Group – a committee of the Shire of Narrogin.

Background

At its special meeting of 25 October 2023 Council decided not to nominate a delegate to the Dryandra Country Visitor Centre. The visitor centre had been operating as a community based not for profit. That organisation was wound up and the responsibilities passed on to the Shire of Narrogin.

The Shire of Narrogin has now formed a reference group to support the operations of the Visitor Centre and has invited the Shire of Cuballing to nominate a delegate. There has been no request for a financial contribution.

Comment

The purpose of the working group is to *provide advice regarding the management and coordination of the Narrogin & Dryandra Visitor Centre.*

It is expected to meet twice per year.

Strategic Implications

The Strategic Plan supports the development of tourism.

Statutory Environment

The committee would be a committee of the Shire of Narrogin.

Policy Implications – Nil

Financial Implications - Nil

Economic Implication – Not significant

Social Implication

Council has delegates and representatives on several community groups.

Environmental Considerations – Nil

Consultation – Nil

Options

Council to determine whether or not to nominate a delegate for the Narrogin & Dryandra Visitor Centre Reference Group.

Voting Requirement – Absolute Majority

OFFICER RECOMMENDATION

That Council nominate Cr _____ as a delegate and Cr _____ as a deputy delegate to the Narrogin & Dryandra Visitor Centre Reference Group.

YOUR REF:
OUR REF: OCR2314845 – 2.7.1
ENQUIRIES: Dale Stewart



31 October 2023

Stan Scott
Chief Executive Officer
Shire of Cuballing
PO Box 13
CUBALLING WA 6311

89 Earl Street, Narrogin
Correspondence to:
PO Box 1145, Narrogin WA 6312
T (08) 9890 0900
E enquiries@narrogin.wa.gov.au
W www.narrogin.wa.gov.au

(via: ceo@cuballing.wa.gov.au)

Dear Stan

ESTABLISHMENT OF COUNCIL COMMITTEES

The Shire of Narrogin Biennial Local Government Election was held on 21 October 2023 and pursuant to the Local Government Act 1995, and Council's adopted Terms of Reference and the Standard Conditions for establishment of Council Committees, the term of the Narrogin & Dryandra Visitor Centre Reference Group expired 20 October 2023 and the committee was dissolved pending the outcome of the next Ordinary Council Meeting.

At the Ordinary Council Meeting held on 25 October 2023, Council endorsed the new Terms of Reference for the Narrogin & Dryandra Visitor Centre Reference Group and membership of that Committee comprising of delegates appointed from Council, representatives from three relevant community groups as follows;

Composition resolved by Council	
Nomination of	No.
Elected members	1
Employees, including ex-officio	1
Shire of Cuballing	1
Narrogin & Dryandra Visitor Centre Volunteers Representative	1
Total Participation	4

Committee Chairperson to be an Elected Member

The Shire is seeking confirmation, or advice to the contrary, of your organisation's continued committee membership and the names of your proposed delegate and deputy delegate.

It would be appreciated if you could reply in writing (email is fine) to the undersigned at enquiries@narrogin.wa.gov.au, ideally, by Friday 10 November 2023.

Please note, that Council Committee members are bound by Council's Code of Conduct and requirement to disclose Financial, Proximity and / or Impartiality interests if relevant.

Should you require further information or clarification on the above, please contact Vanessa Ward via email at enquiries@narrogin.wa.gov.au or by telephone on 9890 0900.

Yours sincerely



Dale Stewart
Chief Executive Officer

cc Elected Members on the Committee: Councillor Roxanne McNab
Mark Furr - Executive Manager Corporate and Community Services

Att: Terms of Reference – Committees of Council

Code of Conduct for Council Members, Committee Members and Candidates

2.4 Narrogin & Dryandra Visitor Centre Reference Group (N&DVC)

Statutory context Appendix 1 – Standard conditions for establishment of Council Committees and Reference Groups

Corporate context Appendix 1 – Standard conditions for establishment of Council Committees and Reference Group

History Established 25 October 2023

Establishment

Objectives: A working group to provide advice regarding the management and coordination of the Narrogin & Dryandra Visitor Centre

Meeting frequency Generally twice per annum

Membership

Composition resolved by Council		
Nomination of	No.	
Elected members	1	Committee Chairperson to be Elected Member
Employees, including ex-officio	1	
Shire of Cuballing	1	
Narrogin & Dryandra Visitor Centre Volunteers Representative	1	
Total Participation	4	

Required staff attendance (non-voting) –

Primary	Secondary
Executive Manager Corporate & Community Services	
Community Development Officer	Community & Economic Development Coordinator

Administrative Support

Senior Officer responsible	Executive Manager Corporate & Community Services
Initial contact person	Community Development Officer

Role and Scope

1. To provide feedback and advice on the strategic direction to the CEO in relation to –
 - a) how to operate the N&DVC in a sustainable manner.
 - b) how to better promote the N&DVC.
 - c) Merchandise options and management.
 - d) how to attract additional tourism opportunities.
 - e) how to support, retain and attract volunteers.
 - f) additional opportunities for area promotion
 - g) building management of the Railway Station Precinct.

2. To provide a further avenue of communication between the Administration and Council and the community groups which operate or contribute to the Service.

– End of TOR

Code of Conduct for Council Members, Committee Members and Candidates



Division 1 — Preliminary provisions

1. Citation

This is the *Shire of Narrogin* Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision-making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive working environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in [the form approved by the local government](#); and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.

- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

- (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
- (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
- local government employee** means a person —
- (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
- (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
 - closed meeting* means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 - confidential document* means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
 - document* includes a part of a document;
 - non-confidential document* means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —
 - interest* —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and

- (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.



9.2.5 Numbat Country Reprint

Applicant: Shire of Cuballing
File Ref. No: ADM341
Disclosure of Interest: Nil
Date: 7 November 2023
Author: Stan Scott, Chief Executive Officer
Attachments: Nil

Summary

The reprint of the Numbat Country book is in train and we expect it to be available for sale by the end of November. Council is asked to decide on a price.

Background

In June last year we were approached Curtin University Library seeking out permission to prepare a digital copy of the Cuballing history book *Numbat Country – The story of the Shire of Cuballing from the earliest days until 1997*. We granted permission but requested that a digital copy be provided to the Shire of Cuballing.

That digital copy was provided to DX Print Group in Bunbury and they confirmed that it would be possible to reprint the book using the digital copy. Council allocated funds in this year's budget for the reprint.

The content of the book has remained unchanged, it is only a reprint. The Shire Logo has been replaced with the current logo, and the information page has been updated to indicate that it is a reprint. The cover will be grey scale rather than pink to distinguish it as a reprint.

Discussion

The cost of printing 200 copies of the book including artwork is \$4,190. That is a unit cost of 20.95 ex GST.

Our CDO already has pre-publication orders for 36 copies without knowing the price.

		Mark Up		
	Cost	20%	40%	50%
Ex GST	\$20.95	\$25.14	\$29.33	\$31.43
Retail	\$23.05	\$27.65	\$32.26	\$34.57

Soft cover nonfiction books typically sell for around \$35. Essentially, we are looking at cost recovery rather than profit. It is likely with stock available that the book could also be used as a gift for special occasions such as visiting dignitaries or citizenship ceremonies.

It would also be appropriate to provide at least one free copy to the Curtin University Library.

Strategic Implications – Nil

Statutory Environment: - Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation - Nil

Options

That Council set the retail price of the Numbat Country book at \$30 retail including GST.
Council may set a higher or lower price.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

- 1. That Council sets the retails price for the reprint of *Numbat Country – The story of the Shire of Cuballing from the earliest days until 1997* at \$30 per copy including GST; and'**
- 2. That Council donates a copy of the book to the Curtin University Library.**

9.3 MANAGER OF WORKS AND SERVICES:

Nil at this time

9.4 COMMITTEE REPORTS:

Nil

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil at this time.

12. CONFIDENTIAL MATTERS:

Nil at this time.

13. NEXT MEETING:

Ordinary Council Meeting, 2.00pm. Wednesday 20 December 2023 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing

14. CLOSURE OF MEETING: