



# Attachments

**Council Meeting**

**March 2023**

## Attachments

### Minutes/Notes

Ordinary Meeting of Council –February 2023

Audit Committee Meeting-16 February 2023

Audit Committee Meeting-27 February 2023

Special Meeting of Council -March 2023

Wheatbelt North East Sub Regional Road Group-February 2023

Great Eastern Country Zone -February 2023

Intractable Waste Disposal Facility, Mount Walton East Community Liaison  
Committee- February 2023

Wheatbelt East Regional Organisation Of Councils Inc-February 2023

Local Emergency Management Committee-February 2023

### Agenda Attachments

9.1.1 Town Planning Scheme No 2 Amendments

9.1.2 Tellus Holdings Amendment Application

9.1.3 Lease Maps

9.1.4 Lease Maps

9.1.5 Plan and Site Photos

9.1.8 Plan Layout

9.1.9 Map

9.2.2 Financial Reports-February 2023

9.2.3 Accounts for Payment –February 2023



# *Minutes*

## *Ordinary Meeting of Council*

*16 February  
2023*

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The presiding member declared the meeting open at 5pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Della Bosca thanked the Shire's Executive Manager Infrastructure Glen Brigg for his presentation during the discussion session prior to the meeting, within which Mr Brigg detailed the Shire's current road asset conditions and future management options.

## 3. ATTENDANCE

Members	Cr W Della Bosca Cr B Close Cr P Nolan Cr L Rose	
Council Officers	N Warren C Watson G Brigg L Boso	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Minute Taker
Apologies:	Cr J Cobden, Cr G Guerini and Cr L Granich	
Observers:	Kaye Crafter, Jackie Drzymulski, Jennifer Mclean, Kelly Smith, Paul Hucker and Hugh Trivett	
Leave of Absence:	Nil	

## 4. DECLARATION OF INTEREST

The Chief Executive Officer declares an impartiality interest pursuant of Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, in relation to item 9.1.8, due to having a family relationship with an owner of the subject property.

## 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the December 2022 Ordinary Council meeting, Mrs. Kaye Crafter posed the following question;

**Question:** *Can Council have a look at placing curbing along the intersection of Antares Street and Sirius Street, the area would benefit from some definition as it is hard to distinguish when dark.*

**Answer during the session:** The President referred the question to the CEO. The CEO took the question on notice and will reply to Mrs. Kaye Crafter's question once the EMI has assessed the intersection.

### **Written response to Mrs. Kaye Crafter**

**Response:** Management have investigated and found that the street light located adjacent to the intersection provides sufficient lighting to illuminate the intersection. Furthermore, there is not deemed to be a significant safety benefit to driver or pedestrian from the installing of kerbing at this location, as there are no significant adjacent obstructions that a kerb would prevent drivers from hitting, nor is there designated pedestrian access at this point.

### **5.1. PUBLIC QUESTION TIME**

Jennifer Mclean attended public question time and posed the following question;

**Question:** *48 and 54 Spica Street have extremely overgrown gardens, I believe there is a risk from snakes. Is the Shire doing anything to address the issue?*

**Answer:** The Shire President referred the question to the CEO, who confirmed that the Shire was aware of the issue, and through the fire break inspection process, had started enforcement processes to have the matter addressed. The CEO did note the length of time taken since the matter was previously raised with the Shire, but stated there were procedures under the Bush Fires Act that had to be followed, which included giving the owner adequate time to address prior to taking further action. However, a contractor has now been engaged to undertake clean-up of non-compliant properties.

Jackie Drzymulski attended public question time posed a following question;

**Question:** *In relation to the above question how long does the process take and how are the owners notified? Also, the house at 48 Spica is asbestos and is deteriorating, can the Shire action the asbestos issue with the owners?*

**Answer:** The Shire President referred the question on the CEO, who advised that legislation requires the Shire to issue notification via correspondence to the last known address, whether or not it is being monitored, however emails had also been sent. Once notification is provided, owners must be given suitable time for action to be taken. Once suitable time has been afforded, those still non-compliant were issued infringements, and then a contractor engaged to undertake the work. The CEO noted it was taking a little longer than expected to have the properties addressed, however would ensure 48 and 54 Spica were made a priority by the contractor undertaking works.

The CEO also advised the Shire's contract Environmental Health Officer would investigate the asbestos issue.

Kaye Crafter posed a second question;

**Question:** *The contractors working on the highway upgrades have been given approval by the National Trust to pull water out of Karalee Dam, it is estimated the amount of water intended to be extracted would drain the dam, I have a concern as this is an important tourist location, and also, if the silt at the bottom is disturbed, it may*

*disrupt the ability of the dam to hold water. Is there anything Council can do to stop people/companies drawing water from Karalee dam? It is also believed they are wanting to access Bodallin Dam for the same purpose.*

**Answer:** The Shire President confirmed that both he and the CEO were aware of the issue, but due to Karalee Dam being managed by the National Trust, there was little authority the Shire had. The CEO advised the Shire could write to relevant parties to advise of the Shire's concerns.

The CEO also advised that Bodallin Dam was listed as an AA dam (Agricultural Area), and was in the process of being transferred to Shire management. Due to it being an AA dam, the CEO thought it unlikely access for road building would be permitted.

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council, Thursday, 16 December 2022

*1/2023*

*Moved Cr Nolan/Seconded Cr Close*

*That the minutes from the Ordinary Council Meeting held on the 16 December 2022 be confirmed as a true record of proceedings.*

**CARRIED (4/0)**

### 6.2 Shire of Yilgarn Tourism Advisory Committee, Wednesday 14 December 2022

*2/2023*

*Moved Cr Rose/Seconded Cr Close*

*That minutes from the Shire of Yilgarn Tourism Advisory Committee meeting held on the 14 December 2022 be received.*

**CARRIED (4/0)**

### 6.3 Shire of Yilgarn Tourism Advisory Committee, Wednesday 1 February 2023

*3/2023*

*Moved Cr Rose/Seconded Cr Nolan*

*That minutes from the Shire of Yilgarn Tourism Advisory Committee meeting held on the 1 February 2023 be received.*

**CARRIED (4/0)**

### 6.4 Great Eastern Country Zone (GECZ), Monday 28 November 2022

*4/2023*

*Moved Cr Close/Seconded Cr Rose*

*That minutes from the GECZ meeting held on the 28 November 2022 be received.*

**CARRIED (4/0)**

## 7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Paul Hucker, General Manager Technical Services and Hugh Trivett, Mine Manager-Tampia/Symes from Ramelius Resources Ltd provided a presentation on the proposed Syme's Find mine.

The presentation started with an overview of Ramelius Resources working mines being Mt Magnet, Edna May (Westonia) and Rebecca (Kalgoorlie) with the head office in East Perth.

The proposed Symes project is located 62km south of Moorine Rock made up of 6 small open pits. It is estimated there will be 12 months mining for 0.6Mt of ore to be hauled to the Edna May plant for processing. The Symes project is too small for ore processing onsite therefore intend to seek endorsement and an agreement from the Shire of Yilgarn for haulage along the Moorine Rock South Road. It proposed that the road trains will haul 98 tonnes/load with triple road trains (42m length), 65,000tonnes of ore per month for up to 12 months with 20 truckloads a day.

At the end of the presentation Ramelius invited questions/comments;

*Cr Della Bosca and Cr Rose expressed concern about having the extra heavy transport on the Moorine Rock South Road due to the road being a 'main road' for locals and agricultural use and the cost it could have to the ratepayer.*

The CEO, Nic Warren, gave a brief overview of how an application from a mining company for haulage on a Shire of Yilgarn road is received and assessed by the Executive Manager Infrastructure and the agreement terms that would have to be decided upon before haulage can be started in order to safeguard the Shire of Yilgarn road network.

*Cr Nolan enquired how much late night haulage there would be?*

Ramelius Resources confirmed there would be 24/7 haulage.

*Cr Nolan advised Ramelius that their haulage operators from Marda and Dampier operations were a standout compared to other haulage companies in the area, and MLG should be commended.*

Cr Della Bosca thanked Paul Hucker and Hugh Trivett for their time.

Paul Hucker and Hugh Trivett left the Council meeting at 5.33pm.

## 8. DELEGATES' REPORTS

Cr Della Bosca announced the following;

- Attended the Wheatbelt North-East Regional Road Group meeting on the 9 February 2023
- Attended the Audit Committee meeting on the 16 February 2023

Cr Close announced the following;

- Attended the Great Eastern Country Zone meeting on the 13 February 2023
- Attended the Mt Walton Intractable Waste Facility CLC Meeting on the 16 February 2023
- Attended the Audit Committee meeting on the 16 February 2023

Cr Nolan announce the following;

- Attended the Audit Committee meeting on the 16 February 2023

unconfirmed

## 9.1 Officers Report – Chief Executive Officer

### 9.1.1 Audit Regulation 17 Review & Financial Management Review

<b>File Reference</b>	<b>1.6.6.4</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>FMR Reg 17 Report February 2023 - Yilgarn Final</b>

#### Purpose of Report

To present to Council the recently completed Audit Regulation 17 Review and Financial Management Review 2023.

#### Background

In accordance with the Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996, the above Reviews were conducted during July 2022.

Management had hoped to hold one Audit Committee Meeting to consider the Regulation 17 Review & Financial Management Review and the 2021/2022 annual compliance audit, however delays in the annual audit sign off delayed presentation and resulted in the Regulation 17 and FMR audit being presented to the Audit Committee prior to this meeting.

#### Comment

Audit Regulation 17 Review and Financial Management Review. Appointing an external auditor to conduct the Reviews is of benefit as it provides an impartial review to inform the CEO and Council with recommendations that work towards continuously improving the organisation in the financial and risk management areas of responsibility.

In respect to the Audit Regulation 17 Review, the *Local Government (Audit) Regulations 1996* state that the CEO is to report on the results of the Review to Council's Audit Committee. To ensure that the CEO met this requirement, the matter was tabled at the meeting of the Audit Committee held prior to this Council meeting.

It is important to note that the Reviews are performed on the same basis without differentiating between a small or large local government and their respective capacities and capabilities.

As noted in the Management Comments, the Shire management have committed to addressing the recommendation made. Due to a large number of suggested improvements, addressing the recommendations is likely to continue into the 2023/2024 financial year.

Any recommendations requiring external assistance or material items will either be incorporated into current budget allocations, or alternatively, will be included in the 2023/2024 annual budget for Council's consideration.

## Statutory Environment

### *Local Government (Financial Management) Regulations 1996 and the*

#### *5.CEO's duties as to financial management*

- (1) Efficient systems and procedures are to be established by the CEO of a local government —*
  - (a) for the proper collection of all money owing to the local government; and*
  - (b) for the safe custody and security of all money collected or held by the local government; and*
  - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and*
  - (d) to ensure proper accounting for municipal or trust —*
    - (i) revenue received or receivable; and*
    - (ii) expenses paid or payable; and*
    - (iii) assets and liabilities;**and*
  - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and*
  - (f) for the maintenance of payroll, stock control and costing records; and*
  - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) The CEO is to —*
  - (a) ensure that the resources of the local government are effectively and efficiently managed; and*
  - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
  - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.*

### *Local Government (Audit) Regulations 1996*

#### *17.CEO to review certain systems and procedures*

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
  - (a) risk management; and*

- (b) *internal control; and*
- (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 - Dynamic and visionary leadership guiding our community into the future - Outcome 4.1 A trustworthy and cohesive Council that functions efficiently and effectively - 4.1.2 - Maintain a high level of corporate governance, responsibility and accountability.

### Policy Implications

Nil.

### Financial Implications

Future Budget allocations to comply with the more complex recommendations.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Risk management and financial management practices not at best practice	Moderate (6)	External review of risk and financial management practices provides recommendations for best practice.
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996	Moderate (6)	Reg 17 and FMR Audit completed.
Reputational	Not meeting statutory obligations could give rise to	High (15)	FMR and Reg 17 audit completed.

	adverse response from DLGSC		
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

#### Committee Recommendation and Council Decision

5/2023

*Move Cr Nolan/Seconded Cr Close*

*That the Council accepts the recommendations and management comments relating to the Audit Regulation 17 Review and Financial Management Review 2023 completed by Moore Australia in accordance with the Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996.*

**CARRIED BY ABSOLUTE MAJORITY (4/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.2 2022 Compliance Audit Report

<b>File Reference</b>	<b>1.6.6.4</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren-Chief Executive Officer</b>
<b>Attachments</b>	<b>Attachment 1 - 2022 Compliance Audit Report</b>

#### Purpose of Report

To present to Council the 2022 Annual Compliance Audit Return (CAR) for adoption and submission to the Department of Local Government, Sport and Cultural Industries.

#### Background

Council is required by section 14 of the *Local Government (Audit) Regulations 1996* to complete a CAR each year covering the period 1 January to 31 December. The CAR is to be:-

1. Presented to Council at a meeting of the Council;
2. Adopted by the Council;
3. The adoption recorded in the minutes of the meeting at which it is adopted;
4. Signed by the Shire President and Chief Executive Officer and returned to the Department with a copy of the Council minutes of the meeting at which it was received; and
5. Submitted to the Department of Local Government by 31 March each year.

*The CAR must also be reviewed by the Shire of Yilgarn Audit Committee prior to its adoption by Council.*

#### Comment

The 2022 CAR contains 94 questions of which:-

- 50 were complied with;
- 36 were not applicable to the Shire of Yilgarn during the year under review;
- 2 were not complied with; and
- 6 are pending.

The 2 questions not complied with are as follows, with comments provided in the report also provided:

Q. Were all delegations to the CEO resolved by an absolute majority?

Comment: Minutes lists voting requirements as “Simple Majority”, however resolution was carried 7/0. Officer oversight, noted for future delegation decisions.

Q. Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?

Comment: Auditor General has yet to complete the audit process.

The 6 questions that are pending are as follows, with comments provided in the report also provided:

Q. Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?

Comment: Auditor General has yet to complete the audit process.

Q. Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?

Comment: Auditor General has yet to complete the audit process.

Q. Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?

Comment: Auditor General has yet to complete the audit process.

Q. Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit?

Comment: Auditor General has yet to complete the audit process.

Q. Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three years prior to 31 December 2022?

If yes, please provide the date of council's resolution to accept the report.

Comment: Review undertaken by Moore Australia in July 2022. Endorsement by Audit Committee to be combined with annual audit, though delays with Auditors and OAG have pushed back meeting to Feb 2023 at the earliest.

Q. Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government

(Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2022?

If yes, please provide date of council's resolution to accept the report.

Comment: Review undertaken by Moore Australia in July 2022. Endorsement by Audit Committee to be combined with annual audit, though delays with Auditors and OAG have pushed back meeting to Feb 2023 at the earliest.

## Statutory Environment

### *Local Government (Audit) Regulations 1996*

#### **14. Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

## Strategic Implications

Nil.

## Policy Implications

Nil.

## Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Internal review by senior management to Audit Committee and Council on an annual basis	Moderate (6)	Internal CAR review ensures Council and staff are meeting statutory requirements
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Section 14 of the <i>Local Government (Audit) Regulations 1996</i>	Moderate (6)	Annual Compliance Audit Return
Reputational	Not meeting statutory obligations could give rise to adverse response from DLGSC	High (15)	Annual review and Reporting process to DLGSC
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**Committee Recommendation and Council Decision**

**6/2023**

***Moved Cr Rose/Seconded Cr Close***

***That Council adopts the Local Government Compliance Audit Return (CAR) for the Shire of Yilgarn for the period 1 January 2022 to 31 December 2022, noting non-compliance in 2 areas assessed.***

***and***

***That Council in accepting the CAR, authorises the Shire President and CEO to sign and submit same to the Department of Local Government, Sport and Cultural Industries as required.***

**CARRIED BY ABSOLUTE MAJORITY (4/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.3 Shire of Yilgarn Tourism Advisory Committee – Changes to Committee

<b>File Reference</b>	<b>1.3.10.5</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

For Council to consider and endorse changes to the membership of the Shire of Yilgarn Tourism Advisory Committee.

#### Background

At the October 2022 Ordinary Council meeting, Councillors moved the following changes to the Tourism Advisory Committee:

**247/2022**

***Moved Cr Close/Seconded Cr Guerini***

***That Council endorses the amendments to membership of the Shire of Yilgarn Tourism Advisory Committee, with the Committee consisting of the following voting members:***

- ***Cr Jodie Cobden – Council Delegate***
- ***Cr Linda Rose – Council Delegate***
- ***Kaye Crafter – Community Member***
- ***Liz Sheehan – Community Member***
- ***Onida Truran – Community Member***
- ***Malcolm Tabner – Community Member***

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

Community Member Mal Tabner has since left the Shire, and as such, resigned from his positing as a voting member. As such, a vacancy exists.

#### Comment

A call for nominations was undertaken within the existing non-voting committee members, with Robin Stevens being the sole person nominated.

As such, it recommended that Council endorse Robin Stevens for the vacant voting position on the committee.

## Statutory Environment

### *Local Government Act 1995*

#### **5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

\* *Absolute majority required.*

#### **5.9. Committees, types of**

(1) In this section —

***other person*** means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

#### **5.10. Committee members, appointment of**

(1) A committee is to have as its members —

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* *Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- to be a member of the committee; or
  - that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

*[Section 5.10 amended: No. 16 of 2019 s. 18.]*

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 – Economic – Tourism Opportunities Maximised – Re-establish a Yilgarn Tourism Committee to advise /recommend to Council on actions to promote tourism in the district.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Inability for community to provide input into the Tourism activities of the district	Moderate (6)	Inclusion of new members to the Tourism Advisory Committee to permit a voice towards Tourism activities undertaken by the Shire.
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil

<b>Compliance</b>	Nil	Nil	Nil
<b>Reputational</b>	Reputational damage caused by lack of tourism activities and ability for community to provide input	Moderate (6)	Inclusion of new members to the Tourism Advisory Committee to permit a voice towards Tourism activities undertaken by the Shire
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

## Officer Recommendation and Council Decision

*7/2023*

*Moved Cr Rose/Seconded Cr Close*

*That Council notes the resignation of Mr Malcolm Tabner from the Shire of Yilgarn Tourism Advisory Committee.*

*And*

*That Council endorses the inclusion of Mrs Robin Stevens to the Shire of Yilgarn Tourism Advisory Committee.*

*And*

*That Council notes the updated committee membership as follows:*

- *Cr Jodie Cobden – Council Delegate*
- *Cr Linda Rose – Council Delegate*
- *Kaye Crafter – Community Member*
- *Liz Sheehan – Community Member*
- *Onida Truran – Community Member*
- *Robin Stevens – Community Member*

**CARRIED BY ABSOLUTE MAJORITY (4/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.4 Local Government Ordinary Elections 2023

<b>File Reference</b>	<b>2.2.1</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>Attachment 1 - WA Electoral Commission - 2023 Ordinary Council Elections Letter</b>

#### Purpose of Report

Council to consider declaring the WA Electoral Commissioner to be responsible for the conduct of the 2023 Shire of Yilgarn Local Government Elections to be held on Saturday, 21 October 2023.

#### Background

Mr Robert Kennedy, WA Electoral Commissioner, has written to Council to advise that the next Local Government Elections are being held on 21 October 2023 and while this is still some distance in the future, the Commissioner has provided an estimate of costs for the Election for consideration in the 2023/2024 budget preparations. Correspondence is attached.

The Commissioner has estimated the cost for the 2023 election if conducted as a postal ballot is \$15,000 inc GST, which has been based on the following assumptions:

- 700 electors;
- Response rate of approximately 60%;
- 3 vacancies;
- Count to be conducted at the offices of the Shire of Yilgarn;
- Appointment of a local Returning Officer;
- Regular Australia Post delivery service to apply for the lodgement of the election packages.

The Commissioner also advises an additional amount of \$150 will be incurred if Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

The Commissioner indicates that costs not incorporated in this estimate include:-

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- One local government staff member to work in the polling place on election day;
- Any additional postage rate increase by Australia Post.
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

The Commission mentions, that some local governments may also note an increase in costs from their 2021 ordinary costs. These include increases arising from inflation in recent years affecting salaries for Returning Officers and other staff, printing and packaging costs as well as the increase in postage announced by Australia Post. Additional costs from the Commission have been included arising from improved processing procedures and additional resources to supplement the Commission's education, complaints management, investigation and legal efforts.

The Commissioner further advises that the Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and Council should note that this is an estimate only and may vary depending upon a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election Council will be advised as early as possible.

The Commissioner advises that the current procedure required by the *Act* is that his written agreement has to be obtained before the vote by Council is taken. To facilitate this process, the Commissioner indicates that Council can take the letter received as his agreement to be responsible for the conduct of the ordinary elections in 2023 for the Shire of Yilgarn in accordance with Section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. The Commissioner advises that his agreement is subject to the proviso that the Shire of Yilgarn also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

The Commissioner has advised, should Council wish for the Commission to undertake the election on behalf of the Shire, and undertake as a postal election, Council would need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
- Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

#### Comment

The conduct of Postal Elections previously in the Shire of Yilgarn has been proven to increase voter participation.

## Statutory Environment

### *Local Government Act 1995*

#### **4.20. CEO to be returning officer unless other arrangements made**

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

\* *Absolute majority required.*

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

\* *Absolute majority required.*

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

#### **4.61. Choice of methods of conducting election**

- (1) The election can be conducted as a —  
***postal election*** which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

***voting in person election*** which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide\* to conduct the election as a postal election.

\* *Absolute majority required.*

### Strategic Implications

Nil

### Policy Implications

Nil

### Financial Implications

As indicated in the Commissioner's correspondence, costs to conduct the election by Postal Vote is estimated to be \$15,000.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	To ensure that the Election process is kept at arms-length from staff	Low (4)	Engage WA Electoral Commission to manage Postal Vote process
Financial Impact	Costs associated with engagement of WAEC	High (12)	Budget accordingly
Service Interruption	Nil	Nil	Nil
Compliance	Section 4.20 of <i>Local Government Act 1995</i>	Moderate (6)	Meeting statutory requirement of <i>Act</i> in appointing WAEC
Reputational			
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

#### Officer Recommendation and Council Decision

8/2023

*Moved Cr Close/Seconded Cr Rose*

*That Council, by Absolute Majority:*

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.*

*And*

- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.*

**CARRIED BY ABSOLUTE MAJORITY (4/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.5 Proposed Workforce Accommodation – Lot 72 (No 15) Williamson Street, Marvel Loch

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>1. Layout and Elevation Plans</b>

#### Purpose of Report

Council is to consider a planning application for workforce accommodation on Lot 72 (No 15) Williamson Street, Marvel Loch. The buildings will be purpose built new transportable structures.

#### Background

- **Location**

Lot 72 is located in Marvel Loch. The closest intersection is Williamson Street and Aurum Street.

A location plan is included over page for convenience.



Above: Location Plan

## Comment

- **Description of Application**

An application has been lodged for workforce accommodation. The development will consist of 7 buildings. Each building will include four rooms with ensuites, and measure 14.4 metres long by 3.3 metres wide.

The northern building will be setback 5.39 metres from the front lot boundary. All buildings will be setback 2.86 metres from the west and east lot boundaries.

The applicant has advised as follows:

- The lot has been purchased from the Shire. Settlement occurred on Friday 3<sup>rd</sup> February 2023.
- The purchaser of Lot 72 already owns the Marvel Loch Hotel located at nearby 13-17 Lenneberg Street, Marvel Loch.

- The accommodation will cater for workers and contractors associated with the mining industry.
- Workers generally access the Marvel Loch Hotel by bus. They will book into this new accommodation via the hotel site, and walk to the workforce accommodation proposed on Lot 72.
- Car parking is available at the Marvel Loch Hotel if required (however cannot be guaranteed in perpetuity as the hotel lots can be sold independently of Lot 72).
- All linen and meals will be supplied via the existing established hotel.
- The new development will essentially act as an extension to the services provided at the hotel.
- The development will be connected to sewer.

- **Zoning and Land Use Permissibility**

Lot 72 is zoned 'Townsite' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Under the Scheme the Townsite Zone *'is to be used primarily for single houses and public recreation. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the townsite and where Council is satisfied that they will benefit the community and not result in being a nuisance.'*

Part of the planning assessment for any application involves determining which land use definition from the Scheme 'best fits' the proposal. The application proposes transportable buildings to be made available for workforce accommodation, associated with the mining industry.

The land use of 'workforce accommodation' is not defined in the Scheme, or listed in Table 1 under the Scheme.

Table 1 lists land uses in a table format with different symbols listed under different zones. Ordinarily the symbols in Table 1 outline the permissibility of land uses in different zones.

As 'workforce accommodation' is not listed in Table 1, it can be processed as what is referred to as a 'Use Not Listed'.

In processing the workforce accommodation as a 'Use Not Listed' Council has three options under Clause 3.2.5 of the Scheme as follows:

Option 1 - Determine that the workforce accommodation use is consistent with the objectives and purposes of the Townsite zone and is therefore permitted.

TPI does not recommend Option 1. If Council determines that workforce accommodation is permitted in the Townsite zone, it will set a precedent for all future similar applications to also be treated as a permitted use in the same zone.

Option 2 - Determine that the proposed workforce accommodation use may be consistent with the objectives and purpose of the Townsite zone and thereafter follow the "SA" procedures of Clause 6.3 in considering an application for planning approval.

TPI recommends Option 2 which requires the application to be advertised for public comment.

Option 3 - Determine that the use is not consistent with the objectives and purposes of the Townsite zone and is therefore not permitted.

TPI does not recommend Option 3 for the reasons outlined in Option 1. It is understood that a number of workforce accommodation developments have already been approved and constructed in Marvel Loch.

- **Advertising**

The application has to be advertised for a minimum of 28 days. Shire Administration has advertised the application through a notice published on the Shire website, Facebook and letters sent to nearby and adjacent landowners. Advertising commenced on 13 December 2022 and closed on 19 January 2023.

No submissions on the application have been received.

- **Setbacks and Site Requirements**

There are no specific setbacks or site requirements outlined in the Scheme. The setbacks of existing development in the locality appears varied.

- **Car Parking**

The Scheme has no specific car parking ratios for 'workforce accommodation' under Table 2 of the Scheme. Notwithstanding the above, Council can reasonably require car parking to be provided on site.

The applicant proposes that car parking be provided at the nearby Marvel Loch Hotel, which is only practical whilst all lots fall under the same management and ownership. In the event that the Marvel Loch Hotel or Lot 72 is sold (independent of each other) in the future, then it could result in insufficient on-site parking being provided for workers accommodation on Lot 72.

TPI has liaised with the Shire Chief Executive Officer regarding parking, and has been advised that Council has supported car parking dispensations in the past where justification has been provided.

The Shire Council has several options in considering car parking as follows:

- Option 1: Defer consideration of the application and request the applicant lodge a revised site plan with on site car parking sufficient to service the workers accommodation on Lot 72 independent of the Marvel Loch Hotel;
- Option 2: Accept and support the proposal for car parking to be provided off site at an alternative premises, being the Marvel Loch Hotel. At the current time the arrangement is practical as both lots are owned by the same entity.

Council should note that as Lot 72 can be off sold in the future, Option 2 only provides sufficient car parking whilst the development is being operated in conjunction with the local Hotel.

Option 2 may result in car parking occurring in the street in the longer term.

TPI is not privy to how car parking has been dealt with within the Shire for other applications. If other similar developments have been supported with on street parking, then TPI recommends support for Option 2.

## Statutory Environment

***Planning and Development (Local Planning Schemes) Regulations 2015*** - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 3.

Clause 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

The application is classified as a 'complex application' under the Regulations. A 'complex application' is defined as '*an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located*'.

Under Clause 64 (6)(a) of the Regulations, a 'complex application' must be advertised for a minimum of 28 days. The 28 days must exclude the period between the 25 December 2022 and the 1 January 2023 (which effectively extends the advertising period to 35 days).

Under the Model Provisions of the Regulations, which is a model template used for new or amended town planning schemes, the term ‘workforce accommodation’ is defined as ‘*means premises, which may include modular or relocatable buildings, used -*

- (a) *primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) *for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.’*

**Shire of Yilgarn Town Planning Scheme No 2** – partially explained in the body of this report.

Clause 5.3 applies to ‘Transportable Dwellings’. Whilst the clause does not specifically apply to Workforce Accommodation it is noted that Clause 5.3.2 requires Council to be satisfied that transportable dwellings:

- a) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate; or
- b) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

The transportable buildings proposed to be used for workforce accommodation will be new.

### **Strategic Implications**

There are no known strategic implications associated with the proposed development.

### **Policy Implications**

- ***Western Australian Planning Commission (WAPC) Position Statement on Workforce Accommodation***

Whilst not a State Planning Policy, the WAPC has a Position Statement that outlines:

- (a) The development requirements for workforce accommodation under the *Planning and Development Act 2005* and associated regulations.
- (b) That local governments can include scheme provisions addressing the suitability of sites, access, capability with surrounding development and facility design.
- (c) That local governments can prepare and adopt local planning policies to guide workforce accommodation developments.

- ***Shire of Yilgarn Policy Manual***

The Shire has a Policy Manual dating back to at least June 2012, and the policies appear to have been reviewed on an annual basis.

The Policy Manual includes some town planning and building policies, however those policies have not been adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)*.

Essentially this means that the Shires existing planning and building policies do not hold significant weight in terms of any planning assessment. TPI recommends that the Shire review all existing planning and building policies to address this situation.

There are no known local planning policy implications associated with this development.

### Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

### Risk Implications

There are no known risks associated with the proposed development.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

## Officer Recommendation and Council Decision

### *That Council:*

1. *Determine that the proposed workforce accommodation may be consistent with the objectives and purpose of the Townsite zone and thereafter follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval.*
2. *Note that Shire Administration has completed advertising of the planning application for Lot 72 (No 15) Williamson Street, Marvel Loch. No submissions were received.*
3. *Note that two options have been outlined in this report relating to car parking.*
4. *Approve the application for workforce accommodation on Lot 72 (No 15) Williamson Street, Marvel Loch subject the following conditions :*
  - (i) *The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.*
  - (ii) *All buildings that form part of this development shall be new. This is not an approval to place any second hand buildings on the lot.*
  - (iii) *All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.*
  - (iv) *If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.*

### *Footnotes:*

- (a) *The Shire has supported this application without on site car parking, based on the practical situation that it will be owned and operated in conjunction with the existing Marvel Loch Hotel located on nearby 13-17 Lenneberg Street, Marvel Loch.*

**Alternative Motion Moved by Council and Council Decision**

**9/2023**

**Moved Cr Nolan / Seconded Cr Rose**

**That Council:**

***In relation to the proposed workforce accommodation development at Lot 72 (No 15) Williamson Street, Marvel Loch, raise concerns with the offsite parking proposed with the application, and specifically, that parking is proposed to be catered for at a separate Lot.***

**And**

***Request an updated proposal, with the required parking bays being catered for within Lot 72 (No 15) Williamson Street, Marvel Loch.***

**And**

***Request the matter to be returned to Council upon the Shire of Yilgarn receiving said updated proposal.***

**CARRIED (4/0)**

**Reason for Council Decision being different from the Officers Recommendation**

***Council raised concerns regarding the required parking bays being catered for at a separate lot. Whilst both lots are currently owned by the same entity, parking could be managed, however, given Lot 72 could be sold off individually, in the event this occurs, there would be no suitable parking allocation for Lot 72.***

## 9.1 Officers Report – Chief Executive Officer

### 9.1.6 Proposed Carport – Lot 186 (No 78) Spica Street, Southern Cross

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Council is to consider a planning application for a carport on Lot 186 (No 78) Spica Street, Southern Cross.

#### Background

- **Location and Existing Development**

Lot 186 has been developed with an existing house, carport and associated outbuildings.

The lot is located near the intersection of Spica Street and Pheonix Street in the Southern Cross townsite.

The lot has access to a rear laneway which runs from Pheonix Street through to Hydra Street.

A number of existing developments located on both Spica Street and Antares Street gain rear access from the laneway.

A location plan is included over page for ease of reference.



Above: Location Plan

### Comment

- **Zoning and Scheme requirements**

Lot 186 is zoned Residential with an R10 density code under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

The proposed carport requires planning approval as it entails variations to the Residential Design Codes.

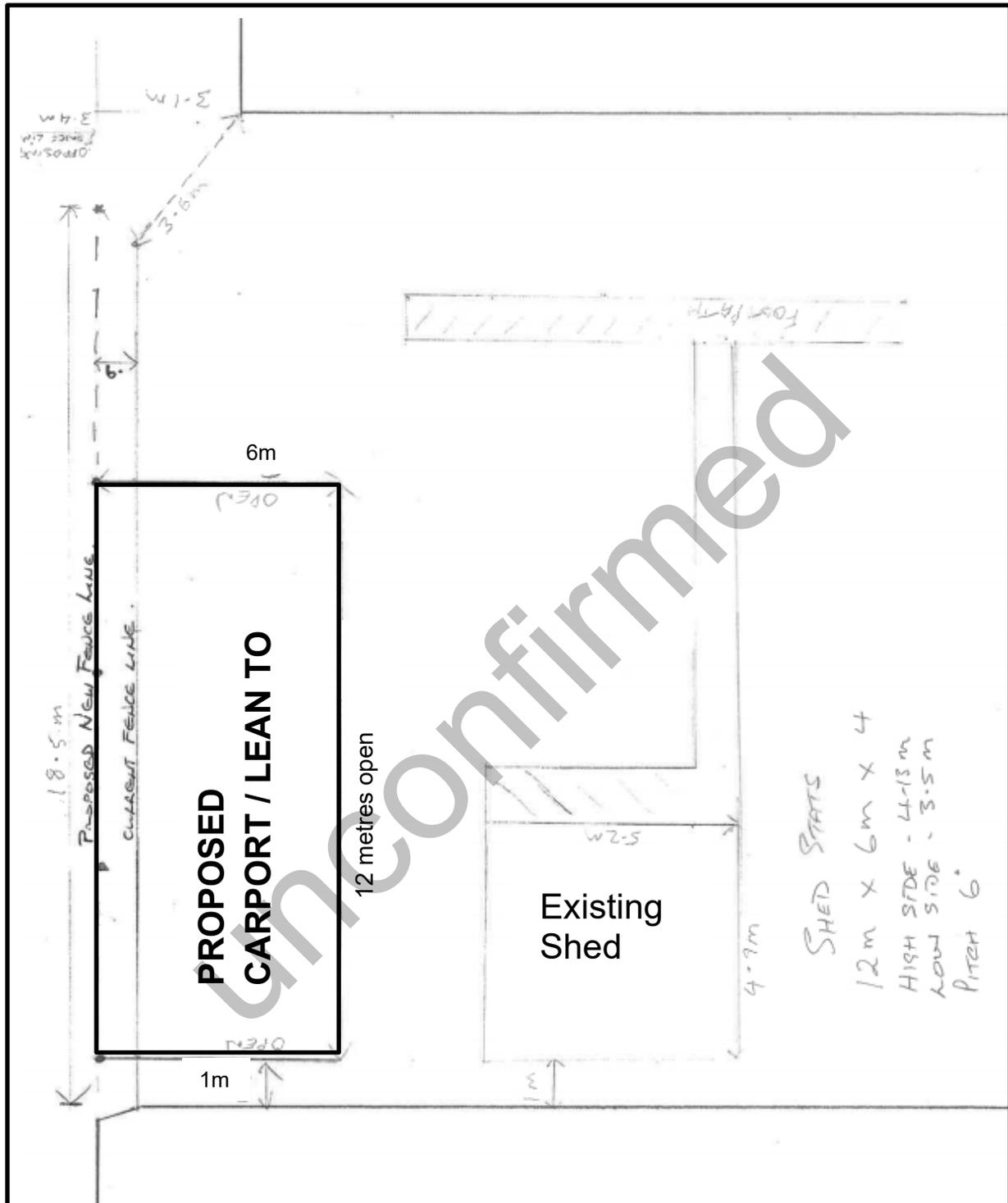
- **Description of Application**

The existing rear fence on Lot 186 is not on the lot boundary, and is proposed to be removed for construction of a carport structure with access from the laneway.

The carport will have a total floor area of 72m<sup>2</sup> and be open sided with a skillion roof (sloping down towards the house on Lot 186).

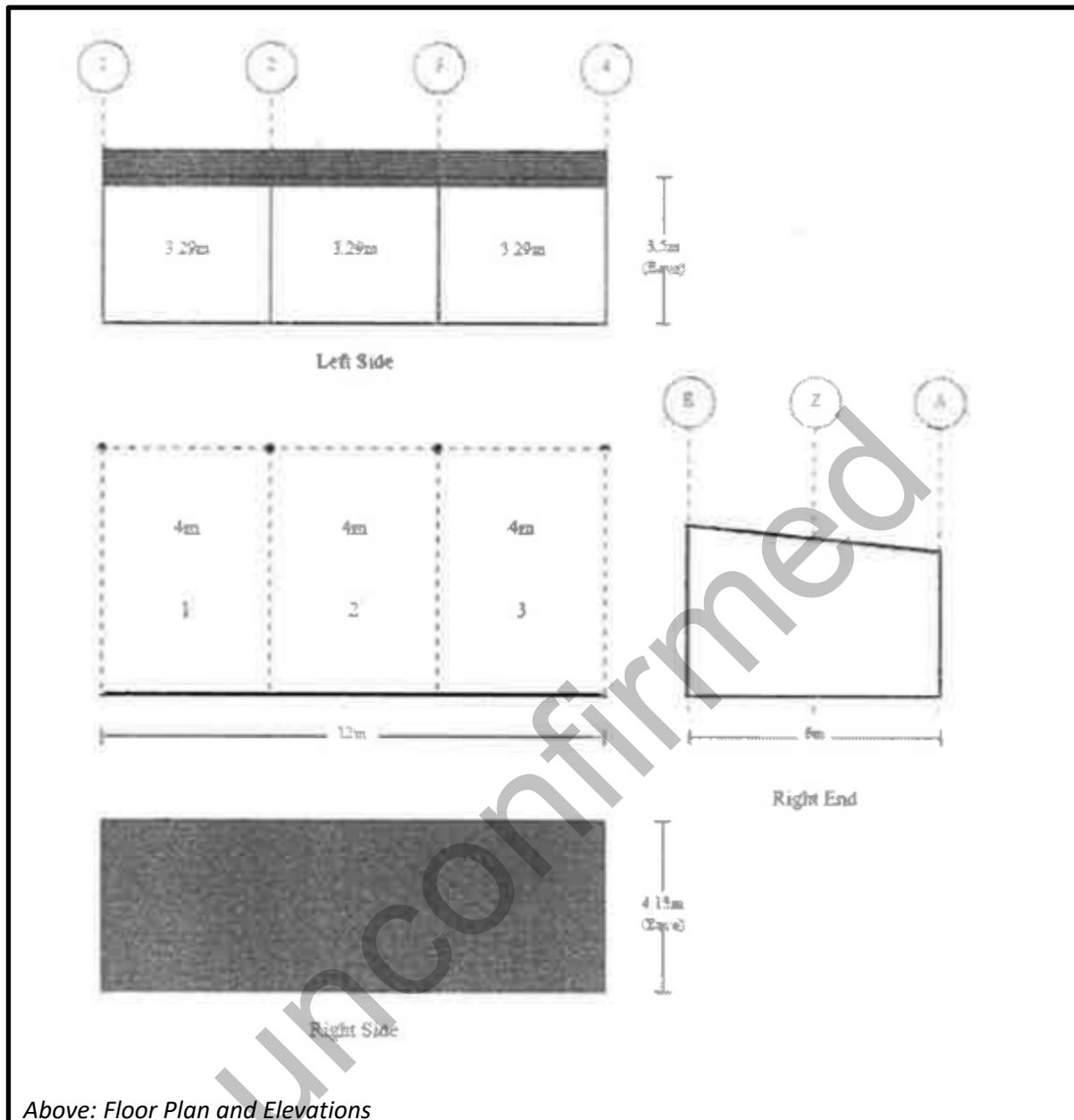
The carport is proposed to have a height ranging from 3.5 metres to 4.15 metres.

The carport proposes a nil setback to the rear lot boundary, and a one metre setback to the south lot boundary.



Above: Partial site plan

The carport is proposed to be used for caravan parking. The owners have advised that all water runoff will be directed into their property, that a motorised caravan positioner will be used, and that the structure has been sited to ensure there is no impact on neighbours fence lines.



- **State Planning Policy 7.3 - Residential Design Codes**

The Residential Design Codes (R-Codes) operate as a State Planning Policy produced by the Western Australian Planning Commission. The R-Codes provide a basis for the control and assessment of residential development throughout Western Australia.

The R-Codes contain a number of definitions for various residential structures, including a carport which is defined as ‘*a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.*’

The R Codes have two separate options for the assessment of development including ‘Deemed to Comply’ criteria and ‘Design Principles’.

Under the Residential Design Codes there are specific ‘Deemed to Comply’ requirements for carports. The ‘Deemed to Comply’ requirements relate to site controls such as building setbacks, site open space, and building height.

A summary of the main relevant R-Codes requirements is included below:

<b>Deemed to Comply R Code requirements</b>	<b>Compliance / Officer Comment</b>
Table 1: Front setback - 7.5 metres	Complies
Table 1: Rear Setback - 6 metres	Variation. A Nil rear setback is proposed.
Table 2a: Side setback - 1.5 metres	Variation. A 1 metre setback is proposed to the southern boundary.
<p>Clause 5.2.1 C1.3</p> <p>Garages and carports built up to the boundary abutting a communal street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space <u>of at least 6m</u>, located immediately in front of the opening to the garage or carport and permanently available.</p>	<p>Variation. The laneway is approximately 3 metres wide.</p> <p>The Shire Chief Executive Officer has inspected the lot and advised that a caravan can be manoeuvred into the proposed carport.</p> <p>Council needs to be satisfied that there is adequate space for manoeuvrability, and the parked caravan can be contained within the lot boundaries (with no overhang into the laneway).</p>

As the carport entails setback variations, it has to be assessed in accordance with alternative Design Principles under Clause 5.1.3 of the R-Codes which outlines a performance based of assessment for the ‘lot boundary setbacks’ as follows:

<b>Design Principles</b>	<b>Compliance / Officer Comment</b>
<p>Clause 5.1.3 P3.1</p> <p>Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties</li> </ul>	<p>Complies.</p> <p>;</p> <ul style="list-style-type: none"> <li>• As the structure is open sided there will be no significant building bulk;</li> <li>• As the structure is open sided it will not have any significant impact on adequate access to direct sun and ventilation;</li> <li>• The carport is non habitable and will not result in any overlooking or loss of privacy for adjoining properties.</li> </ul>

<p>Clause 5.2.1 P3.2</p> <p>Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property</li> </ul>	<p>Complies.</p> <ul style="list-style-type: none"> <li>• The carport has no impact on privacy;</li> <li>• It does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• Amenity is a subjective issue, however there have not been any neighbour objections, and the visual impact is lessened by the fact that the structure is open sided.</li> </ul>
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As the laneway is less than 6 metres wide (which is the standard area required for reversing/manoeuvrability of a car), the application also has to be assessed in accordance with alternative Design Principles under Clause 5.2.1 of the R-Codes which outlines a performance based assessment for the ‘setback of garages and carports’ as follows:

<b>Design Principles</b>	<b>Compliance</b>
<p>Clause 5.2.1 P1.1</p> <p>Carports and garages set back to maintain clear sight lines along the street, to not obstruct views of dwellings from the street and vice versa, and designed to contribute positively to streetscapes and to the appearance of dwellings.</p>	<p>Complies. The carport is proposed to the rear of the dwelling so will not obstruct views of the dwelling from Spica Street.</p>
<p>Clause 5.2.1 P1.2</p> <p>Garages and/or carports set back to ensure any vehicle parking on a driveway does not impede on any existing or planned adjoining pedestrian, cycle or dual-use path.</p>	<p>Complies. The carport will not have any impact on existing or planned pathways.</p>

Based on compliance with the above Design Principles, Council has discretion to support the proposed carport, subject to being satisfied that there is no negative impact on adjacent lots, and that adequate manoeuvrability is provided by the limited laneway width (combined with the use of a motorised caravan positioner by the owner).

- **Consultation**

The application was advertised for public comment through publication of a notice on the Shires website, Facebook page and letters to adjacent neighbours. Public advertising commenced on the 19 December 2022 and closed on the 13 January 2023, with no submissions have been received.

### **Statutory Environment**

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 2.

Clause 61 lists development that is exempt from the need for planning approval, including carports that are ancillary to a dwelling and comply with the ‘deemed to comply’ requirements of the Residential Design Codes. This application requires planning approval as it entails variations to the Residential Design Codes.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

*Shire of Yilgarn Town Planning Scheme No 2* – explained in the body of this report.

Clause 1.8.2 : Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

### **Strategic Implications**

Approval of the development may set a precedent for similar setbacks for other future carports and structures adjacent to the laneway.

### Policy Implications

There are no Shire Policies that are relevant to this application.

The Shires Policy Manual includes town planning policies which have not been adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)*.

Essentially this means that the Shires existing planning and building policies do not hold significant weight in terms of any planning assessment. TPI recommends that the Shire review all existing planning and building policies to address this situation.

### Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

### Risk Implications

There are no known risks associated with the proposed development.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation and Council Decision

10/2023

Moved Cr Close/Seconded Cr Rose

That Council:

- A. *Approve the application for a carport on Lot 186 (No 78) Spica Street, Southern Cross subject to the following conditions and footnote:*
1. *The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.*
  2. *All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or the rear laneway.*
  3. *If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.*

*Footnote:*

- (i) *This is a planning consent only and owners need a separate building permit approval prior to commencing any site works or construction.*

**CARRIED (4/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.7 Proposed Outbuilding–Lot 10 Kent Road, South Bodallin

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Council is to consider a planning application for an outbuilding on Lot 10 Kent Road, South Bodallin. The outbuilding is proposed for storage of agricultural products and chemicals.

#### Background

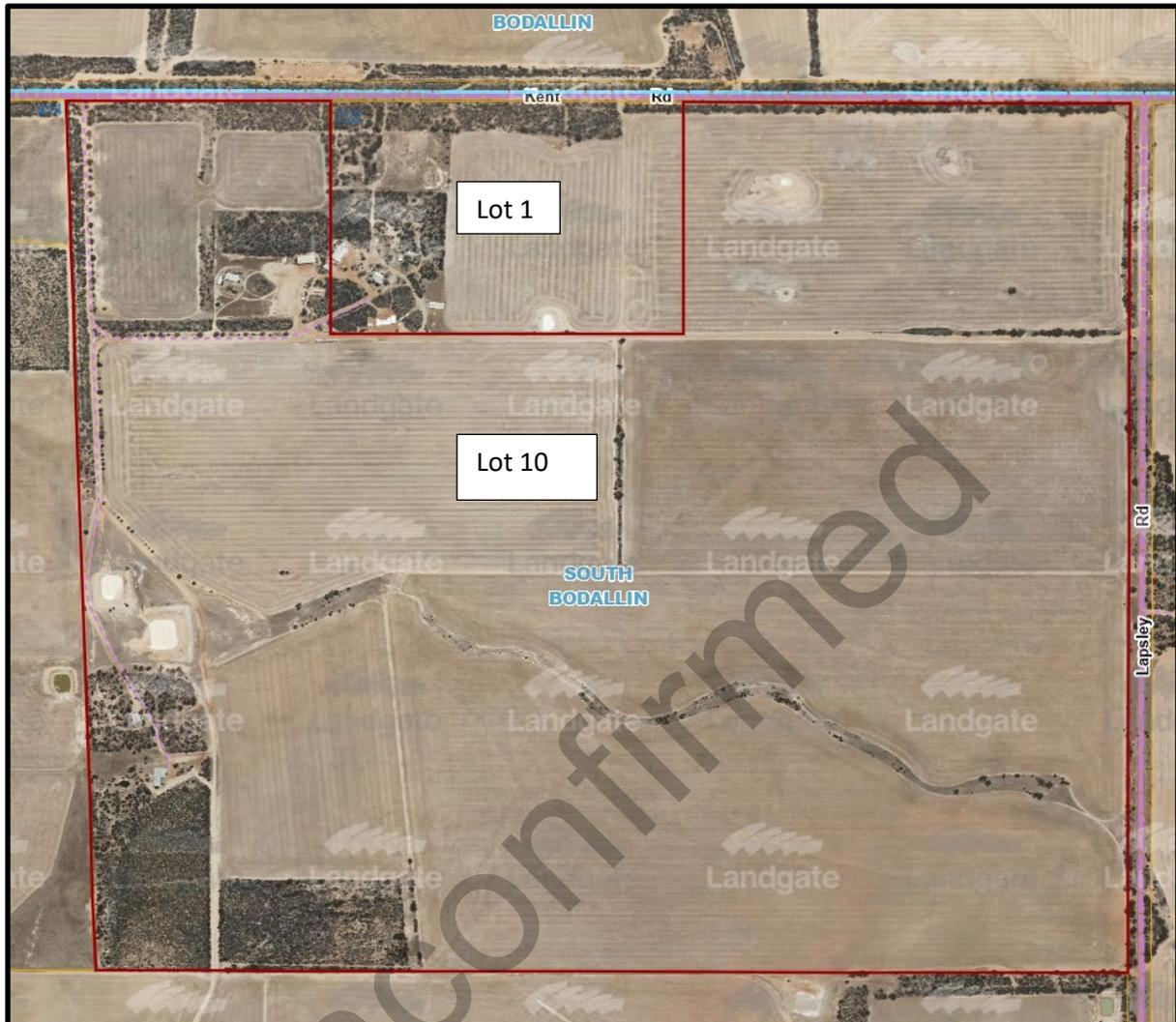
- **Location and Existing Development**

Lot 10 is located approximately 44 kilometres to the south west of the Southern Cross townsite. The closest intersection is Kent Road and Lapsley Road in South Bodallin.

The lot is used for general agriculture, along with adjacent Lot 1 (No 722) Kent Road, which is under the same ownership.

Lot 10 and adjacent Lot 1 have already been developed with a single house and associated outbuildings.

A location plan is included over page for convenience



Above: Location Plan

### Comment

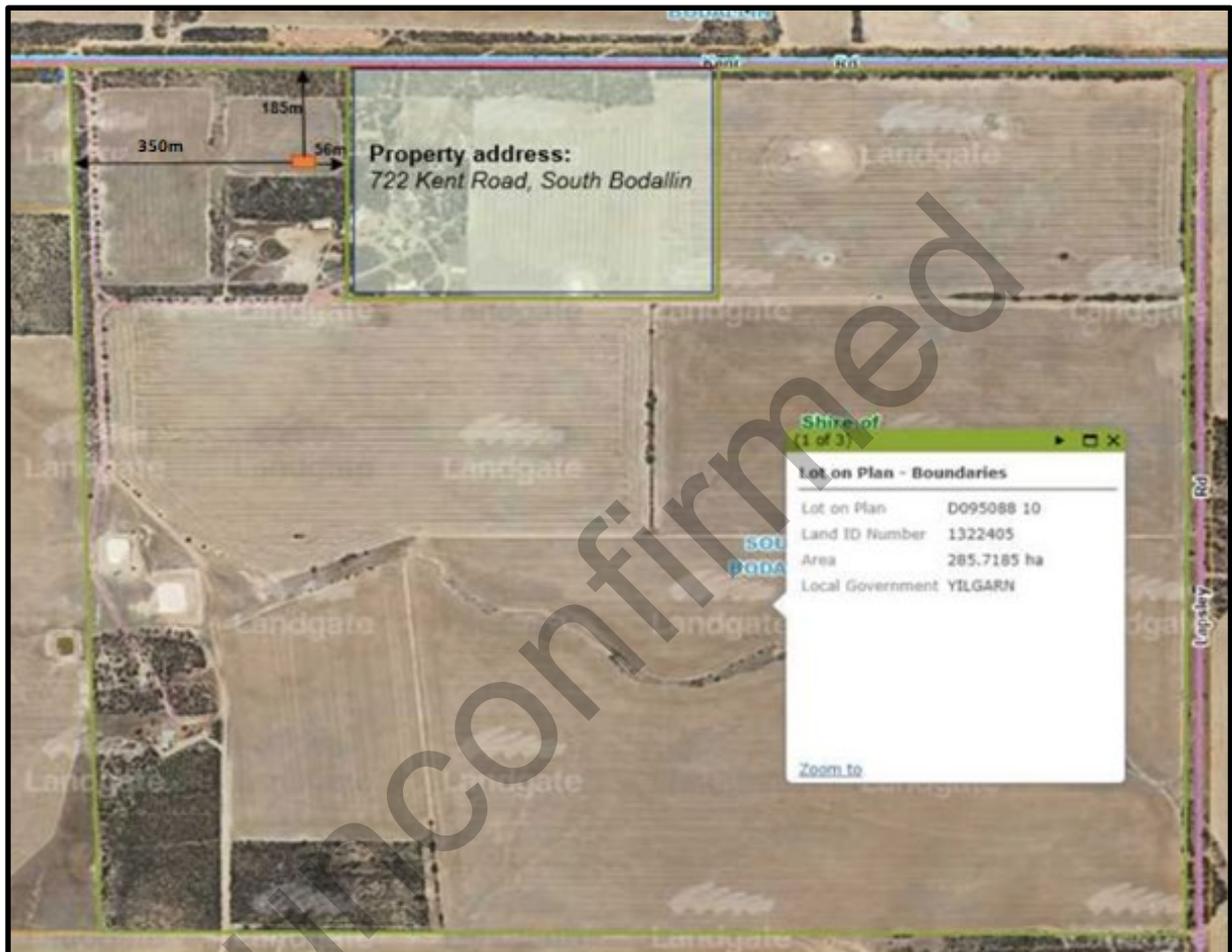
- **Zoning**

Lot 10 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

No density code applies to the 'Rural/Mining' zone under the Scheme, and no assessment is required under the Residential Design Codes, as the lot is not within a Residential zone.

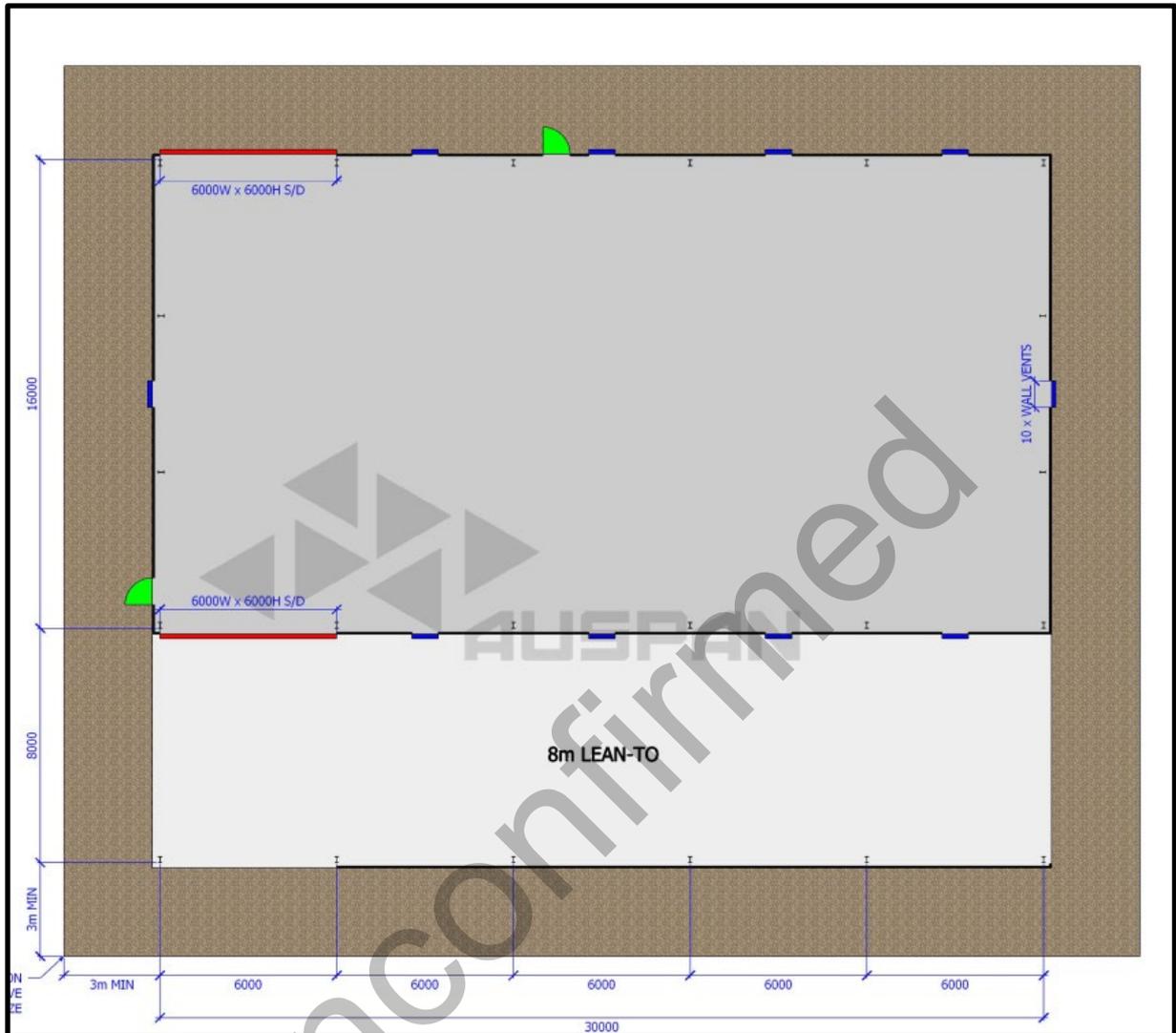
- **Description of Application**

An (agricultural) outbuilding is proposed to be setback 350 metres from the west lot boundary, 185 metres from the front north lot boundary, and 56 metres from the shared boundary with adjacent Lot 1 to the east.

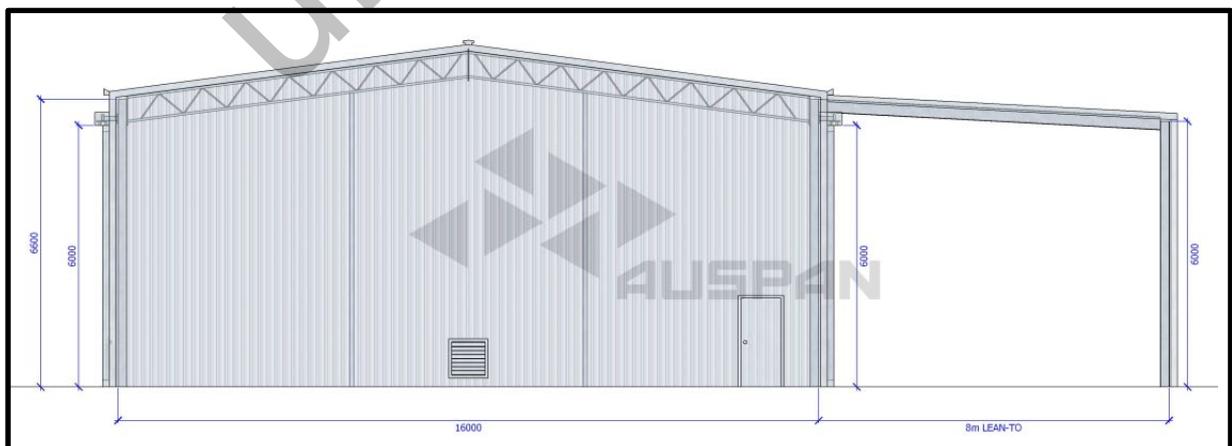


Above: Site Plan

A floor area of 720m<sup>2</sup> is proposed, which includes a 240m<sup>2</sup> lean to – refer to floor plan over page. The structure will have a wall height up to 6.6 metres – refer to elevation over page.



Above: Floor Plan



Above: Side Elevation

The applicant has advised that the structure will be used for general storage of chemicals associated with ongoing agricultural activities.

- **Assessment**

In the absence of any specific scheme requirements, the main consideration is whether there will be any visual impact associated with the proposed structure, or potential for negative impact on neighbouring lots or the existing streetscape.

Having regard for the size of the lot (which is 285 hectares), the significant setbacks proposed to the nearest lot boundaries, and the size of existing agricultural buildings already developed on the property, it is not considered that the development will have any negative impact on the amenity of the area.

There are at least 2 similar sized structures already developed on Lot 10.

TPI recommends conditional support for the proposal.

- **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas' (SPP 3.7).

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website.

The development is proposed within the part of lot 10 that is within the declared bushfire prone area.

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment. There is no specific exemption for outbuildings.

Despite the above, the Guidelines that make it clear that application of SPP3.7 is to the discretion of the decision maker, being the Shire Council.

TPI does not recommend that any Bushfire Attack Level assessment be required for the following reasons:

- a) The outbuilding will be separated from the existing house and other existing agricultural structures. This reduces the likeliness of any ember attack spreading between the buildings;
- b) The development is non habitable and will be used for storage.
- c) If a separate building permit is required, then building compliance will be examined at the more detailed building plan stage.

## Statutory Environment

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 2.

Clause 61 outlines 'development for which development approval is not required'. The majority of exemptions are for residential development that complies with the Residential Design Codes, and is not heritage listed.

Clause 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

*Shire of Yilgarn Town Planning Scheme No 2* – explained in the body of this report.

Under Clause 3.1.1 the Scheme states that '*The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses.*'

A single house is permitted in the Rural/Mining zone under Table 1 (the Zoning Table), but the Scheme has no specific provisions or setback requirements for an outbuilding in the Rural/Mining zone.

Under Clause 6.1.2 (d) of the Scheme both a single house and ancillary outbuildings are exempt from the need for planning approval (as a single house is permitted in the Rural/Mining zone).

Notwithstanding the above, the development is not listed as exempt from the need for planning approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*, which is the dominant legislation.

### Strategic Implications

Approval of the development may set a precedent for similar setbacks and similar sized (agricultural) outbuildings in the Rural/Mining zone.

### Policy Implications

There are no Shire Policies that are relevant to this application.

The Shires Policy Manual includes town planning policies which have not been adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)*.

Essentially this means that the Shires existing planning and building policies do not hold significant weight in terms of any planning assessment. TPI recommends that the Shire review all existing planning and building policies to address this situation.

### Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

### Risk Implications

There are no known risks associated with the proposed development.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation and Council Decision

11/2023

*Moved Cr Rose/Seconded Cr Close  
That Council:*

- A. *Approve the application for an agricultural outbuilding on Lot 10 Kent Road, South Bodallin subject to the following conditions and footnote:*
1. *The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans.*
  2. *All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.*
  3. *If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.*

*Footnote:*

- (a) *This is a planning consent only. Any owner needs to check if a separate building permit approval is required prior to commencing any site works or construction.*

**CARRIED (4/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.8 Proposed Telecommunications Infrastructure –Lot 2 (No 2718) Nulla Nulla South Road, South Bodallin

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Disclosure of Interest</b>	<b>CEO Nic Warren declares an Impartiality Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, due to having a family relationship with an owner of the subject property.</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Council is to consider a planning application for telecommunications infrastructure on Lot 2 in South Bodallin which is accessed via Harvey Road.

#### Background

- Location and Existing Development**

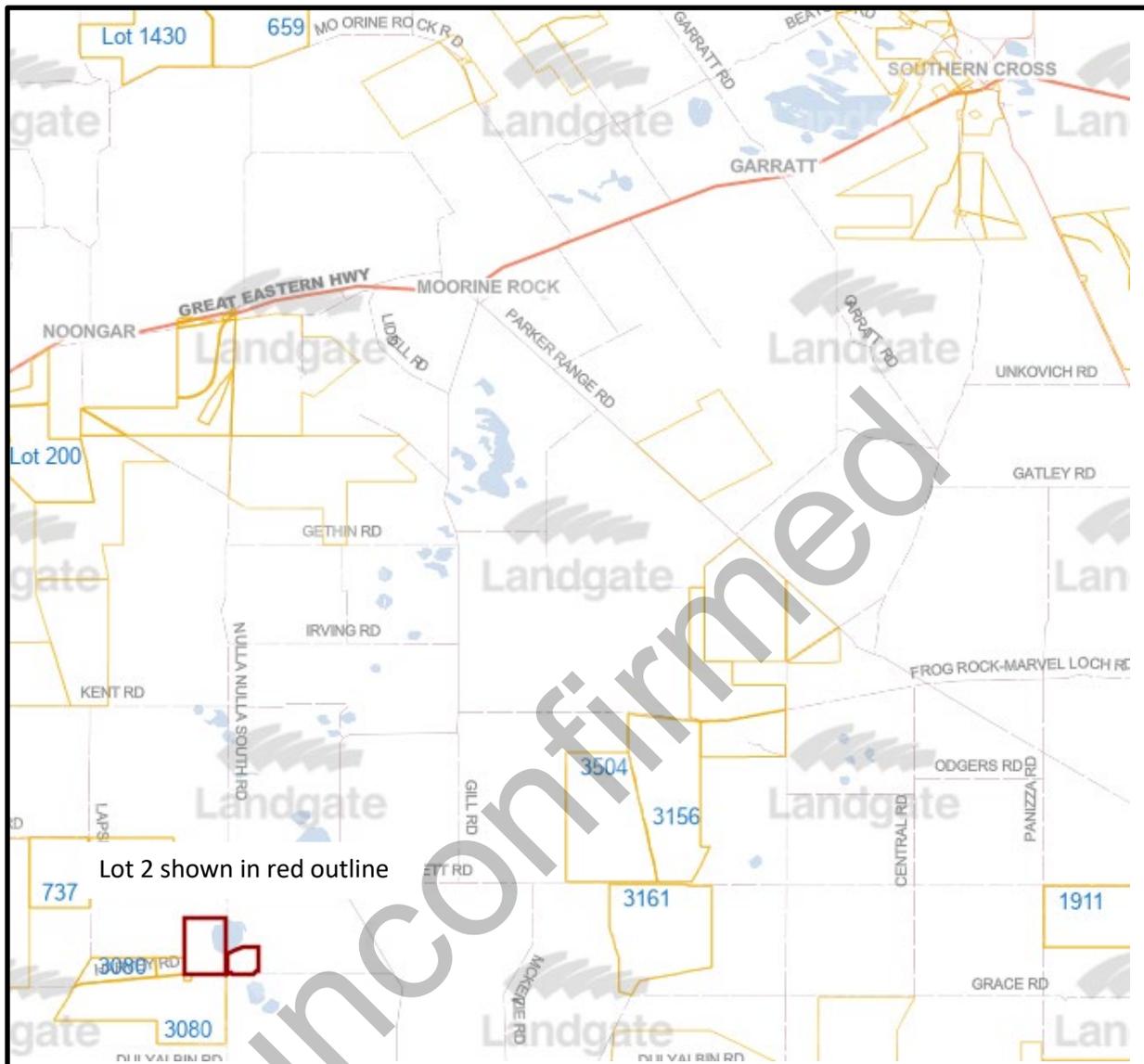
Lot 2 is located approximately 46 kilometres to the south-south-west of the Southern Cross townsite.

It is south of the Great Eastern Highway, with the nearest intersection being Nulla Nulla South Road and Harvey Road in South Bodallin.

The lot traverses Nulla Nulla South Road, however the proposed development is on the western portion of Lot 2.

The lot has an approximate area of 534 hectares and is used for general agricultural purposes.

A location plan is included over page for convenience.



Above: Location Plan

## Comment

- **Description of Application**

The Shire is in receipt of a Development Application from Crisp Wireless seeking approval to extend their fixed wireless network within the Shire of Yilgarn.

The application relates to a privately owned property and Crisp Wireless have obtained permission from the landowner to construct telecommunication infrastructure on Lot 2.

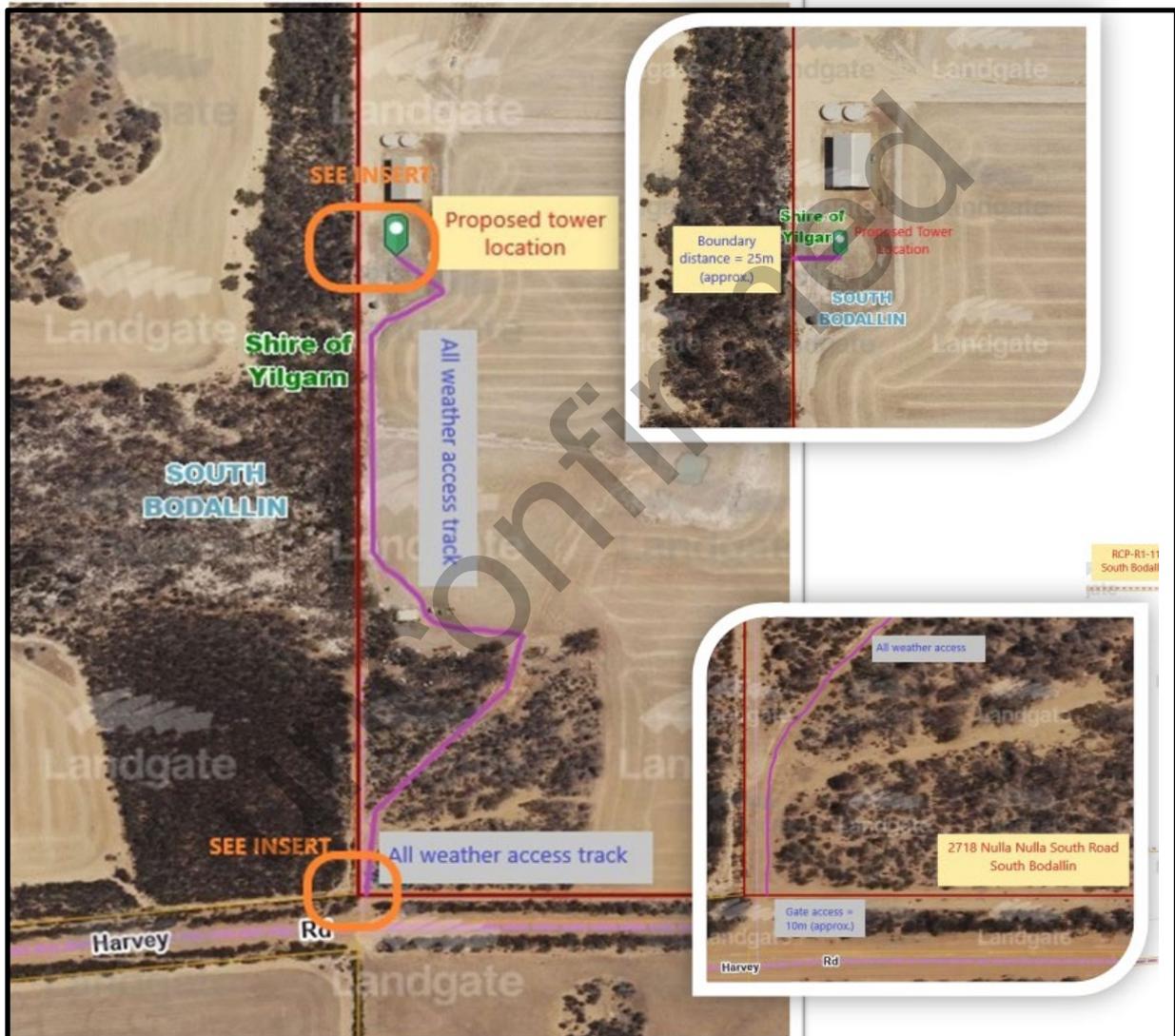
The development will include:

- A 30 metre high steel tower;
- A combination of Dual Pole Parabolic Antennas (Dishes) and Sector Antennas;
- A 14.4m<sup>2</sup> sea container to house communications equipment; and

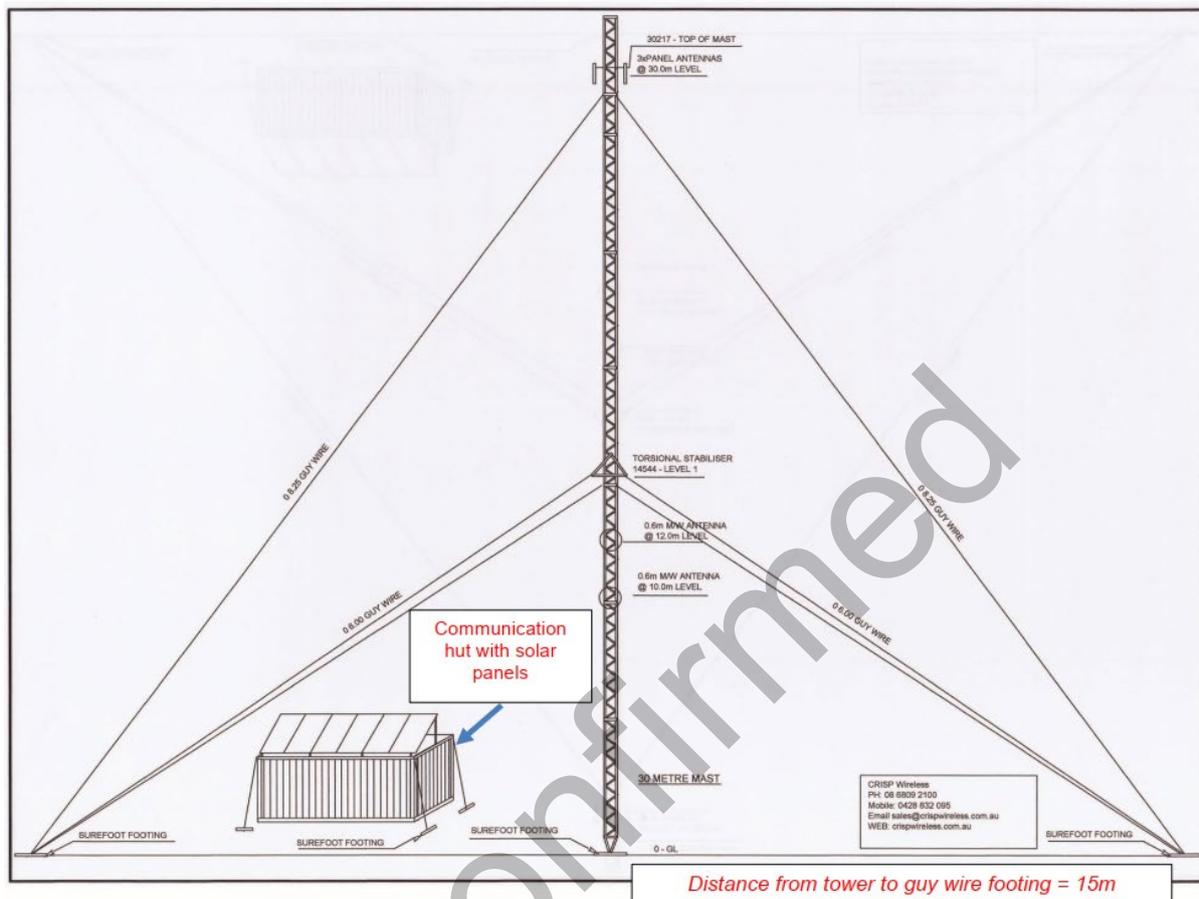
- Solar panels to power the system contained in the sea container.

The tower will be located in the western part of the subject land in an existing cleared area. It will be setback approximately 25 metres from the west lot boundary, approximately 2 kilometres from the north lot boundary, and approximately 1.5 kilometres from the South Nulla Nulla Road lot boundary. The tower and associated infrastructure will occupy an area of approximately 400m<sup>2</sup>.

A site plan (and inset enlargement) is included below.



An elevation plan is included below.



- **Zoning and Scheme requirements**

Lot 2 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Clause 3.1.1 e) of the Scheme states that *"The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement"*

Although the rural/mining zone objective is to be used for agricultural, residential and public recreation, Council has discretion to consider other land uses in accordance with 'Table 1 – Zoning Table' under the Scheme.

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

Part of the planning assessment involves determining which land use definition from the Scheme ‘best fits’ the proposal.

There is no specific definition for telecommunications infrastructure in the Scheme, therefore the Shire has historically processed these types of development as ‘radio and television installation’.

The term ‘radio and television installation’ is defined in the Scheme as ‘*means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.*’

The land use of ‘radio and television installation’ is listed in Table 1 of the Scheme as an ‘AA’ use in the Rural Mining zone which ‘*means that the use is not permitted unless the Council has granted planning approval*’.

An extract of Table 1 is included below.

**TABLE 1 - ZONING TABLE**

		ZONES					
		Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
40	Radio/TV. Installation	SA	AA	AA		AA	AA

- **Assessment**

In the absence of any specific scheme requirements, the main consideration is whether there will be any significant negative impact on neighbouring lots or the existing streetscape.

It is important to note that by their very nature, any telecommunications tower may be visible from surrounding areas simply due to the height. From a practical perspective, height is an essential attribute of telecommunications infrastructure and is integral to the development being able to provide a service to the community.

The lattice design of the tower combined with the setback to surrounding streets minimises any potential adverse impacts.

- **Advertising**

Whilst advertising of the application is not compulsory, Council has discretion to advertise any application for public comment. This application has not been advertised for public comment.

## Statutory Environment

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 3.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

*Shire of Yilgarn Town Planning Scheme No 2* – explained in the body of this report.

## Strategic Implications

Approval of the development may set a precedent for similar sized telecommunications infrastructure to be established in the Rural Mining zone.

## Policy Implications

There is no Council policy applicable to this report. There is a Western Australian Planning Commission State Planning Policy 5.2 on Telecommunications Infrastructure.

Adequate and reliable telecommunications are essential for all aspects of contemporary community life, from supporting the State’s economy to creating and maintaining connected and cohesive social networks.

The State planning policy aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas.

This policy applies throughout Western Australia in respect to above and below ground telecommunications infrastructure other than those facilities exempted under the Commonwealth *Telecommunications Act 1997* (Telecommunications Act).

## Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

## Risk Implications

There are no known risks associated with the proposed development.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation and Council Decision

12/2023

Moved Cr Rose/Seconded Cr Close

That Council:

- A. Approve the application for telecommunications infrastructure as 'radio and television installation' on Lot 2 Nulla Nulla South Road, South Bodallin subject to the following conditions:
- The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans.
  - If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

CARRIED (4/0)

## 9.1 Officers Report – Chief Executive Officer

### 9.1.9 Proposed Telecommunications Infrastructure –Lot 636 Noongar South Road, Bodallin

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

Council is to consider a planning application for telecommunications infrastructure on Lot 636 in Bodallin which is accessed via Noongar South Road.

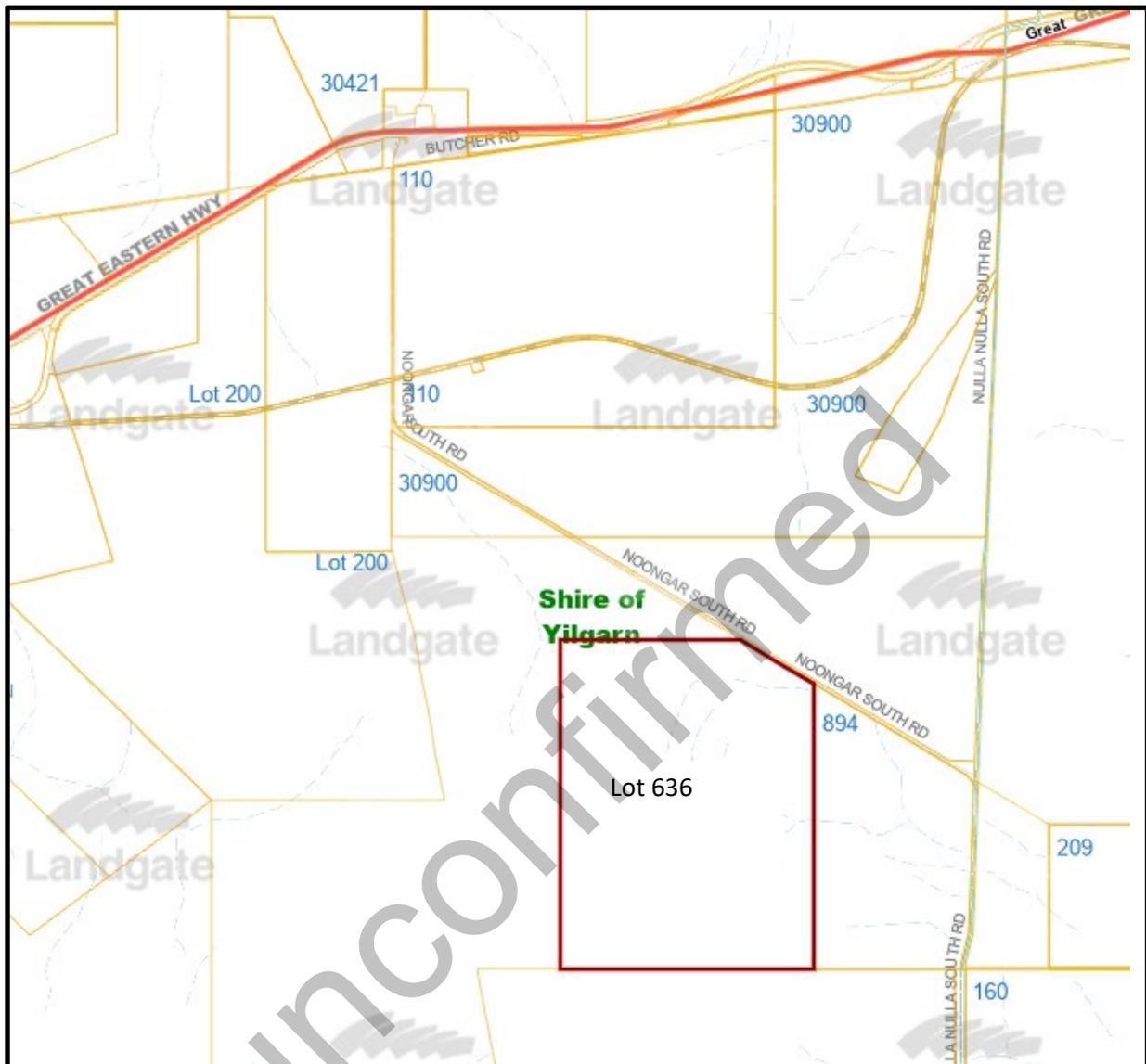
#### Background

- **Location and Existing Development**

Lot 636 is located approximately 35 kilometres south west of the Southern Cross townsite. It is south of the Great Eastern Highway, with the nearest intersection being Noongar South Road and Nulla Nulla South Road in Bodallin.

A location plan is included over page for convenience.

The lot has an approximate area of 882 hectares and is used for general agricultural purposes.



Above: Location Plan

### Comment

- **Description of Application**

The Shire is in receipt of a Development Application from Crisp Wireless seeking approval to extend their fixed wireless network within the Shire of Yilgarn.

The application relates to a privately owned property and Crisp Wireless have obtained permission from the landowner to construct telecommunication infrastructure on Lot 636.

The development will include:

- A 30 metre high steel tower;
- A combination of Dual Pole Parabolic Antennas (Dishes) and Sector Antennas;
- A 14.4m<sup>2</sup> sea container to house communications equipment; and

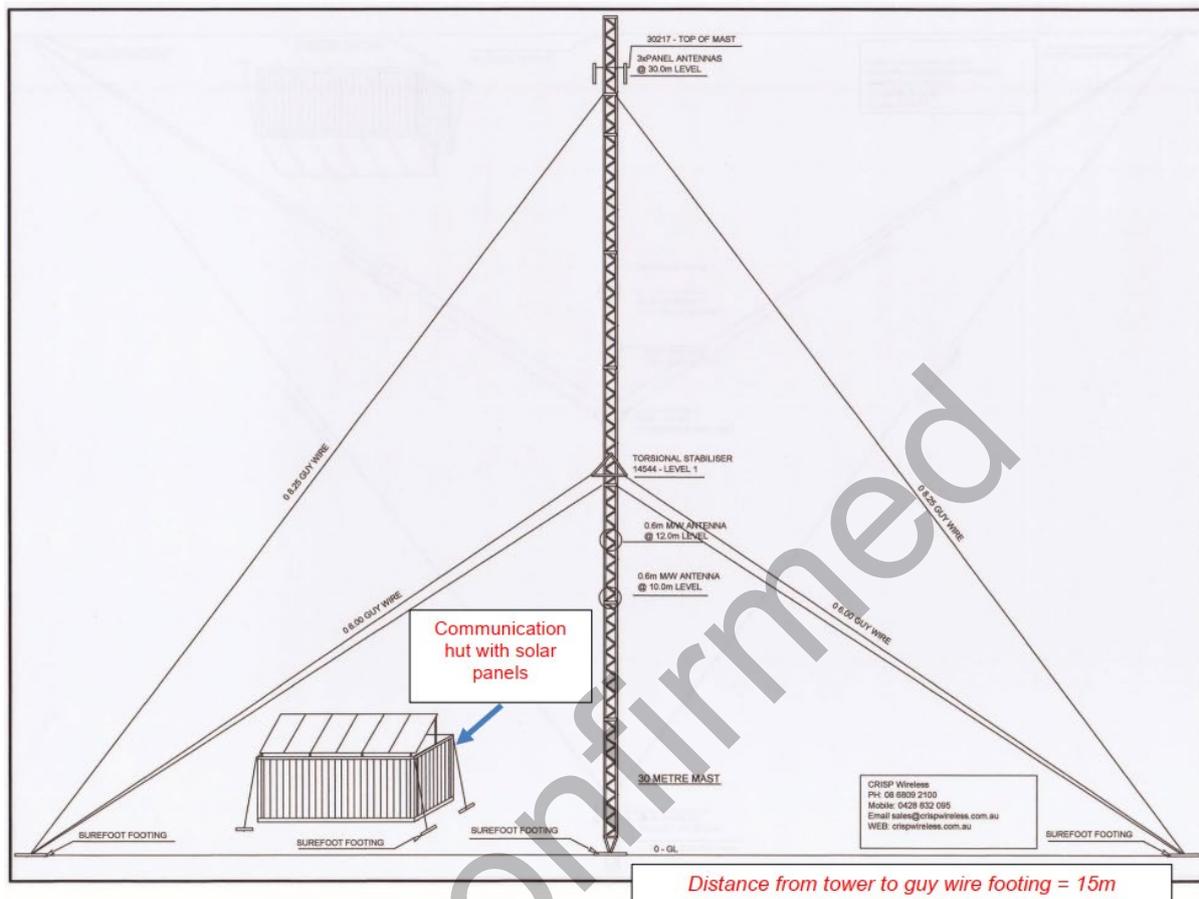
- Solar panels to power the system contained in the sea container.

The tower will be located in the northern part of the subject land in an existing cleared area. It will be setback 165 metres from the north lot boundary. The tower and associated infrastructure will occupy an area of approximately 400m<sup>2</sup>.

A site plan (and inset enlargement) is included below.



An elevation plan is included below.



- **Zoning and Scheme requirements**

Lot 636 is zoned 'Rural/Mining' under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Clause 3.1.1 e) of the Scheme states that *"The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement"*

Although the rural/mining zone objective is to be used for agricultural, residential and public recreation, Council has discretion to consider other land uses in accordance with 'Table 1 – Zoning Table' under the Scheme.

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

Part of the planning assessment involves determining which land use definition from the Scheme ‘best fits’ the proposal.

There is no specific definition for telecommunications infrastructure in the Scheme, therefore the Shire has historically processed these types of development as ‘radio and television installation’.

The term ‘radio and television installation’ is defined in the Scheme as ‘*means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.*’

The land use of ‘radio and television installation’ is listed in Table 1 of the Scheme as an ‘AA’ use in the Rural Mining zone which ‘*means that the use is not permitted unless the Council has granted planning approval*’.

An extract of Table 1 is included below.

**TABLE 1 - ZONING TABLE**

		ZONES					
		Residential	Commercial	Industrial	Special Use	Townsite	Rural Mining
40	Radio/TV. Installation	SA	AA	AA		AA	AA

- **Assessment**

In the absence of any specific scheme requirements, the main consideration is whether there will be any significant negative impact on neighbouring lots or the existing streetscape.

It is important to note that by their very nature, any telecommunications tower will likely be visible from surrounding areas simply due to the height. From a practical perspective, height is an essential attribute of telecommunications infrastructure and is integral to the development being able to provide a service to the community.

The lattice design of the tower combined with the setback to the street minimises adverse impacts.

- **Advertising**

Whilst advertising of the application is not compulsory, Council has discretion to advertise any application for public comment. This application has not been advertised for public comment.

## Statutory Environment

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 2.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

*Shire of Yilgarn Town Planning Scheme No 2* – explained in the body of this report.

## Strategic Implications

Approval of the development may set a precedent for similar sized telecommunications infrastructure to be established in the Rural Mining zone.

## Policy Implications

There is no Council policy applicable to this report. There is a Western Australian Planning Commission State Planning Policy 5.2 on Telecommunications Infrastructure.

Adequate and reliable telecommunications are essential for all aspects of contemporary community life, from supporting the State’s economy to creating and maintaining connected and cohesive social networks.

The State planning policy aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas.

This policy applies throughout Western Australia in respect to above and below ground telecommunications infrastructure other than those facilities exempted under the Commonwealth *Telecommunications Act 1997* (Telecommunications Act).

## Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

## Risk Implications

There are no known risks associated with the proposed development.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation and Council Decision

**13/2023**

***Moved Cr Close/Seconded Cr Rose***

***That Council:***

- A. *Approve the application for telecommunications infrastructure as ‘radio and television installation’ on Lot 636 Noongar South Road, Bodallin subject to the following conditions:***
- 1. *The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans.***
  - 3. *If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.***

**CARRIED (4/0)**

## 9.1 Officers Report – Chief Executive Officer

### 9.1.10 Proposed Outbuilding–Lot 20 (No 51) Polaris Street, Southern Cross

<b>File Reference</b>	<b>3.1.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Liz Bushby, Town Planning Innovations</b>
<b>Attachments</b>	<b>1. Site Photographs</b>

#### Purpose of Report

Council is to consider a planning application for an outbuilding on Lot 20 (No 51) Polaris Street, Southern Cross.

#### Background

- **Location and Existing Development**

Lot 20 has been developed with an existing house, carport and chicken pens. It has an area of 3010m<sup>2</sup>.

The lot is located near the intersection of Polaris Street and Argus Street in the Southern Cross townsite.

The lot to the immediate north (of Lot 20) has also been developed with a single house. The property to the immediate south is vacant and is owned by the State of Western Australia. The property that shares a rear boundary with Lot 20 is vacant land in private ownership.

A location plan is included over page for ease of reference.



Above: Location Plan

### Comment

- **Zoning and Scheme requirements**

Lot 20 is zoned Residential with an R10 density code under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

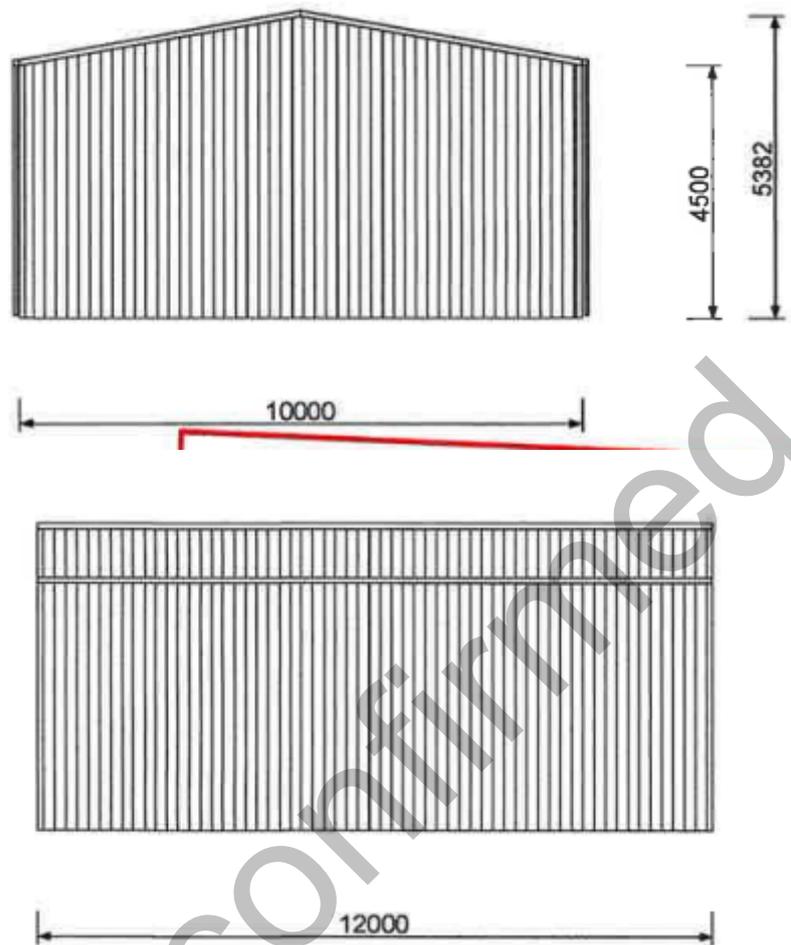
The proposed outbuilding requires planning approval as it entails variations to the Residential Design Codes.

- **Description of Application**

The outbuilding is proposed to the rear of the existing dwelling in the south east portion of Lot 20.

The outbuilding will have a total floor area of 120m<sup>2</sup>. It is proposed to have a wall height of 4.5 metres and a height of 5.382 metres to the roof peak.





- **State Planning Policy 7.3 - Residential Design Codes**

The Residential Design Codes (R-Codes) operate as a State Planning Policy produced by the Western Australian Planning Commission. The R-Codes provide a basis for the control and assessment of residential development throughout Western Australia.

The R-Codes contain a number of definitions for various residential structures, including an outbuilding which is defined as ‘*an enclosed structure non-habitable structure that is detached from any dwelling.*’

The R Codes have two separate options for the assessment of development including ‘Deemed to Comply’ criteria and ‘Design Principles’.

Under the Residential Design Codes there are specific ‘Deemed to Comply’ requirements for outbuildings. The proposed outbuilding seeks variations to the Residential Design Codes as detailed below:

Clause 5.4.3 C3 B ‘deemed to comply’ criteria / Outbuildings that:	Officer Comment (TPI)
(i) individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. A floor area of 120m <sup>2</sup> is proposed.
(ii) setback in accordance with Table 2a.	Complies.
(iii) does not exceed a wall height of 2.4 metres	Variation. A wall height of 4.5 metres is proposed.
(iv) does not exceed a ridge height of 4.2 metres	Variation. The maximum ridge height is 5.382 metres.
(vi) not located within the primary or secondary street setback area; and	Complies.
vi) do not reduce the open space and outdoor living area requirements in table 1.	Complies.

The application proposes variations to the ‘Deemed to Comply’ requirements therefore the Shire has to determine if the outbuilding complies with the alternative ‘Design Principle’ (5.4.3 P3) of the Codes which is:

*“Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties”.*

TPI is not in a position to undertake a thorough amenity impact assessment, and is of the understanding that Council has approved some large outbuildings in the past. Past decisions are relevant as they set a precedent for outbuildings in the Southern Cross townsite.

TPI has provided Council with two options in the officer recommendation, as Council needs to consider past decisions, streetscape and neighbour amenity.

Council has the option to refuse the proposed outbuilding if it forms the view that the outbuilding does not comply with the ‘Design Principle’ (5.4.3 P3) of the Codes as it has potential to *‘detract from the streetscape or the visual amenity of residents of neighbouring properties.’*

- **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

Under the ‘deemed provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have ‘due regard’ to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of ‘State Planning Policy 3.7: Planning in Bushfire Prone Areas’ (SPP 3.7).

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas (‘the Guidelines’) in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website.

The development is proposed within a part of Lot 20 that is within the declared bushfire prone area.

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment. There is no specific exemption for outbuildings.

Despite the above, the Guidelines that make it clear that application of SPP3.7 is to the discretion of the decision maker, being the Shire Council.

TPI does not recommend that any Bushfire Attack Level assessment be required for the following reasons:

- d) The outbuilding will be separated from the existing house This reduces the likelihood of any ember attack spreading between the buildings;
- e) The development is non habitable and will be used for storage;
- f) If a separate building permit is required, then building compliance will be examined at the more detailed building application stage.

- **Consultation**

The application was advertised for public comment through publication of a notice on the Shires website, Facebook page and letters to adjacent neighbours. Public advertising commenced on the 19 December 2022 and closed on the 13 January 2023, with no submissions have been received.

### **Statutory Environment**

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 3.

Clause 61 lists development that is exempt from the need for planning approval, including outbuildings that are ancillary to a dwelling and comply with the ‘deemed to comply’ requirements of the Residential Design Codes. This application requires planning approval as it entails variations to the Residential Design Codes.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Shire of Yilgarn Town Planning Scheme No 2 – explained in the body of this report.

Clause 1.8.2 : Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

#### **Strategic Implications**

Approval of the development will set a precedent for similar sized outbuildings on larger lots in the Residential zone.

#### **Policy Implications**

The Shire Policy Manual includes a Policy No 4.6 ‘Outbuildings in Residential and Townsite zones’.

The Policy still requires Council to consider potential visual and amenity impacts associated with outbuildings, however it provides a guide to applicants in a table format – refer over page.

Table 1

LOT AREA (m <sup>2</sup> )	LOT DENSITY RATING	MAXIMUM SINGLE OUTBUILDING (m <sup>2</sup> )	TOTAL OUTBUILDING S (m <sup>2</sup> )	MAXIMUM WALL HEIGHT (metres)	MAXIMUM RIDGE HEIGHT (metres)
260 - 450	R30	25	43 - 55	2.4	3.0
451 - 699	R17.5/R15	40	55 - 70	2.4	3.0
700 - 874	R12.5	60	85	3.0	3.6
901 - 1500	R10	90	125	3.0	3.6
1501 - 2000	R10	115	160	3.5	4.0
2001 - 3500	R5	145	265	3.5	4.2
3501 - 5000	R2.5	160	375	3.5	4.5

Note: The sizes specified in Table 1 above are a guide only. Until all factors are considered, a final maximum outbuilding size cannot be provided.

Lot 20 is zoned R10 and has an area of 3010m<sup>2</sup>, therefore under the Shires Policy Guide, a 115m<sup>2</sup> outbuilding with a wall height of 3.5 metres and roof height of 4 metres can be contemplated.

This application seeks a 120m<sup>2</sup> floor area, wall height of 4.5 metres and roof peak height of 5.382m<sup>2</sup>.

The Shires Policy Manual includes town planning policies which have not been adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)*.

As a result, TPI has not given significant weight to the policy in terms of any planning assessment. TPI recommends that the Shire review all existing planning and building policies to address this situation.

Notwithstanding the above, if the Policy is a guide of the type of outbuilding sizes that are supported by Council, then this application entails variation to the policy guidelines.

### Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

### Risk Implications

There are no known risks associated with the proposed development.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation

*That Council:*

- A. *Note that the proposed outbuilding on Lot 20 (No 51) Polaris Street, Southern Cross has been advertised for public comment. Advertising has closed and no submissions have been received.*
- B. *Note that two options have been outlined in this report in regards to the proposed outbuilding.*

**OPTION 1 – APPROVE THE OUTBUILDING SUBJECT TO CONDITIONS**

**C. Approve the application for an outbuilding on Lot 20 (No 51) Polaris Street, Southern Cross subject to the following conditions and footnote:**

- 1. The plans and information lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
- 2. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or the rear laneway.**
- 3. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**

**Footnote:**

- (i) This is a planning consent only and owners need a separate building permit approval prior to commencing any site works or construction.**

**OR**

**OPTION 2 – REFUSE THE OUTBUILDING BASED ON AMENITY IMPACTS**

**D. Refuse the application for an outbuilding on Lot 20 (No 51) Polaris Street, Southern Cross for the following reasons:**

- 1. The outbuilding does not meet the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as the height will detract from the streetscape and the visual amenity of the adjacent lots.**
- 2. The proposed outbuilding will have a detrimental impact on streetscape and a negative visual impact on adjacent properties.**

### Alternative Motion Moved by Council and Council Decision

14/2023

*Moved Cr Nolan/Seconded Cr Rose*

*That Council:*

*In relation to the proposed shed at Lot 20 (No 51) Polaris Street, Southern Cross, raise the following concerns:*

- *Height of the proposed shed will impact on the surrounding amenity;*
- *Restricted vehicle access to the shed, given the lot only has road access from the front of the Lot, and existing structures seem to inhibit access to the rear of the Lot;*
- *Intended use of the shed, given the size, seems a commercially sized structure.*

*And*

*Request either:*

1. *An amended proposal with a reduced shed size, to sufficiently reduce the impact to amenity, and details on access from the street frontage;*
- or*
2. *Further details on current proposal, addressing the concerns listed above, and specifically, detailing the precise reasons for the proposed shed height, access from street frontage, and confirmation the shed is not intended to be utilised for commercial purposes.*

*And*

*For the matter to be returned to Council upon the Shire of Yilgarn receiving said updated proposal.*

*Carried (4/0)*

### Reason for Council Decision being different from the Officers Recommendation

*Council raised concerns with the proposed height of the building and its effects on amenity; how the shed, located at the rear of the property, would be accessed from the street frontage and the proposed use of the shed, which given its size, indicates commercial activities.*

The Presiding member, Cr Della Bosca, adjourned the meeting at 6.08pm.

The Presiding member, Cr Della Bosca reconvened the meeting at 6.12pm.

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.1 Financial Reports–December 2022

<b>File Reference</b>	<b>8.2.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Cameron Watson-Executive Manager Corporate Services</b>
<b>Attachments</b>	<b>Financial Reports</b>

#### Purpose of Report

To consider the Financial Reports

#### Background

Enclosed for Council’s information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are attached and have been prepared as at the 31 December 2022

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council’s current Financial Position as at the end of each month.

#### Comment

Nil

#### Statutory Environment

Local Government (Financial Management) Regulations 1996

#### 34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

***committed assets*** means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- budget estimates to the end of the month to which the statement relates; and

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

#### **Strategic Implications**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Risk Implications**

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Monthly snapshot of Councils financial position	Moderate (6)	Ongoing review of Councils operations
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

#### Officer Recommendation

15/2023

*Moved Cr Rose/Seconded Cr Della Bosca*

*That Council endorse the various Financial Reports as presented for the period ending 31 December 2022.*

**CARRIED (4/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.2 Financial Reports–January 2023

<b>File Reference</b>	<b>8.2.3.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Author</b>	<b>Cameron Watson-Executive Manger Corporate Services</b>
<b>Attachments</b>	<b>Financial Reports</b>

#### Purpose of Report

To consider the Financial Reports

#### Background

Enclosed for Council’s information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are attached and have been prepared as at the 31 January 2023

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council’s current Financial Position as at the end of each month.

#### Comment

Nil

#### Statutory Environment

Local Government (Financial Management) Regulations 1996

#### 34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

***committed assets*** means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- budget estimates to the end of the month to which the statement relates; and

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

#### **Strategic Implications**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Monthly snapshot of Councils financial position	Moderate (6)	Ongoing review of Councils operations
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation and Council Decision

16/2023

*Moved Cr Close/Seconded Cr Nolan*

*That Council endorse the various Financial Reports as presented for the period ending 31 January 2023.*

**CARRIED (4/0)**

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.3 Accounts for Payment - December 2022 and January 2023

<b>File Reference</b>	<b>8.2.1.2</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Simple Majority</b>
<b>Attachments</b>	<b>Accounts for Payment</b>

#### Purpose of Report

To consider the Accounts Paid under delegated authority.

#### Background

- Municipal Fund – Cheques 41183 to 41190 totalling \$15,959.06
- Municipal Fund – Cheques 41191 to 41198 totalling \$9,148.26
- Municipal Fund - EFT 13410 to 13561 totalling \$1,346,719.23
- Municipal Fund - EFT 13565 to 13642 totalling \$643,575.01
- Municipal Fund – Cheques 2066 to 2083 totalling \$290,836.26
- Municipal Fund – Cheques 2084 to 2101 totalling \$268,366.48
- Municipal Fund - Direct Debit Numbers:
  - 17454.1 to 17454.13 totalling \$25,361.07
  - 17489.1 to 17489.12 totalling \$26,141.73
  - 17518.1 to 17518.12 totalling \$23,021.05
  - 17545.1 to 17545.13 totalling \$23,432.29
- Trust Fund – Cheque 402673 totalling \$2,665.07
- Trust Fund – EFT 13562 to 13564, and 13643 totalling \$7,176.39

The above are presented for endorsement as per the submitted list.

#### Comment

Nil

## Statutory Environment

### Local Government Act 1995

#### **5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* *Absolute majority required.*

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

### Local Government (Financial Management) Regulations 1996

#### **12. Payments from municipal fund or trust fund, restrictions on making**

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

#### **13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name; and
  - (b) the amount of the payment; and
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) for each account which requires council authorisation in that month —
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction;and
  - (b) the date of the meeting of the council to which the list is to be presented.

- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

### Strategic Implications

Nil

### Policy Implications

Council Policy 3.11 – Timely Payment of Suppliers

### Financial Implications

Drawdown of Bank funds

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Transactions require two senior managers to approve.	Moderate (8)	Transactions require two senior managers to sign cheques or approve bank transfers.
Financial Impact	Reduction in available cash.	Moderate (5)	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Moderate (6)	Adherence to statutory requirements
Reputational	Non or late payment of outstanding invoices and/or commitments	Moderate (9)	Adherence to Timely Payment of Suppliers Policy
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

#### Officer Recommendation and Council Decision

17/2023

*Moved Cr Close/Seconded Cr Rose*

- *Municipal Fund – Cheques 41183 to 41190 totalling \$15,959.06*
- *Municipal Fund – Cheques 41191 to 41198 totalling \$9,148.26*
- *Municipal Fund - EFT 13410 to 13561 totalling \$1,346,719.23*
- *Municipal Fund - EFT 13565 to 13642 totalling \$643,575.01*
- *Municipal Fund – Cheques 2066 to 2083 totalling \$290,836.26*
- *Municipal Fund – Cheques 2084 to 2101 totalling \$268,366.48*
- *Municipal Fund - Direct Debit Numbers:*
  - *17454.1 to 17454.13 totalling \$25,361.07*
  - *17489.1 to 17489.12 totalling \$26,141.73*
  - *17518.1 to 17518.12 totalling \$23,021.05*
  - *17545.1 to 17545.13 totalling \$23,432.29*

- *Trust Fund – Cheque 402673 totalling \$2,665.07*
- *Trust Fund – EFT 13562 to 13564, and 13643 totalling \$7,176.39*

*The above are presented for endorsement as per the submitted list.*

**CARRIED (4/0)**

unconfirmed

## 9.2 Reporting Officer– Executive Manager Corporate Services

### 9.2.4 Budget Amendment – Administration Pool Vehicle

<b>File Reference</b>	<b>8.2.5.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Nil</b>

#### Purpose of Report

This report seeks Council’s approval for an amendment to its 2022/2023 budget to allow for expenditure from its municipal fund for the purchase of an Administration staff pool vehicle.

#### Background

Historically, Councils Administration has not had a dedicated staff pool vehicle but did have access, if required, to the then Community Car – A Toyota RAV4, registration YL 285.

With the recent difficulties in attracting suitably qualified staff, it was decided to better utilise the Community Car as a vehicle allocated to the Finance Manager’s position with restricted private use. This allowed for the vehicle to be available to Administration staff and Councillors when required.

YL 285 was traded in the current financial year, but due to supply issues, the new vehicle acquired was a Ford Ranger XLT and is currently being utilised by Councils Asset Management Officer.

#### Comment

The Executive Manager Infrastructure recently appointed a qualified plumber to the works crew, initially as a plant operator. Due to this individual’s trades skill base, it was decided to utilise this individual to catch up on a significant backlog of works outstanding and required to the Southern Cross and Marvel Loch sewerage systems. As Council does not have a surplus of suitable vehicles available, it was decided to allocate YL 121 (then the Asset Management Officers vehicle) to help facilitate these works.

The Asset Management Officer is currently utilising YL 285 but this vehicle is intended for the new Finance Managers use as per their contract of employment. YL 252 – Toyota Hilux Dual Cab Utility, the previous Executive Manager Regulatory Services vehicle will be a pool vehicle for both the Work Health & Safety Officer and the new position of Regulatory Services Officer.

A utility type vehicle (YL 285) is not a requirement for an Administration vehicle and can be better used in other areas. It was identified during the 2022/23 Budget Review staff workshop that the utility vehicle’s current use as the Asset Management Officers vehicle is more appropriate and that a new Administration vehicle that is assigned to the Finance Manager should be sourced.

The 2022/23 Budget Review, which will be presented to Council at a Special Meeting to be held in early March 2023, will indicate a surplus over what was originally budgeted. It will be recommended that the cost associated with the acquisition of a new Administration vehicle will come from this surplus. A quote has been sourced from Golden City Motors for the immediate supply of a Mitsubishi Outlander LS at a quoted price of \$38,173 ex GST.

## Statutory Environment

### Local Government Act 1995

#### **6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

The recommendation that follows is consistent with the legislative requirements.

## Strategic Implications

### Civic Leadership Objective

Dynamic and visionary leadership guiding our community into the future.

### Civic Leadership Outcome

Outcome 4.1 - A trustworthy and cohesive Council that functions efficiently and effectively.

### Civic Leadership Strategy

4.1.2 - Maintain a high level of corporate governance, responsibility and accountability.

## Policy Implications

Council Policy 3.5 – Purchasing & Tendering

## Financial Implications

It is intended to fund the acquisition of a new Administration poll vehicle from surplus funds identified during the 2022/23 Budget Review.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Adequate funding available to acquire the asset	Low (2)	Utilise current vehicle until such time as funding is available
Service Interruption	Nil	Nil	Nil
Compliance	Nil	Nil	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation and Council Decision

**18/2023**

**Moved Cr Nolan/Seconded Cr Close**

**That Council approves the following budget amendments:**

<i>Sub-Program</i>	<i>Account / Job</i>	<i>Current Budget \$</i>	<i>Amended Budget \$</i>
<u>Expenditure</u>			
146 - Public Admin	E14656 - Shire Administration - Plant & Equipment Capital	180,000	218,200

**CARRIED BY ABSOLUTE MAJORITY (4/0)**

### 10 APPLICATIONS FOR LEAVE OF ABSENCE

**19/2023**

**Moved Cr Rose Seconded Cr Close**

**That Cr Jodie Cobden be granted a Leave of Absence from the April 2023 Ordinary Meeting of Council**

**CARRIED (4/0)**

### 11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

### 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

**20/2023**

**Moved Cr Rose/Seconded Cr Close**

**That the late item be accepted by council for consideration**

**CARRIED (4/0)**

## 12 Late Item - Chief Executive Officer

### 12.1 Request for Consent to Mine Over Marvel Loch Town Site and R40746 - M77/525

#### File Reference

#### Disclosure of Interest

None

#### Voting Requirements

Simple Majority

#### Author

Nic Warren – Chief Executive Officer

#### Attachments

1. Programme of Work
2. Tenement Endorsement and Conditions Extract
3. Tenographs and Maps

### Purpose of Report

For Council to consider a response to the Department of Mines, Industry Regulation and Safety relating to a request for consent to mine over Marvel Loch town site and Reserve 40746.

### Background

The Shire has received correspondence from the Department of Mines, Industry Regulation and Safety, seeking Council's comments regarding a request from Barto Gold Mining Pty Ltd to mine within the Marvel Loch Townsite.

Under Sections 23 to 26 of the Mining Act 1978 (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to townsites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

As such, the Minister for Mines and Petroleum has therefore sought Council's comments and recommendation with regard to the impact of the application on the Reserve 40746. This reserve is designated an Effluent Disposal Reserve, vested to the Shire of Yilgarn.

The Department have advised, should Council be favourable to the proposal, that Councillors consider the following endorsement and condition:

*Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Act except that below 30 metres from the natural surface of the land.*

*Condition: Access to the surface of land within Marvel Loch Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.*

### Comment

The Programme of work is attached, and details the proposed works involves a drilling program only.

The Tenement Endorsement and Conditions Extract, tenenographs and Plans provided by the Department are attached.

Access to private land within the townsite is not permitted without consent, except for 30 metres below the surface.

Access to the Shire's Reserve is at the discretion of Council. Management consider any access to the Shire reserve must be pre-arranged with relevant staff, and any activities endorsed by relevant executive manager. Any proposed works must not interfere with the effluent treatment system.

The Department of Water and Environment Regulation manage nuisances from mining operations, and will set the requirements for noise, dust and vibration management.

### Statutory Environment

*Mining Act 1978*

### Strategic Implications

Nil.

### Policy Implications

Nil.

### Financial Implications

Nil.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil

<b>Compliance</b>	Compliance with relative environmental and mining legislation.	Moderate (6)	DMIRS Assessment and Approval Processes
<b>Reputational</b>	Nil	Nil	Nil
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Environmental Impacts from Mining Activities	Moderate 6	DMIRS Assessment and Approval Processes

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

#### Officer Recommendation

*That Council endorse the following response to the Department of Mines, Industry Regulation and Safety:*

*In relation to the request from Barto Gold Mining Pty Ltd, to mine within the Marvel Loch townsite on M 77/525, the Shire of Yilgarn have no objections to the proposal, upon the following conditions:*

- *Activities are limited to drilling only within the delineated areas;*
- *Access to Shire Reserve 40746 is only permitted via pre-arrangement and any activities must be endorsed by relevant executive manager. Any proposed works must not interfere with the effluent treatment system;*
- *Strict compliance with the tenement conditions provided; and*
- *Dust, noise and vibration are suitably managed by the applicant, and monitored by relevant enforcement agency;*

*And*

***That Council endorse the following endorsement and condition, as provided by the Department of Mines, Industry Regulation and Safety:***

***Endorsement:***            ***The grant of this lease does not include any private land referred to in Section 29(2) of the Act except that below 30 metres from the natural surface of the land.***

***Condition:***            ***Access to the surface of land within Marvel Loch Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.***

#### **Alternative Motion Moved by Council and Council Decision**

***21/2022***

***Moved Cr Nolan/Seconded Cr Close***

***That Council request a presentation from Barto Golf Pty Ltd Representatives, prior to making further determinations on their request to mine within the Marvel Loch townsite on Mining Tenement 77/525***

***Carried (4/0)***

#### **Reason the Council Decision is different from the Officer Recommendation**

*Council have concerns regarding the impacts of the activities to residents of Marvel Loch, and seek further information direct from Barto Gold Pty Ltd via presentation.*

#### **13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS**

Nil

#### **14 EMERGING ISSUES**

Cr Nolan requested permission from the presiding member to raise a number of emerging issues. Cr Della Bosca, as the presiding member, agreed for Councillors to raise any emerging issues:

*Cr Nolan's issued raised:*

- 1. Has the Shire of Yilgarn received any consultation from British Hill mining?*

*CEO Response: No.*

2. *Has the Shire of Yilgarn received any information regarding a wash down bay being installed by Campbells Transport in Moorine Rock?*  
*CEO Response: No.*
3. *Raised concerns with widespread NBN issues throughout the district.*
4. *Advised Council, WALGA are providing a training course on CEO Annual Performance Review processes, and encouraged Councillors to consider attending.*
5. *Raised concerns with nuisance issues within the Southern Cross townsite, citing Motorbikes being ridden through townsite and firebreak compliance as current issues. Sought Shire staff to seek assistance from Police.*

*Cr Close sought an update on progress with the clean up of the mining lease at the entry to town. CEO advised, as per previous advice, the Department of Mines, Industry Regulation and Safety had provided until end of June 2023 to address the state of the tenement.*

*Cr Della Bosca raised concerns with the number of cars parked out the front of certain premises along Antares Street. CEO advised the matter was being dealt with via Shire Rangers.*

## 15 CLOSURE

Cr Wayne Della Bosca thanked all for their attendance.

As there was no further business to discuss, the Shire President declared the meeting closed at 6.27pm

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 16 February 2023, are confirmed on Thursday, 16 March 2023 as a true and correct record of the February 2023 Ordinary Meeting of Council.

**Cr Wayne Della Bosca**  
**SHIRE PRESIDENT**



# Minutes Audit Committee Meeting

16 February  
2023

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## 1. DECLARATION OF OPENING

The presiding member, Chair of the Shire of Yilgarn Audit Committee, Cr Della Bosca, opened the meeting at 2:30 pm.

## 2. ATTENDANCE

Cr W Della Bosca	Member	(Chair)
Cr B Close	Member	
Cr P Nolan	Member	
Mr. N Warren	Chief Executive Officer	
Mr. C Watson	Executive Manager Corporate Services	
Mr. G Brigg	Executive Manager Infrastructure	(Entered room at 2:39 pm)

Apologies: Mrs. J Della Bosca, Community Member  
Cr J Cobden, Member

Observers: Mrs. Kaye Crafter (entered the room at 2:35 pm)

Leave of Absence: Nil

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 4. PUBLIC QUESTION TIME

Nil

## 5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Audit Committee Meeting, 21 July 2022

*AC1/2023*

*Moved Cr Nolan/Seconded Cr Close*

*That the minutes of the Audit Committee Meeting held on 21 July, 2022 be confirmed as a true and correct record of proceedings.*

**CARRIED (3/0)**

## 6. DECLARATIONS BY MEMBERS AND OFFICERS

**Members and Officers are to declare Financial, Proximity or Impartiality Interests & submit forms to the Chief Executive Officer at the commencement of the meeting and also prior to the item.**

### Disclosure of Financial & Proximity Interests

- a. Members must disclose the nature of their interest in matters to be considered at the meeting. (*Sections 5.60B and 5.65 of the Local Government Act 1995*).
- b. Employees must disclose the nature of their interest in reports or advise when giving the report or advice to the meeting. (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

### Disclosure of Interest Affecting Impartiality

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

## 7. STATUS OF ACTIONS PREVIOUSLY TABLED

All actions resulting from items previously tabled are complete.

## 8. RISK DEVELOPMENTS

No change

## 9. PRESENTATIONS

Ms Tanya Browning of Moore Australia, Councils Auditor for the Regulation 17 Review & Financial Management Review, presented to the Audit Committee regarding the process of the audit, and the findings, of which have been compiled in the audit report.

Ms Browning's presentation is attached.

*Mrs. Kaye Crafter entered the room at 2:35 pm.*

*Executive Manager Infrastructure Glen Brigg entered the room at 2:39 pm.*

Ms Browning took questions from the Committee:

**Cr Nolan**

**Question:** *Can you provide any comparisons between similar Local Governments*

**Answer:** Is difficult to benchmark, as there is no set routine to these audits

Like most regional Local Governments, the Shire has challenges in resourcing, both staff and services.

Yilgarn Management were in general very open to improvements, especially in finance.

Things are improving, things are looking better over the past 2 years.

Occupational Safety and Health is improving

Staff were very helpful and positive and open to discuss matters;

See a top down approach to risk management, risks do exist, however management are aware.

Didn't experience any difficulties in the review.

## Cr Della Bosca

**Statement:** *Risk management procedures can't be taken too far, or productivity would stop.*

*Experienced CEO's may have had more appetite for risk, however we have a new CEO, and he won't have the same appetite for accepting risk.*

**Response:** CEO's should accept risk in accordance with the Shire risk management policy, of which I have provided an updated draft for the Shire to consider.

Risk management has progressed to a point where any risk is considered a failure, however the approach must be practicable, and doesn't mean you have to be 100% risk free.

Being 100% risk free means you may miss out on opportunities.

It also must be practicable in line with resourcing, if you had the money, you could manage all risks, but that is impracticable, and therefore you manage high risks initially, and progress to the medium risks.

Always need to think, how can we do this practicably.

## 10.1 Officers Report – Chief Executive Officer

### 10.1.1 Audit Regulation 17 Review & Financial Management Review

<b>File Reference</b>	<b>1.6.6.4</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>FMR Reg 17 Report February 2023 - Yilgarn Final</b>

#### Purpose of Report

To present to the Audit Committee the recently completed Audit Regulation 17 Review and Financial Management Review 2023.

#### Background

In accordance with the Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996, the above Reviews were conducted during July 2022.

Management had hoped to hold one Audit Committee Meeting to consider the Audit Regulation 17 Review & Financial Management Review and the 2021/2022 annual compliance audit, however delays in the annual audit sign off delayed presentation.

Management have now listed the FMR and Reg 17, as arrangements for presentation had been made with Moore Australia.

#### Comment

Audit Regulation 17 Review and Financial Management Review. Appointing an external auditor to conduct the Reviews is of benefit as it provides an impartial review to inform the CEO and Council with recommendations that work towards continuously improving the organisation in the financial and risk management areas of responsibility.

In respect to the Audit Regulation 17 Review, the *Local Government (Audit) Regulations 1996* state that the CEO is to report on the results of the Review to Council's Audit Committee.

It is important to note that the Reviews are performed on the same basis without differentiating between a small or large local government and their respective capacities and capabilities.

As noted in the Management Comments, the Shire management have committed to addressing the recommendation made. Due to a large number of suggested improvements, addressing the recommendations is likely to continue into the 2023/2024 financial year.

Any recommendations requiring external assistance or material items will either be incorporated into current budget allocations, or alternatively, will be included in the 2023/2024 annual budget for Council's consideration.

## Statutory Environment

### *Local Government (Financial Management) Regulations 1996 and the CEO's duties as to financial management*

- (1) *Efficient systems and procedures are to be established by the CEO of a local government —*
  - (a) *for the proper collection of all money owing to the local government; and*
  - (b) *for the safe custody and security of all money collected or held by the local government; and*
  - (c) *for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and*
  - (d) *to ensure proper accounting for municipal or trust —*
    - (i) *revenue received or receivable; and*
    - (ii) *expenses paid or payable; and*
    - (iii) *assets and liabilities;*
  - and*
  - (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments; and*
  - (f) *for the maintenance of payroll, stock control and costing records; and*
  - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) *The CEO is to —*
  - (a) *ensure that the resources of the local government are effectively and efficiently managed; and*
  - (b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
  - (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.*

### *Local Government (Audit) Regulations 1996*

#### *17.CEO to review certain systems and procedures*

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
  - (a) *risk management; and*
  - (b) *internal control; and*
  - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*

(3) *The CEO is to report to the audit committee the results of that review.*

### Strategic Implications

Shire of Yilgarn Strategic Community Plan 2020-2030 - Dynamic and visionary leadership guiding our community into the future - Outcome 4.1 A trustworthy and cohesive Council that functions efficiently and effectively - 4.1.2 - Maintain a high level of corporate governance, responsibility and accountability.

### Policy Implications

Nil.

### Financial Implications

Future Budget allocations to comply with the more complex recommendations.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
<b>Health/People</b>	Nil	Nil	Nil
<b>Financial Impact</b>	Risk management and financial management practices not at best practice	Moderate (6)	External review of risk and financial management practices provides recommendations for best practice.
<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996	Moderate (6)	Reg 17 and FMR Audit completed.
<b>Reputational</b>	Not meeting statutory obligations could give rise to adverse response from DLGSC	High (15)	FMR and Reg 17 audit completed.
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

#### Officer Recommendation and Committee Decision

**AC2/2023**

***Moved Cr Close / Seconded Cr Della Bosca***

***That the Audit Committee accepts the recommendations and management comments relating to the Audit Regulation 17 Review and Financial Management Review 2023 completed by Moore Australia in accordance with the Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996. In accepting the Review Reports, the Audit Committee recommends to Council that it also accepts the recommendations and management comments in relation to the actions to be undertaken to meet required financial and risk management obligations.***

**CARRIED BY ABSOLUTE MAJORITY (3/0)**

## 10.1.2 2022 Compliance Audit Report

<b>File Reference</b>	<b>1.6.6.4</b>
<b>Disclosure of Interest</b>	<b>None</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Author</b>	<b>Nic Warren – Chief Executive Officer</b>
<b>Attachments</b>	<b>2022 Annual Compliance Audit Return</b>

### Purpose of Report

To present to the Audit Committee the 2022 Annual Compliance Audit Return (CAR) for consideration before presentation to Council for adoption and submission to the Department of Local Government, Sport and Cultural Industries.

### Background

Council is required by section 14 of the *Local Government (Audit) Regulations 1996* to complete a CAR each year covering the period 1 January to 31 December. The CAR is to be:-

1. Presented to Council at a meeting of the Council;
2. Adopted by the Council;
3. The adoption recorded in the minutes of the meeting at which it is adopted;
4. Signed by the Shire President and Chief Executive Officer and returned to the Department with a copy of the Council minutes of the meeting at which it was received; and
5. Submitted to the Department of Local Government by 31 March each year.

**The CAR must also be reviewed by the Shire of Yilgarn Audit Committee prior to its adoption by Council.**

### Comment

The 2022 CAR contains 94 questions of which:-

- 50 were complied with;
- 36 were not applicable to the Shire of Yilgarn during the year under review;
- 2 were not complied with; and
- 6 are pending.

The 2 questions not complied with are as follows, with comments provided in the report also provided:

Q. Were all delegations to the CEO resolved by an absolute majority?

Comment: Minutes lists voting requirements as “Simple Majority”, however resolution was carried 7/0. Officer oversight, noted for future delegation decisions.

Q. Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?

Comment: Auditor General has yet to complete the audit process.

The 6 questions that are pending are as follows, with comments provided in the report also provided:

Q. Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?

Comment: Auditor General has yet to complete the audit process.

Q. Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?

Comment: Auditor General has yet to complete the audit process.

Q. Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?

Comment: Auditor General has yet to complete the audit process.

Q. Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit?

Comment: Auditor General has yet to complete the audit process.

Q. Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three years prior to 31 December 2022?

If yes, please provide the date of council's resolution to accept the report.

Comment: Review undertaken by Moore Australia in July 2022. Endorsement by Audit Committee to be combined with annual audit, though delays with Auditors and OAG have pushed back meeting to Feb 2023 at the earliest.

Q. Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2022?

If yes, please provide date of council's resolution to accept the report.

Comment: Review undertaken by Moore Australia in July 2022. Endorsement by Audit Committee to be combined with annual audit, though delays with Auditors and OAG have pushed back meeting to Feb 2023 at the earliest.

## Statutory Environment

*Local Government (Audit) Regulations 1996*

### 14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

## Strategic Implications

Nil.

## Policy Implications

Nil.

## Financial Implications

Nil.

## Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Internal review by senior management to Audit Committee and Council on an annual basis	Moderate (6)	Internal CAR review ensures Council and staff are meeting statutory requirements
Financial Impact	Nil	Nil	Nil

<b>Service Interruption</b>	Nil	Nil	Nil
<b>Compliance</b>	Section 14 of the <i>Local Government (Audit) Regulations 1996</i>	Moderate (6)	Annual Compliance Audit Return
<b>Reputational</b>	Not meeting statutory obligations could give rise to adverse response from DLGSC	High (15)	Annual review and Reporting process to DLGSC
<b>Property</b>	Nil	Nil	Nil
<b>Environment</b>	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Officer Recommendation and Committee Decision

*AC3/2023*

*Moved Cr Close / Seconded Cr Nolan*

*That the Audit Committee recommends to Council that it adopts the Local Government Compliance Audit Return (CAR) for the Shire of Yilgarn for the period 1 January 2022 to 31 December 2022, noting non-compliance in 2 areas assessed.*

**CARRIED BY ABSOLUTE MAJORITY(3/0)**

## 11. EMERGING ISSUES

Cr Nolan sought to raise a number of queries pertinent to the audit committee. The presiding member permitted Cr Nolan to raise his issues.

The following was raised by Cr Nolan:

1. Report from CEO regarding progress in relation to the fairness and equity of rating.
2. Report from CEO regarding progress/effectiveness of recovering levies – in particular related to bulk handling activities, mining, agriculture, other.
3. Law and Order report from CEO regarding the effective management of law and order issues – road, environment, public nuisance, crime, safety and damage.
4. Mining Activities – low level compliance by some miners Barto, Aurenne, Indus, NuFortune and contractors – Red Dog, Others? No plan for water management.
5. Department of Mining, Industry Regulation and Safety Failure to administer Mining Act, Work Health and Safety Act, Environmental Protection Act.
6. Environmental performance – low. Issues include incremental clearing, overspray of pesticides.
7. Work Health Safety Issues – Suitability of insurances.
8. Frequency of meetings – Not adequate.
9. Moore appears not to have consulted the audit committee.
10. No mention of release of Shire of private data to eftsure.

The Chair referred the query to the CEO, the CEO requested to take the queries on notice, and would table responses at a future Audit Committee meeting.

## 12. CLOSURE OF MEETING

The Chair closed the meeting at 3:35 pm



Shire of

**Yilgarn**

*Visit the Southern Cross Skies*

# Minutes Audit Committee Meeting

27 February  
2023

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## 1. DECLARATION OF OPENING

The presiding member, Chair of the Shire of Yilgarn Audit Committee, Cr Della Bosca, opened the meeting at 3:39 pm.

## 2. ATTENDANCE

Cr W Della Bosca	Member	(Chair)
Cr B Close	Member	
Cr J Cobden	Member	
Cr P Nolan	Member	

Mr. N Warren	Chief Executive Officer
Mr. C Watson	Executive Manager Corporate Services
Mr. G Brigg	Executive Manager Infrastructure

Apologies: Mrs. J Della Bosca, Community Member

Observers: Mr Ben Forbes – Previous Financial Manager

Presenters: Mr Jay Teichert – Office of Auditor General  
Mr Robert Hall – Dry Kirkness – Shire’s appointed Auditor

Leave of Absence: Nil

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 4. PUBLIC QUESTION TIME

Nil

## 5. PRESENTATIONS

Council’s Office of the Auditor General (OAG) representative, Mr. Jay Teichert and contract Auditor, Mr Robert Hall from Dry Kirkness, undertook the 2021/2022 Audit Exit meeting and presented their findings from the audit proceedings.

J Teichert opened the presentation by thanking the efforts made by all parties involved, the handed over to Mr Hall to present on the audit process.

R Hall advised:

- Butler Settineri was appointed as the contract auditor by the Office of Auditor General (OAG), and underwent a name change on 1 July 2022 to Dry Kirkness;
- There were no unresolved issues

- Finding are included in the tabled report;
- Intend to recommend to the OAG to issue an unqualified audit opinion in relation to the financial statements;
- There are no outstanding issues;
- No identified fraud;
- Key changes to next year relate to the incoming Local Government reforms via the new bill being introduced to parliament.

R Hall sought questions from the group.

Cr Della Bosca: Raised concerns regarding length of time taken to undertake the audit, with the exit meeting normally held in December?

Response: R Hall advised there were some delays with valuations from the Shire, however availability of Dry Kirkness and OAG staff also played a factor. Hoped to have the 2022/2023 audit completed by December next this year

Cr Nolan: Queried the changes referred to by R Hall in his presentation via the Local Government reforms.

Response: R Hall advised it had hoped to remove some of the 55 pages of financial reporting information down to a manageable size, relative to the banding of the Local Government, however, would have to wait until the position paper is released to know what changes will be made.

Cr Nolan: Queried the CEO if Shire had kept a record of hours worked by Shire staff in relation to the audit, as it seems a significant drain of Shire resources.

Response: CEO stated record of time against the audit was not kept, but could be in future.

B Forbes estimated for his role alone it was approximately 80% of his time for at least 3 months post submission of complete financials.

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Audit Committee Meeting, 16 February 2023

*AC4/2023*

*Moved Cr Nolan/Seconded Cr Cobden*

*That the minutes of the Audit Committee Meeting held on 16 February, 2023 be confirmed as a true and correct record of proceedings.*

**CARRIED (4/0)**

## 7. DECLARATIONS BY MEMBERS AND OFFICERS

Nil

## 8. STATUS OF ACTIONS PREVIOUSLY TABLED

Queries raised by Cr Nolan at the Audit Committee Meeting held on the 16<sup>th</sup> February 2023 were provided along with CEO comments. Council had no further queries in relation to the matters raised.

All other actions resulting from items previously tabled are complete.

## 9. RISK DEVELOPMENTS

No change

## 10. OFFICER REPORTS

### 10.1 2021/22 Audit & Management Report

<b>File Reference</b>	<b>8.2.3.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Attachment 1 – 2021/2022 Annual Financial Report. Confidential Attachment 2 – Shire of Yilgarn - Draft Final Management Letter 2022. Attachment 3 – Draft 2022/23 Audit Opinion. Confidential Attachment 4 – CEO’s Report relating to Audit.</b>

### Purpose of Report

The Audit Committee is requested to endorse the Annual Financial Report, Management Report and Chief Executive Officers Report relating to the financial year ending 2021/2022.

### Background

The purpose and responsibilities of the Audit Committee is outlined in Part 7 of the Local Government Act 1995.

One of the Audit Committee's responsibilities is to examine the reports of the auditor including the management report. The committee would then determine if any matters raised in the reports require action to be taken by the local government and to ensure that appropriate action is implemented.

The Audit Committee is also to receive and authorise a report relating to the audit prepared by the Chief Executive Officer that is subsequently to be sent to the Minister. This report outlines actions intended to be undertaken in relation to matters identified by the auditor.

## Comment

The auditor's completed the audit for the financial year ended 30 June 2022. The attached reports include the Chief Executive Officer's response to both the Management Report for the year ended 30 June 2022 and the Independent Auditor's Report for the same period that is submitted for the Committee's attention.

## Statutory Environment

### Local Government Act 1995 –

#### **7.9. Audit to be conducted**

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
  - (a) the mayor or president; and
  - (b) the CEO of the local government; and
  - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
  - (a) there is any error or deficiency in an account or financial report submitted for audit; or
  - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
  - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —
  - (a) prepare a report thereon; and
  - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.
- (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

#### **7.12 A Duty of local government with respect to audits**

- (1) A local government is to do everything in its power to —

- (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
  - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
- (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
- (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
  - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

Local Government (Financial Management) Regulations 1996 –

**51 Annual financial report to be signed etc. by CEO and given to Department**

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

Local Government (Audit) Regulations 1996 –

**10. Report by auditor**

- (1) An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.
- (2) The report is to give the auditor's opinion on —
  - (a) the financial position of the local government; and
  - (b) the results of the operations of the local government.
- (3) The report must include a report on the conduct of the audit.
- (4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report.

The recommendation that follows is consistent with the legislative requirements.

### Strategic Implications

There are no strategic implications as a result of this report.

### Policy Implications

There are no policy implications as a result of this report.

### Financial Implications

There are no financial implications as a result of this report.

### Officer Recommendation and Committee Decision

*AC5/2023*

*Moved Cr Close / Seconded Cr Cobden*

*That the Audit Committee:*

- 1. accepts the Annual Financial Report for the year ending 30 June 2022 as presented; and*
- 2. accepts the Chief Executive Officer's Report and recommends a copy of said report be forwarded to the Minister.*

*Carried (4/0)*

### 11. NEW BUSINESS OF AN URGENT NATURE

*Presiding member, Cr Della Bosca, moved that the committee consider an urgent matter relating to the 2021/2022 annual audit process.*

*Carried (4/0)*

### Committee Motion and Decision

*AC6/2023*

*Moved Cr Nolan / Seconded Cr Cobden*

*That the Audit Committee recommend to Council:*

- 1. That Council request from the Minister for Housing; Lands; Homelessness and Local Government, an exemption from the restriction imposed by section 7.3 (1A) of the Local Government Act 1995 and seek his approval to appoint, under section 7.3 (2) of the Local Government Act 1995, a suitably qualified and experienced person as auditor of its own choosing; and*
- 2. Council request Shire management to compile a list of issues, raised through the audit process, to be compiled and provided to the Minister as part of the request.*

*Carried (4/0)*

## 12. CLOSURE OF MEETING

Cr Wayne Della Bosca thanked all for their attendance.

As there was no further business to discuss, the Chair of the Audit Committee declared the meeting closed at 4:30 pm.

unconfirmed



# Special Meeting of Council Minutes

2 March 2023

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## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 5pm

## 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

## 3. ATTENDANCE

Members  
Cr W Della Bosca  
Cr B Close  
Cr J Cobden  
Cr L Granich  
Cr G Guerini  
Cr P Nolan

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	G Brigg	Executive Manager Infrastructure
	L Della Bosca	Minute Taker

Apologies: Cr L Rose

Observers: Fadzai Mudau Finance Manager

Leave of Absence: Nil

## 4. DECLARATION OF INTEREST

Nil

## 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 6. CONFIRMATION OF MINUTES

Nil

## 7. PRESENTATIONS, PETITIONS AND DEPUTATIONS

Nil

## 8 Reporting Officer -Executive Manger Corporate Services

### 8.1 2021/22 Audit & Management Report

<b>File Reference</b>	<b>8.2.3.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>Attachment 1 – 2021/2022 Annual Report including the Annual Financial Report incorporating the Independent Auditor’s Report.</b>

#### Purpose of Report

Council is requested to accept the Annual Report incorporating the Annual Financial Report and Independent Auditor’s Report for the year ending 2021/2022.

#### Background

The Local Government Act 1995 requires Council to prepare and accept an Annual Report for each Financial Year by the 31 December of the year after that financial year. If the Auditor's report is not available in time for the Annual Report to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.

#### Comment

The Annual Report for the financial year ending 30 June 2022 has been provided to Councillors for their consideration and acceptance.

The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report. Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable.

It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, a minimum of 14 days local public notice of this meeting is to be given.

#### Statutory Environment

##### Local Government Act 1995 –

##### 5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
  - (a) a report from the mayor or president; and
  - (b) a report from the CEO; and

*[(c), (d) deleted]*

- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
  - (f) the financial report for the financial year; and
  - (g) such information as may be prescribed in relation to the payments made to employees; and
  - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
  - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
  - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
    - (i) the number of complaints recorded in the register of complaints; and
    - (ii) how the recorded complaints were dealt with; and
    - (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

*[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6; No. 5 of 2017 s. 7(1).]*

#### **5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

*\* Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

*[Section 5.54 amended by No. 49 of 2004 s. 49.]*

#### **5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

#### **5.55A. Publication of annual reports**

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

*[Section 5.55A inserted by No. 5 of 2017 s. 8.]*

The recommendation that follows is consistent with the legislative requirements.

### Strategic Implications

There are no strategic implications as a result of this report.

### Policy Implications

There are no policy implications as a result of this report.

### Financial Implications

There are no financial implications as a result of this report.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Nil	Nil	Nil
Service Interruption	Nil	Nil	Nil
Compliance	Compliance with the relevant section of the Local Government Act 1995 and associated Regulations.	Moderate (9)	Where ever possible and within the control of Council, ensure compliance with the Local Government Act and associated Regulations.
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Committee Recommendation and Council Decision

22/2023

*Moved Cr Cobden/Seconded Cr Close*

*That Council:*

1. *accept the Annual Report for 2021/2022 including the Audited Financial Report and Auditor's Audit Report for period ended 30 June 2022; and*
2. *conducts the 2021/22 Annual Meeting of Electors in the Shire of Yilgarn Council Chambers on Thursday 20<sup>th</sup> April 2023 commencing at 6.00 pm.*

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

## 8 Reporting Officer– Executive Manager Corporate Services

### 8.2 2022/2023 Budget Review

<b>File Reference</b>	<b>8.2.5.3</b>
<b>Disclosure of Interest</b>	<b>Nil</b>
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<b>2022/2023 Budget Review</b>

#### Purpose of Report

Council is requested to adopt the 2022/2023 Budget Review as presented.

#### Background

Financial Management Regulation 33A – Review of Budget, requires a Local Government to review its annual budget between the 1<sup>st</sup> of January and the 31<sup>st</sup> of March in any given financial year. The outcome of this review is to be submitted to Council for its adoption.

#### Comment

The budget review document, including budget amendment recommendations, for the 2022/2023 financial year is attached for Council's consideration.

#### Statutory Environment

##### Local Government Act 1995

##### 6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
  - (a) changes\* the purpose of a reserve account; or
  - (b) uses\* the money in a reserve account for another purpose,
 it must give one month's local public notice of the proposed change of purpose or proposed use.

\* Absolute majority required.

- (3) A local government is not required to give local public notice under subsection (2) —
  - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
  - (b) in such other circumstances as are prescribed.

- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996

**17. Reserve accounts, title of etc.**

- (1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
  - (a) in the information required by regulations 27(g) and 38, by its full title; and
  - (b) otherwise, by its full title or by an abbreviation of that title.

*[Regulation 17 amended: Gazette 20 Jun 1997 p. 2839.]*

**33A. Review of budget**

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
  - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government's financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

\*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

**Strategic Implications**

There are no strategic implications as a result of this report.

### Policy Implications

There are no policy implications as a result of this report.

### Financial Implications

The presented review includes several budget amendments.

### Risk Implications

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Nil	Nil	Nil
Financial Impact	Review of Councils Annual Budget	Moderate (6)	Ongoing monitoring
Service Interruption	Nil	Nil	Nil
Compliance	Local Government (Financial Management) Regulations 1996	Low (3)	Nil
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**Officer Recommendation and Council Decision**

**23/2023**

***Moved Cr Cobden/Seconded Cr Guerini***

***That Council adopts the budget review for the period 1st June 2022 to 31st January 2023 inclusive of the recommended budget amendments as indicated in Note 4 of the report.***

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

unconfirmed

**10 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Nil

**13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS**

Nil

**14 CLOSURE**

With there being no further business to discuss the Presiding Member declared the meeting closed at 5.07pm

**Cr Wayne Della Bosca**  
**Shire President**



# WHEATBELT NORTH-EAST SRRG



**Chairperson:**

**Cr E O'Connell**

**Secretary: Mr R Munns**

**Deputy Chairman:**

**Cr G Waters**

R Munns Engineering Consulting Services

PO Box 516

NARROGIN WA 6312

Ph : 0407 604 164

## Unconfirmed Minutes of the Sub Regional Road Group meeting held at the Shire of Mukinbudin Administration Centre on Thursday the 9th February 2023 commencing at 10.02 am.

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 10.02 am, and welcomed everyone in attendance.

### 2. ATTENDANCE/APOLOGIES

#### Attendance

Cr Eileen O'Connell	Shire of Nungarin	(Chairperson & Voting Delegate)
Cr Wayne Della Bosca	Shire of Yilgarn	(Voting Delegate)
Cr Nick Chandler	Shire of Koorda	(Voting Delegate)
Cr Geoff Waters	Shire of Trayning	(Voting Delegate)
Cr Romina Nicoletti	Shire of Mukinbudin	(Voting Delegate)
Cr Emma Holdsworth	Shire of Wyalkatchem @ 10.04am	(Voting Delegate)
Cr Gary Shadbolt	Shire of Mukinbudin	
Mr Dirk Sellenger	CEO – Shire of Mukinbudin	
Mr Glen Brigg	Manager of Works – Shire of Yilgarn	
Mr Terry Delane	Manager of Works – Shire of Wyalkatchem @ 10.04am	
Mr Darren West	Manager of Works – Shire of Koorda	
Mr Steve Thomson	Manager of Works – Shire of Trayning	
Mr Rod Munns	Consulting Engineer - RMECS	(Secretary)

#### Apologies

Cr Tanya Gibson	Shire of Mt Marshall	(Voting Delegate)
Cr Daimon Geier	Shire of Westonia	(Voting Delegate)
Cr Brian Close	Shire of Yilgarn	(Proxy Delegate)
Mr Leonard Long	CEO – Shire of Nungarin	
Mr Bill Price	CEO – Shire of Westonia	
Mr Peter Klein	CEO - Shire of Wyalkatchem	
Mr Nic Warren	CEO – Shire of Yilgarn	
Mr Ben McKay	CEO – Shire of Mt Marshall	
Mr Darren Simmons	CEO – Shire of Koorda	
Ms Leanne Parola	CEO – Shire of Trayning	
Mr Dave Nayda	Manager of Works – Shire of Nungarin	
Ms Allison Hunt	Secretary WN RRG – MRWA	

**3. CONFIRMATION OF MINUTES OF MEETING 20<sup>th</sup> September 2022**

**RESOLUTION 2023 - 001**

**That the minutes of the WNE SRRG Meeting, held on the 20<sup>th</sup> September 2022, be confirmed as a true and correct record of proceedings.**

**Moved Cr N Chandler**

**Seconded Cr G Waters**

**Carried 5/0**

**4 BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

**5 CORRESPONDENCE**

**5.1 Correspondence In**

- a) Outcome of 23/24 Yr Commodity Route Funded Program – received via email from Allison Hunt (Att 2ai) on 13<sup>th</sup> Jan 2023 and attached 23/24 Yr Commodity Route Funded Program (Att 2aii).
- b) Request for 22/23 Yr RRG Program Status – received via email from Allison Hunt on 20<sup>th</sup> Jan 2023 (Att 2b).
- c) 22/23 Yr WN RRG Recoup Register – received via email from Allison Hunt on 27<sup>th</sup> Jan 2023 (Att 2ci) and WNE SRRG Part of Recoup Register (Att 2cii).
- d) MRWA & IPWEA Road Safety Engineering with Crash Treatment Training Forms – received via email from Allison Hunt on 6<sup>th</sup> Feb 2023 (Att 2d).

**5.2 Correspondence Out**

- e) 2040 Condition Survey by ARRB and Roadview Demonstration– sent via email by myself to Allison Hunt on 25<sup>th</sup> Nov 2022 (Att 2e).
- f) Out of Session Approval to reconcile and alter the Shire of Wyalkatchem's 20/21 and 21/22 Yr Road Program – sent via email by myself to Allison Hunt on 29<sup>th</sup> Nov 2022 (Att 2f).

**RESOLUTION 2023 - 002**

**That the incoming & outgoing correspondence be accepted.**

**Moved Cr W Della Bosca**

**Seconded Cr R Nicoletti**

**Carried 6/0**

**6 BUSINESS ARISING FROM CORRESPONDENCE**

Nil.

**7 GENERAL BUSINESS**

**7.1 Funding Recoup Items.**

The following default items require discussion:

- a) Review of Direct Grant Funding – claims to MRWA by no later than 31 August
- b) All projects – claiming first 40% of approved project funds
- c) Road Project Funding - estimated completion dates and maximising expenditures as at 30 June

The WNE SRRG part of the current WN RRG Funding Recoup Register (at 27<sup>th</sup> January 2023) is attached for reference (Att 2cii). This Recoup Register shows that our SRRG has 50% of our 2022/23 Yr Road Program funding unrecouped to date. The amounts of funding unrecouped for each Council within our SRRG is shown as tabled below:

Council	% of Funding <u>Unrecouped</u>
Koorda	0%
Mt Marshall	20%
Mukinbudin	60%
Nungarin	60%
Trayning	60%
Westonia	60%
Wyalkatchem	100%
Yilgarn	60%
<b>Average Unrecouped Funding for our SRRG</b>	<b>50%</b>

FYI – the other 3 x SRRG's currently have unrecouped funding percentages of (this includes some carryover funding from the previous financial year):

Avon SRRG - 78%

Kellerberrin SRRG - 47%

Moora SRRG - 62%

Representatives from each Council were requested to provide an update on the status of each of their current year projects and advise the approximate expected completion date and / or funding recoup date. The results are as tabled below.

## Minutes of Wheatbelt North East SRRG 9<sup>th</sup> February 2023

Council	Road	Original Project SLKs	Original Project Km	Project Description	% Funding Not Recouped to Date	Status (Expected Completion Date)	Status (Expected Recoup Date)
Koorda	Burakin / Wialki Rd	20.00 - 22.00	2.00	Reconstruct existing Type 4 failed section to Type 6 sealed pavement - to Minm 12m carriageway width & minm 7.2m primerseal width.	0	Complete	Complete
Koorda	Burakin / Wialki Rd	11.5 - 16.5	5.00	Reseal with a single coat 10mm cutback bitumen seal.	0	Complete	Complete
Koorda	Koorda / Dowerin Rd	12.1 - 17.1	5.00	Reseal with a single coat 10mm cutback bitumen seal.	0	Complete	Complete
Mt Marshall	Burakin / Wialki Rd - East	26.22 - 27.24, 27.24 - 28.90	2.68	Reconstruct existing Type 4 Standard Road Section to Type 6 Standard Road Section - to Minm 10m carriageway width & minm 8.0m primerseal width for 1.02km from SLK 26.22 to 27.24 & Reseal adjoining 1.66km section from SLK 27.24 - 28.90.	20	Mid March	Early April
Mt Marshall	Burakin / Wialki Rd - East	26.22 - 27.24, 27.24 - 28.90	2.68	Linemarking following Reconstruction	20	Mid March	Early April
Mt Marshall	Koorda / Bullfinch Rd	45.08 - 46.11	1.03	Reseal with a single coat 14mm cutback bitumen seal.	20	Mid March	Early April
Mt Marshall	Koorda / Bullfinch Rd	42.39 - 43.71	1.32	Reseal with a single coat 14mm cutback bitumen seal.	20	Mid March	Early April
Mt Marshall	Bencubbin - Beacon Rd	3.98 - 5.71	1.73	Reconstruct existing Type 5 failed sealed pavement to same Type 5 sealed pavement - to Minm 10m carriageway width & 7.0m primerseal width.			
Mt Marshall	Koorda / Bullfinch Rd	15.15 - 16.65	1.50	Reconstruct existing Type 5 failed sealed pavement to same Type 5 sealed pavement - to Minm 10m carriageway width & 7.0m primerseal width.	20	Mid March	Early April
Mt Marshall	Bencubbin - Beacon Rd	31.15 - 32.25	1.10	Reseal with a single coat 10mm cutback bitumen seal.	20	Mid March	Early April
Mt Marshall	Scotsmans Rd	11.79 - 15.79	4.00	Construct existing Type 3 (unsealed section) to Type 5 sealed pavement - to Minm 10m carriageway width & minm 7.0m primerseal width.	20	Mid March	Early April
Mt Marshall	Koorda / Bullfinch Rd	43.71 - 45.08	1.37	Reseal with a single coat 14mm cutback bitumen seal.	100	Mid March	Early April
Mukinbudin	Kununoppin / Mukinbudin F	14.00 - 18.50	4.50	Reconstruct section to upgraded Type 6 sealed pavement - to Minm 11m wide carriageway width & 7.6m primerseal width.	60	End March	Early April
Nungarin	Danberrin Rd	0.40 - 0.80	0.40	Reconstruct section to same Type 6 sealed pavement - to Minm 9m wide carriageway width & seal width (Town St). Allow to lime stabilise the weak clay subgrade material.	60	End March	Early April
Trayning	Kununoppin / Mukinbudin F	17.46 - 21.06	3.60	Reconstruct section to upgraded Type 5 sealed pavement - to Minm 10m wide carriageway width & 7.0m primerseal width.	60	Mid March	Early April
Westonia	Warralakin Rd	20.50 - 25.10	4.60	Reconstruct existing Type 4 failed section to Type 6 sealed pavement - to Minm 10m carriageway width & 7.5m primerseal width.	60	End March	Early April
Wyalkatchem	Wyalkatchem North Rd	1.45 - 4.75	3.30	Reconstruct existing Type 4 pavement section to Type 6 sealed pavement - to Minm 10m carriageway width & 7.6m primerseal width.	100	Early April	Early May
Wyalkatchem	Cunderdin - Wyalkatchem	24.18 - 26.16	1.98	Single Coat (10) Cutback Bitumen Final Seal / Reseal on Shoulder Widening and Primerseal Section completed in the 20/21 Yr.	100	Early April	Early May
Yilgarn	Kooyanobbing Rd	14.00 - 16.80	2.80	<b>PRIORITY 1 - Final Seal - 10mm cutback bitumen seal.</b>	60	Complete	Early March
Yilgarn	Kooyanobbing Rd	0.00 - 2.10	2.10	Reconstruct type 4 road & primerseal to achieve 7.0m wide sealed surface and Minm 10m wide carriageway (Type 5 road). Additional Work includes the Final Seal and Asphaltting of the Kooyanobbing Rd and Cameron Rd Intersection at SLK 1.13.	60	End March	Early April
Yilgarn	Koorda / Bullfinch Rd	1.50 - 2.80	1.30	Reseal - 10mm cutback seal.	60	Complete	Early March
Yilgarn	Moorine South Rd	41.50 - 52.00	10.50	Reseal - 10mm cutback seal.	60	Complete	Early March

**7.2 Ratification of Changes to Shire of Wyalkatchem’s 20/21 and 21/22 Yr Road Programs – for Financial Reconciliation Purposes**

The Shire of Wyalkatchem has been unable to recoup all of their 2021/22 Yr Funding as a result of some funding reallocations between 2020/21 Yr projects that were incorrect, and unrecouped and carried into the 21/22 Yr. Additionally some resulting carryover funding from this 2020/21 Yr needed to be allocated to a 2021/22 Yr Project. Ms Alli Hunt and Shire of Wyalkatchem Officer Claire Trenordan have been working on resolving these funding reallocation issues for some time to reconcile between MRWA and Shire documentation.

An email was sent to Group Delegates on the 24<sup>th</sup> November 22 requesting Out-of-Session endorsement for the proposed 22/23 Yr SRfLGA Road Program changes. I received seven (7) responses from eight (8) of the Delegates, endorsing these program funding reallocations (see Att 2f). This Out-of-Session endorsement requires formal ratification, so Ms Alli Hunt can make the appropriate changes to the 22/23 Yr Program and Recoup Register to allow these projects to be completed, the Shire of Wyalkatchem to make their last funding recoup, and these carryover projects and funding to be removed from the Recoup Register.

**Resolution 2023 - 003**

**That the Shire of Wyalkatchem’s proposed funding reallocations between parts of their 20/21 and 21/22 Yr SRfLGA Road Programs, that was endorsed Out-of-Session in late November 2022 to reconcile financial values between MRWA and the Shire financial systems, be ratified.**

**Moved Cr R Nicoletti**

**Seconded Cr E Holdsworth**

**Carried 6/0**

**7.3 Allocation of Additional 22/23 Yr RRG Funding across Program**

I was supposed to have organized to allocate the additional \$ 136,511 of 22/23 Yr RRG Funding following the last meeting in September last year, but failed to do so. At this meeting, we did discuss the allocation of this additional funding to be via Pro-rata, based upon the project values within the current Road Upgrade Program. We also agreed, that since this with a small additional funding allocation (3.7% of the original program funding value), that we would not alter Scopes of Projects and utilize the additional funding to absorb the recent significant escalated road construction costs (ie project TEC’s would increase). I have since contacted each Member Council and asked those three (3) Councils with multiple Projects, which 22/23 project/s they would like the additional funding allocated to. All have replied except the Shire of Mt Marshall. I have assumed that the other five (5) Member Councils with single projects, will increase the TEC of those projects by the additional pro-rata’d funding. All Member Council’s have been advised of what allocation of extra funding they will receive. As a result, the \$ 136,511 of additional RRG funding has been allocated across existing projects (except for the Shire of Mt Marshall who are still to advise at the time of printing of this agenda) and is shown summarized on the attached Rev 13 22/23 Yr Program Summary Sheet as at 7<sup>th</sup> Feb 2023 (Att 2c ii).

Prior to this meeting, Mr Aaron Wooton, the Manager of Works & Services at the Shire of Mt Marshall sent me an email requesting their portion of the additional 22/23 Yr SRfLGA funding be allocated to a new reseal project on the 1.37km

section on the Koorda – Bullfinch Rd from SLK 43.71 to 45.08. This is the section located between two other reseal section projects in this current financial year. This section is also in need of resealing and in effect will mean that the entire 3.72km section from SLK 42.39 to 46.11 will be resealed on this road section this current financial year (comprising 3 Reseal Projects all with same scope for Resealing).

**Resolution 2023 - 004**

**That the Shire of Mt Marshall’s portion of additional 22/23 Yr SRFtLGA funding be allocated to the Resealing of the 1.37km section on the Koorda – Bullfinch Rd from SLK 43.71 to 45.08**

**Moved Cr E Holdsworth**

**Seconded Cr G Waters**

**Carried 6/0**

**Resolution 2023 – 005**

**That:**

- a) the additional \$ 136,511 of additional 22/23 Yr SRFtLGA funding be allocated via Pro-rata based upon the original program totals to each Member Council.**
- b) generally, that each Project scope that additional funding is allocated to, to not vary, and the additional funding is to absorb recent significant road construction escalation costs.**
- c) the Projects that the additional funding is to be allocated to for each Member Council, are provided in the revised 22/23 Yr SRFtLGA Funding Summary Program provided attached at the end of this document (at 9 Feb 2023 – now Rev 14 Post Meeting) and highlighted yellow.**

**Moved Cr E Holdsworth**

**Seconded Cr W Della Bosca**

**Carried 6/0**

#### **7.4 Changes to Shire of Wyalkatchem’s 22/23 & 23/24 Yr Program**

Mr Terry Delane has recently advised that the Shire of Wyalkatchem are unlikely to complete all of the 3.3km of reconstruction programmed for completion on the Wyalkatchem North Rd, from SLK 1.45 to 4.75 this financial year. He has advised that this budget is undervalued and to prevent probable overexpenditure, has requested the scope of works for this Project to be reduced in scope to 2.8km. At the meeting, Mr Delane also requested that the Shire be allowed to work on the 23/24 Yr section this year, since it is in much poorer condition than the section that was to be worked on this current financial year. Subsequently, the 2.8km section to be reconstructed in this current financial year is from SLK 4.25 to 7.05, at the same total project cost. This scope change will affect the scope for the next section of the Wyalkatchem North Rd to be reconstructed in the 23/24 Yr that has already been endorsed. Subsequently, the 23/24 Yr program will require a scope change to shift the 2.8km section to be reconstructed from SLK 1.45 to 4.25. The total project cost will remain the same.

**Recommendation**

**That:**

- a) **The Shire of Wyalkatchem's 2022/23 Yr SRFtLGA Funded Project to reconstruct the Wyalkatchem North Rd be reduced in scope from 3.3km to 2.8km at the same total Project Cost of \$ 564,345, but altered to the section from SLK 4.25 to 7.05, be endorsed.**
- b) **The Shire of Wyalkatchem's 2023/24 Yr SRFtLGA Funded Project to reconstruct the Wyalkatchem North Rd on a 2.8km section at the same total Project Cost of \$ 570,000, be shifted to the section from SLK 1.45 to 4.25, be endorsed.**
- c) **The Shire of Wyalkatchem to provide revised MCAs and supporting documentation for both Project changes.**

**Moved Cr G Waters**

**Seconded Cr W Della Bosca**

**Carried 6/0**

**8 OTHER BUSINESS**

**8.1 Recognition of Cr K Day's Contribution to the Group**

Cr O'Connell thanked Cr Karin Day for her input to this Group over the many years that she has represented the Shire of Westonia. Cr O'Connell will write to Cr Day thanking her for her efforts.

**8.2 WSNF Project Update**

Cr O'Connell provided an update on the WSNF Project. The information provided, comprised:

- Cr O'Connell attended the last WSNF Steering Committee (SC) meeting held 18<sup>th</sup> Jan 2023, which was also new WSNF Program Director, John Nuttall's first meeting. This Committee resolved to allocate funding for another TSD run to be conducted by ARRB on all WSNF Routes in Feb 2023 – to check soundness of new reconstruction work completed over the last three (3) year period, and to compare to the original Feb 2020 TSD run values, to assist to determine rate of deterioration of pavement over this period.
- Rod Munns attended the last WSNF Technical Committee (TC) meeting held 6<sup>th</sup> Feb 2023, which was also new WSNF Program Director, John Nuttall's second meeting. Many variations to the current year and 23/24 Yr Programs were discussed and recommended, or not, for endorsement by the SC (which is to meet 14<sup>th</sup> Feb 23).
- With the many variations due to recent extraordinary road construction escalation costs, the current WSNF Program is overallocated by nearly \$10 Million, which will mean that if any additional funding is not attained, then the existing P1 and P2 Programs will have to be cut down.
- The WSNF SC is lobbying for additional funding and it is expected that additional funding will be forthcoming. However, there is also now competition, since other Regions in Australia are copying the Freight Network project.
- With the uncertainty of additional funding, the concerns for the WSNF TC and SC, is whether to allocate funding to commence development, so that if additional funding becomes available, then upgrade works can commence immediately, or, minimize allocating funding to development works, and expend on upgrade works, to maximize the available funding.
- The current total WSNF program cost is now around \$ 900 Million and growing, and over the last two years, the WSNF has expended approximately \$ 30 Million per annum. A long term Financial Program has been developed, and currently, if no additional funding becomes available, then there will likely only be approximately \$12 Million available in the 25/26

Yr to expend the final available funding. Subsequently, we really need additional WSNF funding to be allocated before the end of the 24/25 Yr, and preferably sooner, to shore up allocating development works to keep two years ahead of upgrade works.

- The affected LGs with roads on the four (4) shortlisted P2 Routes have been provided the opportunity to take development funding this year, or next year (23/24). In our SRRG, this includes those LGs with road sections on the Nungarin to Wialki Route.
- The affected LGs with roads on the other six (6) non-shortlisted P2 Routes will be provided the opportunity shortly (if not already done so), to apply for development funding in the 23/24 Yr. In our SRRG, this includes those LGs with road sections on the Cunderdin to Koorda Route (this note was added post meeting to clarify some confusion at the meeting as to why the Shire of Wyalkatchem had currently not been provided the opportunity to apply for development funding for future upgrade works on the Cunderdin – Wyalkatchem Rd and Wyalkatchem – Koorda Rd).

### **8.3 ACU Cruise Control and Speed Zones**

Mr Dirk Sellenger advised that his vehicle has ACU Cruise Control and recently on holidays his vehicle suddenly decelerated sharply from 110 kph to 50 kph (on the approach to Denham Townsite), with the cruise control on, as the GPS data had a change in speed zone at that point (although it was not signposted). He advised that he had concerns, that if a loaded truck was behind him, then this may have resulted in an incident. Discussions revealed that posted regulatory signs (these vehicles have camera recognition of these speed signs) will override the GPS data base that the ACU Cruise Control system is based upon.

This technology is relatively new, and there are concerns that the GPS Data with regulated speed zones may not be up to date (with the posted speed signs and subsequent buffers), and need auditing and updating. The Group requested I contact someone at MRWA to find out if this Data is currently being audited and updated.

Cr Wayne Della Bosca advised that MRWA are currently trialing the removal of the 80 speed buffers on the entrances to Southern Cross, and them being replaced with “Reduce Speed” signs, as part of this ACU Cruise Control system.

## **9 NEXT MEETING DATES**

### **9.1 Next WN RRG Meeting**

The next WN RRG meeting is to be held on Monday 27<sup>th</sup> February 2023, at the Shire of Northam's Recreation Centre, at 44 Peel Tce commencing at 10.00am.

### **9.2 Next WN RRG Technical Committee Meeting**

The next WN RRG Technical Committee meeting is TBA.

### **9.3 Next WNE SRRG Meeting**

The next WNE SRRG meeting was tentatively scheduled for Mon 3rd April 2023, and to be conducted via a ZOOM Video Conference.

## **10 CLOSURE OF MEETING**

The Chairperson thanked everyone for their attendance.

There being no further business, the meeting was closed at 11.19 am.

## Minutes of Wheatbelt North East SRRG 9<sup>th</sup> February 2023

WNE SRRG - 2022/23 YR RRG PROGRAM (Rev 14 - Current at 9th February 2023)																	
											Rev 12 Program at 12 Sept 2022						
Council	Road	Submitted MCA Score	Priority	Original Project SLKs	Original Project Km	Project Description	New Constr (C) or Pres (P)	Cost to RRG (2022/23) / Project	Cost to Council (2022/23)	Total Project Cost (2022/23)	Current Cumulative RRG Cost / Council	Rev 14 Program at 9 Feb 2023					
												Additional RRG Funding	Revised Total RRG Funding	Revised Total Matching Muni Funding	Revised Total Estimated Cost of Project	Proposed New Total Cumulative RRG Cost / Council	
Koorda	Burakin / Wialki Rd	119	3	20.00 - 22.00	2.00	Reconstruct existing Type 4 failed section to Type 6 sealed pavement - to Minm 12m carriageway width & minm 7.2m primerseal width.	C	\$ 146,664	\$ 73,334	\$ 219,998	\$ 348,522		\$ 146,664	\$ 73,332	\$ 219,996	\$ 361,518	
Koorda	Burakin / Wialki Rd	101	10	11.5 - 16.5	5.00	Reseal with a single coat 10mm cutback bitumen seal.	P	\$ 100,326	\$ 50,164	\$ 150,490		\$ 12,996	\$ 113,322	\$ 56,661	\$ 169,983		
Koorda	Koorda / Dowerin Rd	110	5	12.1 - 17.1	5.00	Reseal with a single coat 10mm cutback bitumen seal.	P	\$ 101,532	\$ 50,768	\$ 152,300		\$ 101,532	\$ 50,766	\$ 152,298			
Mt Marshall	Burakin / Wialki Rd - East	121	2	26.22 - 27.24, 27.24 - 28.90	2.68	Reconstruct existing Type 4 Standard Road Section to Type 6 Standard Road Section - to Minm 10m carriageway width & minm 8.0m primerseal width for 1.02km from SLK 26.22 to 27.24 & Reseal adjoining 1.66km section from SLK 27.24 - 28.90.	C	\$ 130,869	\$ 65,437	\$ 196,306	\$ 686,971		\$ 130,869	\$ 65,435	\$ 196,304	\$ 712,587	
Mt Marshall	Burakin / Wialki Rd - East			26.22 - 27.24, 27.24 - 28.90	2.68	Linemarking following Reconstruction		\$ 1,578	\$ 789	\$ 2,367		\$ 1,578	\$ 789	\$ 2,367			
Mt Marshall	Koorda / Bullfinch Rd	106	8	45.08 - 46.11	1.03	Reseal with a single coat 14mm cutback bitumen seal.	P	\$ 26,482	\$ 13,241	\$ 39,723		\$ 26,482	\$ 13,241	\$ 39,723			
Mt Marshall	Koorda / Bullfinch Rd	106	8	42.39 - 43.71	1.32	Reseal with a single coat 14mm cutback bitumen seal.	P	\$ 33,925	\$ 16,963	\$ 50,888		\$ 33,925	\$ 16,963	\$ 50,888			
Mt Marshall	Bencubbin - Beacon Rd			3.98 - 5.71	1.73	Reconstruct existing Type 5 failed sealed pavement to same Type 5 sealed pavement - to Minm 10m carriageway width & 7.0m primerseal width.	P					\$ -	\$ -	\$ -			
Mt Marshall	Koorda / Bullfinch Rd	114	4	15.15 - 16.65	1.50	Reconstruct existing Type 5 failed sealed pavement to same Type 5 sealed pavement - to Minm 10m carriageway width & 7.0m primerseal width.	P	\$ 126,300	\$ 63,150	\$ 189,450		\$ 126,300	\$ 63,150	\$ 189,450			
Mt Marshall	Bencubbin - Beacon Rd	87	16	31.15 - 32.25	1.10	Reseal with a single coat 10mm cutback bitumen seal.	P	\$ 28,232	\$ 14,116	\$ 42,348		\$ 28,232	\$ 14,116	\$ 42,348			
Mt Marshall	Scotsmans Rd	97	12	11.79 - 15.79	4.00	Construct existing Type 3 (unsealed section) to Type 5 sealed pavement - to Minm 10m carriageway width & minm 7.0m primerseal width.	C	\$ 339,585	\$ 169,792	\$ 509,377		\$ 339,585	\$ 169,793	\$ 509,378			
Mt Marshall	Koorda / Bullfinch Rd	106	8	43.71 - 45.08	1.37	Reseal with a single coat 14mm cutback bitumen seal.	P	\$ -	\$ -	\$ -		\$ 25,616	\$ 25,616	\$ 12,808	\$ 38,424		
Mukinbudin	Kununoppin / Mukinbudin	100	11	14.00 - 18.50	4.50	Reconstruct section to upgraded Type 6 sealed pavement - to Minm 11m wide carriageway width & 7.6m primerseal width.	C	\$ 417,003	\$ 208,508	\$ 625,511	\$ 417,003	\$ 15,549	\$ 432,552	\$ 216,276	\$ 648,828	\$ 432,552	
Nungarin	Danberrin Rd	89	14	0.40 - 0.80	0.40	Reconstruct section to same Type 6 sealed pavement - to Minm 9m wide carriageway width & seal width (Town St). Allow to lime stabilise the weak clay subgrade material.	P	\$ 223,874	\$ 111,940	\$ 335,814	\$ 223,874	\$ 8,348	\$ 232,222	\$ 116,111	\$ 348,333	\$ 232,222	
Trayning	Kununoppin / Mukinbudin	90	13	17.46 - 21.06	3.60	Reconstruct section to upgraded Type 5 sealed pavement - to Minm 10m wide carriageway width & 7.0m primerseal width.	C	\$ 374,893	\$ 187,452	\$ 562,345	\$ 374,893	\$ 13,979	\$ 388,872	\$ 194,436	\$ 583,308	\$ 388,872	
Westonia	Warralakin Rd	103	9	20.50 - 25.10	4.60	Reconstruct existing Type 4 failed section to Type 6 sealed pavement - to Minm 10m carriageway width & 7.5m primerseal width.	C	\$ 380,556	\$ 190,284	\$ 570,840	\$ 380,556	\$ 14,190	\$ 394,746	\$ 197,373	\$ 592,119	\$ 394,746	
Wyalkatchem	Wyalkatchem North Rd	107	7	4.25 - 7.05	2.80	Reconstruct existing Type 4 pavement section to Type 6 sealed pavement - to Minm 10m carriageway width & 7.6m primerseal width.	C	\$ 376,230	\$ 188,115	\$ 564,345	\$ 423,380		\$ 376,230	\$ 188,115	\$ 564,345	\$ 439,167	
Wyalkatchem	Cunderdin - Wyalkatchem	106	8	24.18 - 26.16	1.98	Single Coat (10) Cutback Bitumen Final Seal / Reseal on Shoulder Widening and Primerseal Section completed in the 20/21 Yr.	P	\$ 47,150	\$ 23,575	\$ 70,725		\$ 15,787	\$ 62,937	\$ 31,469	\$ 94,406		
Yilgarn	Koolyanobbing Rd	80	1	14.00 - 16.80	2.80	<b>PRIORITY 1 - Final Seal - 10mm cutback bitumen seal.</b>	C	\$ 67,041	\$ 33,522	\$ 100,563	\$ 805,746		\$ 67,041	\$ 33,521	\$ 100,562	\$ 835,792	
Yilgarn	Koolyanobbing Rd	108	6	0.00 - 2.10	2.10	Reconstruct Type 4 road & primerseal to achieve 7.0m wide sealed surface and Minm 10m wide carriageway (Type 5 road). Additional Work includes the Final Seal and Asphaltting of the Koolyanobbing Rd and Cameron Rd Intersection at SLK 1.13.	C	\$ 416,542	\$ 208,277	\$ 624,819		\$ 30,046	\$ 446,588	\$ 223,294	\$ 669,882		
Yilgarn	Koorda / Bullfinch Rd	103	9	1.50 - 2.80	1.30	Reseal - 10mm cutback seal.	P	\$ 32,500	\$ 16,250	\$ 48,750		\$ 32,500	\$ 16,250	\$ 48,750			
Yilgarn	Moorine South Rd	88	15	41.50 - 52.00	10.50	Reseal - 10mm cutback seal.	P	\$ 289,663	\$ 144,836	\$ 434,499		\$ 289,663	\$ 144,832	\$ 434,495			
<b>Average MCA Score</b>		<b>107</b>															
								<b>Total</b>	\$ 3,660,945	\$ 1,830,513	\$ 5,491,458	\$ 3,660,945	\$ 136,511	\$ 3,797,456	\$ 1,898,728	\$ 5,696,184	\$ 3,797,456
									\$ 3,797,456	Estimated Indicative Funding Amount						Check	\$ 3,797,456



# Great Eastern Country Zone

## MINUTES

**Monday, 13 February 2023**

### **Shire of Kellerberrin**

Recreation & Leisure Centre  
110 Massingham Street  
Kellerberrin

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## 1. Opening and Welcome

The Chair declared the meeting open at 9:30am.

### 1.1 Acknowledgement of Country

The Great Eastern Country Zone of WALGA acknowledges the Traditional Custodians of this land, and pays our respects to their Elders past, present and future.

### 1.3 Announcements

Nil.

## 2. Attendance

<b>Shire of Bruce Rock</b>	President Cr Stephen Strange Deputy President Cr Anthony Crooks
<b>Shire of Cunderdin</b>	Deputy President Cr Tony Smith
<b>Shire of Dowerin</b>	President Cr Robert Trepp Cr Darrel Hudson Ms Rebecca McCall, Chief Executive Officer, non-voting
<b>Shire of Kellerberrin</b>	Deputy President Cr Emily Ryan Mr Raymond Griffiths, Chief Executive Officer, non-voting
<b>Shire of Kondinin</b>	Mr David Burton, Chief Executive Officer, non-voting
<b>Shire of Mount Marshall</b>	President Cr Tony Sachse (Chair) Mr Ben Mckay, Chief Executive Officer, non-voting
<b>Shire of Narembeen</b>	President Cr Kellie Mortimore Mr Paul Sheedy, Chief Executive Officer, non-voting
<b>Shire of Nungarin</b>	Deputy President Cr Gary Coumbe Mr Leonard Long, Chief Executive Officer, non-voting
<b>Shire of Tammin</b>	President Cr Glenice Batchelor Ms Joanne Soderlund, Chief Executive Officer, non-voting
<b>Shire of Trayning</b>	President Cr Melanie Brown Deputy President Cr Geoff Waters Ms Leanne Parola, Chief Executive Officer, non-voting
<b>Shire of Wyalkatchem</b>	President Cr Quentin Davies (Deputy Chair) Mr Peter Klein, Chief Executive Officer, non-voting
<b>Shire of Yilgarn</b>	Deputy President Cr Bryan Close Mr Nic Warren, Chief Executive Officer, non-voting

**Guests**

Department of Local Government, Sport, & Cultural Industries Tom Fleming, Principal Policy Officer, Child Safeguarding Implementation Unit  
Kait McNamara, Director, Child Safeguarding Implementation Unit

NBN Jennifer Thomas, Country Engagement Manager

Main Roads WA Suvrat Patel, A/Network Manager

Water Corporation Rebecca Bowler, Manager, Customer & Stakeholder

Regional Development Australia WA Mandy Walker, Director Regional Development

**Members of Parliament** Hon Steve Martin MLC, Member for the Agricultural Region

**WALGA** James McGovern, Manager Governance & Procurement  
Vikki Barlow, Senior Policy Advisor Community

**3. Apologies**

Shire of Bruce Rock Mr Darren Mollenoyux, Chief Executive Officer, non-voting

Shire of Cunderdin President Cr Alison Harris  
Mr Stuart Hoblely, Chief Executive Officer, non-voting

Shire of Kellerberrin President Cr Scott O' Neill

Shire of Kondinin President Cr Kent Mouritz  
Deputy President Cr Beverley Gangell

Shire of Koorda President Cr Jannah Stratford  
Deputy President Cr Buster Cooper  
Mr Darren Simmons, Chief Executive Officer, non-voting

Shire of Merredin President Cr Mark McKenzie  
Cr Donna Crook  
Ms Lisa Clack, Chief Executive Officer, non-voting

Shire of Mount Marshall Deputy President Cr Nick Gillett

Shire of Mukinbudin President Cr Gary Shadbolt  
Deputy President Cr Romina Nicoletti  
Mr Dirk Sellenger, Chief Executive Officer, non-voting

Shire of Narembeen Deputy President Cr Scott Stirrat

Shire of Nungarin President Cr Pippa de Lacy

Shire of Tammin Deputy President Cr Tanya Nicholls

Shire of Westonia	President Cr Mark Crees Deputy President Cr Ross Della Bosca Mr Bill Price, Chief Executive Officer, non-voting
Shire of Wyalkatchem	Deputy President Cr Owen Garner
Shire of Yilgarn	President Cr Wayne Della Bosca
Department of Local Government, Sport, & Cultural Industries	Samantha Cornthwaite, Regional Manager Wheatbelt
Wheatbelt Development Commission	Susan Hall, A/Chief Executive Officer Renee Manning, A/Director Regional Development
Main Roads	Mohammed Siddiqui, Regional Manager, Wheatbelt
Water Corporation	Michael Roberts, Regional Manager, Goldfields & Agricultural Region
National Emergency Management Agency	Annette Balmer, Recovery Support Officer
Members of Parliament	Hon Mia Davies MLA, Member for Central Wheatbelt Hon Martin Aldridge MLC, Member for Agricultural Region Hon Colin de Grussa MLC, Member for Agricultural Region Hon Shelley Payne MLC, Member for Agricultural Region Rick Wilson MP, Federal Member for O'Connor Hon Peter Rundle MLA, Member for Roe Hon Darren West MLC, Member for Agricultural Region Hon Sandra Carr MLC, Member for Agricultural Region
WALGA	Janine Neugebauer, Governance & Organisational Services Officer Cliff Simpson, Regional Road Safety Advisor

#### 4. **Declarations of Interest**

Nil.

#### 6. **Guest Speakers / Deputations**

##### 6.1 **Jennifer Thomas Country Engagement Manager NBN**

NBN, Country Engagement Manager, Jennifer Thomas presented to the Zone on the 2022/23 Emergency Management Preparedness Campaign.

**Noted.**

## 7. Members of Parliament

*Any Members of State and Federal Government, in attendance will be invited to provide a brief update on matters relevant to the Zone.*

Hon Steve Martin MLC, Member for the Agricultural Region provided an update.

**Noted.**

## 8. Agency Reports

### 8.1 Department of Local Government, Sport, and Cultural Industries (DLGSC)

Tom Fleming, Policy Officer, and Kait McNamara, Director, Child Safeguarding Implementation Unit presented to the Zone on the status of the Child Safe Awareness Policy template for local government.

The presentation outlined the Unit's role in supporting local government to implement the child safe reforms. This item will be listed for the May State Council Agenda.

**Noted.**

### 8.2 Wheatbelt Development Commission (WDC)

Susan Hall, A/Chief Executive Officer, is an apology. The WDC, February 2023 report was attached to the agenda.

**Noted.**

### 8.3 Regional Development Australia Wheatbelt (RDAW)

Mandy Walker, Director Regional Development, provided an update to the Zone.

**Noted.**

### 8.4 Main Roads Western Australia

Suvrat Patel, A/Network Manager, provided an update to the Zone.

**Noted.**

### 8.5 Water Corporation

Rebecca Bowler, Customer & Stakeholder Manager, provided an update to the Zone.

**Noted.**

## 9. Minutes

### 9.1 Confirmation of Minutes from the Great Eastern Country Zone meeting held on Monday, 28 November 2022

The Minutes of the Great Eastern Country Zone meeting held on Monday, 28 November 2022 have previously been circulated to Member Councils.

**RESOLVED**

**Moved:** Shire of Tammin  
**Seconded:** Shire of Wyalkatchem

**That the minutes of the Great Eastern Country Zone meeting held on Monday, 28 November 2022 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

**9.2 Business Arising from the Minutes from the Great Eastern Country Zone Meeting held on Monday, 28 November 2022**

**9.3 Minutes of the Great Eastern Country Executive Committee Meeting held on Thursday, 2 February 2023**

The Minutes of the Great Eastern Country Zone Executive Committee meeting held on Thursday, 2 February 2023 were attached to the agenda.

**RESOLVED**

**Moved:** Shire of Bruce Rock  
**Seconded:** Shire of Narembeen

**That the Minutes of the Great Eastern Country Zone Executive Committee meeting held on Thursday, 2 February 2023 be endorsed.**

**CARRIED**

**10. Zone Business**

**10.1 Zone Conference – 28 February 2023**

Planning for the Great Eastern Country Zone Conference to be held in Merredin on Tuesday 28 February 2023 is now complete with the list of presenters detailed in the Programme below. We are fortunate to secure a presentation by the Hon Jackie Jarvis, Minister for Agriculture and Food; Forestry; Small Business, and by DFES Commissioner Darren Klemm, who committed to attend the Conference at a time of significant emergency activity responding to the Kimberley floods.

WALGA has communicated directly with Zone Elected Members, CEOs, and senior executives with a placeholder invitation in January. This is a free event and early registration advice would be greatly appreciated.

The Zone Executive looks forward to a strong commitment to this Conference, in support of the many presenters who are committing their time to attend and present on the theme of Regional Collaboration.

**PROGRAMME**

8.45 – 9.15am	Registration and Welcome
9.15am	Conference Opening - Cr Tony Sachse, Great Eastern Country Zone Chair - Cr Karen Chappel, WALGA President
9.35am	Welcome to Country
9.45am	Hon Jackie Jarvis MLC, Minister for Agriculture and Food; Forestry; Small Business
10.30 - 11am	<i>Morning Tea</i>
11.00am	Commissioner Darren Klemm, Department of Fire and Emergency Services
11.45am	Keynote Speaker Danielle Green, General Manager, Dowerin Machinery Field Days
12.30 – 1.30pm	<i>Lunch</i>
1.30pm	Susan Hall, A/CEO, Wheatbelt Development Commission
2.00pm	Mandy Walker, RDA Wheatbelt
2.30pm	Terry Waldron, Chair, Central East Aged Care Alliance Inc

3.00pm	John Nuttall, Technical Officer, Wheatbelt Secondary Freight Network
3.30 – 3.45pm	<i>Afternoon Break</i>
3.45pm	Afternoon Presenters Panel Session and Q and A 'Strategic Opportunities for Future Regional Collaboration'
4.15pm	Conference Close - Cr Tony Sachse
4.30pm	<i>Networking Sundowner</i>

**Noted.**

## **11. Zone Reports**

### **11.1 Zone President Report**

Zone President Tony Sachse

Hopefully everyone has been able to have some sort of break as we head through 2023. Our calendars are filling up with meetings, workshops, training, and community functions. The executive has met prior to today's meeting to plan things going forward.

WALGA staff have been integral in helping bring together the upcoming Wheatbelt Conference in Merredin on Tuesday 28<sup>th</sup> February 2023. Thanks very much to everyone involved. The Hon Jackie Jarvis MLC, Minister for Agriculture and Food, Forestry, and Small Business is attending which is great news. Also attending is WALGA President Karen Chappel plus a great line up of speakers. The theme is regional collaboration so it's all about working together to get the best result for all our communities and the region generally. Hopefully councilors' that may not ordinarily attend conferences in the city will also attend. Being local content, it be very relevant and informative, not to mention all the networking opportunities.

There are lots of issues that we need to address and work through. No doubt the October 2023 Local Government Elections will be here before we know it. In the meantime, we will continue to work together with WALGA and all the Agencies for all our Local Governments and their constituents.

Finally, can I say thanks very much to James McGovern and Janine Neugebauer for their continued help and support.

#### **RESOLVED**

**Moved:** Shire of Trayning  
**Seconded:** Shire of Mt Marshall

**That the Zone President's Report be received.**

**CARRIED**

### **11.2 Local Government Agricultural Freight Group (LGAFG)**

President Tony Sachse

The LGAFG meeting last met on 13<sup>th</sup> July 2022. The next meeting is scheduled for early 2023. There is nothing else to report.

**Noted.**

### **11.3 Wheatbelt District Emergency Management Committee (DEMC)**

President Tony Sachse will provide a report to the Zone.

The last Wheatbelt DEMC met in Northam on 20<sup>th</sup> October 2022. The unconfirmed minutes of this meeting have already been distributed. The next meeting is on 29<sup>th</sup> March 2023.

The Wheatbelt Operational Area Support Group (OASG)/ISG is now only meeting as needed. A meeting occurred On 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> December 2022 relating to the Cervantes fire in the Shire of Dandaragan. Another meeting was held on 31<sup>st</sup> January 2023 relating to the Avon Valley bushfire.

The Wheatbelt Human Services Managers Forum met on 6<sup>th</sup> December 2022. The minutes of the meeting and supporting documentation including the WHSMF FDV Working Party Community Awareness Program and the Wheatbelt Men's Respite Centre were attached. To the agenda.

Another meeting was held on 7<sup>th</sup> February 2023 the minutes of which are not yet available.

#### **RESOLVED**

**Moved:** Shire of Mt Marshall  
**Seconded:** Shire of Wyalkatchem

**That the Great Eastern District Emergency Management Committee Report be received.**

**CARRIED**

### **11.4 Regional Health Advocacy Group**

This item and a report will be prepared for the April 2023 meeting.

**Noted.**

### **11.5 WALGA RoadWise**

Cliff Simpson, Regional Road Safety Advisor was an apology.

**Noted.**

## **12. Western Australian Local Government Association (WALGA) Business**

### **12.1 2023 Local Government Honours Program**

The annual Local Government Honours Program affords significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and Local Government officers to their respective Councils, the WA Local Government sector, and the wider community.

Nominations for the 2023 Honours Program are open now.

There are six awards in the 2023 Program:

1. Local Government Medal
2. Life Membership
3. Eminent Service Award
4. Merit Award
5. Local Government Distinguished Officer Award
6. Young Achievers Award

Nominations will close at **5:00pm on Friday, 9 June** and the awards will be presented as part of the WALGA Annual General Meeting held on Monday, 18 September. For more information or to submit a nomination, visit the WALGA website or contact Kathy Robertson, Executive Officer Governance, on 9213 2036 or via email at [honours@walga.asn.au](mailto:honours@walga.asn.au).

**Noted.**

## **12.2 State Councillor Report**

Cr Stephen Strange

### **RESOLVED**

**Moved: Shire of Bruce Rock**

**Seconded: Shire of Nungarin**

**That the State Councillor Report be received.**

**CARRIED**

## **12.3 WALGA Status Report**

By James McGovern, Executive Officer

There were no matters to present in the Status Report for February 2023.

**Noted.**

## **12.4 Review of WALGA State Council Agenda's – Matters for Decision**

### **12.4.1 State Council Agenda Items – (1 March 2023)**

#### **Background**

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

The full State Council Agenda can be found via link: [State Council Agenda 1 March 2023](#)

The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

#### **Matters for Decision**

### **7.1 Proposed Advocacy Position on Constitutional Recognition of Aboriginal and Torres Strait Islanders**

#### **Executive Summary**

- The Australian Government will hold a referendum in the second half of 2023 on amending the Constitution to enshrine an Aboriginal and Torres Strait Islander Voice to Parliament (the Voice) as part of its commitment to implement the Uluru Statement from the Heart.
- At its December 2022 meeting State Council resolved that WALGA prepare an advocacy position in support of constitutional recognition to be circulated to WALGA Zones for their next meeting for consideration and feedback.
- WALGA has prepared the attached Information Paper for WALGA Zones and State Council to facilitate discussion on the proposed WALGA Advocacy Position.

## WALGA Recommendation

That the following Advocacy Position be endorsed: WALGA supports constitutional recognition of Aboriginal and Torres Strait Islander People through the enshrining of a Voice to Parliament.

## Great Eastern Country Zone Recommendation

### RESOLVED

Moved: Shire of Bruce Rock  
 Seconded: Shire of Tammin

That the Great Eastern Country Zone does not believe that WALGA should be actively participating in the National Referendum on a Voice to Parliament.

**CARRIED**

## 7.2 Community Disaster Resilience Strategy Submission

### Executive Summary

- The State Emergency Management Committee (SEMC) has released the draft Western Australian Community Disaster Resilience Strategy (CDRS) for public consultation, until 3 March 2023.
- The Strategy intends to provide the guidance to support all Western Australians to increase their disaster resilience.
- The Strategy builds on a CDRS Discussion Paper. WALGA previously provided input on the discussion paper, and Local Government Consultation was also undertaken by SEMC
- WALGA has prepared a draft Submission that is supportive of the CDRS

### WALGA Recommendation

That the submission on the draft Western Australian Community Disaster Resilience Strategy be endorsed.

## 7.3 Child Safeguarding Advocacy Position

### Executive Summary

- Since 2018 WALGA has consulted extensively with Local Government in relation to the response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) including the National Redress Scheme, Reportable Conduct and Child Safety Officers.
- WALGA has developed a Child Safeguarding Advocacy Position which will be used to guide policy development, advocacy, and capacity building activities for Local Government within the State framework.
- The new Advocacy Position has been developed based on submissions previously endorsed by State Council and extensive consultation with Local Government and is supported by the Local Government Child Safety Communities of Practice network and the Community Industry Reference Group (CIRG).

### WALGA Recommendation

That the Child Safeguarding Advocacy Position as follows be endorsed:

#### Child Safeguarding

1. *Local Government supports:*
  - a. *the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, in particular Recommendation 6.12 which can be achieved by Local Government implementing and embedding child safeguarding across its functions with support from Governments at the national, state and territory levels; and*

- b. *the ten National Principles for Child Safe Organisations (Australian Humans Rights Commission).*
  2. *The State Government through an Independent Oversight Body should provide financial, resourcing and capacity building support to Local Governments to implement and embed child safeguarding across its functions, through the provision of:*
    - a. *supporting materials such as template policies, procedures, and guidelines;*
    - b. *consistent key messaging and resources to promote and share in venues and facilities and online;*
    - c. *examples of best practice, including case studies;*
    - d. *self-assessment tools to assist Local Government;*
    - e. *ongoing training and skills development for Local Government staff, including online training options;*
    - f. *funding for the delivery of the child safeguarding function within smaller, less well resourced (Band 3 and Band 4) Local Governments; and*
    - g. *expert officers within each region to provide support and guidance to Local Government on child safeguarding.*
  3. *The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.*

## **7.4 Submission on Draft Guideline Minimising Noise Impact from Outdoor Community Basketball Facilities**

### **Executive Summary**

- The Department of Water and Environmental Regulation released the *Draft Guideline: Minimising noise impact from outdoor community basketball facilities* on 23 December 2022 for a 10 week consultation period.
- The Draft Guideline includes options for how noise, from new community basketball facilities can be mitigated. This includes separation distances between the facility and residents in different circumstances, engineering, and facility management controls.
- A draft Submission was circulated to Local Government for feedback and the final Submission has been updated based on the information provided.
- The WALGA Submission provides feedback on the costs and practicality of the various interventions suggested.

### **WALGA Recommendation**

That the submission on the Draft Guideline: Minimising noise impact from outdoor community basketball facilities be endorsed.

## **7.5 Main Roads Draft Roadside Advertising Policy and Application Guidelines**

### **Executive Summary**

- Main Roads is seeking feedback on their Draft Roadside Advertising Policy and Application Guidelines.
- This policy could be used to significantly curtail the deployment of roadside advertising devices, which are currently used by Local Governments as a source of public realm amenity, support funding bus shelter improvements and are a source of revenue for Local Government in some cases.
- As drafted, these guidelines would apply to most of the public road network, including Local Government roads, and signs on private property that are visible from the road. The draft guidelines would cover advertiser-funded bus shelters and information or decorative banners.
- There is no demonstrated road safety problem resulting from roadside advertising devices, as currently deployed in Western Australia. Road safety is the stated rationale for developing this policy.
- WALGA has prepared a submission to Main Roads on the guidelines, requesting:

- Greater delegation of authority in assessing small format static signs and small format digital signs.
- Guaranteed processing times for classes of signs for which Main Roads retains the assessment function. This includes requesting a schedule of approval time frames, and a “deemed approved” clause in the event of these timeframes not being met.

### **WALGA Recommendation**

That the submission to Main Roads on its Draft Roadside Advertising Policy and Application Guidelines be endorsed.

### **Policy Team Reports**

#### **8.1 Environment and Waste Policy Team Report**

##### 1. Matters for State Council Decision

The Submission on the Department of Water and Environmental Regulation draft Guideline *Minimising noise impact from outdoor community basketball facilities* was considered and endorsed for State Council decision at the March 2023 meeting (see [Agenda item 7.4](#)).

##### 2. Matters for State Council Noting

The following updates were noted by the Policy Team:

New Urban Forest promotional videos – available on the WALGA website [here](#).

Varroa mite and backyard beekeepers – WALGA continues to engage with DPIRD on this issue.

In relation to Foot and Mouth Disease (FMD) and Lumpy Skin Disease (LSD):

- Release of a [National LSD Action Plan](#);
- A Northern Australian Coordination Network has been [established](#) and funded to assist in managing the threat of LSD and FMD;
- The Western Australian taskforce continues to meet, this group includes DPIRD, industry groups, livestock agents and processors; and
- The National FMD Biosecurity Response Zone extended to 30 June 2023 to ensure Australia’s strong protections against FMD remain in place.

### **WALGA Recommendation**

That the matters considered by the Environment and Waste Policy Team be noted.

#### **8.2 Governance and Organisational Services Policy Team Report**

*The Governance and Organisational Services Policy Team includes the following subject areas:*

- *Employee Relations*
- *Governance*
- *Strategy and Association Governance*
- *Training*
- *Regional Capacity Building / Local Government Reform*

The Governance and Organisational Services (GOS) Policy Team have not had a meeting since the last State Council meeting in December 2022.

A meeting of the GOS Policy Team is scheduled for Friday, 3 February.

A Report providing an update on matters considered at that meeting will be included in the next State Council Agenda.

### **WALGA Recommendation**

That the Governance and Organisational Services Policy Team Report be noted.

### 8.3 Infrastructure Policy Team Report

The Infrastructure Policy Team includes the following subject areas:

- Roads and paths
- Road safety
- Transport
- Freight
- Utilities (including telecommunications and underground power)

This Report provides an update on matters considered, since the last State Council meeting, by the Infrastructure Policy Team at its meetings held on 7 December 2022 and 11 January 2023.

#### 1. Matters for State Council Decision

Nil.

#### 2. Matters for State Council Noting

##### 2.1 Policy Team meeting on 7 December 2022

At the meeting on 7 December, the Infrastructure Policy Team considered matters related to:

##### Road Traffic Issues

This matter was deferred for consideration after the development and endorsement of a clear Local Government advocacy position on speed management.

##### Car Parking and Traffic Congestion Around Schools

The Policy Team requested WALGA use its role at the Safe Active Travel to School Working Group to advocate for desired outcomes and to provide advice back to the Local Government sector.

##### Proposal for Regional Road Maintenance Contracts with Main Roads

The Policy Team requested WALGA explore, in discussion with Main Roads WA, opportunities and interest in contracting Local Governments to undertake maintenance and minor works on the State road network.

##### Northern Australian Beef Roads Program

The Policy Team requested that WALGA engage with the Goldfields-Esperance Regional Road Group regarding the matter of Northern Australian Beef Roads Program.

##### 2.2 Policy Team meeting on 11 January 2023

##### Western Power Access Arrangement 5

At the meeting on 11 January, the Infrastructure Policy Team endorsed the draft submission, consistent with the policy positions endorsed by State Council in April 2022, concerning Western Power Access Arrangement 5 (2022 – 2027) for lodgement with the Economic Regulation Authority.

#### **WALGA Recommendation**

That the matters considered by the Infrastructure Policy Team be noted.

### 8.4 People and Place Policy Team Report

#### 1. Matters for State Council Decision

The Aboriginal Cultural Heritage Act Stage 3 Co-Design Submission was considered and endorsed for State Council decision by Flying Minute (see [Agenda item 9.5](#)).

The following items were considered and endorsed for State Council decision at the March 2023 meeting:

A submission on the draft Western Australian Disaster Resilience Strategy (see [Agenda item 7.2](#)); and  
An updated Child Safeguarding Advocacy Position (see [Agenda item 7.3](#)).

2. Matters for State Council Noting

The following noting items were considered:

The consultation response to the Draft Position Statement: Child Care Premises prior to submission to the DPLH (see [Agenda item 9.6](#)); and  
The Local Development Plan Background Paper (see [Agenda item 9.3](#)).

**WALGA Recommendation**

That the matters considered by the People and Place Policy Team be noted.

**Matters for Noting/Information**

- 9.1 Animal welfare in Emergencies Grant Program Overview
- 9.2 Emergency Management Update
- 9.3 Local Development Plan Background Paper
- 9.4 2023-24 WALGA Federal Budget Submission
- 9.5 WALGA Submission on Phase Three of the Aboriginal Cultural Heritage Act 2021 Co-Design Process
- 9.6 Child Care Premises Position Statement: Consultation Response
- 9.7 Report Municipal Waste Advisory Council (MWAC)

**RESOLVED**

Moved: Shire of Tammin  
Seconded: Shire of Dowerin

That the Great Eastern Country Zone

- 1. Supports Matters for Decision, items 7.2 to 7.5 and 8.1 to 8.4 as listed above in the March 2023 State Council Agenda.
- 2. Notes all Matters for Noting and Organisational Reports as listed in the March 2023 State Council Agenda.

**CARRIED**

**12.5 WALGA President's Report**

The WALGA President's Report was attached to the agenda.

**RESOLVED**

Moved: Shire of Bruce Rock  
Seconded: Shire of Trayning

That the Great Eastern Country Zone notes the WALGA President's Report.

**CARRIED**

### 13. Emerging Issues

<b>13.1 Review of Audit Process by the Office of Auditor General</b>
----------------------------------------------------------------------

Shire of Yilgarn

The Zone raised the issue of a lack of confidence in the auditing process managed by the Office of the Auditor General and request that WALGA lead a comprehensive review of the auditing process.

#### **RESOLVED**

**Moved:** Shire of Tammin  
**Seconded:** Shire of Cunderdin

**That the Great Eastern Country Zone supports a comprehensive review, prioritised and led by WALGA, of the audit process managed by the Office of the Auditor General.**

**CARRIED**

### 14. Date, Time, and Place of Next Meetings

The next Great Eastern Country Zone meeting will be held on Monday, 17 April 2023 commencing at 9.30am. This meeting will be hosted by the Shire of Merredin.

### 15. Closure

There being no further business the Chair declared the meeting closed at 12:37pm.

# Intractable Waste Disposal Facility (IWDF), Mount Walton East Community Liaison Committee (CLC) Meeting Minutes

## Draft v0.4

<b>Chairperson:</b>	Eleanor Hopkins	<b>Date &amp; Time:</b>	16 February 2023 10.03 am – 11.23 am
<b>Meeting:</b>	IWDF, Mount Walton East Community Liaison Committee Meeting	<b>Venue:</b>	Coolgardie Community Recreation Centre, Sylvester St, Coolgardie
		<b>Meeting No.:</b>	2022/23 Meeting 2

Attendees:		
Eleanor Hopkins	(EH)	IWDF Project Director, Department of Finance (Chairperson)
Leanne Morton	(LM)	IWDF FMC Acting Project Manager
Jan McLeod	(JMcl)	Coolgardie Community Representative
Rhonda Evans	(RE)	Coolgardie Community Representative (via Teams)
Bryan Close	(BC)	Deputy President, Shire of Yilgarn (via Teams – left the meeting at 11.15 am)
Rob Stewart	(PD)	Acting CEO, Shire of Menzies (via Teams)

Apologies		
Sze-Wan Ng	(SN)	IWDF Contract Manager, Department of Finance
Mark Shepherd	(MJS)	IWDF FMC Project Director / Operations Manager
Suzie Williams	(SW)	Coolgardie Community Representative
Mick Kinnaird	(MK)	Acting Executive Manager Regulatory Services, Shire of Yilgarn
David Williams	(DW)	Community Representative – Western Australian community outside the Shires of Coolgardie, Menzies and Yilgarn
Tracey Rathbone	(TR)	Deputy President, Shire of Coolgardie
James Trail	(JT)	CEO, Shire of Coolgardie
Nic Warren	(NW)	CEO, Shire of Yilgarn
Phil Nolan	(PN)	Councillor, Shire of Yilgarn
Greg Dwyer	(GD)	Shire President, Shire of Menzies
Mal Cullen	(MC)	President, Shire of Coolgardie
Abnesh Chetty	(AC)	Environmental Officer – Licensing, Department of Water and Environmental Regulation

Observers
None

Meeting Agenda		
Item		Action / When
1.0	<p><b>Open the Meeting and Welcome</b></p> <p>EH declared the meeting open at 10.03 am.</p> <p>EH acknowledged the Traditional Owners of the land on which the meeting was held and paid her respects to Elders past, present and emerging.</p> <p>EH introduced herself and welcomed all committee members and advised there was no observers.</p>	
2.0	<p><b>Apologies</b></p> <p>Apologies were noted and are documented at the beginning of these minutes.</p>	
3.0	<p><b>Introductions</b></p> <p>Each member present introduced themselves, providing their name and the type of membership they are representing on the CLC (documented at the beginning of these minutes).</p>	
4.0	<p><b>Previous Minutes</b></p> <p>EH stated that the draft minutes for the previous meeting, held on 29 November 2022, were distributed on 5 December 2022, within the two-week timeframe in accordance with the CLC Terms of Reference and Operational Guidelines (CLC ToR).</p> <p>EH stated that no amendments to the November 2022 meeting minutes have been requested to date. EH asked the CLC if there were any further amendments.</p> <p>No further amendments were requested by the CLC therefore EH requested that the CLC endorse the minutes for November 2022.</p> <p>RE moved to accept the November 2022 minutes. BC seconded.</p>	
5.0	<p><b>Business Arising from Previous Minutes</b></p> <p><b>5.1 PCR hardcopies</b></p> <p>At the June 2022 meeting, hardcopies of the 2020-2021 PCR were requested by JMCL and by TR for the Shire of Coolgardie Resource Centre.</p> <p>EH reported that SN had spoken with TR in January and TR had agreed that a hardcopy would no longer be required for the Shire of Coolgardie Resource Centre as the PCR is available online at <a href="https://www.wa.gov.au/organisation/department-of-finance/intractable-waste-disposal-facility-mt-walton-east-iwdf">https://www.wa.gov.au/organisation/department-of-finance/intractable-waste-disposal-facility-mt-walton-east-iwdf</a>.</p> <p>A hardcopy of the 2020-2021 PCR was provided to JMCL at the start of this meeting.</p> <p>Due to the PCR now being available online and the costs of producing hardcopies of the PCR, moving forward, requests for hardcopies <b>may</b> involve a cost to the requester.</p> <p><b>5.2 CLC visit to the IWDF 29 November</b></p> <p>JMCL thanked the Department of Finance (Finance) for facilitating the CLC visit and MJS for driving the bus used to transport the CLC to the IWDF on the 29 November 2022.</p> <p>JMCL commented that as a community representative on the CLC it was very beneficial to experience aspects of the IWDF first-hand and this knowledge would then assist her when speaking to the community about the IWDF.</p>	

Meeting Agenda		
Item		Action / When
	<p>JMcL found the general site induction and the rehabilitation explanation particularly useful.</p> <p>RE also commented that it was a great day and the knowledge she gained from the visit has allowed her to inform the traditional owners that the land is being respected and well managed.</p> <p>EH reported that Finance had received several communications regarding the site visit and all the feedback had been very positive.</p>	
6.0	<p><b>Management of the IWDF</b></p> <p><b>6.1 IWDF Safety Assessments and Safety Case</b></p> <p>The IWDF Safety Assessments and Safety Case continue to be progressed. The draft Operation Safety Assessment (OSA) and Post Closure Safety Assessment (PCSA) have been completed by the RSO and the documents have been reviewed by Finance.</p> <p>Copies of the draft OSA and PCSA were emailed to the CLC members on the 15 February 2023. Hardcopy of these documents were tabled at the meeting. JMcL has taken responsibility for the tabled OSA and PCSA. EH reminded the CLC that these documents are draft and should not be circulated to any other parties until the final version has been released.</p> <p>The draft OSA and PCSA will be submitted to the Radiological Council of Western Australia (RCWA) for feedback during the next week. It was requested that any questions or feedback from CLC members on the OSA and PCSA be directed to the FMC.</p> <p>The updated IWDF Safety Case, containing both the OSA and PCSA is almost complete. A copy of the draft Safety Case will be provided to the CLC as soon as it has been reviewed by Finance.</p> <p>It should also be noted that advice regarding the total activity limits for each isotope disposed at the IWDF is still pending from the RCWA. These total activity limits when provided may require some changes to the draft OSA and PCSA.</p> <p><b>6.2 2021 – 2022 PCR (draft)</b></p> <p>The draft 2021 – 2022 PCR has now been completed. LM tabled a hardcopy of the draft 2021 – 2022 PCR and informed the CLC that electronic copies can be provided to CLC members by sending an email request to SN. JMcL has taken responsibility for the hardcopy 2021 – 2022 PCR.</p> <p>LM requested that all questions or feedback regarding the 2021 – 2022 PCR be directed to LM at the FMC. LM's contact details are: <a href="mailto:leanne.morton@auroraenvironmental.com.au">leanne.morton@auroraenvironmental.com.au</a> or 0417916219.</p> <p><b>6.3 Management Review Meeting</b></p> <p>LM reported that the 17th MRM was held on 15 December 2022. LM tabled a hardcopy of the MRM minutes (including attachment). JMcL has taken responsibility for the hard copy MRM minutes. A copy of the December 2022 MRM minutes will be sent to the CLC with the draft minutes of this meeting.</p>	<p>SN to send Dec MRM minutes with draft minutes of</p>

Meeting Agenda																												
Item		Action / When																										
	<p>EH commented that as the MRM minutes have only just been tabled, discussion regarding the content would be postponed until the June meeting to allow the CLC time to review the minutes.</p> <p>JMcL commented that this was not ideal as the next CLC meeting will be more than six months after the December MRM. JMcL asked that in future MRM minutes be sent to CLC members at least two weeks before the CLC meeting to give members enough time to review the minutes and, if required prepare questions or comments.</p> <p><b>6.4 Internal Compliance Audits</b></p> <p><b>6.4.1 Results of internal compliance audit for 2021 – 2022 Reporting Period</b></p> <p>LM reported that at the November 2022 CLC meeting only the preliminary compliance auditing for the current reporting period (July 2022 – June 2023) was reported however the completed compliance auditing for the previous reporting period was not reported to the CLC. The completed audit reports for the 2021 – 2022 reporting period can be found in the 2021 – 2022 PCR and a summary of the results is provided below.</p> <table border="1"> <thead> <tr> <th>Instrument</th> <th>Status</th> </tr> </thead> <tbody> <tr> <td>Ministerial Statement 562</td> <td><b>One non-compliance</b> PC 8 No of CLC meetings.</td> </tr> <tr> <td>Department of Finance - Environmental Licence (DWER)</td> <td>No non-compliances.</td> </tr> <tr> <td>Department of Finance - Radiological Council Registration (RCWA)</td> <td>No non-compliances.</td> </tr> <tr> <td>ASNO Permit Department of Finance - Department of Foreign Affairs and Trade, The Australian Safeguards and Non-Proliferation Office</td> <td>No non-compliances.</td> </tr> <tr> <td>Department of Finance, - EHSQMS</td> <td><b>One non-compliance</b> MP-08 4.8.4 CLC meetings.</td> </tr> <tr> <td>IWDF (FMC) – EHSQMS</td> <td>No non-compliances.</td> </tr> <tr> <td>Department of Finance – Management Plans</td> <td><b>One non-compliance</b> MP 10 No of CLC meetings.</td> </tr> </tbody> </table> <p><b>6.4.2 Results of internal compliance audit for 2022-2023 Reporting Period</b></p> <p>LM reported that internal compliance auditing for the first half of the current reporting period (June 2022 – June 2023) has been undertaken and the results are provided below.</p> <table border="1"> <thead> <tr> <th>Instrument</th> <th>Status</th> </tr> </thead> <tbody> <tr> <td>Ministerial Statement 562 (audited twice annually)</td> <td><b>One potential non-compliance</b> PC 8 No of CLC meetings – potential as it is still possible to comply.</td> </tr> <tr> <td>Department of Finance - Environmental Licence (DWER)</td> <td>No non-compliances to date.</td> </tr> <tr> <td>Department of Finance - Radiological Council Registration (RCWA)</td> <td>No non-compliances to date.</td> </tr> <tr> <td>ASNO Permit Department of Finance - Department of Foreign Affairs and Trade, The</td> <td>No non-compliances to date.</td> </tr> </tbody> </table>	Instrument	Status	Ministerial Statement 562	<b>One non-compliance</b> PC 8 No of CLC meetings.	Department of Finance - Environmental Licence (DWER)	No non-compliances.	Department of Finance - Radiological Council Registration (RCWA)	No non-compliances.	ASNO Permit Department of Finance - Department of Foreign Affairs and Trade, The Australian Safeguards and Non-Proliferation Office	No non-compliances.	Department of Finance, - EHSQMS	<b>One non-compliance</b> MP-08 4.8.4 CLC meetings.	IWDF (FMC) – EHSQMS	No non-compliances.	Department of Finance – Management Plans	<b>One non-compliance</b> MP 10 No of CLC meetings.	Instrument	Status	Ministerial Statement 562 (audited twice annually)	<b>One potential non-compliance</b> PC 8 No of CLC meetings – potential as it is still possible to comply.	Department of Finance - Environmental Licence (DWER)	No non-compliances to date.	Department of Finance - Radiological Council Registration (RCWA)	No non-compliances to date.	ASNO Permit Department of Finance - Department of Foreign Affairs and Trade, The	No non-compliances to date.	<p>this meeting. SN to include Dec MRM on agenda for June 2023 meeting.</p>
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	<p><b>6.5 Environmental Gamma Radiation Survey</b></p> <p>LM tabled a copy of the <i>2022 Environmental Gamma Radiation Survey for the Intractable Waste Disposal Facility (IWDF)</i>. A gamma radiation survey for the IWDF is required every five years if no disposal of radioactive waste has occurred. This survey was undertaken in October 2022 and reporting completed in December 2022.</p> <p>JMcL has taken responsibility for the tabled gamma radiation report.</p> <p>LM reported that the survey concluded that the radiological conditions for the IWDF have remained stable and are at normal background radiation levels, and therefore present no health risk to the public or the environment.</p> <p>RE requested a PDF copy of the <i>2022 Environmental Gamma Radiation Survey for the Intractable waste Disposal Facility (IWDF)</i>.</p>	SN to send survey report to RE.								
7.0	<p><b>CLC Terms of Reference and Operational Guidelines</b></p> <p>7.1 EH noted the annual review of the ToR was due and requested comment from members.</p> <p><b>Section 2.1.1</b></p> <p>RE requested that <i>Traditional Owners of the Land</i> (maximum of two) be added as a new membership category to section 2.1.1. RE stated that although available to all traditional owners, the new membership category would very likely be filled by local traditional owners.</p> <p><b>Section 2.1.2</b></p> <p>JMcL requested that section 2.1.2 be reworded for clarity and the benefit of new members. JMcL requested that the word “manages” be replaced by “the Proponent” as she felt that the management of the IWDF is performed by the FMC. There was some discussion around the types or levels of management. EH explained that Finance on behalf of the Minister for Works does in fact manage the asset that is the IWDF. This asset management includes decisions about general maintenance and minor upgrades to the asset. LM explained that the FMC, who is a contractor of the Proponent, is responsible for the operational and environmental management of the IWDF. Despite these different types of management responsibility, the management of the IWDF is very much a team effort.</p> <p><b>Section 2.5</b></p> <p>LM commented that section 2.5 requires that the CLC meet a minimum of four times per year despite the CLC agreeing, on the 14 October 2021, to reduce the number of meetings to three times per year, unless additional meetings are requested. As the CLC Operational Guidelines are owned by the CLC it is open to the CLC to acknowledge this agreement in the Operational</p>									

Meeting Agenda																	
Item		Action / When															
	<p>Guidelines. This would not affect Proponent Commitment 8 of Ministerial Statement 562 and a non-compliance will still be recorded for Proponent Commitment 8.</p> <p>JMcL commented that if the reduction of the minimum number of meetings is formally progressed with the EPA under Section 45c or 46 then she would like to see the WA waste only condition revisited. JMcL stated that given non-Western Australian waste is transported down the same access road to a site on a few kilometres to the west this condition no longer makes any sense.</p> <p>It was agreed that the potential changes to the ToR would be drafted, and a new version would be sent the CLC, with the draft minutes of this meeting, for comment and feedback.</p>	<p>SN to draft the potential changes to ToR and send to CLC with draft minutes of this meeting.</p>															
8.0	<p><b>Waste Disposals</b></p> <p><b>8.1 Waste Enquiries</b></p> <p>No new waste enquiries have been received by the FMC since the last CLC meeting.</p> <p><b>8.2 Waste Acceptance Applications</b></p> <p>No new waste acceptance applications have been received by the FMC since the last CLC meeting.</p> <p>LM reported that, since the last CLC meeting, the one application under assessment has now been assessed as suitable for disposal at the IWDF and has also received RCWA approval for disposal.</p> <p>The status of waste enquiries and applications is provided below.</p> <table border="1"> <thead> <tr> <th>Stage of progress</th> <th>Radioactive</th> <th>Chemical</th> </tr> </thead> <tbody> <tr> <td>Approved applications</td> <td>22 (partial)</td> <td>0</td> </tr> <tr> <td>Applications under assessment</td> <td>0</td> <td>0</td> </tr> <tr> <td>Applications awaiting assessment</td> <td>0</td> <td>0</td> </tr> <tr> <td>Waste enquiries in progress</td> <td>0</td> <td>0</td> </tr> </tbody> </table> <p><i>Partial – some radioactive wastes declared for disposal will require further justification and resubmission to RCWA.</i></p>	Stage of progress	Radioactive	Chemical	Approved applications	22 (partial)	0	Applications under assessment	0	0	Applications awaiting assessment	0	0	Waste enquiries in progress	0	0	
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Meeting Agenda		
Item		Action / When
9.0	<p><b>General Business</b></p> <p><b>9.1 Updated IWDF Handbook</b></p> <p>The IWDF Handbook was updated in early December 2022:</p> <ul style="list-style-type: none"> <li>• References to the most recent monitoring events e.g., the gamma radiation survey Oct 2022.</li> <li>• Updated October 2022 rehabilitation monitoring photo in section 5.3.</li> <li>• Figure 4 has been replaced with a simpler version.</li> <li>• Where required, parts of the flow diagram have been replaced with parts from the latest version of the flow diagram in Section 4.</li> </ul> <p>The new version (Version 18) was uploaded to the website on 12 December 2022.</p> <p>The 2-page brochure was updated with Finance's new branding on 12 January 2023.</p> <p>LM commented that the figures in the Handbook using aerial photography as a base are using photography flown around 2012. In late December, the FMC became aware of more recent aerial photography covering the IWDF. The relevant figures in the Handbook are currently being updated to use the more recent aerial photography. This is important as the figures will now show the actual 2020NRT01 disposal cell and not a manually drawn cell. The updated aerial photography also more clearly demonstrates the status of the rehabilitation around the disturbed areas.</p> <p>It was agreed that the CLC would be notified by email as soon as the Handbook has been updated and is available on the IWDF web page.</p> <p><b>9.2 Membership Issues of the CLC</b></p> <p>EH reported to the CLC that SW would be resigning from the CLC as a Coolgardie community representative. SW is hoping to be nominated as a Kalgoorlie/Boulder Council representative. SW has agreed to send a nomination form before the next CLC meeting.</p> <p>EH advised JMcl's that her membership would expire in October 2023 and asked that JMcl advise her intentions by the June 2023 CLC meeting.</p> <p><b>9.3 Scheduling of meetings for the next reporting period.</b></p> <p>It was recognised that there are no CLC meetings scheduled for the second half of this year. EH asked the CLC if they were still comfortable with holding meetings in October, February, and June. The CLC agreed that this was still acceptable. EH suggested that Finance schedule potential meeting dates for October 2023, February 2024 and June 2024 and email the dates to the CLC prior to the next meeting in June 2023.</p> <p><b>9.4 RCWA registration for the IWDF</b></p> <p>JMcl noted that the RCWA Registration for the IWDF expired on the 8 February 2023 and requested an update on the status of this registration.</p> <p>LM reported that an application for renewal of registration of premises for the IWDF had been submitted by Finance to the RCWA. At this time RCWA have not yet issued a new registration for the IWDF.</p> <p>LM also reported that, after discussion with the RCWA, a transitional period will be allowed under the new RCWA registration for the IWDF to enable gradual implementation of the</p>	<p>SN to notify the CLC members when the updated Handbook is available.</p> <p>SN to schedule potential meeting dates and email to CLC prior to the next meeting.</p>

Meeting Agenda		
Item		Action / When
	<p>requirements of the ARPANSA (2018) <i>Code for Disposal Facilities for Solid Radioactive Waste</i>, October 2018, (Radiation Protection Series C-3), while still meeting the requirements of the NHMRC (1993) <i>Code of practice for the near-surface disposal of radioactive waste in Australia</i> (1992), (Radiation Health Series RHS 35).</p> <p><b>9.5 Solar lighting at the entrance to the IWDF</b></p> <p>JMcL commented that, in her view, the solar lighting at the entrance gate of the IWDF was an example of unnecessary government spending. JMcL cited another example of unnecessary spending where Finance had installed signs along the access road providing a Finance phone number to call except the locations of the signs had no mobile phone reception.</p> <p>JMcL also asked why the CLC were not informed prior to the installation of the lighting.</p> <p>EH responded that Finance has broad work, health and safety obligations in relation to the access road and IWDF and does not intend to consult with the CLC in relation to maintenance and minor upgrades related to these assets.</p> <p>LM commented that she has had a phone call from a Coolgardie resident, who regularly goes to Sandy Ridge, asking why the lights have been installed and was the lighting an invitation to visit the IWDF.</p> <p><b>9.6 Rio Tinto lost and found Caesium 137 source</b></p> <p>JMcL tabled a newspaper cutting regarding the Rio Tinto lost and found Cs-137 source and commented that although in this case a single source, it demonstrated that there is still a need for a state-owned facility such as the IWDF to manage the disposal of intractable waste resulting from serious incidents.</p>	
10.0	<p><b>Close / Scheduling of Next Meeting</b></p> <p><b>10.1</b> The next meeting is scheduled for 22 June 2023.</p> <p>EH closed the meeting at 11.23 am.</p>	



# WEROC Inc. Board Meeting MINUTES

Wednesday 22 February 2023

Shire of Kellerberrin Council Chambers  
110 Massingham Street, Kellerberrin

WEROC Inc. | Incorporating the Shires of Bruce Rock, Kellerberrin, Merredin, Tammin, Westonia and Yilgarn

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# WEROC Inc.

## Wheatbelt East Regional Organisation of Councils Inc.

Shires of Bruce Rock, Kellerberrin, Merredin, Tammin, Westonia, Yilgarn

Minutes of the Board Meeting held in the Kellerberrin Shire Council Chambers on Wednesday 22 February 2023.

# MINUTES

## 1. OPENING AND ANNOUNCEMENTS

Ms. Emily Ryan as Chair of WEROC Inc. welcomed Members of the Board and opened the meeting at 9.46am.

## 2. RECORD OF ATTENDANCE AND APOLOGIES

### 2.1 Attendance

Ms. Emily Ryan (Chair)

Ms. Lisa Clack

Mr. Tony Crooks

Mr. Wayne Della Bosca

Mr. Raymond Griffiths

Mr. Mark McKenzie (Deputy Chair)

Mr. Darren Mollenoyux

Ms. Tanya Nicholls, proxy and voting delegate for Ms. Glenice Batchelor

Ms. Joanne Soderlund

Mr. Nic Warren, proxy and voting delegate for Mr. Bryan Close

Ms. Rebekah Burges, Executive Officer

### 2.2 Apologies

Mr. Bryan Close

Ms. Glenice Batchelor

Mr. Bill Price

Mr. Mark Crees

### 2.3 Guests

Mr. Stuart Hoblely, Chief Executive Officer, Shire of Cunderdin (left the meeting at 10.05am and did not return)

Mr Daniel Hay-Hendry, Manager Projects & Assets, Shire of Merredin (left the meeting at 10.20am and did not return)

Ms. Chloe Townsend, A/Deputy Chief Executive Officer, Shire of Merredin (left the meeting at 10.20am and did not return)

Mr. Lindon Mellor, Executive Manager Engineering Services, Shire of Merredin (left the meeting at 10.20am and did not return)

### 3. DECLARATIONS OF INTEREST

Nil

### 4. PRESENTATIONS

#### 4.1 Mr. Jimmy Murphy & Ms. Alyce Ventris, Town Team Movement, 11.30am

At the WEROC Inc. Board Meeting held on 27 June 2022, Ms. Alyce Ventris, Town Team Builder for the Wheatbelt, presented a proposal for WEROC to partner with Town Teams in the same way that NEWROC have. There is not a set partnership arrangement, but it could look something along the lines of: - WEROC make an annual financial contribution of \$15,000 from 1 July 2023, and in return for this WEROC will have one day per week from the Town Team Builder dedicated to working with WEROC communities and one “do-over” event per annum.

The Board discussed the proposal and determined that:

- While Town Teams have great potential as a catalyst for community led projects, if they do not have the appropriate structure or a clear vision, the teams will have limited impact; and
- Any potential partnership between Town Teams and WEROC should be contingent on RAC continuing their funding beyond 2023

It was resolved that WEROC would revisit a potential partnership with Town Teams in early 2023.

Mr. Jimmy Murphy, Co-Founder of the Town Team Movement and Ms. Ventris have been invited to provide an update on Town Team projects and initiatives and to again discuss the potential for a partnership with WEROC.

#### Comments from the meeting:

The presentation from Town Teams was scheduled for 11.30am. Due to the early meeting closure, Mr. Murphy and Ms. Ventris did not present to the Board. The Executive Officer and Mr. Raymond Griffiths met with Mr. Murphy and Ms. Ventris separately. A copy of the presentation from Town Teams will be circulated to the Board via email.

### 5. MINUTES OF MEETINGS

#### 5.1 Minutes of the WEROC Inc. Board Meeting held on Monday 21 November 2022

Minutes of the WEROC Inc. Board Meeting held in Bruce Rock on Monday 21 November 2022 have previously been circulated.

#### Recommendation:

That the Minutes of the WEROC Inc. Meeting held in Bruce Rock on Monday 21 November 2022 be confirmed as a true and correct record.

#### RESOLUTION:

**Moved:** Mr. Tony Crooks

**Seconded:** Ms. Lisa Clack

That the Minutes of the WEROC Inc. Meeting held in Bruce Rock on Monday 21 November 2022 be confirmed as a true and correct record.

**CARRIED**

#### 5.2 Business Arising – Status Report as of 10 February 2023

**Attachment 1:** WEROC Strategic Plan (Revised 2022)

**Attachment 2:** WEROC Inc. Letter to Director Ron Shepherd

**Attachment 3:** Letter to WEROC Inc. from Director Ron Shepherd

Actions Arising from the WEROC Inc. Board Meeting held on 21 November 2022.

Agenda Item	Action(s)	Status
5.3 Business arising	Contact Wheatbelt NRM to get an update on their proposal for a regional corella management coordinator.	The Executive Officer sent an email to Wheatbelt NRM on 24 November requesting an update on the corella management initiative. A response was received on 1 December advising that they would provide an update as soon as possible. On 9 February 2023, Dr. Karl O’Callaghan, CEO of Wheatbelt NRM contacted the Executive Officer via phone and provided a verbal update on this proposal. Dr. O’Callaghan advised that discussions with CBH regarding their contribution are still ongoing but likely to be confirmed in the near term. The proposal is supported by the Avon Regional Organisation of Councils (AROC), but NEWROC have declined involvement.
7.1 Regional Preferred Provider Panels	Contact the Wheatbelt Business Network (WBN) with a request that they educate local businesses on the concept and benefits of preferred supplier panels.	The Executive Officer emailed WBN CEO, Mr. Rik Soderlund on 7 December 2022 advising that the WEROC Shires had canvassed local businesses to ascertain their interest in the preferred supplier panel concept and that there had been limited interest. It was requested that the WBN go out and talk to local businesses about preferred supplier panels and generate interest before WEROC consider this proposal again. A follow up email was sent on 8 February 2023.
7.2 Wheatbelt Workforce & Housing Discussion Paper	Write to Mr. James McGovern, Executive Officer of the Great Eastern Country Zone (GECZ), and request that GROH and worker housing be placed on the agenda for the GECZ conference taking place in early 2023.	The Executive Officer contacted Mr. James McGovern via email on 21 November 2022 with a request for housing (specifically GROH and worker housing) to be put forward as a potential topic of discussion at the 2023 GECZ conference.  Mr. McGovern replied on 24 November:  <i>“Thanks for the email and the proposal for the Conference program, it would be a worthy matter for consideration and does align with the</i>

		<p><i>strategic priorities adopted by the Zone Executive.</i></p> <p><i>The Conference will be discussed at the Zone meeting on Monday and the Executive will consider feedback before determining the final program”.</i></p>
7.3 WEROC Strategic Waste Management Plan	The Shire of Merredin will present a formal position and alternative funding models for the proposed Regional Waste Coordinator position at the next meeting of the WEROC Board.	Ms. Lisa Clack, CEO, Shire of Merredin has prepared a position paper. Please refer to Agenda item 7.4 for further detail.
7.4 WEROC Strategic Plan	Amend Action 1.3 so that it includes drought management programs as well as the Regional Climate Alliance Program.	The Plan has been updated and is provided as Attachment 1. The revised Plan has been uploaded to the WEROC website.
7.5 Marketing and Promotion of the Golden Pipeline Heritage Trail	Contact the National Trust Western Australia to query if there is an opportunity for a partnership with WEROC to revitalize the Golden Pipeline Heritage Trail.	The Executive Officer has been in contact with the National Trust Western Australia. Please refer to Agenda item 7.1 for further detail.
8.1 State Barrier Fence	Write to the Director of Invasive Species at the Department of Primary Industries and Regional Development regarding the recently announced change to wild dog control measures along the State Barrier Fence.	<p>In consultation with the Eastern Wheatbelt Biosecurity Group, Executive officer, Lisa O’Neill, a letter to the Director of Invasive Species and Environment Biosecurity (Ron Shepherd) was drafted and sent on 15 December 2022. A copy of this letter is provided as Attachment 2. A response was received on 31 January 2023 and is provided as Attachment 3.</p> <p>Subsequent to receiving the response the Executive Officer contacted Ms. O’Neill to ask if there are any further actions that can be taken in support of their concerns and was advised that there is unlikely to be any further progress on the concessions already made. Ms. O’Neill thanked WEROC for their support.</p>

**Recommendation:**

That the status reports as of 10 February 2023 be received.

**Comments from the meeting:**

- There is still interest in being involved in the Wheatbelt NRM’s Corella Management project. The Executive Officer will continue to monitor progress and provide updates as any new information comes to light.

- Members determined that at this stage the preferred supplier panel proposal from the Wheatbelt Business Network will be laid on the table. If at some future stage there is appetite to proceed, the matter will be reinvestigated.

**RESOLUTION:** **Moved:** Mr. Raymond Griffiths **Seconded:** Mr. Mark McKenzie

That the status reports as of 10 February 2023 be received.

**CARRIED**

## **6. WEROC INC. FINANCE**

### **6.1 WEROC Inc. Financial Report as of 31 January 2023**

**Author:** Rebekah Burges, Executive Officer

**Disclosure of Interest:** No interest to disclose.

**Date:** 1 February 2023

**Attachments:** Nil

**Voting Requirement:** Simple Majority

At the WEROC Inc. Board Meeting held on 2 May 2022 the budget for the financial year commencing 1 July 2022 and ending 30 June 2023 was adopted. The approved Budget for 2022-23 is used as the basis for the financial report.

An explanation for each of the notations on the financial report is provided below.

<b>Note 1</b>	Annual Financial contributions paid by Member Local Governments.
<b>Note 2</b>	GST received
<b>Note 3</b>	GST refunds for Q4 BAS 2021-22 and Q2 BAS 2022-23
<b>Note 4</b>	Executive Officer services for the months of June to December 2022
<b>Note 5</b>	Executive Officer travel to Board and other meetings
<b>Note 6</b>	Monthly subscription fee for Xero accounting software
<b>Note 7</b>	Payment to Audit Partners Australia for completing the audit of WEROC finances for the 2021-22 financial year
<b>Note 8</b>	Payments to ASK Waste Management for the WEROC Strategic Waste Management Plan, the Customer Service Institute of Australia for the customer service excellence workshops and the Shire of Merredin for the Central Wheatbelt Visitor Centre mail out service
<b>Note 9</b>	Payment to PWD for .au domain name registration, 12-month hosting fee and compulsory safety upgrade
<b>Note 10</b>	Payments to Local Community Insurance Services for insurances for WEROC Inc. including workers compensation, Cyber insurance, Public and Products Liability, Associations and Officials Liability and Personal Accident – Volunteer Workers.
<b>Note 11</b>	GST paid
<b>Note 12</b>	Payment to the Australian Tax Office for Q1 BAS 2022-23

**WEROC Inc.**

**ABN 28 416 957 824**

**1 July 2022 to 30 June 2023**

		Budget 2022/2023	Actual to 31/01/2023	Notes
<b>INCOME</b>				
0501	General Subscriptions	\$72,000.00	\$72,000.00	1
504.01	Consultancy & Project Reserve	\$0.00	\$0.00	
0575	Interest received	\$0.00	\$0.00	
584	Other Income	\$0.00	\$0.00	
	GST Output Tax	\$7,200.00	\$7,200.00	2
	GST Refunds	\$7,927.78	\$4,436.00	3
<b>Total Receipts</b>		<b>\$87,127.78</b>	<b>\$83,636.00</b>	
<b>EXPENSES</b>				
1545	Bank Fees & Charges	\$0.00	\$0.00	
1661.01	WEROC Inc. Executive Services	\$34,501.50	\$15,462.26	4
1661.02	Executive Officer Travel and Accommodation	\$1,560.00	\$525.63	5
1661.03	WEROC Executive Officer Recruitment	\$0.00	\$0.00	
1687	WEROC Financial Services Accounting	\$1,000.00	\$409.08	6
1687.03	WEROC Financial Services Audit	\$1,000.00	\$931.00	7
1585	WEROC Consultant Expenses	\$60,000.00	\$11,469.55	8
1850	WEROC Management of WEROC App & Website	\$360.00	\$680.00	9
1801	WEROC Meeting Expenses	\$500.00	\$0.00	
1851	WEROC Insurance	\$6,000.00	\$5,938.52	10
1852	WEROC Legal Expenses	\$2,000.00	\$0.00	
1853	WEROC Incorporation Expenses	\$0.00	\$0.00	
1930	WEROC Sundry	\$300.00	\$0.00	
3384	GST Input Tax	\$10,722.15	\$3,237.34	11
	ATO Payments	\$3,668.70	\$5,399.00	12
<b>Total Payments</b>		<b>\$121,612.35</b>	<b>\$44,052.38</b>	
<b>Net Position</b>		<b>-\$34,484.57</b>	<b>\$39,583.62</b>	
<b>OPENING CASH 1 July</b>		<b>\$168,194.70</b>	<b>\$164,322.88</b>	
<b>CASH BALANCE</b>		<b>\$133,710.13</b>	<b>\$203,906.50</b>	

**Recommendation:**

That the WEROC Inc. financial report for the period 1 November 2022 to 31 January 2023, be received.

**RESOLUTION:**

**Moved:** Mr. Wayne Della Bosca

**Seconded:** Mr. Raymond Griffiths

That the WEROC Inc. financial report for the period 1 November 2022 to 31 January 2023, be received.

**CARRIED**

## 6.2 Income & Expenditure

**Author:** Rebekah Burges, Executive Officer  
**Disclosure of Interest:** No interest to disclose.  
**Date:** 1 February 2023  
**Attachments:** Nil  
**Voting Requirement:** Simple Majority

A summary of income and expenditure for the period 1 November 2022 to 31 January 2023 is provided below.

Date	Description	Credit	Debit	Running Balance
Opening Balance		\$210,469.91		
04 Nov 2022	Payment: PWD Australia		\$462.00	\$210,007.91
04 Nov 2022	Payment: 150 Square Pty Ltd		\$2,978.70	\$207,029.21
30 Nov 2022	Payment: Premium Publishers		\$674.66	\$206,354.55
06 Dec 2022	Payment: PWD Australia		\$225.50	\$206,129.05
08 Dec 2022	Payment: 150 Square Pty Ltd		\$3,203.50	\$202,925.55
13 Jan 2023	Payment: Shire of Merredin		\$416.05	\$202,509.50
25 Jan 2023	ATO	\$1,397.00		\$203,906.50
<b>Total Westpac Community Solution One</b>		<b>\$1,397.00</b>	<b>\$7,960.41</b>	<b>\$203,906.50</b>
Closing Balance		\$203,906.50		

### Recommendation:

That the WEROC Inc. summary of income and expenditure for the period 1 November 2022 to 31 January 2023 be received.

That the Accounts Paid by WEROC Inc. for the period 1 November 2022 to 31 January 2023 totalling \$7,960.41 be approved.

**RESOLUTION:** **Moved:** Ms. Joanne Soderlund **Seconded:** Mr. Tony Crooks

That the WEROC Inc. summary of income and expenditure for the period 1 November 2022 to 31 January 2023 be received.

That the Accounts Paid by WEROC Inc. for the period 1 November 2022 to 31 January 2023 totalling \$7,960.41 be approved.

**CARRIED**

## 7. MATTERS FOR DECISION

### 7.1 Golden Pipeline Heritage Trail

**Disclosure of Interest:** No interest to disclose.  
**Date:** 1 February 2023  
**Attachments:** Attachment 4: Report Consultation Summary on Golden Pipeline  
**Consultation:** NA  
**Financial Implications:** NA

**Voting Requirement:** Simple Majority

**Background:**

At the WEROC Inc. Board meeting held on 21 November 2022, the future promotion and marketing of the Golden Pipeline Heritage Trail was discussed, and it was resolved that WEROC Inc. would continue to support the promotion of the trail. It was also recommended that an approach be made to the National Trust of Western Australia to see if there is an opportunity for a partnership with WEROC to revitalize the Golden Pipeline Heritage Trail (GPHT).

The Executive Officer wrote to the National Trust Western Australia requesting an opportunity to meet with them and discuss any future plans they have for the GPHT and to explore the potential to work with WEROC to see the closed sites receive the attention they require to once again become a safe point of interest for visitors. The following response was received from Mr. Julian Donaldson, Chief Executive Officer, National Trust WA:

*Dear Rebekah*

*Thank you for your note.*

*I recently wrote to all shire CEOs along the Golden Pipeline advising that the MOU, which is now well out of date, would not be renewed – but that we were happy to collaborate in the promotion of the GPHT as best we can. So, your note is timely!*

*The discovery of asbestos contamination at some of the sites has really constrained promotion, and like you, we can't wait for clearance so we can all invite visitors back.*

*You may also be aware that WaterCorp have recently called for submissions for a new interpretation plan for the pipeline as part of the project to sink large stretches of the line below ground.*

*We work closely with WaterCorp and have shared your request for information with them and received the following:*

*The primary constraint to accessing the pumping stations is the contamination present in the soil and buildings, along with some structural issues.*

*I'll check with our contaminated sites team and see what information we can share with the Trust and WEROC.*

*As part of the scope for the interpretation strategy, the successful consultant will need to produce a community engagement plan.*

*I imagine we would consult all of the LGA's along the pipeline, but hadn't thought of using WEROC, so will definitely keep this in mind.*

*As soon as we have a response, I'll let you know.*

**Executive Officer Comment:**

Subsequent to the correspondence with the National Trust, the Executive Officer conducted some desktop research to find out more about the Water Corporations Golden Pipeline renewal project. A brief overview of the project is provided below:

- In January 2022, the Water Corporation received approval to remove and repurpose above ground sections of the Golden Pipeline as it is gradually replaced with new underground pipeline over the next 50 to 70 years.
- The replacement of a section of pipeline in Tammin was completed in 2022 and the Water Corporation will soon start a section in Merredin.

- As part of this project the Water Corporation intends to develop an interpretation strategy that will enable the safe operation of the pipeline while also ensuring that sections of the above ground pipeline are retained for heritage, tourism and operational purposes.
- Initial consultation on this project was undertaken in 2018. Feedback from this consultation (refer to the summary report provided as Attachment 4) was used to inform the final project proposal which was released for public comment in September 2021.
- The Water Corporation will undertake further consultation with community, local government and other stakeholders to inform the interpretation strategy. This consultation was expected to start in late 2022.

The Executive Officer has contacted the Senior Planner responsible for this project and requested that WEROC be kept informed of this project as it progresses.

**Recommendation:**

That the information be noted.

**Comments from the meeting:**

- Mr. Nic Warren queried whether the Golden Pipeline renewal project would include remediation of contaminated sites or only involved preservation of the pipeline. The Executive Officer will contact the Water Corporation to seek clarification on this.

**RESOLUTION:**

**Moved:** Ms. Tanya Nicholls

**Seconded:** Mr. Wayne Della Bosca

That the information be noted.

**CARRIED**

## **7.2 Wheatbelt Medical Student Immersion Program**

**Disclosure of Interest:** No interest to disclose.

**Date:** 1 February 2023

**Attachments:** *Attachment 5: 23.01.23 Meeting Notes*  
*Attachment 6: WMSIP Letter of Agreement 2023*  
*Attachment 7: WMSIP Media Release February 2023*

**Consultation:** NA

**Financial Implications:** NA

**Voting Requirement:** Simple Majority

**Background:**

The 2023 Wheatbelt Medical Student Immersion Program is taking place from Tuesday 14 to Friday 17 March. Approximately 220 students from the University of Notre Dame and Curtin will participate in this years program. Students will be hosted in one of 12 Wheatbelt towns - Bruce Rock, Corrigin, Cunderdin, Dalwallinu, Kellerberrin, Kondinin, Merredin, Moora, Narrogin, Westonia, Wongan Hills and Southern Cross. Rural Health West are continuing to work directly with each Shire to finalise an itinerary of activities for the students. Only Notre Dame students will be visiting the WEROC Shires.

Since mid-January, the Executive Officer has been participating in weekly planning group meetings with the University of Notre Dame, Rural Health West and the Rural Clinical School to finalise the arrangements for the visit. The Executive Officer will also provide on-ground support during the visit in March either in Kellerberrin or Merredin (yet to be confirmed).

**Executive Officer Comment:**



within the Central Wheatbelt Visitors Centre and agreed that WEROC would keep him apprised of any developments.

**Recommendation:**

That the Board consider and discuss the Shire of Merredin proposal.

**Comments from the meeting:**

- Mr. Darren Mollenoyux requested that the item be laid on the table until the next meeting due to insufficient time to consider the proposal.
- Ms. Chloe Townsend provided a brief overview of the proposal including the recommendation that WEROC proceed with Option 3, which is to initiate a discussion with NEWTravel regarding the potential to add WEROC Shires (and possibly the Shire of Cunderdin) to the established Wheatbelt Way brand.
- Mr. Darren Mollenoyux questioned what the alternative recommendation would be if NEWTravel do not have the capacity for WEROC to join. Ms. Townsend advised that, if Option 3 was to be progressed NEWTravel could potentially employ an additional resource to accommodate the extra workload, however if this is not possible, Option 2 would be their next recommendation.
- The Executive Officer queried why Option 5 was not recommended. Ms. Townsend advised that this approach would be resource intensive and have a longer-term outlook. The other options could be considered as incremental steps in the build up to Option 5.

**RESOLUTION:**

**Moved:** Mr. Darren Mollenoyux

**Seconded:** Ms. Joanne Soderlund

That:

- 1) Discussions and decisions relating to this matter be held over until the next meeting; and
- 2) The Executive Officer contact Australia's Golden Outback and request a costed proposal for a locally based destination development officer.

**CARRIED**

**7.4 WEROC Regional Waste Coordinator**

**Author:** Rebekah Burges, Executive Officer

**Disclosure of Interest:** No interest to disclose.

**Date:** 1 February 2023

**Attachments:** *Attachment 9: WEROC Waste Management Option Paper*

**Consultation:** Mr. Daniel Hay-Hendry

**Financial Implications:** To be determined.

**Voting Requirement:** Simple Majority

**Background:**

At the WEROC Inc. Board meeting held in Tammin on 5 September 2022, the final draft Strategic Waste Management Plan (SWMP) was presented for discussion. Mr. Giles Perryman, Director ASK Waste Management, who joined the meeting via videoconference, emphasised the importance of waste data collection and recommended that this should be a high priority for WEROC Shires. Mr. Perryman also strongly recommended that the Shire's consider co-funding a regional waste coordinator. The Board resolved to refer the matter to the WEROC CEO Committee for further consideration.

At the WEROC CEO Committee meeting on Thursday 13 October 2022, the recommendation regarding a regional waste coordinator was generally supported. It was however, requested that a position description that clearly defined the scope of the role and a possible funding model be presented for consideration before moving forward.



**Attachments:** Nil

**Voting Requirement:** Simple Majority

**Executive Officer Comment:**

Following the presentation from Mr. Jimmy Murphy and Ms. Alyce Ventris it may be appropriate for the WEROC Inc. Board to consider what, if any, further action is required on this matter.

**Recommendation:**

That the information as presented by Mr. Murphy and Ms. Ventris be considered, and the matter discussed.

As noted under Agenda item 4.1, Mr. Murphy and Ms. Ventris did not present to the Board. A copy of the presentation from Town Teams will be circulated to the Board via email and further discussion will be taken out of session.

**8. EMERGING ISSUES**

NIL

**9. OTHER MATTERS (FOR NOTING)**

**9.1 Public Health Act 2016**

*Attachment 10: Message from the Chief Health Officer*

*Attachment 11: Timeline for implementation of the Public Health Act*

Action 5.2 of the WEROC Strategic Plan is to develop a regional Public Health Plan that links to local Public Health Plans. This action has been ongoing since the WEROC Board Meeting held on 30 April 2020, where it was resolved that the Executive Officer would monitor progress toward the implementation of Stage 5 of the Public Health Act 2016 and at the commencement of Stage 5:

- 1) WEROC Inc. will progress with the development of an overarching Health Plan that can be used as a proforma for the Member Councils to develop their individual Public Health Plans; and
- 2) The Executive Officer will seek quotations for the development of a WEROC Public Health Plan.

Dr Andrew Robertson, Chief Health Officer, Health Department of WA, issued a communique on the progress of stage 4 and stage 5 of the Public Health Act 2016 on 6 December 2022. This communique, which is provided as Attachment 9, advises that the new regulations for both stage 4 and stage 5 are not expected to commence within the next 2 years.

Whilst it is not a requirement for Local Public Health plans to be developed until stage 5 comes into effect, many Local Governments are already producing them, and WA Health encourage this approach. Given the delay in implementation of stage 5, the Board may like to consider whether earlier action is warranted.

**Comments from the meeting:**

- Mr. Darren Mollenoyux advised that the Shire of Bruce Rock have almost completed their Public Health Plan. No other Shires have commenced at this stage.
- There is no appetite to progress this action until Stage 5 commences.

**9.2 Wheatbelt Health Profile 2022**

*Attachment 12: Wheatbelt Health Profile 2022*

The WA Country Health Service has released the [2022 Health Profiles](#). The reports provide an overview of the population, geography, health risk factors and health activity of each of its Health Districts and identify some of the key health issues and needs of its population. The profiles aim to provide a guide to inform health

service review, planning and evaluation and help address disadvantage and inequity in rural and remote healthcare.

### 9.3 Eastern Wheatbelt Ranger Program

Mr. Michael Hayden, Managing Director, Maarli Services, advised via email on Monday 23 January 2023 that Maarli Services was successful in its application to deliver the Eastern Wheatbelt Ranger Program over a two-year period. This will enable Maarli Services to have a small team of employees dedicated to maintaining the cultural and environmental land assets across the region. Mr. Hayden advised that he is looking to establish partnerships with each of the Local Governments that provided letters of support (including the Shires of Merredin, Bruce Rock, Kellerberrin, Westonia and Yilgarn) and hoped to explore regional collaboration opportunities.

Mr. Hayden was invited to attend this meeting but was not available. Mr. Hayden will be invited to the next WEROC meeting to discuss potential partnership opportunities.

#### Comments from the meeting:

- Mr. Darren Mollenoyux advised that the Shire of Bruce Rock would prefer to approach any discussions with Mr. Hayden as a group. Other Members concurred.
- The Executive Officer will contact Mr. Hayden and request that instead of approaching Councils individually, he discuss any partnership opportunities with WEROC as a group.

## 10. FUTURE MEETINGS

At the last meeting of the WEROC Inc. Board the Executive Officer requested that a proposed schedule of meetings for 2023 be circulated and approved via email once the Great Eastern Country Zone meeting schedule had been confirmed.

In early December 2022, the Executive Officer circulated several options for consideration and it was determined that the schedule of meetings for 2023 would be as follows:

Date	Time	Host Council
Wednesday 22 February 2023	9.30am	Kellerberrin
Wednesday 26 April 2023	9.30am	Yilgarn
Wednesday 28 June 2023	9.30am	Tammin
Wednesday 30 August 2023	9.30am	Merredin
Wednesday 29 November 2023	9.30am	Westonia

The next meeting will be held in Southern Cross on Wednesday 26 April 2023.

#### Comments from the meeting:

- Ms. Glenice Batchelor through Ms. Tanya Nicholls requested that Ms. Susan Hall, Acting Chief Executive Officer of the Wheatbelt Development Commission, be invited to the next meeting.

## 11. CLOSURE

There being no further business the Chair closed the meeting at 10.49am.

**MINUTES**  
**WESTONIA/YILGARN**  
**LOCAL EMERGENCY MANAGEMENT COMMITTEE**  
**23 ANTARES STREET, SOUTHERN CROSS**  
**THURSDAY, 23<sup>rd</sup> February 2023 at 7 pm**

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Herein are the minutes of the meeting of the Westonia/Yilgarn Local Emergency Management Committee held on Thursday, 23<sup>rd</sup> February 2023.

**1 Declaration of Opening**

The Chair, Cr Della Bosca Declared the meeting open at 7:13 pm.

**2 Record of Attendance & Apologies**

**2.1 Attendance**

**In Person**

Cr Wayne Della Bosca – Shire of Yilgarn - Chair

Cr Bryan Close – Shire of Yilgarn, St Johns – Chair

Nic Warren – Shire of Yilgarn

Blake Ashurst – WAPOL Southern Cross

Louise Davidson – Southern Cross District High School

David Hamersley – St Josephs Primary School

**Via Zoom**

Jo Spadaccini – Department of Communities

Scott Rastall – St Johns

Bill Price – Shire of Westonia

**2.2 Apologies**

Katrina Tedge – Moorine Rock Primary School

Cr Damon Geier – Shire of Westonia

Costa Papadopoulos – Barto Gold

**3 Confirmation of Previous Minutes**

Moved B Close / Seconded J Spadaccini

That the minutes of the Local Emergency management Committee meeting held on Thursday, 24th November 2022 are a true and correct record of.

**4 Business Arising from Previous Meeting**

Nil

**MINUTES**  
**WESTONIA/YILGARN**  
**LOCAL EMERGENCY MANAGEMENT COMMITTEE**  
**23 ANTARES STREET, SOUTHERN CROSS**  
**THURSDAY, 23<sup>rd</sup> February 2023 at 7 pm**

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**5 Reports**

- 5.1 Local Emergency Coordinator – WAPOL  
B Ashurst
- Dealing with mainly traffic crashes, fatigue is a main influencer of crashes, however luckily no fatal crashes of late;
  - Undertaking a number of road traffic activities.
- 5.2 DEMA  
No DEMA representatives, however report tabled as follows:
- 2022 Emergency Management Capability Report
  - LEMC - Emergency Management Health Check 30 January 2023
  - Wheatbelt District Advisor Report February March 2023
- 5.3 Southern Cross District Hospital
- Nil.
- 5.4 DFES Area Officer
- Nil
- 5.5 St. John Ambulance Representative  
S Rastall
- Starting training new members;
  - Undertaken overhaul of vehicle contents;
  - Open day 1<sup>st</sup> April, 3:30pm at Southern Cross Substation, to encourage new members;
  - Advised he was moving on, with new person being recruited.
- B Close
- Advised St Johns were planning to put additional defibrillators at Constellation Park and Cemetery.
- 5.6 Southern Cross General Practice
- Nil
- 5.7 Shire of Westonia  
B Price
- Nothing to report, all is well.
- 5.8 Shire of Yilgarn  
N Warren
- Advised there was issue with recent fire at Yellowdine, with DBCA not following proper communication protocol with obtaining approval for equipment.

**MINUTES**  
**WESTONIA/YILGARN**  
**LOCAL EMERGENCY MANAGEMENT COMMITTEE**  
**23 ANTARES STREET, SOUTHERN CROSS**  
**THURSDAY, 23<sup>rd</sup> February 2023 at 7 pm**

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- 5.9 Mining Companies
- Nil
- 5.10 School Principals
- Louise Davidson – SXDHS
- Focus on quality teaching and learning and community engagement;
  - Focus on staffing and putting teachers in front of students, with limited SIDE (School of Isolated and Distance Education) subjects.
  - 55 students enrolled
  - Many new staff.
- D Hamersley – St Josephs PS
- 41 kids enrolled
  - Thing going along smoothly.
- 5.11 Covid - 19 Recovery Coordinator
- Nil
- 5.12 Department of Communities
- Jo Spadaccini
- Heavily invested in Kimberly flood response;
    - o 105 people working on floods;
    - o Majority of people moved back to country from Perth, lots of small planes and helicopters used to transport to communities;
    - o DoC have responsibility for 750 properties throughout the flood area.
  - Bushfire activations:
    - o 8 evac centres set up recently, with 2 locally, at Cervantites and Toodyay.
  - Tabled the Wheatbelt - Merredin - Local Emergency Welfare Plan – October 2022, sought committee endorsement:

*Moved J Spadaccini / Seconded B price  
That the Wheatbelt - Merredin - Local Emergency Welfare Plan – October 2022 be endorsed.*

*Carried*

**6 General Business**

Nil

**MINUTES**  
**WESTONIA/YILGARN**  
**LOCAL EMERGENCY MANAGEMENT COMMITTEE**  
**23 ANTARES STREET, SOUTHERN CROSS**  
**THURSDAY, 23<sup>rd</sup> February 2023 at 7 pm**

---

**7 Next Meeting**

Scheduled to be on Thursday 25<sup>th</sup> May 2023 although this may be varied dependant on circumstances.

**8 Closure of Meeting**

The chair closed the meeting at 7:32pm.

**9 Attachments**

1. Minutes for LEMC 24 November 2022
2. 2022 Emergency Management Capability Report
3. LEMC - Emergency Management Health Check 30 January 2023
4. Wheatbelt District Advisor Report February March 2023
5. Wheatbelt - Merredin - Local Emergency Welfare Plan – October 2022

# Attachment 9.1.1

## SHIRE OF YILGARN

### Town **Local** Planning Scheme No. 2 District Zoning Scheme

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Department of Planning,  
Lands and Heritage

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Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
7 August 1998

#### Disclaimer

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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## SHIRE OF YILGARN LPS 2 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	22/3/02	20/3/02	DH	Part 5 - inserting Clause 5.4. Table of Contents - insert "5.4 Caretakers' Dwelling in the Southern Cross Townsite" in numeric order.
2	22/04/16	27/04/16	RO	Re-classifying a portion of Lot 250 (No. 42) Antares Street, Southern Cross from 'Local Scheme Reserve - Recreation' to 'Residential' with an 'R30' density code, and re-coding the 'Residential' zoned portion of Lot 250 (No. 42) Antares Street, Southern Cross from an 'R10' density code to an 'R30' density code. Re-coding Lots 251 (No.48), 650 (No. 50), 252 (No. 52) and 55 (No. 56) Antares Street, Southern Cross from Residential with an 'R10' density code to an 'R30' density code. As depicted on the Scheme Amendment map.

**SHIRE OF YILGARN**  
**LOCAL PLANNING SCHEME NO. 2**  
**DISTRICT ZONING SCHEME**

The Yilgarn Shire Council, under and by virtue of the powers conferred upon it in that behalf by the *Town Planning and Development Act, 1928* (as amended), hereinafter referred to as The Act, hereby makes the following Town Planning Scheme for the purposes laid down in The Act.

The Shire of Yilgarn under the *Planning and Development Act 2005* makes the following Local Planning Scheme.

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# **~~PART I - PRELIMINARY~~**

## **~~1.1 — CITATION~~**

~~This Town Planning Scheme may be cited as the Shire of Yilgarn Scheme No 2 (hereinafter called 'the Scheme') and shall come into operation on the publication of the Scheme in the Government Gazette.~~

## **~~1.2 — RESPONSIBLE AUTHORITY~~**

~~The authority responsible for implementing the Scheme is the Council of the Shire of Yilgarn (hereinafter called the Council).~~

## **~~1.3 — SCHEME AREA~~**

~~The Scheme applies to the municipal district of the Shire of Yilgarn as generally shown by the Scheme area boundary on the Scheme Map by the broken black border.~~

## **~~1.4 — CONTENTS OF SCHEME~~**

~~The Scheme comprises:~~

- ~~(a) — This Scheme Text~~
- ~~(b) — The Scheme Maps (Sheets 1-4)~~

## **~~1.5 — ARRANGEMENT OF SCHEME TEXT~~**

~~The Scheme Text is divided into the following parts:~~

- ~~Part I — Preliminary~~
- ~~Part II — Reserves~~
- ~~Part III — Zones~~
- ~~Part IV — General Development Requirements~~
- ~~Part V — Special Controls~~
- ~~Part VI — Use and Development of Land~~
- ~~Part VII — Non-Conforming Uses~~
- ~~Part VIII — Administration~~

## **~~1.6 — SCHEME OBJECTIVES~~**

~~The objective of the Scheme is to direct and control development in the scheme area in such a way as to promote and safeguard health, safety, convenience and economic and general welfare of its inhabitants and the amenities of the area.~~

## **~~1.7 — REVOCATION OF EXISTING SCHEME~~**

~~The Shire of Yilgarn Scheme No 1 published in the Government Gazette on 13 December 1968, and all amendments thereto are hereby revoked.~~

## **~~1.8 — INTERPRETATION~~**

~~1.8.1 — Words and expressions used in the Scheme shall have the respective meanings given to them in Appendix 1 or elsewhere in the Scheme and the Residential Planning Codes.~~

~~1.8.2 — Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.~~

~~1.8.3 Words and expressions used in the Scheme but not defined in Appendix I, elsewhere in the Scheme or in the Residential Planning Codes shall have their normal common meanings.~~

## Part 1 — Preliminary

### 1. Citation

This local planning scheme is the Shire of Yilgarn Local Planning Scheme No 2.

### 2. Commencement

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

### 3. Scheme revoked

The following local planning scheme(s) is revoked —

Shire of Yilgarn Town Planning Scheme No 1 – Southern Cross Townsite – Gazetted 13 December 1968

### 4. Notes do not form part of Scheme

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

Note:

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

### 5. Responsibility for Scheme

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

### 6. Scheme area

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

### 7. Contents of Scheme

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

### 8. Purposes of Scheme

The purposes of this Scheme are to —

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and

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

## **9. Aims of Scheme**

The aims of this Scheme are —

- (a) facilitate an independent, growing and vibrant community;
- (b) encourage, direct and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area;
- (c) promote sustainable development that integrates consideration of economic, social and environmental goals for the Scheme area;
- (d) provide a sufficient supply of suitable serviced land for housing, rural, mining, commercial, industrial and tourism development, community facilities, recreation and open space;
- (e) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourism development, as well as providing opportunities for home-based employment;
- (f) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
- (g) maintain and protect valuable areas of agricultural production and conserve its non-urban character whilst accommodating other complementary rural activities;
- (h) retain the primacy of the Great Southern townsite as the commercial centre of the Scheme area;
- (i) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme area through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
- (j) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme area and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making.

## **10. Relationship with local laws**

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

## **11. Relationship with other local planning schemes**

There are no other local planning schemes that apply to the Shire of Yilgarn.

**12. Relationship with region planning scheme**

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

## **PART II – RESERVES**

### **Part 2 – Reserves**

#### **2.1 SCHEME RESERVES**

#### **13. Regional Reserves**

There are no regional reserves in the Scheme area.

#### **14. Local Reserves**

The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:

- (i) Nature Reserves
- (ii) State Forest
- (iii) Recreation
- (iv) Public Purposes
- (v) Railway
- (vi) Waterways

#### **15. Additional uses for local reserves**

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

## PART III – ZONES

### 3.1 CLASSIFICATION

3.1.1 There are hereby created the several zones set out hereunder:

a) **Residential Zone**

~~The Residential Zone is to be used primarily for single houses on separate lots. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the residential environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.~~

b) **Commercial Zone**

~~The Commercial Zone is to be used for retail shopping, sales, hotels, offices, professional suites, restaurants and other business oriented uses. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the commercial environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.~~

c) **Industry Zone**

~~The Industrial Zone is to be used primarily for the manufacture of goods or allied uses such as fuel storage, fuel sales, vehicle repairs, public utilities and showrooms for bulky goods. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered an integral part of the industrial environment and where Council is satisfied that they will benefit the community and not result in being a nuisance.~~

d) **Special Uses**

~~The Special Use Zone is to be used in accordance with special development standards or conditions permitted by Council and noted in Appendix No 3 of this Town Planning Scheme.~~

e) **Townsite Zone – Relocated to Table 1**

~~The Townsite Zone is to be used primarily for single houses and public recreation. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the townsite and where Council is satisfied that they will benefit the community and not result in being a nuisance.~~

f) **Rural/Mining Zone– Relocated to Table 1**

~~The Rural/Mining Zone is to be used for agricultural, residential and public recreation uses. Extractive industry (mining) occurs widespread in the rural area of the Shire but, owing to its high impact, needs to be approved by Council after satisfactory advertisement.~~

3.1.2 ~~The zones are delineated and depicted on the Scheme Map according to the legend thereon.~~

## Part 3 – Zones and use of land

### 16. Zones

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

**Table 1- Zone objectives**

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>
Special Use	<ul style="list-style-type: none"> <li>• To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>• To enable the local government to impose specific conditions associated with the special use.</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>
Townsite	<ul style="list-style-type: none"> <li>• To be used primarily for residential development, different forms of accommodation and public recreation.</li> <li>• The local government may consider uses in accordance with Table 1-Zoning Table where they may benefit the community and / or will not result in a negative impact on amenity.</li> </ul>

Rural/Mining	<ul style="list-style-type: none"> <li>To be used primarily for rural, mining, agricultural, single houses, and public recreation.</li> </ul>
--------------	-----------------------------------------------------------------------------------------------------------------------------------------------

### 3.2 ZONING TABLE

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table (Table 1).

3.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

"P" means that the use is permitted by the Scheme.

"AA" means that the use is not permitted unless the Council has granted planning approval.

"SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3.

3.2.3 Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

3.2.5 If the use of the land for a particular purpose is not specially mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation on one of the use categories the Council may:

a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or

b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the "SA" procedures of Clause 6.3 in considering an application for planning approval; or

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

### 3.3 ADDITIONAL USES

Notwithstanding anything contained within the Zoning Table, the land specified in Appendix 2 may, subject to compliance with any condition specified in the appendix with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses are excluded or modified by a condition specified in that appendix.

### 3.4 SPECIAL USE ZONES

No person shall use any land, or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Appendix 3 and subject to compliance with any conditions specified in the Appendix with respect to the land.

TABLE 1 - ZONING TABLE - (Cont'd)

17. Zoning table

The zoning table for this Scheme is as follows —

TABLE 4 2 - ZONING TABLE

USE CLASSES		ZONES			Special Use	Townsite	Rural Mining
		Residential	Commercial	Industrial			
1	Ancillary Accommodation	D	X	X	Refer to Appendix 3— Refer to Clause 21 and Table 4	D	D
2	Aged & Dependent Persons Dwelling	D	X	X		D	X
3	Caravan Park	X	X	X		X	X
4	Caretaker's Dwelling	P	D	D		D	D
5	Car Park	D	D	D		D	D
6	Car Sales motor vehicle, boat or caravan sales	X	P	D		D	X
7	Cemeteries/Crematoria	X	X	X		D	D
8	Civic Use Building	X	D	X		D	X
9	Consulting Rooms	A	D	X		D	X
10	Drive In Theatre	X	X	X		X	X
11	Dry Cleaning Premises	X	D	D		D	X
12	Educational Establishment	X	X	X		D	X
13	Fast Food Outlet	X	P	A		D	X
14	Fish Shop	X	AA	AA		D	X
15	Fuel Depot	X	X	P		D	X
16	Funeral Parlour	X	AA	AA		AA	X
	Grouped Dwelling	D	D	X		D	P
17	Health Medical Centre	X	P	X		D	X
18	Home Occupation	D	D	X		D	D
19	Hospital	X	X	X		X	X
20	Hotel/Tavern	X	P	X		D	X
21	Industry Cottage	D	P	P		D	X
22	Industry Extractive	X	X	A		D	P
23	Industry General	X	X	D		D	X
24	Industry Hazardous	X	X	X	X	X	

TABLE 1 - ZONING TABLE - (Cont'd)

		ZONES			Special Use	Townsite	Rural Mining
		Residential	Commercial	Industrial			
<b>USE CLASSES</b>							
25	Industry Light	X	X	P		D	X
26	Industry Noxious	X	X	X		X	A
27	Industry Rural	X	X	P		D	D
28	Industry Service	X	A	P		D	X
29	Milk Depot	X	P	X		D	X
30	Motel	X	D	X		D	X
31	Motor Vehicle Repair Station	X	D	P		D	X
32	Office	X	P	D		D	X
33	Petrol filling Service Station	X	AA	P		D	X
34	Professional office	X	P	X		D	X
35	Public Amusement	X	P	X	D	X	
36	Public Assembly	X	P	X	D	X	
37	Public Recreation	P	P	P	P	P	
38	Public Utility	D	D	P	D	D	
39	Public Place of Worship	A	X	X	D	D	
40	Radio/TV Installation Telecommunications Infrastructure	A	D	D	D	D	
41	Reception Centre	X	P	X	D	D	
42	Residential Building	D	D	X	D	D	
43	Residential Single House - LISTED SEPERATELY Attached House Grouped Dwelling - LISTED SEPERATELY	P AA AA	AA AA		Refer to Appendix 3	P AA AA	P
44	Restaurant/cafe	X	P	X		X	P
45	Rural Pursuit/hobby farm	X	X	X		D	P
46	Service Station	X	D	P		D	X
47	Shop	X	P	X		D	X
48	Showroom	X	P	P		D	X
	Single House	P	D	X		P	P
49	Sportsground	X	X	X		X	D

Landuses to be put in alphabetic order  
and be renumbered

TABLE 1 - ZONING TABLE - (Cont'd)

		ZONES			Special Use	Townsite	Rural Mining
		Residential	Commercial	Industrial			
<b>USE CLASSES</b>							
50	Stables	X	X	X		D	P
	Tavern	X	P	X		D	X
51	Trade Display	X	D	P		D	X
52	Transport Depot	X	P	X		D	X
53	Veterinary Centre Consulting Rooms	X	D	D		D	D
54	Zoological Gardens						AA

Landuses to be put in alphabetic order  
and be renumbered

## 18. Interpreting zoning table

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

### Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
  2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
  3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
  - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
    - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
    - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
    - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
  - (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
  - (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —

- (a) a structure plan;
- (b) a local development plan.

**19. Additional uses**

- (1) The Table sets out —
  - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.

**Table 3 - Specified additional uses for zoned land in Scheme area**

No.	Description of land	Additional use	Conditions
1.	Lot 64 (No 37) & Lot 63 (No 39) Altair Street, Southern Cross	roadhouse	To the discretion of the local government
2.	Lot 159 (92) Antares Street, Southern Cross	shop motor vehicle repairs	To the discretion of the local government
3.	Lot 700 (No 51), Lot 70 (No 53), Lot 71 (No 55) & Lot 72 (No 57) Antares Street, Southern Cross	showroom warehouse	To the discretion of the local government

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

**20. Restricted uses**

There are no restricted uses which apply to this Scheme.

**21. Special use zones**

- (1) The Table sets out —
  - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
  - (b) the classes of special use that are permissible in that zone; and
  - (c) the conditions that apply in respect of the special uses.

**Table 4 Special use zones in Scheme area**

No.	Description of land	Special use	Conditions
1.	Lot 501 (6) Orion Street, Southern Cross	hotel	To the discretion of the local government
2.	Lot 768 (70) & Lot 899 (79) Canopus Street, Southern Cross Portion Lot 300, Reserve 8902, Canopus Street, Southern Cross	motel	To the discretion of the local government

3.	Lot 40 (No 21) Antares Street, Southern Cross	hotel	To the discretion of the local government
4.	Lot 203 (94), Lot 202 (92) Sirius Street & Lot 201 (90) Sirius Street, Southern Cross	hotel	To the discretion of the local government
5.	Lot 438 (50) & Lot 439 (48) Altair Street, Southern Cross	place of worship public assembly	To the discretion of the local government
6.	Lot 607 (66) & Lot 278 (60) Antares Street, Southern Cross	place of worship public assembly	To the discretion of the local government
7.	Lot 755 (10) Coolgardie Street, Southern Cross	caravan park camping ground	To the discretion of the local government

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

Note:

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

## 22. Non-conforming uses

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

## 23. Changes to non-conforming use

- (1) A person must not, without development approval —
- (a) alter or extend a non-conforming use of land; or
  - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or

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

#### **24. Register of non-conforming uses**

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

## **PART IV - GENERAL DEVELOPMENT REQUIREMENTS**

### **4.1 RESIDENTIAL PLANNING CODES**

- 4.1.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to Statement of Planning Policy No. 1, together with any amendments thereto.
- 4.1.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- 4.1.3 Unless otherwise provided for in the Scheme the development of land for any of the Residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.
- 4.1.4 The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Codes density number superimposed on the particular areas shown on the Scheme maps as being contained within the solid black line borders or where such an area abuts another area having a Residential Planning Code density, as being contained within the centre line of those borders.

### **4.2 SITE AND DEVELOPMENT REQUIREMENTS**

Any development that is permitted under the provisions of Part II and Part III of this Scheme shall conform to the requirements for that use as specified in Table 2 - Development Table, or in the Residential Planning Codes for residential development.

### **4.3 RESTRICTIVE COVENANTS**

- 4.3.1 Subject to the provisions of sub-clause 4.3.2, a restrictive covenant affecting any land in the Scheme Area whereby or the effect of which is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under this Scheme.
- 4.3.2 Where sub-clause 4.3.1 operates to extinguish or vary a restrictive covenant the Council shall not grant planning approval to the development of the land which would but for the operation of sub-clause 4.3.1 have been prohibited unless the application has been dealt with as an "SA" use and has complied with all of the advertising requirements of sub-clause 6.3.3.

### **4.4 DISCRETION TO MODIFY DEVELOPMENT STANDARDS**

- 4.4.1 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:
- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
  - b) the non-compliance will not have any adverse effect upon the occupiers or users

~~of the development or the inhabitants of the locality or upon the likely future development of the locality.~~

#### ~~4.5 ENVIRONMENTAL CONDITIONS~~

~~4.5.1 In accordance with Section 7A4 of the Town Planning and Development Act, environmental conditions imposed by the Minister for the Environment on the present scheme or amendment to the present scheme are incorporated into the Scheme by Appendix 10 of the Scheme.~~

~~4.5.2 The environmental conditions are indicated on the scheme maps by the symbol EC to indicate that environmental conditions apply to the land together with the amendment number.~~

## **Part 4 – General development requirements**

### **25. R-Codes**

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if —
  - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
  - (b) a provision of this Scheme provides that the R-Codes apply to the area.

### **26. Modification of R-Codes**

There are no modifications to the R-Codes which apply to this Scheme.

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

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

### **28. Modification of State Planning Policy 3.6**

There are no modifications to State Planning Policy 3.6.

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

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

### 30. Modification of State planning policies

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

### 31. Environmental conditions

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

### 32. General site and development requirements

- (1) The Table sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

**TABLE 5-2 - DEVELOPMENT TABLE**

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Club Premises	7.5	*	*	0.5	*	1 for every 45msq of gross floor area.
Consulting Rooms	*	*	*	0.4 in Res Zone 0.5 elsewhere	30 in Res Zone	1 for every 30msq of gross floor area, plus 1 for each person employed.
Family Day Care Centre	7.5	7.5	*	*	*	1 for every employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council local government
Fast Food Outlet	*	*	*	*	*	*
Funeral Parlour	*	*	*	*	10	As determined by the Council local government (minimum 6).
Hall	*	*	*	*	10	1 to every 4 persons whom the building is designed to accommodate.
Hospital	9.0	7.5	5.0	0.5	20	1 per 4 beds and 1 per employee.
Hostel	7.5	7.5	*	*	30	1 per dwelling.
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 4 msq bar and lounge area.
Industrial Industry Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial Industry Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial Industry General	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3 per	1.0	30	1 per unit, plus 1 space per

Controls Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum landscape Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
			storey			25msq of service area.
Office	*	*	*	*	*	1 for every 30 msq plot ratio area.
Professional Office	*	*	*	0.5	*	1 for every 30 msq plot ratio area.
Restaurant / cafe	*	*	*	*	*	1 for every 10msq of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Reception Centre	*	*	*	0.5	30	1 for every 4 persons whom the building is designed to accommodate.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15msq of gross floor area.
Showroom	*	*	*	*	10	1 for every 100msq of gross floor area.
Motor Vehicle, Boat or Caravan Sales	*	*	*	*	5	1 for every 250msq of sales area, plus 1 for every person employed on site.
Veterinary Centre Consulting Rooms	*	*	*	*	30	1 for every 100msq gross floor area, plus 1 for each person employed.

#### NOTES

- (i) \* means 'to be determined by the Council' local government in each particular case.
- (ii) Landscaping to be generally at street frontage.

## **PART V – SPECIAL CONTROLS**

### **5.1 HERITAGE – PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE**

#### **5.1.1 Purpose and Intent**

5.1.1.1 The purpose and intent of the heritage provisions are:

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

#### **5.1.2 Heritage List – **RENUMBERED CLAUSE 32.4 – THIS CLAUSE HAS BEEN MOVED****

5.1.2.1 The Council has established and will maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation (Appendix 9).

5.1.2.2 For the purpose of this Clause, the Heritage List is drawn from the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended).

5.1.2.3 The Council shall keep copies of the Heritage List for public inspection during normal office hours.

#### **5.1.3 Designation of Heritage Precincts**

5.1.3.1 The Council may designate an area of land to be a heritage precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.

5.1.3.2 The Council shall adopt for each heritage precinct a policy statement which shall comprise:

- (a) a map showing the boundaries of the precinct;
- (b) a list of places of heritage significance;
- (c) objectives and guidelines for the conservation of the precinct.

5.1.3.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.

5.1.3.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows:

- (a) the Council shall notify in writing each owner of land affected by the proposal;
- (b) the Council shall advertise the proposal by way of a notice in a

newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applied to the precinct may be inspected;

- ~~(c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to immediately above;~~
- ~~(d) the Council shall carry out such other consultations as it thinks fit;~~
- ~~(e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;~~
- ~~(f) the Council shall forward notice of its decision to the Heritage Council of WA and Western Australian Planning Commission.~~

~~5.1.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.1.3.4 above.~~

#### **5.1.4 Applications for Planning Approval**

~~5.1.4.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.~~

~~5.1.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.~~

~~5.1.4.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.~~

~~5.1.4.4 For the purposes of sub-clause 6.1.1 of the Scheme the term 'development' shall have the meaning as set out in the *Town Planning and Development Act* (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.~~

#### **5.1.5 Formalities of Application**

~~5.1.5.1 In addition to the application formalities prescribed in sub-clause 5.1.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application:~~

- ~~(a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;~~
- ~~(b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of~~

~~the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;~~

- ~~(c) — a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and~~
- ~~(d) — any other information which the Council indicates that it considers relevant.~~

#### ~~5.1.6 Variations to Scheme Provisions~~

~~5.1.6.1 — Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:~~

- ~~(a) — consult the effected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.3; and~~
- ~~(b) — have regard to any expressed views prior to making its decision to grant the variation.~~

~~5.1.6.2 — In granting variations under sub-clause 5.1.6.1 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990* with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.~~

### **5.2 32.1 CONTROL OF ADVERTISEMENTS**

#### ~~5.2.1~~ **32.1.1 Power to Control Advertisements**

**Applications for development approval pursuant to this Part shall be in accordance with Clause 62 and 63 of the deemed provisions, and accompanied by the form set out in Clause 86(1) and 86(2) of the deemed provisions.**

~~5.2.1.1 — For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting By-Laws.~~

~~5.2.1.2 — Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 6.2 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 5 giving details of the advertisement(s) to be erected, placed or displayed on the land.~~

#### ~~5.2.2~~ **32.1.2 Existing Advertisements**

~~5.2.2.1~~ **32.1.2.1** Advertisements which:

- ~~(a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or~~
- ~~(b) may be erected, placed or displayed pursuant to a licence or other~~

approval granted by the Council local government prior to the approval of this Scheme:

hereinafter in this Clause referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.

### ~~5.2.3~~ **32.1.3 Consideration of Applications**

~~5.2.3.1~~ **32.1.3.1** Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, Council the local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

### ~~5.2.4~~ **Exemptions from the Requirement to Obtain Planning Approval** **MOVED TO SCHEDULE A**

~~5.2.4.1~~ Subject to the provisions of the *Main Roads (Control of Signs) Regulations 1983* and notwithstanding the provisions of sub-clause 5.2.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Appendix 8 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in Appendix 8 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designed under Clause 5.1 of the Scheme.

### ~~5.2.5~~ **Discontinuance**

~~5.2.5.1~~ Notwithstanding the Scheme objectives and sub-clause 5.2.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

### ~~5.2.6~~ **Derelict or Poorly Maintained Signs**

~~5.2.6.1~~ Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:

- ~~(a)~~ repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or
- ~~(b)~~ remove the advertisement.

### ~~5.2.7~~ **Notices**

~~5.2.7.1~~ "The advertiser" shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

~~5.2.7.2~~ Any notice served in exceptional circumstances pursuant to sub-clause 5.2.5 or 5.2.6 shall be served upon the advertiser and shall specify:

- ~~(a)~~ the advertisement(s) the subject of the notice;

- (b) — full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
- (c) — the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

~~5.2.7.3 — Any person upon whom a notice is served pursuant to this Clause may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.~~

#### ~~5.2.8 — Scheme to Prevail~~

~~5.2.8.1 — Where the provisions of this Clause are found to be at variance with the provisions of the Council's Signs, Hoardings and Bill Posting By Laws, the provisions of the Scheme shall prevail.~~

#### ~~5.2.9 — Enforcement and Penalties~~

~~5.2.9.1 — The offences and penalties specified in Clause 8.2 of the Scheme apply to the advertiser in this Clause.~~

### **5.3 — TRANSPORTABLE DWELLINGS**

~~5.3.1 — Subject to the provisions of this clause, a Transportable Dwelling may not be transported to and placed on a lot within the District and thereafter occupied as a residential dwelling whether in whole or in part.~~

~~5.3.2 — Notwithstanding the provisions of Sub-Clause 5.3.1, Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling:-~~

- ~~a) — complies with all applicable statutes, by laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable dwelling is to be situate; or~~
- ~~b) — has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.~~

~~5.3.3 — The approval to be obtained from Council pursuant to Sub-clause 5.3.2 may be granted on condition, which conditions may include a condition requiring the applicant to provide a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit.~~

~~5.3.4 — If Council has required a bond pursuant to Sub-clause 5.3.3 and the applicant fails to complete the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as has been specified by Council, or if no period has been specified within six months from the date of approval, then the bond is forfeited by the applicant and Council may deal with the bond in such manner as it deems fit, including but not limited to:~~

- ~~a) — keeping the bond;~~
- ~~b) — applying such amount as may be necessary from the bond to complete the Transportable Dwelling to a standard of presentation acceptable to Council.~~
- ~~c) — applying such amount as may be necessary from the bond to remove the Transportable Dwelling from the applicant's property and to place it elsewhere;~~
- ~~d) — applying such amount as may be necessary from the bond in respect of administrative costs incurred by Council on the applicant's failure to complete the transportable Dwelling;~~
- ~~e) — returning such amount of the bond as Council deems fit to the applicant.~~

~~5.3.5 Where Council applies a bond in accordance with sub-clause 5.3.4 b), c) or d);~~

- ~~a) Council may give at least 1 month's written notice to the applicant of its intention to complete, demolish or remove the Transportable Dwelling;~~
- ~~b) Council need not complete the Transportable Dwelling in accordance with the licence conditions and the applicant's plans which were approved by Council, but may complete it to such standard and in such manner as it deems fit;~~
- ~~c) Council's employees, agents and contractors, with or without vehicles, machinery, plant, tool and the like may enter upon the applicant's land to complete, demolish or remove the Transportable Dwelling;~~
- ~~d) the applicant must pay to the Council on demand the amount by which the cost of completing, demolishing or removing the Transportable Dwelling exceeds the bond; and~~
- ~~e) Council will not be liable for any loss or damage to the applicant or the applicant's property as a result of the completion, demolition or removal of the Transportable Dwelling.~~

## **32.2 REPURPOSED OR SECOND HAND DWELLINGS**

32.2.1 Notwithstanding any other provision in this Scheme, a second hand or repurposed dwelling requires development approval.

32.2.2 Applications for development approval pursuant to this Part shall be in accordance with Clause 62 and 63 of the deemed provisions, and accompanied by the form set out in Clause 86(1) and 86(2) of the deemed provisions.

32.2.3 In determining an application for a Repurposed Dwelling or Second Hand Dwelling, the local government will have regard to the following matters:

- (a) The objectives of the relevant zone;
- (b) The ability of the built form including roof pitch, eaves, colours, material and architectural details to complement the expected character of the locality;
- (c) The potential for negative visual impact or conflict with any established streetscape and character of the locality;
- (d) Any proposed upgrading, alterations and additions which will enhance the elevations and architectural detail of proposed development;
- (e) Use of new external materials to upgrade the dwelling to have the equivalent of the appearance of a new dwelling;
- (f) The potential for existing or proposed landscaping and vegetation to mitigate visual impacts of the development;
- (g) The visibility of the dwelling from any street, public place or neighbouring lots having regard for matters such as lot size and setbacks.

## **5.4 32.3 CARETAKER'S DWELLING IN THE SOUTHERN CROSS TOWNSITE**

This clause applies only to land in the Industrial zone within the Southern Cross townsite.

32.3.1(a) a caretakers' dwelling is not to be developed and/or occupied on a lot unless that lot is used and developed with an industry, business, or office in accordance with the provisions of the Scheme;

~~32.3.2(b)~~ only one caretakers' dwelling is to be permitted on a lot; for the purpose of this clause "lot" excludes a strata lot or survey-strata lot created under the *Strata Titles Act 198*;

~~32.3.3(c)~~ a caravan or park home is not to be used as a caretakers' dwelling for either permanent or temporary occupation;

~~32.3.4(d)~~ a caretakers' dwelling is to be screened an/or fenced from the street frontage of the lot to the satisfaction of the ~~Council~~ **local government** and wherever possible is to be sited at the rear of other buildings on the lot;

~~32.3.5(e)~~ a caretakers' dwelling is to have a maximum floor area of 100m<sup>2</sup>.

### **32.4 HERITAGE LIST – PREVIOUSLY NUMBERED 5.1.2 – THIS CLAUSE HAS BEEN MOVED**

~~32.4.1 5.1.2.1~~ The ~~Council~~ **local government** has established and will maintain a Heritage List of places considered by the ~~Council~~ **local government** to be of heritage significance and worthy of conservation (~~Appendix 9~~ **Schedule C**).

~~32.4.2 5.1.2.2~~ For the purpose of this Clause, the Heritage List is drawn from the Municipal Inventory, as amended from time to time, prepared by the ~~Council~~ **local government** pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended).

~~32.4.2 5.1.2.3~~ —The ~~Council~~ **local government** shall keep copies of the Heritage List for public inspection during normal office hours.

### **33. Additional site and development requirements for areas covered by structure plan or local development plan**

There are no additional requirements that apply to this Scheme.

### **34. Variations to site and development requirements**

- (1) In this clause —  
**general site and development requirements** means requirements set out in clause 32.
- (2) The local government may approve an application for a development approval that does not comply with a general site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with a general site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —
  - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —
  - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
  - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

**35. Restrictive covenants**

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant —
  - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
  - (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

## **Part 5 – Special control areas**

### **36. Special control areas**

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

## Part 6 — Terms referred to in Scheme

### Division 1 — General definitions used in Scheme

#### 37. Terms used

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

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

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

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

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

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

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

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

**floor area** has meaning given in the Building Code;

**licensed bar area** - means all bar area in which drinks are consumed and to which the public have access as well as licensed restaurant area.

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

**plot ratio** means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

**precinct** means a definable area where particular planning policies, guidelines or standards apply;

**predominant use** means the primary use of premises to which all other uses carried out on the premises are incidental;

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

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

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

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

- (2) A word or expression that is not defined in this Scheme —

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

## Division 2 — Land use terms used in Scheme

### 38. Land use terms used

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

**abattoir** means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

**agriculture — extensive** means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry — intensive;

**agriculture — intensive** means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following —

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- (d) aquaculture;

**airfield** means land and buildings used in connection with the operation of aeroplanes and other aircraft, including public airstrips, a public passenger terminal, ancillary offices, car parking, parking, maintenance and servicing of aircraft, including airfields ancillary to tourist uses but does not include a private airstrip incidental to farming operations.

**amusement parlour** means premises —

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

**animal establishment** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;

**animal husbandry — intensive** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;

**art gallery** means premises —

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

**bed and breakfast** means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

**betting agency** means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

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

**bulky goods showroom** means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
  - (i) automotive parts and accessories;

- (ii) camping, outdoor and recreation goods;
- (iii) electric light fittings;
- (iv) animal supplies including equestrian and pet goods;
- (v) floor and window coverings;
- (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
- (vii) household appliances, electrical goods and home entertainment goods;
- (viii) party supplies;
- (ix) office equipment and supplies;
- (x) babies' and children's goods, including play equipment and accessories;
- (xi) sporting, cycling, leisure, fitness goods and accessories;
- (xii) swimming pools;

or

- (b) used to sell by retail goods and accessories by retail if —
  - (i) a large area is required for the handling, display or storage of the goods; or
  - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

**camping ground** means an area used for a camping ground as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1);

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

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

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

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

**child care premises** means premises where —

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;

**cinema/theatre** means premises where the public may view a motion picture or theatrical production;

**civic use** means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;

**club premises** means premises used by a legally constituted club or association or other body of persons united by a common interest;

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

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

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

**consulting rooms** means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

**convenience store** means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m<sup>2</sup> net lettable area;

**corrective institution** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

**display home centre** means a group of two or more dwellings which are intended to be open for public inspection.

**educational establishment** means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

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

**family day care** means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

**fast food outlet** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten — (a) without further preparation; and (b) primarily off the premises;

**freeway service centre** means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services —

- (a) service station facilities;
- (b) emergency breakdown repair for vehicles;
- (c) charging points for electric vehicles;
- (d) facilities for cyclists;
- (e) restaurant, cafe or fast food services;
- (f) take-away food retailing;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas;

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

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

**funeral parlour** means premises used —

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

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

**holiday accommodation** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

**holiday house** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

**home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

**home occupation** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood;and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

**home office** means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

**home store** means a shop attached to a dwelling that —

- (a) has a net lettable area not exceeding 100 m<sup>2</sup>; and
- (b) is operated by a person residing in the dwelling;

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

**hotel** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

**independent living complex** means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

**industry** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

**industry – cottage** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which —

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

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

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

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

**industry — primary production** means premises used —

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

**industry – rural** means premises used for an industry that -

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

**industry-service** means -

- (a) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

**liquor store — large** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m<sup>2</sup>;

**liquor store — small** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m<sup>2</sup>;

**lunch bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

**marina** means —

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;

**marine filling station** means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

**market** means premises used for the display and sale of goods from stalls by independent vendors;

**medical centre** means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

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

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

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

**motor vehicle hire** means any land or buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

**motor vehicle, boat or caravan sales** means premises used to sell or hire motor vehicles, boats or caravans;

**motor vehicle repair** means premises used for or in connection with —

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

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

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

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

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

**park home park** means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;

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

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

**recreation — private** means premises that are —

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

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

**repurposed dwelling** means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.

**residential aged care facility** means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- (a) appropriate staffing to meet the nursing and personal care needs of residents
- (b) meals and cleaning services
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;

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

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

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

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements;

**road house** means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services —

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

**rural home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

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

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

**second hand dwelling** means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a modular home or transportable dwelling.

**serviced apartment** means a group of units or apartments providing —

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

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

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

**shop** means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

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

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

**telecommunications infrastructure** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

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

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

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

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

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

**transport depot** means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

**tree farm** means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;

**veterinary centre** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

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

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

**waste disposal facility** means premises used —

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

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

**winery** means premises used for the production of viticultural produce and associated sale of the produce;

**workforce accommodation** means premises, which may include modular or relocatable buildings, used —

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

## **~~PART VI - USE AND DEVELOPMENT OF LAND~~**

## **6.1 — REQUIREMENT FOR PLANNING APPROVAL**

~~6.1.1 In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.~~

~~6.1.2 The planning approval of the Council is not required for the following development of land:~~

- ~~a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;
  - ~~(i) for the purpose for which the land is reserved under the Scheme; or~~
  - ~~(ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.~~~~
- ~~b) The use of land which is a permitted "P" use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.~~
- ~~c) The erection of a boundary fence except as otherwise required by the Scheme.~~
- ~~d) The erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the Zoning Table, except where otherwise provided by the Scheme.~~
- ~~e) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.~~
- ~~f) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building.~~
- ~~g) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.~~

~~6.1.3 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.~~

~~The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that:~~

- ~~a) the variation requested is one which the Council has the power to approve; and~~
- ~~b) approval of that variation would not compromise the objectives of the R-Codes.~~

## **6.2 — APPLICATION FOR PLANNING APPROVAL**

~~6.2.1 Every application for planning approval shall be made in the form prescribed in Appendix 4 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.~~

~~6.2.2 Unless Council waives any particular requirement every application for planning approval shall be accompanied by:~~

- a) ~~a plan or plans to a scale of not less than 1:500 showing;
 
  - (i) ~~street names, Lot number(s), north point and the dimensions of the site;~~
  - (ii) ~~the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;~~
  - (iii) ~~the existing and proposed means of access for pedestrians and vehicles to and from the site;~~
  - (iv) ~~the location, number, dimensions and layout of all car parking spaces intended to be provided;~~
  - (v) ~~the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;~~
  - (vi) ~~the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and~~
  - (vii) ~~the nature and extent of any open space and landscaping proposed for the site.~~~~
- b) ~~plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and~~
- c) ~~any other plan or information that the Council may reasonably require to enable the application to be determined.~~

### **6.3 ~~ADVERTISING OF APPLICATIONS~~**

~~6.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 6.3.3.~~

~~6.3.2 Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 6.3.3.~~

~~6.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:~~

- a) ~~Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty one days of the service of such notice.~~
- b) ~~Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty one days from the publication thereof.~~
- c) ~~A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty one days from the date of publication of the notice referred to in paragraph b) of this sub-clause.~~

~~6.3.4 The notice referred to in sub-clause 6.3.3 a) and b) shall be in the form contained in Appendix 6 with such modifications as circumstances require.~~

~~6.3.5 After expiration of twenty one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.~~

## **6.4 — CONSULTATIONS WITH OTHER AUTHORITIES**

~~6.4.1 In determining any application for planning approval the Council may consult with any other statutory, public or planning authority and with any other party it considers appropriate.~~

~~6.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.~~

## **6.5 — MATTERS TO BE CONSIDERED BY COUNCIL**

~~6.5.1 The Council in considering an application for planning approval shall have due regard to the following:~~

- ~~a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;~~
- ~~b) any relevant proposed new town planning scheme of the Council or amendment; insofar as it can be regarded as seriously entertained planning proposals;~~
- ~~c) any approved Statement of Planning Policy of the Commission;~~
- ~~d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;~~
- ~~e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 8.6 of this Scheme;~~
- ~~f) the preservation of any object or place of heritage significance;~~
- ~~g) the requirements of orderly and proper planning;~~
- ~~h) the preservation of the amenities of locality;~~
- ~~i) any other planning considerations which the Council considers relevant;~~
- ~~j) any relevant submissions or objections received on the application.~~

## **6.6 — DETERMINATION OF APPLICATIONS**

~~6.6.1 In determining an application for planning approval the Council may:~~

- ~~a) grant its approval with or without conditions;~~
- ~~b) refuse to grant its approval.~~

~~6.6.2 The Council shall convey its decision to the applicant in the form prescribed in Appendix 7 to the Scheme.~~

~~6.6.3 Where the Council grants planning approval, that approval:~~

- ~~a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved; and~~
- ~~b) lapses if the development has not substantially commenced before the expiration of that period.~~

~~6.6.4 Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.~~

## **6.7 — DEEMED REFUSAL**

~~6.7.1 Subject to subclause 6.7.2, an application for planning approval shall be deemed to have~~

~~been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.~~

~~6.7.2—An application for planning approval which is subject of a notice under subclause 6.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.~~

~~6.7.3—Notwithstanding that an application for planning approval may be deemed to have been refused under subclauses 6.7.1 and 6.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 day period specified in those classes, and that decision shall be regarded as being valid.~~

## **6.8—APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS**

~~6.8.1—Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access or landscaping.~~

~~6.8.2—The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.~~

~~6.8.3—Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval.~~

## **6.9—APPROVAL OF EXISTING DEVELOPMENTS**

~~6.9.1—The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council=s approval prior to the commencement of development.~~

~~6.9.2—The application to the Council for approval under sub-clause 6.9.1 shall be made on the form prescribed in Appendix 4.~~

~~6.9.3—A development which was not permissible under this Scheme at the time it was commenced or carried out may be approved if at the time of approval under this clause it is permissible.~~

## **PART VII - NON-CONFORMING USES**

### **7.1 — NON-CONFORMING USE RIGHTS**

7.1.1 — Except as otherwise provided in this part, no provision of the Scheme shall prevent:

- a) — the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme;  
or
- b) — the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current.

### **7.2 — EXTENSION OF NON-CONFORMING USE**

7.2.1 — A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

### **7.3 — CHANGE OF NON-CONFORMING USE**

7.3.1 — Notwithstanding anything contained in the Zoning Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve.

### **7.4 — DISCONTINUANCE OF NON-CONFORMING USE**

7.4.1 — When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

7.4.2 — The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

### **7.5 — DESTRUCTION OF BUILDINGS**

7.5.1 — If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

## **PART VIII – ADMINISTRATION**

### **8.1 — POWERS OF THE SCHEME**

8.1.1 The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers:

- a) The Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- b) The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- c) An officer of the Council, authorised by the Council for the purpose, may at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

### **8.2 — OFFENCES**

8.2.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area:

- a) otherwise than in accordance with the provisions of the Scheme;
- b) unless all approvals required by the Scheme have been granted and issued;
- c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with;
- d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

8.2.2 Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by section 10 of the Act.

### **8.3 — COMPENSATION**

8.3.1 Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act resultant from the making of, or the making of an amendment to, the Scheme is six (6) months from the date of publication of the Scheme or the Scheme Amendment in the Government Gazette.

8.3.2 Where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

## **8.4 — ELECTION TO PURCHASE AND VALUATION**

- ~~8.4.1 — Where compensation for injurious affection is claimed pursuant to either subclauses 8.3.1 or 8.3.2, the Council may, at its option elect to acquire the land so affected instead of paying compensation.~~
- ~~8.4.2 — Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall give notice of that election to the claimant by notice in writing within three (3) months of the claim for compensation being made.~~
- ~~8.4.3 — Where the Council elects to acquire land as provided in sub-clause 8.4.1, if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with subclause 8.4.4.~~
- ~~8.4.4 — The value of the land referred to in sub-clause 8.4.3 shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined —~~
- ~~a) — by arbitration in accordance with the *Commercial Arbitration Act 1985*; or~~
  - ~~b) — by some other method agreed upon by the Council and the owner of the land,~~
- ~~and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.~~
- ~~8.4.5 — The Council may deal with or dispose of land acquired for a Local Reserve or pursuant to the preceding sub-clause 8.4.4 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.~~

## **8.5 — RIGHTS OF APPEAL**

- ~~8.5.1 — An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.~~

## **8.6 — PLANNING POLICIES**

- ~~8.6.1 — The Council may prepare a planning policy (hereinafter called "a Policy") which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:~~
- ~~a) — generally or in a particular class of matter or in particular classes of matters; and~~
  - ~~b) — throughout the Scheme Area or in one or more parts of the Scheme Area~~
- ~~and may amend or add to or rescind a Policy so prepared.~~
- ~~8.6.2 — A Policy shall become operative only after the following procedures have been completed:~~
- ~~a) — The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.~~
  - ~~b) — Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.~~

- ~~c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.~~
- ~~d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.~~
- ~~8.6.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.~~
- ~~8.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 8.6.2.~~
- ~~8.6.5 A Policy may be rescinded by:
  - ~~a) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and~~
  - ~~b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.~~~~
- ~~8.6.6 A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.~~
- ~~8.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.~~

## ~~8.7 DELEGATION~~

- ~~8.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for Planning Approval made under this Scheme:-
  - ~~a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or~~
  - ~~b) that officer of the Council, holding or eligible to hold a Municipal Town Planners Certificate, appointed to the position of Town Planner for the purpose of the Local Government Act with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council,~~or those persons who from time to time occupy the positions referred to in a) and b) above.~~
- ~~8.7.2 Any delegation made under sub-clause 8.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.~~
- ~~8.7.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.~~
- ~~8.7.4 The performance of the function by a delegate under subclause 8.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.~~

~~8.7.5 Without affecting the generality of the provisions of this clause, where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider to have due regard to any matter, then that requirement shall be satisfied if a person exercising delegated authority in respect of that power performs the function.~~

~~8.7.6 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.~~

~~8.7.7 An officer or member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.~~

~~8.7.8 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.~~

## **8.8 AMENDMENTS TO THE SCHEME**

~~8.8.1 The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.~~

~~8.8.2 The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.~~

~~8.8.3 In the case of a proposed amendment to the zoning of land other than requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.~~

~~8.8.4 Council shall take into consideration any comments or submissions received in respect of a proposed amendment to the Scheme and shall only proceed with the amendment where it is satisfied the amendment would be consistent with the objectives of the Scheme and would not be contrary to the public interest.~~

## **8.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS**

~~8.9.1 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to section 10 of the Act for the removal of certain buildings.~~

~~8.9.2 Council may recover expenses under section 10(2) of the Act in a court of competent jurisdiction.~~

APPENDICES

APPENDIX 1 – INTERPRETATIONS

<b>abattoir:</b>	means any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
<b>absolute majority:</b>	has the same meaning as given to it in the <i>Local Government Act 1960</i> .
<b>Act:</b>	means the <i>Town Planning and Development Act 1928</i> (as amended).
<b>advertisement:</b>	means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.
<b>amenity building:</b>	means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment of leisure, but not used or intended for use for the work of the industry or business.
<b>amusement facility:</b>	means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.
<b>amusement machine:</b>	means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.
<b>amusement parlour:</b>	means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.
<b>ancillary use:</b>	means a use which is incidental to the predominant use of land and buildings.
<b>appendix:</b>	means an appendix to the Scheme.
<b>aquaculture:</b>	means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the <i>Fisheries Act 1905</i> (as amended) and the <i>Fisheries Regulations 1938</i> (as amended) is required.
<b>auction mart:</b>	means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.
<b>authorised officer:</b>	means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.
<b>battle-axe lot:</b>	means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
<b>betting agency:</b>	means a building operated in accordance with the <i>Totalisator Agency Betting Board Act 1960</i> (as amended).

<b>builder's storage yard:</b>	means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
<b>Building Code of Australia:</b>	means the <i>Building Code of Australia 1988</i> (as amended).
<b>building envelope:</b>	means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.
<b>building line:</b>	means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.
<b>camping area:</b>	means any land used for the lodging of persons in tents or other temporary shelter.
<b>canteen:</b>	means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75 m <sup>2</sup> including any storage and food preparation areas.
<b>caravan:</b>	means a vehicle as defined under the <i>Road Traffic Act 1974</i> (as amended) maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.
<b>caravan park:</b>	means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.
<b>caretaker's dwelling:</b>	means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
<b>car park:</b>	means any land or buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
<b>cattery:</b>	means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One – General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months for reward or profit.
<b>child day care centre:</b>	means any land or buildings used for the daily or occasional care of children in accordance with the <i>Child Care Regulations 1968</i> (as amended) but does not include a Child Family Care Centre.
<b>child family care centre:</b>	means a Child-Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.
<b>cinema/theatre:</b>	means any land or building where the public may view a motion picture or theatrical production.
<b>civic building:</b>	means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for administrative or other like purpose.

<b><i>civic use:</i></b>	means land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
<b><i>club premises:</i></b>	means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the <i>Liquor Licensing Act 1988</i> (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
<b><i>commercial vehicle:</i></b>	means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the <i>Vehicle Sales Regulations 1976</i> (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.
<b><i>Commission:</i></b>	means the Western Australian Planning Commission constituted under the <i>Western Australian Planning Commission Act 1985</i> .
<b><i>community purpose:</i></b>	means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
<b><i>conservation:</i></b>	means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will: <ul style="list-style-type: none"> <li>(a) enable the cultural heritage significance of that place or precinct to be retained; and</li> <li>(b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.</li> </ul>
<b><i>consulting rooms:</i></b>	means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, podiatrists, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.
<b><i>consulting rooms group:</i></b>	means a building (other than a hospital or medical centre) used by more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, podiatrists and persons ordinarily associated with a practitioner, in the prevention, investigation or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices.
<b><i>contractor's yard:</i></b>	means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.

<b><i>convenience store:</i></b>	<del>means any land and/or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 m<sup>2</sup> gross leasable area.</del>
<b><i>corner shop:</i></b>	<del>means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100 m<sup>2</sup>, attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.</del>
<b><i>Council:</i></b>	<del>means the executive body of the Shire of Yilgarn.</del>
<b><i>cultural heritage significance:</i></b>	<del>means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.</del>
<b><i>cultural use:</i></b>	<del>means any use aimed at the improvement or refinement of people by entertainment and/or education.</del>
<b><i>curtilage:</i></b>	<del>in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council.</del>
<b><i>development:</i></b>	<del>shall have the same meaning given to it in and for the purposes of the Act but shall also include:  "in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:  (a) is likely to change the character of the place or the external appearance of any building; or (b) would constitute an irreversible alteration to the fabric of any building; (c) any demolition of an object or place entered in the heritage list or contained in a heritage area under this scheme or is in the Register of Heritage Places under the Heritage of Western Australia Act or as otherwise defined in the scheme."</del>
<b><i>display home centre:</i></b>	<del>means a group of two or more dwellings which are intended to be open for public inspection. <b>RELOCATED TO CLAUSE 38</b></del>
<b><i>District:</i></b>	<del>means the Municipal District of the Shire of Yilgarn.</del>
<b><i>dog kennels:</i></b>	<del>means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.</del>
<b><i>drive-in theatre:</i></b>	<del>means any land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.</del>
<b><i>dry cleaning premises:</i></b>	<del>means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.</del>
<b><i>educational establishment:</i></b>	<del>means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.</del>

<b>facade:</b>	means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.
<b>factory unit building:</b>	means a building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.
<b>farm supply centre:</b>	means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.
<b>fish shop:</b>	means a building where wet fish and similar foods are displayed and offered for sale.
<b>floor area:</b>	shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1988 (as amended).
<b>fuel depot:</b>	means any land or building used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.
<b>funeral parlour:</b>	means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.
<b>garden centre:</b>	means any land or buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.
<b>gazettal date:</b>	means the date on which notice of the Minister's approval on this Scheme is published in the Government Gazette.
<b>gross floor area:</b>	shall have the same meaning as Floor Area in the Building Code of Australia.
<b>gross leasable area:</b>	means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
<b>health centre:</b>	means any buildings used as a maternity or x-ray centre, a district clinic, a masseur's establishment, or a medical clinic and can include ancillary services such as pathologists, radiologists and paramedicals.
<b>health studio:</b>	means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.
<b>height:</b>	when used in relation to a building that is used for: <ul style="list-style-type: none"> <li>(a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or</li> <li>(b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.</li> </ul>

<b>heritage precinct:</b>	means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.
<b>heritage list:</b>	means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the <i>Heritage Western Australia Act 1990</i> (as amended), or such parts thereof as described in the Heritage List.
<b>hobby farm:</b>	means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.
<b>home occupation:</b>	<p>means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:</p> <ul style="list-style-type: none"> <li>(a) entails the conduct of a business, office, a workshop only, and does not entail the frequent retail sale or display of goods of any nature;</li> <li>(b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;</li> <li>(c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;</li> <li>(d) does not entail employment of any person not a member of the occupier's household;</li> <li>(e) does not occupy an area greater than 20 m<sup>2</sup>;</li> <li>(f) does not display a sign exceeding 0.2 m<sup>2</sup> in area;</li> <li>(g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;</li> <li>(h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;</li> <li>(i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight.</li> </ul>
<b>hospital:</b>	means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.
<b>hospital special purposes:</b>	means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.
<b>hotel:</b>	means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> and may include a betting agency operated in accordance with the <i>Totalisator Agency Betting Board Act 1960</i> , but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.
<b>industry:</b>	<p>means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) the winning, processing or treatment of minerals;</li> <li>(b) the making, altering, repairing, or ornamentation, painting,</li> </ul>

	<p>finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;</p> <p>(c) — the generation of electricity or the production of gas;</p> <p>(d) — the manufacture of edible goods;</p> <p>and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:</p> <p>(i) — the carrying out of agriculture;</p> <p>(ii) — on-site work on buildings or land; and</p> <p>(iii) — in the case of edible goods the preparation of food for retail sale from the premises.</p>
<b><i>industry – cottage:</i></b>	<p>means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which, in the opinion of Council:</p> <p>(a) — does not cause injury to or prejudicially affect the amenity of the neighbourhood;</p> <p>(b) — where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;</p> <p>(c) — is conducted in an out-building which is compatible within the principal uses to which land in the zone in which it is located may be put;</p> <p>(d) — does not occupy an area in excess of 50 m<sup>2</sup>;</p> <p>(e) — does not display a sign exceeding 0.2 m<sup>2</sup> in area.</p>
<b><i>industry – extractive:</i></b>	<p>means an industry which involves:</p> <p>(a) — the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto; and the storage of such materials or products;</p> <p>(b) — the production of salt by the evaporation of salt water.</p>
<b><i>industry – general:</i></b>	<p>means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.</p>
<b><i>industry – hazardous:</i></b>	<p>means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.</p>
<b><i>industry – light:</i></b>	<p>means an industry;</p> <p>(a) — in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour,</p>

	<p>steam, soot, ash, dust, waste water or other waste products; and</p> <p>(b) <del>the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.</del></p>
<b><i>industry – noxious:</i></b>	<p><del>means an industry which is subject to licensing as "Prescribed Premises" under the <i>Environmental Protection Act 1986</i> (as amended).</del></p>
<b><i>industry – rural:</i></b>	<p><del>means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.</del></p>
<b><i>industry – service:</i></b>	<p><del>means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.</del></p>
<b><i>intensive agriculture:</i></b>	<p><del>means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:</del></p> <p>(a) <del>the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;</del></p> <p>(b) <del>the establishment and operation of plant and fruit nurseries;</del></p> <p>(c) <del>the development of land for irrigated fodder production and irrigated pasture (including turf farms);</del></p> <p>(d) <del>the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots;</del></p> <p>(e) <del>dairy milking sheds;</del></p> <p>(f) <del>the development of land for the keeping, rearing or fattening of other livestock above those stocking rates Australia recommended by Agriculture Western Australia in consultation with surrounding farmers for the applicable pasture type;</del></p> <p>(g) <del>aquaculture.</del></p>
<b><i>kindergarten:</i></b>	<p><del>means any land or buildings used as a school for young children.</del></p>
<b><i>land:</i></b>	<p><del>shall have the same meaning given to the term in and for the purposes of the Act.</del></p>
<b><i>laundromat:</i></b>	<p><del>means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.</del></p>
<b><i>liquor store:</i></b>	<p><del>means any land or buildings the subject of a Store Licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> (as amended).</del></p>
<b><i>lodging house:</i></b>	<p><del>shall have the same meaning as is given to the term in and for the purposes of the <i>Health Act 1911</i> (as amended).</del></p>
<b><i>lot:</i></b>	<p><del>shall have the same meaning given to the term in and for the purposes of the Act, and "allotment" has the same meaning.</del></p>
<b><i>lunch bar:</i></b>	<p><del>means a building or part of a building used for the sale of take-away sandwiches and similar foodstuffs between the hours of 9 a.m. and 4 p.m. within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a take-away food outlet.</del></p>

<b>market:</b>	means any land or buildings used for a fair, a farmer's or producer's market or a swap meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
<b>medical centre:</b>	means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.
<b>milk depot:</b>	means any land or buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.
<b>Minister:</b>	means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning.
<b>motel:</b>	means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the <i>Liquor Licensing Act 1988</i> has been granted.
<b>motor vehicles and marine sales premises:</b>	means any land or buildings used for the display and sale of new or second hand motor cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.
<b>motor vehicle hire:</b>	means any land or buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles. <b>RELOCATED TO CLAUSE 38</b>
<b>motor vehicle repair:</b>	means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.
<b>motor vehicle wash:</b>	means any land or buildings where vehicles are washed and cleaned by or primarily by mechanical means.
<b>motor vehicle wrecking:</b>	means any land or buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second hand motor vehicle accessories and spare parts.
<b>museum:</b>	means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.
<b>net lettable area (nla):</b>	means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas; <ul style="list-style-type: none"> <li>(a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</li> <li>(b) lobbies between lifts facing other lifts serving the same floor;</li> <li>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building,</li> <li>(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.</li> </ul>

<b>night club:</b>	means any land or buildings used for the entertainment and/or eating facilities and to which a licence under the provisions of the <i>Liquor Licensing Act 1988</i> has been granted.
<b>non-conforming use:</b>	means any use of land or building which, was lawful immediately prior to the coming into operation of this Scheme, but is not in conformity with the provisions of this Scheme.
<b>nursing home:</b>	means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.
<b>office:</b>	means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.
<b>open air display:</b>	means the use of land as a site for the display and/or sale of goods and equipment.
<b>owner:</b>	<p>in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:</p> <p>(a) is entitled to the land for an estate in fee simple in possession; or</p> <p>(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or</p> <p>(c) is a lessor or licensee from the Crown; or</p> <p>(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.</p>
<b>park home:</b>	means a movable dwelling, not being a vehicle as defined under the <i>Road Traffic Act 1974</i> (as amended), but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.
<b>park home park:</b>	means an area of land set aside exclusively for the parking of park homes occupied for residential purposes, whether short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land including ablution blocks, recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.
<b>petrol filling station:</b>	means any land or buildings used for the supply of petroleum products and motor vehicle accessories.
<b>place:</b>	<p>means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:</p> <p>(a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;</p>

	<p>(b) <del>any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and</del></p> <p>(c) <del>as much of the land beneath the place as is required for the purposes of its conservation.</del></p>
<b>piggery:</b>	shall have the same meaning given to it in and for the purposes of the <i>Health Act 1911</i> (as amended).
<b>plant nursery:</b>	means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.
<b>plot ratio:</b>	shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.
<b>potable water:-</b>	means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water' published by the World Health Organisation.
<b>poultry farm:</b>	means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the <i>Health Act 1911-1990</i> (as amended).
<b>prison:-</b>	shall have the same meaning given to it in and for the purposes of the <i>Prisons Act 1981</i> (as amended).
<b>private hotel:</b>	means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> (as amended).
<b>produce store:-</b>	means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.
<b>public amusement:</b>	means any land or buildings used for the amusement or entertainment of the public, with or without charge.
<b>public authority:</b>	shall have the same meaning given to it in and for the purposes of the Act.
<b>public exhibition:</b>	means any building or land used for the display of materials, for promotion of artistic, cultural or educational purposes.
<b>public mall:</b>	means any public street or right of way designed especially for pedestrians who shall have right of way, and vehicle access shall be restricted to service vehicles at times specified by the Council.
<b>public parking station:</b>	means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose.
<b>public utility:</b>	means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

<b>public worship – place of:</b>	means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.
<b>radio and TV installation:</b>	means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
<b>reception centre:</b>	means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.
<b>recreation private:</b>	means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not usually open to the public without charge.
<b>recreation public:</b>	means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.
<b>reformatory:</b>	means land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.
<b>reserve:</b>	means any land reserved for a public purpose.
<b>Residential Planning Codes:</b>	means the Residential Planning Codes, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.
<b>restaurant:</b>	means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.
<b>restricted premises:</b>	means any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or deliver of: <ul style="list-style-type: none"> <li>(a) publications that are classified as restricted publications pursuant to the <i>Indecent Publications and Articles Act 1902</i> (as amended); or</li> <li>(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.</li> </ul>
<b>retail:</b>	means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.
<b>retirement village:</b>	means a development containing accommodation for aged persons together with ancillary facilities.
<b>roadhouse:</b>	means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.
<b>rural pursuit:</b>	means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith: <ul style="list-style-type: none"> <li>(a) the rearing or agistment of goats, sheep, cattle or beasts of burden;</li> <li>(b) the stabling, agistment or training of horses;</li> <li>(c) the growing of trees, plants, shrubs, or flowers for replanting in</li> </ul>

	domestic, commercial or industrial gardens; (d) — the sale of produce grown solely on the lot; but does not include intensive agriculture.
<b>salvage yard:</b>	means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
<b>sawmill:</b>	means any land or buildings where logs or large pieces of timber are sawn but does not include a joinery works.
<b>service station:</b>	means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.
<b>shop:</b>	means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.
<b>showroom:</b>	means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.
<b>sign:</b>	means a notice, message or display by means of a freestanding or fixed sign or hoarding.
<b>special facility:</b>	means a facility established for purposes in section 46(5) of the <i>Liquor Licensing Act 1988</i> or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Special Purpose Licence within the meaning of the Liquor Licensing Act.
<b>stable:</b>	means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.
<b>stockyards:</b>	means any land, building or other structure used for holding and/or sale of animal stock.
<b>storage yard:</b>	means any land used for the storage of goods.
<b>structure plan:</b>	means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such future subdivision and development.
<b>take-away food outlet:</b>	means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises.
<b>tavern:</b>	means any land or buildings the subject of a Tavern Licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> .

<b>trade display:</b>	means any land and/or buildings used for the display of trade goods and equipment for the purposes of advertisement.
<b>transportable dwelling:</b>	means a residential dwelling which has been constructed (whether within the District or elsewhere, and whether occupied or not), and which is capable of being transported and reconstructed for use as a residential dwelling.
<b>transport depot:</b>	means any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
<b>veterinary clinic:</b>	means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.
<b>veterinary hospital:</b>	means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.
<b>warehouse:</b>	means a building wherein goods are stored and may be offered for sale by wholesale.
<b>waterway:</b>	shall have the same meaning given to it in and for the purposes of the Act.
<b>wholesale:</b>	means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the <i>Sales Tax Assessment Act No 1 1930</i> (as amended).
<b>wine house:</b>	means any land or buildings the subject of a Wine House Licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> (as amended).
<b>zone:</b>	means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include reserved land.
<b>zoological gardens:</b>	means any land or buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

## **SCHEDULE A – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS**

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

Supplementary provisions in this Schedule A are numbered to correlate with the clauses outlined in Schedule 2 Deemed Provisions, as per the *Planning and Development (Local Planning Schemes) Regulations 2015*:

### **PART 7 – REQUIREMENT FOR DEVELOPMENT APPROVAL**

- 61(2) Development approval of the local government is not required for the following-
- 61(2)(i) the erection on a lot of a single house, including ancillary outbuildings, in a Townsite or Rural/Mining zone as a single house is permitted under 'Table 2 - Zoning Table' unless:
- (i) the house is a 'second hand' or 'repurposed' dwelling.
- 61(2)(j) The erection of a boundary fence except where:
- (iii) the boundary fence is located in the street setback area on land zoned Residential and does not comply with the 'deemed to comply' requirements of the Residential Design Codes.
- 61(2)(k) Subject to the provisions of the Main Roads (Control of Advertisements) Regulations 1996, advertisements listed in Schedule B which for the purpose of this Schedule are referred to as 'exempted advertisements'.
- 61(2)(l) the use of land in a reserve, where such land is vested in the local government or vested in a Public Authority for the purpose for which the land is reserved under the Scheme or, in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.

The exemptions listed in Schedule A do not apply to any works located in a heritage-protected place.

**APPENDIX 2 – ADDITIONAL USES**  
**RELOCATED INTO A TABLE UNDER CLAUSE 19(2)**

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
1.	Lots 63 and 64 Altair Street, Southern Cross	Roadhouse	
2.	Lot 59 Antares Street, Southern Cross	Delicatessen/Automotive Workshop	
3.	Lots 69-72 Antares Street, Southern Cross	Agricultural Dealership	

**APPENDIX 3 – SPECIAL USE ZONE**  
**RELOCATED INTO A TABLE UNDER CLAUSE 21(1)**

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
1.	Palace Hotel	Hotel	
2.	Southern Cross Motel	Motel	
3.	Club Hotel	Hotel	
4.	Railway Tavern	Hotel	
5.	Catholic Church	Public Worship Public Assembly	
6.	Anglican Church	Public Worship Public Assembly	
7.	Caravan Park	Caravan Park	

**APPENDIX 4 – APPLICATION FOR PLANNING APPROVAL**  
**APPENDIX 4 IS DELETED AS IT REPLACED BY AN APPLICATION FORM IN CLAUSE**  
**86(1) OF THE PLANNING & DEVELOPMENT (LOCAL PLANNING SCHEMES)**  
**REGULATIONS 2015**

TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED)

SHIRE OF YILGARN

APPLICATION FOR PLANNING APPROVAL

1. Surname of Applicant ..... Given Names .....  
Full Address ..... Postcode .....
2. Surname of Land Owner (if different from above) .....  
Given Names .....
3. Submitted by .....
4. Address for Correspondence .....  
Telephone Number ..... Fax Number .....
5. Locality of Development.....
6. Title Details of Land .....
7. Name of Road Servicing Property .....
8. Description of Development.....  
Nature and size of all buildings proposed.....  
.....  
Materials to be used on external surfaces of building.....  
.....  
General treatment of open portions of the site .....
- .....  
Details of car parking and landscaping proposals .....
- .....  
Approximate cost of proposed development.....  
Estimated time for completion.....

Signature of Owner ..... Signature of Applicant or Agent

(Both signatures are required if applicant is not the owner)

Date ..... Date .....



**APPENDIX 5 – ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL**

**APPENDIX 5 IS DELETED AS IT REPLACED BY A FORM IN CLAUSE 86(2) OF THE PLANNING & DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015**

CONTROL OF ADVERTISEMENTS

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL  
(to be completed in addition to Application for Planning Approval)

1. Name of Advertiser (if different from owner):

2. Address in Deleted

3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property.

4. Details of Proposed Sign:

Height: ..... Width: ..... Depth: .....

Colours to be used: .....

Height above ground level - (to top of advertisement): .....

(to underside): .....

Materials to be used: .....

Illuminated: Yes/No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

5. State period of time for which advertisement is required:

6. Details of signs, if any, to be removed if this application is approved:

NB. This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above,

Signature of Advertiser(s): .....  
(if different from land owners)

Date: .....

**APPENDIX 6 - NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

**APPENDIX 6 IS DELETED AS IT IS REPLACED BY A NOTICE IN CLAUSE 86(3) OF THE PLANNING & DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015**

SHIRE OF YILGARN

TOWN PLANNING SCHEME NO. 2

**Deleted**  
NOTICE OF PUBLIC ADVERTISEMENT  
OF PLANNING PROPOSAL

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder:

LAND DESCRIPTION

LOT NO ..... STREET .....

PROPOSAL .....

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before the ..... day of ..... 19.....

.....  
CHIEF EXECUTIVE OFFICER

.....  
DATE

~~**APPENDIX 7 – DECISION OF APPLICATION FOR PLANNING APPROVAL**~~  
**APPENDIX 7 IS DELETED AS IT IS REPLACED BY A DETERMINATION NOTICE IN  
 CLAUSE 86(4) OF THE PLANNING & DEVELOPMENT (LOCAL PLANNING SCHEMES)  
 REGULATIONS 2015**

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF YILGARN

DECISION ON APPLICATION FOR PLANNING APPROVAL

TOWN PLANNING SCHEME NO. 2

The Council having considered the application

Dated .....

Submitted by .....

On behalf of .....

hereby advise that it has decided to:

REFUSE/GRANT APPROVAL - TO COMMENCE DEVELOPMENT  
 TO DISPLAY AN ADVERTISEMENT

subject to the following conditions/for the following reasons.

.....  
 CHIEF EXECUTIVE OFFICER

DATE .....

~~**APPENDIX 8**~~ **SCHEDULE B - EXEMPTED ADVERTISEMENTS SCHEDULE**

EXEMPTED ADVERTISEMENTS SCHEDULE

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER <small>(includes the change of posters on poster signs and applies to non- illuminated signs unless otherwise stated)</small>	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>

**APPENDIX NO. 8 - EXEMPTED ADVERTISEMENTS SCHEDULE (CONT'D)**

<b>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</b>	<b>EXEMPTED SIGN TYPE AND NUMBER</b> (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	<b>MAXIMUM AREA OF EXEMPTED SIGN</b>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the signs Hoarding and Bill Posting Bylaws.	Not applicable
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building wether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total are of any such advertisements shall not exceed 15m.</p> <p>Maximum permissible total area shall not exceed 10m<sup>2</sup> and individual advertisement signs shall not exceed 6m<sup>2</sup></p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex of facility concerned either from other private land or from public places and streets.	n/a

**APPENDIX NO. 8 - EXEMPTED ADVERTISEMENTS SCHEDULE (CONT'D)**

<b>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</b>	<b>EXEMPTED SIGN TYPE AND NUMBER</b> (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	<b>MAXIMUM AREA OF EXEMPTED SIGN</b>
Public Places and Reserves	<p>a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or <del>Council</del> local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the <del>Council</del> local government of a municipality, and</p> <p>c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>n/a</p> <p>n/a</p> <p>n/a</p>
Railway Property and Reserve	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	n/a
All classes of buildings other than single family dwelling	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>

## APPENDIX 9 SCHEDULE C - HERITAGE LIST

### SHIRE OF YILGARN

#### TOWN LOCAL PLANNING SCHEME NO 2 - HERITAGE LIST

##### Category A

These places have a great deal of significance and the highest level of protection is appropriate: recommended for entry into the State Register of Heritage Places; (*No 46 Pumping Station and No 53 Southern Cross Post Office are already on the Interim Register*): provide maximum encouragement to the owner under the Shire of Yilgarn Town Planning Scheme to conserve the significance of the place. Incentives to promote conservation should be considered.

No in MHI	Name of Place	Address/Location
12	Forrester Resource Centre	Antares St, Southern Cross
40	Museum	Antares St, Southern Cross
45	Palace Hotel	Cnr Orion/Antares Sts, Southern Cross
46	Former Pumping Station at Ghooli	Great Eastern Highway, Ghooli
52	Southern Cross Post Office	Cnr Antares and Achernar Sts, Southern Cross

##### Category B

High level of protection appropriate: provide maximum encouragement to the owner under the Shire of Yilgarn Town Planning Scheme to conserve the significance of the place. A more detailed heritage assessment to be undertaken before approval given for any major redevelopment. Incentives to promote conservation should be considered.

No in MHN	Name of Place	Address/Location
01	Anglican Church	Lot 607 Antares St, Southern Cross
06	Catholic Church	44 Altair St, Southern Cross
07	Club Hotel	Cnr Antares and Achernar Sts, Southern Cross
09	Double Storey Offices	Lot 38 Antares St, Southern Cross
11	Former Police Lockup	Antares St, Southern Cross
13	Golden Valley Five Stamp Battery	Approx 8 km from Bullfinch, Southern Cross
14	Golden Valley Mine Site	Approx 8 km from Bullfinch, near Golden Valley
27	Minburra	Cameron Rd, Southern Cross
54	Super Deli	Antares St, Southern Cross
55	Uniting Church	Centaur St, Southern Cross

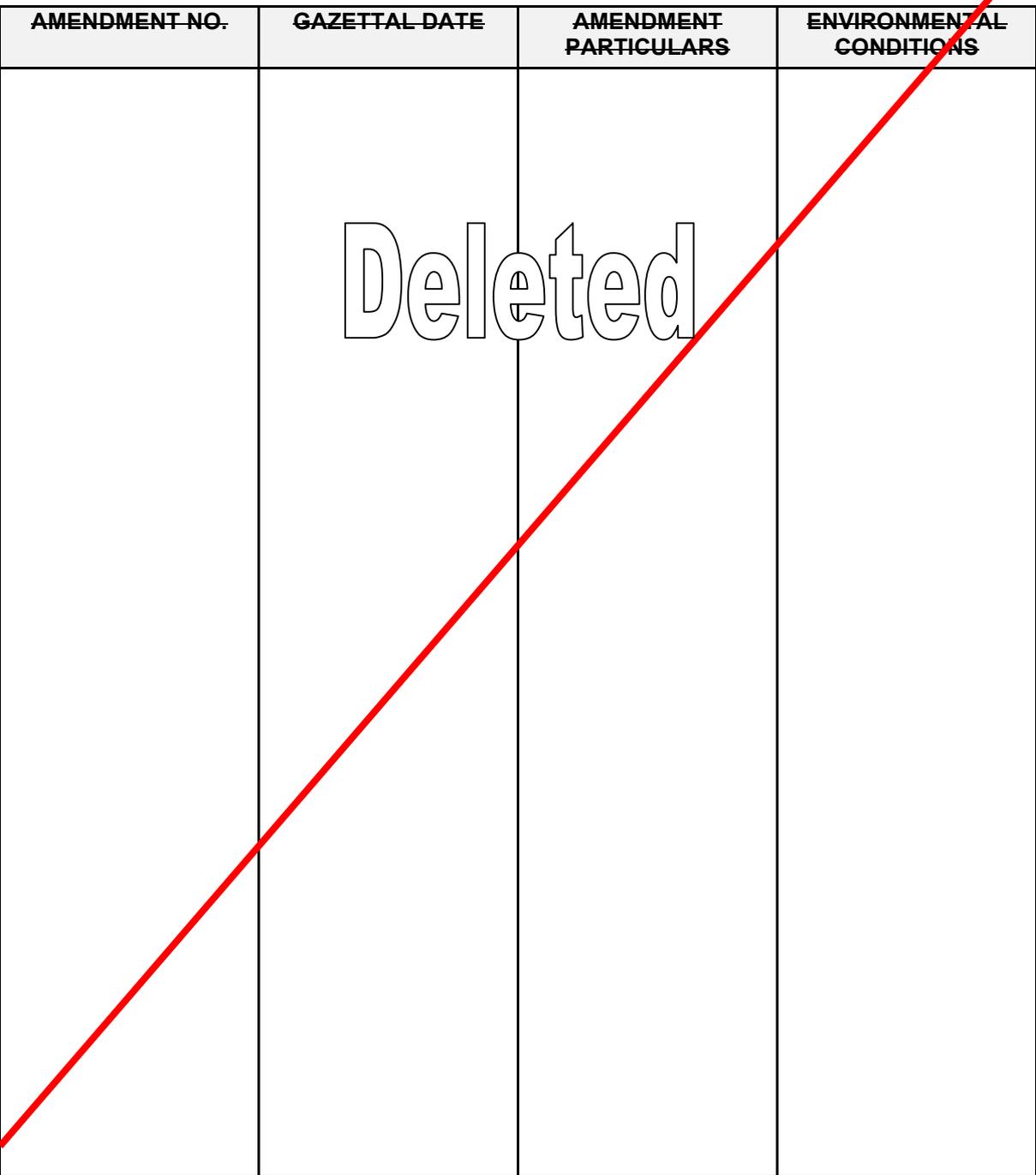
## APPENDIX 9 - HERITAGE LIST (Cont'd)

### Category C

Retain and conserve if possible; endeavour to conserve the significance of the place through the provisions of the Shire of Yilgarn Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.

No in MHI	Name of Place	Address/Location
03	Bullfinch Hotel	Cnr Shallcross and Doolette Sts, Bullfinch
19	House - 68 Spica Street	68 Spica St, Southern Cross
25	Marvel Loch School	1 King St, Marvel Loch
26	Masonic Temple	Lot 46 Spica St, Southern Cross
29	Moorine Rock Hotel	Gt Eastern Hwy, Moorine Rock
30	Moorine Rock Post Office/Exchange	Gt Eastern Hwy, Moorine Rock
31	Moorine Rock School	Gt Eastern Hwy, Moorine Rock
34	Mount Palmer Archway	Palmer St, Mt Palmer
36	Mrs Sorenson's House - Bullfinch	Doolette St, Bullfinch
42	Old Bodallin School	Gt Eastern Hwy, Bodallin
49	Railway House - Southern Cross	Lot 350 Sirius St, Southern Cross
50	Railway Tavern	Cnr Sirius and Hydra Sts, Southern Cross
53	St Joseph's Primary School	Lot 57 Altair St, Southern Cross
56	Universal Drapers Building	Lot 9 Antares St, Southern Cross

**APPENDIX 10 – ENVIRONMENTAL CONDITIONS**

<b>AMENDMENT NO.</b>	<b>GAZETTAL DATE</b>	<b>AMENDMENT PARTICULARS</b>	<b>ENVIRONMENTAL CONDITIONS</b>
 <p data-bbox="592 600 1002 741">Deleted</p>			

Local Government Authority of YILGARN SHIRE COUNCIL

**APPLICATION FOR APPROVAL**

Demolition Licence  Sign Licence

Planning Approval  Building Licence

PLEASE TICK WHICH APPROVAL IS BEING SOUGHT AND FILL IN THE APPROPRIATE SECTION(S) ONLY:

**PROPERTY DETAILS:**

Lot No. .... House/Street No: ..... Street Name: .....  
Suburb: ..... Number of pre-existing dwellings on lot: ..... Lot area(m<sup>2</sup>): .....

**OWNER DETAILS:**

Name: .....  
Address: .....  
Postcode: .....  
Phone: (work) ..... (home) ..... Fax: .....  
Contact Person: .....  
Signature(s) .....  
Signature(s) ..... Date: .....

**The signature of the landowner(s) is required for Planning Approval. This application will not proceed without that signature.**

Please Note: If the owner's name & address is not to be made available to agencies other than Statutory Authorities indicate with an "x"

**APPLICANT DETAILS:** (To be completed only if different from the owner)

Name: .....  
Address: .....  
Postcode: .....  
Contact Name: .....  
Signature: ..... Date: .....

**DEMOLITION LICENCE:**

Type of Building/Structure: ..... Number of Storeys: .....  
Rat Bait Certified issued yes  No  Type/Date Laid: .....  
Whole or Part Demolition - Details: .....  
No of units demolished: .....

**To be completed by demolition contractor:** Name: .....

Address: .....  
Phone: ..... Fax: ..... Signature: .....

*Some Councils may require additional information*

**SIGN LICENCE:**

Type of Sign: .....  
Position: .....  
Dimensions: ..... Materials: .....  
Illumination - Internal/External: .....  
Wording/Illustration (Plan/Design attached): .....

***Some Councils may require additional information***

**PLANNING APPROVAL:**

Existing Building/Land Use:.....  
 Approx. Cost of Development: ..... Est. Date of Completion: .....  
 Description of Development or Proposed Use: .....

**BUILDING LICENCE:**

Type of Work:  New Building; number of storeys .....  
 Additions; please describe .....  
 Alterations; please describe .....  
 Relocation; please describe .....  
 Outbuildings; please describe .....

Type of Building: House  Other Residential Building: Number of Dwellings Units .....

11  Single House  ...Group Dwelling, Terrace House or Townhouse  
 12  Kit House  Flat, Unit or Apartment in Building  
 19  Transportable  Other, specify .....

Non-Residential Building please describe .....

Type of Materials: Walls 11  Double Brick  
 Other, specify .....  
 Roof 10  Tiles  
 Other, specify .....  
 Floor 20  Concrete  
 Other, specify .....  
 Frame  Please specify .....

**To be completed by builder:**

Name:.....  
 Address:.....  
 Registration No..... Phone:..... Fax:.....  
 Building Details: area (m<sup>2</sup>)..... Outbuildings Area (m<sup>2</sup>).....  
 Contract Value \$..... Building Height:..... Signature .....

**OFFICE USE ONLY**

Date: .....

PLANNING FEES		Receipt No.	BUILDING FEES (Cont'd)		Receipt No.
Application Fee	\$		Crossover Fee	\$	
Amended Plan Fee	\$		Amended Plan Fee	\$	
BUILDING FEES			Miscellaneous	\$	
Building Fee	\$		Demolition Fee	\$	
BCITF Fee	\$		Security Deposit	\$	
Security Deposit	\$			\$	
TOTAL			TOTAL		

Accepting Officer=s Initials:..... Date Received:..... Council Ref No:.....  
 Collector District: ..... Checking Inspector: .....  
 Permit/Licence No: ..... Approval Date:.....

*This form replaces the Metropolitan Region Scheme Form and building Regulations Forms.*





RECEIVED  
12 JAN 2016

BY: .....  
**Minister for Planning; Culture & the Arts**  
**Government of Western Australia**

Our Ref: 33-30197

Ms Liz Bushby  
Gray & Lewis Land Use Planners  
Suite 5  
2 Hardy Street  
SOUTH PERTH WA 6151

Dear Ms Bushby

**PETITION – PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES)  
REGULATIONS 2015 - TRANSPORTABLE BUILDINGS AS DWELLINGS**

Thank you for your letter of 21 August 2015, regarding the application of deemed provisions and transportable dwellings.

Following your representation, and those from a number of local governments expressing similar amenity concerns, I requested that the Department of Planning undertake further consideration of this matter.

The Department recommended, and I support, the use of two new definitions for repurposed building and second-hand dwelling to separate them from single houses:

- *repurposed dwelling* – a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.
- *second-hand dwelling* – a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

Each local government will be able to make the determination as to whether to amend its planning scheme to include these definitions and make these uses discretionary (development approval required) in the Residential zone. The Western Australian Planning Commission (WAPC) will shortly be issuing a Planning Bulletin to provide guidance on the introduction of these definitions into planning schemes.

I appreciate you raising this matter with me and trust the above information is of assistance.

Yours sincerely

**JOHN DAY**  
**MINISTER FOR PLANNING;**  
**CULTURE AND THE ARTS**

30 DEC 2015





# Attachment 9.1.2

Part 1: Application type		
<b>INSTRUCTIONS:</b>		
<ul style="list-style-type: none"> <li>Completion of this form is a statutory requirement under s.54(1)(a) of the <i>Environmental Protection Act 1986 (WA) (EP Act)</i> for works approval applications; s.57(1)(a) for licence and licence renewal applications; s.59B(1)(a) for applications for an amendment; and under r.5B(2)(a) of the <i>Environmental Protection Regulations 1987 (WA) (EP Regulations)</i> for applications for registration of premises.</li> <li>The instructions set out in this application form are general in nature.</li> <li>A reference to 'you' in these instructions is a reference to the applicant.</li> <li>The information provided to you by the Department of Water and Environmental Regulation (DWER) in relation to making applications does not constitute legal advice. DWER recommends that you obtain independent legal advice.</li> <li>Applicants seeking further information relating to requirements under the EP Act and/or EP Regulations are directed to the Parliamentary Counsel's Office website (<a href="http://www.legislation.wa.gov.au">www.legislation.wa.gov.au</a>). Schedule 1 of the EP Regulations contains the categories of prescribed premises.</li> <li>For prescribed premises where activities fall within more than one category, ALL applicable categories must be identified. This applies for existing prescribed premises seeking renewal or amendment, as well as new prescribed premises.</li> <li>The application form must be completed with all relevant information attached. Attachments can be combined and submitted as one or more consolidated documents if desired, provided it is clear which section of the application form the information / attachments relate to. Where attachments are submitted separately, avoid duplicating information. Ensure that any cross-references between the application form and the supporting document(s) are accurate.</li> <li>If an application form has been submitted which is incomplete or materially incorrect, the Chief Executive Officer of DWER (CEO) will decline to deal with the application and advise the applicant accordingly.</li> <li>On completing this application form, please submit it to DWER in line with the instructions in Part 15 of the form.</li> </ul>		
1.1	<p>This is an application for: <i>[Select one option only. Your application may be returned if multiple options are selected.]</i></p> <p>under Part V, Division 3 of the EP Act.</p> <p>Please see the:</p> <ul style="list-style-type: none"> <li><a href="#">Guideline: Industry Regulation Guide to Licensing</a></li> <li><a href="#">Procedure: Prescribed premises works approvals and licences</a></li> </ul> <p>for more information to assist in understanding DWER's regulatory regime for prescribed premises.</p>	<input type="checkbox"/> Works approval  <input type="checkbox"/> Licence Existing registration number(s): [       ] Existing works approval number(s): [       ]  <input type="checkbox"/> Renewal Existing licence number: [       ]  <input checked="" type="checkbox"/> Amendment Number of the existing licence or works approval to be amended: [L9240/2020/1]  <input type="checkbox"/> Registration (works approval already obtained) Existing works approval number(s): [       ]
1.2	<p>For a works approval amendment or licence amendment, are there less than 90 business days until the expiry of the existing works approval or licence? Only active instruments can be amended. Applications to amend a works approval or licence must be made 90 business days or more prior to the existing works approval or licence expiring to ensure there is adequate time to assess the amendment.</p>	<p>Yes <input type="checkbox"/></p>
1.3	<p>This application is for the following categories of prescribed premises: <i>(specify all prescribed premises category numbers)</i></p>	<p>[61, 61A, 65, 66]</p> <p><input checked="" type="checkbox"/> All activities that meet the definition of a prescribed premises as set out in Schedule 1 of the EP Regulations have been specified above (tick, if yes).</p>

**Completion Matrix**

The matrix below explains what sections are required to be completed for different types of applications.

Application form section	New application / registration	Renewal	Amendment
Part 1: Application type	•	•	•
Part 2: Applicant details	•	•	•
Part 3: Premises details	•	•	△
Part 4: Proposed activities	•	•	•
Part 5: Index of Biodiversity Surveys for Assessment and Index of Marine Surveys for Assessment	If required.	If required.	If required.
Part 6: Other DWER approvals	•	•	•
Part 7: Other approvals and consultation	•	•	•
Part 8: Applicant history	•	•	△
Part 9: Emissions, discharges, and waste	•	•	△
Part 10: Siting and location	•	•	△
Part 11: Submission of any other relevant information	•	•	If required.
Part 12: Category checklist(s)	•	•	•
Part 13: Proposed fee calculation	•	•	•
Part 14: Commercially sensitive or confidential information	•	•	•
Part 15: Submission of application	•	•	•
Part 16: Declaration and signature	•	•	•
Attachment 1A: Proof of occupier status	•	•	N/A
Attachment 1B: ASIC company extract	•	•	N/A
Attachment 1C: Authorisation to act as a representative of the occupier	•	•	•
Attachment 2: Premises map/s	•	•	△
Attachment 3A: Environmental commissioning plan	If required.	N/A	If required
Attachment 3B: Proposed activities	•	•	△
Attachment 3C: Map of area proposed to be cleared (only applicable if clearing is proposed)	•	•	•
Attachment 3D: Additional information for clearing assessment	If required.	If required.	If required.
Attachment 4: Marine surveys (only applicable if marine surveys included in application)	•	•	•
Attachment 5: Other approvals and consultation documentation	•	•	△
Attachment 6A: Emissions and discharges	If required.	If required.	If required.
Attachment 6B: Waste acceptance	If required.	If required.	If required.
Attachment 7: Siting and location	•	•	△
Attachment 8: Additional information submitted	If required.	If required.	If required.
Attachment 9: Category-specific checklist(s)	•	If required.	If required.
Attachment 10: Proposed fee calculation	•	•	•
Attachment 11: Request for exemption from publication	If required.	If required.	If required.

**Key:**

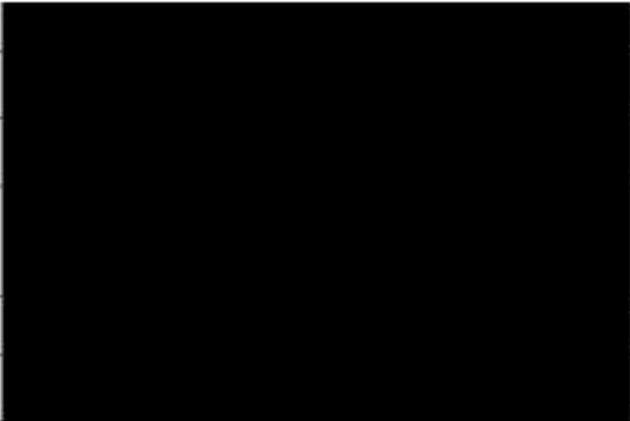
• Must be completed / submitted.

△ To the extent changed / required in relation to the amendment.

N/A Not required with application, but may be requested subsequently depending on DWER records.

"If required" Sections for applicants to determine.

Part 2: Applicant details			
<b>INSTRUCTIONS:</b>			
<ul style="list-style-type: none"> <li>The applicant (the occupier of the premises) must be an individual(s), a company, body corporate, or public authority, but not a partnership, trust, or joint-venture name. Applications made by or on behalf of business names or unincorporated associations will not be accepted.</li> <li>If applying as an individual, your full legal name must be provided.</li> <li>If applying as a company, body corporate, or public authority, the full legal entity name must be inserted.</li> <li>Australian Company Number's (ACN) must be provided for all companies or body corporates.</li> <li>DWER prefers to send all correspondence electronically via email. We request that you consent to receiving all correspondence relating to instruments and notices under Part V of the EP Act (Part V documents) electronically via email, by indicating your consent in Section 2.3.</li> <li>Companies or body corporates making an application must nominate an authorised representative from within their organisation. Proof of authorisation must be submitted with the application (see Section 2.10). If you are applying as an individual, you are the representative.</li> <li>Details of a contact person must be provided for DWER enquiries in relation to your application. This contact person can be a consultant if authorised to represent the applicant. Written evidence of this authorisation must be provided.</li> <li>Details of the occupier of the premises must be provided. One of the options must be selected and if you have been asked to specify, please provide details. For example, if 'lease holder' has been selected, please specify the type of lease (for example, pastoral lease, mining lease, or general lease) and provide a copy of the lease document(s). Note that contracts for sale of land will not be sufficient evidence of occupancy status.</li> </ul>			
2.1	<b>Applicant name/s (full legal name/s):</b> The proposed holder of the works approval, licence or registration.	Tellus Holdings Ltd	
	<b>ACN (if applicable):</b>	138 119 829	
2.2	<b>Trading as (if applicable):</b>	N/A	
2.3	<b>Authorised representative details:</b> The person authorised to receive correspondence and Part V documents on behalf of the applicant under the EP Act.  Where 'yes' is selected, all correspondence will be sent to you via email, to the email address provided in this section.  Where 'no' has been selected, Part V documents will be posted to you in hard copy to the postal / business address specified in Section 2.4, below. Other general correspondence may still be sent to you via email.	Name	
		Position	
		Telephone	
		Email	
		<i>I consent to all written correspondence between myself (the applicant) and DWER, regarding the subject of this application, being exclusively via email, using the email address I have provided above.</i>	
2.4	<b>Registered office address, as registered with the Australian Securities and Investments Commission (ASIC):</b> This must be a physical address to which a Part V document may be delivered.	Suite 2, Level 10, 151 Castlereagh Street, Sydney NSW 2000	
2.5	<b>Postal address for all other correspondence:</b> If different from Section 2.4.	As above	

Part 2: Applicant details				
2.6	<b>Contact person details for DWER enquiries relating to the application (if different from the authorised representative):</b> For example, could be a consultant or a site-based employee.	Name		
		Position		
		Organisation		
		Address		
		Telephone		
		Email		
2.7	<b>Occupier status:</b> Occupier is defined in s.3 of the EP Act and includes a person in occupation or control of the premises, or occupying a different part of the premises whether or not that person is the owner.  Note: if a lease holder, the applicant must be the holder of an executed lease, not just an agreement to lease.	Registered proprietor on certificate of title.	<input type="checkbox"/>	
		Lease holder (please specify, including date of expiry of lease).	<input type="checkbox"/>	
		Public authority that has care, control, or management of the land.	<input type="checkbox"/>	
		Other evidence of legal occupation or control (please specify – for example, joint venture operating entity, contract, letter of operational control, or other legal document or evidence of legal occupation).	<input checked="" type="checkbox"/>	
		Tellus Holdings Ltd (Tellus) holds <i>Mining Act 1978</i> tenure over the area of the prescribed premises: M16/574. In addition to Mining Act tenure, Tellus holds a Crown Lease O289974 granted by the State of Western Australia in respect of Lot 510 on Deposited Plan 413497, Whole Volume 3169 Folio 365.		
<b>Attachments</b>		<b>N/A</b>	<b>Yes</b>	
2.8	<b>Attachment 1A: Proof of occupier status</b>	Copies of certificate of title, lease, or other instruments evidencing proof of occupier status, including the expiry date or confirmation that there is no expiry date, have been provided and labelled as Attachment 1A.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.9	<b>Attachment 1B: ASIC company extract</b>	A current company information extract (not the company information summary) purchased from the ASIC website(s) for all new applications / registrations has been provided and labelled as Attachment 1B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.10	<b>Attachment 1C: Authorisation to act as representative of the occupier</b>	A copy of the documentation authorising the applicant to act on the occupier's behalf as their authorised agent/representative has been provided and labelled as Attachment 1C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3: Premises details		N/A	Yes
3.1	<p><b>Premises description (whole or part to be specified):</b> Include the land description (volume and folio number, lot, or location number/s); Crown lease or reserve number; pastoral lease number; or mining tenement number (as appropriate), of all properties, as shown on title details registered with Landgate.</p> <p><b>Premises street address</b> Include the suburb.</p> <p><b>Premises name (if applicable):</b></p>	<p>O289974 granted by the State of Western Australia to Tellus Holdings Ltd in respect of Lot 510 on Deposited Plan 413497. Whole Volume 3169 Folio 365.</p> <p>102.5 km north of Great Eastern Highway, along Access Reserve 44201, Boorabbin WA 6429.</p> <p>Sandy Ridge Facility</p>	
3.2	<p><b>Local Government Authority area:</b> City, Town, or Shire.</p>	Shire of Coolgardie	
3.3	<p><b>GPS (latitude and longitude) coordinates:</b> GPS coordinates determined using the GDA 2020 (Geographic latitude / longitude) coordinate system and datum must be provided for all points around the proposed premises boundary, where the entirety of the cadastre (land parcel) or mining tenements are not used as the premises boundary.</p>	Coordinates are unchanged from those in L9240/2020/1. The Premises' regional location is shown in Figure 1 of the <i>Sandy Ridge - Licence Amendment Application Supporting Document – Portable Waste Treatment Equipment and Compaction Testing</i> (Supporting Document).	
<b>Attachments</b>		N/A	Yes
3.4	<p><b>Attachment 2: Premises map(s)</b></p> <p>You must provide as an attachment to this application form, labelled Attachment 2, either:</p> <ol style="list-style-type: none"> <li>an aerial photograph, map, and site plan of sufficient scale showing the proposed prescribed premises boundary</li> <li>or</li> <li>where available, a map of the proposed premises boundary and site plan as an ESRI shapefile (accepted file types include .dbf, .shp, .prj, and .shx) with the following properties (provided on a suitable portable digital storage device, if submitting application in hard copy form): <ul style="list-style-type: none"> <li>Geometry type: Polygon Shape</li> <li>Coordinate system: GDA 2020 (Geographic latitude / longitude)</li> <li>Datum: GDA 2020 (Geocentric Datum of Australia 2020).</li> </ul> </li> </ol> <p>You must also provide a map or maps of the prescribed premises, clearly identifying and labelling:</p> <ul style="list-style-type: none"> <li>layout of key infrastructure and buildings, clearly labelled;</li> <li>the premises boundary (where the premises boundary does not align with the entirety of the cadastral boundary, identify the Lot Number for which the premises is part of);</li> <li>emission and discharge points (with precise GPS coordinates where available);</li> <li>monitoring points (with precise GPS coordinates where available);</li> <li>sensitive receptors and land uses</li> <li>all areas proposed to be cleared (if applicable).</li> </ul> <p>Maps must contain a north arrow, clearly marking the area in which the activities are carried out. The map or maps must be of reasonable clarity and have a visible scale.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Fig 2

## Part 4: Proposed activities

**INSTRUCTIONS:**

- You must provide a description and the scope, size and scale of all prescribed activities of Schedule 1 to the EP Regulations including the maximum production or design capacity of each prescribed activity.
- If applying for a works approval or licence amendment involving the construction of new infrastructure, you must provide information on infrastructure to be constructed and how long construction is expected to take. You must confirm if commissioning is to occur and how long it will take.
- If applying for a works approval or licence amendment *not* involving the construction of new infrastructure, provide details of the proposed amendment.
- You must identify all emission sources on the premises map/s.
- You must also provide information on activities which directly relate to the prescribed premises category which have, or are likely to result in, an emission or discharge.
- If clearing activities are proposed provide a description and details. If a relevant exemption under Schedule 6 of the EP Act or r.5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA) (Clearing Regulations) may apply, provide details.
- Note that in some cases, DWER may require that the clearing components of a works approval or licence (or amendment) application be submitted separately through the clearing permit application process. Refer to the [Procedure: Prescribed premises works approvals and licences](#) for further guidance.
- Please note that the requested information is critical to DWER's understanding of the proposed activities. The more accurate, specific, and complete the information provided in the application, the less uncertainty that DWER may identify in the application, therefore facilitating completion of the assessment in a more efficient and timely manner.

**4.1 Prescribed premises infrastructure and equipment**

In Table 4.1 (below), provide a list of all items of infrastructure and equipment within the boundary of the prescribed premises relevant to this application, and include the following details for each:

- relevant categories (if known) – the categories of prescribed premises (as listed under Schedule 1 of the EP Regulations) that relate to that infrastructure or equipment;
- site plan reference – the location of that infrastructure or equipment (with reference to the site plan map or maps provided above in Section 3.4 and labelled as Attachment 2 – e.g. use GPS coordinates or a clear description such as 'labelled as [label on premises map] on Map A');
- is it critical containment infrastructure (CCI)? – indicate if the identified infrastructure or equipment would be categorised as CCI. Refer to the [Guideline: Industry Regulation Guide to Licensing](#) for further information on CCI; and
- is environmental commissioning required? – indicate if environmental commissioning is intended to be undertaken for that item of infrastructure or equipment. Refer to the [Guideline: Industry Regulation Guide to Licensing](#) for further information on environmental commissioning.

Add additional rows to Table 4.1 (below) as required.

**Table 4.1: Infrastructure and equipment**

	Infrastructure and equipment	Relevant categories (if known)	Site plan reference	CCI? (mark if yes)	Environmental commissioning? (mark if yes)
1.	Non-radioactive waste inspection and unloading warehouse – add use of portable waste treatment equipment	61, 61A	15 in Figure 3; Appendix B	<input type="checkbox"/>	<input type="checkbox"/>
2.	Mixed Store – Main Yard – add use of portable waste treatment equipment	61, 61A	14 in Figure 3	<input type="checkbox"/>	<input type="checkbox"/>
3.	Radioactive waste warehouse – add use of portable waste treatment equipment	61, 61A	20 in Figure 3; Appendix C	<input type="checkbox"/>	<input type="checkbox"/>
4.	Radioactive waste and liquid waste storage yard – add use of portable waste treatment equipment	61, 61A	23 in Figure 3; Appendix D	<input type="checkbox"/>	<input type="checkbox"/>
5.				<input type="checkbox"/>	<input type="checkbox"/>
6.				<input type="checkbox"/>	<input type="checkbox"/>

Part 4: Proposed activities	
4.2	<p><b>Detailed description of proposed activities or proposed changes (if an amendment):</b> You must provide details of proposed activities relevant to this application within the boundary of the prescribed premises, identifying:</p> <ul style="list-style-type: none"> <li>• scope, size, and scale of the project, including details as to production or design capacity (and/or frequency, if applicable);</li> <li>• key infrastructure and equipment;</li> <li>• description of processes or operations (a process flow chart may be included as an attachment);</li> <li>• emission / discharge points;</li> <li>• locations of waste storage or disposal</li> <li>• activities occurring during construction, environmental commissioning, and operation (if applicable).</li> </ul> <p>If assessment and imposition of conditions to allow environmental commissioning to be undertaken are requested, please provide an environmental commissioning plan as Attachment 3A (see 4.11 below). Additional information relating to the proposed activities may be included in Attachment 3B (see 4.12 below).</p> <p><b>Construction activities (if applicable):</b> Construction was approved under W6308/2019/1 and the facility licenced under L9240/2020/1. No additional construction activities are proposed under this licence amendment.</p> <p><b>Environmental commissioning activities (if applicable):</b> Refer to the <a href="#">Guideline: Industry Regulation Guide to Licensing</a> for further guidance.</p> <p>Nil</p> <p><b>Time limited operations activities (if applicable):</b> Different elements of the premises may require time limited operations to commence at different times. In these circumstances, please specify the infrastructure and/or equipment for which time limited operations authorisation is being applied for. If time limited operations are expected to differ from future licensed operations, specify how and why this would be the case. Refer to the <a href="#">Guideline: Industry Regulation Guide to Licensing</a> for further guidance.</p> <p>Nil</p> <p><b>Operations activities (for a licence):</b> This application is for an amendment of L9240/2020/1 to authorise</p> <ul style="list-style-type: none"> <li>• the treatment of liquid waste outside of the Waste Immobilisation Plant in portable liquid waste treatment equipment.</li> <li>• replacement of the requirement for an achieved compaction density of 0.5 MPA to 90% of Maximum Modified Dry Density.</li> </ul>
4.3	<p><b>Estimated operating period of the project / premises (e.g. based on estimated infrastructure life):</b> 25 years</p>
4.4	<p><b>Proposed date(s) for commencement of works (if applicable):</b> October 2022</p>
4.5	<p><b>Proposed date(s) for conclusion of works construction (if applicable):</b> N/A This date should coincide with the submission to DWER of an Environmental Compliance Report(s) and/or a Critical Containment Infrastructure Report(s) as required. Refer to the <a href="#">Guideline: Industry Regulation Guide to Licensing</a>.</p>
4.6	<p><b>Proposed date(s) for environmental commissioning of works (if applicable):</b> N/A Refer to the <a href="#">Guideline: Industry Regulation Guide to Licensing</a>.</p>
4.7	<p><b>Proposed date/s for commencement of time limited operations under works approval (if applicable):</b> N/A</p>

Part 4: Proposed activities				
Refer to the <a href="#">Guideline: Industry Regulation Guide to Licensing</a> .				
4.8	<p><b>Maximum production or design capacity for each category applied for (based on infrastructure operating 24 hours a day, 7 days a week):</b></p> <p>Provide figures for all categories listed in Section 1.2.</p> <p>Units of measurement must be the same as the units of measurement associated with the relevant category as identified in Schedule 1 of the EP Regulations.</p>	<p>61 – in combination with 61A, no more than 100,000 tonnes to be accepted per year and with no more than 15,000 tonnes to be stored above ground at any one time.</p> <p>65 in combination with 66, up to 280,000 tonnes per annum.</p> <p>Consistent with MS1078.</p>		
4.9	<p><b>Estimated / actual throughput for each category applied for:</b></p> <p>Provide figures for all categories listed in Section 1.2.</p> <p>Units of measurement must be the same as the units of measurement associated with the relevant category as identified in Schedule 1 of the EP Regulations.</p>	<p>As above.</p> <p>The proportion of liquids vs solids stored onsite is unknown as it depends on future markets.</p>		
Attachments			N/A	Yes
4.10	<b>Attachment 2: Premises map</b>	Emission/discharge points are clearly labelled on the map/s required for Part 3.4 (Attachment 2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.11	<b>Attachment 3A: Environmental commissioning plan</b>	<p>If applying to construct works or install equipment, and environmental commissioning of the works or equipment is planned, an environmental commissioning plan has been included in Attachment 3A.</p> <p>The environmental commissioning plan is expected to include, at minimum, identification of:</p> <ul style="list-style-type: none"> <li>the sequence of commissioning activities to be undertaken, including details on whether they will be done in stages;</li> <li>a summary of the timeframes associated with the identified sequence of commissioning activities;</li> <li>the inputs and outputs that will be used in the commissioning process;</li> <li>the emissions and/or discharges expected to occur during commissioning;</li> <li>the emissions and/or discharges that will be monitored and/or confirmed to establish or test a steady-state operation (e.g. identifying emissions surrogates, etc.), including a detailed emissions monitoring program for the measurement of those emissions and/or discharges;</li> <li>the controls (including management actions) that will be put in place to address the expected emissions and/or discharges;</li> <li>any contingency plans for if emissions exceedances or unplanned emissions and/or discharges occur</li> <li>how any of the above would differ from standard operations once commissioning is complete.</li> </ul> <p>Note that DWER will not include conditions on a granted instrument that authorise environmental commissioning activities where it is not satisfied that the risks associated with environmental commissioning can be adequately addressed.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.12	<b>Attachment 3B: Proposed activities</b>	Additional information relating to the proposed activities has been included in Attachment 3B (if required).	<input type="checkbox"/>	<input checked="" type="checkbox"/> Supporting document
<b>Clearing activities</b>				
4.13 to 4.19 are only required if the application includes clearing of native vegetation.				
4.13	<b>Proposed clearing area (hectares and/or number of individual trees to be removed):</b>	0		

Part 4: Proposed activities				
4.14	Details of any relevant exemptions: Refer to DWER's <a href="#">A guide to the exemptions and regulations for clearing native vegetation</a> .		N/A	
4.15	Proposed method of clearing:		N/A	
4.16	Period within which clearing is proposed to be undertaken: For example, May 2020 – June 2020.		N/A	
4.17	Purpose of clearing: N/A			
Clearing activities – Attachments			N/A	Yes
4.18	<b>Attachment 3C: Map of area proposed to be cleared</b>	You must provide: an aerial photograph or map of sufficient scale showing the proposed clearing area and prescribed premises boundary OR if you have the facilities, a suitable portable digital storage device of the area proposed to be cleared as an ESRI shapefile with the following properties: <ul style="list-style-type: none"> <li>• Geometry type: Polygon Shape</li> <li>• Coordinate system: GDA 2020 (Geographic latitude / longitude)</li> <li>• Datum: 2020 1994 (Geocentric Datum of Australia 2020).</li> </ul>	<input checked="" type="checkbox"/> Fig 2 and 3	<input type="checkbox"/>
4.19	<b>Attachment 3D: Additional information for clearing assessment</b>	Additional information to assist in the assessment of the clearing proposal may be attached to this application (for example, reports on salinity, fauna or flora studies or other environmental reports conducted for the site).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Part 5: Index of Biodiversity and Marine Surveys for Assessments (IBSA and IMSA)

**INSTRUCTIONS:**

- Biodiversity surveys should be submitted through the IBSA Submissions Portal at [ibsa-submissions.dwer.wa.gov.au](https://ibsa-submissions.dwer.wa.gov.au)
- Biodiversity surveys submitted to support this application must meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)*.
- Marine surveys submitted to support this application must meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA)*.
- If these requirements are not met, DWER will decline to deal with the application.

Attachments		N/A	Yes	
5.1	<b>Biodiversity surveys</b> Please provide the IBSA number(s) (or submission number(s) if IBSA number has not yet been issued) in the space provided.  Note that a submission number is not confirmation of acceptance of a biodiversity survey and is not the same as an IBSA number. IBSA numbers are only issued once a survey has been accepted. Once an IBSA number is issued, please notify the department.	All biodiversity surveys submitted with this application meet the requirements of the EPA's <a href="#">Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</a> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Submission number(s)			
	IBSA number(s)			

**Part 5: Index of Biodiversity and Marine Surveys for Assessments (IBSA and IMSA)**

**INSTRUCTIONS:**

- Biodiversity surveys should be submitted through the IBSA Submissions Portal at [ibsasubmissions.dwer.wa.gov.au](https://ibsasubmissions.dwer.wa.gov.au)
- Biodiversity surveys submitted to support this application must meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)*.
- Marine surveys submitted to support this application must meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA)*.
- If these requirements are not met, DWER will decline to deal with the application.

5.2	<b>Attachment 4: Marine surveys</b>	All marine surveys submitted with this application meet the requirements of the EPA's <a href="#">Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA)</a> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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## Part 6: Other DWER approvals

**INSTRUCTIONS:**

- If you have applied, or intend to apply, for other approvals within DWER that may be relevant to this application, you must provide relevant details.
- If you have referred, or intend to refer, your proposal to the Environmental Protection Authority (EPA), you must provide the requested details.

## Pre-application scoping

6.1 Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?

- No
- Yes – provide details:

Email correspondence and phone calls with Senior Environmental Officer March-August 2022.

## Environmental impact assessment (Part IV of the EP Act)

6.2 Have you referred or do you intend to refer the proposal to the EPA?

Section 37B(1) of the EP Act defines a 'significant proposal' as 'a proposal likely, if implemented, to have a significant effect on the environment'.

If DWER considers that the proposal in this application is likely to constitute a 'significant proposal', DWER is required under s.38(5) of the EP Act to refer the proposal to the EPA for assessment under Part IV, if such a referral has not already been made.

If a relevant Ministerial Statement already exists, please provide the MS number in the space provided.

- Yes (referred) – reference (if known): [       ]
- Yes – intend to refer (proposal is a 'significant proposal')  Yes – intend to refer (proposal will require a s.45C amendment to the current Ministerial Statement): MS [       ]
- No – a valid Ministerial Statement applies: MS [1078 ]
- No – not a 'significant proposal'

## Clearing of native vegetation (Part V Division 2 of the EP Act and Country Area Water Supply Act 1947)

6.3 Have you applied or do you intend to apply for a native vegetation clearing permit?

In accordance with the [Guideline: Industry Regulation Guide to Licencing](#) and [Procedure: Native vegetation clearing permits](#), where clearing of native vegetation:

- is exempt under Schedule 6 of the EP Act or the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA) (refer to [a guide to the exemptions and regulations for clearing native vegetation](#))
- is being assessed by a relevant authority which would lead to an exemption under Schedule 6 of the EP Act, or
- has been referred under s.51DA of the EP Act and a determination made that a clearing permit is not required (refer to the [Guideline: Native vegetation clearing referrals](#)).

the clearing will not be reassessed by DWER or be subject to any additional controls by DWER.

If the proposed clearing action is to be assessed in accordance with, or under, an *Environment Protection and Biodiversity Conservation Act* (Cth) (EPBC Act) accredited process, such as the assessment bilateral agreement, the clearing permit application [Form Annex C7 – Assessment bilateral agreement](#) must be completed and attached to your clearing permit application.

- Yes – clearing application reference (if known): CPS [       ]
- Yes – a valid EP Act clearing permit already applies: CPS [       ]
- No – this application includes clearing (please complete Sections 4.13 to 4.19 above)
- No – permit not required (no clearing of native vegetation)
- No – permit not required (clearing referral decision): CPS [       ]
- No – an exemption applies (explain why):

Part 6: Other DWER approvals	
<p>6.4 <b>Have you applied or do you intend to apply for a <i>Country Area Water Supply Act 1947</i> licence?</b></p> <p>If a clearing exemption applies in a <i>Country Area Water Supply Act 1947</i> (CAWS Act) controlled catchment, or if compensation has previously been paid to retain the subject vegetation, a CAWS Act clearing licence is required.</p> <p>If yes, contact the relevant DWER regional office for a Form 1 <i>Application for licence</i>.</p> <p><a href="#">Map of CAWS Act controlled catchments</a></p>	<p><input type="checkbox"/> Yes – application reference (if known): [       ]</p> <p><input type="checkbox"/> No – a valid licence applies: [       ]</p> <p><input checked="" type="checkbox"/> No – licence not required</p>
Water licences and permits ( <i>Rights in Water and Irrigation Act 1914</i> )	
<p>6.5 <b>Have you applied, or do you intend to apply for:</b></p> <ol style="list-style-type: none"> <li>1. a licence or amendment to a licence to take water (surface water or groundwater); or</li> <li>2. a licence to construct wells (including bores and soaks); or</li> <li>3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?</li> </ol> <p>For further guidance on water licences and permits under the <i>Rights in Water and Irrigation Act 1914</i>, refer to the <a href="#">Procedura: Water licences and permits</a>.</p>	<p><input type="checkbox"/> Yes –application reference (if known): [       ]</p> <p><input checked="" type="checkbox"/> No – a valid licence / permit applies: [GWL202536(1)]</p> <p><input type="checkbox"/> No – an exemption applies (explain why):</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p><input type="checkbox"/> No – licence / permit not required</p>

Part 7: Other approvals and consultation			
<b>INSTRUCTIONS:</b>			
<ul style="list-style-type: none"> <li>• Please provide copies of all relevant documentation indicated below, including any conditions, exclusions, or expiry dates.</li> <li>• “Major Project” means:                             <ul style="list-style-type: none"> <li>➢ A State Development Project, where the lead agency is the Department of Jobs, Tourism, Science and Innovation (including projects to which a State Agreement applies); or</li> <li>➢ A Level 2 or 3 proposal, as defined in the Department of Premier and Cabinet’s <a href="#">Lead Agency Framework</a>.</li> </ul> </li> </ul>			
	N/A	No	Yes
7.1	Is the proposal a Major Project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.2	Is the proposal subject to a State Agreement Act?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If yes, specify which Act:		
7.3	Has the proposal been allocated to a “Lead Agency” (as defined in the <a href="#">Lead Agency Framework</a> )?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If yes, specify Lead Agency contact details:		
7.4	Has the proposal been referred and/or assessed under the EPBC Act (Commonwealth)?	<input type="checkbox"/>	<input type="checkbox"/>
	If yes, please specify referral, assessment and/or approval number:		
7.5	Has the proposal obtained all relevant planning approvals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If planning approval is necessary but has not been obtained, please provide details indicating why:		
	If planning approval is not necessary, please provide details indicating why:		

Part 7: Other approvals and consultation					
7.6	For renewals or amendment applications, are the relevant planning approvals still valid (that is, not expired)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.7	Has the proposal obtained all other necessary statutory approvals (not including any other DWER approvals identified in Part 6 of this application)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If no, please provide details of approvals already obtained, outstanding approvals, and expected dates for obtaining these outstanding approvals:					
		N/A	No	Yes	
7.8	Has consultation been undertaken with parties considered to have a direct interest in the proposal (that is, interested parties or persons who are considered to be directly affected by the proposal)? DWER will give consideration to submissions from interested parties or persons in accordance with the <a href="#">Guideline: Industry Regulation Guide to Licensing</a> .	<input type="checkbox"/>	<input checked="" type="checkbox"/> S.1.6	<input type="checkbox"/>	
Attachments			N/A	Yes	
7.9	Attachment 5: Other approvals and consultation documentation	Details of other approvals specified in Part 7 of this application, including copies of relevant decisions and any consultation undertaken with direct interest stakeholders have been provided and labelled Attachment 5.		<input type="checkbox"/>	<input checked="" type="checkbox"/> S.1.6

Part 8: Applicant history				
Note:				
<ul style="list-style-type: none"> <li>DWER will undertake an internal due diligence of the applicant's fitness and competency based on DWER's compliance records and the responses to Part 8 of the form.</li> <li>If you wish to provide additional information for DWER to consider in making this assessment, you may provide that information as a separate attachment (see Part 11).</li> </ul>				
		N/A	No	Yes
8.1	If the applicant is an individual, has the applicant previously held, or do they currently hold, a licence or works approval under Part V of the EP Act?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	If the applicant is a corporation, has any director of that corporation previously held, or do they currently hold, a licence or works approval under Part V of the EP Act?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	If yes to 8.1 or 8.2 above, specify the name of company and/or licence or works approval number: Tellus Holdings Ltd currently holds: Works Approval W6243/2019/1 Works Approval W6305/2019/1 Works Approval W6308/2019/1 L9240/2020/1			
8.4	If the applicant is an individual, has the applicant ever been convicted, or paid a penalty, for an offence under a provision of the EP Act, its subsidiary legislation, or similar environmental protection or health-related legislation in Western Australia or elsewhere in Australia?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.5	If the applicant is a corporation, has any director of that corporation ever been convicted, or paid a penalty, for an offence under a provision of the EP Act, its subsidiary legislation, or similar environmental protection or health-related legislation in Western Australia or elsewhere in Australia?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.6	If the applicant is a corporation, has any person concerned in the management of the corporation, as referred to in s.11B of the EP Act, ever been convicted of, or paid a penalty, for an offence under a provision of the EP Act, its subsidiary legislation, or similar environmental protection or health-related legislation in Western Australia or elsewhere in Australia?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part 8: Applicant history				
8.7	If the applicant is a corporation, has any director of that corporation ever been a director of another corporation that has been convicted, or paid a penalty, for an offence under a provision of the EP Act, its subsidiary legislation, or similar environmental protection or health-related legislation in Western Australia or elsewhere in Australia?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8.8	With regards to the questions posed in 8.4 to 8.7 above, have any legal proceedings been commenced, whether convicted or not, against the applicant for an offence under a provision of the EP Act, its subsidiary legislation, or similar environmental protection or health-related legislation in Western Australia or elsewhere in Australia?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.9	Has the applicant had a licence or other authority suspended or revoked due to a breach of conditions or an offence under the EP Act or similar environmental protection or health-related legislation in Western Australia or elsewhere in Australia?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.10	If the applicant is a corporation, has any director of that corporation ever had a licence or other authority suspended or revoked due to a breach of conditions or an offence under the EP Act or similar environmental protection or health-related legislation in Western Australia or elsewhere in Australia?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.11	If the applicant is a corporation, has any director of that corporation ever been a director of another corporation that has ever had a licence or other authorisation suspended or revoked due to a breach of conditions or an offence under the EP Act or similar environmental protection or health-related legislation in Western Australia or elsewhere in Australia?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8.12	<p>If yes to any of 8.4 to 8.11 above, you must provide details of any charges, convictions, penalties paid for an offence, and/or licences or other authorisations suspended or revoked:</p> <p>Regarding question 8.6 – While one of Tellus Holdings' directors was Chief Executive Officer of Waste Recycling and Processing Corporation NSW ("WSN"), WSN was convicted under Section 120(1) of the Protection of the Environment Operations Act 1997 (NSW) ("the Act"). WSN pled guilty to a charge that it committed an offence under s 120(1) of the Act by polluting the waters of Mill Creek between 9 and 10 January 2005. WSN was ordered to pay a fine of \$75,000 and pay costs of \$46,740.</p> <p>Regarding questions 8.7 and 8.11 – The Tellus Board of Directors is highly experienced in the waste, utility and infrastructure sectors and hold or have held previously directorships in many of Australia's largest corporations. These corporations in some instances have very long corporate lives, and manage very large projects involving significant and diversified licences and approvals. Tellus expects that at some stage in some part of their corporate lives, there will be instances of the matters referred to in these questions.</p>			

Part 9: Emissions, discharges, and waste		
<b>INSTRUCTIONS:</b>		
<ul style="list-style-type: none"> <li>Please see <a href="#">Guideline: Risk Assessments</a> and provide all information relating to emission sources, pathways and receptors relevant to the application.</li> <li>You must provide details on sources of emissions (for example, kiln stack, baghouses or discharge pipelines) including fugitive emissions (for example, noise, dust or odour), types of emissions (physical, chemical, or biological), and volumes, concentrations and durations of emissions.</li> <li>The potential for emissions should be considered for all stages of the proposal (where relevant), including during construction, commissioning and operation of the premises.</li> </ul>		
		No      Yes
9.1	Are there potential emissions or discharges arising from the proposed activities?	<input type="checkbox"/> <input checked="" type="checkbox"/>
<p>If yes, identify all potential emissions and discharges arising from the proposed activities and complete Table 9.1: Emissions and discharges (below).</p>		



Part 9: Emissions, discharges, and waste																	
9.2	<b>Waste-related activities at the premises<sup>2</sup></b> Answer "yes" or "no" for the following questions and complete Table 9.2 (below).			No	Yes												
(a)	Is waste accepted at the premises?			<input type="checkbox"/>	<input checked="" type="checkbox"/>												
(b)	Is waste produced on the premises?			<input type="checkbox"/>	<input checked="" type="checkbox"/>												
(c)	Is waste processed on the premises?			<input type="checkbox"/>	<input checked="" type="checkbox"/>												
(d)	Is waste stored on the premises?			<input type="checkbox"/>	<input checked="" type="checkbox"/>												
(e)	Is waste buried on the premises?			<input type="checkbox"/>	<input checked="" type="checkbox"/>												
(f)	Is waste recycled on the premises?			<input type="checkbox"/>	<input checked="" type="checkbox"/>												
(g)	Is any of the waste listed in Table 9.2 (below) also considered a 'dangerous good' for the purposes of the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007? <sup>3</sup>			<input type="checkbox"/>	<input checked="" type="checkbox"/>												
	Specify, if yes:	Various, as approved for storage in licence DG DGS022452(1) and Site Registration RS 210/2018 30289 for the storage of radioactive material.															
<p><sup>2</sup> Copies / details of any other relevant approvals (e.g. from the Department of Health) must be provided where applicable.</p> <p><sup>3</sup> Wastes derived from the storage, handling, and use of dangerous goods may be considered hazardous and may need to be handled with the same precautions. Please refer to the Department of Mines, Industry Regulation and Safety's <a href="#">Dangerous Goods Safety information sheet</a> for more information.</p> <p>Solid waste types must be described with reference to <i>Landfill Waste Classification and Waste Definitions 1996</i> (as amended from time to time) and the Environmental Protection (Controlled Waste) Regulations 2004 (Controlled Waste Regulations).</p> <p>Liquid waste types must be described with reference to the Controlled Waste Regulations.</p> <p>For further guidance on the definition of waste, refer to <a href="#">Fact Sheet: Assessing whether material is waste</a>.</p> <p>Detail must be provided on storage type (for example, hardstand and containment infrastructure), capacity, likely storage volumes, and containment features (for example, lining and bunding).</p> <p>Additional rows may be added as required and/or further information may be included as an attachment (see Section 9.4).</p> <p><b>Table 9.2 Waste types</b></p> <table border="1"> <thead> <tr> <th></th> <th>Waste type</th> <th>Quantity (e.g. tonnes, litres, cubic metres)</th> <th>Waste activity infrastructure (including specifications)</th> <th>Monitoring (if applicable)</th> <th>Location (on site layout plan – see 3.4)</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>No change to the waste types as approved for acceptance in L9240/2020/1.</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>							Waste type	Quantity (e.g. tonnes, litres, cubic metres)	Waste activity infrastructure (including specifications)	Monitoring (if applicable)	Location (on site layout plan – see 3.4)	1.	No change to the waste types as approved for acceptance in L9240/2020/1.				
	Waste type	Quantity (e.g. tonnes, litres, cubic metres)	Waste activity infrastructure (including specifications)	Monitoring (if applicable)	Location (on site layout plan – see 3.4)												
1.	No change to the waste types as approved for acceptance in L9240/2020/1.																
<b>Attachments</b>				N/A	Yes												
9.3	<b>Attachment 6A: Emissions and discharges (if required)</b>	If required, further information for Section 9.1 has been included as an attachment labelled Attachment 6A.		<input checked="" type="checkbox"/>	<input type="checkbox"/>												
9.4	<b>Attachment 6B: Waste acceptance (if required)</b>	If required, further information for Section 9.2 has been included as an attachment labelled Attachment 6B.		<input checked="" type="checkbox"/>	<input type="checkbox"/>												

Part 10: Siting and location		
10.1	<b>Sensitive land uses</b> What is/are the distance(s) to the nearest sensitive land use(s)? A sensitive land use is a residence or other land use which may be affected by an emission or discharge associated with the proposed activities.	Section 1.7.6 of the Supporting Document
10.2	<b>Nearby environmentally sensitive receptors and aspects</b>	

**Part 10: Siting and location**

Identify in Table 10.2 (below):

- all instances of environmentally sensitive receptors that are known or suspected to be present within, or within close proximity to, the proposed prescribed premises boundary;
- the nature of the sensitive receptors (e.g. type of Threatened Ecological Community, species or threatened flora or fauna, etc.);
- their actual or approximate known distance and direction from the premises boundary (at the closest point/s); and
- if applicable, what measures have been or will be taken to ensure that sensitive receptors are not adversely impacted by any emissions or discharges from the premises.

Refer to the [Guideline: Environmental siting](#) for further guidance.

**Table 10.2: Nearby environmentally sensitive receptors and aspects**

Type / classification	Description	Distance + direction to premises boundary	Proposed controls to prevent or mitigate adverse impacts (if applicable)
Environmentally Sensitive Areas <sup>1</sup>			No change to siting (assessed and approved under Ministerial Statement No 1078.)
Threatened Ecological Communities	NIL	In water infrastructure area of development envelope	Vegetation association Banksia arborea Shrubland (Ba S) in the water infrastructure area has affinity to Priority 1 Finnerty Range/Mt Dimer/Yendilberin Hills PEC. No further clearing is proposed in this area.
Threatened and/or priority fauna	Five species possibly occur within the DE (section 1.7.10)		Implement Construction Fauna Management Plan approved under MS 1078.
Threatened and/or priority flora	10 Priority species occur within the DE or immediate surrounds (section 1.7.9)		Implement Flora and Vegetation Management Plan approved under MS 1078.
Aboriginal and other heritage sites <sup>2</sup>	NIL		
Public drinking water source areas <sup>3</sup>	NIL		
Rivers, lakes, oceans, and other bodies of surface water, etc.	NIL		
Acid sulfate soils	NIL		
Other			

<sup>1</sup> Environmentally Sensitive Areas are as declared under the *Environmental Protection (Environmentally Sensitive) Notice 2005*. Refer to DWER's website ([Environmentally Sensitive Areas](#)) for further information.

<sup>2</sup> Refer to the [Department of Planning, Lands and Heritage website](#) for further information about Aboriginal heritage and other heritage sites.

<sup>3</sup> Refer to [Water Quality Protection Note No.25: Land use compatibility tables for public drinking water source areas](#) for further information.

### 10.3 Environmental siting context details

Provide further information including details on topography, climate, geology, soil type, hydrology, and hydrogeology at the premises.

No change to siting licenced under L9240/2020/1.

Attachments		N/A	Yes
10.4	<b>Attachment 7: Siting and location</b> You must provide details and a map describing the siting and location of the premises, including identification of distances to sensitive land uses and/or any specified ecosystems.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Figs in s.1.7

Part 11: Submission of any other relevant information				
Attachments			No	Yes
11.1	<b>Attachment 8: Additional information submitted</b>	Applicants seeking to submit further information may include information labelled Attachment 8. If submitting multiple additional attachments, label them 8A, 8B, etc.  Where additional documentation is submitted, please specify the name of documents below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
List title of additional document(s) attached:		<i>Sandy Ridge Facility L9240/2020/1 Licence Amendment Application Supporting Document – Portable Waste Treatment Equipment and Compaction Testing</i>		

Part 12: Category checklist(s)				
Attachments			N/A	Yes
12.1	<b>Attachment 9: Category checklist(s)</b>	DWER has developed category checklists to assist applicants with preparing their application. These checklists are available on <a href="#">DWER's website</a> . The relevant category-specific checklist(s) must be completed and included with the application, labelled as Attachment 9. If attaching multiple category checklists, label them 9A, 9B, etc. Do not select "N/A" unless: <ul style="list-style-type: none"> <li>a relevant category checklist is not yet published on DWER's website, or</li> <li>the application is for an amendment that does not propose changes to the method of operation, or change the inputs, outputs, infrastructure, equipment, emissions, or discharges of / from the premises.</li> </ul> Note that that a category checklist(s) may still be required for renewal applications. You will be advised in your renewal notification letter (sent approximately twelve months before the licence expiry date) if you are required to provide the information identified in a category checklist. Where a category checklist is submitted, please specify which checklist(s) in the space below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
List title(s) of category checklists attached:		Attachment 9 - IR-F27_Category_checklist_landfills_cat.63_to_66		

## Part 13: Proposed fee calculation

**INSTRUCTIONS:**

Please calculate the prescribed fee using the relevant online fee calculator linked below.

- Licence: [www.der.wa.gov.au/LicenceFeeCalculator](http://www.der.wa.gov.au/LicenceFeeCalculator)
- Works approval: [www.der.wa.gov.au/WorksApprovalFeeCalculator](http://www.der.wa.gov.au/WorksApprovalFeeCalculator)
- Amendment: <https://www.wa.gov.au/government/publications/works-approval-and-licence-amendment-fee-calculator>

Different fee units apply for different fee components. Fee units may also have different amounts depending on the period in which the calculation is made.

Once DWER has confirmed that the application submitted meets the relevant requirements of the EP Act, you will be issued an invoice with instructions for paying your application fee.

Further information on fees can be found in the [Fact Sheet: Industry Regulation fees](#), and on [DWER's website](#).

13.1	Only the relevant fee calculations are to be completed as follows: <i>[mark the box to indicate sections completed]</i>	<input type="checkbox"/> Section 13.3 for works approval applications <input type="checkbox"/> Section 13.4 for licence / renewal applications <input type="checkbox"/> Section 13.5 for registration applications <input checked="" type="checkbox"/> Section 13.6 for amendment applications <input type="checkbox"/> Section 13.7 for applications requiring clearing of native vegetation
------	----------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

13.2	All information and data used for the calculation of proposed fees has been provided in accordance with Section 13.8. <b>N/A Calculation shown in 13.6</b>	<input checked="" type="checkbox"/>
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**13.3 Proposed works approval fee**

Proposed works approval fee (see Schedule 3 of the EP Regulations)

Fees relate to the cost of the works, including all capital costs (inclusive of GST) associated with the construction and establishment of the works proposed under the works approval application. This includes, for example, costs associated with earth works, hard stands, drainage, plant hire, equipment, processing plant, relocation of equipment and labour hire.

Costs exclude:

- the cost of land
- the cost of buildings to be used for purposes unrelated to the purposes in respect of which the premises are, or will become, prescribed premises
- costs for buildings unrelated to the prescribed premises activity or activities
- consultancy fees relating to the works.

Fee component	Proposed fee
Cost of works: \$	\$

13.4 Proposed licence fee (new licences and licence renewals)		
<b>Detailed licence fee calculations</b>		
<b>Part 1 Premises component</b> (see r.5D and Part 1 of Schedule 4 of the EP Regulations)		
The production or design capacity should be the maximum capacity of the premises. For most categories, the production or design capacity refers to an annual rate. The figure should be based on 24 hour operation for 365 days, unless there is another regulatory approval or technical reason that restricts operation.		
The premises component fee applies to the category in Part 1, Schedule 4 incurring the higher or highest amount of fee units in accordance with r.5D(2) of the EP Regulations.		
List all categories (insert additional rows as required). Use only the higher or highest amount of fee units to determine the Part 1 fee component.		
Category	Production or design capacity	Fee units
Using the higher or highest amount of fee units, Part 1 component subtotal		\$
<b>Part 2 Waste</b> (see r.5D(1a)(b) and Part 2 of Schedule 4 of the EP Regulations)		
If your premises includes one or more of the following categories specify any applicable Part 2 waste amounts. Do not include Part 3 waste components of these discharges in the below calculations.		
Categories: 5, 6, 7, 8, 9, 12, 14, 44, 46, 53, 54A, 70, 80, or 85B		
Part 2 waste means waste consisting of –		
(a) tailings; or		
(b) bitterns; or		
(c) water to allow mining of ore; or		
(d) flyash; or		
(e) waste water from a desalination plant.		
If the premises does not fall into one of the categories listed above, or there are no applicable Part 2 waste amounts, the sub total for this section will be \$0.		
Insert additional rows as required. Sum all Part 2 waste fees to determine the sub total.		
Discharge quantity (tonnes/year)	Fee units	
Part 2 component subtotal		\$
<b>Part 3 Waste – Discharges to air, onto land, into waters</b> (see Part 3 of Schedule 4 of the EP Regulations)		
Choose the appropriate location of the discharge and enter the discharge amount(s) in the units specified in the EP Regulations. This should be the amount of waste expected to be discharged over the next 12 months, expressed in the units and averaging period applicable for that waste kind (for example, g/minute or kg/day). Amounts can be measured, calculated, or estimated and can be based on data acquired over the previous 12 months, but should be based on the maximum premises capacity and not the forecast operating hours.		
Where there are discharges, all prescribed waste types must be considered in the fee calculation. If a specified waste type is not present in the discharge, this must be justified using an appropriate emission estimation technique (for example, sampling data, industry sector guidance notes, National Pollution Inventory guides and emission factors).		

Discharges to air			
Discharges to air	Discharge rate (g/min)	Discharges to air	Discharge rate (g/min)
Carbon monoxide		Nickel	
Oxides of nitrogen		Vanadium	
Sulphur oxides		Zinc	
Particulates (Total PM)		Vinyl chloride	
Volatile organic compounds		Hydrogen sulphide	
Inorganic fluoride		Benzene	
Pesticides		Carbon oxysulphide	
Aluminium		Carbon disulphide	
Arsenic		Acrylates	
Chromium		Beryllium	
Cobalt		Cadmium	
Copper		Mercury	
Lead		TDI (toluene-2,4-di-iso-cyanate)	
Manganese		MDI (diphenyl-methane di-iso-cyanate)	
Molybdenum		Other waste	
Part 3 component subtotal		\$	
Discharges onto land or into waters			Discharge rate
1. Liquid waste that can potentially deprive receiving waters of oxygen (for each kilogram discharged per day) —	(a) biochemical oxygen demand (in the absence of chemical oxygen demand limit)		
	(b) chemical oxygen demand (in the absence of total organic carbon limit)		
	(c) total organic carbon		
2. Bio-stimulants (for each kilogram discharged per day) —	(a) phosphorus		
	(b) total nitrogen		
3. Liquid waste that physically alters the characteristics of naturally occurring waters —	(a) total suspended solids (for each kilogram discharged per day)		
	(b) surfactants (for each kilogram discharged per day)		
	(c) colour alteration (for each platinum cobalt unit of colour above the ambient colour of the waters in each megalitre discharged per day)		
	(d) temperature alteration (for each 1°C above the ambient temperature of the waters in each megalitre discharged per day) — (i) in the sea south of the Tropic of Capricorn (ii) in other waters		

4. Waste that can potentially accumulate in the environment or living tissue (for each kilogram discharged per day) —	(a) aluminium	
	(b) arsenic	
	(c) cadmium	
	(d) chromium	
	(e) cobalt	
	(f) copper	
	(g) lead	
	(h) mercury	
	(i) molybdenum	
	(j) nickel	
	(k) vanadium	
	(l) zinc	
	(m) pesticides	
	(n) fish tainting wastes	
(o) manganese		
5. <i>E. coli</i> bacteria as indicator species (in each megalitre discharged per day) —	(a) 1,000 to 5,000 organisms per 100 ml	
	(b) 5,000 to 20,000 organisms per 100 ml	
	(c) more than 20,000 organisms per 100 ml	
6. Other waste (per kilogram discharged per day) —	(a) oil and grease	
	(b) total dissolved solids	
	(c) fluoride	
	(d) iron	
	(e) total residual chlorine	
	(f) other	
Part 3 component subtotal		\$
<b>Summary – Proposed licence fee</b>		
Part 1 Component		
Part 2 Component		
Part 3 Component		
Total proposed licence fees:		\$
<b>13.5 Prescribed fee for registration</b>		
A fee of 24 units applies for an application for registration of premises, unless the occupier of the premises holds a licence in respect of the premises, in accordance with r.5B(2)(c) of the EP Regulations.		<input type="checkbox"/> (Tick to acknowledge)

<b>13.6 Amendment fee (works approval or licence)</b>		
The fee prescribed for an application for an amendment to a works approval or licence is calculated in accordance with r.5BB(1)(a) of the EP Regulations:		
<ul style="list-style-type: none"> <li>for a single category of prescribed premises to which the works approval or licence relates, by using the fee unit number corresponding to the prescribed premises category and relevant design capacity threshold in Schedule 4 Part 1 of the EP Regulations.</li> <li>for multiple categories of prescribed premises to which the works approval or licence relates, by using the highest fee unit number corresponding to the prescribed premises categories and design capacity threshold in Schedule 4 Part 1 of the EP Regulations.</li> </ul>		
Fee Units	Proposed fee	
Cat 66 = 655 fee units x \$13.60	\$ 8,908	
<b>13.7 Prescribed fee for clearing permit</b>		
<p>In accordance with the <a href="#">Guideline: Industry Regulation Guide to Licensing and Procedure: Native vegetation clearing permits</a>, where approval to clear native vegetation is sought as part of an application for a works approval or licence, DWER may elect to either jointly or separately determine the clearing component of the application. Where DWER separately determines the clearing component of an application, the application will be deemed to be an application for a clearing permit under s.51E of the EP Act and processed accordingly.</p> <p>Note: If a clearing permit application has been separately submitted and accepted by DWER, a refund for the clearing permit application will not be provided where DWER determines to address clearing requirements as part of a related works approval application.</p>		<input type="checkbox"/> (Tick to acknowledge)
<b>13.8 Information and data used to calculate proposed fees</b>		
The detailed calculations of fee components, including all information and data used for the calculations are to be provided as attachments to this application, labelled as <b>Attachment 10</b> , with an appropriate suffix (for example 10A, 10B etc.). Please specify the relevant attachment number in the space/s provided below.		
Proposed fee for works approval	Attachment No.	
Details for cost of works		
Proposed fee for licence	Attachment No.	
Part 1: Premises		
Part 2: Waste types		
Part 3: Discharges to air, onto land, into waters		
<b>Part 14: Commercially sensitive or confidential information</b>		
<b>NOTE:</b>		
Information submitted as part of this application will be made publicly available. If you wish to submit commercially sensitive or confidential information, please identify the information in Attachment 11, and include a written statement of reasons why you request each item of information be kept confidential.		
Information submitted later in the application process may also be made publicly available at DWER's discretion. For any commercially sensitive or confidential information, please follow the same process as described above.		
DWER will take reasonable steps to protect genuinely confidential or commercially sensitive information. However, please note that DWER cannot commit to redacting all personal information from all supporting documents. You are advised to ensure that all personal information, including signatures, are removed from supporting documents prior to submitting them to the department. Please note that all submitted information may be the subject of an application for release under the <i>Freedom of Information Act 1992</i> .		
All information which you would propose to be exempt from public disclosure has been separately placed in a redacted version of the application form and its supporting documentation. Note that this is in addition to the unredacted version(s) provided to DWER for its assessment. Grounds for claiming exemption in accordance with Schedule 1 to the <i>Freedom of Information Act 1992</i> must be specified in <b>Attachment 11</b> (located at the end of this form).	Attached	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Part 15: Submission of application</b>	
<p><b><u>INSTRUCTIONS:</u></b>                      Check one of the boxes below to nominate how you will submit your application.                      Files larger than 50MB cannot be received via email by DWER. Files larger than 50MB can be sent via File Transfer. Alternatively, email DWER to make other arrangements.</p>	
<p>A full, signed, electronic copy of the application form including all attachments has been submitted via email to <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>;  <b>OR</b></p>	<input checked="" type="checkbox"/>
<p>A signed, electronic copy of the application form has been submitted via email to <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a> and attachments have been submitted via File Transfer, or electronically by other means as arranged with DWER;  <b>OR</b></p>	<input type="checkbox"/>
<p>A full, signed hard copy has been sent to:                      APPLICATION SUBMISSIONS                      Department of Water and Environmental Regulation                      Locked Bag 10                      Joondalup DC WA 6919</p>	<input type="checkbox"/>

**Part 16: Declaration and signature**

**General**

I / We confirm and acknowledge that:

- the information contained in this application is true and correct;
- I / we have legal authority to sign on behalf of the applicant (where authorisation provided);
- I / we have not altered the requirements and instructions set out in this application form;
- I / we have provided a valid email address in Section 2.3 for receipt of correspondence electronically via email from DWER in relation to this application;
- that successful delivery to my / our server constitutes receipt of correspondence sent electronically via email from DWER in relation to this application; and
- I / we have provided a valid postal and/or business address in Section 2.4 for the service of all Part V documents.
- giving or causing to be given information that to my knowledge is false or misleading is an offence under s.112 of the EP Act and may incur a penalty of up to \$100,000.

**Publication**

I / We confirm and acknowledge:

- this application (including all attachments apart from the sections identified in Attachment 11) is a public document and may be published;
- marine surveys provided in accordance with Part 5 will be published and used, for the purposes of the IMSA project, in accordance with your declaration made in the *Metadata and Licensing Statement*;
- all necessary consents for the publication of information have been obtained from third parties;
- information considered exempt from public disclosure has been noted by redaction of a separately provided copy of the completed application form and its supporting documentation (in accordance with Part 14), with reasons as to why the information should be exempt in accordance with the grounds specified in Schedule 1 to the *Freedom of Information Act 1992 (WA)* being provided in Attachment 11;
- subsequent information provided in relation to this application will be a public document and may be published unless written notice has been given to DWER by the applicant, at the time the information is provided, claiming that the information is considered exempt from public disclosure; and
- the decision to not publish information will be at the discretion of the CEO of DWER and will be made consistently with the provisions of the *Freedom of Information Act 1992 (WA)*.

[Redacted Signature]

9/9/22

Date

Nate Smith, Managing Director and CEO

Name

[Redacted Signature]

9/9/22

Date

Kavita Paw,

Name

General Counsel and Company  
Secretary

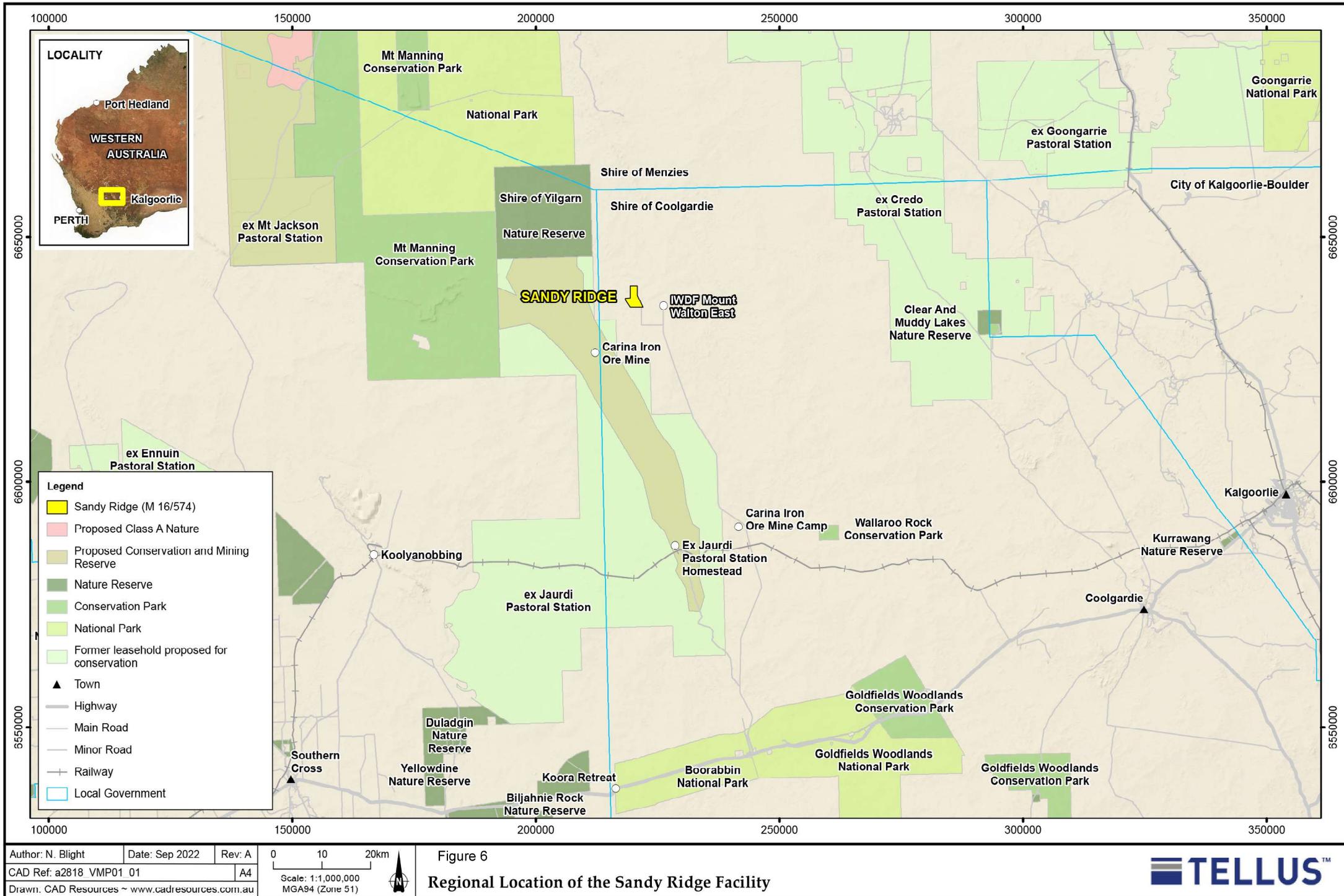
Position

**NOTE: This form may be signed:**

- if the applicant is an individual, by the individual;
- if the applicant is a corporation, by:
  - > the common seal being affixed in accordance with the *Corporations Act 2001 (Cth)*; or
  - > two directors; or
  - > a director and a company secretary; or
  - > if a proprietary company has a sole director who is also the sole company secretary, by that director; and
- by a person with legal authority to sign on behalf of the applicant.

**ATTACHMENT 11 – Confidential or commercially sensitive information**

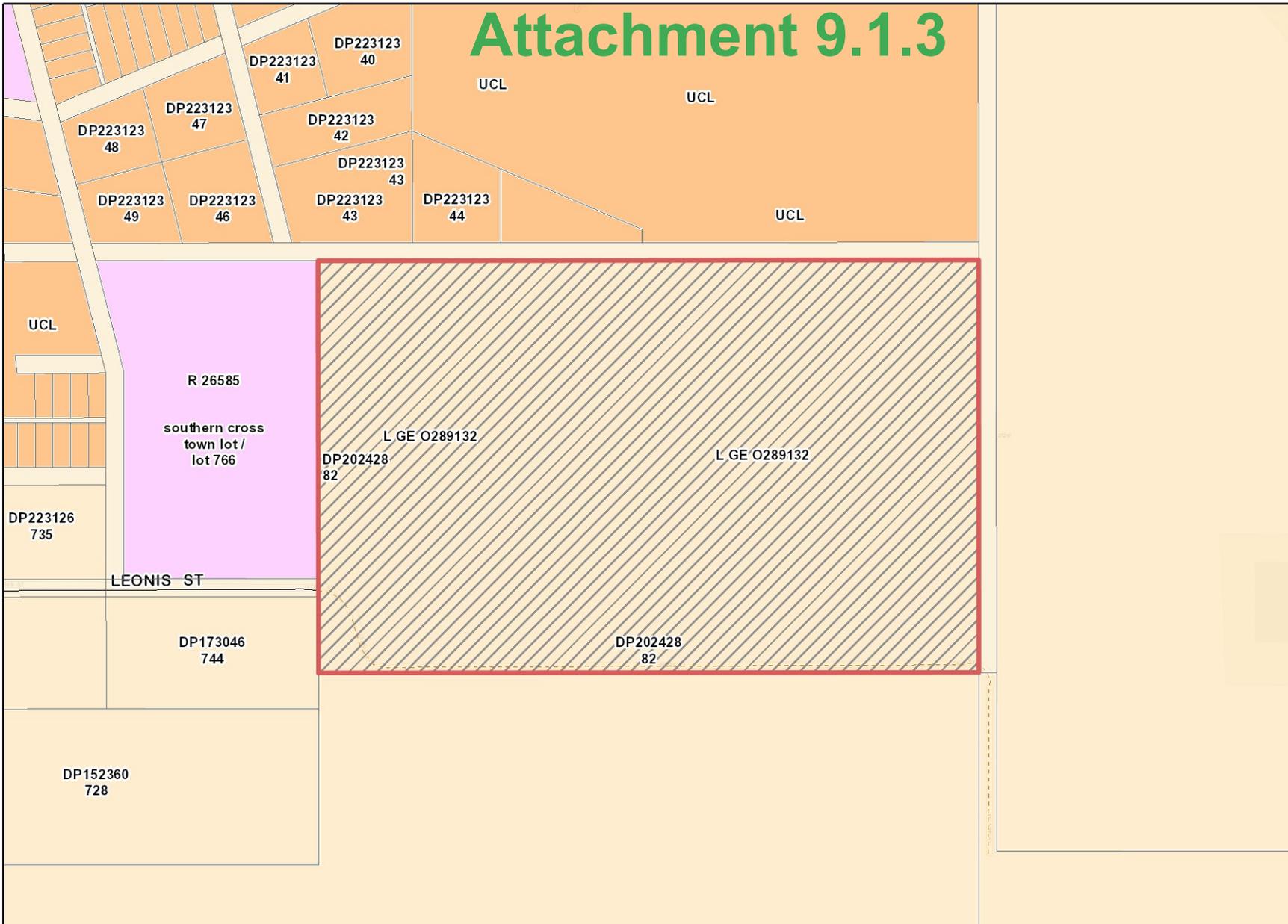
Request for exemption from publication			
Information which you consider should not be published, on the grounds of a relevant exemption found in Schedule 1 to the <i>Freedom of Information Act 1992 (WA)</i> , must be specified in this Attachment. Add additional rows as required.			
<b>NOT FOR PUBLICATION IF GROUNDS FOR EXEMPTION ARE DETERMINED TO BE ACCEPTABLE</b>			
Section of this form:		Grounds for claiming exemption:	
Section of this form:		Grounds for claiming exemption:	
Section of this form:		Grounds for claiming exemption:	
<div style="border-bottom: 1px solid black; margin-bottom: 10px;"></div> Full Name			
Signature		Date	



# Attachment 9.1.3



Department of Planning,  
Lands and Heritage



### Legend

- Cadastre (View 1)
- Roads**
  - Minor
  - - - Track
  - - - Not Applicable
- Land Tenure Small Scale 256K**
  - Yellow square: Crown Allotment (Type 2)
- Land Tenure Small Scale 64K**
  - Yellow square: Crown Allotment (Type 2)
  - Orange square: Unallocated Crown Land
  - Diagonal lines: Lease
  - Pink square: Reserve
- Land Tenure Small Scale 16K**
  - Yellow square: Crown Allotment (Type 2)
  - Yellow square: Public Road
  - Orange square: Unallocated Crown Land
  - Pink square: Reserve
- Land Tenure Small Scale 4K**
  - Yellow square: Crown Allotment (Type 2)
  - Yellow square: Public Road
  - Orange square: Unallocated Crown Land

**Notes:**

\* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

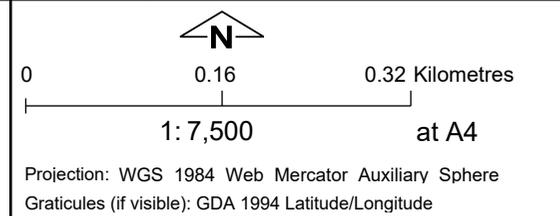
\* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

Lot 82 on DP 202428

**DPLH BUSINESS USE ONLY**

Internal Spatial Viewer



Date produced: **06-Dec-2022**



### Legend

- Cadastre (View 1)
- Roads**
  - Minor
  - Not Applicable

**Notes:**

- \* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.
- \* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuiry.

**Lot 82 on DP 202428**  
  
**DPLH BUSINESS USE ONLY**  
  
 Internal Spatial Viewer

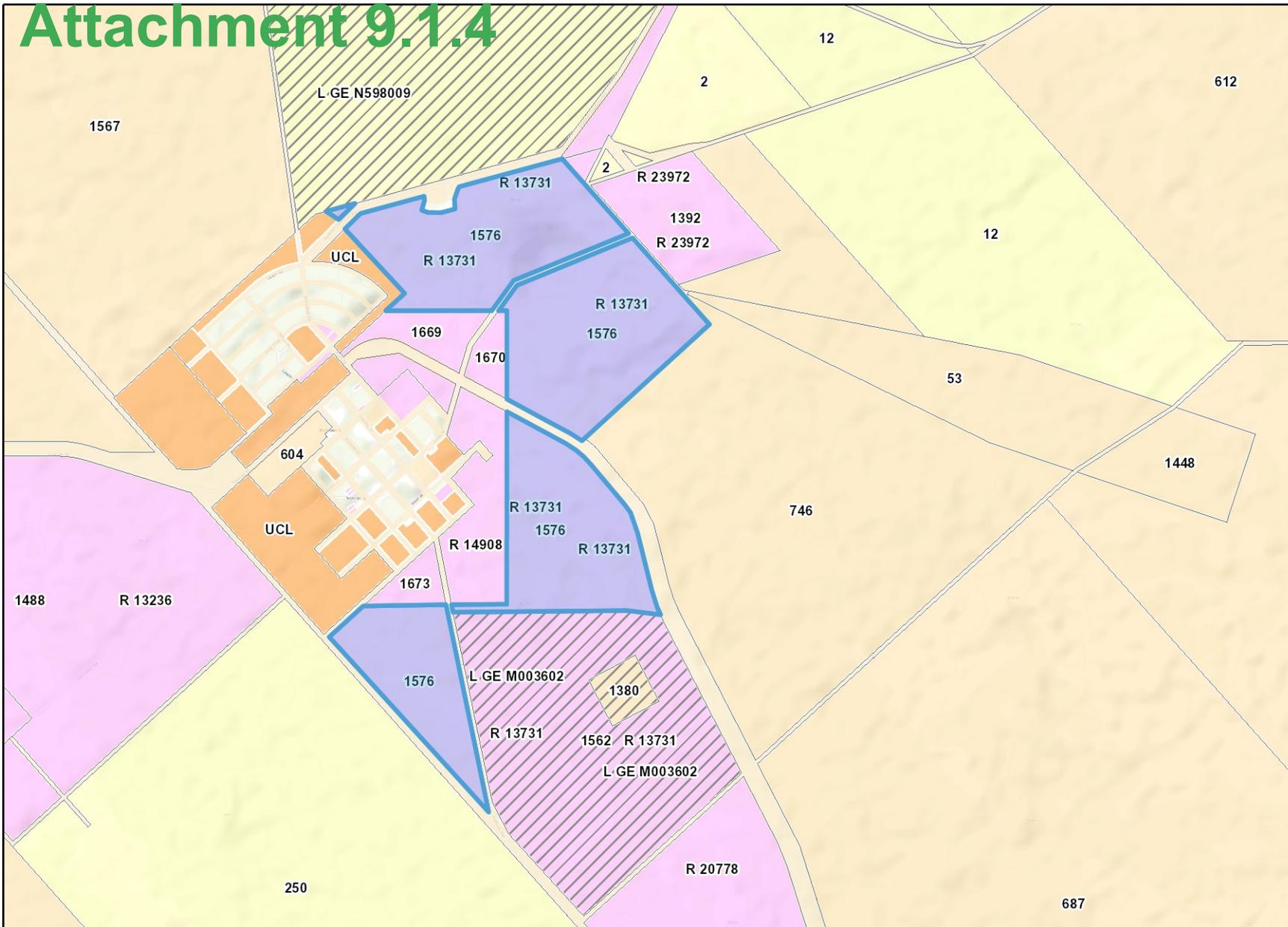
  
 0                      0.11                      0.22 Kilometres  


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 1: 5,000                      at A4  
 Projection: WGS 1984 Web Mercator Auxiliary Sphere  
 Graticules (if visible): GDA 1994 Latitude/Longitude

Date produced: **06-Dec-2022**

# Attachment 9.1.4



**Legend**

-  Cadastral (View 2)
- Land Tenure Small Scale ALL**
  -  Crown Allotment (Type 2)
- Land Tenure Small Scale 256K**
  -  Crown Allotment (Type 2)
  -  Lot on Survey (Type 1)
  -  Lease
  -  Reserve
- Land Tenure Small Scale 64K**
  -  Crown Allotment (Type 2)
  -  Lot on Survey (Type 1)
  -  Public Road
  -  Unallocated Crown Land
  -  Reserve
- Land Tenure Small Scale 16K**
  -  Crown Allotment (Type 2)
  -  Lot on Survey (Type 1)
  -  Public Road
  -  Unallocated Crown Land
  -  Reserve

**Notes:**

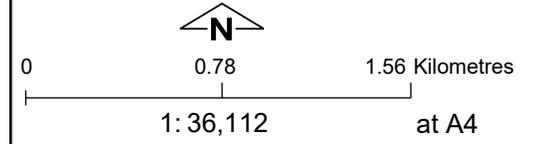
\* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

\* This map is not intended for measurement purposes.

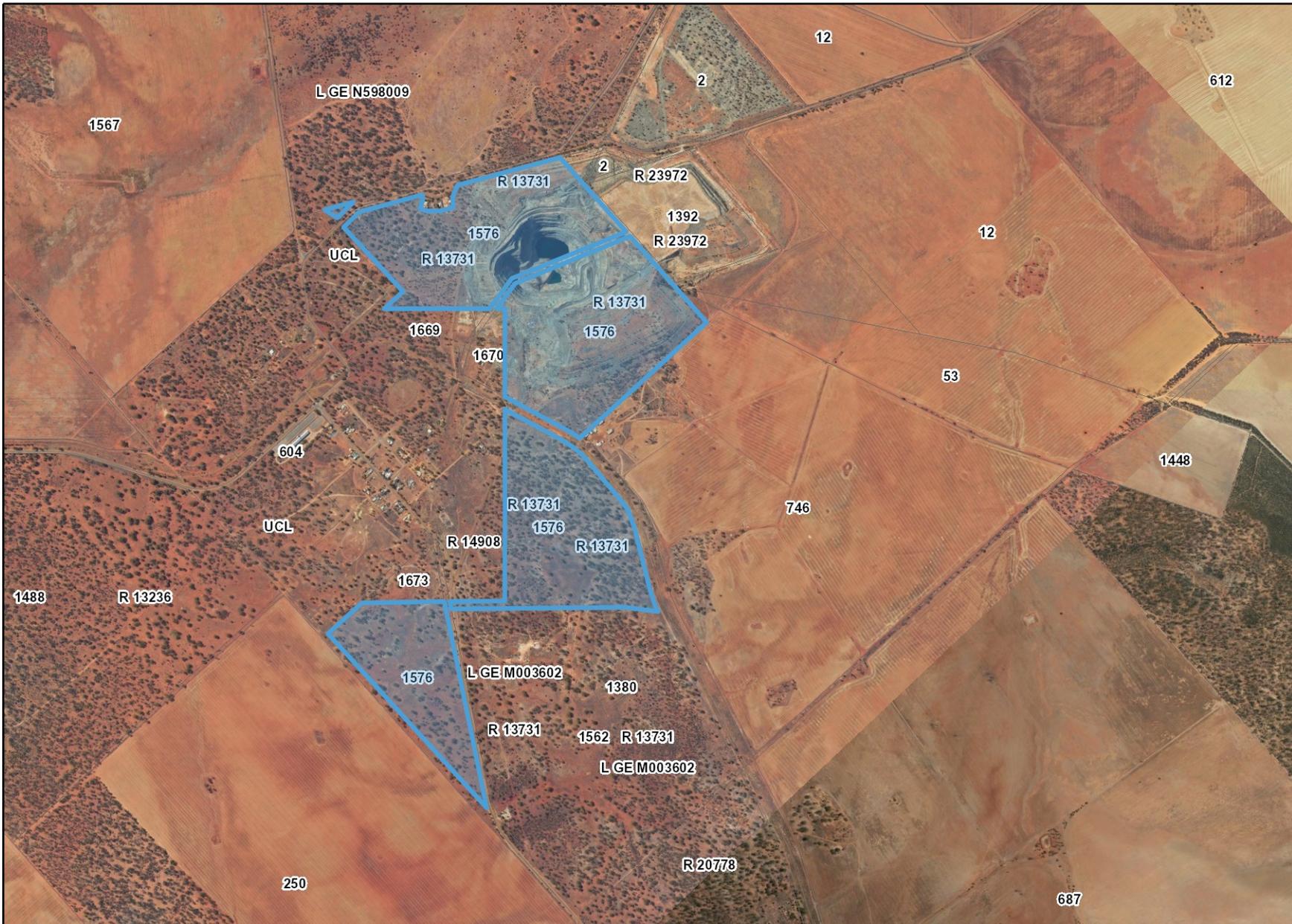
Map was produced using DPLH's InQuery.

Tenure Map showing portion of Reserve 13731, being Lot 1576 on DP 240389

**DPLH BUSINESS USE ONLY**



Projection: WGS 1984 Web Mercator Auxiliary Sphere  
 Graticules (if visible): GDA 1994 Latitude/Longitude



**Legend**

Cadastre (View 2)

---

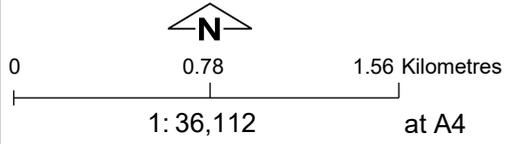
**Notes:**

- \* The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.
- \* This map is not intended for measurement purposes.

Map was produced using DPLH's InQuery.

Aerial Map showing portion of Reserve 13731, being Lot 1576 on DP 240389

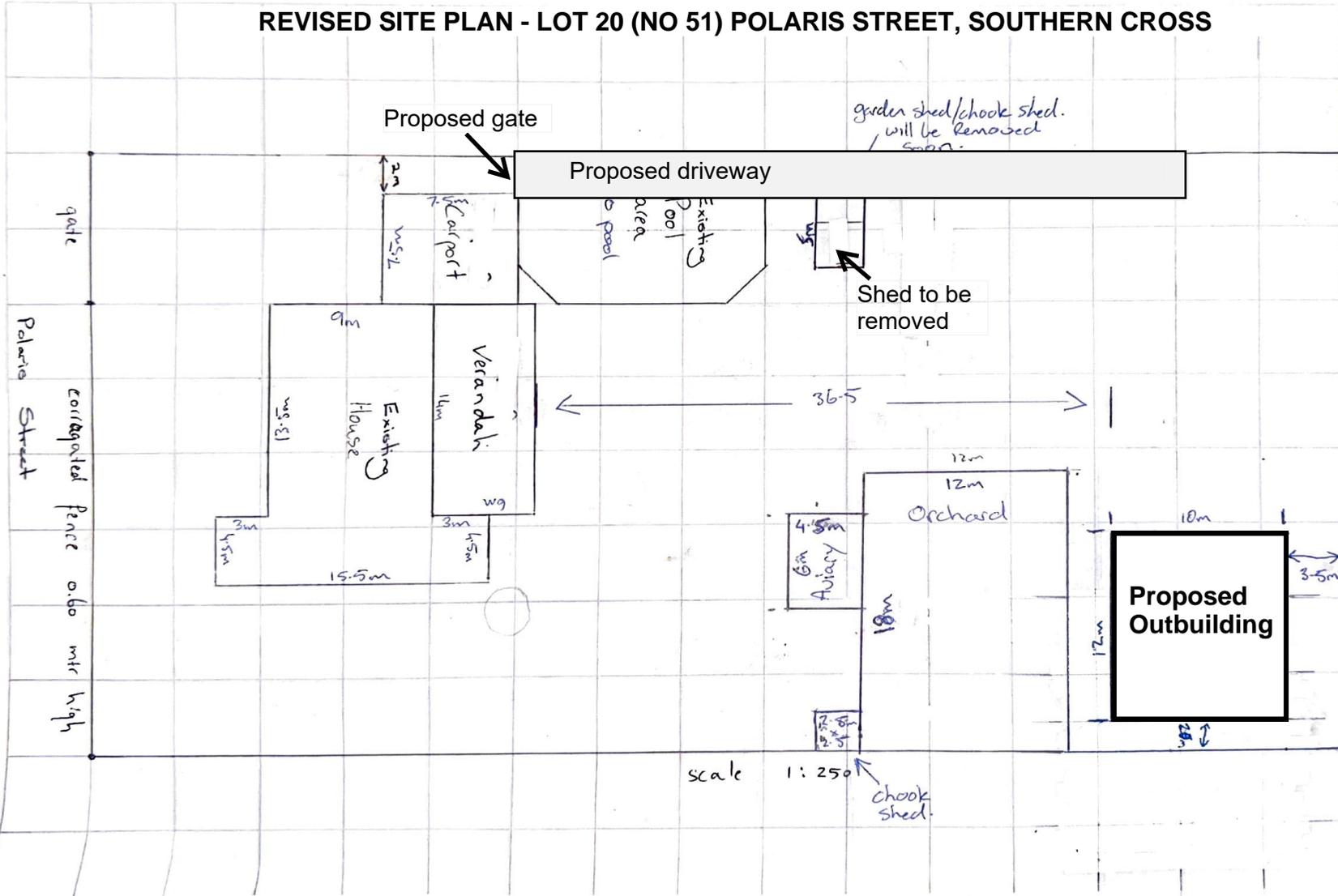
**DPLH BUSINESS USE ONLY**



Projection: WGS 1984 Web Mercator Auxiliary Sphere  
 Graticules (if visible): GDA 1994 Latitude/Longitude

# 9.1.5

## REVISED SITE PLAN - LOT 20 (NO 51) POLARIS STREET, SOUTHERN CROSS



# Attachment 9.1.5







# Attachment 9.2.1

## SHIRE OF YILGARN

### MONTHLY FINANCIAL STATEMENTS FOR THE MONTH ENDED 28 FEBRUARY 2023

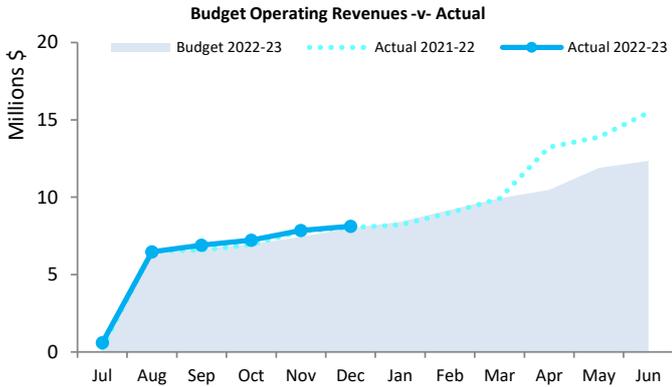


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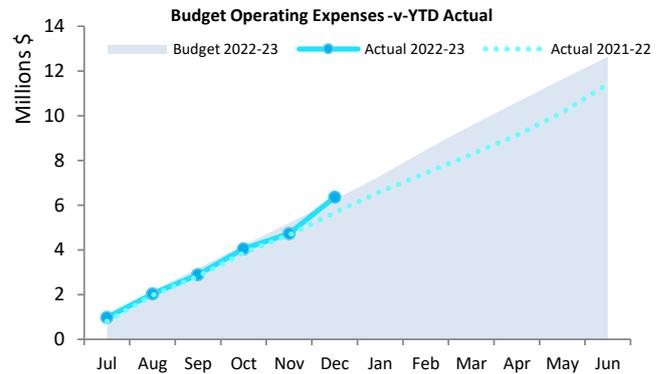
Statement of Financial Activity by Nature or Type	5
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OPERATING ACTIVITIES

OPERATING REVENUE

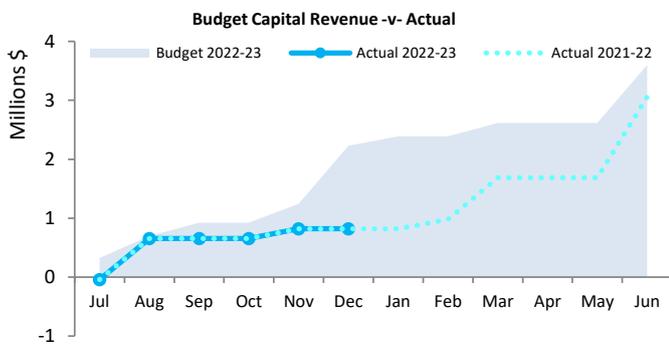


OPERATING EXPENSES

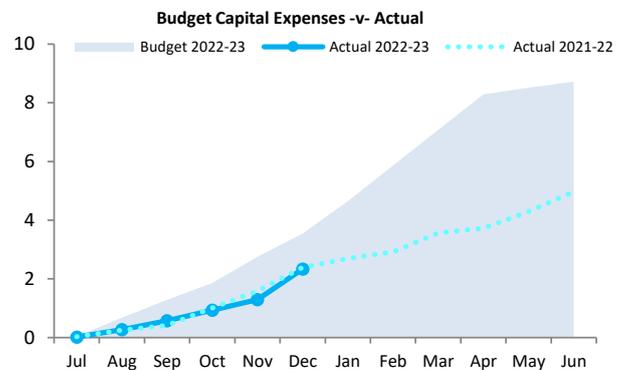


INVESTING ACTIVITIES

CAPITAL REVENUE



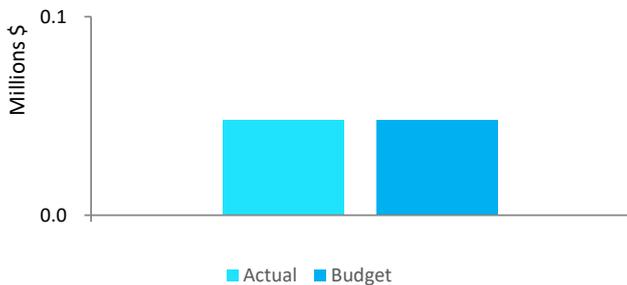
CAPITAL EXPENSES



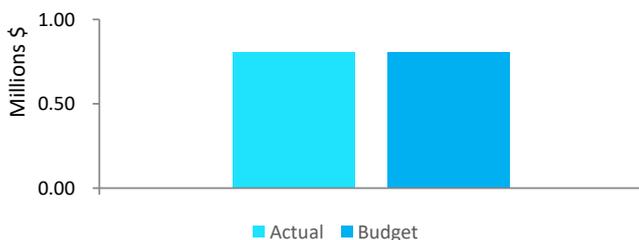
FINANCING ACTIVITIES

BORROWINGS

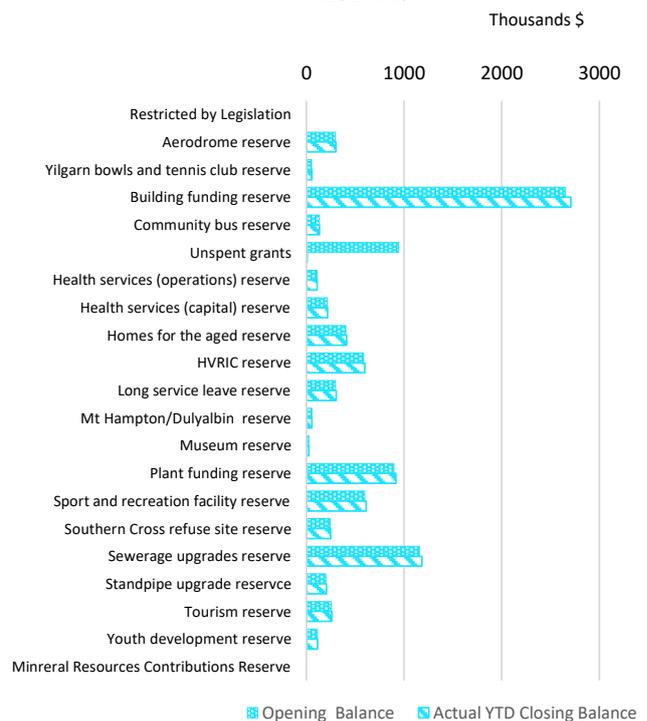
Principal Repayments



Principal Outstanding



RESERVES



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	\$4.21 M	\$4.21 M	\$3.69 M	(\$0.52 M)
Closing	\$0.11 M	\$1.75 M	\$5.20 M	\$3.45 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$14.59 M	% of total
Unrestricted Cash	\$6.13 M	42.1%
Restricted Cash	\$8.45 M	57.9%

Refer to Note 2 - Cash and Financial Assets

Total payables		
	\$0.22 M	% Outstanding
Trade Payables	\$0.00 M	
0 to 30 Days	\$0.00 M	0%
30 to 60 Days	\$0.00 M	0%
Over 60 Days	\$0.00 M	0.0%

Refer to Note 5 - Payables

Receivables		
	\$0.74 M	% Collected
Rates Receivable	\$0.45 M	90.4%
Trade Receivable	\$0.28 M	% Outstanding
0 to 30 Days	\$0.16 M	68.7%
Over 30 Days	\$0.12 M	64.7%

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	\$2.00 M	\$2.94 M	\$0.94 M

Refer to Statement of Financial Activity

Rates Revenue		
	YTD Actual	% Variance
YTD Actual	\$4.16 M	
YTD Budget	\$4.20 M	(0.9%)

Refer to Statement of Financial Activity

Operating Grants and Contributions		
	YTD Actual	% Variance
YTD Actual	\$1.63 M	
YTD Budget	\$1.62 M	0.9%

Refer to Note 12 - Operating Grants and Contributions

Fees and Charges		
	YTD Actual	% Variance
YTD Actual	\$1.50 M	
YTD Budget	\$1.38 M	8.7%

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)
(\$4.87 M)	(\$4.41 M)	(\$2.13 M)	\$2.29 M

Refer to Statement of Financial Activity

Proceeds on sale		
	YTD Actual	%
YTD Actual	\$0.30 M	
Adopted Budget	\$0.50 M	(41.0%)

Refer to Note 6 - Disposal of Assets

Asset Acquisition		
	YTD Actual	% Spent
YTD Actual	\$3.16 M	
Adopted Budget	\$8.72 M	36.3%

Refer to Note 7 - Capital Acquisitions

Capital Grants		
	YTD Actual	% Received
YTD Actual	\$0.68 M	
Adopted Budget	\$3.35 M	20.2%

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)
\$0.04 M	(\$0.05 M)	\$0.70 M	\$0.75 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	(\$0.05 M)
Interest expense	(\$0.00 M)
Principal due	\$0.81 M

Refer to Note 8 - Borrowings

Reserves	
Reserves balance	\$8.46 M
Interest earned	\$0.19 M

Refer to Note 10 - Cash Reserves

Lease Liability	
Principal repayments	\$0.01 M
Interest expense	(\$0.00 M)
Principal due	\$0.01 M

Refer to Note 9 - Lease Liabilities

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

## KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 28 FEBRUARY 2023

## NATURE OR TYPE DESCRIPTIONS

### 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.

### EXPENSES

#### PROFIT ON ASSET DISPOSAL

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

#### 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 28 FEBRUARY 2023**

**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(d)	4,209,114	4,209,114	<b>3,687,415</b>	(521,699)	(12.39%)	▼
<b>Revenue from operating activities</b>							
Rates		4,196,740	4,196,740	<b>4,159,925</b>	(36,815)	(0.88%)	
Operating grants, subsidies and contributions	12	2,216,266	1,619,728	<b>1,634,334</b>	14,606	0.90%	
Fees and charges		1,768,706	1,380,228	<b>1,500,060</b>	119,832	8.68%	
Interest earnings		82,255	54,824	<b>277,379</b>	222,555	405.94%	▲
Reimbursements		83,423	59,710	<b>86,046</b>	26,336	44.11%	
Other revenue		636,600	409,704	<b>476,305</b>	66,601	16.26%	▲
Profit on disposal of assets	6	26,462	13,230	<b>14,091</b>	861	6.51%	
		<b>9,010,452</b>	<b>7,734,164</b>	<b>8,148,140</b>	413,976	5.35%	
<b>Expenditure from operating activities</b>							
Employee costs		(3,235,174)	(2,161,382)	<b>(2,231,908)</b>	(70,526)	(3.26%)	
Materials and contracts		(3,058,786)	(2,109,161)	<b>(1,485,136)</b>	624,025	29.59%	▲
Utility charges		(866,215)	(577,304)	<b>(609,787)</b>	(32,483)	(5.63%)	
Depreciation on non-current assets		(3,945,949)	(2,630,361)	<b>(3,054,203)</b>	(423,842)	(16.11%)	▼
Interest expenses		(8,967)	(4,483)	<b>(5,505)</b>	(1,022)	(22.80%)	
Insurance expenses		(333,166)	(311,540)	<b>(341,781)</b>	(30,241)	(9.71%)	
Other expenditure		(819,102)	(553,638)	<b>(513,533)</b>	40,105	7.24%	
Loss on disposal of assets	6	(259,490)	(123,995)	<b>(93,371)</b>	30,624	24.70%	▲
		<b>(12,526,849)</b>	<b>(8,471,864)</b>	<b>(8,335,224)</b>	136,640	(1.61%)	
Non-cash amounts excluded from operating activities	1(a)	4,238,578	2,741,126	<b>3,128,495</b>	387,369	14.13%	
<b>Amount attributable to operating activities</b>		<b>722,181</b>	<b>2,003,426</b>	<b>2,941,411</b>	937,985	46.82%	
<b>Investing activities</b>							
Proceeds from non-operating grants, subsidies and contributions	13	3,351,243	1,452,961	<b>678,314</b>	(774,647)	(53.32%)	▼
Proceeds from disposal of assets	6	500,700	0	<b>295,482</b>	295,482	0.00%	
Payments for property, plant and equipment and infrastructure	7	(8,718,664)	(5,864,138)	<b>(3,164,887)</b>	2,699,251	46.03%	▲
		<b>(4,866,721)</b>	<b>(4,411,177)</b>	<b>(2,191,091)</b>	2,220,086	(50.33%)	
Non-cash amounts excluded from investing activities	1(b)	0	0	<b>65,260</b>	65,260	0.00%	
<b>Amount attributable to investing activities</b>		<b>(4,866,721)</b>	<b>(4,411,177)</b>	<b>(2,125,831)</b>	2,285,346	(51.81%)	
<b>Financing Activities</b>							
Transfer from reserves	10	1,112,469	0	<b>943,522</b>	943,522	0.00%	
Payments for principal portion of lease liabilities	9	(6,592)	0	<b>(6,592)</b>	(6,592)	0.00%	
Repayment of debentures	8	48,156	(48,156)	<b>(48,156)</b>	(0)	(0.00%)	
Transfer to reserves	10	(1,110,119)	0	<b>(187,994)</b>	(187,994)	0.00%	
<b>Amount attributable to financing activities</b>		<b>43,914</b>	<b>(48,156)</b>	<b>700,780</b>	748,936	(1555.23%)	
<b>Closing funding surplus / (deficit)</b>	1(d)	<b>108,488</b>	<b>1,753,207</b>	<b>5,203,775</b>	3,450,568	(196.81%)	

**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 14 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 June 2022

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023

NOTE 1  
STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(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)	Forecast 30 June 2023 Closing
<b>Non-cash items excluded from operating activities</b>					
		\$	\$	\$	
<b>Adjustments to operating activities</b>					
Less: Profit on asset disposals	6	(26,462)	(13,230)	(14,091)	(27,323)
Movement in pensioner deferred rates (non-current)				(4,993)	(4,993)
Add: Loss on asset disposals	6	259,490	123,995	93,371	228,866
Add: Depreciation on assets		4,005,550	2,630,361	3,054,203	4,429,392
<b>Total non-cash items excluded from operating activities</b>		<b>4,238,578</b>	<b>2,741,126</b>	<b>3,128,495</b>	<b>4,625,942</b>

(b) Non-cash items excluded from investing activities

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

**Adjustments to investing activities**

Capitalised depreciation				65,260	0
<b>Total non-cash amounts excluded from investing activities</b>		<b>0</b>	<b>0</b>	<b>65,260</b>	<b>0</b>

(c) 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.

		Last Year Closing 30 June 2022	Year to Date 28 February 2023
<b>Adjustments to net current assets</b>			
Less: Reserves - restricted cash	10	(9,215,647)	(8,460,119)
Add: movement in non-current borrowings	8	96,588	45,509
Add: Lease liabilities	9	9,260	674
<b>Total adjustments to net current assets</b>		<b>(9,109,799)</b>	<b>(8,413,936)</b>

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

<b>Current assets</b>			
Cash and cash equivalents	2	14,263,518	14,586,318
Rates receivables	3	532,085	451,030
Receivables	3	355,230	284,463
Other current assets	4	233,462	54,332
<b>Less: Current liabilities</b>			
Payables	5	(1,005,802)	(218,521)
Borrowings	8	(96,588)	(45,509)
Contract liabilities	11	(1,004,129)	(1,013,235)
Lease liabilities	9	(9,260)	(674)
Provisions	11	(471,302)	(471,302)
<b>Less: Total adjustments to net current assets</b>	1(c)	<b>(9,109,799)</b>	<b>(8,413,936)</b>
<b>Closing funding surplus / (deficit)</b>		<b>3,687,415</b>	<b>5,212,966</b>

**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.

Description	Classification	Unrestricted	Restricted	Total Cash	Institution	Interest Rate	Maturity Date
		\$	\$	\$			
Cash on hand		1,350		1,350			
Muni funds - bank working acc	Cash and cash equivalents	88,460		88,460	WBC	0.00%	
Muni funds - at call account	Cash and cash equivalents	1,206,142		1,206,142	WBC	1.25%	
Muni funds - investment account (31 days)	Cash and cash equivalents	2,337,921		2,337,921	WBC	3.85%	(rolling 31 day)
Muni funds - investment account (60 days)	Cash and cash equivalents	2,500,000		2,500,000	WBC	4.00%	(rolling 60 day)
Reserve funds - investment account (90 days)	Cash and cash equivalents		8,452,445	8,452,445	WBC	4.35%	(rolling 90 day)
<b>Total</b>		<b>6,133,873</b>	<b>8,452,445</b>	<b>14,586,318</b>			
<b>Comprising</b>							
Cash and cash equivalents		6,133,873	8,452,445	14,586,318			
		<b>6,133,873</b>	<b>8,452,445</b>	<b>14,586,318</b>			

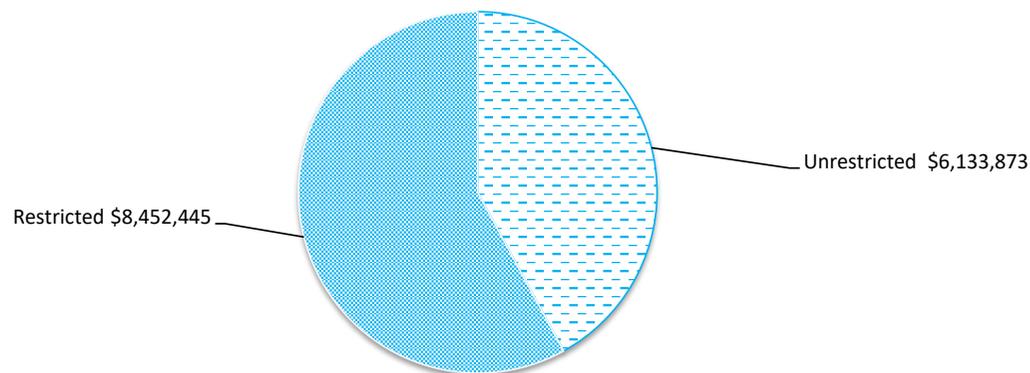
**KEY INFORMATION**

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.

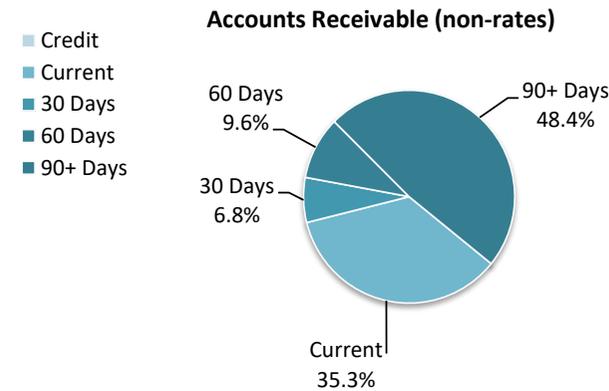
The local government classifies financial assets at amortised cost if both of the following criteria are met:

- 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 June 2022	28 Feb 2023
	\$	\$
Opening arrears previous years	818,187	532,085
Levied this year	4,051,369	4,159,925
Less - collections to date	(4,337,471)	(4,240,980)
Gross rates collectable	<b>532,085</b>	<b>451,030</b>
<b>Net rates collectable</b>	<b>532,085</b>	<b>451,030</b>
% Collected	89.1%	90.4%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	0	66,753	12,929	18,084	91,575	189,341
Percentage	0.0%	35.3%	6.8%	9.6%	48.4%	
<b>Balance per trial balance</b>						
Sundry receivable						189,341
GST receivable						99,574
Allowance for impairment of receivables from contracts with customers						(4,452)
<b>Total receivables general outstanding</b>						<b>284,463</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.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

**OPERATING ACTIVITIES  
NOTE 4  
OTHER CURRENT ASSETS**

	Opening Balance 1 July 2022	Asset Increase	Asset Reduction	Closing Balance 28 February 2023
	\$	\$	\$	\$
<b>Other current assets</b>				
<b>Inventory</b>				
Fuel	47,225	7,107	0	54,332
<b>Other Assets</b>				
Accrued income	7,506	0	(7,506)	0
<b>Contract assets</b>				
Contract assets	178,731	0	(178,731)	0
<b>Total other current assets</b>	<b>233,462</b>	<b>7,107</b>	<b>(186,237)</b>	<b>54,332</b>
<b>Amounts shown above include GST (where applicable)</b>				

**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.

**Contract assets**

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

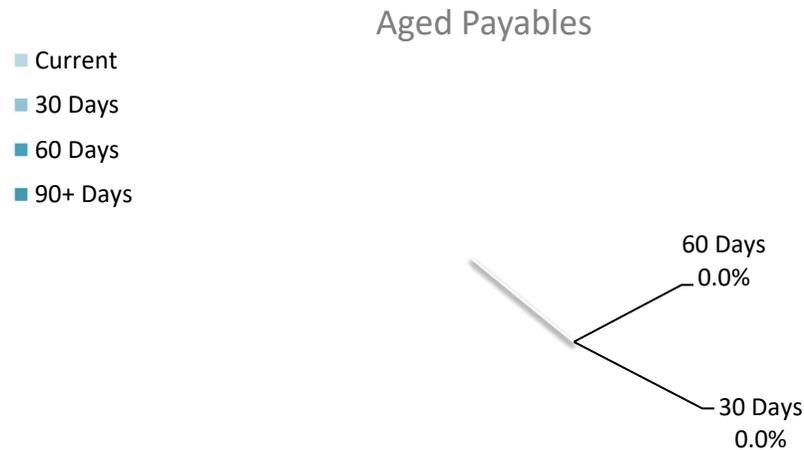
**OPERATING ACTIVITIES  
NOTE 5  
PAYABLES**

<b>Payables - trade</b>	<b>Current</b>	<b>30 Days</b>	<b>60 Days</b>	<b>90+ Days</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Payables - trade	0	0	0	0	0
Percentage	0%	0%	0%	0%	
<b>Balance per trial balance</b>					
Sundry creditors					259,056
ATO liabilities					(40,535)
<b>Total payables general outstanding</b>					<b>218,521</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.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

**OPERATING ACTIVITIES  
NOTE 6  
DISPOSAL OF ASSETS**

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>Recreation and culture</b>								
	1881 - Ride on mower	19,670	6,000	0	(13,670)	0	0	0	0
	2012 - Fuso Canter light tip truck	48,710	25,000	0	(23,710)	0	0	0	0
	2037 - Toyota Hilux single cab ute	29,522	30,000	478	0	31,053	40,000	8,947	0
	1894 - Isuzu SX single cab ute	14,829	19,700	4,871	0	0	0	0	0
	1878 - Elevated working platform	16,554	5,000	0	(11,554)	0	0	0	0
	<b>Transport</b>								
	1994 - John Deer Grader	197,400	75,000	0	(122,400)	200,113	145,500	0	(54,613)
	2006 - Dynapac Roller	86,056	30,000	0	(56,056)	98,680	46,800	0	(51,880)
	1818 - Roadwest Tandem Dolly	20,196	5,000	0	(15,196)	0	0	0	0
	2039 - Toyota Landcruiser LC70 ute	44,577	50,000	5,423	0	0	0	0	0
	2040 - Toyota Landcruiser LC70 ute	48,296	50,000	1,704	0	0	0	0	0
	2048 - Toyota Hilux SR5	35,978	40,000	4,022	0	37,177	44,091	6,914	0
	2050 - Toyota Landcruiser LC70 ute	47,436	45,000	0	(2,436)	0	0	0	0
	<b>Other property and services</b>								
	2015 - Toyota RAV4	21,139	15,000	0	(6,139)	21,831	19,091	0	(2,740)
	2038 - Toyota Prado	55,036	65,000	9,964	0	0	0	0	0
	2 - Toyota Hilux	48,329	40,000	0	(8,329)	0	0	0	0
		<b>733,728</b>	<b>500,700</b>	<b>26,462</b>	<b>(259,490)</b>	<b>388,853</b>	<b>295,482</b>	<b>15,861</b>	<b>(109,233)</b>

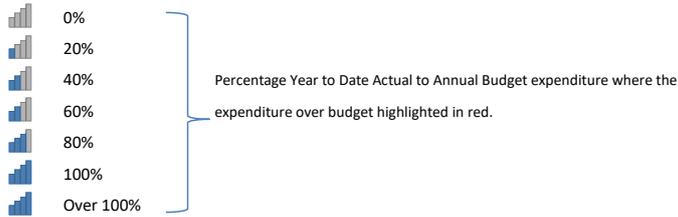
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023

INVESTING ACTIVITIES  
NOTE 7  
CAPITAL ACQUISITIONS (SUMMARY)

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Buildings	2,398,751	1,333,966	<b>414,928</b>	(919,038)
Furniture and equipment	50,000	50,000	<b>10,530</b>	(39,470)
Plant and equipment	1,966,000	947,416	<b>1,054,669</b>	107,253
Infrastructure - roads	3,587,413	3,021,262	<b>1,643,910</b>	(1,377,352)
Infrastructure - other	716,500	511,494	<b>40,850</b>	(470,644)
<b>Payments for Capital Acquisitions</b>	<b>8,718,664</b>	<b>5,864,138</b>	<b>3,164,887</b>	<b>(2,699,251)</b>

Capital expenditure total

Level of completion indicators

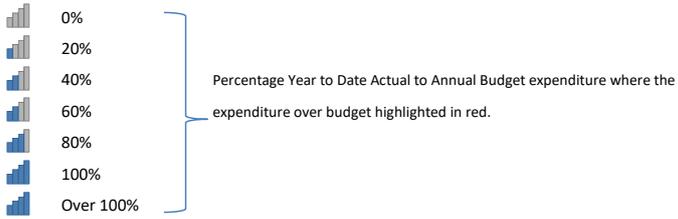


Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Adopted		YTD Actual	Variance (Under)/Over
	Budget	YTD Budget		
	\$	\$	\$	\$
<b>Land and buildings</b>				
E07451 Southern Cross medical centre, genset with security fencing	30,000	30,000	32,794	2,794
J08401 Homes For The Aged Units 1 & 2, carport and fence	19,101	9,548	725	(8,823)
J08402 Homes For The Aged Units 3 & 4, carport and fence	19,124	9,558	-	(9,558)
J08403 Homes For The Aged Units 5 & 6, carport and fence	23,113	11,554	2,704	(8,850)
J08404 Homes For The Aged Units 7 & 8, carport and fence	19,054	9,526	-	(9,526)
J08405 Homes For The Aged Units 9 & 10, carport and fence	19,054	9,526	-	(9,526)
J08406 Homes For The Aged Units 11 & 12, carport and fence	16,577	8,286	-	(8,286)
J09105 3 Libra Place, capital works	-	-	59,814	59,814
J09106 6 Libra Place, capital works	-	-	23,998	23,998
J09755 35 Taurus St, blinds, window locks and flyscreens	18,000	18,000	-	(18,000)
J09759 91C Antares St, kitchen and internal upgrades	44,607	44,607	41,198	(3,409)
J09760 1/50 Antares St, renovate bathroom	8,221	8,221	-	(8,221)
E08150 Community Resource Centre, storage and toilet upgrades	11,811	7,856	5,494	(2,362)
J11341 Yilgarn Bowls and Tennis Club, paint external walls	14,000	14,000	11,980	(2,020)
J11342 Southern Cross recreation complex, LRCI Round 3 renovations	1,237,044	618,520	26,319	(592,201)
J13203 Caravan Park, renovate Sandalwood bathrooms	81,224	40,610	-	(40,610)
J14601 Shire administration building, windows	35,830	23,880	12,739	(11,141)
J14602 Shire depot, improve vehicle wash bays	20,000	20,000	-	(20,000)
J14603 11 Antares St, general renovations and internal works	102,214	68,136	167,240	99,104
J14604 Shire depot, yard surfaces	-	-	487	487
E09710 New executive residence	595,277	297,638	6,875	(290,763)
E11250 Southern Cross swimming pool, solar panels	50,000	50,000	7,861	(42,139)
E11359 Southern Cross golf club, sewerage system and toilets	34,500	34,500	973	(33,527)
<b>Furniture</b>				
E12352 Shire Depot, shelving and storage	20,000	20,000	-	(20,000)
E12452 Aerodrome, AFRU & PAL units	30,000	30,000	-	(30,000)
E13258 Southern Cross caravan park, washer/dryer units	-	-	10,530	10,530
<b>Plant and equipment</b>				
E10353 Southern Cross sewerage scheme, various pump and equipment upgrades	297,500	127,500	28,972	(98,528)
E10451 Marvel Loch sewerage scheme, new pumps	10,500	10,500	-	(10,500)
E10755 Grave shoring box	15,000	15,000	13,100	(1,900)
E11357 Parks and Gardens, light vehicles and plant items	342,500	114,166	159,437	45,271
E12350 Works, grader, roller and multiple light vehicles	1,120,500	560,250	792,865	232,615
E14656 Administration, light vehicles	180,000	120,000	50,025	(69,975)
<b>Infrastructure - roads</b>				
RRG21 Koolyanobbing road, construct to 8m seal - SLK 0.0 - 2.1	624,822	624,819	186,843	(437,976)
RRG22 Koolyanobbing road, reseal - SLK 14.0 - 17.0	100,559	100,554	25,258	(75,296)
RRG23 Koolyanobbing road, reseal - SLK 41.4 - 52.5	434,500	434,496	43,825	(390,671)
RRG24 Koorda Bullfinch road, reseal - SLK 1.5 - 2.5	48,754	48,750	27,668	(21,082)
R2R32 Bodallin South road, construct to 8m seal - SLK 25.6 - 30.6	167,622	167,620	88,855	(78,765)
R2R33 Bodallin South road, reseal - SLK 7.8 - 9.4	61,296	61,292	111,474	50,182
R2R34 Cramphorne road, gravel overlay - SLK 10.2 - 15.0	286,666	286,664	269,998	(16,666)
R2R35 Cramphorne road, reseal - SLK 8.2 - 9.9	82,698	82,696	58,070	(24,626)
R2R36 Emu Fence road, gravel overlay - SLK 89.4 - 95.0	310,401	310,398	295,910	(14,488)
RRU29 Southern Cross South road, gravel overlay - SLK 25.6 - 30.6	286,284	143,136	212,603	69,467
RRU30 Koorda Bullfinch road, gravel shoulders - SLK 13.0 - 24.3	449,941	224,966	38,979	(185,987)
RRU31 Marvel Loch Forrestania road, reseal - SLK 0.0 - 1.0	56,312	28,150	365	(27,785)

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			Variance (Under)/Over
	Budget	YTD Budget	YTD Actual	
	\$	\$	\$	\$
RRU32 Capito road, gravel overlay - SLK 0.0 - 5.0	270,397	135,198	239,902	104,704
HVRIC7 Koolyanobbing Rd - Construct To 7M Seal - Slk 14.0 - 17.0	337,895	337,893	44,160	(293,733)
<b>Infrastructure - other</b>				
TRU13 Emu Park, hard stand for electric charging station	69,266	34,630	-	(34,630)
J10107 Southern Cross refuse site, perimeter fencing	7,500	5,000	-	(5,000)
J11151 Southern Cross war memorial, new flag poles	16,000	16,000	-	(16,000)
J11343 Satellite townsites, playground and open space equipment	630,000	433,332	73	(433,259)
E10350 Southern Cross sewerage scheme, access chamber upgrades	17,500	11,664	14,191	2,527
E10450 Marvel Loch sewerage scheme, access chamber upgrades	25,500	25,500	14,191	(11,309)
E11355 Southern Cross oval, lighting towers	20,000	19,998	12,396	(7,602)
	<b>8,718,664</b>	<b>5,864,138</b>	<b>3,140,892</b>	<b>(2,723,246)</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

**FINANCING ACTIVITIES  
NOTE 8  
BORROWINGS**

**Repayments - borrowings**

Information on borrowings Particulars	Loan No.	1 July 2022	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
<b>Community amenities</b>										
WA Treasury, Southern Cross swimming pool	0098	857,166	0	0	48,156	48,156	809,010	809,010	4,897	4,897
<b>Total</b>		857,166	0	0	48,156	48,156	809,010	809,010	4,897	4,897
Current borrowings		96,588					45,509			
Non-current borrowings		760,578					763,501			
		857,166					809,010			

All debenture repayments were financed by general purpose revenue.

The Shire has no unspent debenture funds as at 30th June 2022, nor is it expected to have unspent funds as at 30th June 2023.

**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 28 FEBRUARY 2023**

**FINANCING ACTIVITIES  
NOTE 9  
LEASE LIABILITIES**

**Movement in carrying amounts**

Information on leases Particulars	Lease No.	1 July 2022	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Other property and services</b>										
<i>Commander telephones</i>	0001	9,540	0	0	(4,797)	(4,797)	4,743	4,743	492	492
<i>Canon Photocopier (front office)</i>	0002	1,112	0	0	(1,112)	(1,112)	(0)	(0)	102	102
<i>Canon Photocopier (back office)</i>	0003	5,662	0	0	(682)	(682)	4,980	4,980	14	14
<b>Total</b>		16,314	0	0	(6,592)	(6,592)	9,722	9,722	608	608
Current lease liabilities		9,260					674			
Non-current lease liabilities		7,054					7,054			
		16,314					7,728			

All lease repayments were financed by general purpose revenue.

**KEY INFORMATION**

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

**OPERATING ACTIVITIES  
NOTE 10  
RESERVE ACCOUNTS**

**Reserve accounts**

<b>Reserve name</b>	<b>Opening Balance</b>	<b>Budget Interest Earned</b>	<b>Actual Interest Earned</b>	<b>Budget Transfers In (+)</b>	<b>Actual Transfers In (+)</b>	<b>Budget Transfers Out (-)</b>	<b>Actual Transfers Out (-)</b>	<b>Budget Closing Balance</b>	<b>Actual YTD Closing Balance</b>
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Restricted by Legislation</b>									
Aerodrome reserve	296,452	1,038	6,461	0	0	0	0	297,490	302,913
Yilgarn bowls and tennis club reserve	54,074	261	1,179	6,594	0	0	0	60,929	55,253
Building funding reserve	2,649,632	9,274	57,750	0	0	0	0	2,658,906	2,707,382
Community bus reserve	129,093	452	2,813	0	0	0	0	129,545	131,906
Unspent grants	943,522	0	7,703	0	0	(943,522)	(943,522)	0	7,703
Health services (operations) reserve	108,981	381	2,375	0	0	0	0	109,362	111,356
Health services (capital) reserve	212,247	743	4,626	0	0	0	0	212,990	216,873
Homes for the aged reserve	401,940	1,407	8,760	0	0	0	0	403,347	410,700
HVRIC reserve	584,839	2,047	12,746	154,000	0	(168,947)	0	571,939	597,585
Long service leave reserve	297,148	1,040	6,476	0	0	0	0	298,188	303,624
Mt Hampton/Dulyalbin reserve	54,691	391	1,192	7,300	0	0	0	62,382	55,883
Museum reserve	24,827	187	541	2,900	0	0	0	27,914	25,368
Plant funding reserve	894,945	3,132	19,506	200,000	0	0	0	1,098,077	914,451
Sport and recreation facility reserve	597,900	2,093	13,031	0	0	0	0	599,993	610,931
Southern Cross refuse site reserve	242,947	850	5,295	0	0	0	0	243,797	248,242
Sewerage upgrades reserve	1,156,795	4,049	25,213	0	0	0	0	1,160,844	1,182,008
Standpipe upgrade reserve	200,155	701	4,362	0	0	0	0	200,856	204,517
Tourism reserve	253,916	889	5,534	0	0	0	0	254,805	259,450
Youth development reserve	111,543	390	2,431	0	0	0	0	111,933	113,974
Minreral Resources Contributions Reserve	0	0	0	710,000	0	0	0	710,000	0
	<b>9,215,647</b>	<b>29,325</b>	<b>187,994</b>	<b>1,080,794</b>	<b>0</b>	<b>(1,112,469)</b>	<b>(943,522)</b>	<b>9,213,297</b>	<b>8,460,119</b>

Other current liabilities	Note	Opening Balance 1 July 2022	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 28 February 2023
		\$		\$	\$	\$
<b>Other liabilities</b>						
- Contract liabilities		1,004,129		9,106		1,013,235
<b>Total other liabilities</b>		1,004,129	0	9,106	0	1,013,235
<b>Employee Related Provisions</b>						
Annual leave		287,735				287,735
Long service leave		183,567				183,567
<b>Total Employee Related Provisions</b>		471,302	0	0	0	471,302
<b>Total other current assets</b>		<b>1,475,431</b>	<b>0</b>	<b>9,106</b>	<b>0</b>	<b>1,484,537</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.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Operating grants, subsidies and contributions revenue

Provider	Adopted Budget Revenue	YTD Budget	Annual Budget	YTD Revenue Actual
	\$	\$	\$	\$
<b>Operating grants and subsidies</b>				
<b>General purpose funding</b>				
Grants Commission - General	585,344	439,008	585,344	511,512
Grants Commission - Roads	436,343	327,255	436,343	290,879
<b>Law, order, public safety</b>				
FESA Grant - Operating Bush Fire Brigade	73,718	36,858	73,718	55,289
<b>Education and welfare</b>				
DRD Grant - Community Resource Centre Operations	105,311	105,311	105,311	54,256
Centrelink Commissions	5,750	3,832	5,750	0
CRC Professional Development & Training	2,500	0	2,500	0
Senior Citizens Centre	800	800	800	0
<b>Community amenities</b>				
Grants - Various Community Development Programs	1,000	664	1,000	0
<b>Transport</b>				
Street Light Operations	11,500	0	11,500	0
Heavy Vehicle Road Improvement Charge	864,000	576,000	864,000	677,586
<b>Economic services</b>				
Skeleton Weed LAG Program	130,000	130,000	130,000	44,812
	<b>2,216,266</b>	<b>1,619,728</b>	<b>2,216,266</b>	<b>1,634,334</b>
<b>TOTALS</b>	<b>2,216,266</b>	<b>1,619,728</b>	<b>2,216,266</b>	<b>1,634,334</b>

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities				Non operating grants, subsidies and contributions revenue			
	Liability 1 July 2022	Increase in Liability	Decrease in Liability (As revenue)	Liability 28 Feb 2023	Adopted Budget Revenue	YTD Budget	Annual Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Non-operating grants and subsidies</b>								
<b>Governance</b>								
Local Roads & Community Infrastructure	808,262	135,260		943,522	943,522	0	943,522	(135,260)
<b>Community amenities</b>								
Waste water reuse	0			0	100,000	100,000	100,000	0
<b>Transport</b>								
Main Roads Direct	0			0	398,203	398,203	398,203	406,768
Roads To Recovery	(43,471)	43,471		0	1,103,768	551,884	1,103,768	82,348
Regional Road Groups	0	0		0	805,750	402,874	805,750	322,298
	<b>764,791</b>	<b>178,731</b>	<b>0</b>	<b>943,522</b>	<b>3,351,243</b>	<b>1,452,961</b>	<b>3,351,243</b>	<b>676,154</b>
<b>TOTALS</b>	<b>764,791</b>	<b>178,731</b>	<b>0</b>	<b>943,522</b>	<b>3,351,243</b>	<b>1,452,961</b>	<b>3,351,243</b>	<b>676,154</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

**NOTE 14  
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:

<b>Description</b>	<b>Opening Balance 1 July 2022</b>	<b>Amount Received</b>	<b>Amount Paid</b>	<b>Closing Balance 28 Feb 2023</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Police Licensing	(44)	0	0	(44)
Builders Levy	16,374	123	0	16,497
Transwa Bookings	3,514	2,687	(3,154)	3,047
Staff Personal Dedns	45,787	14,080	(40,559)	19,308
Housing Tenancy Bonds	5,460	0	(440)	5,020
Hall Hire Bonds And Deposits	1,115	0	0	1,115
Security Key System - Key Bonds	1,830	0	0	1,830
Clubs & Groups	220	0	0	220
Third Party Contributions	6,338	0	0	6,338
Rates Overpaid	17,345	10,332	(6,119)	21,558
	<b>97,939</b>	<b>27,222</b>	<b>(50,272)</b>	<b>74,889</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

**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 \$30,000 or 10.00% whichever is the greater.

Nature or type	Var. \$	Var. %	Explanation of variances	
			Timing	Permanent
	\$	%		
<b>Revenue from operating activities</b>				
Fees and charges	119,832	8.68%		Higher than expected Aerodrome Landing Fees (\$35k), Septic Waste Disposal Fees (\$23k) & Caravan Park Income (\$73k)
Interest earnings	222,555	405.94%		Climbing cash rate has increased interest received on Council investments
Other revenue	66,601	16.26%		Variance prodominantly due to proceeds on sale of property not originally budgeted for
<b>Expenditure from operating activities</b>				
Employee costs	(70,526)	(3.26%)		Due to additional staff attraction & retention initiatives
Materials and contracts	(624,025)	(29.59%)	Variance in timing of budgeted maintenance work; delay in costs being incurred.	
Depreciation on non-current assets	423,842	16.11%		Depreciation higher than budgeted due to increased depreciation on infrastructure following revaluations
Loss on disposal of assets	30,624	24.70%	Not all budgeted assets disposed of yet.	
<b>Investing activities</b>				
Proceeds from non-operating grants, subsidies and contributions	(774,647)	(53.32%)	Delay in receipt of grant funding due to hold up with audit of returns & processing by Funding Bodies.	
Payments for property, plant and equipment and infrastructure	(2,699,251)	(46.03%)	Variance prodominantly due to delays in roadworks.	

# Attachment 9.2.2

Shire of Yilgarn

Payments made from the Municipal Account for the Period 1st February to 28th February 2023  
Presented to Council, 16th March 2023

CHQ/EFT	Date	Payee	Description	Amount
<b>CHQ</b>				
41199	10/02/2023	DEPOT STAFF	DEPOT STAFF REIMBURSEMENT - WORK FOOTWEAR	\$ 213.90
41200	10/02/2023	LGRCEU	PAYROLL DEDUCTIONS	\$ 20.50
41201	23/02/2023	LGRCEU	PAYROLL DEDUCTIONS	\$ 20.50
41202	23/02/2023	PUBLIC TRANSPORT AUTHORITY	TRANSWA TICKET SALES - JANUARY 2023	\$ 409.89
			<b>TOTAL MUNICIPAL CHEQUES:</b>	<b>\$ 664.79</b>

Shire of Yilgarn

Payments made from the Municipal Account for the Period 1st February 2023 to 28th February 2023  
Presented to Council, 16th March 2023

CHQ/EFT	Date	Payee	Description	Amount
<b>EFT</b>				
EFT13644	01/02/2023	BLACKMAN FABRICATIONS	PRIME MOVER PARTS	\$ 596.20
EFT13645	01/02/2023	R DELLA BOSCA FAMILY TRUST	EMU FENCE ROAD GRADER HIRE - 18/01/2023- GRADER HIRE EMU FENCE RD	\$ 11,357.50
EFT13646	01/02/2023	COURIER AUSTRALIA	TOLL FREIGHT	\$ 230.14
EFT13647	01/02/2023	DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION	PARKER RANGE ROAD DEVELOPMENT GRAVEL PIT - CLEARING PERMIT	\$ 2,750.00
EFT13648	01/02/2023	HERSEY SAFETY PTY LTD	SAFETY EQUIPMENT	\$ 242.00
EFT13649	01/02/2023	IXOM OPERATIONS PTY LTD	CHLORINE BOTTLE RENTAL - DECEMBER 2022	\$ 456.94
EFT13650	01/02/2023	PERFECT COMPUTER SOLUTIONS PTY LTD	IT SUPPORT SERVICES - BP DRUG DATABASE UPDATE	\$ 127.50
EFT13651	01/02/2023	RJS LABOUR SERVICES	10 & 14 ALTAIR STREET FIRE BREAK NOTICE NON-COMPLIANCE YARD CLEAN UPS	\$ 575.00
EFT13652	01/02/2023	SHAC ELECTRICAL SERVICES	ELECTRICAL SERVICES	\$ 615.00
EFT13653	01/02/2023	SPEEDEE MOBILE CARPET BINDING	DEPOSIT FOR 37 TAURUS ST - CARPET INSTALL	\$ 7,495.00
EFT13654	01/02/2023	T-QUIP	MOWER PARTS	\$ 310.35
EFT13655	01/02/2023	VIBRA INDUSTRIAL FILTRATION AUSTRALIA	TRUCK PARTS	\$ 116.60
EFT13656	01/02/2023	AUSTRALIA DAY COUNCIL OF W.A.(INC)	AUSTRALIA DAY CERTIFICATE	\$ 4.00
EFT13657	10/02/2023	STAFF	STAFF REIMBURSEMENT INTERNET ALLOWANCE - MARCH 2023	\$ 79.99
EFT13658	10/02/2023	AERODROME MANAGEMENT PTY LTD	AERODROME SUPPORT SERVICES - SOUTHERN CROSS - 2022/2023 - JANUARY 2023	\$ 2,820.82
EFT13659	10/02/2023	AFGRI EQUIPMENT AUSTRALIA PTY LTD	GRADER PARTS	\$ 2,136.02
EFT13660	10/02/2023	WA DISTRIBUTORS PTY LTD	CLEANING CONSUMABLES	\$ 478.75
EFT13661	10/02/2023	AUSTRALIA POST	POSTAL CHARGES - JANUARY 2023	\$ 224.62
EFT13662	10/02/2023	AVON WASTE	MONTHLY RUBBISH COLLECTION - RECYCLING - 2022/2023 - JANUARY 2023	\$ 14,210.60
EFT13663	10/02/2023	STAFF	BOND REFUND - 13 LIBRA PLACE EAST - STAFF 28/04/2022 TO 02/02/2023	\$ 200.00
EFT13664	10/02/2023	BOC GASES	GAS CONTAINER HIRE - JANUARY 2023	\$ 72.84
EFT13665	10/02/2023	R DELLA BOSCA FAMILY TRUST	PANIZZA ROAD GRADER HIRE - 2/2/2023-GRADER HIRE PANIZZA RD	\$ 4,427.50
EFT13666	10/02/2023	BUNNINGS GROUP LTD	BUILDING SUPPLIES - GOLF CLUB HOUSE AND 3 LIBRA PLACE	\$ 1,716.68
EFT13667	10/02/2023	STAFF	STAFF REIMBURSEMENT PHONE - JANUARY 2023	\$ 95.00
EFT13668	10/02/2023	AUST. GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$ 537.81
EFT13669	10/02/2023	COPIER SUPPORT	ADMIN AND CRC PHOTOCOPIER PRINTING MONTHLY- FROM 25/11/2022 TO 24/01/2023	\$ 1,087.88
EFT13670	10/02/2023	CORSIGN	SAFETY SIGNAGE	\$ 1,625.80
EFT13671	10/02/2023	COURIER AUSTRALIA	TOLL FREIGHT	\$ 280.54
EFT13672	10/02/2023	DEPARTMENT OF PLANNING, LANDS AND HERITAGE	MONTHLY LEASE - LOT 36 - 01/02/2023 TO 28/02/2023 -	\$ 183.34
EFT13673	10/02/2023	GILBA DOWNS	ROADTRAIN HIRE - CAPITO ROAD AND SOUTHERN CROSS SOUTH ROAD	\$ 20,394.00
EFT13674	10/02/2023	DEPOT STAFF	DEPOT EQUIPMENT - RATTLE GUN	\$ 700.00
EFT13675	10/02/2023	GREAT EASTERN FREIGHTLINES	DEPOT FREIGHT	\$ 43.45
EFT13676	10/02/2023	JCB CONSTRUCTION EQUIPMENT AUSTRALIA	ROLLER REPAIRS	\$ 3,474.25
EFT13677	10/02/2023	CARAVAN PARK CUSTOMER	CARAVAN PARK REFUND	\$ 120.00
EFT13678	10/02/2023	WESFARMERS KLEENHEAT GAS PTY LTD	CARAVAN PARK GAS SUPPLY	\$ 857.11
EFT13679	10/02/2023	LANDGATE	SLIP ANNUAL SUBSCRIPTION 2022/2023	\$ 2,453.00

Shire of Yilgarn

Payments made from the Municipal Account for the Period 1st February 2023 to 28th February 2023  
Presented to Council, 16th March 2023

CHQ/EFT	Date	Payee	Description	Amount
<b>EFT</b>				
EFT13680	10/02/2023	LIBERTY OIL RURAL PTY LTD	BULK DIESEL	\$ 37,618.00
EFT13681	10/02/2023	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA INCORPORATED	STAFF TRAINING - LG PROFESSIONALS WORKSHOP	\$ 425.00
EFT13682	10/02/2023	MECH TECH DIESEL SERVICES PTY LTD	ROLLER REPAIRS	\$ 1,859.00
EFT13683	10/02/2023	MEDELECT	ANNUAL INSPECTION OF SHIRE DEFIBRILATORS	\$ 2,755.50
EFT13684	10/02/2023	MERREDIN PANEL AND PAINT	INSURANCE EXCESS	\$ 600.00
EFT13685	10/02/2023	MINERAL CRUSHING SERVICES	AGGREGATE SUPPLY - MOORINE SOUTH ROAD, KOOLYANOBING ROAD, AND KOORDA BULLFINCH ROAD	\$ 56,824.09
EFT13686	10/02/2023	MOORE AUSTRALIA (WA) PTY LTD	ANNUAL BUDGET WORKSHOP - 24TH FEB 2023 - EMCS	\$ 1,155.00
EFT13687	10/02/2023	NEWMAN'S CONCRETE	ROAD CULVERT - CRAMPHORNE ROAD, EMU FENCE ROAD, KOOLYANOBING ROAD	\$ 40,399.92
EFT13688	10/02/2023	IXOM OPERATIONS PTY LTD	CHLORINE BOTTLE RENTAL - JANUARY 2023	\$ 465.12
EFT13689	10/02/2023	PAYWISE PTY LTD	PAYROLL DEDUCTIONS - NOVATED LEASE	\$ 483.21
EFT13690	10/02/2023	WA CONTRACT RANGER SERVICES	RANGER CONTRACT SERVICES - 31/01/2023 AND 13/02/2023	\$ 1,123.38
EFT13691	10/02/2023	ROSS'S DIESEL SERVICE	PRIME MOVER PARTS	\$ 2,431.00
EFT13692	10/02/2023	SHAC ELECTRICAL SERVICES	ELECTRICAL SERVICES - 3 LIBRA PLACE, SOUTHERN CROSS SEWERAGE, AND SWIMMING POOL	\$ 16,091.70
EFT13693	10/02/2023	DAIMLER TRUCKS PERTH	PRIME MOVER PARTS	\$ 1,454.61
EFT13694	10/02/2023	YILGARN SHIRE SOCIAL CLUB	PAYROLL DEDUCTIONS	\$ 96.00
EFT13695	10/02/2023	SOUTHERN CROSS CRANE HIRE	INSTALL CHRISTMAS TREE CRANE HIRE	\$ 514.65
EFT13696	10/02/2023	SYNERGY	POWER - JANUARY 2023	\$ 17,185.07
EFT13697	10/02/2023	TOWN PLANNING INNOVATIONS PTY LTD	TOWN PLANNING CONSULTANCY - GENERAL ADVICE AND COUNCIL REPORT PRODUCTION	\$ 2,268.75
EFT13698	10/02/2023	T-QUIP	MOWER PARTS	\$ 196.75
EFT13699	10/02/2023	TRASH TEST DUMMIES PTY LTD	KIDS ENTERTAINMENT - FINAL PAYMENT	\$ 2,475.00
EFT13700	10/02/2023	VITAL MEDICAL SUPPLIES	MEDICAL CENTRE EQUIPMENT	\$ 702.90
EFT13701	10/02/2023	WB CONTRACTING	CLEAN OUT CULVERTS - TURKEY HILL ROAD	\$ 2,312.75
EFT13702	10/02/2023	WESTRAC EQUIPMENT PTY LTD	GRADER PARTS	\$ 5,208.56
EFT13703	23/02/2023	AERODROME MANAGEMENT PTY LTD	TRAINING DEPOT STAFF SOUTHERN CROSS AERODROME - AERODROME REPORTING OFFICERS COURSE	\$ 16,624.41
EFT13704	23/02/2023	ALLIED KALGOORLIE	RELOCATION CHARGES FOR ADMIN STAFF - KALGOORLIE TO SOUTHERN CROSS	\$ 4,070.00
EFT13705	23/02/2023	ACPH CIVIL & PLANT HIRE	WATERCART HIRE - SOUTHERN CROSS SOUTH ROAD	\$ 8,382.00
EFT13706	23/02/2023	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT RECOVERY FOR DEBTORS - JANUARY 2023	\$ 383.57
EFT13707	23/02/2023	R DELLA BOSCA FAMILY TRUST	GRADER HIRE - PANIZZA ROAD AND EMU FENCE ROAD	\$ 9,817.50
EFT13708	23/02/2023	RATEPAYER	RATES REFUND	\$ 334.52
EFT13709	23/02/2023	BULLIVANTS PTY LTD	WORKSHOP LIFTING GEAR	\$ 1,430.00
EFT13710	23/02/2023	BUNNINGS GROUP LTD	BUILDING SUPPLIES - 11 ANTARES STREET	\$ 220.90
EFT13711	23/02/2023	AUST. GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTION	\$ 537.81
EFT13712	23/02/2023	COPIER SUPPORT	ADMIN AND CRC MONTHLY PHOTOCOPIER READINGS - 2022/2023 - FROM 24/01/2023 TO 21/02/2023	\$ 891.30
EFT13713	23/02/2023	COURIER AUSTRALIA	TOLL FREIGHT	\$ 181.92
EFT13714	23/02/2023	CRACK SEAL WA PTY LTD	SOUTHERN CROSS AERODROME APRON	\$ 9,537.00
EFT13715	23/02/2023	DIGGA WEST AND EARTHPARTS WA	TRUCK PARTS	\$ 1,632.40
EFT13716	23/02/2023	EASTERN DISTRICTS PANEL BEATERS & RADIATOR SPECIALISTS	PRIME MOVER REPAIRS	\$ 6,557.27

Shire of Yilgarn

Payments made from the Municipal Account for the Period 1st February 2023 to 28th February 2023  
Presented to Council, 16th March 2023

CHQ/EFT	Date	Payee	Description	Amount
<b>EFT</b>				
EFT13717	23/02/2023	GILBA DOWNS	ROADTRAIN HIRE - SOUTHERN CROSS SOUTH ROAD	\$ 7,920.00
EFT13718	23/02/2023	STAFF	STAFF INTERNET REIMBURSEMENT - 08/01/2022 - 07/02/2023	\$ 80.00
EFT13719	23/02/2023	GOLDEN CITY MOTORS	SUPPLY ISUZU UTE AND LESS TRADE-IN ISUZU UTE	\$ 20,220.00
EFT13720	23/02/2023	HANDY FUEL MANAGEMENT SOLUTIONS PTY LTD	SERVICE AND CALIBRATION ON DEPOT FUEL BOWSER	\$ 3,074.50
EFT13721	23/02/2023	JB HIFI SOLUTIONS	AUSTRALIA DAY SUPPLIES - INCLUDING TOASTER	\$ 628.00
EFT13722	23/02/2023	CHIVAS ENTERPRISES PTY LTD	ROLLER HIRE - SOUTHERN CROSS SOUTH ROAD	\$ 6,688.00
EFT13723	23/02/2023	CONSULTANT	REIMBURSEMENT FOR ACCOMMODATION AND TRAVEL EXPENSES	\$ 1,383.66
EFT13724	23/02/2023	RATEPAYER	RATES REFUND	\$ 4,000.00
EFT13725	23/02/2023	MINERAL CRUSHING SERVICES	AGGREGATE SUPPLY - MOORINE SOUTH ROAD AND KOOLYANOBING ROAD	\$ 11,390.80
EFT13726	23/02/2023	MISMATCH WORKSHOP	3 LIBRA PLACE LANDSCAPING	\$ 670.60
EFT13727	23/02/2023	MOORE AUSTRALIA (WA) PTY LTD	FINAL BILLING FOR FINANCIAL MANAGEMENT AND RISK CONTROLS AUDIT	\$ 1,100.00
EFT13728	23/02/2023	OFFICE NATIONAL	ADMIN, DEPOT, CARAVAN PARK, MUSEUM AND CRC STATIONERY - INCLUDING PRINTER AND TONER CARTRIDGES	\$ 1,350.41
EFT13729	23/02/2023	PAYWISE PTY LTD	PAYROLL DEDUCTIONS - NOVATED LEASE	\$ 483.21
EFT13730	23/02/2023	MUSEUM VOLUNTEER	REIMBURSEMENT FOR MUSEUM STATIONERY - STICKY DOTS FOR PHOTOGRAPHY SECTION	\$ 18.00
EFT13731	23/02/2023	SOUTHERN COMFORT DESIGNS	BUILDING SERVICES - ADMIN OFFICE	\$ 5,193.93
EFT13732	23/02/2023	E. & M.J. ROSHER PTY LTD	SEWELL SWEEPER AND SPARE BRUSH SET	\$ 63,550.00
EFT13733	23/02/2023	SHAC ELECTRICAL SERVICES	ELECTRICAL SERVICES - INCLUDING AIRCON REPLACEMENT CARAVAN PARK RESIDENCE AND 2 LIBRA PLACE	\$ 12,788.00
EFT13734	23/02/2023	SHEQSY PTY LTD	GPS PACKAGE - FEBRUARY 2023	\$ 197.84
EFT13735	23/02/2023	SOUTH METRO TAFE	TAFE FEES FOR APPRENTICE MECHANIC	\$ 133.30
EFT13736	23/02/2023	YILGARN SHIRE SOCIAL CLUB	PAYROLL DEDUCTIONS	\$ 90.00
EFT13737	23/02/2023	FOODWORKS - SRI DEVESH PTY LTD	FOODWORKS PURCHASES - JANUARY 2023 - INCLUDING ADMIN, DEPOT, CRC, AND AUSTRALIA DAY SUPPLIES	\$ 952.76
EFT13738	23/02/2023	ACS SWAN EXPRESS PRINT	DEPOT VEHICLE PRE-START BOOKS	\$ 869.00
EFT13739	23/02/2023	SOUTHERN CROSS GENERAL PRACTICE	PRE EMPLOYMENT MEDICAL - X2	\$ 807.40
EFT13740	23/02/2023	SOUTHERN CROSS HARDWARE AND NEWS	HARDWARE AND NEWS PURCHASES - JANUARY 2023 - INCLUDING 11 ANTARES STREET BUILDING SUPPLIES	\$ 6,316.17
EFT13741	23/02/2023	SOUTHERN CROSS MOTOR MART	MOTOR MART PURCHASES - JANUARY 2023 - INCLUDING SWIMMING POOL EQUIPMENT - BLOWER AND LAWN MOWER	\$ 2,073.15
EFT13742	23/02/2023	SOUTHERN CROSS TYRE & AUTO SERVICES	TYRE & AUTO SERVICE - JANUARY 2023 - INCLUDING PRIME MOVER TYRES AND TRAILER TYRES	\$ 5,740.96
EFT13743	23/02/2023	WATER CORPORATION	WATER - FEBRUARY 2023 - INCLUDING COMMUNITY STANDPIPES	\$ 158,291.42
EFT13744	23/02/2023	WB CONTRACTING	ROAD CONSTRUCTION PREPERATION - THREE BOYS ROAD	\$ 8,453.50
EFT13745	23/02/2023	WURTH AUSTRALIA PTY LTD	MECHANIC VEHICLE PARTS	\$ 284.12
EFT13746	23/02/2023	THE WORKWEAR GROUP PTY LTD	DEPOT STAFF UNIFORM	\$ 257.80
EFT13747	23/02/2023	YILGARN PLUMBING AND GAS	PLUMBING SERVICES - INCLUDING SOUTHERN CROSS SEWERAGE REPAIRS AND REPLACEMENT RPZ	\$ 7,177.50
<b>TOTAL MUNICIPAL EFT:</b>				<b>\$ 670,526.82</b>

Shire of Yilgarn

Payments made from the Municipal Account for the Period 1st February 2023 to 28th February 2023  
Presented to Council, 16th March 2023

CHQ/EFT	Date	Payee	Description	Amount
<b>DIRECT DEBITS</b>				
DD17587.1	31/01/2023	THE TRUSTEE FOR AWARE SUPER	PAYROLL DEDUCTIONS	\$ 13,466.84
DD17587.2	31/01/2023	HESTA SUPER FUND	PAYROLL DEDUCTIONS	\$ 582.28
DD17587.3	31/01/2023	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	\$ 117.77
DD17587.4	31/01/2023	HOSTPLUS EXECUTIVE	PAYROLL DEDUCTIONS	\$ 524.88
DD17587.5	31/01/2023	PRIME SUPER	PAYROLL DEDUCTIONS	\$ 543.13
DD17587.6	31/01/2023	REST (RETAIL EMPLOYEES SUPERANNUATION TRUST)	PAYROLL DEDUCTIONS	\$ 1,062.53
DD17587.7	31/01/2023	BEATON FARMING CO SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	\$ 447.52
DD17587.8	31/01/2023	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 2,615.11
DD17587.9	31/01/2023	CBUS	SUPERANNUATION CONTRIBUTIONS	\$ 681.85
DD17587.10	31/01/2023	THE TRUSTEE FOR MACQUARIE SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	\$ 552.94
DD17587.11	31/01/2023	BT SUPER FOR LIFE ACCOUNT	SUPERANNUATION CONTRIBUTIONS	\$ 750.93
DD17587.12	31/01/2023	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	\$ 272.30
DD17587.13	31/01/2023	BT PANORAMA SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 546.45
<b>TOTAL DIRECT DEBIT 17587:</b>				<b>\$ 22,164.53</b>
DD17623.1	14/02/2023	THE TRUSTEE FOR AWARE SUPER	PAYROLL DEDUCTIONS	\$ 14,010.73
DD17623.2	14/02/2023	HESTA SUPER FUND	PAYROLL DEDUCTIONS	\$ 585.51
DD17623.3	14/02/2023	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	\$ 93.84
DD17623.4	14/02/2023	HOSTPLUS EXECUTIVE SUPERANNUATION FUND	PAYROLL DEDUCTIONS	\$ 559.89
DD17623.5	14/02/2023	PRIME SUPER	PAYROLL DEDUCTIONS	\$ 609.38
DD17623.6	14/02/2023	REST (RETAIL EMPLOYEES SUPERANNUATION TRUST)	PAYROLL DEDUCTIONS	\$ 1,249.92
DD17623.7	14/02/2023	BEATON FARMING CO SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	\$ 779.44
DD17623.8	14/02/2023	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 1,949.55
DD17623.9	14/02/2023	CBUS	SUPERANNUATION CONTRIBUTIONS	\$ 750.25
DD17623.10	14/02/2023	THE TRUSTEE FOR MACQUARIE SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	\$ 642.22
DD17623.11	14/02/2023	BT SUPER FOR LIFE ACCOUNT	SUPERANNUATION CONTRIBUTIONS	\$ 857.72
DD17623.12	14/02/2023	MLC SUPER FUND	SUPERANNUATION CONTRIBUTIONS	\$ 306.32
DD17623.13	14/02/2023	BT PANORAMA SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 621.20
<b>TOTAL DIRECT DEBIT 17623:</b>				<b>\$ 23,015.97</b>
<b>TOTAL DIRECT DEBITS:</b>				<b>\$ 45,180.50</b>

Shire of Yilgarn

Payments made from the Municipal Account for the Period 1st February 2023 to 28th February 2023  
Presented to Council, 16th March 2023

CHQ/EFT	Date	Payee	Description	Amount
<b>BANK CHARGES</b>				
	01/02/2023	WESTPAC BANK	BANK CHARGES	\$ 10.00
	01/02/2023	WESTPAC BANK	BANK CHARGES	\$ 161.59
	01/02/2023	WESTPAC BANK	BANK CHARGES	\$ 583.54
			<b>TOTAL BANK CHARGES:</b>	<b>\$ 755.13</b>

Shire of Yilgarn

Payments made from the Municipal Account for the Period 1st February 2023 to 28th February 2023  
Presented to Council, 16th March 2023

CHQ/EFT	Date	Payee	Description	Amount
<b>CHQ</b>				
Chq/EFT	Date	Name	Description	Amount
2102	01/02/2023	SHIRE OF YILGARN - PAYROLL	NET PAYROLL PPE - 31/01/2023	\$ 110,859.05
2103	01/02/2023	SOUTHERN CROSS GENERAL PRACTICE	UNDERPAYMENT FOR MONTHLY PAYMENT TO THE DOCTOR - JANUARY 2023	\$ 1,400.00
2104	01/02/2023	SOUTHERN CROSS GENERAL PRACTICE	UNDERPAYMENT FOR MONTHLY PAYMENT TO THE DOCTOR - FEBRUARY 2023	\$ 1,400.00
2105	15/02/2023	SHIRE OF YILGARN - PAYROLL	NET PAYROLL PPE - 14/02/2023	\$ 103,629.89
2106	15/02/2023	TELCO CHOICE - COMMANDER CENTRE NORTH PERTH	COMMANDER TELEPHONE FEES - DATA, EQUIPMENT, VOICE - JANUARY 2023	\$ 1,357.03
2107	08/02/2023	TELSTRA	PHONE - JANUARY 2023 - CCTV	\$ 3.60
2108	13/02/2023	TELSTRA	PHONE - JANUARY 2023 - ALARMS	\$ 174.00
2109	14/02/2023	TELSTRA	PHONE - JANUARY 2023 - SHIRE	\$ 882.53
2110	16/02/2023	SOUTHERN CROSS GENERAL PRACTICE	UNDERPAYMENT OF MONTHLY PAYMENT TO THE DOCTOR - FEBRUARY 2023	\$ 8,200.00
2111	21/02/2023	TELSTRA	PHONE - JANUARY 2023 - MANAGER MOBILES	\$ 673.53
2112	03/02/2023	DEPARTMENT OF TRANSPORT	DOT LICENSING FROM 01/02/2023 TO 03/02/2023	\$ 10,600.25
2113	10/02/2023	DEPARTMENT OF TRANSPORT	DOT LICENSING FROM 06/02/2023 TO 10/02/2023	\$ 13,216.35
2114	06/02/2023	MOTORCHARGE LIMITED	FUEL CARD - JANUARY 2023	\$ 1,131.92
2115	17/02/2023	DEPARTMENT OF TRANSPORT	DOT LICENSING FROM 13/02/2023 TO 17/02/2023	\$ 7,822.90
2116	24/02/2023	CANON FINANCE AUSTRALIA PTY LTD	BACK PHOTOCOPIER LEASE - FEBRUARY 2023	\$ 127.62
2117	24/02/2023	DEPARTMENT OF TRANSPORT	DOT LICENSING FROM 20/02/2023 TO 24/02/2023	\$ 12,005.25
2118	27/02/2023	DEPARTMENT OF TRANSPORT	DOT LICENSING - 27/02/2023	\$ 309.85
2119	14/02/2023	WESTPAC BANKING CORPORATION	EMCS CREDIT CARD - JANUARY 2023	3544.64
2120	14/02/2023	WESTPAC BANKING CORPORATION	CEO CREDIT CARD - JANUARY 2023	89.85
2121	13/02/2023	TELCO CHOICE - COMMANDER CENTRE NORTH PERTH	COMMANDER TELEPHONE FEES - FEBRUARY 2023	250.00
<b>TOTAL MUNICIPAL CHEQUES:</b>				<b>\$ 277,678.26</b>

Shire of Yilgarn

Payments made from the Municipal Account for the Period 1st February 2023 to 28th February 2023  
Presented to Council, 16th March 2023

CHQ/EFT	Date	Payee	Description	Amount
<b>CORPORATE CREDIT CARDS</b>				
CEOCC- JAN23	14/02/2023	OAKTREE CASE	PROTECTIVE PHONE CASE	\$ 89.85
				<b>TOTAL CEO CREDIT CARD: \$ 89.85</b>
EMCSCC- JAN23	14/02/2023	SEEK	ADVERTISING FOR FINANCE MANAGER POSITION	\$ 874.50
EMCSCC- JAN23	14/02/2023	DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION	CLEARING PERMIT APPLICATION	\$ 1,500.00
EMCSCC- JAN23	14/02/2023	SAFETYCULTURE PTY LTD	IAUDITOR SUBSCRIPTION FOR PERFORMING WORKPLACE INSPECTIONS - JANUARY 2023	\$ 26.40
EMCSCC- JAN23	14/02/2023	DEPARTMENT OF TRANSPORT	PLATE CHANGE	\$ 18.50
EMCSCC- JAN23	14/02/2023	FLEX INDUSTRIES PTY LTD	PRIME MOVER SERVICE	\$ 976.25
EMCSCC- JAN23	14/02/2023	OPTUS	DATA PLAN FOR CONTRACT EHO	\$ 69.00
EMCSCC- JAN23	14/02/2023	IINET/WESTNET	MONTHLY CHARGES FOR BUSINESS NBN - JANUARY 2023	\$ 79.99
				<b>TOTAL EMCS CREDIT CARD: \$ 3,544.64</b>
				<b>TOTAL CREDIT CARD: \$ 3,634.49</b>