



SHIRE OF MT MARSHALL

AGENDA

Notice is hereby given that the next Ordinary Meeting of Council will be held at 3:00pm in Council Chambers, 71 Monger St, Bencubbin on Tuesday 21 March 2023.

Ben McKay
Chief Executive Officer

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SHIRE OF MT MARSHALL

QUESTION TIME FOR THE PUBLIC

❖ {Please Write Clearly}

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:-

❖ {GENERAL QUESTION / QUESTION RELATED TO THE AGENDA}

❖ {Strike out unnecessary words}

ITEM NO: _____

PAGE NO: _____

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 9:30AM ON THE DAY OF THE MEETING AT THE SHIRE OF MT MARSHALL OFFICE, MONGER STREET, BENCUBBIN.

Agenda for the Ordinary Meeting of the Shire of Mt Marshall to be held in Council Chambers, Monger St, Bencubbin on Tuesday 21 March 2023, commencing at 3:00pm.

AGENDA

DISCLAIMER

MEMBERS OF THE PUBLIC ARE REQUESTED TO READ THROUGH AND FAMILIARISE THEMSELVES WITH THE DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Mt Marshall for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Mt Marshall disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

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

Ben McKay
Chief Executive Officer

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5. Declarations of Interest
6. Confirmation of Minutes of Previous Meetings
 - 6.1 Minutes of the Ordinary Meeting held on Tuesday 14 February 2023

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 14 February 2023 be confirmed as a true and correct record of proceedings.

7. Announcements by Presiding Person Without Discussion
8. Reports of Councillors
 - 8.1 President

The President represented the Shire at the following meetings and training opportunities from 15 February 2023 to 21 March 2023.

15/02/2023	Facilities and Services Committee Meeting, Beacon, with Cr Tanya Gibson, CEO Ben McKay, CCD Rebecca Watson and members of the Committee
20/02/2023	North Eastern Wheatbelt Regional Organisation of Councils (NEWROC), Dowerin, with other members of the Committee.
24/02/2023	Kununoppin Local Health Advisory Group (LHAG) meeting, Kununoppin, with CEO Ben McKay and members of the Committee.
27/02/2023	Central East Accommodation & Care Alliance Inc Meeting and Workshop, Merredin, with CEO Ben McKay and members of the Committee.
28/02/2023	WALGA Great Eastern Country Zone (GECZ) Wheatbelt Conference, Merredin, with Cr Tanya Gibson, Cr Leanne Gobbart, CEO Ben McKay, RO Jordan Millar, Invited Guests, WALGA Representatives and other GECZ Local Government Representatives.
7/03/2023	Audit Committee Meeting, Council Chambers, with Deputy President Cr Nick Gillett, Cr Stuart Putt, CEO Ben McKay, FAM Tanika McLennan and EA Nadine Richmond.
8/03/2023	WALGA Transport and Roads Forum, Perth, with CEO Ben McKay.
10/03/2023	Mt Marshall Centenary Option Discussions, Council Chambers with Deputy President Cr Nick Gillett, Cr Ian Sanders, Cr Stuart Putt (Telephone) and CEO Ben McKay.

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

- 15/03/2023** North Eastern Wheatbelt Regional Organisation of Councils (NEWROC) Emergency Management Day, Trayning, with RO Jordan Millar.
- 18/03/2023** Mt Marshall & Districts Community Show, Bencubbin, with the Member for the Central Wheatbelt Hon Mia Davies MLA, Councillors, CEO Ben McKay, Shire staff, Agency Representatives and community members.

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- 11.6.2** Subdivision Application – WAPC 163288 – Lot 51, 2758, 2803 Felbar Road, Welbungin
- 11.6.3** Subdivision Application – WAPC 163319 – Lot 1326 Longmuir Road, Gabbin
- 11.6.4** Subdivision Application – WAPC 163286 – Lot 2950 Mitchell Road, Gabbin
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11.6.6 Subdivision Application – WAPC 163318 – Lot 4137 Hammond Road, Wialki

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- 13. New Business of an Urgent Nature Introduced by Decision of the Meeting**
- 14. Next Meeting – Tuesday 18 April 2023 commencing at 3.00pm in Beacon Hall, Hamilton St, Beacon**
- 15. Closure of Meeting**

10.0 Reports of Committees

10.1 Economic Development Grant Fund Committee

10.1.1 Minutes of the Economic Development Grant Fund Committee Meeting held 10 March 2023 and Applications for Round 2 – 2022/23 Economic Development Grant Fund

File No:	4.0604
Location/Address:	N/A Bencubbin News and Post
Name of Applicant:	Beacon Central Community Resource Centre Beacon Netball Club Beacon Primary School P & C Association
Name of Owner:	N/A
Author:	Rebecca Watson – Coordinator of Community Development
Attachments:	10.1.1a – Minutes of Economic Development Grant Fund Committee Meeting held Friday 10 March 2023 10.1.1b – CS.3.2 Economic Development Grant Fund Policy
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

This item asks Council to endorse the Economic Development Grant Fund Committee's meeting minutes and their recommendations for funding in the second round of Economic Development Grant Fund 2022/2023.

Background:

As part of the Mt Marshall annual budget for 2022/2023, Council continued the Economic Development Fund (EDF) with a total allocation of \$40,000.00. The fund is open twice annually for Community Groups and Businesses to make applications for funding of projects which benefit the community and promote economic development within the Shire of Mt Marshall. The first round saw 3 applications received.

A Council appointed committee met on Friday 10 March 2023 to assess the four applications received in this round. This item presents the applications, and the committee recommendation relating to each application. Also presented with this report are the minutes from the committee meeting.

As the applications contain both financial and sensitive business information it is not appropriate that they are presented as attachments to this item as they would then be open for public inspection. However, Councillors are able to view any and all of the documents in advance of the Council meeting.

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Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Council adopted Policy CS3.2 (copy attached) relating to this funding.

Financial Implications:

This year Council set aside \$40,000 to the fund, to be awarded over two rounds.

Risk Assessment:

There is a risk that if this funding were not available Council would be requested to fund projects without the necessary scrutiny and need for formal application, assessment and acquittal.

Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

The Economic Development Grant Fund Committee met on 10 March 2023 and discussed the four applications at length. The minutes of the meeting are at attachment 10.1.1a. It is important to note that it will be a requirement for all grant money recipients to properly acquit the grant funding, and an amount less than awarded may be provided subject to the provision of receipts.

Listed below is information relating to each application and reasons for the committee recommendation.

Bencubbin News & Post

Purchase of new mailboxes at the Bencubbin Post Office to ensure the community can have access to their mail 24/7. The upgraded box will supply an additional 6 mailboxes to the community taking it to a total of 105 boxes. The new facility will ensure that local businesses and community members are able to access mail more effectively into the future.

Beacon Central Community Resource Centre

Funding will be used to assist Beacon Central to re-establish the Beacon Toy Library Service within the community. It is hoped that the additional service will encourage more people to utilise the Beacon Central Service and the families will have access to toys that they may not be able to afford to purchase. The amount requested was slightly different to the recommended funding as the application was submitted for close to 50% of total project cost however according to Council policy CS.3.2 - Economic Development Grant Fund the Beacon Central Community Resource Centre is classed in the commercial stream rather than community group. Applications in the commercial stream are only eligible to apply for one third of the project costs. The Shire Policy was updated in 2021 to better determine if organisations were classified as commercial or community groups.

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Beacon Netball Club

Although the Committee could see the community benefits this project was not seen to provide sufficient economic benefits to the community and did not fit within the scope of the Economic Development Grant Fund. The project was for the purchase of uniforms, first aid equipment and seating for the Beacon Netball Club. It was suggested that the Club Support Funding is a more appropriate funding pool for the requested items. The Beacon Netball Club will be advised of this and provided with information on the next funding round.

Beacon Parents and Citizens Association

Funding was sought for a tank, pump, reticulation and lawn to expand the grass area at the front of the Beacon Primary School. Again, although there is merit in the application and the school community would benefit from the project, unfortunately it does not provide sufficient economic development to the community therefore does not fit within the scope of the Economic Development Grant Fund.

COMMITTEE RECOMMENDATION:

That Council:

1. ***endorse the minutes from the Economic Development Grant Fund Committee meeting of 10 March 2023 at attachment 10.1.1a;***
2. ***endorse the recommendations (as detailed above) of the Economic Development Committee by making the following awards:***
 - (i) ***Application 1 – Bencubbin News and Post be awarded \$3,368.80 towards the purchase and installation of new mail boxes;***
 - (ii) ***Application 2 – Beacon Central CRC be awarded \$760.00 for the establishment of a Toy Library;***
 - (iii) ***Application 3 – Beacon Netball Club is not awarded funding for the purchase of uniforms and equipment;***
 - (iv) ***Application 4 – Beacon P & C Association is not awarded funding for lawn extension and water tank installation at Beacon Primary School.***

10.2 Facilities and Services Committee

10.2.1 Minutes of the Facilities and Services Committee Meeting held 15 February 2023

File No:	4.0514
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	10.2.1 – Minutes of the Facilities and Services Meeting held 15 February 2023
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	N/A

Report Purpose:

A meeting of the Facilities and Services Committee was held on Wednesday 15 February and this report seeks Council endorsement of the minutes.

Background:

The Shire's Facilities and Services Committee was established at the August 2021 ordinary meeting of Council. The Committee's purpose is to work with groups from across the community to address their concerns regarding equity in facilities and services.

Consultation:

Nil

Statutory Environment:

Local Government Act (1995)

Section 5.8: Establishment of Committees

A local government may establish committees of three (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.

Relevant Plans and Policy:

Nil

Financial Implications:

Nil from this report.

Risk Assessment:

Failure to have Council endorse the minutes of a Council appointed committee would be a breach of the *Local Government Act 1995*.

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Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

The minutes of the Facilities and Services Committee meeting held on Wednesday 15 February 2023 are submitted for Council endorsement.

OFFICER RECOMMENDATION:

That Council endorse the minutes of the Facilities and Services Committee Meeting held on 15 February 2023.

10.3 Audit Committee

10.3.1 Minutes of Audit Committee Meeting Held Tuesday 7 March 2023 and the 2022 Compliance Audit Return

File No:	4.0520, 4.0140
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	10.3.1a - Minutes of Audit Committee Meeting held 7 March 2023 10.3.1b - 2022 Compliance Audit Return
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

A meeting of the Audit Committee was held on Friday 10 March to consider the 2022 Compliance Audit Return (CAR) and this report seeks Council endorsement of their recommendation regarding the 2022 CAR and minutes of the meeting.

Background:

The Local Government (Audit) Regulations 1996 require that the Shire carry out a Compliance Audit Return for the period 1 January to 31 December each year, and after carrying out the Audit prepare a Compliance Audit Return in a form approved by the Minister.

The Audit Committee is required to review the annual CAR and report to the Council the results of that review prior to adoption of the CAR by Council. The CAR is then to be presented to the Council for adoption and recorded in the minutes of the meeting at which it is adopted.

Consultation:

Ongoing consultation between Shire staff and the auditors allows the administration to be aware of any legislative changes or requirements set by the Auditor General.

Statutory Environment:

Local Government Act 1995, Section 7

Division 2 — Appointment of auditors

7.2. Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

Relevant Plans and Policy:

Nil

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

Financial Implications:

Nil from this report.

Risk Assessment:

Failure to have Council endorse the minutes of a Council appointed committee would be a breach of the *Local Government Act 1995*. Further there would be the potential of not meeting the statutory guidelines requiring adoption and submission of the annual Compliance Audit Return.

Community & Strategic Objectives:

Governance and Leadership

External audits and reviews confirm compliance with relevant Local Government legislation.

Comment:

The Shire's Audit Committee met on Tuesday 7 March 2023 to consider the 2022 Compliance Audit Return. The minutes of the Audit Committee meeting held and 2022 Compliance Audit Return are submitted for Council endorsement.

COMMITTEE RECOMMENDATION:

That Council:

- 1. endorse the minutes of the Audit Committee Meeting held 7 March 2023 (attachment 10.3.1a) and the 2022 Compliance Audit Return (attachment 10.3.1b).***
- 2. endorse a certified copy of the 2022 Compliance Audit Return being forwarded to the Department of Local Government, Sports and Cultural Industries in accordance with the Local Government (Audit) Regulations 1996.***

11.0 Reports of Officers

11.1 Chief Executive Officer

11.1.5 Chief Executive Officer Annual Leave

File No:	STAFF
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Ben McKay – Chief Executive Officer
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

The purpose of this report is to consider an application for leave by the Chief Executive Officer.

Background:

The Chief Executive Officer is employed, as required by the Local Government Act 1995, under a contract of employment. That contract stipulates (Section 9.1) that leave is to be approved by the Council, or by the President if the Council so resolves. At the Ordinary Meeting of Council in February 2017 Council resolved that leave for periods of 5 days or less could be approved by the President. This item comes to Council as the request for leave is for a period of seven days.

Consultation:

There has been consultation conducted for this matter.

Statutory Environment:

Local Government Act 1995

5.39. Contracts for CEO and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

(a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

Relevant Plans and Policy:

There are no relevant plans or policies for this matter.

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Financial Implications:

There would be a financial implication in the increased remuneration to be paid to the Acting Chief Executive Officer should it be required.

Risk Assessment:

There is a risk to the organisation if leave arrangements are not properly planned.

Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

As there is a relatively short period of leave spread over two weeks it is not felt that there is need to appoint an acting Chief Executive Officer. Appropriate arrangements will be made regarding contact along with any requirements for signatures in the absence of the Chief Executive Officer.

OFFICER'S RECOMMENDATION:

That Council approve annual leave for the Chief Executive Officer during the period of May 18, 2023, to May 26, 2023, inclusive (Total of 7 days)

11.1.6 Beacon Central Community Resource Centre Request For Fees & Charges Discount

File No:	4.0236
Location/Address:	Shire of Mt Marshall
Name of Applicant:	Beacon Central Community Resource Centre
Name of Owner:	Shire of Mt Marshall
Author:	Ben McKay – Chief Executive Officer
Attachments:	11.1.6 - Email from Beacon Central Requesting Discount
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

The purpose of this report is to consider a request from the Beacon Central Community Resource Centre for the use of the Shire community bus for a discounted rate.

Background:

The Beacon Central Community Resource Centre (CRC) has been running wildflower tours around the Beacon area for the last couple of years. The tours offer an excellent opportunity for visitors to the area to be shown various wildflowers with expert information and commentary provided by some local volunteers. In order to get to the different sites to show off the wildflowers, the Shire community bus is hired by the group.

A similar request has been made in previous years and following a request for a discount on the cost of hiring the bus last year, the following resolution was carried:

2022/7-005 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

That Beacon Central be offered a set fee of \$75 inclusive of GST, per tour for the use of the community bus when conducting wildflower tours.

Moved Cr TM Gibson

Seconded Cr LN Gobbart

Carried 6/0

An email request for a similar discount was received recently, a copy of which is attached to this item.

Consultation:

There has been consultation conducted for this matter.

Statutory Environment:

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts:

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or

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(c) write off any amount of money,
which is owed to the local government.

* Absolute majority required.

Relevant Plans and Policy:

There are no relevant plans or policies for this matter.

Financial Implications:

Any discount provided would result in a reduction of income to the amount of the discount provided as the request was not made prior to the adoption of the 2022/23 Fees and Charges.

Risk Assessment:

There is a risk that this small volunteer group would struggle to be able to provide an important tourism offering if they cannot afford to maintain the service.

Community & Strategic Objectives:

Community

Encourage and support volunteers and community groups to grow an active volunteer base that feels valued.

Comment:

The wildflower tours have proved increasingly popular over the last few years and was supported by Council through a discounted rate for the community bus last year. Although the tour is not offered by the Shire it does provide an important tourism opportunity catering for those holidaying in the Shire. It is hoped that this type of tour being available would both encourage people to attend and encourage those already attending to stay longer – both of which are important for the local economy.

Those providing the tour volunteer their time with the cost of the tour going towards the bus hire costs (with the tour doing roughly 100kms each time) and the cost of the lunch which is provided. The group are seeking a discount on the cost of the community bus hire fees.

The tours will operate every Monday during August and September with the first tour on Monday 7th August 2023 and final tour Monday 25th September 2023.

OFFICER'S RECOMMENDATION:

That Beacon Central be offered a set fee of \$75 inclusive of GST, per tour for the use of the new community bus when conducting wildflower tours.

11.1.7 Joint Venture Housing Agreements - Extension and Potential Alignment

File No:	AGREEMENTS
Location/Address:	Shire of Mt Marshall
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Ben McKay – Chief Executive Officer 11.1.7a - Joint Venture Housing Agreement 1998
Attachments:	11.1.7b - Joint Venture Housing Agreement 2000
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

The purpose of this report is to consider which option is most appropriate for the Shire's joint venture housing, given the agreed terms end in October 2023.

Background:

The Shire has entered into two separate joint venture housing agreements for the construction of eight properties. In 1998 the Shire entered into joint housing venture agreements for the following properties, which are due to expire in October 2023:

- Lot 3, 38 Hammond Street Bencubbin
- Lot 64, 40 Brown Street Bencubbin
- Lot 679, 6 Dunne Street Beacon
- Lot 30, 5 Rowlands Street Beacon

In 2000 the Shire entered into further joint housing venture agreements for the following properties, which are due to expire in June 2025:

- Lot 279, 1/39 Brown Street Bencubbin
- Lot 279, 2/39 Brown Street Bencubbin
- Lot 279, 3/39 Brown Street Bencubbin
- Lot 279, 4/39 Brown Street Bencubbin

The term of the Joint Venture agreement is 25 years. Because both parties hold an equitable interest in the project, those interests must be settled at the end of the term. There are several options available, including: -

1. Buy out or sale options (where agreed either party can buy out the other party's project interest, or the whole project can be sold, and the proceeds divided)
2. Assignment or transfer options (where either party's equitable interest can be assigned or transferred to each other or to another agreed party)
3. Extension or renewal of the agreement for a further term.

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The first agreement has now expired, and Department of Communities are seeking a decision for the extension and potential alignment of the agreements.

Consultation:

There has been no consultation conducted for this matter.

Statutory Environment:

N/A

Relevant Plans and Policy:

There are no relevant plans or policies for this matter.

Financial Implications:

There are no financial implications for this matter, other than the ongoing maintenance requirements that currently exist.

Risk Assessment:

There is a risk to the organisation that appropriate housing will not be available for the current tenants if the agreement is not extended.

Community & Strategic Objectives:

Environment (Built and Natural)

Deliver sustainable long-term planning for infrastructure that meets the needs of the community.

Comment:

As a result of the agreements nearing their end of term, it is appropriate to consider what Council's preferred option is. These options are outlined in Clause 7.1 of the agreement:

- a) to enter into a new joint venture agreement between the parties on new terms and conditions with the view to continuing the Project
- b) to extend the term of the exiting Agreement for a further period as agreed between the Parties.
- c) to assign or transfer the organisations interest in the Joint Venture property to another organisation or party which agrees to be bound by all the terms and conditions of this agreement for a new or is willing to negotiate a new Joint Venture agreement with Homewest (Communities)
- d) the Organisation to buy out Homewest (Communities) Equitable Interest in the Joint Venture at its current Market Value
- e) Homewest (Communities) to purchase the Organisations equitable interest in the Joint Venture Property at its current Market Value, thereby transfer proprietorship of the land to Homewest (Communities)
- f) to sell the Joint Venture Property at its current Market Value and divide the proceeds of the sale between the Parties based on each party's percentage equitable Interest in the Joint Venture as identified in Item 3 of the schedule.

Currently all the properties are tenanted, and no detailed investigations have been undertaken regarding the Shire buying out any of the properties. Therefore, it would be appropriate for the Shire to extend the current agreement.

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Rather than entering into new terms and conditions it is recommended that the current agreements be extended for a five (5) year period. This will allow the shire time to consider the requirements for these houses into the future.

The Department has noted that if the Shire opts to proceed with option (b), extending the current arrangements, the Joint Venture Agreement for units at 39 Brown Street will also be considered to be included in the extension to align the end dates for all Joint Venture Agreements.

OFFICER'S RECOMMENDATION:

That Council advise the Department of Communities their preference for extending the term of the existing agreement until October 2028, for the following properties:

- ***Lot 3, 38 Hammond Street Bencubbin***
- ***Lot 64, 40 Brown Street Bencubbin***
- ***Lot 679, 6 Dunne Street Beacon***
- ***Lot 30, 5 Rowlands Street Beacon***
- ***Lot 279, 1/39 Brown Street Bencubbin***
- ***Lot 279, 2/39 Brown Street Bencubbin***
- ***Lot 279, 3/39 Brown Street Bencubbin***
- ***Lot 279, 4/39 Brown Street Bencubbin***

11.1.8 Reconsideration of a Condition applied to Main Roads Referral for a Performance Based Standard Vehicle Access Agreement Application

File No:	4.0602
Location/Address:	Shire of Mt Marshall
Name of Applicant:	CTS Low Loaders
Name of Owner:	Shire of Mt Marshall
Author:	Ben McKay – Chief Executive Officer
Attachments:	11.1.8 – CTS Low Loaders Application
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	14 February 2023

Report Purpose:

The purpose of this report is for Council to reconsider a condition relating to an application to have sections of Kellerberrin-Bencubbin Rd, Askew Rd, Bencubbin-Beacon Rd, Gillett Rd, Koorda-Bullfinch Rd, Monger St, Potts Rd added to the Restricted Access Vehicle (RAV) network for Performance Based Standard (PBS) Tandem Drive Network 2B and mass level increase to AMMS Level 3.

Background:

At the Ordinary Council Meeting of 14 February 2023, Council resolved as follows:

That with respect to the application to have sections of Kellerberrin-Bencubbin Rd, Askew Rd, Bencubbin-Beacon Rd, Gillett Rd, Koorda-Bullfinch Rd, Monger St, Potts Rd added to the Restricted Access Vehicle (RAV) network for Performance Based Standard (PBS) Tandem Drive Network 2B and mass level increase to AMMS Level 3, Council supports the application for the above-mentioned roads to be included on the basis that the roads have been thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and are subject to a condition that stipulates the following:

- *Approval only relates to the use of a dolly / float combination for the cartage of equipment and not for quarry aggregate (as stated in Section D of attachment 11.1.3).*
- *Max Speed: 70k/ph.*
- *Visibility: Lights must be turned on at all times.*
- *All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.*
- *No operation on unsealed road segment when visibly wet, without the road owner's approval.*
- *Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40).*
- *Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is*

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permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.

Moved Cr SR Putt

Seconded Cr LN Gobbart

Carried 6/0

Consultation:

Discussions have been undertaken with the A/Director Heavy Vehicle Services for Main Roads.

Statutory Environment:

Road Traffic (Vehicles) Act 2012

Division 3 - Access restrictions on certain vehicles that comply with mass or dimension requirements.

Main Roads Western Australia administer the Restricted Access Vehicle (RAV) network. Should the application pertain to a local government-controlled road, concurrence from the Council is sought.

The Shire as the asset owner is requested to consider any restricted access vehicle (RAV) application and provide its consideration as to whether to include any proposed route onto the restricted access vehicle network.

Council has the ability to place limited conditions onto a RAV approval.

Relevant Plans and Policy:

There are no relevant plans or policies for this matter.

Financial Implications:

The inclusion of a road onto the HVS RAV network may improve road freight efficiency. However, there is also the potential for additional road user damage especially at intersections and after wet events.

Risk Assessment:

There will be an increase in risk of exposure for the community if PBS vehicles are supported.

Community & Strategic Objectives:

Governance and Leadership

Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community.

Comment:

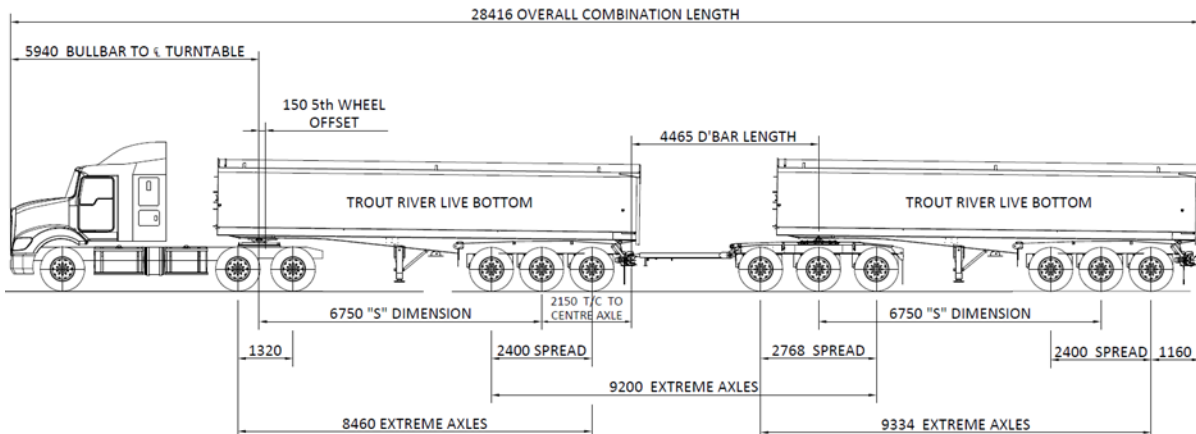
Council is requested to reconsider the condition stating:

“Approval only relates to the use of a dolly / float combination for the cartage of equipment and not for quarry aggregate”.

Further conversations have been had with main roads Heavy Vehicle Services to discuss the impact of the vehicle configuration.

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

The application (attachment 11.1.8) is for the following PBS vehicle combination, which is the same as a Category 4 RAV, except it is approximately 1 metre longer, the applicant is also requesting Level 3 AMMS mass limits.



Performance Based Standards (PBS) offers the potential for heavy vehicle operators to achieve higher productivity and safety through innovative vehicle design. Rather than assessing a vehicle based on prescriptive limits, PBS focuses on how well a vehicle behaves on the road, through a set of safety and infrastructure protection standards.

Following this clarification, it is evident that the proposed configuration will meet strict safety and infrastructure standards to ensure they are suited to the road network.

OFFICER'S RECOMMENDATION ONE:

That Council resolves to:

- 1. Revoke Council Resolution 2023/1-007 of the Ordinary Council Meeting of 14 February 2023, which reads as follows:***

That with respect to the application to have sections of Kellerberrin-Bencubbin Rd, Askew Rd, Bencubbin-Beacon Rd, Gillett Rd, Koorda-Bullfinch Rd, Monger St, Potts Rd added to the Restricted Access Vehicle (RAV) network for Performance Based Standard (PBS) Tandem Drive Network 2B and mass level increase to AMMS Level 3, Council supports the application for the above-mentioned roads to be included on the basis that the roads have been thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and are subject to a condition that stipulates the following:

- Approval only relates to the use of a dolly / float combination for the cartage of equipment and not for quarry aggregate (as stated in Section D of attachment 11.1.3).***
- Max Speed: 70k/ph.***
- Visibility: Lights must be turned on at all times.***

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

- *All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.*
- *No operation on unsealed road segment when visibly wet, without the road owner's approval.*
- *Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40).*
- *Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.*

Moved Cr SR Putt

Seconded Cr LN Gobbart

Carried 6/0

(Note: This recommendation will need three (3) Councillors to support this, being a mover, seconder and a third Councillor.)

Moved Cr

Seconded Cr

Third Cr

OFFICER'S RECOMMENDATION TWO:

That Council resolves to:

That with respect to the application to have sections of Kellerberrin-Bencubbin Rd, Askew Rd, Bencubbin-Beacon Rd, Gillett Rd, Koorda-Bullfinch Rd, Monger St, Potts Rd added to the Restricted Access Vehicle (RAV) network for Performance Based Standard (PBS) Tandem Drive Network 2B and mass level increase to AMMS Level 3, Council supports the application for the above-mentioned roads to be included on the basis that the roads have been thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and are subject to a condition that stipulates the following:

- ***Max Speed: 70k/ph.***
- ***Visibility: Lights must be turned on at all times.***
- ***All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.***
- ***No operation on unsealed road segment when visibly wet, without the road owner's approval.***
- ***Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40).***
- ***Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.***

11.2 Executive Assistant

11.2.2 Minutes of NEWROC Council Meeting held 20 February 2023

File No:	N/A
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	11.2.2 - Minutes of NEWROC Council Meeting held 20 February 2023
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

Background:

The Shire of Mt Marshall is a member of the North Eastern Wheatbelt Regional Organisation of Councils (NEWROC). NEWROC is not a formal organisation but was formed for the purpose of collaboration and joint initiatives between the Shires of Koorda, Mt Marshall, Mukinbudin, Nungarin, Trayning, Wyalkatchem and Dowerin and is governed by a Memorandum of Understanding (MOU) between these Shires.

NEWROC Council and NEWROC Executive meetings alternate on a bi-monthly basis.

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

Economy

Work with local business and other stakeholders to attract investment; create jobs and support business growth.

Encourage, promote, and deliver activities and events that promote our region and have a positive economic and social benefit.

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

Continue to work with regional partners to advocate for improved energy reliability and telecommunications coverage.

Comment:

The Minutes of the NEWROC Council meeting held on 20 February 2023 are submitted (Attachment 11.2.2) in order to keep all members abreast of the activities of the NEWROC Council.

The next meeting of the NEWROC Council is scheduled to be held on 27 April at the Shire of Mt Marshall.

OFFICER'S RECOMMENDATION:

That Council receive the minutes of the NEWROC Council meeting held on 20 February 2023.

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

11.3 Finance and Administration Manager

11.3.6 Accounts Paid to 28 February 2023

File No:	4.0557
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Paula Harris – Finance Officer
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

The purpose of this report is to provide Council with a list of accounts paid for endorsement.

Background:

Following is a list of accounts submitted to Council on Tuesday 21 March 2023 for the Municipal Fund, Trust Fund and Mastercard.

Councillor questions regarding any payments can be directed to Finance and Administration Manager, Tanika McLennan, prior to the meeting.

1. Municipal Fund

Chq/EFT	Date	Name	Description	Amount
EFT20059	2/02/2023	BOC GASES	JANUARY GAS SUPPLIES	31.57
EFT20060	2/02/2023	NINGHAN SPRAYING & AG SERVICES	ALPHA FLEX AND FREIGHT	450.00
EFT20061	2/02/2023	BENCUBBIN NEWS & POST	POSTAGE	28.20
EFT20062	2/02/2023	BEACON CENTRAL COMMUNITY RESOURCE CENTRE	CARAVAN PARK VOUCHERS	20.00
EFT20063	2/02/2023	WINC AUSTRALIA PTY LTD	BINDER COVERS	28.35

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

Chq/EFT	Date	Name	Description	Amount
EFT20064	2/02/2023	BENCUBBIN COMMUNITY RESOURCE CENTRE	PRINTING PO BOOKS	560.00
EFT20065	2/02/2023	PORKY'S ENTERPRISES	PUSH GRAVEL FOR BRUSE RD AND ASKEW RD	30310.50
EFT20066	2/02/2023	D & D TRANSPORT	FREIGHT ASPHALT IN A BAG	203.17
EFT20067	2/02/2023	TOLL IPEC PTY LTD	FREIGHT	39.92
EFT20068	2/02/2023	BENCUBBIN AG SUPPLIES	FAST SETTING CONCRETE	320.76
EFT20069	2/02/2023	MERREDIN PANEL & PAINT	SUPPLY AND FIT WINDSCREEN MM00	1184.70
EFT20070	2/02/2023	PALM PLUMBING	DISCONNECT OLD TANK AT BENCUBBIN BOWLING CLUB	2480.01
EFT20071	2/02/2023	MARKET CREATIONS T/A INTEGRATED ICT	MANAGED SERVICE AGREEMENT	2790.04
EFT20072	2/02/2023	QC ULTIMATE CLEAN	CARPET CLEANING	658.90
EFT20073	2/02/2023	KOMATSU AUSTRALIA PTY LTD	ELEMENT FOR SERVICE	550.51
EFT20074	2/02/2023	SCUD AG SUPPLIES	MAINTENANCE SUPPLIES	273.87
EFT20075	2/02/2023	SQUASH MAGIC CO	AUSTRALIA DAY INFLATABLES	1386.00
EFT20076	2/02/2023	HAMES SHARLEY	MT MARSHALL LOCAL PLANNING SCHEME REVIEW	4400.00
EFT20078	1/02/2023	SYNERGY	UTILITY CHARGES	1379.16
EFT20079	2/02/2023	SYNERGY	UTILITY CHARGES	295.83
EFT20080	2/02/2023	WATER CORPORATION	UTILITY CHARGES	2881.80
EFT20081	1/02/2023	CRISP WIRELESS PTY LTD	MONTHLY INTERNET SUBSCRIPTION	526.90
EFT20082	3/02/2023	WATER CORPORATION	UTILITY CHARGES	3196.89
EFT20083	9/02/2023	STAFF SOCIAL CLUB	PAYROLL DEDUCTIONS	155.00
EFT20084	9/02/2023	SHIRE OF MT MARSHALL TRUST ACCOUNT	PAYROLL DEDUCTIONS	399.00
EFT20085	9/02/2023	SYNERGY	UTILITY CHARGES	1056.36
EFT20086	7/02/2023	WATER CORPORATION	UTILITY CHARGES	20005.53
EFT20087	8/02/2023	WATER CORPORATION	UTILITY CHARGES	640.45

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Chq/EFT	Date	Name	Description	Amount
EFT20113	9/02/2023	SHIRE OF MT MARSHALL	HIRE BENCUBBIN COMPLEX FOR DEPARTMENT OF FIRE AND EMERGENCY	786.00
EFT20114	9/02/2023	EASTERN HILLS SAWS & MOWERS PTY LTD	SERVICE AND REPAIR HONDA LAWN MOWER	791.60
EFT20115	9/02/2023	NINGHAN SPRAYING & AG SERVICES	TAP ADAPTOR AND SPRINKLER	52.34
EFT20116	9/02/2023	KTY ELECTRICAL SERVICES	REMOVE FLURO LUGHT AND REPLACE WITH LED BATTERNS	2379.00
EFT20117	9/02/2023	BENCUBBIN NEWS & POST	JANUARY PAPERS	86.40
EFT20118	9/02/2023	ICS CARPENTRY	FIX DOOR AT 7 ROWLANDS STREET BENCUBBIN	154.00
EFT20119	9/02/2023	BENCUBBIN TRUCK N AUTO'S	NEW TYRES AND FIX TRAILER LIGHT	6343.75
EFT20120	9/02/2023	TOLL IPEC PTY LTD	FREIGHT	61.24
EFT20121	9/02/2023	BENCUBBIN AG SUPPLIES	GAS BOTTLES X 2	401.83
EFT20122	9/02/2023	DEPARTMENT OF MINES,INDUSTRY REGULATION AND SAFETY (DMIRS)	JANUARY 23 BUILDING SERVICE LEVY	478.14
EFT20123	9/02/2023	GREAT SOUTHERN FUELS	JANUARY FUEL SUPPLIES	4090.32
EFT20124	9/02/2023	PALM PLUMBING	REPLACE SHOWER HEAD	420.33
EFT20125	9/02/2023	MARKET CREATIONS T/A INTEGRATED ICT	SUPPLY AND INSTALL 2 LAPTOPS FOR RO AND EA	5020.32
EFT20126	9/02/2023	MODUS AUSTRALIA	LAKE MCDEMOTT PROJECT 20% DEPOSIT TOILET BUILDING	3703.48
EFT20127	9/02/2023	AUSTRALIA POST	AUSTRALIA DAY FLYERS	16.50
EFT20128	9/02/2023	AFGRI EQUIPMENT AUSTRALIA	REPAIR/REPLACE HYDRAULIC HOSE	72.20
EFT20129	9/02/2023	A FOOT BELOW	FLUSH AND FIX RETIC SYSTEM	1100.00
EFT20130	9/02/2023	SOURCE MACHINERY PTY LTD	NEW 2023 KUBOTA SVL752FCW COMPACT TRACKED LOADER	134750.00
EFT20132	10/02/2023	BORAL CONSTRUCTION MATERIALS	SUPPLY AND LAY BITUMEN	208530.41
EFT20133	10/02/2023	SYNERGY	UTILITY CHARGES	58.75
EFT20134	14/02/2023	BENDIGO BANK	JANUARY SUPPLIES	2367.30
EFT20135	14/02/2023	TELSTRA LIMITED	UTILITY CHARGES	789.98

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Chq/EFT	Date	Name	Description	Amount
EFT20136	14/02/2023	AVON WASTE	RUBBISH COLLECTION JANUARY	7963.62
EFT20137	14/02/2023	SHIRE OF TRAYNING	DOCTORS HOUSE RENT AND VEHICLE EXPENSES JANUARY	1833.74
EFT20138	14/02/2023	CENTRAL WHEATBELT FOOTBALL LEAGUE	CENTRAL WHEATBELT WINTER SPORTS 2023 EXECUTIVE OFFICER ROLE CONTRIBUTION	2500.00
EFT20139	14/02/2023	GREAT SOUTHERN FUELS	SUPPLY OF DIESEL FUEL FOR BENCUBBIN DEPOT	22171.76
EFT20140	14/02/2023	BOB WADDELL & ASSOCIATES PTY LTD	ASSISTANCE WITH ANNUAL FINANCIAL REPORT 2021/2022	990.00
EFT20141	14/02/2023	MINERAL CRUSHING SERVICES (WA) PTY LTD	AGGREGATE SUPPLIED FROM DOODLAKINE QUARRY	6276.27
EFT20142	14/02/2023	PAULA HARRIS	UNIFORM REIMBURSEMENT	152.86
EFT20143	13/02/2023	WATER CORPORATION	UTILITY CHARGES	50.16
EFT20144	14/02/2023	SYNERGY	UTILITY CHARGES	408.96
EFT20145	16/02/2023	EASTERN HILLS SAWS & MOWERS PTY LTD	FILTER FOR HONDA LAWN MOWER SERVICE	29.00
EFT20146	16/02/2023	HITACHI	FILTERS AND SUNDRIES FOR SERVICE OF P005	2313.49
EFT20147	16/02/2023	TOLL IPEC PTY LTD	FREIGHT	15.75
EFT20148	16/02/2023	BENCUBBIN AG SUPPLIES	BATTERIES, BOLTS AND NUTS	36.63
EFT20149	16/02/2023	PALM PLUMBING	INSTALL TUNDISHES AT RES 39186 MOUROUBRA RD CLEARY AND LOT ADJ LOT 3241 BIMBIJY RD TAMPU	2064.70
EFT20150	16/02/2023	MARKET CREATIONS T/A INTEGRATED ICT	ACROBAT PRO SOFTWARE LICENSES	5891.73
EFT20151	16/02/2023	INITIAL HYGIENE	SANITARY DISPOSAL SERVICE	550.00
EFT20152	16/02/2023	CR ARC SACHSE	MEETING ALLOWANCE	1706.22
EFT20153	16/02/2023	CR NICK GILLETT	MEETING ALLOWANCE	1297.60
EFT20154	16/02/2023	CR STUART PUTT	MEETING ALLOWANCE	1479.54
EFT20155	16/02/2023	LEEANNE NOLA GOBBART	MEETING ALLOWANCE	523.75

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Chq/EFT	Date	Name	Description	Amount
EFT20156	16/02/2023	CR TM GIBSON	MEETING ALLOWANCE	848.59
EFT20157	16/02/2023	CONTRACT AQUATIC SERVICES	MONTHLY CONTRACT FEES AND POOL CHEMICALS	18491.00
EFT20158	16/02/2023	CR MEGAN BEAGLEY	MEETING ALLOWANCE	1150.68
EFT20163	17/02/2023	WATER CORPORATION	UTILITY CHARGES	47.55
EFT20164	20/02/2023	WATER CORPORATION	UTILITY CHARGES	2964.63
EFT20165	23/02/2023	STAFF SOCIAL CLUB	PAYROLL DEDUCTIONS	160.00
EFT20166	23/02/2023	SHIRE OF MT MARSHALL TRUST ACCOUNT	PAYROLL DEDUCTIONS	186.00
EFT20169	28/02/2023	TELSTRA LIMITED	UTILITY CHARGES	2081.11
EFT20170	28/02/2023	SHIRE OF MT MARSHALL	HIRE OF ACCOMMODATION UNIT FOR HOTSHOTS AND PEST SOLUTIONS	880.00
EFT20171	28/02/2023	WESFARMERS KLEENHEAT GAS P/L	EQUIPMENT SERVICE CHARGE BOTTLE HIRE	935.00
EFT20172	28/02/2023	NINGHAN SPRAYING & AG SERVICES	SUPPLIES FOR BEACON REC GROUND	987.63
EFT20173	28/02/2023	KTY ELECTRICAL SERVICES	TAG AND TESTING	3289.68
EFT20174	28/02/2023	BEACON COUNTRY CLUB INC.	BEACON CARAVAN PARK VOUCHERS	420.00
EFT20175	28/02/2023	AUSTRALIAN TAXATION OFFICE	BAS JANUARY	2639.00
EFT20176	28/02/2023	WINC AUSTRALIA PTY LTD	BATTERIES AND PAPER	343.30
EFT20177	28/02/2023	ICS CARPENTRY	WIALKI GOLF CLUB PART 2 VERANDA AREA	9434.70
EFT20178	28/02/2023	BENCUBBIN COMMUNITY RESOURCE CENTRE	EVENTS COCONTRIBUTION TO MENS HEALTH EVENT	3300.00
EFT20179	28/02/2023	HITACHI	LENS COVERS FOR HITACHI LOADER	255.01
EFT20180	28/02/2023	BENCUBBIN TRUCK N AUTO'S	NEW PUMP TO REPLACE OLD PUMP AT BEACON SPORTS GROUND	10634.41
EFT20181	28/02/2023	TOLL IPEC PTY LTD	FREIGHT	15.69
EFT20182	28/02/2023	KUNUNOPPIN MEDICAL PRACTICE	PRE EMPLOYMENT MEDICAL S MUNNS	330.00
EFT20183	28/02/2023	TUTT BRYANT EQUIPMENT	BOMAG TRAVEL LEVEL ALLOY GATE FOR STEEL ROLLER	317.33

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Chq/EFT	Date	Name	Description	Amount
EFT20184	28/02/2023	CR IC SANDERS	MEETING ALLOWANCE	493.18
EFT20185	28/02/2023	BOB WADDELL & ASSOCIATES PTY LTD	2021/22 ANNUAL REPORT ASSISTANCE	2227.50
EFT20186	28/02/2023	KC SALES	UNIFORMS FOR NEW STAFF	1710.80
EFT20187	28/02/2023	WA CONTRACT RANGER SERVICES	RANGER SERVICES	418.00
EFT20188	28/02/2023	PALM PLUMBING	REPLACE HOSE TAPS	461.98
EFT20189	28/02/2023	MARKET CREATIONS T/A INTEGRATED ICT	MANAGED SERVICE AGREEMENT	2029.50
EFT20190	28/02/2023	NOVUS AUTOGLASS	EXCESS FOR WINDSCREEN REPLACEMENT MM133	900.00
EFT20191	28/02/2023	THE BENCUBBIN SHOP	JANUARY SUPPLIES	1170.22
EFT20192	28/02/2023	SCUD AG SUPPLIES	INSECTICIDE	954.72
EFT20193	28/02/2023	MINERAL CRUSHING SERVICES (WA) PTY LTD	AGGREGATE SUPPLIED	8366.27
EFT20194	28/02/2023	HAMES SHARLEY	LOCAL PLANNING SCHEME REVIEW STAGE 3	4950.00
EFT20195	28/02/2023	SCOTSMAN FARMS PTY LTD	GRAVEL PURCHASED	1668.68
EFT20196	28/02/2023	OFF2SITE PROJECTS	DRAFTING BEACON REC CENTRE PROJECT	3608.00
EFT20197	10/02/2023	BOQ FINANCE	PHOTOCOPIER LEASE	214.96
EFT20198	22/02/2023	SYNERGY	UTILITY CHARGES STREETLIGHTS	2070.06
EFT20199	22/02/2023	WATER CORPORATION	UTILITY CHARGES	469.71
EFT20200	28/02/2023	SYNERGY	UTILITY CHARGES	4918.74
248	6/02/2023	WATER CORPORATION	UTILITY CHARGES	96.32
DD11725.1	8/02/2023	AWARE SUPER	PAYROLL DEDUCTIONS	6801.29
DD11725.2	8/02/2023	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	2441.00
DD11725.3	8/02/2023	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	519.72
DD11725.4	8/02/2023	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	295.96
DD11725.5	8/02/2023	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	733.80
DD11725.6	8/02/2023	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	243.42
DD11767.1	22/02/2023	AWARE SUPER	PAYROLL DEDUCTIONS	6861.80

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Chq/EFT	Date	Name	Description	Amount
DD11767.2	22/02/2023	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	2534.71
DD11767.3	22/02/2023	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	521.32
DD11767.4	22/02/2023	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	299.18
DD11767.5	22/02/2023	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	719.96
DD11767.6	22/02/2023	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	243.42
DD11767.7	22/02/2023	HOSTPLUS	SUPERANNUATION CONTRIBUTIONS	107.17
DD11767.8	22/02/2023	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	SUPERANNUATION CONTRIBUTIONS	119.67
				625,845.46

2. Trust

Chq/EFT	Date	Name	Description	Amount
15	21/02/2023	BOND ADMINISTRATOR	TRANSFER HOUSING BOND TO BOND ADMINISTRATOR	780.00
EFT20159	6/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023020241857	74.40
EFT20160	14/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023021041897	18.50
EFT20162	7/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023020341863 41862	169.80
EFT20201	15/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023021341900	473.55
EFT20202	20/02/2023	DEPARTMENT OF TRANSPORT	MMSO20230216	135.00
EFT20204	22/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023022041907	256.50
EFT20205	28/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023022441999	35.90
EFT20207	2/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023013141847 41846	2468.25
EFT20208	3/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023020141855 41854	220.40
EFT20209	21/02/2023	DEPARTMENT OF TRANSPORT	MMSO2023021741905	184.70
				4,817.00

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3. Mastercard

Details	Amount
Doterra Cleaning Products	117.45
Parking	31.39
Card Fees	4.00
Mine Box	1510.26
Little Hotelier SiteMinder	88.10
Little Hotelier SiteMinder	88.10
Card Fee	4.00
Office Supplies	79.40
Annual Post Box Renewal	105.00
Card Fees	4.00
Booster Seats	1002.95
2 x Strollers	908.00
Refreshments	63.00
Covid Phone Recharge	300.00
Little Bees Insurance C Bland	489.17
Card Fees	4.00
	4,798.82

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

This List of Accounts Paid under Delegation 14 and covering vouchers and direct debits as above was submitted to each Member of the Council for the Ordinary Meeting of **21 March 2023**. All invoices, being the subject of payments made, have been duly certified as to the receipt of goods and services, and prices, computations and costings have been checked against the expenditure authority (i.e. budget, purchase order, delegation).

Ben McKay
Chief Executive Officer

Consultation:

Tanika McLennan – Finance and Administration Manager

Statutory Environment:

Financial Management Regulations and the Local Government Act 1995

Relevant Plans and Policy:

Nil

Financial Implications:

An appropriate allowance has been made in the current year's budget to fund and authorise expenditure.

Risk Assessment:

Nil

Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Agenda for the Ordinary Meeting of Council on Tuesday 21 March 2023

Comment:

Nil

OFFICER'S RECOMMENDATION:

That Council endorse the Accounts Listed:

<i>Municipal Fund</i>	<i>\$</i>	<i>625,845.46</i>
<i>Trust Fund</i>	<i>\$</i>	<i>4,817.00</i>
<i>Mastercard</i>	<i>\$</i>	<i><u>4,798.82</u></i>
<i>Total</i>	<i>\$</i>	<i>635,461.28</i>

11.3.7 Statement of Financial Activity to 28 February 2023

File No:	4.0557
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Tanika McLennan - Finance & Admin Manager
Attachments:	11.3.7 – Statement of Financial Activity to 28 February 2023
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

The purpose of this report is to have Council approve the monthly statement of financial activity.

Background:

Under Regulation 34 of the Local Government (Financial Management) Regulations 1996 a local government is to prepare each month a statement of financial activity which includes annual budget estimates, year to date budget estimates, actual amounts expenditure, revenue and income, material variances and net current assets.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996

Relevant Plans and Policy:

Nil

Financial Implications:

The statement presented to Council is the most up to date information on its current financial position.

Risk Assessment:

Nil

Community & Strategic Objectives:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

Nil

OFFICER'S RECOMMENDATION:

The Council endorse the Statement of Financial Activity for the month ending 28 February 2023.

11.3.8 Budget Review as at 28 February 2023

File No:	4.0166
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Tanika McLennan – Finance and Administration Manager
Attachments:	11.3.8 - Budget Review 2023
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Report Purpose:

The purpose of this report is to have Council accept the budget review for February 2023.

Background:

The Local Government Act 1995 requires a local government to prepare a review of the Approved Budget each year for consideration by Council.

The purpose of this review is to ensure the Shire is on track to achieve the objectives outlined in the adopted budget and to make any adjustments as required as a result of actual events unfolding.

Consultation:

Ben McKay – Chief Executive Officer
Aaron Wootton – Works Supervisor
Rebecca Watson – Coordinator Community Development

Statutory Environment:

Local Govt. Act 1995 section 6.2 and Financial Management Regulations 33A
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.

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(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.

Relevant Plans and Policy:

N/A

Financial Implications:

Nil. Budget review shows expected variations but does not request any changes to the budget.

Risk Assessment:

Breach of Local Govt. Act 1995 section 6.2 and Financial Management Regulations 33A

Community & Strategic Objectives:

Governance and Leadership

- Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community.
- Implement systems and processes that meet our legal and audit obligations and the needs of the community.

Comment:

Financial Management Regulations require the Budget Review to be presented by 31 March each year, therefore the budget review has been prepared and is attached at 11.3.8. All projected variances which meet Council's reporting threshold of \$5,000 or 10% have been shown. The review shows a projected deficit of \$83,004.37 and as such, the Shire is likely to finish the year in a slightly worse position than budgeted. This is largely attributed to the opening position not being correct at the time of adopting the budget. Every effort has been and will continue to be made to limit this deficit, whilst still completing the budgeted projects.

OFFICER'S RECOMMENDATION:

That Council accept the Budget Review document for the period ending 28 February 2023 as presented.

11.4 Coordinator of Community Development

11.4.3 Reallocation of Unexpended Economic Development Grant Funds

File No:	4.0609
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Rebecca Watson – Coordinator of Community Development
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Report Purpose:

The purpose of this report is for Council to consider reallocating the unexpended Economic Development Grant Fund monies to the Shire Centenary account to enable planning for the centenary event to occur this financial year.

Background:

Council approved the 22/23 budget allocation of \$40,000 for the Economic Development Grant Fund. In round one \$4580.60 was allocated to three recipients. In round two, a total of four applications were received in which the Economic Development Grant Fund Committee has recommended that two of these to the value of \$3753.45 be approved. If Council agree to allocate this amount, account 1341562 (Economic Development Fund) will have remaining funds of over \$31,000.00.

The Chief Executive Officer has held discussions with Council regarding the upcoming Shire Centenary. The event is scheduled to be held over the weekend of 22nd – 24th September 2023. Given that the 2023/24 budget will not be adopted by Council until July/August, it would be beneficial for the event to be able to secure entertainment and hire of certain products with payment (including merchandise) this financial year. Account 0441001 (Centenary Celebrations) only has \$5000 available which will not be enough to make the required bookings/purchases.

Consultation:

Mr Ben Mckay – Chief Executive Officer
Ms Tanika McLennan – Finance and Administration Manager

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

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- (c) is authorised in advance by the mayor or president in an emergency.
* *Absolute majority required.*

Relevant Plans and Policy:

N/A

Financial Implications:

That \$31,000.00 of the remaining unallocated funds from account 1341562 (Economic Development Fund) be reallocated to account 0441001 (Centenary Celebrations) in the 2022/2023 annual budget.

Risk Assessment:

Without the funds for the event in the 2022/2023 annual budget no bookings and deposits will be able to be made this financial year. This would mean that we would not be able to secure entertainment and other items for the event with adequate time.

Community & Strategic Objectives:

Community

Deliver programs and services that engage with the wider community and engender community spirit.

Governance and Leadership

Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community.

Comment:

As the remaining funds from Account 1341562 (Economic Development Fund) will no longer be required, it would be beneficial to reallocate these funds to account 0441001 (Centenary Celebrations) to enable the planning and bookings for the centenary celebration event to progress.

OFFICER'S RECOMMENDATION:

That Council endorse reallocating \$31,000 from account 1341562 (Economic Development Fund) to account 0441001 (Centenary Celebrations) in the 2022/2023 annual budget.

11.5 Regulatory Officer

Nil

11.6 Development

11.6.1 Clearance of Condition of Subdivision Application – WAPC 162581 – Lot 68 and Lot 69 Cook Street, Beacon

File No:	4.0210
Location/Address:	Lot 68 and Lot 69 Cook Street, Beacon
Name of Applicant:	McMullen Nolan Group Pty Ltd
Name of Owner:	Anna and Peter S Munns
Author:	Jordan Millar – Regulatory Officer
Attachments:	11.6.1a – WAPC Approval 11.6.1b – Subdivision Clearance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

A request to clear conditions of subdivision application – Western Australian Planning Commission (WAPC) 162581 has been lodged by McMullen Nolan Group Pty Ltd, on behalf of the owners, Anna Mary Munns and Peter Stanley Munns, for Lot 68 and Lot 69 Cook Street, Beacon.

As the defined clearing agency for the requested conditions, the Shire must be satisfied that the conditions being sought for clearance have been completed.

Background:

An application for subdivision has been received by the Shire from the WAPC for a subdivision of Lot 68 and Lot 69 Cook Street, Beacon.

Council supported the proposed subdivision on the 16th August 2022 at the Ordinary Council Meeting. The application was subsequently approved by the WAPC on 27th September 2022 (attachment 11.6.1a).

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

Planning and Development Act 2005 section 145.

Diagram or plan of survey of approved plan of subdivision, approval of the conditions of a subdivision approval are required to be cleared and evidence provided to the WAPC to allow them to endorse the diagram or plan of survey, in accordance with the section 145 of the *Planning and Development Act 2005*, prior to Landgate releasing the Certificate of Title. As the defined clearing agency for the requested conditions, the

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Shire must be satisfied that the conditions being sought for clearance have been completed.

Relevant Plans and Policy:

There are no policy implications in relation to this matter.

Financial Implications:

Nil from this report.

Risk Assessment:

Failure to support the clearance of the subdivision application conditions has associated risks that may result in legal proceedings.

Community & Strategic Objectives:

Environment (Built and Natural)

Deliver sustainable long-term planning for infrastructure that meets the needs of the community.

Comment:

A request has been submitted to the Shire from McMullen Nolan Group Pty Ltd on behalf of the owner, seeking to clear conditions that form part of the approved subdivision application – WAPC 162581 (attachment 11.6.1b).

The request seeks to clear the following condition of subdivision approval – WAPC 162581:

1. All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series/Building Code of Australia (as amended).

The conditions of a subdivision approval are required to be cleared and evidence provided to the WAPC to allow them to endorse the diagram or plan of survey, in accordance with the section 145 of the *Planning and Development Act 2005*, prior to Landgate releasing the Certificate of Title.

Council is requested to support the clearance of the conditions, in accordance with the officer's recommendation to clear the appropriate conditions of subdivision approval for WAPC 162581.

OFFICER RECOMMENDATION:

That Council support the clearance of Condition 1 of subdivision application – WAPC 162581 at Lot 68 and Lot 69 Cook Street, Beacon, being;

All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series/ Building Code of Australia (as amended).

11.6.2 Subdivision Application – WAPC 163288 – Lot 51, 2758, 2803 Felbar Road, Welbungin

File No:	4.0210
Location/Address:	Lot 51, 2758, 2803 Felbar Road, Welbungin
Name of Applicant:	Developed Property Pty Ltd
Name of Owner:	Universal Enterprises Group Co Pty
Author:	Jordan Millar – Regulatory Officer
Attachments:	11.6.2a - Application for Approval of Freehold or Survey Strata Subdivisions 11.6.2b - Application Cover Letter 11.6.2c - Plan of Proposed Subdivision
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of three (3) lots into thirteen (13) lots at Lot 51, 2758, 2803 Felbar Road, Welbungin.

The subdivision application from the WAPC seeks comments and conditions for the proposed subdivision.

Background:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of three (3) lot into thirteen (13) lots at Lot 51, 2758, 2803 Felbar Road, Welbungin.

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

Planning and Development Act 2005

138. Commission's functions when approving subdivision etc.

- (1) The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.
- (2) Subject to subsection (3), in giving its approval under section 135 or 136 the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.
- (3) The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if —

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- (a) the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter; or
 - (b) the approval is consistent with a region planning scheme that deals with substantially the same matter; or
 - (c) in the opinion of the Commission —
 - (i). the conflict is of a minor nature; or
 - (ii). the approval is consistent with the general intent of the local planning scheme;
- or
- (d) the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict; or
 - (e) in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or
 - (f) the approval is given in circumstances set out in the regulations.

(4) Despite subsection (3), the Commission is to ensure that an approval under section 135 or 136 complies with the provisions of a local planning scheme to the extent necessary for compliance with an environmental condition relevant to the land under consideration.

142. Consultation requirements as to proposed subdivision

- (1) When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.
- (2) A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —
 - (a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and
 - (b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.
- (3) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the

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Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

Relevant Plans and Policy:

There are no policy implications in relation to this matter.

Financial Implications:

Nil from this report.

Risk Assessment:

Failure to support the clearance of the subdivision application conditions has associated risks that may result in legal proceedings.

Community & Strategic Objectives:

Environment (Built and Natural)

Deliver sustainable long-term planning for infrastructure that meets the needs of the community.

Comment:

The application for subdivision seeks to subdivide the following three (3) lots into thirteen (13) lots.

The land is currently zoned as "Rural." The proposed lot sizes are in accordance with the minimum requirements of the Shire of Mt Marshall Local Planning Scheme, which requires each lot to be 200ha or greater in size. Each proposed lot area is listed below;

Current Lots	Proposed Lots	Lot Area (ha)
Lot 2803 Felbar Road, Welbungin	Lot 1	210ha
Lot 2803 Felbar Road, Welbungin	Lot 2	210ha
Lot 2803 Felbar Road, Welbungin	Lot 3	211ha
Lot 2803 Felbar Road, Welbungin	Lot 4	211ha
Lot 2803 Felbar Road, Welbungin	Lot 5	330ha
Lot 2758 Felbar Road, Welbungin	Lot 6	232ha
Lot 2758 Felbar Road, Welbungin	Lot 7	249ha
Lot 51 Felbar Road, Welbungin	Lot 8	222ha
Lot 51 Felbar Road, Welbungin	Lot 9	222ha
Lot 51 Felbar Road, Welbungin	Lot 10	203ha
Lot 51 Felbar Road, Welbungin	Lot 11	200ha
Lot 2758 Felbar Road, Welbungin	Lot 12	215ha
Lot 2758 Felbar Road, Welbungin	Lot 13	219ha

All subdivision applications are required to utilise the Model Subdivision Conditions provided and approved by the WAPC. Any condition that is non-standard is required to provide a succinct and reasonable justification for the variation from the standard conditions.

The proposed subdivision generally complies with the requirements of the Shire of Mt Marshall Local Planning Scheme.

OFFICER RECOMMENDATION:

That Council endorse the WAPC application 163288 - Lot 51, 2758, 2803 Felbar Road, Welbungin subdivision, subject to the following conditions and advice notes;

- 1. Condition AM11 – A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “The use of this lot may be affected by 24-hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from agricultural operations being carried out on surrounding land holdings.” (Local Government)***
- 2. Condition E2 – Arrangements being made with a licensed electricity network operator for the provision of an electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)***
- 3. Condition F2 – A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land” (Western Australian Planning Commission)***
- 4. Condition T16 – The proposed access way(s) being constructed and drained at the landowner/ applicant cost to the specifications of the local government. (Local Government)***
- 5. Condition T17 – The access way forming part of the common property access leg shall have a minimum width of four metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and/or survey strata plan accordingly. (Local Government)***
- 6. Condition T22 – An easement in accordance with Section 136C of the Transfer of Land Act 1893 is to be created to ensure reciprocal rights of access over adjoining battle-axe legs. (Local Government).***
- 7. Condition W1 – For all lots apply a): a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service***

to each lot shown on the approved plan of subdivision. (Water Corporation) For applications for survey strata or vacant strata schemes also include b): b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)

- 8. Condition W4 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This lot is not connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot.” (Local Government)**

- 9. Condition W5 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “A reticulated sewerage service is not available to the lot(s).” (Local Government)**

11.6.3 Subdivision Application – WAPC 163319 – Lot 1326 Longmuir Road, Gabbin

File No:	4.0210
Location/Address:	Lot 1326 Longmuir Road, Gabbin
Name of Applicant:	Developed Property Pty Ltd
Name of Owner:	Oriental Properties Holdings Pty Ltd
Author:	Jordan Millar – Regulatory Officer
Attachments:	11.6.3a - Application for Approval of Freehold or Survey Strata Subdivisions 11.6.3b - Application Cover Letter 11.6.3c - Plan of Proposed Subdivision
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of one (1) lot into fifteen (15) lots at Lot 1326 Longmuir Road, Gabbin.

The subdivision application from the WAPC seeks comments and conditions for the proposed subdivision.

Council is requested to provide support for the subdivision application in accordance with the officers recommendation.

Background:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of one (1) lot into fifteen (15) lots at Lot 1326 Longmuir Road, Gabbin.

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

Planning and Development Act 2005

138. Commission's functions when approving subdivision etc.

- (1) The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.
- (2) Subject to subsection (3), in giving its approval under section 135 or 136 the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.

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- (3) The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if —
- (a) the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter; or
 - (b) the approval is consistent with a region planning scheme that deals with substantially the same matter; or
 - (c) in the opinion of the Commission —
 - (i). the conflict is of a minor nature; or
 - (ii). the approval is consistent with the general intent of the local planning scheme;
- or
- (d) the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict; or
 - (e) in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or
 - (f) the approval is given in circumstances set out in the regulations.
- (4) Despite subsection (3), the Commission is to ensure that an approval under section 135 or 136 complies with the provisions of a local planning scheme to the extent necessary for compliance with an environmental condition relevant to the land under consideration.

142. Consultation requirements as to proposed subdivision

- (1) When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.
- (2) A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —
- (a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and
 - (b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.

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- (3) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

Relevant Plans and Policy:

There are no policy implications in relation to this matter.

Financial Implications:

Nil from this report.

Risk Assessment:

Failure to support the clearance of the subdivision application conditions has associated risks that may result in legal proceedings.

Community & Strategic Objectives:

Environment (Built and Natural)

Deliver sustainable long-term planning for infrastructure that meets the needs of the community.

Comment:

The application for subdivision seeks to subdivide the following one (1) lots into fifteen (15) lots.

The land is currently zoned as "Rural." The proposed lot sizes are generally in accordance with the minimum requirements of the Shire of Mt Marshall Local Planning Scheme, which requires each lot to be 200ha or greater in size. Lot 8 is proposed to be 188ha due to the lot configuration and unconventional road reserve.

Each proposed lot area is listed below;

Current Lots	Proposed Lots	Lot Area (ha)
Lot 1326 Longmuir Road, Gabbin	Lot 1	215ha
Lot 1326 Longmuir Road, Gabbin	Lot 2	215ha
Lot 1326 Longmuir Road, Gabbin	Lot 3	231ha
Lot 1326 Longmuir Road, Gabbin	Lot 4	265ha
Lot 1326 Longmuir Road, Gabbin	Lot 5	283ha
Lot 1326 Longmuir Road, Gabbin	Lot 6	201ha
Lot 1326 Longmuir Road, Gabbin	Lot 7	201ha
Lot 1326 Longmuir Road, Gabbin	Lot 8	188ha
Lot 1326 Longmuir Road, Gabbin	Lot 9	202ha
Lot 1326 Longmuir Road, Gabbin	Lot 10	201ha
Lot 1326 Longmuir Road, Gabbin	Lot 11	201ha
Lot 1326 Longmuir Road, Gabbin	Lot 12	201ha
Lot 1326 Longmuir Road, Gabbin	Lot 13	201ha
Lot 1326 Longmuir Road, Gabbin	Lot 14	201ha
Lot 1326 Longmuir Road, Gabbin	Lot 15	201ha

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All subdivision applications are required to utilise the Model Subdivision Conditions provided and approved by the WAPC. Any condition that is non-standard is required to provide a succinct and reasonable justification for the variation from the standard conditions.

The proposed subdivision generally complies with the requirements of the Shire of Mt Marshall Local Planning Scheme.

OFFICER RECOMMENDATION:

That Council endorse the WAPC application 163319 – 1326 Longmuir Road, Gabbin subdivision, subject to the following conditions and advice notes;

- 1. Condition AM11 – A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “The use of this lot may be affected by 24-hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from agricultural operations being carried out on surrounding land holdings.” (Local Government)***
- 2. Condition E2 – Arrangements being made with a licensed electricity network operator for the provision of an electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)***
- 3. Condition F2 – A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land” (Western Australian Planning Commission)***
- 4. Condition T16 – The proposed access way(s) being constructed and drained at the landowner/ applicant cost to the specifications of the local government. (Local Government)***
- 5. Condition T17 – The access way forming part of the rear lot/common property access leg shall have a minimum width of four metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and/or survey strata plan accordingly. (Local Government)***

- 6. Condition T22 – An easement in accordance with Section 136C of the Transfer of Land Act 1893 is to be created to ensure reciprocal rights of access over adjoining battle-axe legs. (Local Government).**
- 7. Condition W1 – For all lots apply a): a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation) For applications for survey strata or vacant strata schemes also include b): b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)**
- 8. Condition W4 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This lot is not connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot.” (Local Government)**
- 9. Condition W5 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “A reticulated sewerage service is not available to the lot(s).” (Local Government)**

11.6.4 Subdivision Application – WAPC 163286 – Lot 2950 Mitchell Road, Gabbin

File No:	4.0210
Location/Address:	Lot 2950 Mitchell Road, Gabbin
Name of Applicant:	Developed Property Pty Ltd
Name of Owner:	Oriental Properties Holdings Pty Ltd
Author:	Jordan Millar – Regulatory Officer
Attachments:	11.6.4a - Application for Approval of Freehold or Survey Strata Subdivisions 11.6.4b - Application Cover Letter 11.6.4c - Plan of Proposed Subdivision
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of one (1) lot into eight (8) lots at Lot 2950 Mitchell Road, Gabbin.

The subdivision application from the WAPC seeks comments and conditions for the proposed subdivision.

Council is requested to provide support for the subdivision application in accordance with the officers recommendation.

Background:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of one (1) lot into eight (8) lots at Lot 2950 Mitchell Road, Gabbin.

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

Planning and Development Act 2005

138. Commission's functions when approving subdivision etc.

- (1) The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.
- (2) Subject to subsection (3), in giving its approval under section 135 or 136 the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.

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- (3) The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if —
- (a) the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter; or
 - (b) the approval is consistent with a region planning scheme that deals with substantially the same matter; or
 - (c) in the opinion of the Commission —
 - (i). the conflict is of a minor nature; or
 - (ii). the approval is consistent with the general intent of the local planning scheme;
- or
- (d) the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict; or
 - (e) in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or
 - (f) the approval is given in circumstances set out in the regulations.
- (4) Despite subsection (3), the Commission is to ensure that an approval under section 135 or 136 complies with the provisions of a local planning scheme to the extent necessary for compliance with an environmental condition relevant to the land under consideration.

142. Consultation requirements as to proposed subdivision

- (1) When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.
- (2) A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —
- (a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and
 - (b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.

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- (3) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

Relevant Plans and Policy:

There are no policy implications in relation to this matter.

Financial Implications:

Nil from this report.

Risk Assessment:

Failure to support the clearance of the subdivision application conditions has associated risks that may result in legal proceedings.

Community & Strategic Objectives:

Environment (Built and Natural)

Deliver sustainable long-term planning for infrastructure that meets the needs of the community.

Comment:

The application for subdivision seeks to subdivide the following one (1) lot into eight (8) lots.

The land is currently zoned as "Rural." The proposed lot sizes are in accordance with the minimum requirements of the Shire of Mt Marshall Local Planning Scheme, which requires each lot to be 200ha or greater in size.

Each proposed lot area is listed below;

Current Lots	Proposed Lots	Lot Area (ha)
Lot 2950 Mitchell Road, Gabbin	Lot 1	200ha
Lot 2950 Mitchell Road, Gabbin	Lot 2	200ha
Lot 2950 Mitchell Road, Gabbin	Lot 3	204ha
Lot 2950 Mitchell Road, Gabbin	Lot 4	200ha
Lot 2950 Mitchell Road, Gabbin	Lot 5	200ha
Lot 2950 Mitchell Road, Gabbin	Lot 6	200ha
Lot 2950 Mitchell Road, Gabbin	Lot 7	200ha
Lot 2950 Mitchell Road, Gabbin	Lot 8	200ha

All subdivision applications are required to utilise the Model Subdivision Conditions provided and approved by the WAPC. Any condition that is non-standard is required to provide a succinct and reasonable justification for the variation from the standard conditions.

The proposed subdivision generally complies with the requirements of the Shire of Mt Marshall Local Planning Scheme.

OFFICER RECOMMENDATION:

That Council endorse the WAPC application 163286 - Lot 2950 Mitchell Road, Gabbin subdivision, subject to the following conditions and advice notes;

- 1. Condition AM11 – A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “The use of this lot may be affected by 24-hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from agricultural operations being carried out on surrounding land holdings.” (Local Government)***
- 2. Condition E2 – Arrangements being made with a licensed electricity network operator for the provision of an electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)***
- 3. Condition F2 – A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land” (Western Australian Planning Commission)***
- 4. Condition T16 – The proposed access way(s) being constructed and drained at the landowner/ applicant cost to the specifications of the local government. (Local Government)***
- 5. Condition T17 – The access way forming part of the common property access leg shall have a minimum width of four metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and/or survey strata plan accordingly. (Local Government)***
- 6. Condition T22 – An easement in accordance with Section 136C of the Transfer of Land Act 1893 is to be created to ensure reciprocal rights of access over adjoining battle-axe legs. (Local Government).***
- 7. Condition W1 – For all lots apply a): a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation) For applications for survey strata or vacant strata schemes***

also include b): b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)

- 8. Condition W4 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This lot is not connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot.” (Local Government)**

- 9. Condition W5 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “A reticulated sewerage service is not available to the lot(s).” (Local Government)**

11.6.5 Subdivision Application – WAPC 163289 – Lot 2958 Scotsman Road, Beacon

File No:	4.0210
Location/Address:	Lot 2958 Scotsman Road, Beacon
Name of Applicant:	Developed Property Pty Ltd
Name of Owner:	Oriental Properties Holdings Pty Ltd
Author:	Jordan Millar – Regulatory Officer
Attachments:	11.6.5a - Application for Approval of Freehold or Survey Strata Subdivisions 11.6.5b - Application Cover Letter 11.6.5c - Plan of Proposed Subdivision
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of one (1) lot into five (5) lots at Lot 2958 Scotsman Road, Beacon.

The subdivision application from the WAPC seeks comments and conditions for the proposed subdivision.

Council is requested to provide support for the subdivision application in accordance with the officers recommendation.

Background:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of one (1) lot into five (5) lots at Lot 2958 Scotsman Road, Beacon.

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

Planning and Development Act 2005

138. Commission's functions when approving subdivision etc.

- (1) The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.
- (2) Subject to subsection (3), in giving its approval under section 135 or 136 the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.

- (3) The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if —
- (a) the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter; or
 - (b) the approval is consistent with a region planning scheme that deals with substantially the same matter; or
 - (c) in the opinion of the Commission —
 - (iii). the conflict is of a minor nature; or
 - (iv). the approval is consistent with the general intent of the local planning scheme;
- or
- (d) the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict; or
 - (e) in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or
 - (f) the approval is given in circumstances set out in the regulations.
- (4) Despite subsection (3), the Commission is to ensure that an approval under section 135 or 136 complies with the provisions of a local planning scheme to the extent necessary for compliance with an environmental condition relevant to the land under consideration.

142. Consultation requirements as to proposed subdivision

- (1) When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.
- (2) A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —
- (a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and
 - (b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.

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- (3) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

Relevant Plans and Policy:

There are no policy implications in relation to this matter.

Financial Implications:

Nil from this report.

Risk Assessment:

Failure to support the clearance of the subdivision application conditions has associated risks that may result in legal proceedings.

Community & Strategic Objectives:

Environment (Built and Natural)

Deliver sustainable long-term planning for infrastructure that meets the needs of the community.

Comment:

The application for subdivision seeks to subdivide the following one (1) lots into five (5) lots.

The land is currently zoned as "Rural." The proposed lot sizes are in accordance with the minimum requirements of the Shire of Mt Marshall Local Planning Scheme, which requires each lot to be 200ha or greater in size. Each proposed lot area is listed below;

Current Lots	Proposed Lots	Lot Area (ha)
Lot 2958 Scotsman Road, Beacon	Lot 9	257ha
Lot 2958 Scotsman Road, Beacon	Lot 10	265ha
Lot 2958 Scotsman Road, Beacon	Lot 11	200ha
Lot 2958 Scotsman Road, Beacon	Lot 12	592ha
Lot 2958 Scotsman Road, Beacon	Lot 13	200ha

All subdivision applications are required to utilise the Model Subdivision Conditions provided and approved by the WAPC. Any condition that is non-standard is required to provide a succinct and reasonable justification for the variation from the standard conditions.

The proposed subdivision generally complies with the requirements of the Shire of Mt Marshall Local Planning Scheme.

OFFICER RECOMMENDATION:

That Council endorse the WAPC 163289 – Lot 2958 Scotsman Road, Beacon subdivision, subject to the following conditions and advice notes;

- 1. Condition AM11 – A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “The use of this lot may be affected by 24-hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from agricultural operations being carried out on surrounding land holdings.” (Local Government)***
- 2. Condition E2 – Arrangements being made with a licensed electricity network operator for the provision of an electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)***
- 3. Condition F2 – A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land” (Western Australian Planning Commission)***
- 4. Condition T16 – The proposed access way(s) being constructed and drained at the landowner/ applicant cost to the specifications of the local government. (Local Government)***
- 5. Condition T17 – The access way forming part of the rear lot/common property access leg shall have a minimum width of four metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and/or survey strata plan accordingly. (Local Government)***
- 6. Condition T22 – An easement in accordance with Section 136C of the Transfer of Land Act 1893 is to be created to ensure reciprocal rights of access over adjoining battle-axe legs. (Local Government).***
- 7. Condition W1 – For all lots apply a): a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation) For applications for survey strata or vacant strata schemes***

also include b): b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)

- 8. Condition W4 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This lot is not connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot.” (Local Government)**

- 9. Condition W5 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “A reticulated sewerage service is not available to the lot(s).” (Local Government)**

11.6.6 Subdivision Application – WAPC 163318 – Lot 4137 Hammond Road, Wialki

File No:	4.0210
Location/Address:	Lot 4137 Hammond Road, Wialki
Name of Applicant:	Developed Property Pty Ltd
Name of Owner:	Universal Enterprises Group Co Pty
Author:	Jordan Millar – Regulatory Officer
Attachments:	11.6.6a - Application for Approval of Freehold or Survey Strata Subdivisions 11.6.6b - Application Cover Letter 11.6.6c - Plan of Proposed Subdivision
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Report Purpose:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of one (1) lot into eight (8) lots at Lot 4137 Hammond Road, Wialki.

The subdivision application from the WAPC seeks comments and conditions for the proposed subdivision.

Council is requested to provide support for the subdivision application in accordance with the officer's recommendation.

Background:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of one (1) lot into eight (8) lots at Lot 4137 Hammond Road, Wialki.

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

Planning and Development Act 2005

138. Commission's functions when approving subdivision etc.

- (1) The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.
- (2) Subject to subsection (3), in giving its approval under section 135 or 136 the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.

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- (3) The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if —
- (a) the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter; or
 - (b) the approval is consistent with a region planning scheme that deals with substantially the same matter; or
 - (c) in the opinion of the Commission —
 - (v). the conflict is of a minor nature; or
 - (vi). the approval is consistent with the general intent of the local planning scheme;
- or
- (d) the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict; or
 - (e) in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or
 - (f) the approval is given in circumstances set out in the regulations.
- (4) Despite subsection (3), the Commission is to ensure that an approval under section 135 or 136 complies with the provisions of a local planning scheme to the extent necessary for compliance with an environmental condition relevant to the land under consideration.

142. Consultation requirements as to proposed subdivision

- (1) When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.
- (2) A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —
- (a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and
 - (b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.

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- (3) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

Relevant Plans and Policy:

There are no policy implications in relation to this matter.

Financial Implications:

Nil from this report.

Risk Assessment:

Failure to support the clearance of the subdivision application conditions has associated risks that may result in legal proceedings.

Community & Strategic Objectives:

Environment (Built and Natural)

Deliver sustainable long-term planning for infrastructure that meets the needs of the community.

Comment:

The application for subdivision seeks to subdivide the following one (1) lot into eight (8) lots.

The land is currently zoned as "Rural." The proposed lot sizes are in accordance with the minimum requirements of the Shire of Mt Marshall Local Planning Scheme, which requires each lot to be 200ha or greater in size.

Each proposed lot area is listed below;

Current Lots	Proposed Lots	Lot Area (ha)
Lot 4137 Hammond Road, Wialki	Lot 1	200ha
Lot 4137 Hammond Road, Wialki	Lot 2	200ha
Lot 4137 Hammond Road, Wialki	Lot 3	201ha
Lot 4137 Hammond Road, Wialki	Lot 4	202ha
Lot 4137 Hammond Road, Wialki	Lot 5	218ha
Lot 4137 Hammond Road, Wialki	Lot 6	257ha
Lot 4137 Hammond Road, Wialki	Lot 7	250ha
Lot 4137 Hammond Road, Wialki	Lot 8	2062ha

All subdivision applications are required to utilise the Model Subdivision Conditions provided and approved by the WAPC. Any condition that is non-standard is required to provide a succinct and reasonable justification for the variation from the standard conditions.

The proposed subdivision generally complies with the requirements of the Shire of Mt Marshall Local Planning Scheme.

OFFICER RECOMMENDATION:

That Council endorse the WAPC 163318 – Lot 4137 Hammond Road, Wialki subdivision, subject to the following conditions and advice notes;

- 1. Condition AM11 – A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “The use of this lot may be affected by 24-hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from agricultural operations being carried out on surrounding land holdings.” (Local Government)***
- 2. Condition E2 – Arrangements being made with a licensed electricity network operator for the provision of an electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power)***
- 3. Condition F2 – A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land” (Western Australian Planning Commission)***
- 4. Condition T16 – The proposed access way(s) being constructed and drained at the landowner/ applicant cost to the specifications of the local government. (Local Government)***
- 5. Condition T17 – The access way forming part of the common property access leg shall have a minimum width of four metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and/or survey strata plan accordingly. (Local Government)***
- 6. Condition T22 – An easement in accordance with Section 136C of the Transfer of Land Act 1893 is to be created to ensure reciprocal rights of access over adjoining battle-axe legs. (Local Government).***
- 7. Condition W1 – For all lots apply a): a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation) For applications for survey strata or vacant strata schemes***

also include b): b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)

- 8. Condition W4 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “This lot is not connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot.” (Local Government)**

- 9. Condition W5 – A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “A reticulated sewerage service is not available to the lot(s).” (Local Government)**

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11.7 Environmental Health Officer

Nil

12.0 Elected Members' Motions of Which Previous Notice Has Been Given

Nil

13.0 New Business of an Urgent Nature Introduced by Decision of the Meeting

Nil

14.0 Next Meeting – Tuesday 18 April 2023 commencing at 3.00pm in Beacon Town Hall, Hamilton St, Beacon

15.0 Closure of Meeting