



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, 80 Monger St, Bencubbin on Tuesday 16 May 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.

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting').

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

TABLE OF CONTENTS

1. Declaration of Opening / Announcement of Visitors
2. Announcements from the Presiding Member and Presidents Report
3. Attendance
 - 3.1 Apologies
 - 3.2 Approved Leave of Absence
4. Declarations of Interest
5. Public Questions
 - 5.1 Public Question Time
 - 5.2 Response to Previous Public Questions Taken On Notice
6. Confirmation of Minutes of Previous Meetings
 - 6.1 Minutes of the Ordinary Meeting held on Tuesday 18 April 2023
7. Petitions, Presentations, Deputations
 - 7.1 Petitions
 - 7.2 Presentations
 - 7.3 Deputations
8. Reports
 - 8.1 Council Committees
 - 8.1.1 Minutes of the Audit Committee Meeting held 8 May 2023, Audited Financials to 30 June 2023, Auditors Report for Year Ending 30 June 2022 and Regulation 17 Review
 - 8.2 Chief Executive Officer
 - 8.2.9 Review of F&R.2.5 Purchasing Policy
 - 8.3 Executive Assistant
 - 8.3.4 Minutes of NEWROC Council Meeting held 27 April 2023
 - 8.3.5 Annual Report 2021/2022
 - 8.4 Finance and Administration Manager
 - 8.4.11 Accounts Paid to 30 April 2023

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

- 8.4.12 Statement of Financial Activity to 30 April 2023

- 8.5 Coordinator of Community Development

- 8.6 Regulatory Officer
 - 8.6.1 Subdivision Application – WAPC 163464 – Lot 1332, 1338, 1339, 1340, 1341, 1342, 1343, 1348, 2827, 2984 Cleary Road, Gabbin
 - 8.6.2 Subdivision Application – WAPC 163497 – Lot 14801, 14812, 14813, 16592 Welbungin South Road, Welbungin
 - 8.6.3 Application for Planning Approval – Tree Farm – Lot 2820 Dalgouring-Snake Soak Road, Wialki

- 9. Applications for Leave of Absence

- 10. Elected Members Motions of Which Previous Notice Has Been Given

- 11. New Business of an Urgent Nature Introduced by Decision of the Meeting

- 12. Matters for Which Members of the Public are Excluded

- 13. Next Meeting

- 14. Closure of Meeting

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

1.0 Declaration of Opening / Announcement of Visitors

2.0 Announcements by Presiding Person Without Discussion and Presidents Report

The President represented the Shire at the following meetings and training opportunities from 19 April 2023 to 16 May 2023.

25/04/2023 ANZAC Day Service, Bencubbin War Memorial, with Cr Leeanne Gobbart, CEO Ben McKay, CDO Phoebe Sachse, Members of the RSL Bencubbin Sub Branch and the general public.

ANZAC Day Service, Beacon War Memorial, with Cr Megan Beagley, Cr Tanya Gibson, Cr Leeanne Gobbart, CEO Ben McKay, service organisers and the general public.

26/04/2023 Lotterywest Community Gardens Grant Funding Presentation, Council Chambers, with Hon Darren West MLC, Cr Tanya Gibson, Cr Leeanne Gobbart, CEO Ben McKay, CCD Rebecca Watson and CDO Phoebe Sachse.

27/04/2023 Kununoppin Medical Practice Committee (KMPC) meeting, Council Chambers, with CEO Ben McKay, KMPC Delegates and CEO's.

North Eastern Wheatbelt Region of Councils (NEWROC) Economic Development Planning Workshop and NEWROC Council Meeting, Bencubbin CRC, with CEO Ben McKay and NEWROC Delegates and CEO's.

28/04/2023 Kununoppin Local Health Advisory Group (LHAG) meeting, Kununoppin Hospital, with LHAG delegates and members.

8/05/2023 Audit Committee Meeting, Council Chambers, with Deputy President Cr Nick Gillett, Cr Stuart Putt, CEO Ben McKay and EA Nadine Richmond.

16/05/2023 Draft Planning Strategy Meeting, Council Chambers, with representatives of Hames Sharley, Deputy President Cr Nick Gillett, Cr Megan Beagley, Cr Tanya Gibson, Cr Leeanne Gobbart, Cr Stuart Putt, Cr Ian Sanders and CEO Ben McKay.

Fees and Charges 2023/2024 Discussion, Council Chambers, with Deputy President Cr Nick Gillett, Cr Megan Beagley, Cr Tanya Gibson, Cr Leeanne Gobbart, Cr Stuart Putt, Cr Ian Sanders, CEO Ben McKay and FAM Tanika McLennan.

3.0 Record of Attendance

3.1 Apologies

3.2 Approved Leave of Absence

Nil

4.0 Declarations of Interest

5.0 Public Questions

5.1 Public Question Time

5.2 Response to Previous Public Questions Taken on Notice

6.0 Confirmation of Minutes of Previous Meetings

6.1 Minutes of the Ordinary Meeting held on Tuesday 18 April 2023

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 18 April 2023 be confirmed as a true and correct record of proceedings.

Voting Requirement: Simple Majority

7.0 Petitions, Presentations and Deputations

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nevin Wittber – Carbon Neutral Pty Ltd

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

8.0 Reports

8.1 Council Committees

8.1.1 Minutes of Audit Committee Meeting held 8 May 2023, Audited Financial Report, Auditor's Report for Year Ending 30 June 2022 and Regulation 17 Review Report

File Ref:	4.0520
Applicant/Proponent:	Nil
Author:	Nadine Richmond – Executive Assistant
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	8.1.1a - Minutes of Audit Committee Meeting held 8 May 2023 8.1.1b - Audited Financial Report to 30 June 2022 8.1.1c - Auditors Report and Management Letter for Year Ending 30 June 2022 8.1.1d - Regulation 17 Review Report

Report Purpose:

The purpose of this report is for Council to receive and endorse the minutes of the Audit Committee meeting held 8 May 2023, along with the audited Financial Report to 30 June 2022, the Auditors Report and Management Letter for Year Ending 30 June 2022 and Regulation 17 Review Report.

Background:

The Shire's Audit Committee met on Monday 8 May 2023 to consider several reports including the audited Annual Financial Report and Auditor's Report for the 2021/2022 financial year. The Committee also considered the Regulation 17 Review Report. All reports and documents considered at this meeting are attached to this report.

Consultation:

Ben McKay – Chief Executive Officer

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.

Local Government Act 1995, Section 7

Division 2 — Appointment of auditors

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

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

Financial Implications:

Nil

Risk Assessment:

There is a risk of lack of confidence in Local Government should there be a failure to comply with audit requirements or adverse findings.

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

Community & Strategic Objectives:

Governance and Leadership

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

Comment:

The minutes of the Audit Committee meeting held on Monday 8 May, 2023 are submitted for Council endorsement.

Attached to this item is the audited financial report to 30 June 2022, the letter prepared by the Office of the Auditor General following the attendance of Dry Kirkness for the final audit. Council will note the management comments included in the document. These comments were prepared internally and provided to the audit team prior to finalising this document.

The Committee recommends all reports for Council adoption.

Voting Requirements:

Simple Majority

COMMITTEE RECOMMENDATION:

That Council:

- 1. endorse the minutes of the Audit Committee meeting held on Monday 8 May 2023; and***
- 2. adopt the Audited Financial Report for the year ended 30 June 2022, the Independent Audit Report for the year ended 30 June 2022 and the Management Letter for the year ended 30 June 2022.***
- 3. adopt the Chief Executive Officer's review of Risk Management, Internal Control and Legislative Compliance, consisting of the Shire's Regulation 17 Review Report.***

8.2 Chief Executive Officer

8.2.9 Review of F&R.2.5 Purchasing Policy

File Ref:	4.0601
Applicant/Proponent:	N/A
Author:	Ben McKay – Chief Executive Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	8.2.9a - Current F&R.2.5 Purchasing Policy 8.2.9b - Proposed F&R.2.5 Purchasing Policy

Report Purpose:

Shire officers have undertaken a comprehensive review of the Shire’s Purchasing Policy. The review has considered the Shire’s current policy, processes and delegations in relation to procurement and tenders.

The purpose of this report is to consider an updated purchasing policy.

Background:

The *Local Government (Functions and General) Regulations 1996* sets out very strict parameters for the procurement of goods and services. For example, these Regulations set out the minimum number of oral and/or written quotations that must be obtained in accordance with regulation 11A of the *Local Government (Functions and General) Regulations 1996*.

A review of the policy has been undertaken and is being presented to Council as it is good practice to regularly review policies to ensure they have not been impacted by changes to legislation and that they still reflect Council’s position.

Consultation:

Consultation on the policy has been undertaken with Moore Australia, who have been engaged to complete a review on the appropriateness and effectiveness of the financial management systems and procedures as required by *Financial Management Regulation 5(2)(c)*.

Statutory Environment:

Local Government (Functions and General) Regulations 1996

11A. Purchasing Policies for Local Government

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in sub regulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained;
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

Relevant Plans and Policy:

Should Council endorse this updated Purchasing Policy, it will replace the existing policy in the Shire of Mt Marshall Policy Manual to ensure purchasing is carried out in accordance with Council direction.

Financial Implications:

There are likely to be positive financial and budget implications as a result of this report and the adoption of the revised purchasing policy. This is because, under the new policy, Officers are directed to always consider value for money and sustainability principles and considerations when making purchasing decisions.

Risk Assessment:

Non-compliance with purchasing requirements stipulated in the *Local Government (Functions and General) Regulations 1996* poses a risk for the Shire. A clear purchasing policy that is supported by established systems and procedures assist in mitigating the risk from non-compliance.

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:

The review of the purchasing policy has utilised the extensive work that the WA Local Government Association (WALGA) has undertaken to develop a template that emphasises the opportunities for local business interests.

Utilising the WALGA template provides assurance that the content has been thoroughly tested for compliance with the relevant legislation. Key features of the revised policy include:

- Value for money – value for money criteria are comprehensive, and consider:
 - total costs of ownership
 - technical merits of goods or services
 - suppliers financial viability
 - ensuring competition
 - safety requirements and standard

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

- environmental, economic and social benefits from the goods, services or works required
- analysis and management of risks and opportunities
- Purchasing thresholds and practices
- Purchasing practice and value thresholds – applying purchasing practices that relate to value thresholds so that the processes are simplified as far as possible reflecting the values and levels of risk i.e. less onerous processes for lower valued transactions
- Sustainable Procurement – provides preference to suppliers demonstrating sustainable business practices, promotes local economic benefit, is socially and environmentally sustainable.
- Provides for panels of pre-qualified suppliers
- Addresses non-compliance.

Adoption of the revised policy will set the framework for implementing best practice purchasing activity whilst supporting the local economy.

Voting Requirement:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopt the amended F&R.2.5 Purchasing Policy as per attachment 8.2.9b.

8.3 Executive Assistant

8.3.4 Minutes of NEWROC Council Meeting held 27 April 2023

File Ref:	N/A
Applicant/Proponent:	N/A
Author:	Nadine Richmond – Executive Assistant
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	8.3.4 - Minutes of NEWROC Council Meeting held 27 April 2023

Report Purpose:

The purpose of this report is to have Council receive the minutes of the NEWROC Council meeting held 27 April 2023.

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:

There are no relevant plans or policies for this matter.

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 16 May 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 27 April 2023 are submitted (Attachment 8.3.4) 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 June at the Shire of Koorda.

Voting Requirement:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council receive the minutes of the NEWROC Council meeting held on 27 April 2023.

8.3.5 Annual Report 2021/2022

File Ref:	4.0624
Applicant/Proponent:	N/A
Author:	Nadine Richmond – Executive Assistant
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	8.3.5 - Annual Report 2021/2022

Report Purpose:

The purpose of this report is to have Council accept the Annual Report 2021/2022 before being presented to Electors at the Annual Electors Meeting.

Background:

The *Local Government Act 1995* dictates that a local government is to prepare an Annual Report for each financial year. S.5.53 lists the items required to be contained within that report. S.5.54 further dictates that the report must be adopted by 31 December or two (2) months after receipt of the auditor’s report. The audited financials and Auditor’s Report were received on 17 April 2023 from the Office of the Auditor General.

Consultation:

Ben McKay – Chief Executive Officer

Statutory Environment:

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor’s report for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

- (i) the number of complaints recorded in the register of complaints; and
- (ii) how the recorded complaints were dealt with; and
- (iii) any other details that the regulations may require;

and

- (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

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

** Absolute majority required.*

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

5.55. Notice of annual reports

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

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

There would be a breach of legislation if Council did not accept the annual report within 2 months of the date on which the Auditor provided the report.

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 Annual Report, as determined by legislation, is to contain a report from the mayor or president; a report from the CEO; the financial report for the financial year; information on payments made to employees that total more than \$130,000; the auditor's report for the financial year; a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; details of entries made into the register of complaints.

Additions included and required by the Local Government Legislation Amendment Act 2019 are Elected Member attendance at Council and Committee meetings,

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

remuneration paid or provided to the CEO, and modifications to the strategic community plan and corporate business plan.

The annual report will be made available for public inspection and then presented to Electors at the Annual Electors Meeting. This report also seeks Council endorsement of holding the Annual Electors Meeting on 21 June 2023, following the June Ordinary meeting of Council.

Voting Requirement:

Absolute Majority

OFFICER'S RECOMMENDATION:

That Council accept the Annual Report for the year 2021/2022 and endorse holding the Annual Electors Meeting on 21 June 2023 at 5pm in Council Chambers, 80 Monger St, Bencubbin.

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

8.4 Finance and Administration Manager

8.4.11 Accounts Paid to 30 April 2023

File Ref:	4.0557
Applicant/Proponent:	N/A
Author:	Paula Harris – Finance Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	Nil

Report Purpose:

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

Background:

The Local Government (Financial Management) Regulations 1996 require Shire officers, monthly and within a prescribed timeframe, to prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation. Following is a list of accounts submitted to Council on Tuesday 16 May 2023 for the Municipal Fund, Trust Fund and Mastercard.

1. Municipal Fund

Chq/EFT	Date	Name	Description	Amount
EFT20330	05/04/2023	GERAGHTYS ENG & AUTO ELECTRICS	ASSESS AND REPAIR ITEMS ON WIALKI BUSH FIRE BRIGADE FIRE APPLIANCE.	1487.53
EFT20331	05/04/2023	WESTRAC PTY LTD	ELEMENTS	314.51
EFT20332	05/04/2023	BOC GASES	MARCH GAS SUPPLIES	31.57
EFT20333	05/04/2023	NINGHAN SPRAYING & AG SERVICES	SUPPLIES	126.76
EFT20334	05/04/2023	SHIRE OF MERREDIN	TRAILER HIRE	256.00

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

Chq/EFT	Date	Name	Description	Amount
EFT20335	05/04/2023	KTY ELECTRICAL SERVICES	DEPOSIT FOR INSTALL OF MINI PILLAR	39774.37
EFT20336	05/04/2023	BENCUBBIN SPORTS CLUB INC.	CARAVAN PARK VOUCHERS	740.00
EFT20337	05/04/2023	BENCUBBIN NEWS & POST	MARCH PAPER ACCOUNT	116.00
EFT20338	05/04/2023	BEACON COOPERATIVE LTD	GRANT FUNDING FOR ECONOMIC DEVELOPMENT ROUND 1	1007.15
EFT20339	05/04/2023	DIELECTRIC SECURITY SYSTEMS	MONITORING FEES	101.20
EFT20340	05/04/2023	BENCUBBIN BULK HAULIERS	HIRE OF SEMI	20594.75
EFT20341	05/04/2023	WINC AUSTRALIA PTY LTD	TOILET TISSUE 2 CARTONS	141.13
EFT20342	05/04/2023	WA DISTRIBUTORS PTY LTD ALLWAYS FOODS	SUPPLIES	562.50
EFT20343	05/04/2023	BENCUBBIN COMMUNITY RESOURCE CENTRE	FOX SHOOT MUGS	1027.00
EFT20344	05/04/2023	DAVES TREE SERVICE	REMOVAL OF TREES AND STUMPS	4180.00
EFT20345	05/04/2023	BENCUBBIN TRUCK N AUTO'S	TYRES FOR BEACON UTE	5067.62
EFT20346	05/04/2023	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT	137.79
EFT20347	05/04/2023	BEACON GARAGE	SERVICE JD MOWER	3720.75
EFT20348	05/04/2023	CORSIGN WA PTY LTD	SIGN FOR RIDE ON MOWER IN USE	70.40
EFT20349	05/04/2023	GREAT SOUTHERN FUELS	MARCH FUEL SUPPLIES	5359.97
EFT20350	05/04/2023	NADINE RICHMOND	REIMBURSE UNIFORM ALLOWANCE	339.85
EFT20351	05/04/2023	BOB WADDELL & ASSOCIATES PTY LTD	ASSISTANCE WITH ANNUAL FINANCIAL REPORT 2021/22	41.25
EFT20352	05/04/2023	KC SALES	EXTENSION CORD	25.50
EFT20353	05/04/2023	MARKET CREATIONS T/A INTEGRATED ICT	MANAGED SERVICE AGREEMENT	3539.25
EFT20354	05/04/2023	KOMATSU AUSTRALIA PTY LTD	STEP RUBBER	980.34
EFT20355	05/04/2023	SCUD AG SUPPLIES	PLIERS AND CUTTING DISC	351.23
EFT20356	05/04/2023	HAMES SHARLEY	PLANNING SCHEME REVIEW	2653.75
EFT20357	05/04/2023	PAULA HARRIS	50% OF RELOCATION FEE TO BENCUBBIN	2000.00
EFT20358	05/04/2023	PREMIER PAVING & SITE SERVICES	REMOVE OLD SEAL AND REPLACE ASPHALT	4897.20

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

Chq/EFT	Date	Name	Description	Amount
EFT20359	03/04/2023	WATER CORPORATION	UTILITY CHARGES	15504.27
EFT20360	04/04/2023	WATER CORPORATION	UTILITY CHARGERS	48.96
EFT20361	04/04/2023	SYNERGY	UTILITY CHARGERS	1292.51
EFT20362	05/04/2023	SYNERGY	UTILITY CHARGERS	961.58
EFT20363	03/04/2023	CRISP WIRELESS PTY LTD	MONTHLY INTERNET SUBSCRIPTION	526.90
EFT20364	05/04/2023	BORAL CONSTRUCTION MATERIALS	SUPPLY AND LAY BITUMEN	392036.24
EFT20365	06/04/2023	KTY ELECTRICAL SERVICES	RENEW SWITCH ON DEPOT COMPRESSOR	241.18
EFT20366	06/04/2023	BEACON COUNTRY CLUB INC.	CARAVAN PARK VOUCHERS	600.00
EFT20367	06/04/2023	ICS CARPENTRY	HOUSE MAINTENANCE	1562.00
EFT20368	06/04/2023	REFUEL AUSTRALIA	MARCH FUEL SUPPLIES	139.51
EFT20369	06/04/2023	R B MOTORS	SERVICE FOR FORD RANGER MM178	532.83
EFT20370	06/04/2023	CORSIGN WA PTY LTD	STICKERS FOR PLANTS	176.00
EFT20371	06/04/2023	KC SALES	FOX HUNT COFFEE VOUCHERS	137.50
EFT20372	06/04/2023	MARKETFORCE PTY LTD	DEATH NOTICE	72.78
EFT20373	06/04/2023	INTRAX CONSULTING ENGINEERS PTY LTD	STRUCTURAL ASSESSMENT OF 4349 MONGER STREET BENCUBBIN AND REPORT	7645.00
EFT20374	06/04/2023	STAFF SOCIAL CLUB	PAYROLL DEDUCTIONS	145.00
EFT20375	06/04/2023	SHIRE OF MT MARSHALL TRUST ACCOUNT	PAYROLL DEDUCTIONS	186.00
EFT20377	05/04/2023	WATER CORPORATION	UTILITY CHARGES	1345.87
EFT20378	06/04/2023	WATER CORPORATION	UTILITY CHARGES	15322.02
EFT20379	11/04/2023	WATER CORPORATION	UTILITY CHARGES	1602.46
EFT20380	11/04/2023	SYNERGY	UTILITY CHARGES	292.27
EFT20381	12/04/2023	SYNERGY	UTILITY CHARGES	86.38
EFT20386	11/04/2023	BOQ FINANCE	PHOTOCOPIER LEASE	214.96
EFT20387	13/04/2023	WATER CORPORATION	UTILITY CHARGES	103.49
EFT20388	14/04/2023	BENDIGO BANK	MARCH SUPPLIES	5958.72
EFT20390	20/04/2023	STAFF SOCIAL CLUB	PAYROLL DEDUCTIONS	145.00

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

Chq/EFT	Date	Name	Description	Amount
EFT20391	20/04/2023	SHIRE OF MT MARSHALL TRUST ACCOUNT	PAYROLL DEDUCTIONS	186.00
EFT20395	27/04/2023	TELSTRA LIMITED	UTILITY CHARGES	1554.95
EFT20396	27/04/2023	SHIRE OF MT MARSHALL	ACCOMMODATION FOR AUDITORS	720.00
EFT20397	27/04/2023	AVON WASTE	MARCH RUBBISH COLLECTION	5812.53
EFT20398	27/04/2023	NINGHAN SPRAYING & AG SERVICES	SEASOL	318.45
EFT20399	27/04/2023	KTY ELECTRICAL SERVICES	SUPPLY AND INSTALL NEW UNDERGROUND POWER SERVICES	18227.28
EFT20400	27/04/2023	SHIRE OF TRAYNING	KUNUNOPPIN MEDICAL PRACTICE EXPENSES OCTOBER 2022 TO MARCH 2023	12660.10
EFT20401	27/04/2023	BENCUBBIN NEWS & POST	POSTAGE	22.90
EFT20402	27/04/2023	CENTRAL WHEATBELT PLUMBING & CONTRACTING	HOUSE MAINTENANCE	825.87
EFT20403	27/04/2023	BEACON COOPERATIVE LTD	JANUARY SUPPLIES	986.63
EFT20404	27/04/2023	MOORE AUSTRALIA (WA) PTY LTD	FINANCIAL REPORTING WORKSHOP	3344.00
EFT20405	27/04/2023	WINC AUSTRALIA PTY LTD	TORK SOAP DISPENSER REFILLS	1123.09
EFT20406	27/04/2023	ICS CARPENTRY	BEACON CARAVAN PARK MAINTENANCE	6035.70
EFT20407	27/04/2023	WA DISTRIBUTORS PTY LTD ALLWAYS FOODS	HAND TOWEL ROLL	1148.05
EFT20408	27/04/2023	AUSTRALIA'S GOLDEN OUTBACK	WHEATBELT WEEKENDS CAMPAIGN BENCUBBIN CP AND BEACON CP	330.00
EFT20409	27/04/2023	BENCUBBIN TRUCK N AUTO'S	SERVICE	2356.40
EFT20410	27/04/2023	CIVIC LEGAL	PROFESSIONAL FEES SURRENDER OF LEASE FOR BENCUBBIN SHOP	1131.90
EFT20411	27/04/2023	IT VISION	SYNERGY SOFT PURCHASE ORDER IMPLEMENTATION SERVICES	5363.88
EFT20412	27/04/2023	HERSEY'S SAFETY PTY LTD	SAFETY GEAR	514.80
EFT20413	27/04/2023	TUTT BRYANT EQUIPMENT	ELEMENTS	770.96
EFT20414	27/04/2023	CORSIGN WA PTY LTD	SUPPLY OF NAME PLATES	6673.70

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

Chq/EFT	Date	Name	Description	Amount
EFT20415	27/04/2023	GREAT SOUTHERN FUELS	DIESEL FOR DEPOT	7164.30
EFT20416	27/04/2023	MARTY GRANT BULLDOZING	PUSHING GRAVEL	16607.25
EFT20417	27/04/2023	BOB WADDELL & ASSOCIATES PTY LTD	ASSISTANCE WITH 2021/22 ANNUAL REPORT	247.50
EFT20418	27/04/2023	KC SALES	UNIFORM	978.24
EFT20419	27/04/2023	WA CONTRACT RANGER SERVICES	RANGER SERVICES	418.00
EFT20420	27/04/2023	MARKET CREATIONS T/A INTEGRATED ICT	MANAGED SERVICE AGREEMENT	2798.70
EFT20421	27/04/2023	INITIAL HYGIENE	CONTRACT FOR MONTHLY SERVICE OF SANITARY BINS	550.00
EFT20422	27/04/2023	DAIMLER TRUCKS PERTH	FILTERS	1254.50
EFT20423	27/04/2023	CR ARC SACHSE	MEETING CLAIM	1707.60
EFT20424	27/04/2023	BENCUBBIN NETBALL CLUB	LABOUR FOR MINOR STRIP AND SEAL OF BENCUBBIN INDOOR COURT SURFACE	1000.00
EFT20425	27/04/2023	CR NICK GILLETT	MEETING ALLOWANCE	677.46
EFT20426	27/04/2023	SOUTHERN CROSS AUSTEREO PTY LTD	MARCH AROUND THE TOWN INTERVIEWS	99.00
EFT20427	27/04/2023	LEEANNE NOLA GOBBART	MEETING ALLOWANCE	605.91
EFT20428	27/04/2023	WHEATBELT LIQUID WASTE MANAGEMENT	PUMP OUT FEES	2120.00
EFT20429	27/04/2023	CENTRAL REGIONAL TAFE	COURSE FEES B BROPHY	1775.87
EFT20430	27/04/2023	MORGAN TIRRA FARM	PURCHASE OF GRAVEL	9876.38
EFT20431	27/04/2023	CHEYENNE BLAND	UNIFORM REIMBURSEMENT	393.83
EFT20432	27/04/2023	THE BENCUBBIN SHOP	FEBRUARY SUPPLIES	1285.49
EFT20433	27/04/2023	CR TM GIBSON	MEETING ALLOWANCE	1584.43
EFT20434	27/04/2023	CR MEGAN BEAGLEY	MEETING ALLOWANCE	986.36
EFT20435	27/04/2023	JORDAN MILLAR	REIMBURSEMENT OF UNIFORM	302.36
EFT20436	27/04/2023	HAMMOND WOODHOUSE ADVISORY	CONSULTANTS FOR REG 17 REVIEW	18700.00
EFT20437	28/04/2023	WA TREASURY CORPORATION	LOAN 121	42350.36

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

Chq/EFT	Date	Name	Description	Amount
EFT20438	24/04/2023	SYNERGY	UTILITY CHARGES	1869.74
DD11905.1	05/04/2023	AWARE SUPER	PAYROLL DEDUCTIONS	6841.94
DD11905.2	05/04/2023	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	2691.23
DD11905.3	05/04/2023	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	520.82
DD11905.4	05/04/2023	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	300.54
DD11905.5	05/04/2023	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	505.29
DD11905.6	05/04/2023	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	449.36
DD11905.7	05/04/2023	HOSTPLUS SUPERANNUATION FUND INDUSTRY	SUPERANNUATION CONTRIBUTIONS	307.15
DD11905.8	05/04/2023	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	SUPERANNUATION CONTRIBUTIONS	355.89
DD11940.1	19/04/2023	AWARE SUPER	PAYROLL DEDUCTIONS	7064.19
DD11940.2	19/04/2023	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	2681.80
DD11940.3	19/04/2023	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	517.30
DD11940.4	19/04/2023	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	289.84
DD11940.5	19/04/2023	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	498.79
DD11940.6	19/04/2023	AUSTRALIAN RETIREMENT TRUST	SUPERANNUATION CONTRIBUTIONS	761.46
DD11940.7	19/04/2023	HOSTPLUS SUPERANNUATION FUND INDUSTRY	SUPERANNUATION CONTRIBUTIONS	389.24
DD11940.8	19/04/2023	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	SUPERANNUATION CONTRIBUTIONS	354.74
				756,514.85

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

2. Trust

Chq/EFT	Date	Name	Description	Amount
EFT20328	03/04/2023	SAMUEL WALKER	GYM KEY BOND RETURN	10.00
EFT20376	12/04/2023	NADINE RICHMOND	REIMBURSE SOCIAL CLUB EXPENSES	14.99
EFT20382	03/04/2023	DEPARTMENT OF TRANSPORT	MMSO2023033042231 42230	761.10
EFT20383	04/04/2023	DEPARTMENT OF TRANSPORT	MMSO2023033142233 42235 42237 42238	10667.10
EFT20384	05/04/2023	DEPARTMENT OF TRANSPORT	MMSO2023040342242 42267	104.70
EFT20385	06/04/2023	DEPARTMENT OF TRANSPORT	MMSO20230404 42280	18819.70
EFT20392	20/04/2023	GRACE JENKINS	REIMBURSEMENT OF BOND	744.00
EFT20394	27/04/2023	NADINE RICHMOND	REIMBURSE SOCIAL CLUB EXPENSES	397.24
EFT20439	14/04/2023	DEPARTMENT OF TRANSPORT	MMSO20230412 42332 42331	87.20
EFT20440	17/04/2023	DEPARTMENT OF TRANSPORT	MMSO20230413 42345 42344	293.60
EFT20441	18/04/2023	DEPARTMENT OF TRANSPORT	MMSO20230414 42346 42349 42390	348.70
EFT20442	20/04/2023	DEPARTMENT OF TRANSPORT	MMSO20230418 42379	682.15
EFT20443	27/04/2023	DEPARTMENT OF TRANSPORT	MMSO20230424 42421	75.00
EFT20444	28/04/2023	DEPARTMENT OF TRANSPORT	MMSO20230426 42422	56.30
				33,061.78

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

3. Mastercard

Details	Amount
Card Fees	4.00
Site Master Little Hotelier	88.10
Site Master Little Hotelier	88.10
Rotor Key	71.50
Card Fees	4.00
Uniform for C Bland	393.83
Wheatbelt Early Childhood Educator Conference 2023	171.00
C Bland Professional Development Courses	118.00
Refreshments for NEWROC Meeting	284.50
Refreshments for NEWROC Meeting	20.00
Card fees	4.00
Council Refreshments	59.95
Card Fees	4.00
	1,310.98

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 **16 May 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

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

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.

Comment:

Nil

Voting Requirements

Simple Majority

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

OFFICER'S RECOMMENDATION:

That Council endorse the Accounts Listed:

<i>Municipal Fund</i>	<i>\$</i>	<i>756,514.85</i>
<i>Trust Fund</i>	<i>\$</i>	<i>33,061.78</i>
<i>Mastercard</i>	<i>\$</i>	<i><u>1,310.98</u></i>
<i>Total</i>	<i>\$</i>	<i>790,887.61</i>

8.4.12 Statement of Financial Activity to 30 April 2023

File Ref:	4.0557
Applicant/Proponent:	N/A
Author:	Tanika McLennan – Finance and Administration Manager
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	8.4.12 - Statement of Financial Activity to 30 April 2023

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

Voting Requirement:

Simple Majority

OFFICER'S RECOMMENDATION:

The Council endorse the Statement of Financial Activity for the month ending 30 April 2023.

8.5 Coordinator of Community Development

Nil

8.6 Regulatory Officer

8.6.1 Subdivision Application – WAPC 163464 – Lot 1332, 1338, 1339, 1340, 1341, 1342, 1343, 1348, 2827, 2984 Cleary Road, Gabbin

File Ref:	4.0210
Applicant/Proponent:	Developed Property Pty Ltd
Author:	Jordan Millar – Regulatory Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	8.6.1a – Application for Approval of Freehold or Survey Strata Subdivisions 8.6.1b – WAPC Cover Letter 8.6.1c – Subdivision Plan

Report Purpose:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of ten (10) lots into sixteen (16) lots at Lot 1332, 1338, 1339, 1340, 1341, 1342, 1343, 1348, 2827, 2984 Cleary Road, Gabbin.

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 ten (10) lots into sixteen (16) lots at Lot 1332, 1338, 1339, 1340, 1341, 1342, 1343, 1348, 2827, 2984 Cleary 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

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

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 —
 - (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 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 relevant plans or policies for 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 ten (10) lots into sixteen (16) 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)
10	15	200ha – 356ha
	1	20ha (Small Rural Lot Holding)

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.

Voting Requirement:

Simple Majority

OFFICER’S RECOMMENDATION:

That Council endorse the WAPC application 163464 - Lot 1332, 1338, 1339, 1340, 1341, 1342, 1343, 1348, 2827, 2984 Cleary 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 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*

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

of survey (deposited plan). The notification is to state as follows: “A reticulated sewerage service is not available to the lot(s).” (Local Government)

8.6.2 Subdivision Application – WAPC 163497 – Lot 14801, 14812, 14813, 16592 Welbungin South Road, Welbungin

File Ref:	4.0210
Applicant/Proponent:	AJ Marsh Pty Ltd
Author:	Jordan Millar – Regulatory Officer
Declaration of Interest:	Nil
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	8.6.2a – Application for Approval of Freehold or Survey Strata Subdivisions 8.6.2b – WA Planning Commission Cover Letter 8.6.2c – Subdivision Plan

Report Purpose:

An application for subdivision has been received by the Shire from the West Australian Planning Commission (WAPC) for the subdivision of four (4) lots into three (3) lots at Lot 14801, 14813, 14812 & 16592 Welbungin South 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 four (4) lots into three (3) lots at Lot 14801, 14813, 14812 & 16592 Welbungin South Road, Welbungin.

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

Planning and Development Act 2005

139. Commission's functions when approving subdivision etc.

- (5) 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.
- (6) 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.
- (7) 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

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

- (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.

(8) 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.

143. Consultation requirements as to proposed subdivision

- (4) 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.
- (5) 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.
- (6) 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 relevant plans or policies for this matter.

Financial Implications:

Nil from this report.

Risk Assessment:

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

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 ten (10) lots into sixteen (16) 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;

Proposed Lot	Lot Area (ha)
1	432.22ha
2	339.55ha
3	325.51ha

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.

Voting Requirement:

Simple Majority

OFFICER'S RECOMMENDATION:

That with respect to WAPC Application 163497 – subdivision of four (4) lots into three (3) lots at Lot 14801, 14813, 14812 & 16592 Welbungin South Road, Welbungin, Council advise the WAPC that it has no objection to the proposed subdivision, subject to the following conditions.

- 1. The landowner is to install suitable rural fencing of good standard in accordance with the plan dated 17 April 2023.***
- 2. All buildings and effluent disposal systems (delete as applicable) 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).***
- 3. Water tanks for firefighting purposes with a hydrant or standpipe are to be provided (50,000 litres capacity tank).***

Advice Note:

- 1. The applicant is advised that each year, compliance is necessary with the relevant local government Annual Firebreak and Fuel Load Notice issued under s33 of the Bush Fires Act 1954.***

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

- Where the decision-maker has failed to make a decision within the prescribed time period (90 days for advertised application), and the relevant scheme states that such a failure amounts to a deemed refusal.

Community & Strategic Objectives:

Environment (Built and Natural)

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

Comment:

The applicant is seeking Council approval in relation to a tree farm proposal for the purpose of revegetation of mixed species suitable for grazing (once the plantings are sufficiently mature – approx. three years), and revegetation on remaining parts of the property (which includes areas susceptible to blowing) to create biodiverse corridors linking remnant vegetation on the property and provide for broader connections in the landscape.

It is intended to conduct establishment activities on approx. 60% of the property in 2023 with any remaining area to be completed in 2024. Further soil mapping is required before the final extent of the reforestation area is determined.

Contiguous planting areas will be less than 100 ha in size and are typically 10–40 ha due to the natural features of the land and existing vegetation. Plantings will involve rows typically at 5 or 6m spacing. These will be curved to follow the contour to allow rainfall to infiltrate and minimise erosion points.

The land is zoned 'Rural' under Local Planning Scheme No.3 with the objectives of the zone being:

- To provide for the maintenance or enhancement of specific local rural character.
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future, and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

The use 'Tree Farm' is listed as a 'D' use in the Scheme which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. A 'Tree Farm' is defined within the Scheme as follows: 'Tree Farm' means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 section 5'.

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

Voting Requirement:

Simple Majority

OFFICER RECOMMENDATION:

That Council grant Development Approval for the establishment of a 'Tree Farm' on Lot 2820 Dalgouring-Snake Soak Road, subject to the following conditions;

- 1. Development shall be in accordance with the approved plans and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government – minor modifications may be approved by the Chief Executive Officer if deemed in line with this approval.***
- 2. Any additions to or change of use of any part of the land (not the subject of this consent/approval) considered to represent a significant variation from the approved development plan may require further application and planning approval for that use/addition.***
- 3. The applicant shall adhere to the Management Plan for biodiverse plantings on Lot 2820 on DP154423, Wialki dated April 2023 including any modifications required by this approval.***
- 4. Prior to commencement of the approved development/land use, a Bushfire Management Plan shall be prepared in accordance with AS 3595-2018 'Construction of Buildings in Bushfire Prone Areas', 'State Planning Policy 3.7' and the 'Guidelines for Planning in Bushfire Prone Areas' and shall be submitted and approved by the Shire, in consultation with the Department of Fire and Emergency Services.***
- 5. The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received, the applicant is required to demonstrate mitigations response/s to the approval of the local government. Such responses/s will be treated as conditions of approval/required modifications to Management Plan.***
- 6. The applicant shall ensure the Project Establishment Plan is inclusive of vermin control measures that is to the satisfaction of the local government before the commencement of the tree farm;***
- 7. Any soils disturbed or deposited on-site shall be stabilised to the approval of the local government;***

- 8. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise;**
- 9. The applicant shall obtain any necessary Native Vegetation Clearing Permit from the Department of Environment, if required;**
- 10. Repairing of any damage to the road network including the surface is required by reason of use of the road in connection with the establishment of the development to the approval of Main Roads WA and the Local Government with all costs met by the Applicant;**
- 11. Application of Nutrient Fertiliser, Pesticides and Herbicides to be undertaken to the approval of the Department of Primary Industries and Regional Development; and**
- 12. Authorise delegation to the Chief Executive Officer for the preparation and execution of the Firebreak/Fire Management Plan, with any disputes to be referred back to Council for final determination**
- 13. The landowner is to install suitable rural fencing of good standard.**
- 14. All buildings and effluent disposal systems (delete as applicable) 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).**
- 15. Water tanks for firefighting purposes with a hydrant or standpipe are to be provided (50,000 litres capacity tank).**

Advice Note:

Note 1: The Management Plan shall be prepared and periodically updated with regard for the, 'Code of Practice for Timber Plantations in Western Australia (FPC 2014), Guidelines for Plantation Fire Protection (DFES 2011), Code of Practice for use of agricultural and veterinary chemicals in WA (DPIRD 2005) and superseding documents and documents of subsequent relevance.

Note 2: If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

Note 3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 4. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.

Agenda for the Ordinary Meeting of Council on Tuesday 16 May 2023

9.0 Applications for Leave of Absence

Nil

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

Nil

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

Nil

12.0 Matters for Which Members of the Public are Excluded

13.0 Next Meeting – Tuesday 21 June 2023 commencing at 3.00pm in Council Chambers, 71 Monger St, Bencubbin

14.0 Closure of Meeting