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with access to modern services and infrastructure,  
in a unique part of the world*

# **MINUTES**

for the

**Ordinary Meeting of Council**

held on

**THURSDAY 17<sup>th</sup> DECEMBER 2015**

Shire of Cuballing  
Council Chambers  
Campbell Street, Cuballing

These minutes were confirmed at the Ordinary Meeting held on Thursday 17<sup>th</sup> December 2015.

Signed.....

Cr Mark Conley, Shire President

Thursday 18<sup>th</sup> February 2015

## **DISCLAIMER**

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

In particular and with derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing. The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

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## 1. **DECLARATION OF OPENING:**

The Shire President, Cr Conley, declared the meeting open at 3.05 pm.

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

### 2.1.1 Attendance

Cr Mark Conley	President
Cr Eliza Dowling	Deputy President
Cr Scott Ballantyne	
Cr Dawson Bradford	
Cr Tim Haslam	
Cr Roger Newman	
Mr Gary Sherry	Chief Executive Officer
Ms Tonya Williams	Deputy Chief Executive Officer
Mr Bruce Brennan	Works Supervisor
Mr C Hawksley	
Ms P Walmsley	
Ms F Alcock	
Mr J Lawson	
Ms P Sexton	

### 2.1.2 Apologies

Nil

### 2.1.3 Leave of Absence

Nil

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

Cr Conley outlined that over the past months because of the significant interest of the public gallery at Council Meetings in the progress of the proposed Regional Waste Disposal Site it has become his practice to provide an update on the project at the start of Public Question time.

Cr Conley advised that two weeks ago he had attended a recent Great Southern Regional Waste Group (GSRWG) Meeting where the decision had been made to recommend to the member Councils to withdraw the planning application for the proposed Regional Waste Disposal Site in the Shire of Cuballing. The most prominent reason for this decision was the very high cost of a public environmental review with the EPA and the uncertainty over the outcome. A positive outcome would still be appealable. Council will consider the GSRWG recommendation at item 9.2.2.

Cr Conley noted that other GSRWG member local governments had already considered and endorsed the GSRWG recommendation at their December 2015 Ordinary Council Meetings.

Cr Conley advised that prior to the Council Meeting he had received a request from a member of the Public Gallery to have Council's consideration of Item 9.2.2 at the start of the meeting as this was the item in which most of the gallery were interested.

Further Cr Conley advised that through this process Council tried to relax the public gallery's interaction with Council at Council meetings without losing respect of Council and the Council Meeting procedure and process. Cr Conley stated that this didn't occur at last Council Meeting and while he did not wish to further describe the behaviour, he would ask that Council not suspend Standing Orders until the completion of public question time.

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

Nil

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

Nil

#### **4.3 PUBLIC QUESTIONS FROM THE GALLERY:**

4.3.1 Proposed Regional Waste Disposal Site
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Ms Walmsley noted the forthcoming agenda item regarding the proposed Regional Waste Disposal Site and outlined that while she didn't have a question to ask Council she would like to present Cr Conley with a Project Numbat calendar.

Cr Conley accepted the calendar.

### **3. STANDING ORDERS:**

<b>COUNCIL DECISION:</b>
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That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.
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Moved: Cr Haslam
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Seconded: Cr Bradford
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Carried 6/0
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### **5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

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

6.1.1 Ordinary Meeting of Council held on Thursday 19<sup>th</sup> November 2015

### **COUNCIL DECISION:**

That the minutes of the Ordinary Meeting of Council held on Thursday 19<sup>th</sup> November 2015 be confirmed as a true record of proceedings.

Moved: Cr Dowling

Seconded: Cr Haslam

Carried 6/0

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

Nil

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

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

Members must disclose the nature of their interest in matters to be discussed at the meeting. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

**Cr Bradford declared a Proximity Interest in Agenda Item 9.2.2 in that Cr Bradford leases property adjoining the parcel of land to be considered in this item.**

**Cr Conley declared an Indirect Financial Interest in Agenda Item 9.2.4 in that Cr Conley supplies pigs to the proponent.**

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

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

**Cr Bradford declared an Impartiality Interest in Agenda Item 9.2.3 in that Cr Bradford is involved in the Pork Industry.**

**Cr Conley declared an Impartiality Interest in Agenda Item 9.2.3 in that Cr Conley is involved in the Pork Industry.**

**Cr Bradford declared an Impartiality Interest in Agenda Item 9.2.4 in that Cr Bradford is involved in the Pork Industry.**

## 9. REPORTS OF OFFICERS AND COMMITTEES:

Cr Conley advised of a change in the order of proceedings and requested that Council consider Agenda Item 9.2.2 at this time.

Cr Bradford declared a Proximity Interest in Agenda Item 9.2.2 in that Cr Bradford leases property adjoining the parcel of land to be considered in this item and left the Council Chamber at 3.14pm.

9.2.2	Great Southern Regional Waste Group - Proposed Regional Waste Disposal Site - Nebrikinning Road
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Applicant:	NA
File Ref. No:	ADM145
Disclosure of Interest:	Nil
Date:	9 <sup>th</sup> November 2015
Author:	Gary Sherry
Attachments:	Nil

### Summary

**Council is to consider the recommendation of the Great Southern Regional Waste Group to withdraw the Development Application to have the proposed Nebrikinning Road, Cuballing, site approved for the purpose of a Regional Refuse Site.**

### Background

Council will be aware that the Great Southern Regional Waste Group (GSRWG) has for a considerable time been trying to establish a Regional Refuse Site, with previous efforts in the Shire of Wagin, Shire of Narrogin and now the Shire of Cuballing.

The GSRWG members met on Thursday 3<sup>rd</sup> December 2015 to consider the endeavours of the proposal to establish a Regional Refuse Site on Nebrikinning Road in the Shire of Cuballing.

The GSRWG have had two Memorandums of Understanding (MOU) with the landowners to purchase approximately 75 hectares to the GSRWG for the purpose of establishing a regional refuse site. The MOU's allowed the GSRWG to purchase this property, subject to certain things happening, including:

- A Works Approval being issued by the Department of Environment Regulation
- A subdivision approval being granted for excision of the land and
- Planning Approval being granted by the Shire of Cuballing

The original MOU was renewed for an additional 12 months and expired on 31st August 2015.

Drilling and geotechnical examination indicated that the site would be acceptable, and as a consequence, a Development Application was submitted to the Shire of Cuballing in November 2015 to have the land approved for a refuse site.

### Comment

When the Development Application was submitted to the Shire of Cuballing, the Shire referred the application to all relevant stakeholders, including the Environmental Protection Agency (EPA). In considering this referral, the EPA considered the information provided and designated a Level of Assessment as "not assessed". This level of assessment was appealed by 6 members of the public including a Greens Member of the Legislative Council.

The Minister for the Environment upheld the appeals and referred the matter back to the EPA with instructions for them to review the Level of Assessment.

The Chairman and officers of the EPA also met with the GSRWG to discuss the process and progress of the proposal.

During the 24 months the MOU was in place, none of the conditions of the MOU have been met, with only one (Development Application to Cuballing Shire) being submitted, with no approval being granted. The MOU has not been extended for a third term.

The Shire of Cuballing is unable to consider the Development Application before it until the EPA process has concluded.

The EPA can request a level of Assessment of the proposal as either "Assessment on Proponent Information" (API) or a "Public Environmental Review" (PER). The API is a lesser requirement than a PER and would take less time to conduct. The EPA has not yet determined which will be applied and in fact has not as yet determined whether they will automatically apply a Level of Assessment, or that the Group should apply for a Level of Assessment.

Whichever will eventually apply, both Levels of Assessment are appealable so it is conceivable that if the lesser is applied (API), this will again be appealed and the process could start over again, or at least be delayed considerably.

It is not known how much more information would need to be completed by the GSRWG to satisfy an API. It is also not known what would need to be shown to complete a PER, however anecdotally, a PER could cost in the vicinity of \$500,000.

At a meeting of the members of the GSRWG on 3<sup>rd</sup> December 2015 above, it was resolved by the Group –

That the Great Southern Regional Waste Group:

1. Does not proceed with the development of the proposed Regional Waste Disposal Site at Nebrikinning Road because of the expected high cost and uncertain outcome of meeting the EPA's determined Level of Assessment for this site and formally withdraws the Development Application with the Cuballing Shire
2. advises the landowners, Peter and Heather Dowdell that the Group will not be proceeding with the development of the proposed Regional Waste Disposal Site at Nebrikinning Road and therefore will be withdrawing the development application with the Cuballing Shire and from any action to purchase part of their property;
3. Gratefully thanks Peter and Heather Dowdell for their patience and perseverance in their dealings with the GSRWG in this process;
4. Advises the EPA, other interested authorities and stakeholders that the Development Application is to be withdrawn and the Group will not be proceeding with the development of the proposed Regional Waste Disposal Site at Nebrikinning Road
5. Proceeds with investigations into alternative short and long term regional options to improve waste management within this region.

As per previous recommendations of the members of the GSRWG, the recommendation requires ratification by each of the individual Councils that comprise the GSRWG.

Essentially the GSRWG believes that despite the Nebrikinning Road site being able to meet the current regulatory requirements, due to the expected cost of meeting EPA requirements and that there is no guaranteed outcome for this expenditure, it recommended that the GSRWG's efforts and resources should be concentrated in other areas.



### Strategic Implications

Regardless of any decision with the proposed Regional Waste Disposal Site at Nebrikinning Road, the driving long term strategic requirement to have cost effective waste management operations in the region remains. The GSRWG have recommended that the GSRWG continue with investigations into alternative long and short term solutions. For the Shire of Cuballing a short term solution is becoming a priority given the planned move to waste transfer stations.

Statutory Environment – Nil at this time

Policy Implications – Nil at this time

### Financial Implications

Since July 2012 the GSRWG has expended in the region of \$56,000 on developing the proposed Regional Waste Disposal Site at Nebrikinning Road. This expenditure included:

• Hydrological Survey	\$ 27,630
• Town Planning Consultant	\$ 8,017
• Environmental and Technical Consultant	\$ 14,159
• Survey Costs	\$ 4,000
• Drilling costs	\$ 1,600
• Legal costs	\$ 682

The Shire of Cuballing has effectively contributed a seventh of this cost. This equates to about \$8,013.

To continue the development of the proposed Regional Waste Disposal Site at Nebrikinning Road would require significant further expenditure. The upper estimates of such expenditure to gain EPA approval are \$500,000.

### Economic Implications

Local business may reduce costs or improve productivity by using waste collection services provided by Council.

### Social Implications

While the proposed Regional Waste Disposal Site at Nebrikinning Road did create significant community opposition from within and from outside the Shire of Cuballing, waste management remains an important local government provided community service to residents across the GSRWG region. Council provision of efficient, environmentally sustainable and cost effective waste management services is a high priority for the community of the Shire of Cuballing and for communities across the GSRWG region.

### Environmental Considerations

It is anticipated that improved waste management practices will assist in the protection human health and the environment.

### Consultation

Landform Research  
Environmental Protection Agency  
Members of the Great Southern Regional Waste Group

## Options

The Council can resolve:

1. the Officer's Recommendation;
2. an amended Officer's Recommendation;
3. to propose an alternative course of action to the members of the Great Southern Regional Waste Group.

## Voting Requirements

Simple Majority

### **COUNCIL DECISION:**

**That Council endorses the recommendation of the Great Southern Regional Waste Group to:**

1. **not proceed with the development of the proposed Regional Waste Disposal Site at Nebrikinning Road because of the expected high cost and uncertain outcome of meeting the EPA's determined Level of Assessment for this site and formally withdraws the Development Application with the Cuballing Shire**
2. **advise the landowners, Peter and Heather Dowdell that the Great Southern Regional Waste Group will not be proceeding with the development of the proposed Regional Waste Disposal Site at Nebrikinning Road and therefore will be withdrawing the development application with the Cuballing Shire and from any action to purchase part of their property;**
3. **gratefully thank Peter and Heather Dowdell for their patience and perseverance in their dealings with the Great Southern Regional Waste Group in this process;**
4. **advise the EPA, other interested authorities and stakeholders that the Development Application is to be withdrawn and the Great Southern Regional Waste Group will not be proceeding with the development of the proposed Regional Waste Disposal Site at Nebrikinning Road**
5. **proceed with investigations into alternative short and long term regional options to improve waste management within this region.**

**Moved: Cr Dowling**

**Seconded: Cr Newman**

**Carried 5/0**

**Cr Bradford returned to the Council Chamber at 3.17pm.**

**Mr Hawksley, Ms Walmsley and Mr Lawson left the Council Chamber at 3.17pm.**

## 9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

### 9.1.1 List of Accounts Submitted for Council Approval and Payment – November 2015

File Ref. No: NA  
Disclosure of Interest: Nil  
Date: 7<sup>th</sup> December 2015  
Author: Nichole Gould  
Attachments: 9.1.1A List of November Accounts

#### Summary

**Council is to consider the November 2015 List of Accounts.**

Background - Nil

#### Comment

Council is provided at Attachment 9.1.1A with a list of payments made from each of Council's bank accounts during the month of November 2015.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications - Nil

Financial Implications - Nil

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

#### Options

Council may resolve:

1. the Officer's Recommendation; or
2. to not note the list of accounts.

Voting Requirements – Simple Majority

#### **COUNCIL DECISION:**

**That Council notes the Chief Executive Officer's List Of Accounts for November 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 included at Attachment 9.1.1A including payments from:**

1. the Municipal fund totalling \$234,702.49; and
2. the Trust Fund totalling \$16,200.65

**Moved: Cr Haslam**

**Seconded: Cr Dowling**

**Carried 6/0**

## LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL

Chq/EFT	Name	Description	Trust	Muni	Credit Card	Total
02112015	4 - Police Licensing Payments	Police Licensing Payments	-3227.85			-3227.85
17112015	4 - Police Licensing Payments	Police Licensing Payments	-666.00			-666.00
18112015	4 - Police Licensing Payments	Police Licensing Payments	-1880.35			-1880.35
19112015	4 - Police Licensing Payments	Police Licensing Payments	-93.00			-93.00
20112015	4 - Police Licensing Payments	Police Licensing Payments	-53.00			-53.00
23112015	4 - Police Licensing Payments	Police Licensing Payments	-181.55			-181.55
24112015	4 - Police Licensing Payments	Police Licensing Payments	-1591.70			-1591.70
25112015	4 - Police Licensing Payments	Police Licensing Payments	-515.05			-515.05
26112015	4 - Police Licensing Payments	Police Licensing Payments	-217.50			-217.50
27112015	4 - Police Licensing Payments	Police Licensing Payments	-112.70			-112.70
30112015	4 - Police Licensing Payments	Police Licensing Payments	-73.00			-73.00
04112015	4 - Police Licensing Payments	Police Licensing Payments	-53.00			-53.00
05112015	4 - Police Licensing Payments	Police Licensing Payments	-217.45			-217.45
06112015	4 - Police Licensing Payments	Police Licensing Payments	-243.70			-243.70
10112015	4 - Police Licensing Payments	Police Licensing Payments	-3683.30			-3683.30
11112015	4 - Police Licensing Payments	Police Licensing Payments	-62.05			-62.05
12112015	4 - Police Licensing Payments	Police Licensing Payments	-1543.25			-1543.25
12112015	4 - Police Licensing Payments	Police Licensing Payments	-136.00			-136.00
16112015	4 - Police Licensing Payments	Police Licensing Payments	-1650.20			-1650.20
02112015	14 - Rent On Forrest Street	Rent On Forrest Street		-600.00		-600.00
09112015	11 - Interest On Graders	Interest On Graders		-903.68		-903.68
16112015	10 - Big Air Cloud Management	Big Air Cloud Management		-116.49		-116.49
18112015	15 - Rent For Venables	Rent For Venables		-360.00		-360.00
23112015	13 - Ato Clearing Account Bas	Ato Clearing Account Bas		-12264.00		-12264.00
23112015	14 - Rent On Forrest Street	Rent On Forrest Street		-600.00		-600.00
23112015	9 - Transfers To And From Investment Accounts	Transfers To And From Investment Accounts		-200000.00		-200000.00
23112015	9 - Transfers To And From Investment Accounts	Transfers To And From Investment Accounts		30000.00		30000.00
26112015	9 - Transfers To And From Investment Accounts	Transfers To And From Investment Accounts		401255.00		401255.00

## LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL

Chq/EFT	Name	Description	Trust	Muni	Credit Card	Total
30112015	14 - Rent On Forrest Street	Rent On Forrest Street		-600.00		-600.00
04112015	15 - Rent For Venables	Rent For Venables		-360.00		-360.00
09112015	12 - Loan Repayment No. 63 Graders	Loan Repayment No. 63 Graders		-2810.60		-2810.60
EFT1759	Marketforce	Advertising-29/08-West Aust-Piggery Dents Rd		-731.44		-731.44
EFT1760	Shawn Squire	Supply & Deliver Riversand For Horse Arena-Final Payment		-18666.67		-18666.67
EFT1761	LGIS Broking	Motor Vehicle Adjustment Premium-30/06/14-30/06/15		-2124.00		-2124.00
EFT1762	LGIS Risk Management	Regional Risk Co-ordinator Program 2015/16 First Instalment		-2340.80		-2340.80
EFT1763	Lennys Commercial Kitchens	Final payment - Blueseal G506B LPG 900mm oven range w/ 30mm griddle & 4x burners		-4676.21		-4676.21
EFT1764	Air Liquide PTY LTD	Cylinder Fee E & G Size		-108.61		-108.61
EFT1765	Ampac Debt Recovery	Debt Recovery Fees-Oct 2015		-55.00		-55.00
EFT1766	Ashley Blyth Tree Lopping	Lop Down Gum Tree Near Fuel Bowser & Grind Stump		-715.00		-715.00
EFT1767	Asphalt In A Bag	20KG Bag Asphalt		-1718.75		-1718.75
EFT1768	Avon Waste	Bulk Bin Service & Rent X 4		-1328.67		-1328.67
EFT1769	Belvedere Nursery	1 X Tree For War Memorial		-22.00		-22.00
EFT1770	Bruce Brennan	50% Reimbursement-Synergy-B Brennan		-151.08		-151.08
EFT1771	Best Office Systems	Laminating Of Maps		-215.95		-215.95
EFT1772	Butler Settineri	Professional Services-Grant Acquittals-Country Local Govt. 2011-12 Round 4-2012-13 Round 5, Dryandra Regional Equestrian Centre		-2649.47		-2649.47
EFT1773	Cuby Roadhouse	October Account-Postage		-733.74		-733.74
EFT1774	Castledex	Rates Files, Tri-Clips, Loop Racks		-945.72		-945.72
EFT1775	Edwards Motors Pty Ltd	45,000KM Service & Repairs-CN1		-765.35		-765.35
EFT1776	East Narrogin Primary School	Donation For Graduation & Book Awards		-50.00		-50.00
EFT1777	Edge Planning & Property	Undertaking Preliminary Due Diligence On The Proposed Review Of The Local Planning Strategy-Sep & Oct 2015 6.5hrs @\$122.00 Per Hr		-1576.85		-1576.85
EFT1778	Farmworks Ruralco	Steel Strainer Post, Rapid set, Strut, Sprayer		-184.80		-184.80
EFT1779	Fairway Carriers	Cartage Of 2 Pallets Of Blades From Komatsu To Cuballing		-589.27		-589.27
EFT1780	Great Southern Fuel Supplies	October Account-Bulk Fuel		-13378.88		-13378.88
EFT1781	IT Vision	Add Lifetime Registration To Template		-470.80		-470.80
EFT1782	Kevrek Pty Ltd	Plastic Console Cover		-136.68		-136.68

## LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL

Chq/EFT	Name	Description	Trust	Muni	Credit Card	Total
EFT1783	Komatsu	Purchase Of 1 New WA320PZ 6 Wheel Loader		- 311688.38		-311688.38
EFT1784	Landgate	Gross Rental Valuations Chargeable-Schedule G2015/2		-62.35		-62.35
EFT1785	LGIS Insurance	Insurance Renewal-Crime Policy 20/11/15-30/06/16		-128.26		-128.26
EFT1786	Lawn Doctor	Verti Drain, Top Dress & Fertilising-Cuballing Oval		-4620.00		-4620.00
EFT1787	Makit Narrogin Hardware	October Account-Dynabolts, Drill Bits		-181.40		-181.40
EFT1788	Metrocount	Welded Battery Pack		-286.00		-286.00
EFT1789	Market Creations	2 X New Desktop Computers & Monitors		-7089.72		-7089.72
EFT1790	McDougall Weldments	50 x 50 x 4.0 Duragal Angle		-209.47		-209.47
EFT1791	Melchiorre Plumbing And Gas	Install Kitchen & Put a New Gas Hot Water System In With Regulators & Hood.		-2413.81		-2413.81
Eft1792	Narrogin Agricultural Repairs	Blades, Clip Ring, Washer		-231.70		-231.70
EFT1793	Narrogin Auto Electrics	Solenoid		-185.55		-185.55
EFT1794	Narrogin Bearing Services	2 X Mower Bearings		-63.66		-63.66
EFT1795	Narrogin Earthmoving And Concrete	Side Tipper Hire-To Cart Cracker Dust		-5771.04		-5771.04
EFT1796	Narrogin Fruit Market	Fruit Plater-Peace Run 13/10/15		-37.50		-37.50
EFT1797	Narrogin Quarry Operations	Landscaping Cracker Dust		-11268.26		-11268.26
EFT1798	Narrogin Toyota	70,000KM Service		-331.31		-331.31
EFT1799	Narrogin Country Fresh Meats	Meat For Councillors Meeting 19/11/15		-84.76		-84.76
EFT1800	Narrogin Hire Service And Reticulation	20 X Rubber Caps For Sprinklers		-502.40		-502.40
EFT1801	Narrogin Packaging	Toilet Rolls, Hand Towels, Bin Liners		-490.48		-490.48
EFT1802	Narrogin Retravision	Ice Machine		-2200.00		-2200.00
EFT1803	Page Truck Hire	Bobcat & Loader Hire-Push Up Rubbish At Popanyinning-10,19,28/10/15		-990.00		-990.00
EFT1804	Road Signs Australia	Barrier Mesh, Cones, Brackets, Bolts, Washers		-1931.60		-1931.60
EFT1805	Ray White Real Estate	Water Consumption-1 Forrest St-11/08/15-13/10/15		-28.84		-28.84
EFT1806	Records Archives Historical Management	Records Implementation-Keyword Preparation 10.5hrs		-8285.75		-8285.75
EFT1807	St John Ambulance Western Australia Ltd	Snake Bite Course		-110.00		-110.00
EFT1808	Sportspower Narrogin	12 X Polo Shirts		-852.50		-852.50
EFT1809	Staples Australia Pty Ltd	A4 Copy Paper, Document Pouches, Liquid Paper		-387.51		-387.51
EFT1810	Toll Ipec (Courier Australia)	Courier Fees-WA Hino		-109.31		-109.31
EFT1811	The West Australian	Bushfire Advertising		-120.00		-120.00

## LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL

Chq/EFT	Name	Description	Trust	Muni	Credit Card	Total
EFT1812	The Workwear Group Pty Ltd	Protective Clothing-Phil Lawrence		-280.79		-280.79
EFT1813	Tonya Williams	Reimbursement-Fuel-Newdegate Stock & Trading Co		-185.77		-185.77
EFT1814	Australian Super	Superannuation contributions		-493.31		-493.31
EFT1815	Hostplus Super	Superannuation contributions		-580.47		-580.47
EFT1816	Prime Super	Superannuation contributions		-427.74		-427.74
EFT1817	WA Local Government Super Plan	Superannuation contributions		-15448.22		-15448.22
EFT1818	Westscheme Superannuation	Superannuation contributions		-238.65		-238.65
14753	Builders Registration Board Building Commission	Building Surveyor Practitioner Registration Renewal-D Baxter		-765.45		-765.45
14754	Cuby Tavern	Records Management Contractor-4 Nights Accommodation & Meals-Kim Bolton 26/10/15-30/10/15		-917.40		-917.40
14755	Narrogin Primary School	Graduation/Awards Donation 2015		-50.00		-50.00
14756	SYNERGY	Electricity Charges-U3/22 Campbell St Cuballing 04/09/15-03/11/15		-3087.70		-3087.70
14757	Shire of Cuballing (CASH)	Building Services-Oct 2015-Labour 31.5hrs @\$99, Travel 426kms @0.95		-5891.20		-5891.20
14758	Telstra	Oct Mobile Charges-Popanyinning Fire Station Mobile Antenna		-2874.53		-2874.53
14759	The Perth Mint	20 X 2016 Australian Citizenship \$1 Coins		-117.20		-117.20
14760	Water Corporation	Water Charges-Standpipe At Francis St		-626.72		-626.72
14761	Mercer Superannuation	Superannuation contributions		-360.27		-360.27
26112015	Commonwealth Bank				-1400.63	-1400.63
			-16200.65	-234702.49	-1400.63	-252303.77

## 9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	3 <sup>rd</sup> December 2015
Author:	Tonya Williams, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity 9.1.2A

### **Summary**

#### **Council is to consider the Statement of Financial Activity for November 2015.**

#### **Background**

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

#### **Comment**

#### **Governance**

The LGIS Dividend has been received earlier than expected. Timing difference as Staff Training expenses have not been utilised. Council election costs were less than budgeted.

#### **Law, Order and Public Safety**

Income and expenditure have a permanent difference as an unbudgeted grant was received and expended to install mobile reception boosters at the Fire Stations in Cuballing and Popanyinning. Additional funds have also been paid for the over-expenditure claim from 2014/15.

#### **Health**

Additional septic licence fees have been received.

#### **Education and Welfare**

The Age Friendly Audit was expected to be completed in August, this has created a timing difference as spending on the Aged Housing Project is expected later in the financial year.

#### **Housing**

Timing difference, maintenance costs are lower than budgeted. Permanent difference, rent contribution by salary sacrifice not budgeted for.

#### **Community Amenities**

Timing difference as cemetery fees have been received. Timing difference on the expenditure for the Local Planning Strategy review.



### **Recreation and Culture**

Income has a timing difference as budget expected an instalment payment of the CSRFF Grant that has not been received. Income will have a permanent difference as Kidsport funding was received and not budgeted for, Council will now manage these funds. Timing difference, maintenance costs are lower than expected.

### **Transport**

Permanent difference as the depreciation costs on Roads is significantly higher than budgeted due to the revaluation of Infrastructure Assets from 2014/15.

### **Economic Services**

Additional Building Licenses have been received. Timing difference, expected to pay the Dryandra Country Visitors Centre contribution invoice in August but this has not yet been paid.

### **Other Property and Services**

Private Works has cost less than expected to date. Private Works for Building is also invoiced at the start of the new month and has created a timing difference for invoicing. There is a timing difference on staff training expenses, holiday pay and Public Works Overheads Other spending.

### **Capital Expenditure**

It was budgeted to spend the remaining funding for the Equestrian Clubrooms evenly over the first three months of this financial year, works are moving along and funds are almost fully expended.

Costs allocated to be spent for the preparation of the Roads Capital Works programs are less than expected, with orders currently being placed this figure is expected to rise in the coming months.

Purchase of new Ute was more than budgeted, the trade in costs was allocated rather than the full purchase price. Purchase of a new mower was under the capitalisation threshold (and budget) and further spending will be delayed until the new financial year.

Detailed breakdown of all variances provided in Note 2 of the Statement of Financial Activity.

Administration Allocations done to November 2015.

Depreciation expenses calculated to November 2015.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

### Options

Council may resolve:

1. the Officer's Recommendation; or
2. not to receive the Statement of Financial Activity

Voting Requirements – Simple Majority

**COUNCIL DECISION:**

**That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 30<sup>th</sup> November 2015 be received.**

**Moved: Cr Newman**

**Seconded: Cr Ballantyne**

**Carried 6/0**

**SHIRE OF CUBALLING**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ended 30 November 2015**

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

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Note 8	Capital Disposals
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## Shire of Cuballing

### Compilation Report

For the Period Ended 30 November 2015

### Report Purpose

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996*, Regulation 34 .

### Overview

Summary reports and graphical progressive graphs are provided on page 3, 4 and 5.  
No matters of significance are noted.

### Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 30 November 2015 of \$1,003,026.

Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary.

### Preparation

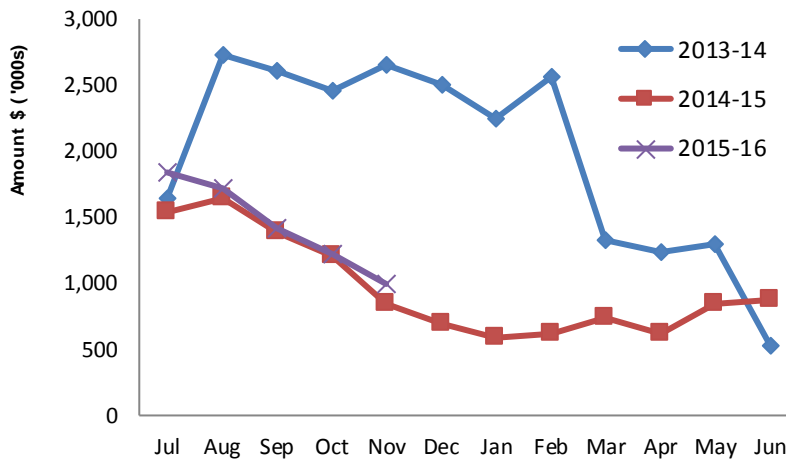
Prepared by: Tonya Williams, Deputy Chief Executive Officer

Reviewed by:

Date prepared: 2nd November 2015

**Shire of Cuballing**  
**Monthly Summary Information**  
 For the Period Ended 30 November 2015

**Liquidity Over the Year (Refer Note 3)**



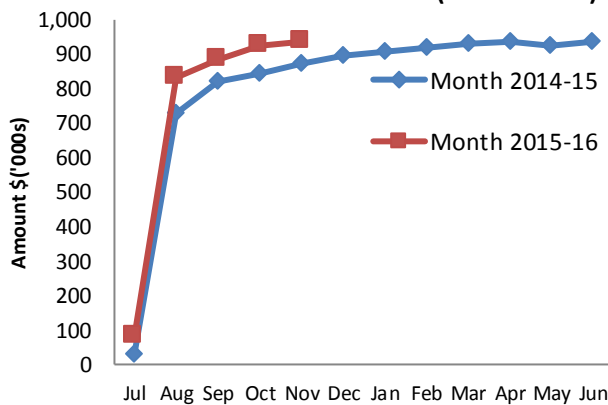
**Cash and Cash Equivalents as at period end**

Unrestricted	\$ 869,868
Restricted	\$ 1,268,664
	\$ 2,138,531

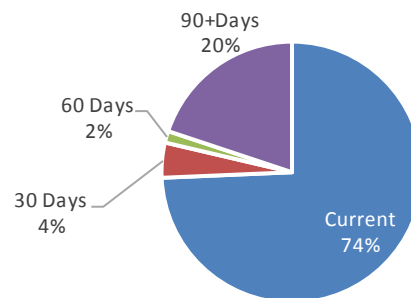
**Receivables**

Rates	\$ 99,791
Other	\$ 10,643
	\$ 110,434

**Rates Receivable (Refer Note 6)**



**Accounts Receivable Ageing (non-rates) (Refer Note 6)**



**Comments**

Early Discount - 14th August 2015  
 Rates Due - 28th August 2015  
 47 on installments

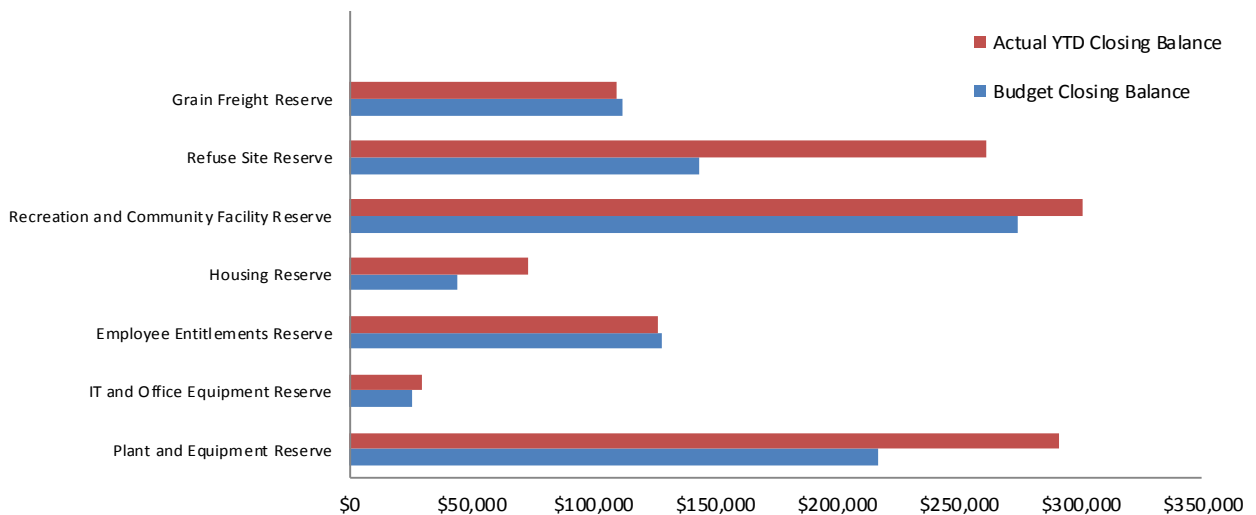
This information is to be read in conjunction with the accompanying Financial Statements and notes.

**Shire of Cuballing**  
 Monthly Summary Information  
 For the Period Ended 30 November 2015

**Capital Expenditure Program YTD (Refer Note 13)**



**Year To Date Reserve Balance to End of Year Estimate (Refer Note 7)**



**Comments**

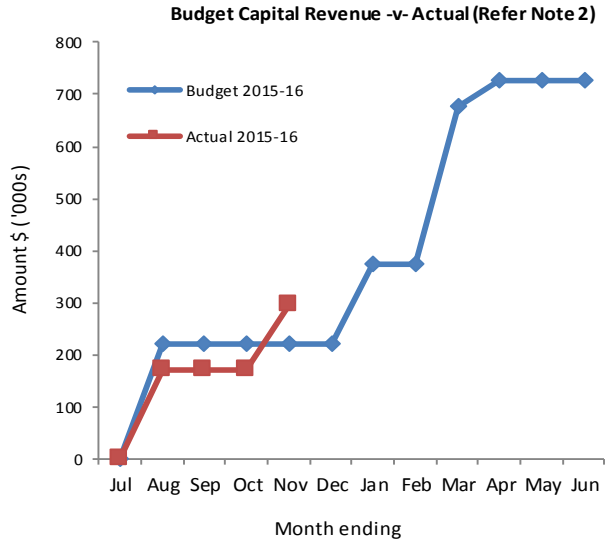
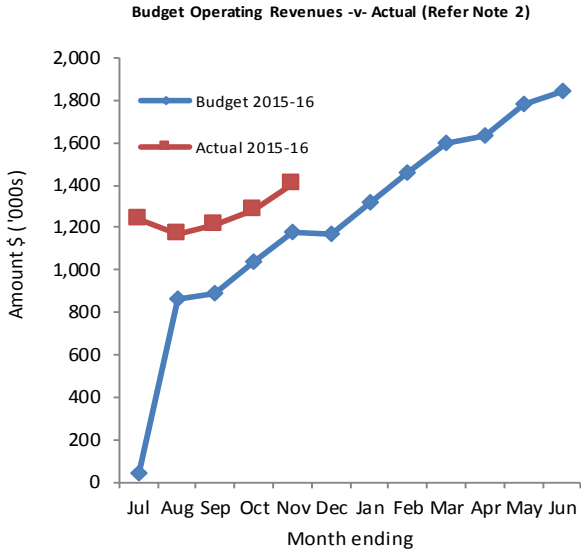
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## Shire of Cuballing

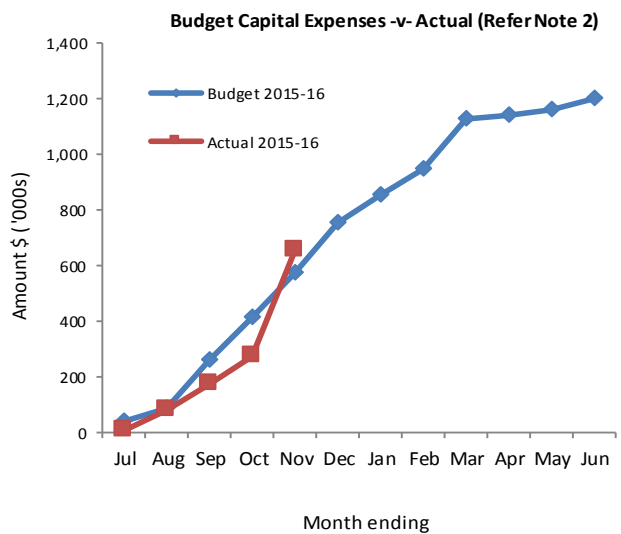
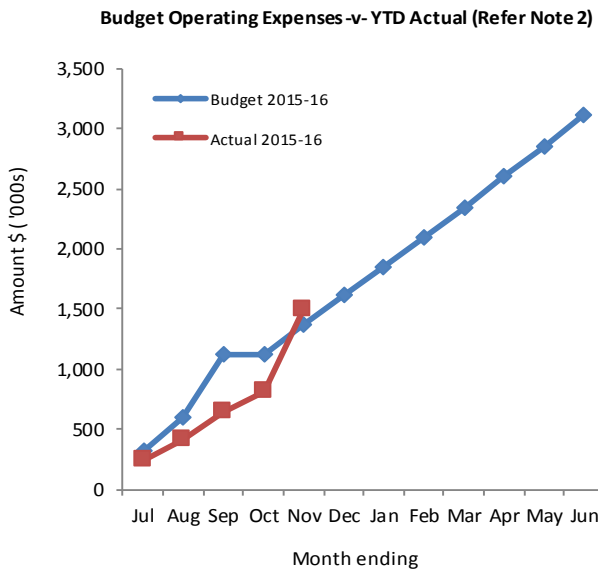
### Monthly Summary Information

For the Period Ended 30 November 2015

**Revenues**



**Expenditure**



**Comments**

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

**SHIRE OF CUBALLING**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(Statutory Reporting Program)**  
**For the Period Ended 30 November 2015**

	Note	Adopted Annual Budget	Adopted YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>							
4 Governance		\$ 2,500	\$ 205	\$ 5,704	\$ 5,499	2682.59%	▲
3 General Purpose Funding		1,316,565	938,789	1,147,104	208,315	22.19%	▲
5 Law, Order and Public Safety		20,063	8,688	22,863	14,175	163.17%	▲
7 Health		1,500	464	762	298	64.22%	
8 Education and Welfare		0	0	0	0		
9 Housing		0	0	1,620	1,620		
10 Community Amenities		1,350	485	993	508	104.79%	
11 Recreation and Culture		13,750	8,365	8,732	367	4.39%	
12 Transport		158,287	78,394	77,618	(776)	(0.99%)	
13 Economic Services		32,300	11,625	37,718	26,093	224.46%	▲
14 Other Property and Services		333,600	133,228	104,869	(28,359)	(21.29%)	▼
Total Operating Revenue		1,879,915	1,180,243	1,407,983	227,741		
<b>Operating Expense</b>							
4 Governance		(123,858)	(85,918)	(62,340)	23,578	27.44%	▲
3 General Purpose Funding		(57,098)	(21,280)	(20,412)	868	4.08%	
5 Law, Order and Public Safety		(114,049)	(50,308)	(53,996)	(3,688)	(7.33%)	
7 Health		(39,543)	(16,855)	(13,743)	3,112	18.47%	▲
8 Education and Welfare		(75,022)	(8,300)	(4,728)	3,572	43.04%	▲
9 Housing		(48,751)	(22,036)	(21,333)	703	3.19%	
10 Community Amenities		(235,141)	(89,020)	(67,922)	21,098	23.70%	▲
11 Recreation and Culture		(254,827)	(115,444)	(122,143)	(6,699)	(5.80%)	
12 Transport		(1,746,746)	(728,040)	(846,199)	(118,159)	(16.23%)	▼
13 Economic Services		(170,518)	(70,797)	(48,102)	22,695	32.06%	
14 Other Property and Services		(298,939)	(161,380)	(229,357)	(67,978)	(42.12%)	▼
Total Operating Expenditure		(3,164,492)	(1,369,378)	(1,490,276)	(120,897)		
<b>Funding Balance Adjustments</b>							
55 Add back Depreciation		923,700	384,865	592,671	207,806	53.99%	▲
Adjust (Profit)/Loss on Asset Disposal	8	59,974	10,152	7,782	(2,370)	(23.34%)	
Adjust Provisions and Accruals		0	0	0	0		
<b>Net Cash from Operations</b>		<b>(300,904)</b>	<b>205,881</b>	<b>518,161</b>	<b>312,280</b>		
<b>Capital Revenues</b>							
18 Grants, Subsidies and Contributions	11	756,871	221,345	284,788	63,443	28.66%	▲
Proceeds from Disposal of Assets	8	95,634	95,634	12,134	(83,500)	(87.31%)	▼
Total Capital Revenues		852,505	316,979	296,922	(20,057)		
<b>Capital Expenses</b>							
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(462,523)	(221,337)	(180,553)	40,784	18.43%	▲
Infrastructure - Roads & Footpaths	13	(729,155)	(348,533)	(122,020)	226,513	64.99%	▲
Plant and Equipment	13	(407,690)	(79,190)	(352,624)	(273,434)	(345.29%)	▼
Furniture and Equipment	13	0	0	0	0		
Total Capital Expenditure		(1,599,368)	(649,060)	(655,198)	(6,138)		
<b>Net Cash from Capital Activities</b>		<b>(746,863)</b>	<b>(332,081)</b>	<b>(358,276)</b>	<b>(26,195)</b>		
<b>Financing</b>							
Proceeds from New Debentures		0	0	0	0		
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0		
Transfer from Reserves	7	451,505	191,315	191,315	0	0.00%	
Transfer from Restricted Cash		70,275	70,275	64,851	(5,424)		
Transfer to Restricted Cash		0	0	0	0		
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(66,420)	(23,858)	(23,858)	0	0.00%	
Transfer to Reserves	7	(213,464)	(192,814)	(199,547)	(6,733)	(3.49%)	
<b>Net Cash from Financing Activities</b>		<b>241,896</b>	<b>44,918</b>	<b>32,761</b>	<b>(12,157)</b>		
<b>Net Operations, Capital and Financing</b>		<b>(805,870)</b>	<b>(81,282)</b>	<b>192,646</b>	<b>273,928</b>		
<b>Opening Funding Surplus(Deficit)</b>	3	<b>811,820</b>	<b>811,820</b>	<b>810,380</b>	<b>(1,440)</b>	<b>(0.18%)</b>	▼
<b>Closing Funding Surplus(Deficit)</b>	3	<b>5,950</b>	<b>730,538</b>	<b>1,003,026</b>	<b>272,488</b>		

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

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



**SHIRE OF CUBALLING**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(By Nature or Type)**  
**For the Period Ended 30 November 2015**

	Note	Adopted Annual Budget	Adopted YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>							
10 Rates	9	\$ 994,120	\$ 781,178	\$ 994,634	\$ 213,456	27.32%	▲
Operating Grants, Subsidies and Contributions	11	454,895	225,854	269,594	43,741	19.37%	▲
15 Fees and Charges		374,900	158,224	114,386	(43,838)	(27.71%)	▼
Service Charges		0	0	0	0		
16 Interest Earnings		38,000	16,139	17,571	1,432	8.87%	
17 Other Revenue		18,000	9,000	11,797	2,797	31.08%	
13 Profit on Disposal of Assets	8	0	0	0			
Total Operating Revenue		1,879,915	1,190,395	1,407,983	217,589		
<b>Operating Expense</b>							
50 Employee Costs		(1,030,464)	(422,306)	(360,174)	62,132	14.71%	▲
52 Materials and Contracts		(922,721)	(386,551)	(370,195)	16,357	4.23%	
54 Utility Charges		(33,000)	(12,985)	(14,136)	(1,151)	(8.86%)	
55 Depreciation on Non-Current Assets		(923,700)	(384,865)	(592,671)	(207,806)	(53.99%)	▼
56 Interest Expenses		(16,356)	(6,024)	(6,257)	(233)	(3.87%)	
57 Insurance Expenses		(116,177)	(114,897)	(109,767)	5,130	4.46%	
58 Other Expenditure		(62,100)	(41,750)	(29,293)	12,457	29.84%	▲
59 Loss on Disposal of Assets	8	(59,974)	(10,152)	(7,782)			
Total Operating Expenditure		(3,164,492)	(1,379,530)	(1,490,276)	(113,115)		
<b>Funding Balance Adjustments</b>							
Add back Depreciation		923,700	384,865	592,671	207,806	53.99%	▲
Adjust (Profit)/Loss on Asset Disposal	8	59,974	10,152	7,782	(2,370)	(23.34%)	
Adjust Provisions and Accruals		0	0	0	0		
<b>Net Cash from Operations</b>		<b>(300,903)</b>	<b>205,881</b>	<b>518,161</b>	<b>309,910</b>		
<b>Capital Revenues</b>							
18 Grants, Subsidies and Contributions	11	756,871	221,345	284,788	63,443	28.66%	▲
Proceeds from Disposal of Assets	8	95,634	95,634	12,134	(83,500)	(87.31%)	▼
Total Capital Revenues		852,505	316,979	296,922	(20,057)		
<b>Capital Expenses</b>							
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(462,523)	(221,337)	(180,553)	40,784	18.43%	▲
Infrastructure - Roads & Footpaths	13	(729,155)	(348,533)	(122,020)	226,513	64.99%	▲
Plant and Equipment	13	(407,690)	(79,190)	(352,624)	(273,434)	(345.29%)	▼
Furniture and Equipment	13	0	0	0	0		
Total Capital Expenditure		(1,599,368)	(649,060)	(655,198)	(6,138)		
<b>Net Cash from Capital Activities</b>		<b>(746,863)</b>	<b>(332,081)</b>	<b>(358,276)</b>	<b>(26,195)</b>		
<b>Financing</b>							
Proceeds from New Debentures		0	0	0	0		
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0		
Transfer from Reserves	7	451,505	191,315	191,315	0	0.00%	
Transfer from Restricted Cash		70,275	70,275	64,851			
Transfer to Restricted Cash		0	0	0			
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(66,420)	(23,858)	(23,858)	0	0.00%	
Transfer to Reserves	7	(213,464)	(192,814)	(199,547)	(6,733)	(3.49%)	
<b>Net Cash from Financing Activities</b>		<b>241,896</b>	<b>44,918</b>	<b>32,761</b>	<b>(6,733)</b>		
<b>Net Operations, Capital and Financing</b>		<b>(805,870)</b>	<b>(81,282)</b>	<b>192,646</b>	<b>276,983</b>		
<b>Opening Funding Surplus(Deficit)</b>	3	<b>811,820</b>	<b>811,820</b>	<b>810,380</b>	<b>(1,440)</b>	<b>(0.18%)</b>	
<b>Closing Funding Surplus(Deficit)</b>	3	<b>5,950</b>	<b>730,538</b>	<b>1,003,026</b>	<b>275,542</b>		

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

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

**SHIRE OF CUBALLING**  
**STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING**  
For the Period Ended 30 November 2015

Capital Acquisitions By Class	Note	YTD Actual Total (a)	YTD Budget (b)	Annual Budget	Variance (b) - (a)
		\$	\$	\$	\$
Land and Buildings	13	180,553	221,337	468,473	(40,784)
Infrastructure Assets	13	122,020	348,533	729,155	(226,513)
Plant and Equipment	13	352,624	79,190	407,690	273,434
Furniture and Equipment	13	0	0	0	0
<b>Capital Expenditure Totals</b>		<b>655,198</b>	<b>649,060</b>	<b>1,605,318</b>	<b>6,138</b>

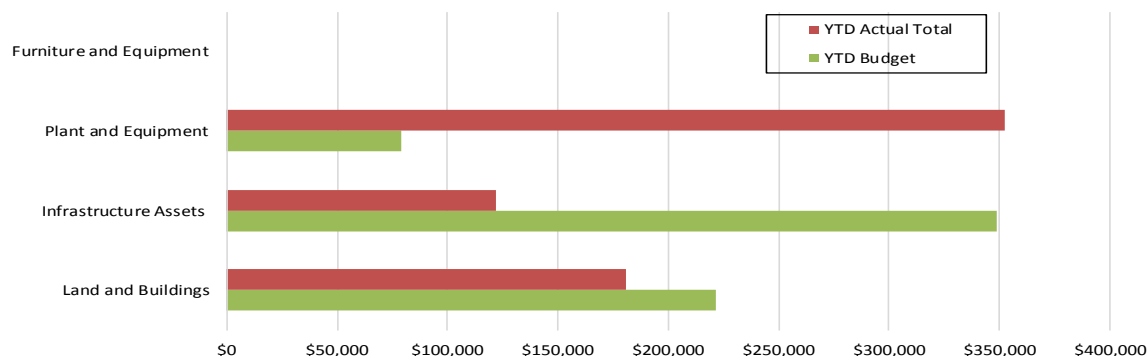
Capital Acquisitions By Program	Note	YTD Actual Total (a)	YTD Budget (b)	Annual Budget	Variance (b) - (a)
		\$	\$	\$	\$
Governance	13	381	0	5,950	381
Community Amenities	13	0	49,980	180,000	(49,980)
Recreation and Culture	13	165,660	151,357	262,523	14,303
Transport	13	489,157	447,723	1,156,845	41,434
<b>Capital Expenditure Totals</b>		<b>655,198</b>	<b>649,060</b>	<b>1,605,318</b>	<b>6,138</b>

**Funded By:**

Capital Grants and Contributions	284,788	221,345	0	63,443
Borrowings	0	0	0	0
Other (Disposals & C/Fwd)	12,134	95,634	0	(83,500)
<b>Own Source Funding - Cash Backed Reserves</b>				
Plant and Equipment Reserve	0	0	76,190	
Administration Building and Office Equipment Reserve	0	0	5,000	
Housing Reserve	0	0	30,000	
Recreation and Community Facility Reserve	0	0	29,000	
Refuse Site Reserve	0	0	120,000	
Grain Freight Reserve	66,000	66,000	66,000	
General Purpose Reserve	125,315	125,315	125,315	
<b>Total Own Source Funding - Cash Backed Reserves</b>	<b>-191,315</b>	<b>191,315</b>	<b>451,505</b>	<b>382,630</b>
<b>Own Source Funding - Operations</b>	<b>358,275</b>	<b>(50,549)</b>	<b>702,308</b>	<b>408,824</b>
<b>Capital Funding Total</b>	<b>655,198</b>	<b>649,060</b>	<b>1,605,318</b>	<b>6,138</b>

Comments and graphs

Capital Expenditure Program YTD



**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES**

**(a) Basis of Accounting**

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this statement are presented below and have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

**Critical Accounting Estimates**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

**(b) The Local Government Reporting Entity**

All Funds through which the Council controls resources to carry on its functions have been included in this statement.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

**(c) Rounding Off Figures**

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

**(d) Rates, Grants, Donations and Other Contributions**

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

**(e) Goods and Services Tax**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable.

The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(f) Cash and Cash Equivalents**

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

**(g) Trade and Other Receivables**

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

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

**(h) Inventories**

***General***

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

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

***Land Held for Resale***

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

**(i) Fixed Assets**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(j) Depreciation of Non-Current Assets**

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

Buildings	30 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Sealed roads and streets	
clearing and earthworks	not depreciated
construction/road base	50 years
original surfacing and	
major re-surfacing	
- bituminous seals	20 years
- asphalt surfaces	25 years
Gravel roads	
clearing and earthworks	not depreciated
construction/road base	50 years
gravel sheet	12 years
Formed roads (unsealed)	
clearing and earthworks	not depreciated
construction/road base	50 years
Footpaths - slab	20 years
Sewerage piping	100 years
Water supply piping & drainage systems	75 years

**(k) Trade and Other Payables**

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

**(l) Employee Benefits**

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

**(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)**

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

**(ii) Annual Leave and Long Service Leave (Long-term Benefits)**

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(m) Interest-bearing Loans and Borrowings**

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at a mortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

***Borrowing Costs***

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

**(n) Provisions**

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

**(o) Current and Non-Current Classification**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(p) Nature or Type Classifications**

**Rates**

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

**Operating Grants, Subsidies and Contributions**

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

**Non-Operating Grants, Subsidies and Contributions**

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

**Profit on Asset Disposal**

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

**Fees and Charges**

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

**Service Charges**

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies the These are television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

**Interest Earnings**

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

**Other Revenue / Income**

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

**Employee Costs**

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

**Materials and Contracts**

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

**Utilities (Gas, Electricity, Water, etc.)**

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(q) Nature or Type Classifications (Continued)**

**Insurance**

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

**Loss on asset disposal**

Loss on the disposal of fixed assets.

**Depreciation on non-current assets**

Depreciation expense raised on all classes of assets.

**Interest expenses**

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

**Other expenditure**

Statutory fees, taxes, provision for bad debts, member's fees or levies including WA Fire Brigade Levy and State taxes. Donations and subsidies made to community groups.

**(r) Statement of Objectives**

Council has adopted a 'Plan for the future' comprising a Strategic Community Plan and Corporate Business Plan to provide the long term community vision, aspirations and objectives.

Based upon feedback received from the community the vision of the Shire is:

*"A wonderful place to live, work, invest and visit with the community working together to achieve shared objectives"*

The Strategic Community Plan defines the key objectives of the Shire as:

*"Economic: A strong, resilient and balanced economy.*

*Environment: Our unique natural and built environment is protected and enhanced.*

*Social: Our community enjoys a high quality of life.*

*Civic Leadership: A collaborative and engaged community."*

**(s) Reporting Programs**

Council operations as disclosed in this statement encompass the following service orientated activities/programs:

**GOVERNANCE**

Expenses associated with provision of services to members of council and elections. Also included are costs associated with computer operations, corporate accounting, corporate records and asset management. Costs reported as administrative expenses are redistributed in accordance with the principle of activity based costing (ABC).

**GENERAL PURPOSE FUNDING**

Rates and associated revenues, general purpose government grants, interest revenue and other miscellaneous revenues such as commission on Police Licensing. The costs associated with raising the above mentioned revenues, eg. Valuation expenses, debt collection and overheads.

**LAW, ORDER, PUBLIC SAFETY**

Enforcement of Local Laws, fire prevention, animal control and provision of ranger services.

**HEALTH**

Health inspection services, food quality control, mosquito control and contributions towards provision of medical health services.



**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(s) Reporting Programs (Continued)**

**HOUSING**

Provision and maintenance of rented housing accommodation for pensioners and employees.

**COMMUNITY AMENITIES**

Sanitation, sewerage, stormwater drainage, protection of the environment, public conveniences, cemeteries and town planning.

**RECREATION AND CULTURE**

Parks, gardens and recreation reserves, library services, television and radio re-broadcasting, swimming facilities, walk trails, youth recreation, Shark Bay World Heritage Discovery and Visitor Centre, boat ramps, foreshore, public halls and Shark Bay Recreation Centre.

**TRANSPORT**

Construction and maintenance of roads, footpaths, drainage works, parking facilities, traffic control, depot operations, plant purchase, marine facilities and cleaning of streets.

**ECONOMIC SERVICES**

Tourism, community development, pest control, building services, caravan parks and private works.

**OTHER PROPERTY & SERVICES**

Plant works, plant overheads and stock of materials.

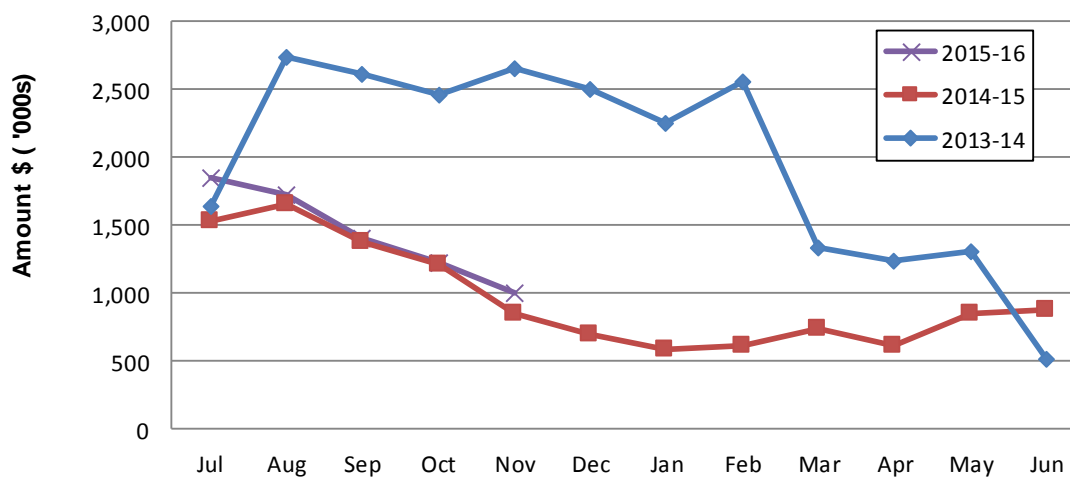
**Note 2: EXPLANATION OF MATERIAL VARIANCES**

Reporting Program	Var. \$	Var. %	V	Timing/ Permane	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
General Purpose Funding	208,315	22.19%	▲	Timing	Less on Rates installments than budgeted.
Governance	5,499	2682.59%	▲	Permanent	Water Corp Refund received, was expected in June 15. LGIS Dividend paid earlier than expected.
Law, Order and Public Safety	14,175	163.17%	▲	Permanent	Volunteer Bushfire Association Grant received. Additional funds from 14/15 overspend received.
Health	298	64.22%		Timing	Additional Septic Tank Licences received
Education and Welfare	0				No material variance
Housing	1,620			Permanent	Rent contribution, salary sacrifice
Community Amenities	508	104.79%		Timing	Cemetery fees received
Recreation and Culture	367	4.39%		Permanent	Equestrain Centre lease fee, GST included in budget. Kidsport Grant Money received not budgeted
Transport	(776)	(0.99%)			No material variance
Economic Services	26,093	224.46%	▲	Timing	Additional Building Licenses received
Other Property and Services	(28,359)	(21.29%)	▼	Timing	Private Works Building - invoiced start of new month. Private Works income less than budget.
<b>Operating Expense</b>					
General Purpose Funding	868	4.08%		Timing	No material variance
Governance	23,578	27.44%	▲	Timing	Council Election costs less than expected. Timing Difference on sitting fees payment.
Law, Order and Public Safety	(3,688)	(7.33%)		Permanent	Mobile Reception at Fire Stations (Grant) Spending, Maintenance costs lower than budgeted.
Health	3,112	18.47%	▲	Timing	EHO Salary less than budget.
Education and Welfare	3,572	43.04%	▲	Timing	Age Friendly Audit not completed yet
Housing	703	3.19%		Timing	No material variance
Community Amenities	21,098	23.70%	▲	Timing	Tip and Cemetery Maintenance costs lower than budget. Timing difference on Local Planning Strategy review costs.
Recreation and Culture	(6,699)	(5.80%)		Timing	Timing difference on aerate lawn costs.
Transport	(118,159)	(16.23%)	▼	Permanent	Depreciation costs higher than budget to to 14/15 Road Revaluation.
Economic Services	22,695	32.06%		Timing	Tourism expenses down (Dryandra Visitor Centre invoice not paid), noxious weed control expenses lower than budget. Building Services cost lower than budget.
Other Property and Services	(67,978)	(42.12%)	▼	Timing	Timing difference on staff training expenses, holiday pay and PWO other expenditure.
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	63,443	28.66%	▲		CSRFF Grant instalment expected, not received
Proceeds from Disposal of Assets	(83,500)	(87.31%)	▼		No material variance
<b>Capital Expenses</b>					
Land and Buildings	40,784	18.43%	▲	Timing	Depot Upgrade under budget. Transfer Station development not yet started.
Infrastructure - Roads	226,513	64.99%	▲	Timing	Expenditure delayed - timing difference, large invoices expected in coming month
Plant and Equipment	(273,434)	(345.29%)	▼	Timing	Mowers purchased under threshold, permanent difference to expenditure for next year. Works Ute greater than budget as only trade in cost was accounted for. Loader budgeted for December, paid in November.
Furniture and Equipment	0				No material variance
<b>Financing</b>					
Loan Principal	0	0.00%			No material variance

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**Note 3: NET CURRENT FUNDING POSITION**

		Positive=Surplus (Negative=Deficit)		
		YTD 30 Nov 2015	30th June 2015	YTD 30 Nov 2014
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	4	869,868	774,608	659,734
Cash Restricted - Reserves	4	1,264,809	1,256,586	1,036,020
Cash Restricted Cash	6	3,854	64,851	0
Receivables	6	144,859	78,409	194,352
Inventories		7,197	7,197	11,032
		2,290,588	2,181,651	1,901,138
<b>Less: Current Liabilities</b>				
Payables and Provisions		(18,898)	(49,834)	(16,184)
		(18,898)	(49,834)	(16,184)
Less: Cash Reserves Restricted	7	(1,264,809)	(1,256,586)	(1,036,020)
Less: Cash - Restricted Municipal		(3,854)	(64,851)	0
<b>Net Current Funding Position</b>		<b>1,003,026</b>	<b>810,380</b>	<b>848,934</b>

**Note 3 - Liquidity Over the Year****Comments - Net Current Funding Position**

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**Note 4: CASH AND INVESTMENTS**

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) <b>Cash Deposits</b>							
Municipal Bank Account	0.00%	25,090	3,854		28,945	Commonwealth	At Call
Online Saver	1.75%	540,357			540,357	Commonwealth	At Call
Cash Deposit Account	1.75%	300,000			300,000	Commonwealth	At Call
Police Licensing Account	0.00%	0			0	Commonwealth	At Call
Trust Bank Account	0.00%			22,812	22,812	Commonwealth	At Call
Cash On Hand	Nil	700			700	N/A	On Hand
Reserves	1.75%		1,264,809		1,264,809	Commonwealth	At Call
(b) <b>Term Deposits</b>							
<b>Total</b>		866,147	1,268,664	22,812	2,157,622		

**Comments/Notes - Investments**

Muni Account Restricted Cash - remaining CLGF funds

Police Licensing Account - account not used as funds go through Trust account. Account Closed November 2015, funds transferred to Muni.

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**Note 5: BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	<b>Budget Adoption</b>		Opening Surplus	\$	\$	\$	\$
	<b>Permanent Changes</b>						0
	<b>Changes Due to Timing</b>						0
				0	0	0	

**Classifications Pick List**

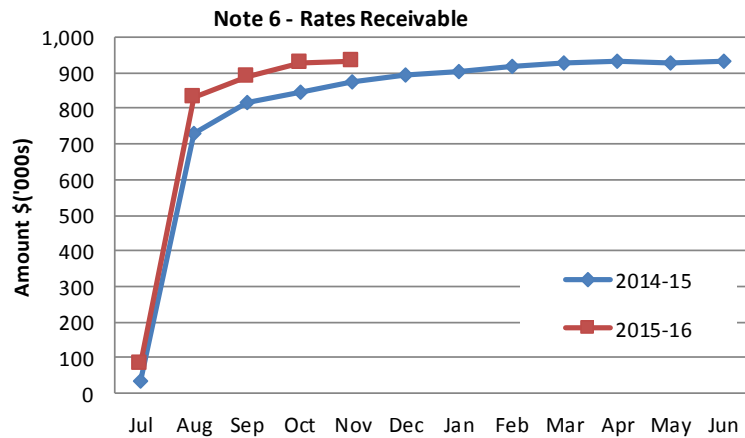
Operating Revenue  
 Operating Expenses  
 Capital Revenue  
 Capital Expenses  
 Opening Surplus(Deficit)  
 Non Cash Item

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**Note 6: RECEIVABLES**

**Receivables - Rates Receivable**

	YTD 30 Nov 2015	30 June 2015
Opening Arrears Previous Years Levied this year	\$ 39,377	\$ 28,976
Levied this year	994,634	944,371
Less Collections to date	(934,220)	(933,970)
<b>Equals Current Outstanding</b>	<b>99,791</b>	<b>39,376</b>
<b>Net Rates Collectable</b>	<b>99,791</b>	<b>39,376</b>
% Collected	90.35%	95.95%



**Comments/Notes - Receivables Rates**

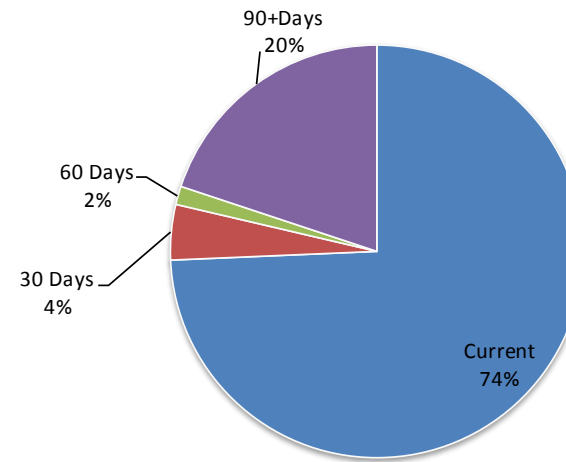
Early Discount - 14th August 2015  
 Rates Due - 28th August 2015

**Receivables - General**

	Current	30 Days	60 Days	90+Days
Receivables - General	\$ 7,910	\$ 462	\$ 153	\$ 2,118
<b>Total Receivables General Outstanding</b>				<b>10,643</b>

Amounts shown above include GST (where applicable)

**Note 6 - Accounts Receivable (non-rates)**



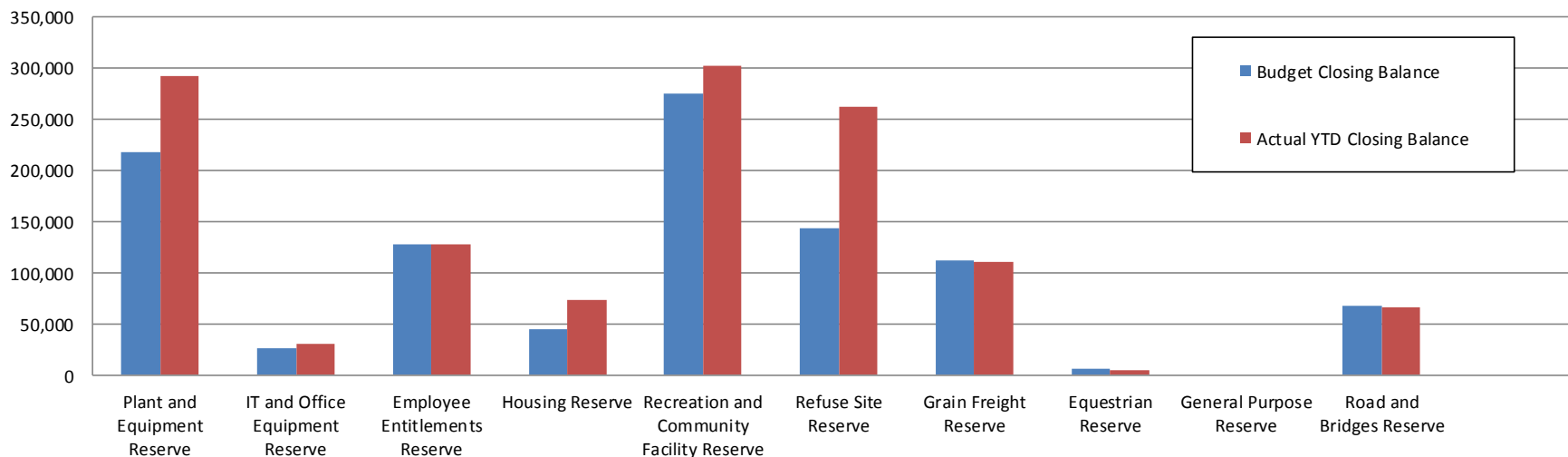
**Comments/Notes - Receivables General**

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**Note 7: Cash Backed Reserve**

2015-16										
Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Transfer out Reference	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$		\$	\$
Plant and Equipment Reserve	289,119	4,372	1,894	0	0	(76,190)	0		217,301	291,013
IT and Office Equipment Reserve	29,864	452	196	0	0	(5,000)	0		25,316	30,060
Employee Entitlements Reserve	126,014	1,906	826	0	0	0	0		127,920	126,840
Housing Reserve	7,791	1,106	479	65,327	65,315	(30,000)	0		44,224	73,585
Recreation and Community Facility Reserve	299,160	4,524	1,959	0	0	(29,000)	0		274,684	301,119
Refuse Site Reserve	199,867	3,930	1,703	60,000	60,000	(120,000)	0		143,797	261,570
Grain Freight Reserve	175,256	2,650	716	0	0	(66,000)	(66,000)		111,906	109,972
Equestrian Reserve	4,191	200	27	2,000	0	0	0		6,391	4,218
General Purpose Reserve	125,315	0	0	0	0	(125,315)	(125,315)		0	0
Road and Bridges Reserve	0	998	432	66,000	66,000	0	0		66,998	66,432
	<b>1,256,577</b>	<b>20,138</b>	<b>8,232</b>	<b>193,327</b>	<b>191,315</b>	<b>(451,505)</b>	<b>(191,315)</b>		<b>1,018,537</b>	<b>1,264,809</b>

**Note 7 - Year To Date Reserve Balance to End of Year Estimate**



**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

## Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal				Disposals	Amended Current Budget			Comments
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 30 11 2015			
					Amended Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance	
\$	\$	\$	\$	\$	\$	\$		
				<b>Plant and Equipment</b>				
26,000	(6,083)	12,134	(7,782)	Colorado Utility - Crew Vehicle	(10,152)	(7,782)	2,370	
			0	CAT 930G - Loader	(49,822)	0	49,822	
			0			0	0	
			0			0	0	
			0			0	0	
<b>26,000</b>	<b>(6,083)</b>	<b>12,134</b>	<b>(7,782)</b>		<b>(59,974)</b>	<b>(7,782)</b>	<b>52,192</b>	

**Comments - Capital Disposal/Replacements**

Colorado Utility traded in September - \$12,134.40

CAT Loader no longer to be traded, as per September Council Meeting Resolution



**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Amended Budget Rate Revenue \$	Amended Budget Interim Rate \$	Amended Budget Back Rate \$	Amended Budget Total Revenue \$
<b>RATE TYPE</b>											
<b>General Rates</b>											
GRV	0.0663	170	2,168,114	143,120	0	0	143,120	143,724	0	0	143,724
UV	0.0071	216	99,824,000	705,556	0	0	705,556	705,556	0	0	705,556
<b>Sub-Totals</b>		386	101,992,114	848,676	0	0	848,676	849,280	0	0	849,280
	<b>Minimum \$</b>										
<b>Minimum Payment</b>											
GRV	620.00	162	741,460	100,440	0	0	100,440	100,440	0	0	100,440
UV	800.00	128	10,469,225	102,400	0	0	102,400	102,400	0	0	102,400
<b>Sub-Totals</b>		290	11,210,685	202,840	0	0	202,840	202,840	0	0	202,840
Ex-Gratia Rates							1,051,516				1,052,120
Specified Area Rates							0				0
							0				0
<b>Amount from General Rates</b>							<b>1,051,516</b>				<b>1,052,120</b>
Discounts							(55,111)				(58,000)
Write Off							(1,771)				
<b>Totals</b>							<b>994,634</b>				<b>994,120</b>

**Comments - Rating Information**

All land except exempt land in the Shire of Cuballing is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2015/16 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**10. INFORMATION ON BORROWINGS**

## (a) Debenture Repayments

Particulars	Loan Date	Years	Principal 1-Jul-15	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					Actual	Amended Budget	Actual	Amended Budget	Actual	Amended Budget
					\$	\$	\$	\$	\$	\$
<b>RECREATION AND CULTURE</b>										
Loan 61 - Change Rooms	31/10/2005	10	2,622		2,622	2,622	-	-	37	40
<b>TRANSPORT</b>										
Loan 62 - Loader	11/08/2008	10	95,916		7,286	29,882	88,630	66,034	1,599	5,660
Loan 63 - Graders	7/02/2014	8	257,040		13,950	33,916	243,090	223,124	4,621	10,655
	120,004	28	355,578	0	23,858	66,420	331,719	289,158	6,257	16,356

All debenture repayments were financed by general purpose revenue.

## (b) New Debentures

No new debentures were raised during the reporting period.

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details GL	Grant Provider	Approval	2015-16 Amended Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
Grants Commission - General	WALGGC	Y	281,045	0	281,045	0	132,405	148,640
Grants Commission - Roads	WALGGC	Y	149,287	0	149,287	0	72,735	76,552
<b>LAW, ORDER, PUBLIC SAFETY</b>								
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Y	15,563	0	15,563	0	17,247	(1,684)
Smartboxes at Firestations	Volunteer Bushfire Association	Y	0	0	2,891	0	2,891	0
<b>COMMUNITY AMENITIES</b>								
Regional Landfill Transfer Station Infrastructure Development Grant	Waste Authority	Y	30,000	0	0	30,000	0	30,000
<b>RECREATION AND CULTURE</b>								
CSRFF Grant - Equestrian Show Jumping Arena	CSRFF	Y	60,419	0	0	60,419	0	60,419
Community Group Contribution to Equestrian Show Jumping Arena	DREA, DPA	Y	40,909	0	0	40,909	0	40,909
Kidsport Funding	Dept. of Sport & Recreation	Y	0	0	1,100	0	1,000	100
<b>TRANSPORT</b>								
Direct Grant	Main Roads	Y	69,700	0	0	69,700	69,700	0
Roads To Recovery Grant - Capital	Roads to Recovery	Y	303,390	0	0	303,390	114,107	189,283
RRG Grants - Capital Projects	Regional Road Group	Y	252,453	0	0	252,453	100,981	151,472
Licensing Commission	Dept. of Transport	Y	9,000	0	9,000	0	4,883	4,117
<b>TOTALS</b>			<b>1,211,766</b>	<b>0</b>	<b>458,885</b>	<b>756,871</b>	<b>515,949</b>	<b>699,807</b>

**SHIRE OF CUBALLING**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 November 2015**

**Note 12: TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 Jul 15	Amount Received	Amount Paid	Closing Balance 30-Nov-15
	\$	\$	\$	\$
Bonds - Building	14,389	0	0	14,389
Bonds - Hall Hire	1,050	200	(200)	1,050
Commodine Tennis Club	3,090	0	0	3,090
Cuballing Country Festival	1,099	0	0	1,099
Cuballing Cricket Club	200	0	0	200
Popo Plates	0	0	0	0
Cuballing Football Association	566	0	0	566
Environment and Townscape Trust Fund	5,713	0	0	5,713
Police Licensing	5,148	113,762	(114,296)	4,614
Swipe cards	1,545	0	0	1,545
Reimbursements	0	320	0	320
	<b>32,800</b>	<b>114,282</b>	<b>(114,496)</b>	<b>32,586</b>

SHIRE OF CUBALLING  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 November 2015

## Note 13: CAPITAL ACQUISITIONS

Level of Completion Indicator	Infrastructure Assets	YTD 31 07 2015					Strategic Reference / Comment
		COA / Job	Annual Budget	YTD Budget	YTD Actual	Variance (Under)/Over	
	<b>Land and Buildings</b>						
	<b>Governance</b>						
○	Back Office Fit Out	104261	(5,950)	0	(381)	(381)	
○	<b>Governance Total</b>		<b>(5,950)</b>	<b>0</b>	<b>(381)</b>	<b>(381)</b>	
	<b>Community Amenities</b>						
○	Refuse Site - Land Purchase	10740	(80,000)	0	0	0	
○	Transfer Station Development	10742	(100,000)	(49,980)	0	49,980	
○	<b>Community Amenities Total</b>		<b>(180,000)</b>	<b>(49,980)</b>	<b>0</b>	<b>49,980</b>	
	<b>Recreation And Culture</b>						
●	Equestrian Clubrooms	11148	(56,060)	(56,060)	(53,010)	3,050	
●	Tennis Building	11055	(9,200)	(9,200)	(7,112)	2,088	
●	Equestrian Show Jumping Arena	11305	(172,263)	(86,097)	(105,538)	(19,441)	
○	Popanyinning School	11056	(25,000)	0	0	0	
○	<b>Recreation And Culture Total</b>		<b>(262,523)</b>	<b>(151,357)</b>	<b>(165,660)</b>	<b>(14,303)</b>	
	<b>Transport</b>						
●	Depot Shed Upgrade	12145	(20,000)	(20,000)	(14,512)	5,488	
○	<b>Transport Total</b>		<b>(20,000)</b>	<b>(20,000)</b>	<b>(14,512)</b>	<b>5,488</b>	
○	<b>Land &amp; Buildings Total</b>		<b>(468,473)</b>	<b>(221,337)</b>	<b>(180,553)</b>	<b>40,784</b>	
	<b>Plant and Equipment</b>						
	<b>Transport</b>						
●	CAT Loader and Attachments	12419	(330,000)	0	(276,000)	(276,000)	
●	Colorado Utility - Crew Vehicle	12417	(31,500)	(31,500)	(41,934)	(10,434)	
○	Mowers - Roadside and Oval	12420	(11,500)	(11,500)	0	11,500	
●	Traffic Lights	12421	(34,690)	(34,690)	(34,690)	0	
○	<b>Transport Total</b>		<b>(407,690)</b>	<b>(77,690)</b>	<b>(352,624)</b>	<b>(274,934)</b>	
○	<b>Plant &amp; Equipment Total</b>		<b>(407,690)</b>	<b>(77,690)</b>	<b>(352,624)</b>	<b>(274,934)</b>	
	<b>Roads</b>						
	<b>Transport</b>						
○	Wandering Narrogin Road - RRG	J600	(378,680)	(173,357)	(103,023)	70,334	
○	Reseals - CLGF, R2R	12105	(85,760)	(23,286)	(875)	22,411	
○	Popanyinning East Reseals - R2R	R004	(74,925)	(12,482)	(8,158)	4,325	
○	Popanyinning West Stabilisation- R2R	R002	(72,001)	(12,223)	(9,924)	2,299	
○	Popanyinning West Widening - R2R	R002A	(73,361)	(11,996)	0	11,996	
○	Popanyinning Truck Bay and Standpipe - R2R	R024	(44,428)	(7,402)	(41)	7,361	
○	<b>Transport Total</b>		<b>(729,155)</b>	<b>(240,746)</b>	<b>(122,020)</b>	<b>118,726</b>	
○	<b>Roads Total</b>		<b>(729,155)</b>	<b>(240,746)</b>	<b>(122,020)</b>	<b>118,726</b>	
○	<b>Capital Expenditure Total</b>		<b>(1,605,318)</b>	<b>(539,773)</b>	<b>(655,198)</b>	<b>(115,425)</b>	

## 9.2 CHIEF EXECUTIVE OFFICER:

### 9.2.1 Council Meeting Schedule 2016

Applicant:	NA
File Ref. No:	ADM239
Disclosure of Interest:	Nil
Date:	7 <sup>th</sup> December 2015
Author:	Gary Sherry
Attachments:	Nil

#### Summary

**Council is to consider Ordinary/Special/Elector's Meeting dates, locations and starting time for 2016.**

#### Background

It is a legislative requirement for the public in general to be advised in advance of all meeting dates, place and starting times to facilitate attendance or participation in Council Meetings. Unforeseen circumstances may dictate a change to this schedule and local advertising will inform Electors accordingly

#### Comment

This current meeting schedule has Council's Ordinary meetings held on a regular monthly interval. It has been considered appropriate that Council holds their meetings on the Thursday of the third week of each month, to fit with public holidays. The day on which the meeting would be held can be altered, but the draft schedule continues with Thursday as the Ordinary Meeting day for Council.

This current meeting schedule has Council's Ordinary meetings commencing at 3pm. This timing allows the informal Council Forum to commence at 1pm, be interrupted at 3pm and then recommence after the end of the meeting. The Department of Local Government's suggested schedule for Council activities is to hold formal Council meetings first and then informal Council Forums after the closure of the formal meeting. Should Council wish to implement this, a possible schedule would be to have Council meetings start at 3pm, Council forum commence after at say 5pm and continue to closure. The meal after Council meetings could be held slightly later.

Council currently holds all its meetings at the Council Chambers at the Cuballing Administration Centre. It would be relatively easy to hold a Council meeting in a different location as a one off event if Council thought there was benefit in such a move.

This proposed schedule includes 11 Ordinary Council Meetings. This schedule includes:

- most meetings are held four weeks after the preceding meeting with the exceptions of April 2016, July 2016 and October 2016 which are held five weeks after the preceding meeting;
- an Annual Electors Meeting has been scheduled to be held on Thursday 17th November 2016 at the Council Chambers. While this date is staff's goal for holding the annual electors, the exact timing for this meeting is dictated by the speed of receiving Council's Audit Report and preparation of the Annual Report. This date is likely to be reviewed during 2016; and

- meetings starting at 3pm. This time could be separately altered to allow Council to make Council meetings more accessible to electors.

The proposed meeting schedule is included below:

No	Date	Type	Time
1	Thursday 18 February 2016	Ordinary Meeting	3:00 PM
2	Thursday 17 March 2016	Ordinary Meeting	3:00 PM
3	Thursday 21 April 2016	Ordinary Meeting	3:00 PM
4	Thursday 19 May 2016	Ordinary Meeting	3:00 PM
5	Thursday 16 June 2016	Ordinary Meeting	3:00 PM
6	Thursday 21 July 2016	Ordinary Meeting	3:00 PM
7	Thursday 18 August 2016	Ordinary Meeting	3:00 PM
8	Thursday 15 September 2016	Ordinary Meeting	3:00 PM
9	Thursday 20 October 2016	Ordinary Meeting	3:00 PM
10	Thursday 17 November 2016	Ordinary Meeting	3:00 PM
11	Thursday 17 November 2016	Annual Electors Meeting	6.30 PM
12	Thursday 15 December 2016	Ordinary Meeting	3:00 PM

Separate to the monthly meeting schedule, it is anticipated that Councillors will still meet on occasions to review or workshop individual matters.

Strategic Implications - Nil

Statutory Environment

Local Government (Administration) Regulations 1996

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

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

Policy Implications – Nil

Financial Implications

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

Economic Implications - Nil

Social Implications

Council has had a number of local residents and interested people attend Council's meetings in 2015. Council should allow for this to occur in 2016 if there is community.

Environmental Considerations - Nil

Consultation - Nil

Options

The Council can resolve:

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

Voting Requirements - Simple Majority

**COUNCIL DECISION:**

**That Council adopt the following Schedule of Council Meetings for 2015:**

<b>Thursday 18 February 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 17 March 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 21 April 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 19 May 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 16 June 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 21 July 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 18 August 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 15 September 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 20 October 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 17 November 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>
<b>Thursday 17 November 2016</b>	<b>Annual Electors Meeting</b>	<b>6:30 PM</b>	<b>Council Chambers</b>
<b>Thursday 15 December 2016</b>	<b>Ordinary Meeting</b>	<b>3:00 PM</b>	<b>Council Chambers</b>

**Moved: Cr Newman**

**Seconded: Cr Haslam**

**Carried 6/0**



**Cr Bradford declared an Impartiality Interest in Agenda Item 9.2.3 in that Cr Bradford is involved in the Pork Industry.**

**Cr Conley declared an Impartiality Interest in Agenda Item 9.2.3 in that Cr Conley is involved in the Pork Industry.**

9.2.3	Application for Retrospective Planning Approval of Piggery and Associated Expansion: Lots 6578, 8022 and 8261 Dents Road, Popanyinning
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Location:	Lots 6578, 8022 & 8261 Dents Road, Popanyinning
Applicant:	Graeme Dent
File Ref. No:	A2524
Disclosure of Interest:	Nil
Date:	7 <sup>th</sup> December 2015
Author:	Gary Sherry
Attachments	9.2.3A Information from applicant 9.2.3B Location plan 9.2.3C Applicant's landholdings 9.2.3D Submissions

### Summary

**Retrospective Planning Approval is recommended for a piggery along with associated expansion of the piggery at Lots 6578, 8022 and 8261 Dents Road, Popanyinning.**

### Background

#### *1. The application*

The applicant seeks retrospective planning approval for a piggery which was established around 15 years ago. Additionally, the applicant seeks planning consent to expand the piggery through two new piggery sheds and increasing the number of sows from 320 to 400.

Attachment 9.2.3A sets out plans and information provided by the applicant. Additional information was provided by interview with the Shire staff.

#### *2. The application site*

The site's location is outlined in Attachment 9.2.3B which is approximately 9 kilometres south-east of the Popanyinning townsite. Attachment 9.2.3B also shows an map of the site in relation to surrounding properties and dwellings.

The piggery is located on three titles (49.8ha, 65.9ha and 65.9ha) which have a combined area of around 181.6 hectares. The applicant also owns a number of adjoining/nearby titles as shown in Attachment 9.2.3C. The applicant utilises only a small percentage of his landholding for the piggery with the predominant use being broad acre cropping.

The site is largely cleared with some isolated pockets of remnant native vegetation. No clearing of remnant vegetation is proposed. The site is gently sloping and the piggery is well setback from watercourses.

Vehicular access to and from the site is from Dent Road which is an unsealed Shire managed road. Lot 6578 adjoins Dent Road; while Lots 8022 and 8261 are 'land locked' given they do not adjoin a gazetted public road.

Dent Road is not a Restricted Access Vehicle (RAV) route. The operator will therefore have to contact Main Roads WA and apply for the road to become a RAV route before it can be used for vehicles larger than a semi-trailer.

### 3. *The current operation*

The applicant's currently operates a mix of conventional and deep litter piggeries. The applicants proposed two new piggery sheds will be deep litter sheds that will reduce the number of pigs housed in conventional piggeries and reduce the amount of effluent from those sheds.

Conventional piggeries typically house pigs within steel or timber framed sheds with a concrete base. The flooring is usually partly or fully slatted, and spilt feed, water, urine and faeces fall through the slats into the underfloor channels or pits. These are regularly flushed or drained to remove effluent from the sheds. Sheds without slatted flooring usually include an open channel dunging area, which is cleaned by flushing or hosing.

Deep litter piggeries typically accommodate pigs within a series of hooped metal frames covered in a waterproof fabric, similar to the plastic greenhouses used in horticulture. Deep litter housing are established on a concrete base or a compacted earth floor with the Pigs bedded on straw or similar loose material that absorbs manure and eliminating the need to use water for cleaning. The used bedding is generally removed and replaced when the batch of pigs is removed, or on a regular basis.

The applicant breeds the young pigs in the conventional piggery and then moves them to the deep litter piggery sheds to grow the pigs to a marketable size.

For deep litter piggery operations on a property that also has a broad acre grain growing program, the litter and manure is stored in the open air and then spread onto the paddocks of the farm prior to the sowing of the annual grain crop.

The applicant has limited supplies of fresh water. All fresh water possible to be collected from the operation is used for stock water in the piggeries operation. Two bores provide fresh water to the piggery operation. The nearest bore to the piggery has water at 90 metres.

Water that is too salty for stock is used for non-stock purposes in the piggery such as washing and flushing of effluent from the conventional piggery. The applicant reports that with the use of the salty water, over time the salt concentration of water in the source dam and adjacent creek line has reduced.

The farmer uses three effluent ponds/dams where effluent from the conventional piggery is evaporated. Because the property is high in the landscape and all surface water runoff is collected for use in the piggeries, these dams adequately handle all the effluent created. The applicant has never had a spill of effluent from these dams. With the applicant's intention to add additional deep litter pig sheds and reduce the use of the conventional piggery, the amount of effluent created will reduce.

The applicant currently has 2,500 pigs in the piggeries operation at any one time. With his proposed expansion, this number will increase to 3,500. Currently the applicant sells 5,500 pigs annually from his property. This would increase to 7,000.

Feed for the piggery is sourced both from the applicant's grain operations and from external sources. Bedding straw for the deep litter piggery is sourced from the applicant's property. Mixing and storage areas for grain are all adjacent or near to the operation.

Bedding straw and manure created from the deep litter piggery is stored onsite and all spread on the applicants property in March and April each year prior to each growing season. None of this bedding straw and manure is transported from the property.

The applicant maintains a pit on his property for the disposal of any pigs that die in the piggeries. This site could be expanded for a mass mortality event if required.

The applicant currently has 2.5 equivalent full time employees engaged in the piggeries operation. Additional staff are employed for the grain operation. These staff drive to the property each day.

Currently the piggeries are accessed by traffic including:

- 1 semi-trailer carting produce off site each week; and
- 2 semi-trailers carting grain to the site each week with another semi trailer transporting grain each fortnight.

No vegetation or sites of cultural heritage are impacted or will be impacted by the piggeries operation.

### 3. *Public consultation*

The Shire administration sent letters to 13 adjoining/nearby landowners and 4 relevant State Government authorities seeking comment on the application for 21 days. The Shire received three submissions which is outlined in Attachment 9.2.3D. This submission supports the Planning Application.

### 4. *Planning and environmental context*

There are a range of planning and environmental legislation, strategies, policies and guidelines relevant to the application. Some of these are outlined below with others listed under Statutory Environment.

Shire of Cuballing Town Planning Scheme No. 2

The site is zoned 'General Agriculture' in the *Shire of Cuballing Town Planning Scheme No. 2* (TPS2).

The piggery use is defined in TPS2 as 'animal husbandry-intensive' which means 'premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock feedlots'.

Animal husbandry-intensive is an 'A' use in the General Agriculture Zone. This means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 (seeking comment for at least 14 days).

The aims of TPS2 (clause 1.6) include:

- to promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and
- to encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are

compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire.

Clause 4.2(b) sets out objectives for the General Agriculture Zone. The objectives include:

- to encourage intensive agriculture where soil conditions and location are appropriate and it can be demonstrated that off-site impacts (if any) will not adversely affect existing agricultural activities; and
- to ensure that natural drainage patterns/catchments throughout the Shire are recognised in land management practices.

Clause 5.11.2 states 'Council will support more intensive forms of agricultural production in the General Agriculture zone subject to:

- identification of soil types, availability and adequacy of water supply, and any areas of salt affected land and/or land degradation;
- evidence from suitably qualified consultants and/or the Department of Agriculture on the suitability of the proposed lots and lot size for the intended land use;
- evidence of suitable land care management issues addressing retention of remnant vegetation, revegetation areas, land degradation and salinity management;
- evidence that the proposed activity is compatible with broadacre agriculture or that adverse impacts can be contained within the site; and
- such other matters as may be determined by Council.'

The Development Table – General, which sets out standards for setbacks and related matters, outlines that setbacks for piggeries are to be determined by Council.

Clause 10.2 sets out the range of matters that the local government is to have due regard to in considering planning applications.

#### *Shire of Cuballing Local Planning Strategy*

The Local Planning Strategy seeks to protect prime agricultural land, support agriculture value-adding industries, broaden the local economy, reduce nutrient export into waterways and promote best practice land management. One of the aims for rural land is 'To encourage intensive agricultural activities where it can be demonstrated that there are no adverse off-site impacts to broadscale agriculture' (page 18).

#### *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*

This Environmental Protection Authority document provides generic buffer (separation) distances for a range of activities. In relation to piggeries, it sets out a buffer of 2,000 metres for piggery-intensive (premises on which pigs are fed, watered and housed in indoor pens) for piggeries with 50 – 500 pigs. For piggery – extensive, premises on which pigs are fed, watered and housed in outside paddocks or enclosures, the buffer is 1,000 metres.

The EPA has issued codes of practice on turf farms, piggeries, cattle feedlots, the poultry industry, vineyards and dairies. This Guidance Statement has attempted to incorporate advice relating to separation distances from the various codes and guidelines to provide a comprehensive overview. The piggery guidelines contain considerably more detailed information on buffers that may be relevant to the achievement of an acceptable environmental outcome.

## National Environmental Guidelines for Piggeries

This document completed by Australian Pork Limited is an industry prepared guideline that provides a nationally agreed approach to management of pig production in Australia to achieve environmental goals. This document considers the separation distances from areas of by-product use to relevant receptors and features. The following categories describe the method employed for the spent bedding created at a deep litter piggery, with the specified distances for each category listed.

### Category 1

- Spent bedding is spread immediately (ie is not stockpiled/composted) and remains on the soil surface for more than 24 hours (ie is not immediately ploughed in).

### Category 2

- Spent bedding is stockpiled before spreading.

### Category 3

- Spent bedding/solids are composted.
- Application of effluent/spent bedding/solids in combination with immediate incorporation of material into the soil.

Where more than one category is used the more (or most) stringent category controls apply.

Table A.10 Separation distances surrounding by-product reuse areas

Feature/Category	1	2	3
Town	1,000	750	300
Rural Residential	600	400	150
Rural Dwelling	300	200	100
Public Road carrying > 50 vehicles per day	50	25	-
Public Road carrying < 50 vehicles per day	25	15	-
Property boundary	25	20	-

### Comment

#### A) Overview

It is recommended that Council conditionally approve the retrospective Planning Application for a piggery (animal husbandry-intensive) along with the associated expansion of the piggery. This follows assessment against TPS2, the Local Planning Strategy, other relevant planning and environmental documents, information provided by the applicant, considering the views of the submitters and site characteristics. Conditional approval is recommended for reasons including:

- it formalises a long established use which has operated for years without creating concerns to neighbours;
- the application is overall consistent with the planning framework including that there are generally extensive buffers to off-site dwellings and there are no adverse off-site impacts to broadscale agriculture;
- the area will remain rural for the long-term (there are no proposals for the site to be changed to rural smallholding or rural residential);
- the site is located on a local road which is not a tourist route;

- no clearing of native vegetation is proposed and the site is well setback from watercourses;
- it supports a local business to grow and it promotes employment opportunities;
- planning conditions along with Health Local Laws registration and industry certification can assist to minimise impacts and enhance amenity; and
- no objections were received on the Planning Application. Accordingly, it can only be assumed that adjoining/surrounding landowners have no objections.

While noting the above, there are various issues associated with the piggery which should be considered by the Council in determining the Planning Application.

#### B) *Key issues*

The key issues with the application are summarised below:

- setbacks/buffers – including the landowner continuing to own buffer land;
- managing waste and controlling nutrient runoff - there is a need to obtain additional information from the applicant to ensure that off-site impacts are prevented or minimised from the operation including vehicle wash-down. This may require interceptor drains, earth bunds and settling pit/s. Ideally, there is also planting of appropriately located vegetation to assist with nutrient stripping and further protect waterways; and
- on-going management - the responsibility for appropriate on-going management rests with the operator. This includes ensuring that the piggery does not create inappropriate impacts such as odour, noise and dust to adjoining/nearby properties. Additionally, that the operator appropriately addresses matters such as biosecurity and mortalities management. It is suggested that these matters can be appropriately addressed through quality assurance undertaken by the operator and be enforced through the *Shire of Cuballing Health Local Laws 2007*.

#### C) *Buffers/setbacks*

Piggeries by their nature of operations have the potential to create emissions including odour, noise and dust. Better planning practice requires a suitable buffer between activities such as piggeries and 'sensitive' uses such as dwellings. Accordingly, piggeries should be sited and operated to prevent unreasonable interference with the health, welfare, convenience, comfort or the amenity of neighbours.

It is noted that the established piggery is well setback from property boundaries and dwellings not forming part of the applicant's farm. The nearest residence is 980 metres to the south which is understood to be unoccupied. The nearest resident is over 3 kilometres to south-east. The nearest neighbouring property is approximately 550 metres to the south-west across Dent Road. The next nearest neighbour's property is 1.6 kilometres away to the north-east (Mr and Mrs Lansdell provided a letter of support which is outlined in Attachment 9.2.3D).

Odour is unlikely to have a detrimental impact on the adjoining lots provided the piggery is managed appropriately in accordance with the relevant guidelines. The operator's extensive track record, where no concerns have been raised with the Shire, provides greater assurances that odour can be effectively managed.

The buffer should continue to be owned by the piggery operator rather than the buffer extending onto land not owned by the piggery operator. Importantly, the piggery should not adversely affect the ability of adjoining/nearby landowners to construct a residence in a

location which complies with TPS2 setback requirements. This requirement is probably not able to be met for neighbours to the south on this site, but has not been raised as an issue in public consultation.

The spreading of spent bedding material and manure from the deep litter piggery operation should comply with industry benchmarks.

#### *D) Registration and licencing*

Should the Council grant planning approval, there is a separate requirement for the landowner/operator to make an Application for Registration of Premises for Offensive Trade to the Shire. This is to address the *Health Act 1911* and the *Shire of Cuballing Health Local Laws 2007*. Amongst matters, the Health Local Laws requires the operator to prevent nuisances impacting human health and to ensure there is appropriate land management.

Given the scale of the piggery, there is no requirement for the operator to obtain registration of a licence for a Prescribed Premise under Part V of the *Environmental Protection Act 1986* (*Environmental Protection Regulations 1987*, Schedule 1).

#### *E) Quality assurance*

It is understood there has been a change in quality assurance requirements for the major buyers of pork produce and proof of local government approval is now required.

The Australian Pork Industry Quality Assurance Program (APIQ) provides the framework and standards by which Australian pig producers can demonstrate they are responsible farmers who care for their animals and the environment by following safe and sustainable practices contained in their publications. It is expected that the operator may need to separately prepare an Environmental Management Plan in accordance with the Australian Pork Limited *National Environmental Guidelines for Piggeries* (2nd edition revised 2010). These guidelines outline best practice management for Australian piggeries.

APIQ accreditation provides an additional level of compliance to ensure that the piggery is managed and operated at an industry standard. Accreditation reduces the risk of piggeries creating negative impacts on the amenity of adjoining areas.

#### Strategic Implications

There are a number of industries within the Shire of Cuballing Shire, all strongly based around the agricultural industry. The main employers in the Shire of Cuballing are Birds Silos and Shelters, McDougall Weldments, as well as the more intensive agricultural enterprises, cattle feedlots and piggeries.

#### Statutory Environment

There is a range of legislation and regulations relevant to the application including:

- *Planning and Development Act 2005* and TPS2;
- *Environmental Protection Act 1986* and the *Environmental Protection Regulations 1987*;
- *Health Act 1911* - a Piggery is defined as an offensive trade and must be registered with the local government on an annual basis;
- *Shire of Cuballing Health Local Laws 2007*;
- *Soil and Land Conservation Act 1945*; and

- *Biosecurity and Agriculture Management Act 2007 and Biosecurity and Agriculture Management Regulations 2013.*

There are also a range of policies, strategies and publications including:

- *EPA Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses;*
- *EPA Guidance Statement No. 33 - Environmental Guidance for Planning and Development;*
- *State Planning Policy 2 Environment and Natural Resources Policy;*
- *State Planning Policy 2.5 Land Use Planning in Rural Areas – objectives include to promote regional development through the provision of ongoing economic opportunities on rural land, to protect and improve environmental and landscape assets and to minimise land use conflicts;*
- *State Planning Policy 2.9 Water Resources;*
- *National Environmental Guidelines for Piggeries (May 2010); and*
- *DER Guidance Statement: Separation Distances (draft) – August 2015 – sets a generic buffer of 1000 metres for noise impacts, with odour buffers determined through the criteria set out in the National Environmental Guidelines for Piggeries.*

Policy Implications – Nil at this stage

Financial Implications – Nil

Economic Implications

Approval of this application will formalise the existing use and assist to support the operation to expand. This will assist to increase monies spent locally and assist with job creation.

Social Implications

No objections were received from adjoining/nearby landowners. Provided the landowner effectively manages the operation, the piggery should have manageable off-site impacts.

Environmental Considerations

It is suggested that the operator can suitably manage environmental impacts. There is a separate requirement for the operator to be registered for an offensive trade and to maintain APIQ accreditation.

Consultation

Adjoining/nearby landowners and relevant State Government agencies were invited to make comment on the Planning Application.

Options

The Council can:

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

Voting Requirements - Simple Majority



**OFFICER RECOMMENDATION:**

That the Council approve the retrospective Planning Application for a piggery and associated expansion of the piggery (animal husbandry – intensive) including new sheds at Lots 6578, 8022 and 8261 Dents Road, Popanyinning in accordance with Clause 10.3 of the Shire of Cuballing Town Planning Scheme No. 2, subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. the number of pigs to be housed in the piggery (animal husbandry – intensive) operation on Lots 6578, 8022 and 8261 Dents Road, Popanyinning is not to exceed 4,000 at any one time.
3. The operator will not sell or transport any spent bedding by product from property owned by the applicant.
4. The operator will comply with setbacks included in the National Environmental Guidelines for Piggeries (May 2010) when spent bedding is spread on the property owned by the applicant.
5. The operator to implement dust control measures for the piggery to the satisfaction of local government on an on-going basis.

**Advice**

- A) The proponent is advised that the piggery must comply with other statutory requirements including the Health Act 1911 and the Shire of Cuballing Health Local Laws 2007. The piggery shall be registered with the local government as an offensive trade under the Shire of Cuballing Health Local Laws 2007.
- B) The local government encourages the landowner/operator to:
  - (i) comply with the National Environmental Guidelines for Piggeries (May 2010) or any updates;
  - (ii) be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program;
  - (iii) undertake appropriate mortalities management practices to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding; and
  - (iv) ensure that any gates on the Dent Road frontage are off-set to ensure heavy haulage vehicles do not block the road when entering the site.
- C) It is the responsibility of the landowner/operator to advise the local government when all conditions relating to the development have been satisfied.
- D) Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

**COUNCIL DECISION:**

That the Council approve the retrospective Planning Application for a piggery and associated expansion of the piggery (animal husbandry – intensive) including new sheds at Lots 6578, 8022 and 8261 Dents Road, Popanyinning in accordance with Clause 10.3 of the Shire of Cuballing Town Planning Scheme No. 2, subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. the number of pigs to be housed in the piggery (animal husbandry – intensive) operation on Lots 6578, 8022 and 8261 Dents Road, Popanyinning is not to exceed 4,000 at any one time.
4. The operator will comply with setbacks included in the National Environmental Guidelines for Piggeries (May 2010) when spent bedding is spread on the property owned by the applicant.
5. The operator to implement dust control measures for the piggery to the satisfaction of local government on an on-going basis.

**Advice**

- A) The proponent is advised that the piggery must comply with other statutory requirements including the Health Act 1911 and the Shire of Cuballing Health Local Laws 2007. The piggery shall be registered with the local government as an offensive trade under the Shire of Cuballing Health Local Laws 2007.
- B) The local government encourages the landowner/operator to:
  - (i) comply with the National Environmental Guidelines for Piggeries (May 2010) or any updates;
  - (ii) be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program;
  - (iii) undertake appropriate mortalities management practices to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding; and
  - (iv) ensure that any gates on the Dent Road frontage are off-set to ensure heavy haulage vehicles do not block the road when entering the site.
- D) Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

**Council did not resolve the complete Officer's Recommendation because Council believe that the transport of the spent bedding by product restricts the business practice of the operator when any risks associated with the activity would be met and overseen by other authorities.**

**Cr Bradford declared an Impartiality Interest in Agenda Item 9.2.4 in that Cr Bradford is involved in the Pork Industry.**

**Cr Conley declared an Indirect Financial Interest in Agenda Item 9.2.4 in that Cr Conley supplies pigs to the proponent and left the Council Chamber at 3.55pm.**

**Cr Dowling, the Deputy Shire President, took the Chair of the Meeting.**



- 4 AUG 2015

## FORM OF APPLICATION FOR PLANNING APPROVAL

Town Planning Scheme No. 2  
Application Number \_\_\_\_\_

<b>Owner details:</b>		
<b>Name:</b> <small>(Surname, First Names or Company Name)</small> GRAEME DENT TRADING AS DL + NJ DENT		
<b>Address:</b> BOX 38 CUBALLING WA DENT RD CUBALLING Postcode: 6311 W.A.		
<b>Phone:</b> 98836060	<b>FAX:</b> 98836178	
<b>Home:</b>	<b>Work:</b>	<b>Email:</b> GRAEME.DENT4@BBPOND.COM
<b>Mobile:</b> 0427890068		
<b>Contact Person:</b> GRAEME DENT		
<b>Signature:</b> G. Dent	<b>Date:</b> 4/08/2015	
<b>Signature:</b>	<b>Date:</b>	
The signature of the owner(s) is required on all applications. This application will not proceed without that signature. If the owner is a company, the names of all directors must be provided.		

<b>Applicant details:</b>		
<b>Name:</b> GRAEME DENT		
<b>Address:</b> BOX 38 CUBALLING Postcode: 6311		
<b>Phone:</b>	<b>FAX:</b> 98836178	
<b>Home:</b> 98836060	<b>Work:</b>	<b>Email:</b>
<b>Mobile:</b> 0427890068		
<b>Contact Person for Correspondence:</b> GRAEME DENT		
<b>Signature:</b> G. Dent	<b>Date:</b> 4/08/2015	

## Part 2

Property details:		
Lot No.	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name: DEWY RD	Suburb: CUBALLING	
Nearest Street Intersection: YOUNG RD		

Details of Proposal:	
Description of proposed development and/or use: 2 MORE PIG SHEDS	
Nature of any existing buildings and/or use: MANY FARM SHEDS BEING SHEARING SHED MACHINERY SHEDS GRAIN SHEDS	
Approximate cost of proposed development (excluding GST): \$ 200 000 IS BUDGETED FOR EXPANSION.	
Estimated time of completion: JUNE NEXT YEAR.	

NOTE: this form should be completed and forwarded to the Council together with 2 copies of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

Office Use Only	
Acceptance Officer's initials:	Date Received:
Local Government Reference No:	

Current sow numbers 320 active, and expanding to 400.

Currently producing 100 to 120 bacon a week.

Our piggery is a farrow to finish operation which makes us in total control of our production.

The piggery is located on two locations being:

- Loc 6578
- Loc 8022
- *LOC 8261 G-0*

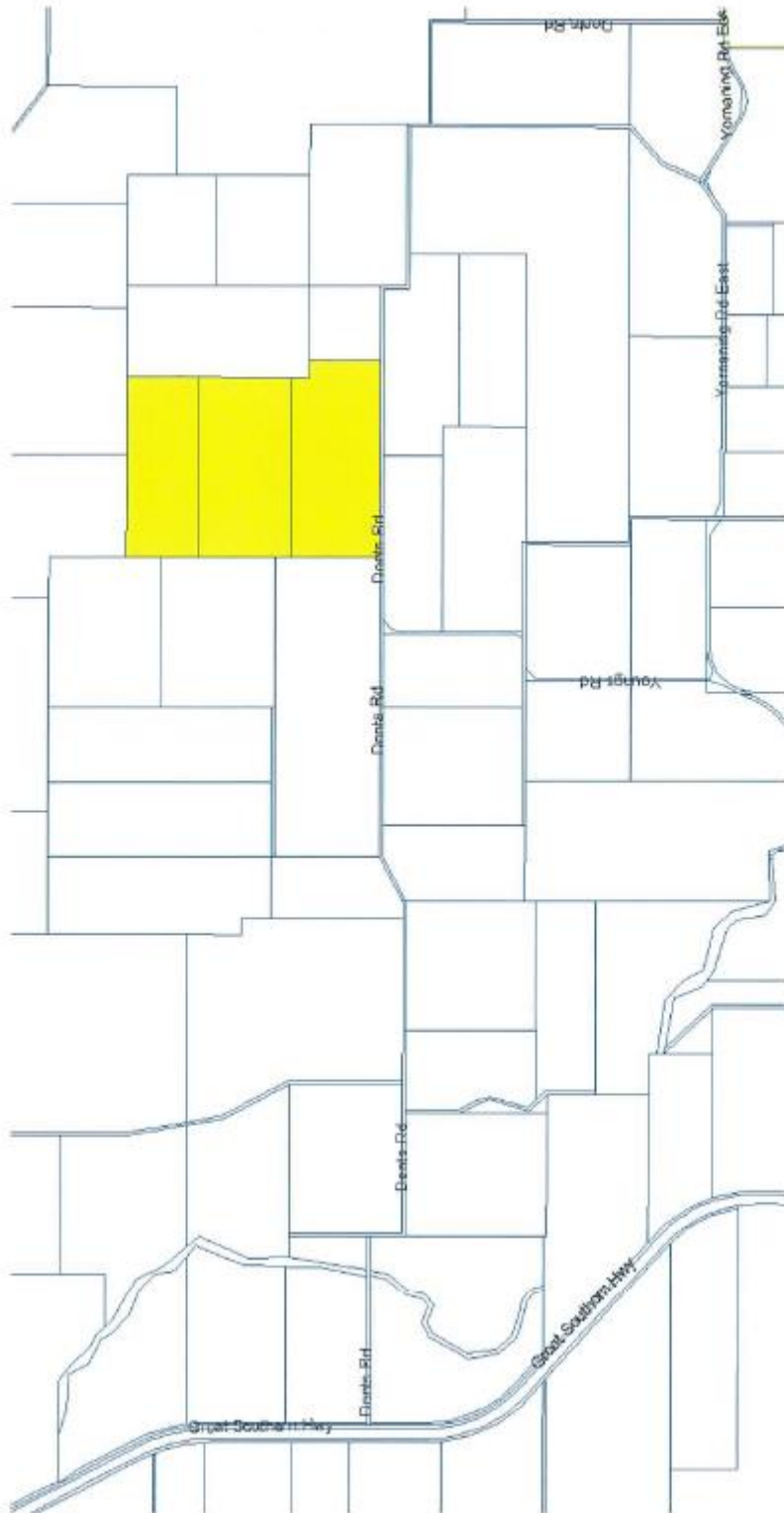
Both are Williams locations and are centrally based to our farm, giving large buffer area to any other land holders.

Our enterprise is a major part of our farming business, as we use it to value add our grain and straw. We have two older style sheds and modern farrowing and finisher sheds with weaners and growers held on straw.

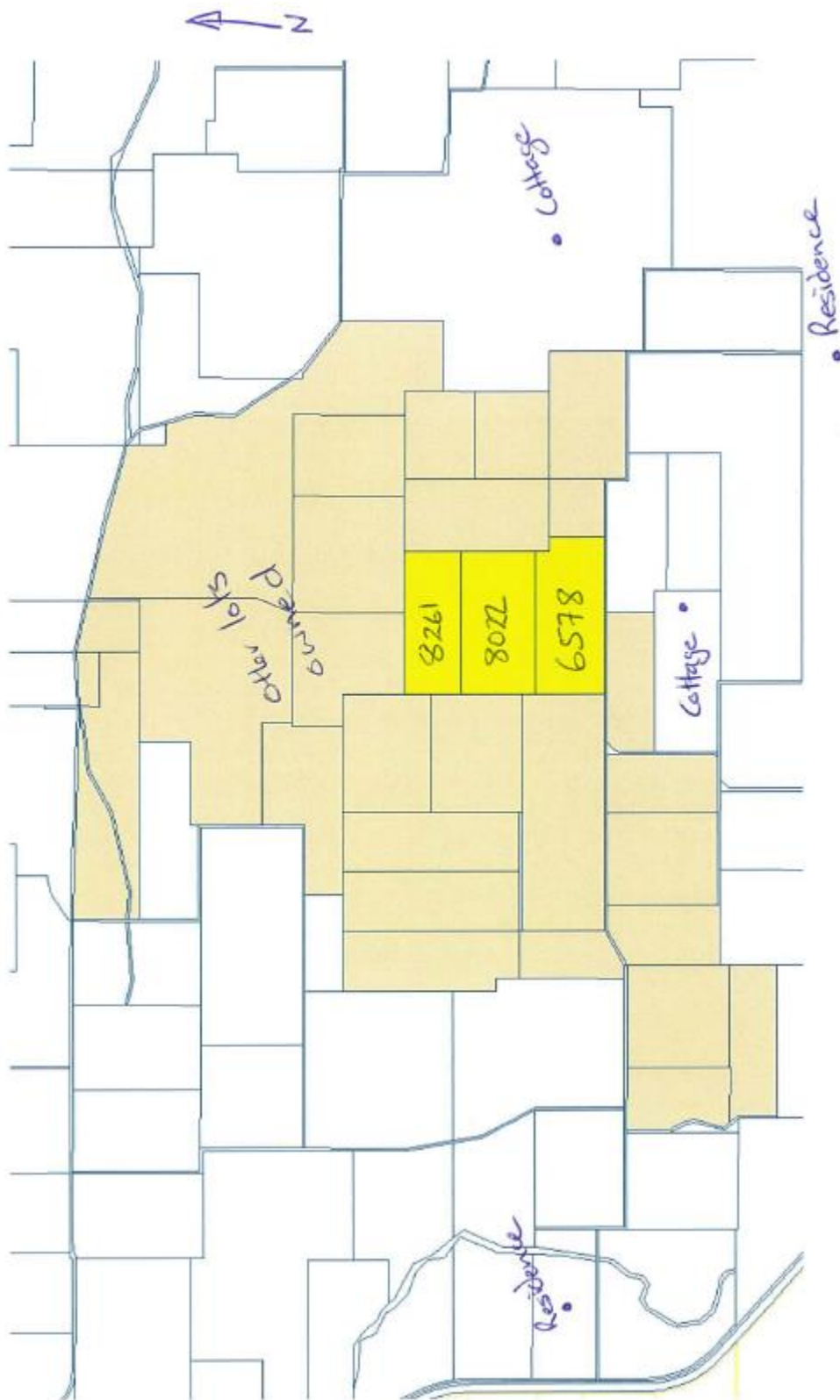
All effluent is stored on farm and liquid is evaporated, solids are spread on our paddocks. Water for the piggery is drawn from 2 bores and also from various dams on our farm.

New sheds are being built for small expansion to stay a viable piggery and to satisfy the welfare commitments to the industry.









# KAREEM PTY LTD

ABN: 84 350 504 261

ACN: 009 390 336

"ALLANDALE"

KA & SL Lansdell

PO Box 20

POPANYINNING WA 6309

PH/FAX: (08) 9887 5062

MOBILE: 0429 686 401

EMAIL: [lansdell3@bigpond.com](mailto:lansdell3@bigpond.com)

02 SEP 2015

Monday 30 August 2015

Dear Mr Sherry

We are writing in response to your letter dated 18<sup>th</sup> August 2015 in relation to the Planning Application – Locations 6578, 8022, 8261 lodged by Mr Graeme Dent.

As Mr Dent's neighbours, we are happy to support his endeavours to expand his piggery which is a major enterprise in his farming business. To the best of our knowledge, Mr Dent has always complied with all relevant environmental guidelines and has plans in place for dealing with an increase in his piggery numbers.

We are happy to be contacted for further comment if the need arises. Thank you for giving us the opportunity to comment on this Planning Application.

Kind regards



Kevin & Simone Lansdell



Government of **Western Australia**  
Department of **Water**

8 OCT 2015



Your ref: TP1c/A2524  
Our ref: RF3746  
SRS: 40177  
Enquiries: Catherine Taylor

2 October 2015

Shire of Cuballing  
PO Box 13  
CUBALLING WA 6311

Attention: Gary Sherry

Dear Gary

**Re: Planning Application – Locations 6578, 8022, 8261**

Thank you for the referral dated 11 September 2015 regarding the planning application for a retrospective Piggery Operation located at lots 4890, 4889 and 5207 Dents Road Williams. The information provided is insufficient to provide a full assessment of the proposal's potential to impact water resources. The Department recommends the following advice.

**DER**

The proposal should be referred to the Department of Environment and Regulation (DER) (c/- Locked Bag 33 Cloisters Square, Perth WA 6850) as the operations may warrant a works approval under Part V of the *Environmental Protection Act 1986*.

**Groundwater**

The subject property is located within the Karri Groundwater Area. This groundwater area is not proclaimed under the *Rights in Water and Irrigation Act 1914*, thereby any groundwater abstraction is not required to be licenced by the Department. The proponent should be aware that nature of the groundwater resource is highly variable, thus locating a viable source for substantial non potable use may be difficult.

**Surface Water**

The subject property is located with the Murray Surface Water Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any taking or diversion of surface water in this proclaimed area for purposes other than domestic and/or stock watering is subject to licensing by the Department of Water. The issuing of a surface water licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee. In addition any interference with the bed or banks of a watercourse will require a permit from the Department.

**Wastewater Treatment**

The proponent shall ensure that all wastewaters from piggery operations including wash down water, by-products wastewater and contaminated runoff are directed to a wastewater treatment system. It is recommended that an effective wastewater treatment system include a solids separation system and an impervious pond system. It is recommended that best management practices described in the following documents are adhered to:


- Water Quality Protection Note 26 *Liners for containing pollutants, using synthetic membranes* (DOW, 2013)
- Water Quality Protection Note 39 *Ponds for stabilising organic matter* (DoW, 2009)

**Save time with Water Online**

You will soon be able to lodge referrals electronically via the Water Online customer portal at [www.water.wa.gov.au](http://www.water.wa.gov.au). Planning advice will provide the quickest and most convenient process for submitting referrals or requests for planning advice. Further information regarding the new online service will be provided to you in the coming weeks.

If you wish to discuss the above or require further information please contact Catherine Taylor on (08) 9550 4237.

Yours sincerely



Brett Dunn  
**Program Manager – Urban Water Management**  
**Peel Region**



Government of **Western Australia**  
Department of **Environment Regulation**

Your ref: TP1c/A2524  
Our ref: CEO2232/15  
Enquiries: Teresa Gepp  
Phone: 6467 5383  
Email: [advice.coordinator@der.wa.gov.au](mailto:advice.coordinator@der.wa.gov.au)

9 OCT 2015

Mr Gary Sherry  
Chief Executive Officer  
Shire of Cuballing  
PO Box 13  
CUBALLING WA 6311

Dear Mr Sherry

**PLANNING APPLICATION – LOCATIONS 6578, 8022 AND 8261**

I refer to your letter dated 11 September 2015 to the Department of Environment Regulation (DER) regarding the above planning application.

There is insufficient information in the referral documentation to determine if the premises is a prescribed premises for the purposes of the *Environmental Protection Act 1986* (EP Act) Schedule 1 of the *Environmental Protection Regulations 1987* includes categories for intensive piggeries. An Intensive piggery is defined as premises on which pigs are fed, watered and housed **in pens** if the production or design capacity is greater than 500 animals (Categories 2 and 69).

The EP Act requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge, unless a licence or registration (for operation) is held for the premises.

Applicants can be advised to determine if their proposal would make the premises prescribed and so consequently require an application for a works approval. Further information on licensing is available at [www.der.wa.gov.au/images/documents/our-services/approvals-and-licences/A\\_guide\\_to\\_licensing.pdf](http://www.der.wa.gov.au/images/documents/our-services/approvals-and-licences/A_guide_to_licensing.pdf).

There is insufficient information available on the location for DER to provide further comment regarding regulatory responsibilities under the EP Act or the *Contaminated Sites Act 2003*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kelly Faulkner'.

Kelly Faulkner  
ACTING DIRECTOR GENERAL

6 October 2015

9.2.4	Application for Retrospective Planning Approval of Piggery and Associated Expansion: Lots 6595 Pauley Road, Commodine
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Location:	Lots 6595 Pauley Road, Commodine
Applicant:	Steven Sexton
File Ref. No:	A435
Disclosure of Interest:	Nil
Date:	10 <sup>th</sup> December 2015
Author:	Gary Sherry
Attachments	9.2.3A Information from applicant 9.2.3B Location plan 9.2.3C Applicant's landholdings 9.2.3D Submissions

### Summary

**Retrospective Planning Approval is recommended for a piggery along with associated expansion of the piggery at Lots 6595 Pauley Road, Commodine.**

### Background

#### *1. The application*

The applicant seeks retrospective planning approval for a piggery which was established around 15 years ago. Additionally, the applicant seeks planning consent to expand the piggery through five new piggery sheds.

Attachment 9.2.3A sets out plans and information provided by the applicant. Additional information was provided by interview with the Shire staff.

#### *2. The application site*

The site's location is outlined in Attachment 9.2.3B which is approximately 10 kilometres east of the Popanyinning townsite. Attachment 9.2.3B also shows an map of the site in relation to surrounding properties and dwellings.

The piggery is located on one title which has an area of around 64.7 hectares. The applicant also owns a number of adjoining/nearby titles as shown in Attachment 9.2.3C. The applicant utilises only a small percentage of his landholding for the piggery with the predominant use being broad acre cropping.

The site is largely cleared with some isolated pockets of remnant native vegetation. No clearing of remnant vegetation is proposed. The site is gently sloping and the piggery is well setback from watercourses.

Vehicular access to and from the site is from Pauley Road which is a sealed Shire managed road from the Cuballing East Road to the applicants property access. Pauley Road is a Restricted Access Vehicle (RAV) route for vehicles up to RAV level 4, with a local access condition. .

#### *3. The current operation*

The applicant currently operates a deep litter piggery with 17 sheds housing pigs and 1 shed used for weighing and out loading. The applicants proposed five new piggery sheds will be deep litter sheds.

Deep litter piggeries typically accommodate pigs within a series of hooped metal frames covered in a waterproof fabric, similar to the plastic greenhouses used in horticulture. Deep litter housing are established on a concrete base or a compacted earth floor with the Pigs bedded on straw or similar loose material that absorbs manure and eliminating the need to use water for cleaning. The used bedding is generally removed and replaced when the batch of pigs is removed, or on a regular basis.

For deep litter piggery operations on a property that also has a broad acre grain growing program, the used litter and manure is collected and stored in the open air throughout the year and spread onto the other parts of the farming operation in March and April prior to the sowing of the annual grain crop.

The applicant purchases young pigs from a local breeder and then houses them in the deep litter piggery sheds to grow the pigs to a marketable size.

The applicant is connected to scheme water for all piggery operations.

The applicant currently has 6,000 pigs in the piggeries operation at any one time. With his proposed expansion, this number will increase to 7,500. Currently the applicant sells 11,000 pigs annually from his property. This would increase to 15,000.

Feed for the piggery is sourced both from the applicant's grain operations and from external sources. Bedding straw for the deep litter piggery is sourced from the applicant's property. Mixing and storage areas for grain are all adjacent or near to the operation.

All the existing piggery sheds and the proposed new sheds will have concrete floors. The concrete floors prevent escape of manure and other effluent from the sheds.

Bedding straw and manure created from the deep litter piggery is stored onsite and all spread on the applicant's property in March and April each year prior to each growing season. None of this bedding straw and manure is transported from the property.

The applicant maintains a pit on his property for the disposal of any pigs that die in the piggeries. This site could be expanded for a mass mortality event if required.

The applicant currently has 0.5 equivalent full time employees engaged in the piggeries operation. This staff member drives to the property each day.

Currently the piggeries are accessed by traffic including:

- 1 semi-trailer carting produce off site each week; and
- 1 road train carts grain to the site each week.

No vegetation or sites of cultural heritage are impacted or will be impacted by the piggeries operation.

### 3. *Public consultation*

The Shire administration sent letters to 7 adjoining/nearby landowners and 4 relevant State Government authorities seeking comment on the application for 21 days. The Shire received three submissions which is outlined in Attachment 9.2.3D.

The two submission from government agencies neither support nor oppose the application.

The submission received from neighbours Rob and Verity Harris expressed concern over the spreading of used bedding and manure on the applicant's property, near to the Harris's

residence and shearing shed. The Harris's suggest a buffer zone of 500 metres for the spreading of manure from their property

#### 4. *Planning and environmental context*

There are a range of planning and environmental legislation, strategies, policies and guidelines relevant to the application. Some of these are outlined below with others listed under Statutory Environment.

##### *Shire of Cuballing Town Planning Scheme No. 2*

The site is zoned 'General Agriculture' in the *Shire of Cuballing Town Planning Scheme No. 2* (TPS2).

The piggery use is defined in TPS2 as 'animal husbandry-intensive' which means 'premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock feedlots'.

Animal husbandry-intensive is an 'A' use in the General Agriculture Zone. This means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 (seeking comment for at least 14 days).

The aims of TPS2 (clause 1.6) include:

- to promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and
- to encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire.

Clause 4.2(b) sets out objectives for the General Agriculture Zone. The objectives include:

- to encourage intensive agriculture where soil conditions and location are appropriate and it can be demonstrated that off-site impacts (if any) will not adversely affect existing agricultural activities; and
- to ensure that natural drainage patterns/catchments throughout the Shire are recognised in land management practices.

Clause 5.11.2 states 'Council will support more intensive forms of agricultural production in the General Agriculture zone subject to:

- identification of soil types, availability and adequacy of water supply, and any areas of salt affected land and/or land degradation;
- evidence from suitably qualified consultants and/or the Department of Agriculture on the suitability of the proposed lots and lot size for the intended land use;
- evidence of suitable land care management issues addressing retention of remnant vegetation, revegetation areas, land degradation and salinity management;
- evidence that the proposed activity is compatible with broadacre agriculture or that adverse impacts can be contained within the site; and
- such other matters as may be determined by Council.'



The Development Table – General, which sets out standards for setbacks and related matters, outlines that setbacks for piggeries are to be determined by Council.

Clause 10.2 sets out the range of matters that the local government is to have due regard to in considering planning applications.

#### *Shire of Cuballing Local Planning Strategy*

The Local Planning Strategy seeks to protect prime agricultural land, support agriculture value-adding industries, broaden the local economy, reduce nutrient export into waterways and promote best practice land management. One of the aims for rural land is 'To encourage intensive agricultural activities where it can be demonstrated that there are no adverse off-site impacts to broadscale agriculture' (page 18).

#### *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*

This Environmental Protection Authority document provides generic buffer (separation) distances for a range of activities. In relation to piggeries, it sets out a buffer of 2,000 metres for piggery-intensive (premises on which pigs are fed, watered and housed in indoor pens) for piggeries with 50 – 500 pigs. For piggery – extensive, premises on which pigs are fed, watered and housed in outside paddocks or enclosures, the buffer is 1,000 metres.

The EPA has issued codes of practice on turf farms, piggeries, cattle feedlots, the poultry industry, vineyards and dairies. This Guidance Statement has attempted to incorporate advice relating to separation distances from the various codes and guidelines to provide a comprehensive overview. The piggery guidelines contain considerably more detailed information on buffers that may be relevant to the achievement of an acceptable environmental outcome.

#### *National Environmental Guidelines for Piggeries*

This document completed by Australian Pork Limited is an industry prepared guideline that provides a nationally agreed approach to management of pig production in Australia to achieve environmental goals. This document considers the separation distances from areas of by-product use to relevant receptors and features. The following categories describe the method employed for the spent bedding created at a deep litter piggery, with the specified distances for each category listed.

##### Category 1

- Spent bedding is spread immediately (ie is not stockpiled/composted) and remains on the soil surface for more than 24 hours (ie is not immediately ploughed in).

##### Category 2

- Spent bedding is stockpiled before spreading.

##### Category 3

- Spent bedding/solids are composted.
- Application of effluent/spent bedding/solids in combination with immediate incorporation of material into the soil.

Where more than one category is used the more (or most) stringent category controls apply.

Separation distances surrounding by-product reuse areas

Feature/Category	1	2	3
Town	1,000	750	300
Rural Residential	600	400	150
Rural Dwelling	300	200	100
Public Road carrying > 50 vehicles per day	50	25	-
Public Road carrying < 50 vehicles per day	25	15	-
Property boundary	25	20	-

### Comment

#### A) *Overview*

It is recommended that Council conditionally approve the retrospective Planning Application for a piggery (animal husbandry-intensive) along with the associated expansion of the piggery. This follows assessment against TPS2, the Local Planning Strategy, other relevant planning and environmental documents, information provided by the applicant, considering the views of the submitters and site characteristics. Conditional approval is recommended for reasons including:

- it formalises a long established use which has operated for years without creating concerns to neighbours;
- the application is overall consistent with the planning framework including that there are generally extensive buffers to off-site dwellings and there are no adverse off-site impacts to broadscale agriculture;
- the area will remain rural for the long-term (there are no proposals for the site to be changed to rural smallholding or rural residential);
- the site is located on a local road which is not a tourist route;
- no clearing of native vegetation is proposed and the site is well setback from watercourses;
- it supports a local business to grow and it promotes employment opportunities;
- planning conditions along with Health Local Laws registration and industry certification can assist to minimise impacts and enhance amenity; and
- no objections were received on the Planning Application. Accordingly, it can only be assumed that adjoining/surrounding landowners have no objections.

While noting the above, there are various issues associated with the piggery which should be considered by the Council in determining the Planning Application.

#### B) *Key issues*

The key issues with the application are summarised below:

- setbacks/buffers – including the landowner continuing to own buffer land;
- managing waste and controlling nutrient runoff - there is a need to obtain additional information from the applicant to ensure that off-site impacts are prevented or minimised from the operation including vehicle wash-down;
- on-going management - the responsibility for appropriate on-going management rests with the operator. This includes ensuring that the piggery does not create inappropriate impacts such as odour, noise and dust to adjoining/nearby properties. Additionally, that

the operator appropriately addresses matters such as biosecurity and mortalities management. It is suggested that these matters can be appropriated addressed through quality assurance undertaken by the operator and be enforced through the *Shire of Cuballing Health Local Laws 2007*.

C) *Buffers/setbacks*

Piggeries by their nature of operations have the potential to create emissions including odour, noise and dust. Better planning practice requires a suitable buffer between activities such as piggeries and 'sensitive' uses such as dwellings. Accordingly, piggeries should be sited and operated to prevent unreasonable interference with the health, welfare, convenience, comfort or the amenity of neighbours.

It is noted that the established piggery is well setback from property boundaries and dwellings not forming part of the applicant's farm. The nearest residence is 1,770 metres to the south. The nearest neighbouring property is approximately 250 metres to the west, 670 metres to the south west, and 630 metres to the north. The next nearest residents provided comment to Council which raised no issue with the applicant's piggery operation.

Odour is unlikely to have a detrimental impact on the adjoining lots provided the piggery is managed appropriately in accordance with the relevant guidelines. The operator's extensive track record, where no concerns have been raised with the Shire, provides greater assurances that odour can be effectively managed.

It should be normal practice that the land required for buffer requirements of a piggery should be owned by the piggery operator rather than the buffer extending onto land not owned by the piggery operator. Importantly, the piggery should not adversely affect the ability of adjoining/nearby landowners to construct a residence in a location which complies with TPS2 setback requirements. It is highly likely that the buffer requirement to the west and east of the piggery location extends over the property boundary. However this has not been raised as an issue during public consultation.

The spreading of spent bedding material and manure from the deep litter piggery operation should comply with industry benchmarks. This has not been conducted in a manner keeping with industry environmental guidelines and this has significantly impacted the amenity of neighbours.

D) *Registration and licencing*

Should the Council grant planning approval, there is a separate requirement for the landowner/operator to make an Application for Registration of Premises for Offensive Trade to the Shire. This is to address the *Health Act 1911* and the *Shire of Cuballing Health Local Laws 2007*. Amongst matters, the Health Local Laws requires the operator to prevent nuisances impacting human health and to ensure there is appropriate land management.

Given the scale of the piggery, there is no requirement for the operator to obtain registration of a licence for a Prescribed Premise under Part V of the *Environmental Protection Act 1986* (*Environmental Protection Regulations 1987*, Schedule 1).

E) *Quality assurance*

It is understood there has been a change in quality assurance requirements for the major buyers of pork produce and proof of local government approval is now required.

The Australian Pork Industry Quality Assurance Program (APIQ) provides the framework and standards by which Australian pig producers can demonstrate they are responsible farmers who care for their animals and the environment by following safe and sustainable practices contained in their publications. It is expected that the operator may need to separately prepare an Environmental Management Plan in accordance with the Australian Pork Limited *National Environmental Guidelines for Piggeries* (2nd edition revised 2010). These guidelines outline best practice management for Australian piggeries.

APIQ accreditation provides an additional level of compliance to ensure that the piggery is managed and operated at an industry standard. Accreditation reduces the risk of piggeries creating negative impacts on the amenity of adjoining areas.

### Strategic Implications

There are a number of industries within the Shire of Cuballing Shire, all strongly based around the agricultural industry. The main employers in the Shire of Cuballing are Birds Silos and Shelters, McDougall Weldments, as well as the more intensive agricultural enterprises, cattle feedlots and piggeries.

### Statutory Environment

There is a range of legislation and regulations relevant to the application including:

- *Planning and Development Act 2005* and TPS2;
- *Environmental Protection Act 1986* and the *Environmental Protection Regulations 1987*;
- *Health Act 1911* - a Piggery is defined as an offensive trade and must be registered with the local government on an annual basis;
- *Shire of Cuballing Health Local Laws 2007*;
- *Soil and Land Conservation Act 1945*; and
- *Biosecurity and Agriculture Management Act 2007* and *Biosecurity and Agriculture Management Regulations 2013*.

There are also a range of policies, strategies and publications including:

- *EPA Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*;
- *EPA Guidance Statement No. 33 - Environmental Guidance for Planning and Development*;
- *State Planning Policy 2 Environment and Natural Resources Policy*;
- *State Planning Policy 2.5 Land Use Planning in Rural Areas* – objectives include to promote regional development through the provision of ongoing economic opportunities on rural land, to protect and improve environmental and landscape assets and to minimise land use conflicts;
- *State Planning Policy 2.9 Water Resources*;
- *National Environmental Guidelines for Piggeries* (May 2010); and
- *DER Guidance Statement: Separation Distances* (draft) – August 2015 – sets a generic buffer of 1,000 metres for noise impacts, with odour buffers determined through the criteria set out in the *National Environmental Guidelines for Piggeries*.

Policy Implications – Nil at this stage

Financial Implications – Nil

Economic Implications

Approval of this application will formalise the existing use and assist to support the operation to expand. This will assist to increase monies spent locally and assist with job creation.

#### Social Implications

No objections were received from adjoining/nearby landowners. Provided the landowner effectively manages the operation, the piggery should have manageable off-site impacts.

#### Environmental Considerations

It is suggested that the operator can suitably manage environmental impacts. There is a separate requirement for the operator to be registered for an offensive trade and to maintain APIQ accreditation.

#### Consultation

Adjoining/nearby landowners and relevant State Government agencies were invited to make comment on the Planning Application.

#### Options

The Council can:

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

#### Voting Requirements - Simple Majority

**OFFICER RECOMMENDATION:**

That the Council approve the retrospective Planning Application for a piggery and associated expansion of the piggery (animal husbandry – intensive) including new sheds at Lots 6595 Pauley Road, Commodine in accordance with Clause 10.3 of the Shire of Cuballing Town Planning Scheme No. 2, subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. the number of pigs to be housed in the piggery (animal husbandry – intensive) operation on Lots 6595 Pauley Road, Commodine is not to exceed 7,500 at any one time.
3. The operator will not sell or transport any spent bedding by-product from property owned by the applicant.
4. The operator will comply with setbacks included in the National Environmental Guidelines for Piggeries (May 2010) when spent bedding material is spread on the property owned by the applicant. In particular the operator will not spread bedding material within 300 metres from residences on adjoining properties without the immediate incorporation of that bedding material into the soil.
5. The operator to implement dust control measures for the piggery to the satisfaction of local government on an on-going basis.

**Advice**

- A) The proponent is advised that the piggery must comply with other statutory requirements including the Health Act 1911 and the Shire of Cuballing Health Local Laws 2007. The piggery shall be registered with the local government as an offensive trade under the Shire of Cuballing Health Local Laws 2007.
- B) The local government encourages the landowner/operator to:
  - (i) comply with the National Environmental Guidelines for Piggeries (May 2010) or any updates;
  - (ii) be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program;
  - (iii) undertake appropriate mortalities management practices to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding; and
  - (iv) ensure that any gates on the Pauley Road frontage are off-set to ensure heavy haulage vehicles do not block the road when entering the site.
- C) It is the responsibility of the landowner/operator to advise the local government when all conditions relating to the development have been satisfied.
- D) Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

**COUNCIL DECISION:**

That the Council approve the retrospective Planning Application for a piggery and associated expansion of the piggery (animal husbandry – intensive) including new sheds at Lots 6595 Pauley Road, Commodine in accordance with Clause 10.3 of the Shire of Cuballing Town Planning Scheme No. 2, subject to the following conditions:

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4. The operator will comply with setbacks included in the National Environmental Guidelines for Piggeries (May 2010) when spent bedding material is spread on the property owned by the applicant. In particular the operator will not spread bedding material within 300 metres from residences on adjoining properties without the immediate incorporation of that bedding material into the soil.
5. The operator to implement dust control measures for the piggery to the satisfaction of local government on an on-going basis.

**Advice**

- A) The proponent is advised that the piggery must comply with other statutory requirements including the Health Act 1911 and the Shire of Cuballing Health Local Laws 2007. The piggery shall be registered with the local government as an offensive trade under the Shire of Cuballing Health Local Laws 2007.
- B) The local government encourages the landowner/operator to:
  - (i) comply with the National Environmental Guidelines for Piggeries (May 2010) or any updates;
  - (ii) be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program;
  - (iii) undertake appropriate mortalities management practices to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding; and
  - (iv) ensure that any gates on the Pauley Road frontage are off-set to ensure heavy haulage vehicles do not block the road when entering the site.
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Moved: Cr Haslam

Seconded: Cr Newman

Carried 5/0

**Council did not resolve the complete Officer's Recommendation because Council believe that the transport of the spent bedding by product restricts the business practice of the operator when any risks associated with the activity would be met and overseen by other authorities.**

**Cr Conley returned to the Council Chamber at 4.02pm.**

**Cr Conley resumed the Chair of the meeting.**



09 SEP 2015



## FORM OF APPLICATION FOR PLANNING APPROVAL

Town Planning Scheme No. 2  
Application Number \_\_\_\_\_

Owner details:			
<b>Name:</b> <small>(Surname, First Names or Company Name)</small>			
SEXTON, STEVEN KEVIN			
<b>Address:</b>			
49 PAULEY Rd CUBALLING			
<b>Postcode:</b>			
<b>Phone:</b> 98 836043		<b>FAX:</b> 98 836043	
<b>Home:</b> 98 83 6043		<b>Work:</b>	<b>Email:</b> sexton.sp@vestnet.com.au
<b>Mobile:</b> 0427 836043			
<b>Contact Person:</b> STEVE			
<b>Signature:</b>		<b>Date:</b> 8/9/15	
<b>Signature:</b>		<b>Date:</b>	
<p>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. If the owner is a company, the names of all directors must be provided.</p>			

Applicant details:			
<b>Name:</b>			
AB ABOVE.			
<b>Address:</b>			
<b>Postcode:</b>			
<b>Phone:</b>		<b>FAX:</b>	
<b>Home:</b>		<b>Work:</b>	<b>Email:</b>
<b>Mobile:</b>			
<b>Contact Person for Correspondence:</b>			
<b>Signature:</b>		<b>Date:</b>	

## Part 2

Property details:		
Lot No: <del>4990</del>	House/Street No:	Location No: 4990.
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name: PAULEY Rd	Suburb: CUBALLING.	
Nearest Street Intersection: PAULEY Rd / Cuballing East Rd.		
Details of Proposal:		
Description of proposed development and/or use: Grow out Pig Facility for production of Pork & Bacon Pigs. Age from 3 wks → 24 wks age.		
Nature of any existing buildings and/or use: 21 Sheds: 13 @ 10m <sup>w</sup> x 28m long 5 @ 12m wide x 28m long 1 x Office Dunga 12m x 3.6m.		
Approximate cost of proposed development (excluding GST): \$ 300,000		
Estimated time of completion: Done.		

**NOTE:** this form should be completed and forwarded to the Council together with 2 copies of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

**Office Use Only**

Acceptance Officer's initials:

Date Received:

Local Government Reference No:

MODEL CODE COMPLIANCE PLANGLENARK PIGGERY

## Description of current facilities.

This piggery has 18 eco shelters in total. 17 shelters house pigs and 1 shelter is reserved for weighing and out loading.

12 of the shelters are Grower shelters with dimensions 10m x 28m. The remaining 5 shelters are Weaner shelters and are 12m x 28m. Weaner shelters are divided in half so that each weaner space is 6m x 28m.

Each shelter has a 5m stepped apron at the front where feeders and drinkers are located. Each shelter has a 8 tonne self feeder in it. Grower shelters have 12 wall mounted drink-o-mat drinkers and the Weaner shelters have 14 wall mounted drink-o-mat drinkers.

All grower shelters have spray mist sprinklers that run along the inside of the shelter roof and are activated when necessary.

Each grower shelter has a rear blind to prevent excess wind and or sunlight. Blinds are lowered or raised as necessary. Straw bales act as wind breaks at the front and rear of weaner sheds.

## Management System.

Mixed sex weaners arrive from an Approved supplier (within our approved supplier list) at 3 wks age. Pigs are of similar size with target average weight of 7kg on arrival. Pigs are teeth and tail clipped prior to arrival.

Weaners will spend 8 weeks in weaner sheds and are then moved, as entire group, to a clean grower shed. Pigs will spend a maximum of 12 weeks in grower sheds before being weighed and selected for slaughter.

Currently piggery aims to produce bacon pigs, but carcase weights can vary at request of abattoir.

Each weaner shelter has a maximum pig capacity of 270 weaners. This is allowing for 0.507m<sup>2</sup> per pig up to 45kg (MCOP requires 0.494 m<sup>2</sup>/pig at 45kg).

Each grower shelter has a maximum pig capacity of 270 pigs. This is allowing for 0.871m<sup>2</sup>/per pig up to 103kg (MCOP requires 0.871 m<sup>2</sup>/pig at 103kg).

Owner signature

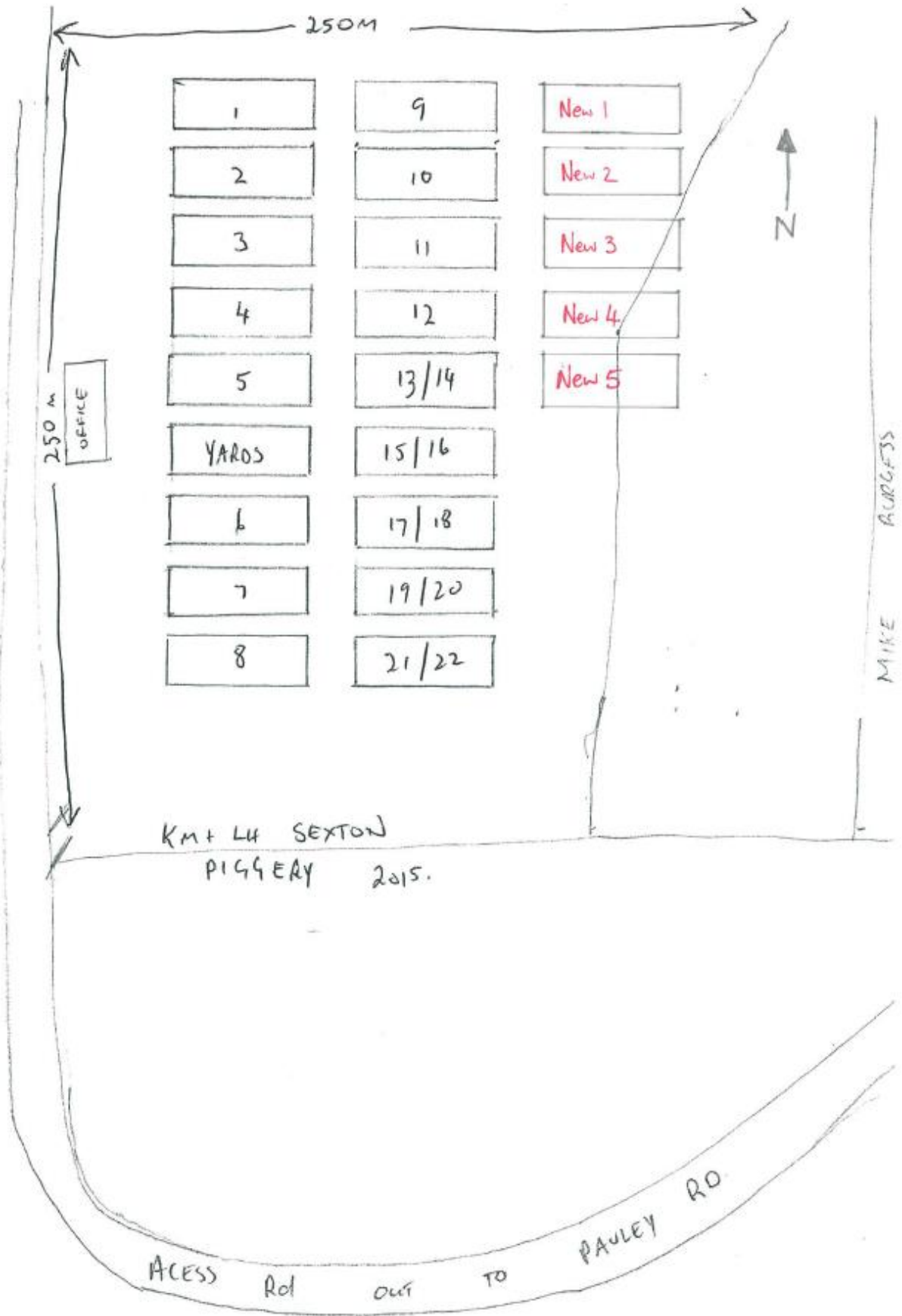


Printed name

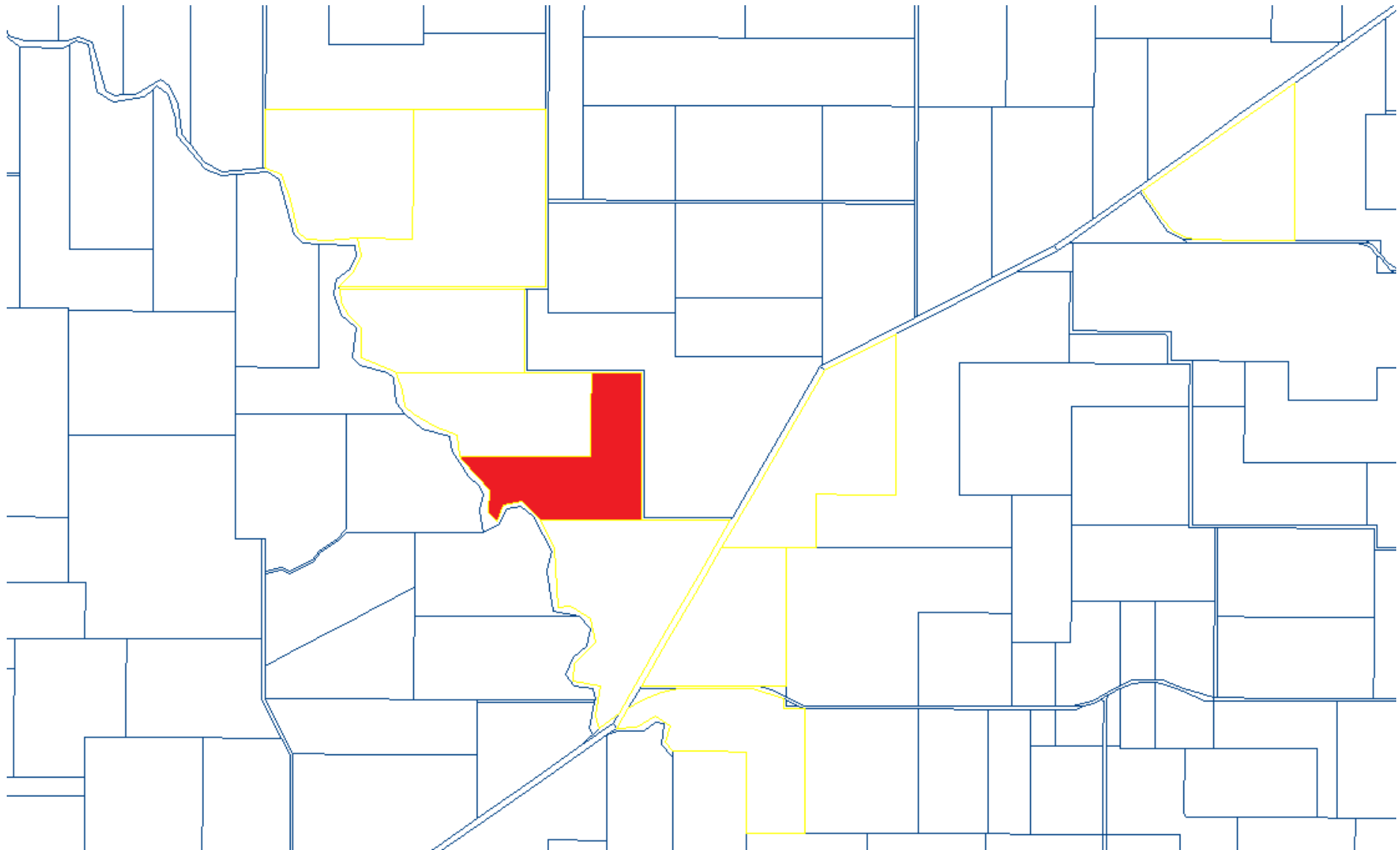
STEVE SEXTON

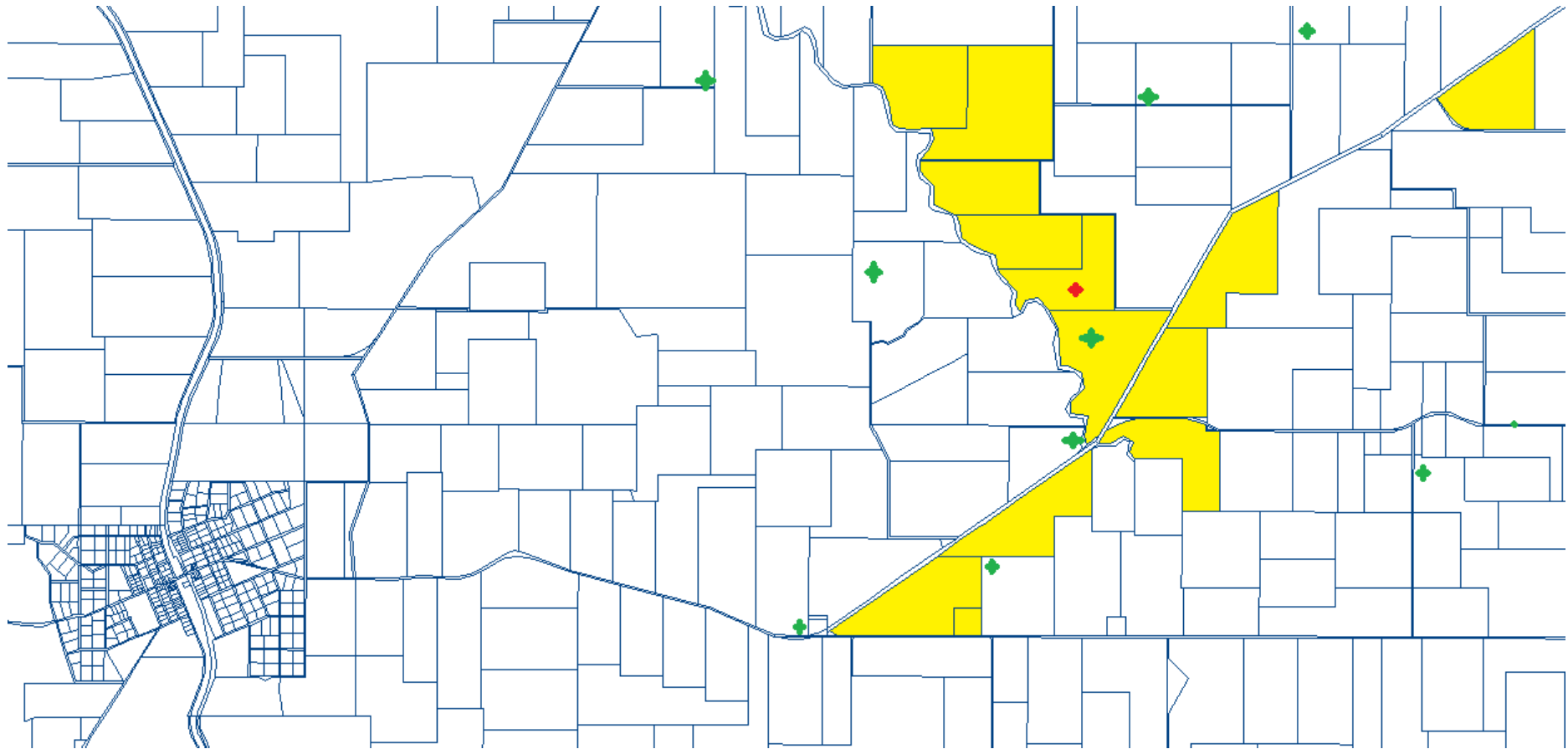
Date

28/7/12









Red - Applicants Piggery  
Green - Residences

2 OCT 2015

Chief Executive Officer

PO Box 13

Cuballing WA 6311

**PLANNING APPLICATION – LOCATION 6595**

Thank you for the opportunity to provide input into the above application. As neighbours of the Sextons Piggery we have no issues with how they farm or run the piggery.

There is however an issue with the management of spreading of the pig manure on to the paddocks which adjoin the eastern boundary next to the house, workshop and shearing shed, it should be noted that this is only 150 metres away. This is undertaken in March and April with prevailing easterly winds. With these conditions and the associated odour and fly problem this makes it rather uncomfortable. We have had shearers and shedhands complain and threaten to stop work at shearing time due to the odour. We have repeatedly asked the Sextons to not put the manure on the adjoining paddock however this has been to no avail.

We would like to request that there be a reasonable buffer zone of at least 500m from our property.

Regards



Rob and Verity Harris





Government of **Western Australia**  
Department of **Environment Regulation**

Your ref: TP2/A2524  
Our ref: CEO2191/15  
Enquiries: Teresa Gepp  
Phone: 6467 5383  
Email: advice.coordinator@der.wa.gov.au

9 OCT 2015

Mr Gary Sherry  
Chief Executive Officer  
Shire of Cuballing  
PO Box 13  
CUBALLING WA 6311

Dear Mr Sherry

**PLANNING APPLICATION – LOCATION 6596**

I refer to your letter dated 11 September 2015 to the Department of Environment Regulation (DER) regarding the above planning application.

There is insufficient information in the referral documentation to determine if the premises is a prescribed premises for the purposes of the *Environmental Protection Act 1986* (EP Act). Schedule 1 of the *Environmental Protection Regulations 1987* includes categories for intensive piggeries. An Intensive piggery is defined as premises on which pigs are fed, watered and housed **in pens** if the production or design capacity is greater than 500 animals (Categories 2 and 69).

The EP Act requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge, unless a licence or registration (for operation) is held for the premises.

Applicants can be advised to determine if their proposal would make the premises prescribed and so consequently require an application for a works approval. Further information on licensing is available at [www.der.wa.gov.au/images/documents/our-services/approvals-and-licences/A\\_guide\\_to\\_licensing.pdf](http://www.der.wa.gov.au/images/documents/our-services/approvals-and-licences/A_guide_to_licensing.pdf).

DER has no further comment with regard to regulatory responsibilities under the EP Act or the *Contaminated Sites Act 2003*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kelly Faulkner'.

Kelly Faulkner  
ACTING DIRECTOR GENERAL

6 October 2015



Government of Western Australia  
Department of Water



Your ref: TP2/A2524  
Our ref: RF3746  
SRS: 40178  
Enquiries: Catherine Taylor

2 October 2015

Shire of Cuballing  
PO Box 13  
CUBALLING WA 6311

Attention: Gary Sherry

Dear Gary

**Re: Planning Application – Location 6596**

Thank you for the referral dated 11 September 2015 regarding the planning application for a retrospective Piggery Operation located at lot 6596 Pauley Road Williams. The information provided is insufficient to provide a full assessment of the proposal's potential to impact water resources. However, the Department recommends the following advice.

**DER**

The proposal should be referred to the Department of Environment and Regulation (DER) (c/- Locked Bag 33 Cloisters Square, Perth WA 6850) as the operations may warrant a works approval under Part V of the *Environmental Protection Act 1986*.

**Hotham River**

A separation distance of 100 m should be retained between the water course and site operations.

**Groundwater**

The subject property is located within the Karri Groundwater Area. This groundwater area is not proclaimed under the *Rights in Water and Irrigation Act 1914*, thereby any groundwater abstraction is not required to be licenced by the Department. The proponent should be aware that nature of the groundwater resource is highly variable, thus locating a viable source for substantial non potable use may be difficult.

**Surface Water**

The subject property is located with the Murray Surface Water Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any taking or diversion of surface water in this proclaimed area for purposes other than domestic and/or stock watering is subject to licensing by the Department of Water. The issuing of a surface water licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee. In addition any interference with the bed or banks of a watercourse will require a permit from the Department.

**Wastewater Treatment**

The proponent shall ensure that all wastewaters from piggery operations including wash down water, by-products wastewater and contaminated runoff are directed to a wastewater treatment system and not discharged to groundwater or the Hotham River. It is

Kwinana Peel Region  
107 Breakwater Parade Mandurah Ocean Marina Mandurah Western Australia 6210  
PO Box 332 Mandurah Western Australia 6210  
Telephone (08) 9550 4222 Facsimile (08) 9581 4560  
[www.water.wa.gov.au](http://www.water.wa.gov.au)

recommended that an effective wastewater treatment system include a solids separation system and an impervious pond system.

**Save time with Water Online**

You will soon be able to lodge referrals electronically via the Water Online customer portal at [www.water.wa.gov.au](http://www.water.wa.gov.au). Planning advice will provide the quickest and most convenient process for submitting referrals or requests for planning advice. Further information regarding the new online service will be provided to you in the coming weeks.

If you wish to discuss the above or require further information please contact Catherine Taylor on (08) 9550 4237.

Yours sincerely



Brett Dunn  
**Program Manager – Urban Water Management**  
**Peel Region**

**Cr Bradford left the Council Chamber at 4.05pm.**

## 9.2.5 Community Emergency Management Officer

Applicant: NA  
File Ref. No: ADM080  
Disclosure of Interest: Nil  
Date: 10<sup>th</sup> December 2015  
Author: Gary Sherry  
Attachments: Nil

### **Summary**

**Council is to consider investigating the possibility of entering into a shared Community Emergency Management Officer.**

### **Background**

The administrative compliance of local government associated with Emergency Services and Council's bush fire brigade is continuing to increase. It is not anticipated that this will reduce in the future.

One response to this increasing compliance burden is the employment of a Community Emergency Management Officer (CEMO) or Community Emergency Services Manager (CESM). These officers are employed by local governments but the local governments through a MOU receive funding assistance from the Department (DFES).

The CEMO/CESM's a role in local government is to efficiently and professionally plan, develop, manage, implement and review community emergency services within the Shires in accordance with:

- The Bush Fires Act 1954 and Bush Fire Regulations
- State Emergency Management Committee Policy Statements
- Fire and Emergency Services Legislation
- Council's Policy, Local Laws and procedures.:

This would equate to include the following duties:

#### General

- Facilitate the mitigation of fire and other hazards impact on the community by coordinating a range of strategies in partnership with the community, local governments, DFES and volunteers
- Ensure the implementation and delivery of fire preparedness, prevention, response and recovery services within designated Local Governments.
- Provide leadership and expert technical and professional advice to the emergency volunteer groups.
- Identify, support and deliver quality training for emergency volunteer groups.
- Consult with stakeholders to facilitate the development and review of fire and emergency planning within designated Local Governments.
- In partnership with Local Governments and the community, continuously seek to improve the mitigation of risk to the community from fire and other hazards.
- Manage and take responsibility for the physical and financial resources for designated volunteer emergency groups.
- Assist with managing the budget requirements relevant to Department of Fire and Emergency Services.

#### Prevention

- Develop and implement mitigation pre- plans for all council vested reserves
- Draft plan containing annual schedule of works based upon risk assessments
- Engage BFBs and others to assist with Hazard Reduction Burns/other treatment options
- Develop and implement mitigation plans for all UCL/UMR blocks and maintain UCL data base
- Review and identify suitable education programs for the community e.g. Bush Fire Ready, JAFFA, and Smoke Alarm program
- Coordinate the provision of public information and develop media contacts

#### Preparedness

In consultation with Brigades, develop a program of appropriate courses for BFBs and Council staff:

- Ensure BFBs have the appropriate level of training to be operationally effective
- Liaise with LEMC on Major exercise and provide support
- Attend LEMC meetings – Prepare Agendas and take minutes

#### Response

- Maintain and review mobilisation procedures for BFBs to ensure their effectiveness
- Provide Incident Management Team support in own and neighbouring shires as required

#### Recovery

- Encourage BFB/ SES to utilise Counselling Services and Peer Support
- All major incidents involving volunteers, whereby there are serious injuries, trauma or fatalities to be reported to the DFES Comcentre
- Ensure OHS&W as required

#### Organisational

- Develop and maintain a directory for emergency service contacts in liaison with DFES Region
- Audit and update existing BFB memberships
- Review and analyse the Resource To Risk model against current resource inventory

An approximate break down of a CEMO/CESM duties would be:

60%	Admin
20%	Operational
10%	Training
5%	Town Planning
5%	Networking

A number of regional Council's employ CEMO/CESM officers in a stand alone or shared role. Examples of such schemes include:

- Shires of Lake Grace, Kent and Dumbleyung;
- Shires of Wagin, Woodanilling and West Arthur;
- Shires of Beverley and York;
- Shire of Moora and Victoria Plains; and
- Shires of Quairading and Cunderdin.
- 

Shires that employ a CEMO/CESM for their Shire include:

- Shire of Northam;
- Shire of Toodyay;

- Shire of Gingin; and
- Shire of Plantagenet

An anticipated cost for a CEMO/CESM would include:

- Salary Up to \$80,000
- Overheads Up to 40,000
- Vehicle Purchase and then running cost.

### Comment

As part of the Town and Shire of Narrogin merger process, one matter that has been identified for detailed consideration is the emergency management of the current Shire of Narrogin and the support of the local volunteer bush fire brigades.

While the Town of Narrogin does have a ranger who does undertake some emergency management duties, his current workload is now at a level that further responsibilities would require additional resources. This additional resource would be a Community Emergency Management Officer (CEMO) or Community Emergency Services Manager (CESM)

The Town and Shire of Narrogin have approached the Shire of Cuballing and the Shire of Wickiepin regarding the possibility of a shared Community Emergency Management Officer.

The principal purpose of the position is to ensure that the Shire and Town fulfil all the obligations of the Bush Fires Act and provide the necessary administrative support to the CEO and staff, to the Chief Fire Control Officer and other FCOs and to local brigades

A CEMO/CESM would not impact on the separate Local Emergency Management Committees (LEMC) and Plans. It not proposed at this time that the person would have responsibility for the Narrogin LEMC, but this may come in time. Currently the Town has a part time person with responsibility for the Joint Shire and Town of Narrogin Local Emergency Management Committee and associated arrangements.

If successful, it should be anticipated that the position would be at least 50% funded by Department of Fire and Emergency Services. Advice from Mr Daniel Austin, District Superintendent, is that all funding for the program for 2015-2016 is fully subscribed. Although no State Budget provision beyond their current contractual obligations has been made for 2016-2017 to expand the program, Mr Austin is continuing to meet with groups and individual Councils who have expressed an interest.

With increasing awareness of fires and emergency management generally, and the potential for increased obligations under future emergency management legislation, we consider that a CEMO/CESM would be advantageous.

The Town of Narrogin will be advising the Minister for Emergency Services and Mr Wayne Gregson, DFES Commissioner, of our interest on behalf of the Town and Shire, and would be happy to arrange a meeting with Mr Austin if the Shires of Cuballing and Wickiepin were interested.

Strategic Implications - Nil

Statutory Environment - Nil

Policy Implications - Nil at this time

Financial Implications

An anticipated cost for a CEMO/CESM would include:

- Salary Up to \$80,000
- Overheads Up to \$40,000
- Vehicle Purchase and then running cost.

Given that 50% of the operation cost will be met by the DFES, participation in a shared program should expect to cost the Shire of Cuballing 33% of the remaining expenditure. This could be expected to be in the region of \$25,000 per annum.

Economic Implications - Nil

Social Implications

The management of the risks and hazards from bush fire is an important part of the Shire of Cuballing's responsibility to protect the community.

Environmental Considerations - Nil

Consultation

Town of Narrogin

Options

The Council can resolve:

1. the Officer's Recommendation;
2. not participate in a shared CEMO/CESM with the merged Shire and Town of Narrogin;  
or
3. defer and seek additional information.

Voting Requirements

Simple Majority

**COUNCIL DECISION:**

**That Council advise the Town of Narrogin that Council:**

- 1. is interested in considering involvement in a shared Community Emergency Management Officer/Community Emergency Services Manager; and**
- 2. needs to consider a more detailed cost estimate of such an officer before committing to involvement.**

**Moved: Cr Ballantyne**

**Seconded: Cr Dowling**

**Carried 5/0**

## 9.2.6 Community Assisted Transport Service Vehicle - 2016/17

Applicant: NA  
File Ref. No: ADM236  
Disclosure of Interest: Nil  
Date: 9<sup>th</sup> November 2015  
Author: Gary Sherry  
Attachments: Nil

### Summary

**Council is to consider supporting financially the Narrogin Community Assisted Transport Service in 2016/17.**

### Background

The Narrogin Community Assisted Transport Service (CATS) offers a valuable transport service to people without private transport and who require specialist medical treatment in Bunbury, Busselton, Mandurah and Perth.

The service is managed by the Town of Narrogin and has operated successfully since late 2007. The Town of Narrogin have set up a CATS stakeholders group to advise on the strategic direction of CATS. The board is made up of representatives from the Town of Narrogin, groups who provide a significant contribution (including the Narrogin Lions Club, the RevHeads group, the Shires of Narrogin and Wagin) and representative of the volunteer drivers.

CATS relies wholly on volunteers as drivers and the vehicle is in use on an average of three days a week with sometimes two or three patients being transported to various hospitals and facilities.

Patients transported by CATS, can access WA Country Health Service's Patient Assisted Travel Scheme (PATS) to contribute towards vehicle operating costs including fuel or privately pay \$75.00. \$15 of this payment can be claimed back from the volunteer drivers for lunch and refreshment expenses.

Apart from PATS there is no government support on offer for this highly valued community service.

Since its inception, the CATS vehicle has been changed over a number of times. The vehicle is usually traded when the odometer reaches around 50,000 kilometres. The last two vehicles have been purchased with proceeds from the contributions towards fuel paid by the users of the service. There are often occasions when there are two or three people using the service at once and this situation enables funds to be set aside to fund one change over in a financial year.

The Town of Narrogin is requesting a contribution of from each of the Shires who have residents who use the vehicle for the future

### Comment

The Town of Narrogin are seeking a financial contribution from the Shire of Cuballing for the purchase of a replacement Community Assisted Transport Service (CATS) vehicle for the 2016/2017 or future financial years. Specifically the contribution is sought for the change over cost of the current vehicle at 50,000 kilometres. The estimated cost of the changeover is approximately \$13,000.



CATS has serviced residents of the Shire of Cuballing. The number of CATS clients in the Shire of Cuballing residents has been declining. From 6 clients in 2012, there has not been a single Shire of Cuballing client in 2015.

The Shires of Narrogin and Wagin contribute \$2,000 per annum to this service. The Town of Narrogin absorb the indirect management costs. The fees recovered meet all the direct costs of the Town of Narrogin. The Town of Narrogin stores any surplus of funds received greater than expenses in a reserve to meet future vehicle transfer costs.

Strategic Implications - Nil

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications

The CATS provides a valuable service for aged people in our region. This service allows them to stay in our region, when they might have to shift away to be closer to their required medical services.

Environmental Considerations - Nil

Consultation

Town of Narrogin

Options

The Council can resolve:

1. the Officer's Recommendation;
2. to decline to contribute to the Town of Narrogin's CATS expenses; or
3. to defer and seek additional information.

Voting Requirements - Simple Majority

**COUNCIL DECISION:**

**That Council:**

1. **agree to contribute \$2,000 to the Town of Narrogin's Community Assisted Transport Service program in 2016/17 to assist in meeting vehicle replacement costs;**
2. **seek representation on the Community Assisted Transport Service stakeholder group;**
3. **select Cr Bradford as Council's delegate and Cr Newman as Council's proxy delegate to the Community Assisted Transport Service stakeholder group; and**
4. **request staff to investigate methods of publicising the Community Assisted Transport Service program in the Shire of Cuballing community to encourage greater use.**

**Moved: Cr Ballantyne**

**Seconded: Cr Dowling**

**Carried 5/0**

## 9.3 MANAGER WORKS & SERVICES REPORT:

### 9.3.1 Popanyinning West Road – Land Acquisition

Applicant:	NA
File Ref. No:	ADM324
Disclosure of Interest:	Nil
Date:	11 <sup>th</sup> December 2015
Author:	Gary Sherry
Attachments:	9.3.1A Locality Plan & Aerial Photo
	9.3.1B Survey Maps of land to be acquired
	9.3.1C Mr Lange's Offer and Agreement
	9.3.1D Mr & Mrs Buffham's Agreement

#### Summary

**Council approval to purchase land adjoining the Popanyinning West Road to allow for the realigning and widening of a section of the road.**

#### Background

The section of the Popanyinning West Road 15.9 kilometres west of the Great Southern Highway has been considered a safety issue for some time and has been included for widening and realignment in 2016/17 in Council's 10 Year Road Program.

This section of the Popanyinning West Road adjoins property owned by Mr NR Lange and Mr RA & Mrs PO Buffham.

A locality plan and aerial photo is shown at Attachment 9.2.6A.

#### Comment

The proposed works allow for a widening of the corner and require the purchase of adjoining land. Shire staff have completed a survey of the area and have prepared a survey plan for submission to the WAPC to allow purchase by Council of the required land and to realign the property boundaries. The survey map of the area is included at Attachment 9.2.6B.

The realignment requires the purchase of:

1. 1.38 hectares from Mr Lange; and
2. 0.02 hectares from Mr & Mrs Buffham.

Mr N Lange has proposed to sell his 1.38 hectares to Council for a price of \$6,800. Mr Lange's letter of offer is included at Attachment 9.2.6C. This is a cost per hectare of about \$4,927. This represents a surplus over market value, but for this area and total cost is not significant.

Mr & Mrs Buffham's area of land to be purchased by Council is significantly smaller than Mr Lange's. Mr & Mrs Buffham's correspondence, included at Attachment 9.2.6D, indicates that they will not require Council to purchase the land. At a price of \$4,000 per hectare the purchase price would have been \$80.

Strategic Implications - Nil

Statutory Environment - Nil

Policy Implications - Nil

Economic Implications - Nil

Financial Implications -

The estimated cost of the land acquisition for this area is:

• Obtain permission from WAPC	\$ 1,400
• Survey and plan production and deal with conditions	\$ 12,000
• Application for a new title via settlement agent	\$ 1,000
• Land Purchase cost	<u>\$ 6,800</u>
	\$ 21,200

Acquisition costs, including fencing of the new land will be met by Council as part of the road construction in 2016/17.

#### Social Implications

The proposed Council works will make the Popanyinning West Road considerable safer for local and passing road users.

#### Environmental Considerations

The road widening will require the removal of vegetation. Shire staff are in the process of submitting a clearing permit to take about 15 trees with the Department of Environmental Regulation.

#### Consultation

Mr NR Lange  
Mr RA & Mrs PO Buffham

#### Options

The Council can resolve:

1. the Officer's Recommendation;
2. to not widen the section of Popanyinning West Road;
3. defer and seek additional information.

#### Voting Requirements

Simple Majority

#### **COUNCIL DECISION:**

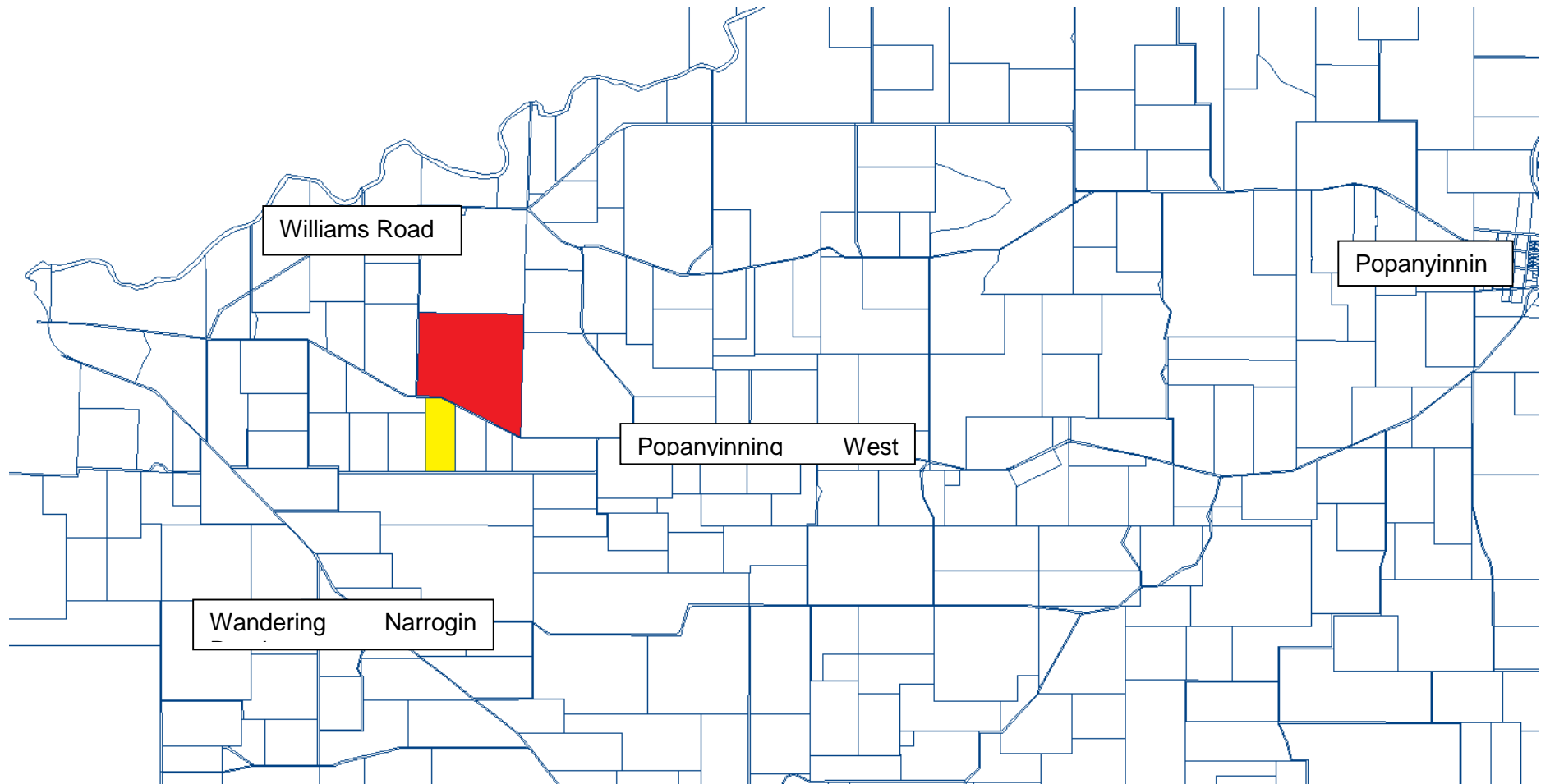
##### **That Council:**

1. **agree to purchase the 1.38 hectares of land identified in Attachment 9.2.6B from Mr NR Lange for \$6,800;**
2. **agree to purchase the 0.02 hectares of land identified in Attachment 9.2.6B from Mr RA & Mrs PO Buffham; and**
3. **complete a subdivision application to include that area of land in the adjoining Popanyinning West Road reserve.**

**Moved: Cr Newman**

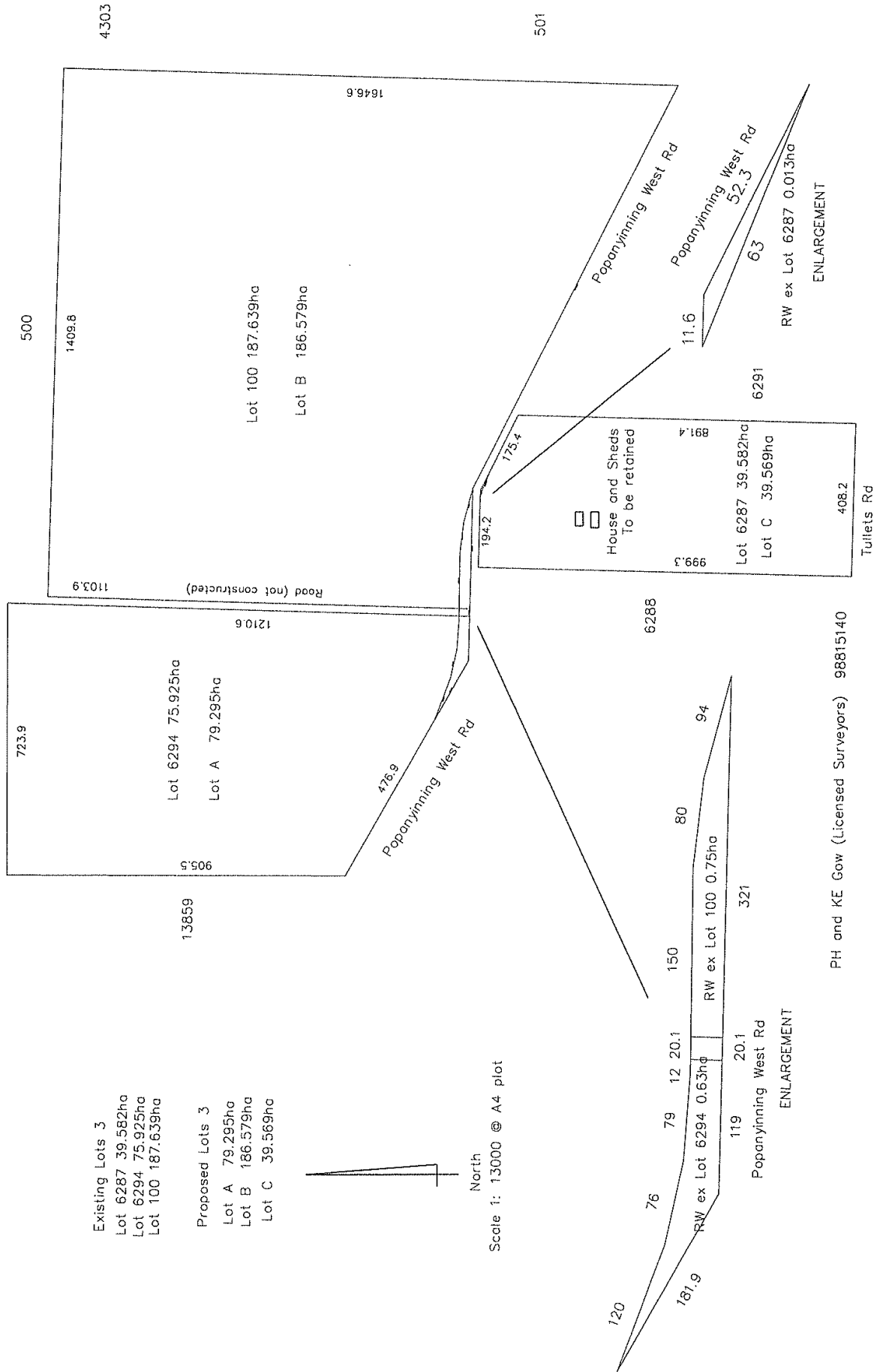
**Seconded: Cr Haslam**

**Carried 5/0**





Proposed Road Widenings ex Lots 6287, 6294 and 100  
Popanyinning West Rd, West Popanyinning, Shire of Cuballing



Mr Nigel Lange  
1495 Williams Road  
West Popanyinning W.A. 6309

Telephone: (08) 9887 7113

9<sup>th</sup> December 2015

Mr. G. Sherry  
Chief Executive Officer  
P.O. Box 13  
Cuballing W.A. 6311

**Re:- Proposed Road Widening.**

Dear Sir,

As the owner of Avon location Lot 6294 Popanyinning West Road, Popanyinning, I have no objection to the resumption and **offer** on the 1.38 hectares (3.40 acres) of land you require to re-align the Popanyinning West Road at a sale price of \$6800.

I have signed the required paperwork for you to carry out the alteration to the title and will require a copy of the altered title.

With regard to the fence I request that the Shire covers the cost to replace it.

Yours sincerely

Nigel Lange

6287 Popanyinning West Road  
Popanyinning W.A. 6309

Telephone: (08) 9887 7128

E-mail [rayandpam@westnet.com.au](mailto:rayandpam@westnet.com.au)

5<sup>th</sup> December 2015

Mr. G. Sherry  
Chief Executive Officer  
P.O. Box 13  
Cuballing W.A. 6311

**Re:- Proposed Road Widening.**

Dear Sir,

As the owners of Avon location Lot 6287 Popanyinning West Road, Popanyinning, have no objection to the resumption and **offer** on the 0.02 hectares of land you require to re-align the Popanyinning West Road.

We have signed the required paperwork for you to carry out alteration to the title and will require a copy of the altered title.

As for the fence replacement, we request to have it the as the same as the existing fence (e.g. rabbit proof netting).

Can it possibly be arranged for the "grass trees" to be re-moved be re-planted inside our boundary? (opposite the position from where they are now).

Hoping that this will be satisfactory for your future project?

Yours sincerely

( Pamela and Raymond Buffham )



#### **9.4 ENVIRONMENTAL HEALTH OFFICER:**

Nil

#### **9.5 BUILDING OFFICER:**

Nil

#### **ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

Nil

#### **URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:**

##### **11.1.1 Urgent Business – Sale of Venieri Front End Loader**

Applicant:	N/A
File Ref. No:	ADM159
Disclosure of Interest:	Nil
Date:	16 <sup>th</sup> December 2015
Author:	Gary Sherry
Attachments:	Nil

#### **Summary**

**Council is to consider reviewing urgent business relating to the possible sale of the Venieri Front End Loader.**

Background - Nil

#### Comment

Staff are attempting to have the Agenda prepared at least a week before each Council Meeting. In completing this schedule, business of an urgent nature will arise from time to time in particular where commercial activities within the district would be delayed by Council not considering the item.

#### Statutory Environment

Shire of Cuballing – Standing Orders Local Law 1999 – Section 3.10:  
3.10 Urgent Business Approved By the Person Presiding or by Decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting.

Strategic Implications - Nil

Policy Implications - Nil

Financial Implications - Nil

Economic Implication - Nil  
Environmental Considerations - Nil  
Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. to not consider the urgent business.

Voting Requirements – Simple Majority

**COUNCIL DECISION:**

**That Council consider the urgent business relating to the possible sale of the Venieri Front End Loader.**

**Moved: Cr Dowling**

**Seconded: Cr Haslam**

**Carried 5/0**

## 11.1.2 Sale of Venieri Front End Loader

Applicant: NA  
File Ref. No: ADM 159  
Disclosure of Interest: Nil  
Date: 16<sup>th</sup> December 2015  
Author: Gary Sherry  
Confidential Attachment: 11.1.2A Letter of Offer

### **Summary**

**Council is to consider the sale of the Venieri Front End Loader for a counter offered price of \$11,000 (GST Inclusive).**

### **Background**

Council purchased its Venieri Front End Loader (FEL) in the 2004/2005 financial year for \$189,084.

The Venieri FEL's performance and efficiency was so poor that Council bought a replacement FEL in September 2008 for \$273,850. The Venieri has had a number of major mechanical issues. The failure of the front differential to work as designed and the lack of service for over 4 months in late 2007 and early 2008 appears to have been the catalyst for Council to move to replace the Venieri. The Venieri's electrical system has been notoriously unreliable in Council's service.

At that time Council sought legal advice on the possibility of the seeking warranty compensation from the company from which the Venieri Front End Loader was purchased. The legal advice received advised that the legal cost could outweigh any benefit possible.

At the time of the purchase of the Caterpillar FEL in 2008 the trade in offered by for the sale of the Venieri FEL was deemed by Council not to be of value. While the records of the tendered offer couldn't be located, the trade-in offer was in 2008 was about \$40,000/\$50,000.

Since the purchase of the Caterpillar, the Venieri has been used as a second loader to complete depot work and local tasks such as pushing the Cuballing waste disposal site.

Since 2008 the Venieri FEL has continued to mechanically unreliable. The FEL's electric system regularly has issues. Given the reducing serviceability and cost of repairs, Council has been only completed required maintenance. With the decreasing amount of work, the maintenance on this machine has also reduced accordingly.

In September 2015 Council resolved:

#### **COUNCIL DECISION:**

That Council:

1. purchase the Komatsu WA320PZ-6 offered by Komatsu Australia Pty Ltd for up to \$276,000 (GST Exclusive);
2. not sell Council's Caterpillar 930G Loader as a trade in;
3. authorise out of budget expenditure \$31,000 and authorise a transfer from Council's Plant Reserve if required; and
4. direct staff to expedite the sale of Council's Venieri loader in a private sale.

Moved: Cr Newman      Seconded: Cr Dowling  
Carried 3/0

Council chose to not follow the Officer's Recommendation because Council:

1. wished to take advantage of an offered discount on the purchase price of a new loader if Council did not wish to trade in Council's existing Caterpillar 930G Loader; and
2. saw an opportunity dispose of Council's much older existing Venieri loader and still retain the Caterpillar 930G as a second loader for efficient Council operations.

The Venieri FEL is unroadworthy and requires significant mechanical and auto-electrical work to meet that standard. In Shire staff's opinion Council completing that work prior to sale of the machine will not add value to the sale price.

With the delivery of the Komatsu loader, the Caterpillar FEL is available to complete the tasks once performed by the Venieri. The Venieri is not being used by staff. The Venieri is now difficult to operate and Shire staff only permit Council's most experienced operators to use it.

### Comment

The focus of this report to Council regarding the sale of the Venieri FEL is the method of sale and ensuring an open and transparent sale process.

Council staff have not advertised the potential sale of the Venieri loader. This is possible, but the extent of the poor state of mechanical repair should be mentioned in such an advert. While this has the potential to locate another potential purchaser, the full disclosure of the state of the Venieri FEL could damage Council's reputation.

Council staff were contacted by a local earthmoving contractor about the possibility of the purchase of the Venieri FEL. The contractor's letter of offer is included as at Confidential Attachment 11.1.2A. The offered price is \$10,000.

In discussions with this contractor, Council staff were open and with the true state of mechanical repair and the staff's opinion of the machine's reliability. The contractor did mention that his operation has better and cheaper access to mechanical and auto electrician services than the Shire of Cuballing. The contractor advised that he would be using the loader continuously, rather siting the loader in a gravel quarry and using it from time to time as required.

The method of sale of the Venieri FEL depends to some degree on its value. Under Reg. 30 of the Local Government (Functions and General) Regulations 1996 if the value of property (that is not land) is less than \$20,000 the sale of that property is exempt from Section 3.58 *Disposing of Property* of the Local Government Act 1995 that requires property to be sold by auction or public tender.

Reg. 30 of the Local Government (Functions and General) Regulations 1996 does also allow an exemption of selling property by private treaty, if the details of a proposed disposal – including purchaser, independent valuation and proposed sale price - are advertised locally prior to the sale being completed.

The Venieri FEL was internally valued for accounting purposes in 2013/14 at \$25,000. Staff believe that this value is significantly overstated. Staff believe the current value of the loader to be closer to scrap value in the region of \$10,000 to \$15,000. A price of \$12,000 (GST Inclusive) is seen by staff as a fair price.

Independent valuation of the cost of the Venieri FEL are possible. A licenced valuer would charge in the vicinity of \$1,000 for such a service. A machinery dealer could provide a

valuation or assessment. A local dealer may provide such a service for free. Staff will have further information about a possible valuation at the Council meeting.

In the Officer's Recommendation it is proposed that Council:

- agree to sell the Venieri FEL for a counter offered price of \$11,000 (GST Inclusive)
- obtain an assessment of the price of the Venieri FEL without any expense to Council. this will provide some security to Council in determining the market value of the Venieri FEL without eating into the sale proceeds. A costly valuation from a licenced valuer will not add significant value to the process; and
- advertise the proposed sale prior to completing the sale in February 2016. This provides Council with transparency in the process and allow for a local purchaser, willing to pay a higher price to make a submission for Council to consider. However the delay and publication does risk that the purchaser not willing to participate or wait for finalisation of the sale.

Strategic Implications - Nil

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

- (1) In this section —  
*dispose* includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
*property* includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —  
(a) the highest bidder at public auction; or  
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —  
(a) it gives local public notice of the proposed disposition —  
(i) describing the property concerned; and  
(ii) giving details of the proposed disposition; and  
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;  
and  
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —  
(a) the names of all other parties concerned; and  
(b) the consideration to be received by the local government for the disposition; and  
(c) the market value of the disposition —  
(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or  
(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition

that the local government believes to be a true indication of the value at the time of the proposed disposition.

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
  - or
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
  - or
  - (c) the land is disposed of to —
    - (i) the Crown in right of the State or the Commonwealth; or
    - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
    - (iii) another local government or a regional local government;
  - or
  - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
  - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
  - (f) it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or
  - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
  - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
  - (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
    - (i) the names of all other parties concerned; and

- (ii) the consideration to be received by the local government for the disposition; and
  - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) A disposition of property other than land is an exempt disposition if —
  - (a) its market value is less than \$20 000; or
  - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

Policy Implications - Nil at this time.

#### Financial Implications

In considering this offer for the Venieri FEL Council should recognise that:

- to date Council has not incurred any advertising costs for the sale of the FEL
- the value and serviceability of the machine will decline without use and maintenance by Council;
- if the machine is not sold by June 2016, Council will incur additional licence and insurance cost.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Consultation - Nil

#### Options

The Council can resolve:

5. the Officer's Recommendation;
6. to propose to sell the Venieri FEL for a different price;
7. that because the value of the Venieri FEL is less than \$20,000, to immediately sell the Venieri FEL for the offered price or counter offered price;
8. that since the value of the FEL could be greater than \$20,000, Council decline this offer and sell the Venieri FEL by public tender or auction; and
9. to not sell the Venieri FEL.

Voting Requirements - Absolute Majority

**COUNCIL DECISION:**

**That Council:**

- 1. authorise the Chief Executive Officer to negotiate a proposed sale price of at least \$11,000 (GST Inclusive) with Mr Doug Allan for the Venieri Front End Loader;**
- 2. obtain an assessment of the price of the Venieri Front End Loader from a local machinery dealer or similarly qualified person or company;**
- 3. authorise the Chief Executive Officer to give local public notice of the proposed the sale of the Venieri Front End Loader stating:**
  - a. the proposed sale price;**
  - b. the independent local valuation; and**
  - c. invite public submissions on the proposed sale; and**
- 4. consider the proposed sale of the Venieri Front End Loader at the February 2016 Ordinary Meeting of Council.**

**Moved: Cr Newman**

**Seconded: Cr Ballantyne**

**Carried 5/0**



Adm 159

Doug Allan  
14 Burns Street  
Narrogin WA 6312

15/12/2015

Shire of Cuballing  
Cuballing WA 6311

To Whom it May Concern:

I would like to offer \$10,000.00 for the purchase of your Vanieri loader.

Please contact me on 0427 665 358 if you have any questions.

Kind Regards,



Doug Allan

**CONFIDENTIAL ITEM:**

Nil

**NEXT MEETING**

3pm, Thursday 18<sup>th</sup> February 2016 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

**CLOSURE OF MEETING:**

There being no further business, the Shire President, Cr Conley, closed the meeting at 4.45pm.