



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

Shire of Cuballing – Ordinary Council Meeting

Minutes

Held on

Wednesday 25 September 2024

3.00 pm

Cuballing CWA Hall

COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “Confidential Matters”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the Shire.

DISCLAIMER

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

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

Shire of Cuballing Strategic Community Plan 2023-2033

Our Heart, Our Home

VISION

A charming rural community, in a unique part of the world, growing and prospering while protecting its natural environment.

GOALS

Social

- ☑ A place where people of all ages, abilities and stages of life are active and connected.

Economic

- ☑ Business is thriving, with ample local employment, and opportunities for existing and new businesses to grow.

Natural Environment

- ☑ The natural environment is protected, enhanced, and managed, and enjoyed by locals, and proudly shared with visitors.

Built Environment

- ☑ People and goods can move easily in and around the Shire, which is well planned for community needs, respecting the past and building the future.

Governance

- ☑ Forward thinking leadership, which listens and responds to community needs, with transparent and accountable decision-making.

STRATEGIC PRIORITIES

Social

- ☑ Enhancing focus on emergency management (incl. dual use of Equestrian Centre for evacuation).
- ☑ Improving Cuballing Recreation Centre.
- ☑ Increasing community gatherings and spaces.

Economic

- ☑ Defining and developing Town Centres.
- ☑ Establishing a Light Industrial Area (LIA).
- ☑ Increasing tourism, particularly through trail development.
- ☑ Developing and promoting the equestrian sector.

Natural Environment

- ☑ Restoring the river at Popanyinning.
- ☑ Establishing Popanyinning wetlands.
- ☑ Reducing pests and weeds, working with Peel Harvey Catchment.
- ☑ Increasing native planting.

Built Environment

- ☑ Improving footpaths, linking aged units to Cuballing Town Centre.
- ☑ Upgrading major roads (esp. Wheatbelt Secondary Freight Network).
- ☑ Improving drainage.
- ☑ Increasing heritage protection and telling our story.

Governance

- ☑ Enhancing community information and engagement.

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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS:

Cr Dowling welcomed everyone and declared the meeting open at 3.02pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE:

2.1.1 Attendance

Elected Members

Cr Eliza Dowling	President
Cr Robert Harris	Deputy President
Cr Scott Ballantyne	
Cr Adrian Kowald	
Cr Steve Sexton	
Cr Dawson Bradford	<i>(entered Chambers at 3.08pm)</i>

Staff

Mr Chris Paget	Chief Executive Officer
Mr Narelle Rowe	Deputy Chief Executive Officer
Mr Bruce Brennan	Manager of Work and Services
Mr Stan Scott	Outgoing CEO

Visitors

Nil

2.1.2 Apologies

Nil

2.1.3 Leave of Absence

Nil

3. PUBLIC QUESTION TIME:

The Shire of Cuballing maintains a policy on the Management of Public Question Time. The policy is available in full in the Shire Policy Manual which can be found on the Shire's website:

www.cuballing.wa.gov.au

Some of the notable provisions are:

- 1 Persons are encouraged to provide a written copy of their question.
- 2 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 3 Statements are not to precede the asking of a question during public question time.
- 4 Public question time will be limited 15 minutes. It may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated will not exceed forty-five (45) minutes in total.
- 5 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Shire employee. The Presiding Member shall decide to:
 - Accept or reject any question and his/her decision is final.
 - Nominate a member of the Council and/or Shire employee to respond to the question.
 - Take a question on notice. In this case a written response will be provided as soon as possible and included in the agenda of the next Council meeting.
- 6 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Council meeting, that is not relevant to the operations of the Shire of Cuballing; or
 - making a statement during public question time.they may bring it to the attention of the meeting.
- 7 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 8 Public Question Time should be used as a means to obtain information that would not be made available if it was sought from the Shire's records under *Section 5.94* of the *Local Government Act 1995* or the *Freedom of Information (FOI) Act 1992*.
- 9 Where the response to a question(s) would require a substantial commitment of the Shire's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Shire and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.
- 10 Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

3.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

3.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

3.3 PUBLIC QUESTIONS FROM THE GALLERY:

Nil

4. STANDING ORDERS:

COUNCIL RESOLUTION 2024/77

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

Moved Cr. Ballantyne Seconded Cr. Sexton

CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. CONFIRMATION OF MINUTES:

6.1 Ordinary Meeting of Council held 21st August 2024

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2024/78

That the minutes of the Ordinary Council Meeting held on Wednesday 21st August 2024 be confirmed as a true record of proceedings.

Moved Cr. Ballantyne Seconded Cr. Kowald

CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour

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.

Name	Item No	Interest	Nature

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.

Name	Item No	Interest	Nature

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1 List of Payments – August 2024

File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	16 September 2024
Author:	Claire Jordan
Attachments:	9.1.1A List of Municipal Accounts 9.1.1B List of Credit Card Transactions 9.1.1C Petty Cash and Coles Card

Summary

Council is to review payments made under delegation in August 2024.

Background – Nil

Comment

Council is provided with details of payments and credit card transactions made during the month of August 2024 as listed in the attachments.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

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

Voting Requirements – Simple Majority

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION 2024/79

That Council receives:

1. **The list of accounts paid in August 2024 under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) regulations 1996, including payments from Council’s Municipal Fund totalling \$276,073.63 included at Attachment 9.1.1A.**

Moved Cr. Ballantyne Seconded Cr. Kowald CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour

9.1.1 List of Payments – August 2024

List of Accounts Due & Submitted to Committee				
Account List				
Chq/EFT	Date	Name	Description	Amount
841	01/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-31.00
EFT9048	02/08/2024	NARROGIN EARTHMOVING AND CONCRETE	Wet Hire of Multiroller for Winter Grading to June 30th 24 Docket Nos. 35161, 35162, 35163, 35164, 35165, 35166, 35167	-6237.00
20290	02/08/2024	SYNERGY	ELECTRICITY CHARGES - LOT 468 BRUNDELL STREET CUBALLING (CEO RESIDENCE)	-2528.77
EFT9047	02/08/2024	Melchiorre Plumbing And Gas	SOC portion of plumbing for toilets at the Popanyinning School	-2234.68
EFT9042	02/08/2024	Health & Safety Officer	Reimbursement for mileage for Admin safety Officer	-148.00
EFT9041	02/08/2024	Works Manager	50% Reimbursement Electricity Costs - 23/05/2024 - 23/07/2024	-21.57
EFT9040	02/08/2024	AusQ Training	1x MRWA TC and BWTM Card for Lisa Smith	-66.00
EFT9051	02/08/2024	SHIRE OF NARROGIN	Ranger Services - Labour and Travel - 24-25 July 2024	-326.25
EFT9050	02/08/2024	REPCO AUSTRALIA	20lt Bars bugs BB20L-c window washer concentrate	-111.10
EFT9049	02/08/2024	DCEO	Utilities Allowance - 16 April - 20 June	-92.55
841	02/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-868.70
EFT9046	02/08/2024	McDougall Weldments	Repair/ replace floor of Pump Pontoon as per quote Qu-1020	-7202.14
EFT9043	02/08/2024	INTELIFE GROUP	Excavator Hire with Tree Mulching Head for Stevens Rd - As per written email quote 300424 \$250 per hour (ex GST).	-17050.00
EFT9044	02/08/2024	INTERFIRE AGENCIES	1 - WTG083-Large (Wildland Trouser) 1 - WJG-85-Large (Wildland Jacket) 1 - 66-460-7 Size 7 UK (Oliver) 1 - Zip460-16cm-7-10 (Oliver) 1 - HBR9WBCVMF WH - Pacific BR9 Wide Brim (white) 1 - 7981-L (Wildland level 1 - Glove) 1 - 817 Firestorm goggles FCO Jason Quartermaine	-299.79
EFT9045	02/08/2024	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	202/2025 Bronze Local Government Subscription	-550.00
841	05/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-3565.60

841	06/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-4159.35
841	07/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-90.55
841	08/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-459.50
EFT9052	08/08/2024	GREAT SOUTHERN FUEL SUPPLIES	Bulk Diesel Fuel Deliveries - Docket No.2186838	-10484.64
EFT9053	08/08/2024	McPest Pest Control	Termite inspections on all Bridges and Treatments if Needed	-1694.00
EFT9054	08/08/2024	SOUTH WEST FIRE UNIT FABRICATIONS	Annual Vehicle Service to 4 Fire vehicles - CN1993	-28813.03
EFT9055	08/08/2024	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	Council Connect	-28727.04
841	09/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-358.05
841	13/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-988.50
841	14/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-935.30
DD4322.1	14/08/2024	NATIONAL AUSTRALIA BANK	CEO CREDIT CARD - SOUTHERN CROSS AUSTERO PTY LTD ADVERTISEMENT FOR THE CUBY GROOVEFEST	-7281.53
841	14/08/2024	13 - ATO CLEARING ACCOUNT BAS	ATO CLEARING ACCOUNT BAS	-23194.00
DD4301.6	14/08/2024	HOSTPLUS SUPER	Superannuation contributions	-69.17
DD4301.5	14/08/2024	MERCER SUPERANNUATION	Superannuation contributions	-564.90
DD4301.4	14/08/2024	Hesta	Superannuation contributions	-696.54
DD4301.3	14/08/2024	MATRIX SUPERANNUATION	Superannuation contributions	-265.09
DD4301.2	14/08/2024	AWARE SUPER PTY LTD	Superannuation contributions	-9199.20
DD4301.1	14/08/2024	AUSTRALIAN SUPER	Payroll deductions	-1574.62
DD4301.7	14/08/2024	Colonial First State	Superannuation contributions	-284.46
DD4301.8	14/08/2024	MLC Super Fund	Superannuation contributions	-284.46
DD4301.9	14/08/2024	CARE SUPER	Superannuation contributions	-73.08
841	15/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-1558.75
DD4313.1	15/08/2024	Telstra	MOBILES AUGUST 2024	-2123.90
EFT9060	16/08/2024	CUBY ROADHOUSE	Monthly Account - July 2024	-499.85
EFT9061	16/08/2024	Cuby Tavern	1 x carton of Carlton Dry (Going away for Stringer)	-65.00
EFT9063	16/08/2024	LANDGATE	Interim Rating Rolls - GRV and UV - R2024/02	-235.90
EFT9064	16/08/2024	Lo-go Appointments	Executive Recruitment Services - Chief Executive Officer Car Rental, Accommodation and remaining 50% of recruitment fee	-6794.69
EFT9065	16/08/2024	Melchiorre Plumbing And Gas	Repair to leaking standpipe - Popanyinning	-2290.20

EFT9066	16/08/2024	NARROGIN AUTO ELECTRICS	Supply and install Electric Brakes to CN1Ford Ranger	-835.92
EFT9067	16/08/2024	NARROGIN EARTHMOVING AND CONCRETE	Supply and Lay concrete for crossover	-5929.00
EFT9068	16/08/2024	NARROGIN PUMPS SOLAR AND SPRAYING	1 x IBC Adaptor 1 x IBC to Male Cam lock	-59.40
EFT9069	16/08/2024	POWER NETWORKX	Connection to Telstra Fibre network - July 2024	-416.90
EFT9070	16/08/2024	Parrys Narrogin	Barry Lance Clothing-- 3 x Hi vis Shirts, 3 x Long pants, Wool Jacket, Boots, 3in one Jacket	-1161.45
EFT9071	16/08/2024	REGIONAL DEVELOPMENT AUSTRALIA WHEATBELT INC	Grant Guru Subscription 2024/2025	-550.00
EFT9072	16/08/2024	Regional Fire & Safety	Bi-annual - Inspection and testing of fire equipment within shire vehicles and buildings - Shire Depot	-345.79
EFT9073	16/08/2024	WESTRAC	1250hr Service on 140 Grader CN 387 as per Estimate67045 - 1	-1791.79
EFT9074	16/08/2024	First Avenue Trading	GrooveFest Badged Stuggy Holders	-1875.00
EFT9075	16/08/2024	LGIS INSURANCE	LGIS WorkCare - 1st Instalment	- 118461.27
EFT9076	16/08/2024	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE	Proportional Contribution based on population for the cost of the Local Health Authorities Analytical Committee (LHAAC)	-409.20
EFT9077	16/08/2024	Regional Fire & Safety	Vehicle Extinguisher Maintenance - CN 272 2 x extinguishers, New Extinguisher and UV Bag	-948.29
EFT9059	16/08/2024	CUBALLING WINDSCREENS, PANEL, PAINT AND TOWING	Paint new outer front Bumper Ud Truck	-242.00
DD4324.1	16/08/2024	SYNERGY	ELECTRICITY CHARGES - LOT 313 FORREST STREET POPANYINNING	-134.30
DD4317.1	16/08/2024	IINET LIMITED	Monthly Internet Service - August	-89.99
EFT9058	16/08/2024	Best Office Systems	Monthly Photocopy Charges 20/06/2024 to 20/07/2024	-1372.47
EFT9057	16/08/2024	BUILDERS REGISTRATION BOARD Building Commission	July 2024 BSL Remittance	-56.65
EFT9056	16/08/2024	ADRIAN JAMES KOWALD	Mileage for WALGA Local Government Awards - 360Km @ \$0.78	-337.76
841	16/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-1015.65
20291	16/08/2024	SYNERGY	ELECTRICITY CHARGES - STREET LIGHTS X 43	-2604.94
20292	16/08/2024	Water Corporation	WATER CHARGES - PARK AT RIDLEY STREET CUBALLING (SKATE PARK)	-1146.40
841	21/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-762.65
EFT9089	22/08/2024	ZIRCODATA PTY LTD	Monthly Archive Storage Fees - 26/06/2024 to 25/07/2024	-23.72

EFT9088	22/08/2024	Winc Australia Pty Limited	Lens cleaning wipes	-241.57
EFT9087	22/08/2024	Whitford Fertilisers Narrogin	Weighbridge - Waste management - July 2024	-66.00
EFT9086	22/08/2024	South West Isuzu	Supply of 1 x Isuzu NPR 65/45 - 190 AMT Crew Cab Truck as per Quote 60639 Including all listed after Market Accessories No Trade of Hino This is to go through WALGA Preferred Supplier Program	110821.00
EFT9085	22/08/2024	SOUTH WEST FIRE UNIT FABRICATIONS	Annual Vehicle Service to 4 Fire vehicles Cuballing (2) - 2*4 and 2*4 Popanyinning (2) - light tanker and 4*4	-10110.13
EFT9084	22/08/2024	R MUNNS ENGINEERING CONSULTING SERVICES	Engineer Consultant work Contractor RFQ Documentation and Evaluation summary	-4701.85
EFT9083	22/08/2024	Popanyinning Progress Association	LEAP Community Grant - Bonfire Night	-2200.00
EFT9082	22/08/2024	NARROGIN TOYOTA & MAZDA	50000km Service Mazda CX 30	-651.24
EFT9080	22/08/2024	IT VISION SOFTWARE PTY LTD (TRADING AS READYTECH)	2 x User Licenses SynergySoft Database	-3183.17
EFT9079	22/08/2024	COUNCILFIRST PTY LTD	Council First Records - Microsoft Azure July 2024	-438.96
EFT9078	22/08/2024	CENTRAL COUNTRY ZONE OF WALGA	Annual Subscription - 2024-25	-1100.00
841	22/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-144.25
20294	22/08/2024	Water Corporation	WATER CHARGES - RIDLEY STREET CUBALLING RES LOT 301 RES 10329	-288.34
20293	22/08/2024	SYNERGY	ELECTRICITY CHARGES - LOT 63 POPANYINNING STREET, POPANYINNING	-126.32
EFT9093	26/08/2024	Melchiorre Plumbing And Gas	Repairs to toilet bowl at Cuballing Recentre male change rooms	-330.45
EFT9092	26/08/2024	Farmworks Narrogin	1 x Post Crete for signs and posts and 1 x pellet	-687.50
EFT9094	26/08/2024	NARROGIN CARPETS AND CURTAINS	Installation of laundry blinds in Unit 3 & unit 4 as per quote	-385.00
EFT9090	26/08/2024	CORSIGN (WA) PTY LTD	1 x Set of Road Work Signs as per Quote 00087500	-5255.80
EFT9091	26/08/2024	FULFORD EARTHMOVING & CIVIL	Dozer Hire to push 2,400m3 Gravel Parsons pit	-3696.00
841	26/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-6.90
EFT9095	27/08/2024	YOULISSYS CREATIVE	Paid Social Media Advertising for Cuby Groovefest to 19 August 2024	-460.31
841	27/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-1271.30
841	28/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-682.10

EFT9096	28/08/2024	First Avenue Trading	Additional stubby Holders for Cuby Groove Fest	-1680.00
DD4347.10	28/08/2024	ANZ SMART CHOICE SUPER	Superannuation contributions	-120.37
DD4347.9	28/08/2024	MLC Super Fund	Superannuation contributions	-330.44
DD4347.8	28/08/2024	Colonial First State	Superannuation contributions	-330.44
DD4347.7	28/08/2024	HOSTPLUS SUPER	Superannuation contributions	-132.41
DD4347.6	28/08/2024	MERCER SUPERANNUATION	Superannuation contributions	-657.64
DD4347.5	28/08/2024	Hesta	Superannuation contributions	-813.56
DD4347.4	28/08/2024	MATRIX SUPERANNUATION	Superannuation contributions	-306.94
DD4343.2	28/08/2024	SYNERGY	ELECTRICIY CHARGES - LOT 1GREAT SOUTHERN HWY, POPANYINNING	-236.32
DD4347.3	28/08/2024	AWARE SUPER PTY LTD	Superannuation contributions	-7059.18
DD4347.1	28/08/2024	AUSTRALIAN SUPER	Payroll deductions	-1996.38
DD4347.2	28/08/2024	CARE SUPER	Superannuation contributions	-129.16
841	29/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-14423.05
DD4343.3	30/08/2024	SYNERGY	ELECTRICIY CHARGES - LOT 470 RIDLEY STREET CUBALLING	-201.05
841	30/08/2024	4 - POLICE LICENSING PAYMENTS	POLICE LICENSING PAYMENTS	-65.40
EFT9097	30/08/2024	Works Manager	50% Reimbursement Electricity Costs - Correction to previous payment as was not paid enough	-304.47
EFT9098	30/08/2024	Edge Planning & Property	Town Planning Consultancy Services - June 2024	-814.27
EFT9099	30/08/2024	HERSEY SAFETY PTY LTD	48 Spray and Mark Whire (40013511)	-1869.45
EFT9100	30/08/2024	DCEO	Utilities Allowance - 14th June to 13th Aug	-212.71
EFT9101	30/08/2024	WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	Attendance at the Local Government Convention including Welcome Reception, Icons Breakfast and Cocktail Gala - Cr Steve Sexton	-4665.40

9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	18 September 2024
Author:	Narelle Rowe, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity

Summary

Council is to consider the Statement of Financial Activity for August 2024.

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

Comment

Nil.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2024/80:

That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 31 August 2024 be received.

Moved Cr. Bradford

Seconded Cr. Ballantyne

CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour.

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Freehold Purchase Lot 501 Popanyinning

Location:	Lot 501 Francis Street, Popanyinning
Applicant:	Department of Planning, Lands and Heritage
Landowner:	Crown Land
File Ref. No:	A906
Disclosure of Interest:	Nil
Date:	28 August 2024
Author:	Stan Scott
Attachments	9.2.2A Aerial Photograph 9.2.2B Location Plan

Summary

The Department of Lands and Heritage is seeking Council's views on the allowing Birds Silo's purchase land currently leased from the crown.

Background

1. *The application*

In June 2023 the Department of Planning Land and Heritage wrote in the following terms:

Lease M950779 is granted over Lot 501 on Deposited Plan 408055 to Wayne Gregory Bird for a term of 10 years commencing 1 October 2013 for the purpose of "Storage of Silos and Shelters". The lease is due to expire on 30 September 2023.

It is proposed to issue a new lease for a further term of 10 years for the same purpose of "Storage of Silos and Shelters". The Lessee also intends to acquire the land in freehold.

Council resolved as follows:

"That the Council authorise the CEO to advise the Department of Planning Lands and Heritage that it has no objections to the renewal of Lease M950779 granted over Lot 501 on Deposited Plan 408055 to Wayne Gregory Bird for a term of 10 years commencing 1 October 2023 for the purpose of "Storage of Silos and Shelters".

Council did not express a view on Birds Silos purchasing the land in freehold.

2. *Application site*

The site is Located on Francis Street adjacent to the Bird Silos engineering business. The subject land is continuously rated the with the adjacent freehold land.

Comment

Birds Silos is an important local manufacturing business. The proposed lease will continue the present use of the storage of completed silos.

Strategic Implications

Continued use of the site supports the operation of an important local business.

Statutory Environment

The site is zoned “Rural Townsite” which supports a broad range of uses. There would in any event be non-conforming use rights in relation to the site.

Policy Implications - Nil

Financial Implications - Nil

Economic Implications

Manufacturing is Cuballing’s second largest industry by output.

Social Implications - Nil

Environmental Considerations - Nil

Consultation

The DPLH is consulting with the Shire in relation to this matter.

Options

The Council can

1. Support the Officer’s Recommendation
2. Support the Officer’s Recommendation with conditions
3. Not support the Officer’s Recommendation (providing reasons)

Voting Requirements - Simple Majority

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION 2024/81:

That the Council authorise the CEO to advise the Department of Planning Lands and Heritage that it has no objections to the Wayne Gregory Bird acquiring Lot 501 on Deposited Plan 408055 in freehold.

Moved Cr. Ballantyne

Seconded Cr. Kowald

CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour.

9.2.2 WALGA 2024 AGM – Member Motions

Applicant:	WALGA
File Ref. No:	ADM104
Disclosure of Interest:	Nil
Date:	6 th September 2024
Author:	Stan Scott
Attachments:	9.2.2A WALGA AGM 2024 – Members Motions Extract

Summary

Council is to consider its position in relation to motions to be presented to the 2024 WALGA Annual General Meeting.

Background

Council's voting delegates to the 2024 Annual General Meeting (AGM) of WALGA are Councillors Dowling and Sexton.

Comment

As part of the WALGA AGM, members are able to raise issues for debate and resolution that can change the direction of WALGA or to provide new direction about an issue.

Summary detail of the members motions to be debated at the 2024 Annual General Meeting of WALGA to be held at Perth Convention and Exhibition Centre on 9 October 2024, are included at Attachment 9.2.2A. Staff can provide interested Councillors with a complete copy of the agenda.

Staff consideration and recommendation for a Council position for each motion is set out below.

7.1 AMENDMENTS TO THE CAT ACT 2011 - ALLOW LOCAL GOVERNMENTS TO MAKE LOCAL LAWS TO CONTAIN CATS TO THE OWNER'S PROPERTY

Motion

That WALGA advocate to the State Government to make changes to the Cat Act 2011 to permit local laws to be made to the following effect:

- 1. Cats are to be confined to the cat owner's residence premises.**
- 2. Cats within public places are to be under effective control and not to create a nuisance.**
- 3. Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance.**
- 4. Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.**

Comment

The motion reflects the same concerns as we had when we developed our own Cat Local Law. However, the inclusion of the referenced to creating a nuisance introduces a second element to any offense. An infringement would require that the cat is wandering AND creating a nuisance. It should be sufficient that a cat is not contained to create an offense.

The delegated Legislation standing committee has in the past refused to allow Local Governments to define “nuisance” in Local Laws as the term is well understood under common law. Armstrong Legal website describes nuisance as follows:

There are generally two types of nuisances: private and public nuisance. The common law of private nuisance is based on the premise that everyone has a right to enjoy their residence or property. Anything that interferes with this right may be a private nuisance. For something to be considered a private nuisance, it must be something substantial and also something unreasonable.

For a claimant to successfully bring a claim, they must establish the following:

- *That a reasonable person would find the nuisance real and substantial; and*
- *That it does, in fact, interfere with their enjoyment of their residence or property.*

Some of the factors relevant to determining whether a reasonable person would find something real and substantial include:

- *The type and degree of interference.*
- *The public or social interest in the activity causing the interference.*
- *The nature of past cases in the area where nuisance was established.*
- *Whether the claimant had taken reasonable measures to minimise their disturbance by the interference; and*
- *The damage or injury sustained by the claimant due to the interference*

The inclusion of nuisance as an element of the offense makes enforcement unnecessarily complex.

Notwithstanding the shortcomings of the motion, it would still be an improvement on the present situation.

Recommendation

SUPPORT

If the Shire delegates had a mind to move an amendment to the Motion the CEO can assist with framing the amendment and the supporting argument, similar to what appears above.

7.2 ADVOCACY FOR LEGISLATIVE REFORMS TO COUNTER LAND-BANKING

Motion

That WALGA:

1. In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following:

- a. Prohibiting demolition of habitable housing until a Development Application (DA) has been approved.**

b. development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application.

c. provides Local Authorities with the ability to apply a “penalty fee” over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met.

d. Development of a mandatory register of unoccupied residential properties, with the ability of Local Governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time.

2. Distributes the draft “WALGA Advocacy Position for Legislative Reforms to counter Land-Banking” to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones.

Comment

The devil in this kind of approach is in the detail. However, the motion sets out the issues and suggests a way forward through consultation with the Zones. It is therefore recommended that the motion be supported.

Recommendation

SUPPORT

7.3 ADVOCACY FOR EXPANSION OF DIFFERENTIAL RATING TO INCLUDE LONG TERM UNOCCUPIED COMMERCIAL BUILDINGS (PROPERTY ACTIVATION LEVY)

Motion

That WALGA:

1. Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following:

a. Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and

b. Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property.

i. is commercially habitable with annual investment in maintenance

ii. remains connected to essential services

iii. is undergoing periodic compliance checks and,

iv. has a plan in place to redevelop or make operational.

c. Develop legislation that enables Local Government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the Local Government.

2. Distributes the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings to all West Australian Local

Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones.

Comment

While the proposed motion is quite complex and establishing some of the necessary conditions for applying the differential rate may lead to some interesting challenges, there is some merit in the principle. Rates should not just be a device for raising income for Local Government, they can also be a tool for implementing public policy. You can encourage certain behaviours by providing rates incentives and discourage others by applying punitive rates.

So long as there is the opportunity for ratepayers to challenge the policy objective rates can be an effective public policy tool.

Recommendation

DELEGATES TO DETERMINE POSITION FOLLOWING DEBATE

7.4 ACTION ON ASBESTOS FOR WESTERN AUSTRALIA

Motion

That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for regional areas.

Comment

This is a significant issue and create real problems for landowners following natural disasters where asbestos contamination can be spread over an extensive area.

Recommendation

SUPPORT

7.5 ADDRESSING THE IMPRACTICALITY OF LOCAL GOVERNMENTS FUNDING DEPARTMENT OF COMMUNITIES AND GOVERNMENT REGIONAL OFFICER HOUSING

Motion

That WALGA advocates to the State Government for the State Government to fully fund Department of Communities (Social) and Government Regional Officer Housing.

Comment

Many Local Governments find themselves in a difficult position. The advocate for state services such as schools' hospitals and police to be maintained or improved, and find that this can only happen if the supply housing to support these State Government Services. While GROH generally offers reasonable returns it ties up local government capital which could be used for other things including housing for Shire staff and key worker housing to support local business or important community infrastructure.

Recommendation

SUPPORT

7.6 ADVOCACY FOR ACCESSIBILITY

Motion

That WALGA develops an Advocacy Position calling for the WA Government to adopt the Liveable Housing Design Standards for accessibility as part of the National Construction Code, consistent with WALGA's 2020-2025 Strategic Plan Sector Vision to enable inclusive Local Governments enhancing community wellbeing and economic prosperity.

Comment

Council applied these standards when developing its Independent Living Units, but it makes sense to apply the same standards to all new construction.

Recommendation

SUPPORT

Strategic Implications – the WALGA AGM is an opportunity for Council to support its Strategic Objectives and influence outcomes for the sector.

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications

Attendance at the WALGA AGM is free.

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. an alternative view to the Officer's Recommendation on part or all of the points of the Recommendation

It should be noted that Shire delegates are provided with a deliberative vote. While Council can provide guidance delegates are entitled to vote with their conscience taking account of the debate and advocacy of the meeting.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2024/82:

That Council Delegates to the Western Australian Local Government Association 2024 Annual General Meeting to be held at Perth Convention and Exhibition Centre on 9 October 2024 note the following guidance when participating the WALGA AGM

7.1 Amendments to The Cat Act 2011 - Allow Local Governments to Make Local Laws to Contain Cats to the Owner's Property

SUPPORT

7.2 Advocacy for Legislative Reforms to Counter Land-Banking

SUPPORT

7.3 Advocacy for Expansion of Differential Rating to Include Long Term Unoccupied Commercial Buildings (Property Activation Levy)

DELEGATES TO DETERMINE POSITION FOLLOWING DEBATE

7.4 Action on Asbestos for Western Australia

SUPPORT

7.5 Addressing the Impracticality of Local Governments Funding Department of Communities and Government Regional Officer Housing

SUPPORT

7.6 Advocacy for Accessibility

SUPPORT

Moved Cr. Ballantyne

Seconded Cr. Bradford

CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour.

9.2.3 WALGA Policy Positions – Elections

Applicant: WALGA
File Ref. No: ADM104
Disclosure of Interest: Nil
Date: 18 September 2024
Author: Stan Scott
Attachments:

Summary

WALGA has requested resolutions from individual Councils to inform and update its policy and advocacy position in relation to election matters.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services.
- changes to the publication of information about candidates.
- backfilling provisions for extraordinary vacancies after the 2023 election.
- public election of the Mayor or President for larger Local Governments.
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Comment

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement The Local Government sector supports:
1. Four-year terms with a two year spill

2. Greater participation in Local Government elections
 3. The option to hold elections through:
 - Online voting
 - Postal voting, and
 - In-person voting
 4. Voting at Local Government elections to be voluntary
 5. The first past the post method of counting votes
- The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

Background The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.

State Council Resolution February 2022 – 312.1/2022
December 2020 – 142.6/2020
March 2019 – 06.3/2019
December 2017 – 121.6/2017
October 2008 – 427.5/2008

Supporting Documents [Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal \(February 2022\)](#)

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement Local Governments should determine whether their mayor or President will be elected by the Council or elected by the community.

State Council Resolution February 2022 – 312.1/2022
March 2019 – 06.3/2019
December 2017 – 121.6/2017

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third-party provider including Local Governments to conduct postal elections.

Background Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolution May 2023 – 452.2/2023
March 2019 – 06.3/2019
December 2017 – 121.6/2017
March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

- (a) The sector continues to support voluntary voting at Local Government elections.
OR
- (b) The sector supports compulsory voting at Local Governments elections.

CEO's Recommendation is (a).

2. TERMS OF OFFICE

- (a) The sector continues to support four-year terms with a two-year spill;
OR
- (b) The sector supports four-year terms on an all in/all out basis.

CEO's Recommendation is (a). The split term ensures some continuity and peer support for new Councillors,

3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections

OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

CEO Recommendation is (a). It is unlikely that the government will abandon OPV, but the proportional part makes voting in person elections run by the Shire unnecessarily complex.

4. INTERNAL ELECTIONS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

CEO Recommendation is (a). Requiring OPV for the election of the President or Deputy President unnecessarily complex. There has already been one such election contested in the Court of Disputed Returns.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

CEO Recommendation is that all 3 voting methods are supported.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors' method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors' method to all classes of local governments.

CEO Recommendation is (a). The current arrangements are a reasonable compromise. Direct election of Mayors or Presidents for smaller Local Governments should be determined by the Council.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 2024/83:

That the Shire of Cuballing recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. PARTICIPATION – Council support advocacy position (a) The sector continues to support voluntary voting at Local Government elections.**
- 2. TERMS OF OFFICE - Council support advocacy position (a) The sector continues to support four-year terms with a two-year spill;**
- 3. VOTING METHODS - Council support advocacy position (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections**
- 4. INTERNAL ELECTIONS - Council support advocacy position (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections**
- 5. VOTING ACCESSIBILITY - Council support advocacy position The sector supports the option to hold general elections through: (a) Electronic voting; and/or (b) Postal voting; and/or (c) In-Person voting.**
- 6. METHOD OF ELECTION OF MAYOR - Council support advocacy position (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors' method), with regulations preventing a change in this method.**

Moved Cr. Kowald Seconded Cr. Harris

CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour.

9.2.4 Application for Development Approval – Oversized Shed – Lot 88 (No. 6) Beeston Street, Cuballing

Location:	Lot 88 (No. 6) Beeston Street, Cuballing
Applicant:	Tung Nguyen (General Engineering Services Pty Ltd)
Landowner:	Rodney Hawser
File Ref. No:	A739
Disclosure of Interest:	Nil
Date:	12 September 2024
Author:	Stan Scott
Attachments	9.2.4A Information from applicant 9.2.4B Location plan 9.2.4C Outbuilding Fact Sheet 9.2.4D Outbuildings Policy 9.2.4E <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> extract

Summary

Development approval is recommended for an oversized shed at Lot 88 (No. 6) Beeston Street, Cuballing.

Background

2. *The application*

The reason the Council is considering the Development Application is that the proposed shed is larger (340m²) than the maximum floor area set out in Council's Outbuilding Policy.

The proposed shed has a length of 20m, a width of 17m, a wall height varying between 3.4m and 4m and is 4.75m to the roof apex. The shed is proposed to be constructed in Colourbond (Monument colour) with the roof being Zinalume.

The proposed shed is located to the rear of the property. It is setback 10m from the northern property boundary, 10m from the eastern boundary and 8.2m from the western boundary. The proposed shed is located on cleared land.

Details submitted by the applicant are set out in Attachment 9.2.4A. The applicant advises the shed will be used for a domestic workshop and for storage purposes and not for commercial or industrial purposes.

2. *Application site*

The site is outlined in Attachment 9.2.4B. The site is 3541m² in area, is vacant and is largely cleared.

3. *Planning framework*

The site is zoned 'Rural Townsite' in the *Shire of Cuballing Local Planning Scheme No. 2* (LPS2) and the zone and property are subject to the *Residential Design Codes*. The applicant intends to construct a dwelling on the site in approximately 18 months.

The Western Australian Planning Commission’s Outbuildings Fact Sheet is outlined in Attachment 9.2.4C. This in part states ‘a shed with no dwelling and no other associated land use would be best described as ‘warehouse/storage’ as defined in the Regulations.’ Given this, the proposed use is best described as ‘warehouse/storage’ which is defined in LPS2 as:

- warehouse/storage** means premises including indoor or outdoor facilities used for:
- (a) the storage of goods, equipment, plant or materials; or
 - (b) the display or the sale by wholesale of goods.

Warehouse/storage is a ‘A’ use (advertising required) in the Rural Townsite zone. The Shire is required to advertise the application (seek comments from neighbours for 14 days) before determining the Development Application.

Clause 16 of LPS2 outlines the objective of the Rural Townsite zone is ‘To provide for a range of land uses that would typically be found in a small country town.’

Clause 32.17 Development in the Rural Townsite zone states the following:

- ‘(1) Residential development in the zone is to occur in accordance with the Residential Design Codes
- (2) Non-residential development within the zone shall be determined in the context of each proposal and site conditions, but shall generally accord with the following principles:
 - (a) the form and scale of the development is to be compatible with surrounding land uses;
 - (b) the impacts of the development are to be contained on site and/or suitably managed off-site.
 - (c) impacts from commercial and industrial uses will be avoided by ensuring these are adequately separated from sensitive uses.
 - (d) adequate provision is to be made for parking for staff and visitors, with separation between staff/visitor parking and service/haulage vehicles.
 - (e) the impact of the development on the road network and traffic management is to be consistent with the road function and hierarchy.
 - (f) visual impacts to be minimised by the use of vegetation screening, tree retention and building orientation.
 - (g) use of ‘on building’ signage where the building addresses the street, and where ‘freestanding’ signage is necessary it should either be affixed to a front fence or located adjacent to it at a height that is compatible with the setting.’

- (2) Non-residential development in the Rural Townsite zone shall meet the following site requirements

Maximum Plot Ratio	Minimum Setback (m)			Minimum Landscaping % of site
	Front	Side	Rear	
0.5	15	5	7.5	10%

Council’s *Local Planning Policy – Outbuildings* is provided in Attachment 9.2.4D. The application is inconsistent with Council policy noting that the proposed floor area of 340m² is

considerably larger than the 120m² floor area for Rural Townsite zoned lots over 1,500m² in area in the Rural Townsite zone.

Attachment 9.2.4E sets out an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* relating to matters to be considered by the local government in determining Development Application and options in determining applications.

Like most of the Cuballing townsite, the site is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. It is suggested there is no requirement for a Bushfire Attack Level assessment for this Development Application.

Comment

While noting the application is inconsistent with the floor area component of Council's Outbuilding Policy, the Development Application is conditionally supported. This follows assessment against the planning framework, the location of the shed, information provided by the applicant and that no submissions were received from neighbours. Conditional approval is recommended given:

- Warehouse/storage is an 'A' use in the Rural Townsite zone (can be approved following advertising);
- The storage shed is not considered to detract from the streetscape given it is well setback from Beeston Street and in-time, the owner intends to build a dwelling between the shed and Beeston Street.
- The shed will not overshadow neighbouring dwellings; and
- Recommended development conditions and advice can assist to address any possible amenity considerations.

Strategic Implications

Nil

Statutory Environment

Planning and Development Act 2005, LPS2 and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Policy Implications

Local Planning Policy – Outbuildings

Local Planning Policies are non-statutory documents which provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy but is required to have regard to the policy in determining the Development Application.

Approval of the Development Application does create a precedent noting the size of the shed and the Rural Townsite zoning.

It is recommended that *Local Planning Policy – Outbuildings* is reviewed and updated to reflect community expectations.

Financial Implications

All costs associated with the development will be borne by the applicant. Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision or conditions through the State Administrative Tribunal.

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Consultation

The Shire sought comments for 14 days from five adjoining and nearby landowners. The Shire received no written submissions.

Options

The Council can:

1. Approve the Development Application with no conditions.
2. Approve the Development Application with conditions.
3. Refuse the Development Application (providing reasons); or
4. Defer and seek additional information.

Voting Requirements - Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2024/84:

That the Council approve the Development Application for an oversized storage shed at Lot 88 on Deposited Plan 222342 (No. 6) Beeston Street, Cuballing subject to the following conditions:

- **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 plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
- **The provision of details prior to occupation as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.**
- **The external walls of the shed are clad in Colourbond colours to the satisfaction of the local government.**

- The storage shed is not used for commercial, industrial or habitable purposes. The proposed use of the shed should not create any off-site impacts on neighbouring properties.

Moved Cr. Kowald Seconded Cr. Harris

CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour.

ADVICE:

- In relation to Condition 2, stormwater from the proposed storage shed is to be suitably detained on site (e.g. rainwater tanks, soak wells). Further, the proponent should effectively manage run-off onto adjoining properties.
- The proponent is advised that this development approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- The property is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. A low fuel area should be maintained around the shed.
- If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

9.2.5 Application for Development Approval – Oversized outbuilding – Lot 75 (No. 35) King Street, Popanyinning

Location:	Lot 75 (No. 35) King Street, Popanyinning
Applicant:	Desirable Designs
Landowner:	The Trustee for Cheney Superannuation (Clinton Cheney)
File Ref. No:	A206
Disclosure of Interest:	Nil
Date:	12 September 2024
Author:	Stan Scott
Attachments	9.2.5A Information from applicant 9.2.5B Location plan

Summary

Development approval is recommended for an oversized outbuilding at Lot 75 (No. 35) King Street, Popanyinning.

Background

3. The application

The reason the Council is considering the Development Application is that the proposed outbuilding is larger (154m²) than the maximum floor area set out in Council's Outbuilding Policy.

The proposed outbuilding has a length of 14m, a width of 11m, a wall height of 3m and is 3.617m to the roof apex. The outbuilding is proposed to be constructed in Colourbond for walls, roof gutters and flashing.

The proposed outbuilding is setback 15m from the eastern property boundary and 30m from the northern boundary. The proposed outbuilding is located on cleared land.

Details submitted by the applicant are set out in Attachment 9.2.5A. The shed is proposed for storage purposes.

2. Application site

The site is outlined in Attachment 9.2.5B. The site is 1.2141 hectares in area, is generally cleared and it contains some sheds and structures.

3. Planning framework

The site is zoned 'Rural Residential' in the *Shire of Cuballing Local Planning Scheme No. 2* (LPS2). The applicant intends to shortly construct a dwelling on the site.

The application is consistent with Council policy with the exception that the proposed floor area of 154m² is larger than the 120m² floor area for lots below 2 hectares in area in the Rural Residential zone.

Like most of the Popanyinning townsite, the site is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. It is suggested there is no requirement for a Bushfire Attack Level assessment for this Development Application.

Comment

The Development Application is conditionally supported. This follows assessment against the planning framework, information provided by the applicant and site characteristics. Conditional approval is recommended given:

- The application is generally consistent with Council's Outbuildings Policy.
- The Colourbond storage shed is not considered to detract from the streetscape given it is well setback from King Street. The outbuilding is considered compatible with its setting in terms of height, bulk, scale, orientation and appearance, and will not adversely detract from the character and amenity of the area.
- The applicant intends to shortly construct a dwelling on the site (as outlined on the site plan); and
- Recommended development conditions and advice can assist to address any possible amenity considerations.

Strategic Implications

Nil

Statutory Environment

Planning and Development Act 2005, LPS2 and Planning and Development (Local Planning Schemes) Regulations 2015.

Policy Implications

Local Planning Policy – Outbuildings

Local Planning Policies are non-statutory documents which provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy but is required to have regard to the policy in determining the Development Application.

Approval of the Development Application does create a precedent. There are existing sheds, larger than 154m², on Rural Residential zoned lots that are on lots below 2 hectares in area.

It is recommended that *Local Planning Policy – Outbuildings* is reviewed and updated to reflect community expectations.

Financial Implications

All costs associated with the development will be borne by the applicant. Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision or conditions through the State Administrative Tribunal.

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Consultation

Nil

Options

The Council can:

1. Approve the Development Application with no conditions;
2. Approve the Development Application with conditions;
3. Refuse the Development Application (providing reasons); or
4. Defer and seek additional information.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2024/85:

That the Council approve the Development Application for an oversized outbuilding at Lot 75 on Plan 223058 (No. 35) King Street, Popanyinning subject to the following conditions:

- 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 plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
- The provision of details prior to occupation as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
- The external walls and roof of the storage shed are clad in Colourbond colours to the satisfaction of the local government.
- The storage shed is not used for commercial, industrial or habitable purposes.

Moved Cr. Kowald Seconded Cr. Ballantyne

CARRIED 6/0

Crs. Dowling, Harris, Ballantyne, Kowald, Sexton and Bradford voted in favour.

ADVICE:

- In relation to Condition 2, stormwater from the proposed storage shed is to be suitably detained on site (e.g. rainwater tanks, soak wells). Further, the proponent should effectively manage run-off onto adjoining properties.
- The proponent is advised that this development approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- The property is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. A low fuel area should be maintained around the storage shed.
- If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

9.3 MANAGER OF WORKS AND SERVICES:

Nil

9.4 COMMITTEE REPORTS:

Nil

10. REPORTS OF OFFICERS AND COMMITTEES:

Nil.

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

Nil

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

Nil

13. CONFIDENTIAL MATTERS:

N/A

14. NEXT MEETING:

Ordinary Council Meeting, 3.00pm. Wednesday 16 October 2024 at the Shire of Cuballing
CWA Hall, Campbell Street, Cuballing

15. CLOSURE OF MEETING:

There being no further business, Cr. Dowling declared the meeting closed at 3.50pm.