

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

Shire of Cuballing - Council Meeting

AGENDA

To Be Held

Wednesday 25 September 2024 3.00 pm Cuballing CWA Hall

COUNCIL MEETING PROCEDURES

- 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 conservations 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 PRIOIRITIES

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/ ANNOUNCMENT OF VISITORS:

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

2.1.1 Declaration by New Councillor

Nil

2.1.2 Attendance

Elected Members

Cr Eliza Dowling President

Cr Robert Harris Deputy President

Cr Scott Ballantyne

Cr Adrian Kowald

Cr Steve Sexton

Cr Dawson Bradford

Staff

Mr Chris Paget Chief Executive Officer

Mr Stan Scott (outgoing) Chief Executive Officer
Mr Narelle Rowe Mr Deputy Chief Executive Officer Manager

Bruce Brennan of Work and Services

Visitors

2.1.3 Apologies

Nil

2.1.4 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.
- 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.
- 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.
- 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:	
3.2	WRITTEN QUESTIONS PROVIDED IN ADVANCE:	
3.3	PUBLIC QUESTIONS FROM THE GALLERY:	

4. STANDING ORDERS:

OFFICER'S RECOM	MENDATION:
That Standing Orde debate on items.	rs be suspended for the duration of the meeting to allow for greater
Moved	Seconded

- 5. APPLICATIONS FOR LEAVE OF ABSENCE:
- 6. CONFIRMATION OF MINUTES:
- 7. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

Nil

8. <u>DISCLOSURE OF FINANCIAL INTEREST:</u>

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

9.1.1B List of Credit Card Transaction 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.

<u>Voting Requirements</u> – Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2024/31:

That Council receives:

 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.

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	POLICE LICENSING PAYMENTS	-90.55
041	0770072024	PAYMENTS	TO EIGE EIGENSING FAMILIATS	30.33
841	08/08/2024	4 - POLICE LICENSING	POLICE LICENSING PAYMENTS	-459.50
		PAYMENTS		
EFT9052	08/08/2024	GREAT SOUTHERN FUEL	Bulk Diesel Fuel Deliveries - Docket	-10484.64
	<u> </u>	SUPPLIES	No.2186838	
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 NETWORX	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 POLICE LICENSING PAYMENTS PAYMENTS		-65.40
EFT9097	30/08/2024	Works Manager 50% Reimbursement Electric Correction to previous payme 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

<u>Statutory Environment</u> – 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.

<u>Voting Requirements</u> – Simple Majority

OFFICER'S RECOMMENDATION:

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.

SHIRE OF CUBALLING

MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity) For the period ending 31 August 2024

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

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SUMMARY INFORMATION - GRAPHS



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

Funding surplus / (deficit) Components

Funding surplus / (deficit)

YTD YTD Amended Var Ś Budget Actual Budget (b)-(a) \$0.89 M \$0.00 M \$0.89 M \$0.89 M \$0.02 M \$2.35 M \$3.49 M \$1.14 M

Refer to Statement of Financial Activity

Opening Closing

Cash and cash equivalents

\$1.39 M Unrestricted Cash \$0.54 M 38.5% **Restricted Cash** \$0.86 M 61.5%

Payables \$0.27 M % Outstanding Trade Payables \$0.16 M 0 to 30 Days 25.8% Over 30 Days 74.2% Over 90 Days 1.3% Refer to Note 5 - Payables

Receivables						
\$1.08 M % Collected						
Rates Receivable	\$2.13 M	-9.6%				
Trade Receivable	\$1.08 M	% Outstanding				
Over 30 Days		1.6%				
Over 90 Days		1.6%				
Refer to Note 3 - Receival	bles					

Key Operating Activities

Refer to Note 2 - Cash and Financial Assets

Amount attributable to operating activities

YTD Var. \$ **Amended Budget** Actual (b)-(a) (a) (b) (\$0.02 M) \$0.15 M \$1.69 M \$1.67 M

Rates Revenue

\$1.83 M **YTD Budget** \$1.83 M 0.3%

Refer to Statement of Financial Activity

Refer to Statement of Financial Activity

Operating Grants and Contributions

YTD Actual \$0.31 M YTD Budget \$0.29 M 7.1%

Refer to Note 11 - Operating Grants and Contributions

Fees and Charges YTD Actual \$0.17 M YTD Budget \$0.18 M (9.6%) Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities

YTD YTD Var. \$ **Amended Budget** Actual (b)-(a) (b) (a) \$0.97 M \$0.97 M (\$0.99 M)

Refer to Statement of Financial Activity

Proceeds on sale Asset Acquisition

YTD Actual \$0.00 M YTD Actual \$0.18 M % Spent Amended Budget \$0.07 M **Amended Budget** (100.0%) \$3.82 M (95.4%) Refer to Note 6 - Disposal of Assets Refer to Note 7 - Capital Acquisitions

Capital Grants YTD Actual \$1.14 M % Received **Amended Budget** \$2.76 M (58.6%) Refer to Note 7 - Capital Acquisitions

Key Financing Activities

Principal

Amount attributable to financing activities

YTD YTD Var. \$ **Amended Budget** Budget Actual (b)-(a) (a) (b) (\$0.04 M) (\$0.04 M) (\$0.03 M) (\$0.01 M)

Refer to Statement of Financial Activity

Borrowings Reserves

Reserves balance

\$0.04 M \$0.68 M repayments \$0.01 M \$0.00 M Interest earned Interest expense \$1.25 M Principal due

Refer to Note 8 - Borrowings Refer to Note 9 - Cash Reserves

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

KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 31 AUGUST 2024

NATURE OR TYPE DESCRIPTIONS

REVENUE

RATES

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

FEES AND CHARGES

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

SERVICE CHARGES

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges.

INTEREST EARNINGS

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

OTHER REVENUE / INCOME

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

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

EXPENSES

EMPLOYEE COSTS

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

MATERIALS AND CONTRACTS

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

UTILITIES (GAS, ELECTRICITY, WATER)

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

INSURANCE

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

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

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

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

BY NATURE OR TYPE

		Amended	YTD	YTD	Variance	Variance	
	Ref	Budget	Budget	Actual	\$	%	Var.
	Note	(a)	(b)	(c)	(c) - (b)	((c) - (b))/(b)	
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	894,518	894,518	894,518	0	0.00%	
Revenue from operating activities							
Rates		1,686,395	1,826,459	1,831,384	4,925	0.27%	
Operating grants, subsidies and contributions	11	1,085,176	286,338	306,602	20,264	7.08%	
Fees and charges		460,273	182,829	165,251	(17,578)	(9.61%)	
Interest earnings		65,067	10,842	11,319	477	4.40%	
Other revenue		61,270	10,204	3,590	(6,614)	(64.82%)	▼
Profit on disposal of assets	6	10,818	1,802	0	(1,802)	(100.00%)	
		3,368,999	2,318,474	2,318,146	(328)	(0.01%)	
Expenditure from operating activities							
Employee costs		(1,307,364)	(217,818)	(251,181)	(33,363)	(15.32%)	•
Materials and contracts		(1,355,452)	(225,676)	(235,830)	(10,154)	(4.50%)	
Utility charges		(165,903)	(27,616)	(12,085)	15,531	56.24%	A
Depreciation on non-current assets		(2,567,301)	(427,860)	0	427,860	100.00%	A
Interest expenses		(53,284)	(6,497)	(6,497)	0	0.00%	
Insurance expenses		(232,332)	(108,395)	(109,193)	(798)	(0.74%)	
Other expenditure		(93,080)	(42,663)	(33,644)	9,019	21.14%	A
Loss on disposal of assets	6	(900)	(150)	0	150	100.00%	
		(5,775,616)	(1,056,675)	(648,430)	408,245	(38.63%)	
Non-cash amounts excluded from operating activities	1(a)	2,557,383	426,208	0	(426,208)	(100.00%)	•
Amount attributable to operating activities		150,766	1,688,007	1,669,716	(18,291)	(1.08%)	
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	12	2,760,046	460,002	1,142,672	682,670	148.41%	A
Proceeds from disposal of assets	6	66,318	56,961	0	(56,961)	(100.00%)	•
Payments for property, plant and equipment and infrastructure	7	(3,816,223)	(720,168)	(176,015)	544,153	75.56%	A
Amount attributable to investing activities		(989,859)	(203,205)	966,657	1,169,862	(575.71%)	
Financing Activities							
Proceeds from new debentures	8	250,000	41,666	0	(41,666)	(100.00%)	•
Repayment of debentures	8	(193,083)	(55,117)	(38,716)	16,401	29.76%	A
Transfer to reserves	9	(96,851)	(16,132)	(2)	16,130	99.99%	A
Amount attributable to financing activities		(39,934)	(29,583)	(38,718)	(9,135)	30.88%	
Closing funding surplus / (deficit)	1(c)	15,491	2,349,737	3,492,173	1,142,436	(48.62%)	A

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

Refer to Note 15 for an explanation of the reasons for the variance.

 $This \ statement \ is \ to \ be \ read \ in \ conjunction \ with \ the \ accompanying \ Financial \ Statements \ and \ Notes.$

MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2024

BASIS OF PREPARATION

BASIS OF PREPARATION

The financial report has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and notfor-profit entities) and interpretations of the Australian Accounting Standards Board, and the Local Government Act 1995 and accompanying Regulations.

The Local Government Act 1995 and accompanying Regulations take precedence over Australian Accounting Standards where they are

The Local Government (Financial Management) Regulations 1996 specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 13 to these financial statements.

SIGNIFICANT ACCOUNTING POLICES

CRITICAL ACCOUNTING ESTIMATES

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

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

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimation of fair values of certain financial assets
- estimation of fair values of fixed assets shown at fair value
- impairment of financial assets

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

ROUNDING OFF FIGURES

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

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 10 September 2024

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Non-cash items excluded from operating activities	Notes	Amended Budget	YTD Budget (a)	YTD Actual (b)
		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	6	(10,818)	(1,802)	0
Add: Loss on asset disposals	6	900	150	0
Add: Depreciation on assets	_	2,567,301	427,860	0
Total non-cash items excluded from operating activities		2,557,383	426,208	0

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded			Last	Year
from the net current assets used in the Statement of Financial		Amended Budget	Year	to
Activity in accordance with Financial Management Regulation		Opening	Closing	Date
32 to agree to the surplus/(deficit) after imposition of general rates.		30 June 2024	30 June 2024	31 August 2024
Adjustments to net current assets				
Less: Reserves - restricted cash	0	(677.012)	(677.012)	(677.015)
	9	(677,913)	(677,913)	(677,915)
Add: Borrowings	8	171,275	171,275	132,559
Add: Provisions employee related provisions	10	256,648	256,648	270,022
Total adjustments to net current assets		(249,990)	(249,990)	(275,334)
(c) Net current assets used in the Statement of Financial Activity				
Current assets				
Cash and cash equivalents	2	1,552,524	1,552,524	1,390,505
Rates receivables	3	108,074	108,074	2,125,697
Receivables	3	141,361	141,361	1,082,311
Other current assets	4	22,043	22,043	22,043
Less: Current liabilities				
Payables	5	(74,011)	(74,011)	(272,908)
Borrowings	8	(171,275)	(171,275)	(132,559)
Contract liabilities	10	(177,560)	(177,560)	(177,560)
Provisions	10	(256,648)	(256,648)	(270,022)
Less: Total adjustments to net current assets	1(b)	(249,990)	(249,990)	(275,334)
Closing funding surplus / (deficit)	'	894,518	894,518	3,492,173

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

				Total			Interest	Maturity
Description	Classification	Unrestricted	Restricted	Cash	Trust	Institution	Rate	Date
		\$	\$	\$	\$			
Municipal Cash at Bank		24,883	177,560	202,443		NAB	TBA	N/A
Municipal Cash Investments (Online	and at call account)	1,186,463	177,360	1,186,463		NAB	TBA	N/A
Term Deposits - Restricted Funds	.,	(677,016)	677,915	899		NAB	TBA	TBA
Petty Cash		700	0	700		N/A	N/A	N/A
Total		535,030	855,475	1,390,505	0			
Comprising								
Cash and cash equivalents		535,030	855,475	1,390,505	0			
		535,030	855,475	1,390,505	0			

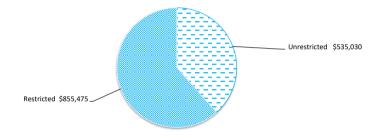
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- $\hbox{- the asset is held within a business model whose objective is to collect the contractual cash flows, and}\\$
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

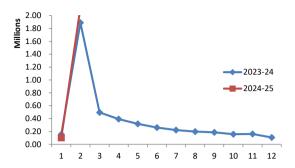
Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

OPERATING ACTIVITIES NOTE 3 RECEIVABLES

Rates receivable	30 Jun 2024	31 Aug 2024
	\$	\$
Opening arrears previous years	108,074	108,074
Levied this year	1,831,638	1,831,384
Less - collections to date	(1,831,638)	186,239
Gross rates collectable	108,074	2,125,697
Net rates collectable	108,074	2,125,697
% Collected	94.4%	-9.6%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(1,479)	1,030,353	0		17,071	1,045,945
Percentage	(0.1%)	98.5%	0%	0%	1.6%	
Balance per trial balance						
Sundry receivable						1,045,945
GST receivable						36,366
Total receivables general outstanding						1.082.311

Total receivables general outstanding

Amounts shown above include GST (where applicable)

KEY INFORMATION

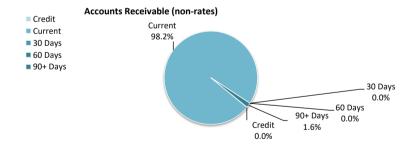
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

OPERATING ACTIVITIES NOTE 4 OTHER CURRENT ASSETS

	Opening Balance	Asset Increase	Asset Reduction	Closing Balance
Other current assets	1 July 2024		;	31 August 2024
	\$	\$	\$	\$
Inventory				
Fuel	16,343	0	0	16,343
Other Assets				
Accrued income	5,700	0	0	5,700
Total other current assets	22,043	0	0	22,043

Amounts shown above include GST (where applicable)

KEY INFORMATION

Inventory

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

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

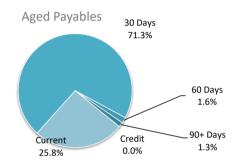
Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	17,678	48,858	1,100	913	68,549
Percentage	0%	25.8%	71.3%	1.6%	1.3%	
Balance per trial balance						
Sundry creditors						161,619
Accrued salaries and wages						(20,348)
ATO liabilities						118,368
Bonds & Deposits						2,295
Total payables general outstanding						272,908

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.





NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

OPERATING ACTIVITIES NOTE 6 **DISPOSAL OF ASSETS**

				Budget				YTD Actual	
		Net Book				Net Book			
Asset Ref.	Asset description	Value	Proceeds	Profit	(Loss)	Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	Transport								
	Hino Truck	22,000	27,000	5,000	0	0	0	0	0
	DCEO Vehicle	16,000	21,818	5,818	0	0	0	0	0
	Dual Cab Utility	18,400	17,500	0	(900)	0	0	0	0
		56,400	66,318	10,818	(900)	0	0	0	0



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

INVESTING ACTIVITIES NOTE 7 **CAPITAL ACQUISITIONS**

	Amende			
Capital acquisitions	Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$	\$	\$	\$
Buildings	405,200	67,530	15,327	(52,203)
Furniture and equipment	81,700	13,614	0	(13,614)
Plant and equipment	258,409	127,232	100,746	(26,486)
Infrastructure - roads	2,875,228	479,180	59,942	(419,238)
Infrastructure - bridges	40,000	6,666	0	(6,666)
Infrastructure - parks, ovals & plagrounds	95,686	15,946	0	(15,946)
Payments for Capital Acquisitions	3,816,223	720,168	176,015	(544,153)
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	2,760,046	460,002	1,142,672	682,670
Borrowings	250,000	41,666	0	(41,666)
Other (disposals & C/Fwd)	66,318	56,961	0	(56,961)
Contribution - operations	739,859	161,539	(966,657)	(1,128,196)
Capital funding total	3,816,223	720,168	176,015	(544,153)

SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with Financial Management Regulation 17A (5). These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

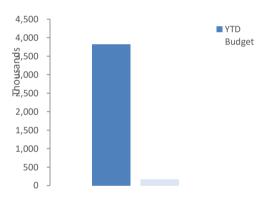
Initial recognition and measurement for assets held at cost

Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with Financial Management Regulation 17A. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Payments for Capital Acquisitions



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

INVESTING ACTIVITIES NOTE 7 CAPITAL ACQUISITIONS (CONTINUED)

Capital expenditure total Level of completion indicators



	Level of completion	indicator, please see table at the end of this note for further detail.	Amer	nded		
		Account Description	Budget	YTD Budget	YTD Actual	Variance (Under)/Ove
			\$	\$	\$	\$
	Land & Buildings					
1	C214	Land Purchase - Light Industrial Area	250,000	41,666	0	(41,666)
ĺ	J4114D	Administration Office Refurbishment	30,000	5,000	0	(5,000
ĺ	11057	CCTV Camera's	20,000	3,332	0	(3,332
1	C215	Popanyinning School House (Lrci Funding)	35,000	5,832	15,327	9,495
1	C162	Cuballing Town Hall - Capital Works	60,000	10,000	0	(10,000
1	C173	Skate Park Refurbishment	10,200	1,700	0	(1,700
1	Total Buildings		405,200	67,530	15,327	(52,203
	Furniture & Equi	pment				
1	04270	Capital Expenditure - Furniture & Equipment	81,700	13,614	0	(13,614
ĺ	Total Furniture &		81,700	13,614	0	(13,614
		• •	,			• •
	Plant & Equipme	nt				
	12416	Capital Expenditure - Plant & Equipment - Hino Truck	101,000	101,000	100,746	(254
	04267	Capital Expenditure - Plant & Equipment - DCEO Vehicle	35,909	5,984	0	(5,984
	12406	Capital Purchase - Dual Cab Utility	63,000	10,500	0	(10,500
	12431	Outfront Mower & Trailer	53,000	8,832	0	(8,832
	12432	Blitumen Emulsion Trailer	5,500	916	0	(916
	Total Plant & Equ	uipment	258,409	127,232	100,746	(26,486
	Roads					
	R001G	Rrg - Stratherne Road Reconstruction 24/25	594,995	99,162	16,493	(82,669
	RTR139	Roads To Recovery - Darcy Street	296,656	49,436	1,000	(48,436
	RTR095	Roads To Recovery - Alton Street	237,962	39,654	8,750	(30,904
	WF007R	Wheatbelt Secondary Freight Network - 2023/24 Cuballing East Ro	165,550	27,590	0	(27,590
	WSF008	Wheatbelt Secondary Freight - Cuballing East Reconstruction Slk'S	1,439,546	239,920	28,613	(211,307
	WSF007L	Cuballing East Road - 24/25 Line Marking	100,000	16,666	0	(16,666
	WF129D	Wheatbelt Secondary Freight 2022/23 Narrogin Wandering Road-	40,519	6,752	5,086	(1,666
	Total Roads	,	2,875,228	479,180	59,942	(419,238
	Bridges					
	11214	Bridge Improvements - Capital Upgrades	40,000	6,666	0	(6,666
	Total Bridges		40,000	6,666	0	(6,666
	Parks, Ovals & Pl	aygrounds				,
	C207	Heritage Walk Trail	15,000	2,500	0	(2,500
	C216	Popanyinning Recreation Grounds	80,686	13,446	0	(13,446
	Total Parks, Oval	s & Playgrounds	95,686	15,946	0	(15,946
	Other Infrastruct	ure				·
	C201	Cuballing Railway Reserve	30,000	5,000	0	(5,000
					0	/F 000
	C222	Cuballing Town Centre Master Plan	30,000	5,000	0	(5,000
		<u> </u>	30,000 60,000	10,000	0	(10,000

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

FINANCING ACTIVITIES BORROWINGS

Repayments - borrowings

rtopaymonto borrowingo					Prin	ncipal	Prin	cipal	Inte	rest
Information on borrowings			New Lo	ans		yments		inding	Repay	ments
Particulars	Loan No.	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Education and welfare										
Aged Accommodation	56	781,151	0	0	0	(75,330)	781,151	705,821	0	(31,410)
Transport										
Grader	67	407,025	0	0	(38,716)	(79,722)	368,309	327,303	(6,497)	(10,704)
Other property and services										
Austral Land	64	100,111	0	0	0	(16,223)	100,111	83,888	0	(3,669)
Industrial Land	68		0	250,000	0	(21,808)	0	228,192	0	(7,500)
										0
Total		1,288,287	0	250,000	(38,716)	(193,083)	1,249,571	1,345,204	(6,497)	
										(53,283)
Current borrowings		193,083					132,559			
Non-current borrowings		1,095,204					1,117,012			
		1,288,287					1,249,571			

All debenture repayments were financed by general purpose revenue.

The Shire has no unspent debenture funds as at 30th June 2023, nor is it expected to have unspent funds as at 30th June 2024.

KEY INFORMATION

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Fair values of borrowings are not materiallly different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

OPERATING ACTIVITIES NOTE 9 **RESERVE ACCOUNTS**

Reserve accounts

		Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual YTD
	Opening	Interest	Interest	Transfers In	Transfers In	Transfers Out	Transfers Out	Closing	Closing
Reserve name	Balance	Earned	Earned	(+)	(+)	(-)	(-)	Balance	Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Council									
Plant and Equipment	40,658	61,823	0	0	0	0	0	102,481	40,658
Administration Building and IT and Offic	9,598	428	0	(9,000)	0	0	0	1,026	9,598
Employee Entitlements	270,021	12,150	1	0	0	0	0	282,171	270,022
Housing Reserve	82,622	3,690	0	0	0	0	0	86,312	82,622
Recreation & Community Facility	102,174	20,000	0	0	0	0	0	122,174	102,174
Refuse Site	47,648	2,138	0	0	0	0	0	49,786	47,648
Equestrian	5,151	230	0	0	0	0	0	5,381	5,151
Standpipe Maintenance	4,295	194	0	0	0	0	0	4,489	4,295
Road and Bridges	110,169	4,950	1	0	0	0	0	115,119	110,170
Community and Sporting Club	5,577	248	0	0	0	0	0	5,825	5,577
	677,913	105,851	2	(9,000)	0	0	0	774,764	677,915

		Opening Balance	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance
Other current liabilities	Note	1 July 2024				31 August 2024
		\$		\$	\$	\$
Other liabilities						
- Capital grant/contribution liabilities		177,560	0	0	0	177,560
Total other liabilities		177,560	0	0	0	177,560
Employee Related Provisions						
Annual leave		130,498	0	0		130,498
Long service leave		126,150	0	0		126,150
Total Employee Related Provisions	•	256,648	0	0	0	256,648
Total other current assets		434,208	0	0	0	434,208

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 12

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

	Unspent	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue		
Provider	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Amended Budget	YTD	YTD Revenue	
	1 July 2024		(As revenue)		Ü	Revenue	Budget	Actual	
	\$	\$	\$	\$	\$	\$	\$	\$	
perating grants and subsidies									
Governance									
Income - Grant - Traineeship Incentives	0	0	0	0	0	35,596	5,932	C	
General purpose funding									
Income - Grants Commission	0	0	0	0	0	312,034	52,004	21,013	
Law, order, public safety									
Income - Fire Prevention - Grants	0	0	0	0	0	67,960	11,326	16,990	
Income Fire Mitigation Grants	0	0	0	0	0	182,400	30,400	91,200	
Income - DFES Aware Grant	0	0	0	0	0	20,900	3,482	Ć	
Recreation and culture									
Income - Youth Activity Funding	0	0	0	0	0	1,000	166	C	
INCOME - Community Development & Events	0	0	0	0	0	19,000	3,166	С	
Community Development & Events - Grants	0	0	0	0	0	6,000	1,000	C	
Community Development & Events - Other	0	0	0	0	0	0	0	(
Income - Cuby Groovefest	0	0	0	0	0	124,091	20,680	36,282	
Transport									
Income - Grant - MRWA Direct	0	0	0	0	0	126,580	126,580	126,580	
Income - Grants Commission Local Road Grant	0	0	0	0	0	189,615	31,602	10,537	
	0	0	0	0	0	1,085,176	286,338	302,602	
perating contributions									
Economic services									
Income Relating to Tourism & Area Promotion	0	0	0	0	0	0	0	4,000	
	0	0	0	0	0	0	0	4,000	
DTALS	0	0	0	0	0	1,085,176	286,338	306,602	

	Capital grant/contribution liabilities					Non operating grants, subsidies and contributions revenue		
Provider	Liability 1 July 2024	Increase in Liability	Decrease in Liability (As revenue)	Liability 31 Aug 2024	Current Liability 31 Aug 2024	Amended Budget Revenue	YTD Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	Ş
n-operating grants and subsidies								
General purpose funding								
Income - Phase 2 Community Infrastructure Grant - LRCI	0	0	0	0	0	0	0	(
Income - Phase 3 community Infrastructure Grant - LRCI	0	0	0	0	0	70,593	11,764	
Income - LRCI Phase 4	0	0	0	0	0	247,768	41,294	148,66
Transport								
Regional Road Grants	0	0	0	0	0	396,663	66,110	
Wheatbelt Secondary Freight Network	0	0	0	0	0	1,617,486	269,580	916,05
WSFN - Income Wandering Narrogin Road	177,560	0	0	177,560	0	0	0	
Dept. of Infrastructure - LRCI Funding - Phase 4 - Part B	0	0	0	0	0	142,918	23,818	77,95
2022/23 Cuballing East Road Wheatbelt Secondary Freight	0	0	0	0	0	0	0	
Roads to Recovery	0	0	0	0	0	284,618	47,436	
				0				
				0				
Economic services								
				0				
				0				
Other property and services								
				Ü				
				0				
				Ü				
	177,560	0	0	177,560	0	2,760,046	460,002	1,142,67

NOTE 13 TRUST FUND

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

Funds held at balance date which are required by legislation to be credited to the trust fund and which are not included in the financial statements are as follows:

Description	Opening Balance 1 July 2024	Amount Received	Amount Paid	Closing Balance 31 Aug 2024
	\$	\$	\$	\$
Cuballing Cricket Club	200	0	0	200
Department of Transport - Licensing	8,374	48,961	(46,256)	11,079
				0
	8,574	48,961	(46,256)	11,279

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

NOTE 14
BUDGET AMENDMENTS

Proposed amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	endments to original budget since budget add Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Opening Surplus(Deficit)	O	pening Surplus(Deficit)				
	Nil Changes						
				0	0	0	15,491

KEY INFORMATION

NI:

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2024-25 year is \$5,000 or 10.00% whichever is the greater.

					Explanation of positive variances
Nature or type	Var.\$	Var. %		Timing/Permanent	Comments
	\$	%			
Opening funding surplus / (deficit)	0	0.00%			
Revenue from operating activities					
Rates	4,925	0.27%		Timing	
Operating grants, subsidies and contributions	20,264	7.08%		Timing	Fire Mitigation & Healthways Grants
Fees and charges	(17,578)	(9.61%)		Timing	Annual Hire Fees - Craft & Bootscooters
Interest earnings	477	4.40%		Timing	Immaterial
Other revenue	(6,614)	(64.82%)	▼ .	Timing	Diesel Fuel Rebate
Profit on disposal of assets	(1,802)	(100.00%)		Timing	No Assets disposed
Expenditure from operating activities					
Employee costs	(33,363)	(15.32%)	▼ .	Timing	Maintenance Grading
Materials and contracts	(10,154)	(4.50%)		Timing	Immaterial
Utility charges	15,531	56.24%	A	Timing	Decreased Standpipe usage
Depreciation on non-current assets	427,860	100.00%	A	Timing	Processed after Annual Financial Statements
Interest expenses	0	0.00%		Timing	
Insurance expenses	(798)	(0.74%)		Timing	Immaterial
Other expenditure	9,019	21.14%	A	Timing	Members conferences, fees & allowances
Loss on disposal of assets	150	100.00%		Timing	No Assets disposed
Non-cash amounts excluded from operating activities	(426,208)	(100.00%)	•	Timing	No Depreciation run for this financial year
Investing activities					
Proceeds from non-operating grants, subsidies and contributions	682,670	148.41%	^	Timing	LRCI Phase 4a &b, WSFN first 40%
Proceeds from disposal of assets	(56,961)	(100.00%)	▼	Timing	No assets disposed
Payments for property, plant and equipment and infrastru	544,153	75.56%	A	Timing	Hino Truck Purchase
Non-cash amounts excluded from investing activities	0	0.00%			
Financing activities					
Proceeds from new debentures	(41,666)		▼ .		Not Applicable
Transfer from reserves	0	0.00%		Timing	Not Applicable
Payments for principal portion of lease liabilities	0	0.00%		Timing	Not Applicable
Repayment of debentures	16,401	29.76%	A	Timing	Loan Repayments - budget spread over 12 months
Transfer to reserves	16,130	99.99%	A		Tsf at EOY
Closing funding surplus / (deficit)	1,142,436	(48.62%)			

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 Nil

Interest:

Date: 28 August 2024 Author: Stan Scott

Attachments 9.2.2A Aerial Photograph

9.2.2B Location Plan

<u>Summary</u>

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.

<u>Statutory Environment</u> 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

 $\frac{\text{Consultation}}{\text{The DPLH is consulting with the Shire in relation to this matter.}}$

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:

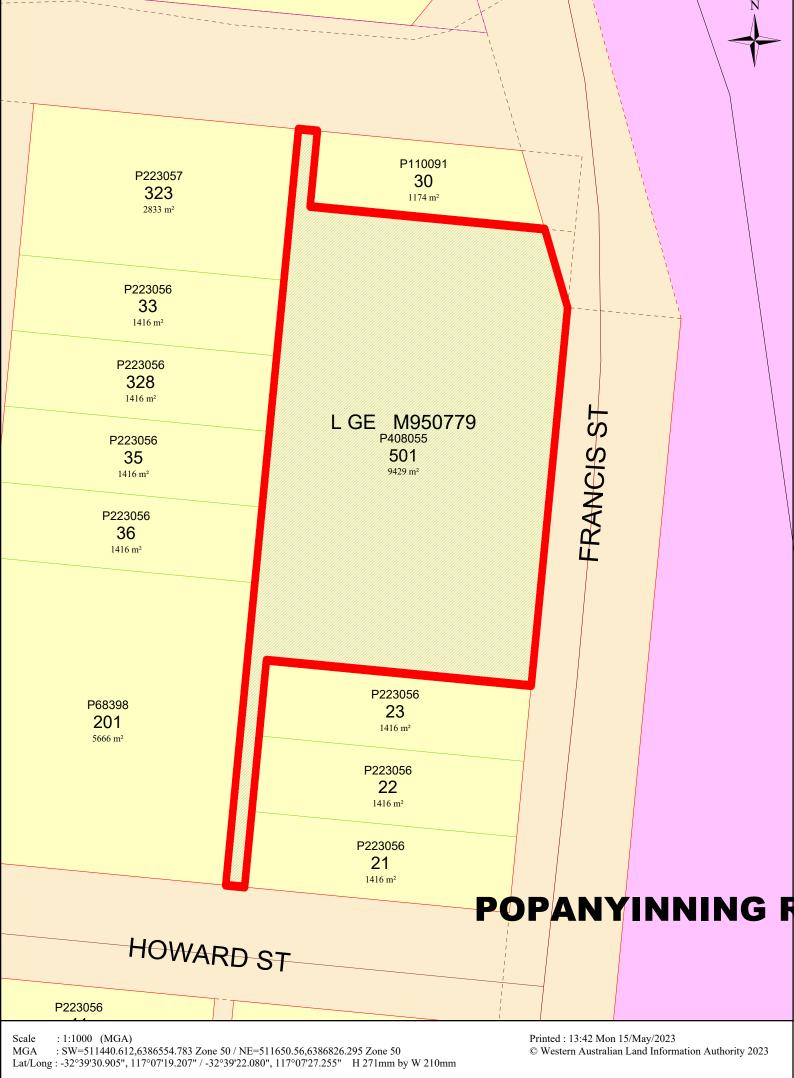
That the Council authorise the CEO to advise the Department of Planning Lands and Heritage that it has no objections to the Wayne Gregory Bird acquiring Lot 501 on Deposited Plan 408055 in freehold.



DPLH BUSINESS USE ONLY

Internal Spatial Viewer Projection: WGS_1984_Web_Mercator_Auxiliary_Sphere Graticules (if visible): GDA 1994 Latitude/Longitude

15-May-2023 Date produced:



This product is for information purposes only and is not guaranteed. The information may be out of date and should not be relied upon without further verification from the original documents. Where the information is being used for legal purposes then the original documents must be searched for all legal requirements.

9.2.2 WALGA 2021 AGM – Member Motions

Applicant: WALGA File Ref. No: ADM104

Disclosure of Interest: Nil

Date: 6th 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

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

Recommendation

SUPPORT

<u>Strategic Implications</u> – 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

<u>Options</u>

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

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

7 CONSIDERATION OF EXECUTIVE AND MEMBER MOTIONS

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

Two Local Governments have submitted items on this matter. In accordance with WALGA's criteria for motions, when motions of a similar objective are received, they are to be consolidated.

CONSOLIDATED 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.

SHIRE OF ESPERANCE SUBMISSION:

MOTION

That WALGA request the State Government make changes to the *Cat Act 2011* to allow Local Governments to make local laws to contain cats to the owner's property.

IN BRIEF

- The Cat Act 2011 prohibits Local Governments to make a local law to prohibit a cat from wandering.
- Cats do a significant amount of damage to wildlife when left to wander.
- Wandering domestic cats add to the breeding of feral cats.

MEMBER COMMENT

The Joint Standing Committee on Delegated Legislation has advised the Shire of its reasons why a Local Government cannot create a local law to deal with wandering cats or cats that are creating a nuisance.

Local Governments are therefore unable to enact local laws to effectively deal with cats to meet the expectations of the community due to inconsistencies with the *Cat Act 2011*.

Amendments therefore need to be made to the *Cat Act 2011* to allow the effective management of cats.

SECRETARIAT COMMENT

The Motion generally aligns with current <u>WALGA advocacy</u> in relation to a review of the *Cat Act 2011*.

That the Local Government sector advocates for a commitment from the State Government...to prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.

The 2019 Review included proposals that penalties should be incurred when cats wander/trespass on property without consent or cats should be confined to their property.

SHIRE OF DARDANUP SUBMISSION

MOTION

That WALGA develop a model Cat Local Law in consultation and agreement with the Department of Local Government, Sport and Cultural Industries, the Joint Standing Committee on Delegated Legislation and the WA Cat Feral Working Group that provides for the following:

- 1. Cats are to be confined to the cat owner's residence premises, unless under effective control:
- 2. Cats within public places are to be under effective control and not to create a nuisance at all times;
- 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.

IN BRIEF

- The Shire of Dardanup attempted to bring its local law in line with that of other Local Governments where provisions have been included that expressly require cat owners to have effective control of their cats, and that makes it an offence for a cat to be in other places, where the occupier of that place has not given approval.
- The Joint Standing Committee on Delegated Legislation considered the Shire of Dardanup Cats Local Law 2023 and outlined that the Committee believed the proposed local law is contrary to the Cat Act 2011.
- Within Western Australia there are a number of Local Governments that have Cat Local Laws that require cats to be under effective control when in a public place. Some of these Cat Local Laws also make it an offence for a cat to be in a place, other than a public place, without the express permission of the occupier of that place. These local laws also require cats not to create a nuisance in either a public place, or other places
- WALGA's support for the development of a model Cat Local Law that incorporates
 these provisions as standard provisions are sought so as to ensure this is accepted
 in advance by the Department of Local Government, Sport and Cultural Industries
 and the Joint Standing Committee on Delegated Legislation

MEMBER COMMENT

The Shire of Dardanup in 2022 attempted to bring its local law in line with that of other Local Governments where provisions have been included that expressly require cat owners to have effective control of their cats, and that makes it an offence for a cat to be in other places, where the occupier of that place has not given approval.

At its meeting of 25th of January 2023, the Shire of Dardanup resolved [09-23] as follows:

THAT Council:

- 1. In accordance with Section 3.12 of the Local Government Act 1995 approves the advertising of the proposed 'Shire of Dardanup Cats Local Law 2023' [Appendix ORD: 12.4.2C] in order to seek community comment.
- 2. Provides a copy of the proposed Local Law and public notice to the Minister for Local Government; and
- 3. After the close of the public consultation period, requests the Chief Executive Officer to submit a report on any submissions received on the proposed Local Law to enable Council to consider the submissions made and to determine whether to make the Local Law in accordance with section 3.12(4).

The Local Law was advertised, and no public submissions were received. A Submission from the Department of Local Government, Sport and Cultural Industries were received and considered by Council in November 2023. Council resolved [273-23] as follows:

THAT Council:

- 1. Receives the submission received from the Department of Local Government, Sport and Cultural Industries in respect of the Shire of Dardanup Cats Local Law 2023.
- 2. Notes that there were no public submissions received in respect of the Shire of Dardanup Cats Local Law 2023.
- 3. By Absolute Majority decision, adopts the Shire of Dardanup Cats Local Law 2023 [Appendix ORD: 12.4.1D] inclusive of the following minor amendments:
 - Clause 1.1: Citation changed to italics;
 - Clause 1.4: Changed both the citation title and "Government Gazette" to italics.;
 - Clause 1.5: In the definition of Act, changed the citation to italics;
 - The words ", in the opinion of an authorised person," deleted from Clause 2.1(1); Clause 2.2(1)(b) and Clause 2.4(2).
 - Clause 3.1(1) Amended to give clarity that the Shire acknowledges the local law process in the designation of cat prohibited areas by adding the words "after following the process for amending a local law pursuant to the Local Government Act." after the words 'Schedule 3';
 - Clause 4.8 Conditions amend subclause (1)(a) to read: (a) each cat kept on the premises to be kept so as not to create a nuisance; and
 - Clause 4.8 Conditions deletes subclause (1)(b) that read "(b) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);"; and renumber the following subclauses accordingly.
- 4. Publishes a copy of the adopted local law in the Government Gazette.
- 5. Gives a copy of the adopted gazette ready Local Law to the Minister for Local Government.

- 6. After the local law has been published in the Gazette, gives local public notice as per section 1.7 of the Local Government Act 1995 advising:
 - The title of the local law;
 - Summarizing the purpose and effect of the local law;
 - Specifying the day on which the local law comes into operation; and
 - Advising the location of copies of where the local law may be inspected or obtained.
- 7. Supplies copies of the local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation within 10 working days of the gazettal publication date of the local law.

The Joint Standing Committee in Delegated Legislation (the Committee) considered the Shire of Dardanup Cats Local Law 2023 at its meeting held 13th of March 2024 and outlined that the Committee believed the proposed local law is contrary to the *Cat Act 2011*. The Committee therefore requires that Council agree to undertaking amendments to the Local Law at its meeting on 27th of March 2024 and by 3rd of April 2024.

The Committee requests the following undertakings:

- 1. Within 6 months:
 - delete the definition of **effective control** in clause 1.5
 - delete clause 2.2
 - amend clause 4.4(f) to ensure it is not inconsistent with the Cat Act 2011
 - correct the typographical error in the clause reference beneath the heading to Schedule 3.
- 2. All consequential amendments arising from undertaking 1 will be made.
- 3. Clauses 2.2 and 4.4(f) will not be enforced in a manner contrary to undertaking 1.
- 4. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

Whilst Council in March resolved to undertake the changes required by the Committee, Council in July 2024 when presented with the amendment local law, did not initiate the making of the amendment local law.

Officers have written to the Committee, providing it with the outcome of the Council decision. At the time of writing this report the Committee's response had not yet been received.

There are no direct legal implications of seeking WALGA form a position on the local law, however, should the motion be successful and WALGA is able to convince the State Government of the merits, then the motion may lead to possible changes to State Government Policy and Legislation.

Cat Act 2011

The authority for a Local Government to create a local law under the *Cat Act 2011* is provided in section 79 of the *Cat Act 2011*. The *Cat Act 2011* sets out the requirements inter alia for registration and sterilisation of cats, as well as the requirements for cat management

facilities. The Cat Regulations 2012 set out the requirements for cats to be microchipped and registered, as well as the approval requirements for cat breeders.

In the paragraphs that follow, the Shire of Dardanup will not name any of these Local Governments that have Cat local laws in place, so as to not dob these Local Governments in with the Joint Standing Committee on Delegated Legislation (the Committee). The Shire understands that the Committee may require those Local Governments that have local laws with such provisions, to amend these local laws in future, in order to ensure it is in line with the Committee's direction as given to the Shire of Dardanup. For that reason, this report will refer more broadly to other Local Governments within Western Australia that have such local laws.

Within Western Australia there are a number of Local Governments that have Cat Local Laws that require cats to be under effective control when in a public place. Some of these Cat Local Laws also make it an offence for a cat to be in a place, other than a public place, without the express permission of the occupier of that place. These local laws also require cats not to create a nuisance in either a public place, or other places. There are also Property and Public Places Local Laws, that allow Council's to make designations of areas, by absolute majority and to erect a sign to give effect to such designations.

These provisions seem sensible and require that a cat cannot simply go onto someone else's private property without their permission, that cats are under effective control in public places and are prohibited from entering areas of sensitive ecological values. The WA Feral Cat Working Group provided the Shire of Dardanup with an information sheet with reference to existing Cat Local Laws (names of Local Governments redacted), and a legal opinion received from Castledine Gregory in relation to this. This also includes reference to the WA Labor Party's party Platform for 2023.

WALGA's support for the development of a model Cat Local Law that incorporates these provisions as standard provisions are sought so as to ensure this is accepted in advance by the Department of Local Government, Sport and Cultural Industries and the Joint Standing Committee on Delegated Legislation. By doing this, it will save a lot of frustration for Local Governments having to go through a local law development and/or review process and will also ensure that adequate provisions to control cats are included in the local law. This will assist greatly in dealing with complaints from residents in relation to the nuisances caused by cats and will also assist greatly in enforcement efforts by Local Government rangers.

SECRETARIAT COMMENT

Many Local Governments have made Cat Local Laws prohibiting cats from being on land under the care, control and management of the Local Government, as currently provided for under the *Cat Act 2011*.

It is established through numerous disallowance motions by Parliament's Delegated Legislation Committee that the *Cat Act 2011* does not provide the requisite heads of power for a Local Government to make Cat Local Laws requiring cats to be confined to the owner's residence or being prevented from roaming in any public place throughout the district.

Although not currently achievable, the intent of this Motion can be considered upon successful advocacy for a review of the *Cat Act 2011* and provision of the necessary heads of power that allow Cat Local Laws to prevent cats from wandering.

7.2 ADVOCACY FOR LEGISLATIVE REFORMS TO COUNTER LAND-BANKING

Town of Bassendean to move:

MOTION

That WALGA:

- 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. provide 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.

IN BRIEF

- Land-banking reduces the availability of sites for development.
- Premature demolition of viable housing is unacceptable in what is a dire housing shortage for this nation.
- Additional legislative changes are required to enable Local Authorities the flexibility to apply additional levies to long term unoccupied housing.

MEMBER COMMENT

The Victorian Government recently introduced the ability to tax long term unoccupied residential properties (i.e. a residential property left vacant for six months or more in a year). Victorian Councils welcomed these changes to "Vacant Residential Land Tax" (VRLT) emphasising that it is a significant step forward in addressing longstanding land-banking issues that plague many municipalities.

Tighter controls that prevent the demolition of viable housing stock prior to Development Approvals (DA) assists in closing a loophole, that has to date, increased the numbers of long term unsightly vacant blocks negatively affecting the amenity of suburbs and towns. The introduction of a levy on long term unoccupied residential homes is designed to encourage occupation or rental of those homes. In turn DA approvals that subsequently require the demolition of viable housing stock should require commencement and completion of the new development within reasonable timelines.

This will alleviate the strain on the housing market by avoiding premature demolition with the intention to retain viable housing for occupancy for as long as possible, leading to a positive impact on rental availability and affordability. All of this can be accomplished without negatively affecting the development potential of a site.

Reference Documents

Link to media "New legislation to boost housing supply and combat land-banking" by Shire of Maribyrnong: https://www.maribyrnong.vic.gov.au/News/New-legislation-to-boost-housing-supply-and-combat-land-banking.

Link to media "How the world is tackling issue of empty homes" by The Guardian: https://www.theguardian.com/society/2017/aug/02/how-the-world-is-tackling-issue-of-empty-homes.

SECRETARIAT COMMENT

Part 1a and 1b

Under Schedule 2 Clause 61 (1) of the Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations) the demolition of a single house, and any associated structure, are exempt from requiring development approval, unless the proposal is located in a heritage-protected place. Further demolition works are regulated by the *Building Act 2011* and the Building Regulations 2012, and thus the removal of a dwelling would require the issuance of a building permit before demolition is undertaken. Local Governments as permit authorities are required to issue building permits within statutory timeframes. There are limited reasons why a Local Government can refuse to issue a building permit, including where the necessary development approval has not been issued. The proposal outlined in the Town of Bassendean's motion would require amendments to both the planning and building regulatory frameworks.

It should also be noted that under the LPS Regulations and State Planning Policy 3.1 Residential Design Codes (SPP3.1) most proposals for single houses are also exempt from requiring development approval. Most proposals for grouped and multiple dwellings do require development approval.

Local Governments are able to limit the validity period of a development approval and a building permit, with substantial commencement being required before the expiry date to ensure the ongoing validity of the approval. Common lengths of approval are 24 and 48 months.

Part 1c

The LPS Regulations Schedule.2, cl.71 provides that an approved development must be substantially commenced...if no period is specified in the approval, within the period of two years commencing on the date the determination is made <u>or</u> the period specified <u>or</u> as approved, with the approval lapsing if development is not substantially commenced within the determined period.

Part (c) of the proposal, appears to seek a modified penalty to be prescribed in Planning and Development Regulation 42, enabling an infringement notice to be issued, where residential development is not substantially commenced before expiry of the approval period.

It should be noted that if the time period for commencement of development expires, the approval expires and the development application process would need to restart if the developer so chooses to proceed. Applying a penalty to an expired application would likely require amendments to the LPS Regulations and potentially the *Planning and Development Act 2005*. The modified penalty under the planning framework is currently set at \$500.

Part 1d

Proposal for mandatory register of unoccupied residential properties

Implementing the proposed register would require legislative amendment and regulatory provisions to enable collection of evidence that a habitable residential property is unoccupied continually for a prescribed period, to inform entry of a property into the register.

<u>Proposal for application of a differential rate to residential improved and long-term unoccupied properties</u>

- Local Government Act section 6.33(1)(b) already enables a differential rate to be levied for a purpose for which the land is held <u>or used as determined by the Local Government</u> e.g. Some Local Governments currently levy a differential rate for "residential improved and vacant" property.
- It is unclear if section 6.33 provisions can be interpreted as enabling Local Government
 to levy scaled differential rates applicable to specified timeframes that an improved
 residential property has been unoccupied. This may require confirmation from the
 Department of Local Government, Sport and Cultural Industries subject to advice from
 the State Solicitor's Office. If section 6.33 cannot be interpreted to enable this, then a
 legislative amendment would be required.

<u>Proposal for a "levy" to be applied to long term unoccupied residential properties</u>. Local Government Act section 6.16 limits Local Government imposition of fees and charges to goods or services provided the Local Government.

This proposal intends a penalty for long-term unoccupied residential property, which under written law would require legislative amendment to create an offence and prescribe a modified penalty / court proceedings.

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

Town of Bassendean to move:

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.

MEMBER COMMENT

The Northern Territory Government enabled Darwin to apply a "*Property Activation Levy*" to address long term vacant land or unoccupied commercial buildings, endeavouring to activate or beautify properties that generally have a negative impact the overall amenity and vibrancy of streetscapes. The Property Activation Levy incorporates the following:

- Owners of unoccupied commercial property are provided a reasonable grace period to activate their property without incurring the levy.
- Any property meeting the minimum number of listed activation options does not incur the surcharge levy applicable only to long term unoccupied commercial buildings.
- Revenue raised from the Property Activation Levy, is used on revitalisation projects of public places and land.

The purpose of the property activation levy is to encourage owners of unoccupied commercial buildings to activate and maintain their properties to improve commercial precincts with a focus on the following objectives:

- To improve the amenity of commercial precincts for residents, workers and visitors / tourists.
- Support adjoining business operators by encouraging activation of all commercial premises within precincts.
- Improve the liveability, attractiveness, safety and cultural activity of these precincts.
- Encourage the commercial precincts to thrive.

Some of the suggested activation (that must include ongoing maintenance) for unoccupied commercial premises are listed below, noting this list is not exhaustive:

- Inset graphics, art displays or other visual installations on ground level external windows and walls.
- Repaint or retile and improve ground level frontage and associated awnings over the footpath.
- Include rotating shop displays (for example Christmas, Easter, local events) or community spaces, such as for group activities, classes or study areas.
- Where setback from the road reserve exists, undertake improved landscaping.

Reference Documents:

Link to the "Property Activation Levy" document is below, and outlines a diverse number of suggested options for the activation and beautification of vacant land or unoccupied mixed use premises: https://treasury.nt.gov.au/ data/assets/pdf_file/0010/901495/derelict-vacant-property-levy.pdf.

SECRETARIAT COMMENT

WALGA's Advocacy Position 2.1.8 Differential Rates is below:

Position Statement Section 6.33 of the Local Government Act 1995 should be

reviewed in contemplation of time-based differential rating,

to encourage development of land.

Background Concern at the amount of vacant land remaining in an

undeveloped state for an extensive period of time and

holding up development opportunities.

Local Government Act section 6.33(1)(b) already enables a differential rate to be levied for a purpose for which the land is held <u>or used as determined by the Local Government</u> e.g. Some Local Governments currently levy a differential rate for "residential improved and vacant" property. This can be extended to "commercial improved" and "commercial undeveloped".

7.4 ACTION ON ASBESTOS FOR WESTERN AUSTRALIA

Shire of Dundas to move:

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.

IN BRIEF

- The Asbestos Safety and Eradication Agency (ASEA) has released its 2024-2030
 Strategic Plan, which identifies the need to take action to save lives, as asbestos materials are degrading, increasing the risk they pose.
- The approach to asbestos is unlikely to change unless Local Governments and their communities, particularly in regional areas, are provided with additional funding and support.

MEMBER COMMENT

The Asbestos Safety and Eradication Agency (ASEA) <u>2024-2030 Strategic Plan</u> identifies, more than in previous plans, the risk posed by the increasing degradation of asbestos and the need for action. State governments are currently considering the plan, but any adoption of the plan must be supported by additional funding and support from Local Governments and their communities.

There are a range of ways that asbestos management impacts Local Governments. In <u>WALGA's Submission</u> on the ASEA Strategic Plan, it was identified:

Asbestos management is an ongoing and increasing challenge for Local Government, particularly asbestos management during and following emergency events, illegal disposal of asbestos into the environment through Local Government services, and the regulation of the asbestos removal industry.

Local Governments in regional and remote areas face additional significant and complex challenges, including the limited availability and cost of suitably qualified contractors, large areas of asbestos contaminated land requiring remediation and limited ability to fund asbestos removal and communities where property with asbestos is under, or not, insured.

A whole government package of support and funding is needed to address this issue and ensure that communities are not impacted and that asbestos is removed and not just managed through legislation.

The Asbestos National Strategic Plan (ANSP) for the 2024-2030 consultation aims to address the pressing issue of asbestos-related diseases in Australia. However, the current focus of the consultation is primarily on compliance rather than actively pursuing the funding and comprehensive removal of asbestos, which is crucial for safeguarding public health.

Australia grapples with one of the highest rates of mesothelioma globally, primarily caused by asbestos exposure. Western Australia faces a higher incidence rate of mesothelioma compared to other regions, emphasising the urgency of effective asbestos management.

The ANSP endeavours to enhance asbestos awareness and promote its safe management, removal, and disposal nationwide; it is all compliance-based. It aims to eliminate asbestos-related diseases through collaboration between the Australian government, states, and territories. The plan's key objectives include eradicating asbestos-related diseases, supporting affected individuals, and advocating for a global ban on asbestos production and trade.

To implement the ANSP for 2024-2030, the Asbestos and Silica Safety and Eradication Agency (ASSEA) seeks endorsement from states and territories, including Western Australia. Should Western Australia endorse the plan, a jurisdictional action plan aligned with the ANSP would be devised to address state-specific priorities and challenges.

However, the current consultation lacks a strong emphasis on funding and actively pursuing asbestos removal to improve the ANSP and ensure a more comprehensive approach; it's imperative to advocate for increased funding and prioritise the active removal and safe disposal of asbestos across affected areas of Western Australia.

SECRETARIAT COMMENT

The ASEA Strategic Plan has identified an increasing need to take action on asbestos. As the material degrades over time there is an increasing human health risk and costs associated with removal escalate. As identified in the AGM item, WALGA's recent Submission on the ASEA Strategic Plan noted that Asbestos management is an ongoing and increasing challenge for Local Governments, particularly in regional areas, and additional focus is needed. The approach of providing targeted funding and support would assist regional Local Government to address issues such as limited availability and cost of suitably qualified contractors and ability to fund asbestos removal.

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

Shire of Dundas to move:

MOTION

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

IN BRIEF

- Housing Funding Impracticality: Local Governments face impracticalities in funding housing due to the extra budgetary constraints then placed on the Local Government.
- Financial Risk: Investment in providing housing can be risky over the long term due the
 volatility of the housing market (particularly in areas where mining is the predominant
 industry) and the constraints placed on Local Governments that are borrowing money to
 fund these builds.
- State Responsibility: Housing should be funded through state taxes and mining royalties, not Local Government budgets.

MEMBER COMMENT

All remote and regional Local Governments face challenges in attracting and retaining staff which is also true of State Govt Depts, such as Police and the Education Dept. The provision of good housing is critical in attracting staff to these areas. Any Local Governments that are exposed to the boom-bust cycle of mining, face significant challenges related to the funding and provision of the Department of Community and Government Regional Officers' Housing (GROH). The volatile boom and bust cycles of the mining industry creates an even more financially risky environment for Local Governments to invest in housing. Most remote and regional Local Government areas are smaller and have the least capacity to raise funding through rates due their smaller population bases. Budgets are already stretched to provide community infrastructure for these communities.

- Boom and bust cycles in resource-dependent communities: The mining industry is
 inherently volatile, with periods of rapid growth (booms) followed by significant
 downturns (busts). This cycle profoundly affects local economies and property
 values. When Local Governments invest in housing during a boom, they face the risk
 of property values plummeting during a bust. Currently, the nickel crisis is an
 example of how quickly and severely property values can decline, leaving Local
 Governments with significant financial losses and underutilized assets.
- Impractical Investment: Local Governments are not in a position to absorb the financial risks associated with building houses with a long-term, 'lease back' agreement to recover their investment. Housing investments should be stable and predictable, (which is not the case in resource-dependent communities). If smaller Local Governments are seeking to borrow funds for these builds, they are then denied an opportunity to borrow for other community infrastructure projects that may be more of a local priority.
- State Responsibility: The function to supply and maintain Department of Communities and GROH housing in remote communities is a State Govt responsibility and should be funded through state taxes and royalties.

All remote and regional Local Governments urge WALGA to advocate for the State government to fully fund construction and maintenance of Department of Communities and GROH housing. Local Governments should not bear the financial risks associated with the provision of social and State agency housing. Funding of this housing by Local Governments impacts their sustainability and ability to fund their core responsibilities for their communities such as, asset management, staff retention, and roads.

SECRETARIAT COMMENT

The GROH Program provides housing for public sector employees providing essential services in regional and remote locations to attract and retain staff. The Department of Communities uses partnerships to increase supply of GROH housing in addition to its own capital investment and refurbishment programs. Partnerships include build to lease agreements, which Local Governments are eligible to apply to. The Department of Communities also provides subsidised rental accommodation to eligible low-income households across Western Australia commonly referred to as public or social housing. Public housing is owned and managed directly by the Department of Communities. Social housing can be owned and or maintained by a third party, typically Community Housing Providers.

In a 2024 WALGA survey, 100 percent of respondents viewed housing as a major challenge in their Local Government area and 64 percent stating that the lack of Government Regional Officer Housing (GROH) housing is "very challenging" or "extremely challenging".

Housing supply continues to be a priority issue for both the Australian and State Government. The Australian Government's 2024-2 budget included an additional \$1 billion to states and territories to deliver new housing including for connecting essential services such as water, power, sewerage and roads. This investment underpins the Federal Government commitment to increasing housing supply through the National Housing Accord, Housing Australia Future Fund and Social Housing Accelerator initiatives. The WA Government committed an additional \$43.8 million to the GROH program in the 2024-25 State Budget. The State budget also included \$400 million to expand the Social and Affordable Housing Investment Fund and \$179 million for maintenance of existing social and GROH housing.

WALGA is advocating for the State Government to work with the Local Government sector on the delivery of these investments, including ensuring member views are considered in relation to critical housing need. WALGA's 2025 State Election platform calls for State Government to create a comprehensive long-term strategy to address the entrenched shortage of social, affordable and key worker housing and to undertake a review of the GROH program to improve coordination and responsiveness to regional housing needs and provide Local Government's with greater scope to invest in GROH housing.

7.6 ADVOCACY FOR ACCESSIBILITY

Town of Victoria Park to move:

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.

IN BRIEF

- Advocacy for adoption of National Construction Code minimum accessibility standards
- Australia should have national building standards guaranteeing new homes have access for all abilities.
- WALGA should develop a policy to reflect its organisation commitment to accessibility, including but not limited to ensuring any venues WALGA utilises for its services or events have universal accessibility entry points (and are not dependent on one accessible entry point).

MEMBER COMMENT

Advocacy for adoption of National Construction Code minimum accessibility standards:

- Several years ago, at the direction of Commonwealth and State Ministers, the Australian Building Codes Board (ABCB) undertook a rigorous consultation process with experts and stakeholders to develop minimum accessibility requirements for Class 1a buildings (houses) and Class 2 sole-occupancy units (apartments) in the National Construction Code (NCC). The objective was to ensure that housing is designed to meet the needs of the community, including those with disability and older Australians.
- In 2021, minimum accessibility provisions were introduced for residential housing and apartments into the NCC based on Liveable Housing Design Guidelines (LHDG) silver standards.
- The NCC 2022 has seven minimum standards ensuring all new homes are accessible, with modifications including step-free entrances and showers, and wider doors and corridors that can accommodate wheelchairs and walking aids.
- The 2023 Disability Royal Commission Report recommended that all states and territories should adopt the minimum LHDG standards as soon as possible.
- In 2024, the ABCB has estimated that the additional cost to implement the minimum accessible design standards is between \$2,900 and \$4,400 per home, depending on the type of dwelling. The features covered by the LHDG standards are not a big ask and our communities will end up with better quality housing that is future-proof.
- To date, the WA Government, along with NSW, are the only states who have not adopted the NCC minimum LHDG silver standards.

SECRETARIAT COMMENT

The National Construction Code (NCC) is a uniform set of technical provisions for the design and construction of buildings and other structures, and plumbing and drainage systems throughout Australia.

The NCC is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Commonwealth and all State and Territory government and is given legal effect through legislation at the state and territory level. The NCC is reviewed every 3 years, based on required regulatory practices, industry research, public feedback and policy directions.

The goal of the NCC is to enable the achievement of nationally consistent, minimum necessary standards of relevant safety (including structural safety and safety from fire), health, amenity and sustainability objectives efficiently. The NCC has traditionally included a part focused on access for people with a disability, setting out deemed-to-comply solutions and general building requirements for buildings based on their classification, for class 2-9 buildings. For the 2022 edition of the NCC new requirements titled the 'livable housing design' requirements, based on the Livable Housing Design Guidelines (silver level), were incorporated into both volumes of the NCC.

These requirements apply to all dwelling types, including new Class 1a (single house) buildings. The purpose of these changes was to help increase the stock of housing that is adaptable and better able to meet the needs of older people and people with mobility limitations. The Deemed-to-Comply provision of the new requirements, called the <u>ABCB Livable Housing Design Standard</u>, covers:

- Providing step-free access to the home.
- Making doorways and hallways easier to use for people with reduced mobility.
- Providing extra space in the bathroom and toilet.
- Wall reinforcing in the bathroom and toilet, to make it easier to install grabrails if needed in the future.

The NCC is implemented into Western Australia's building regulatory system through amendments to the Building Regulations 2012, with the NCC 2022 commencing operation in WA on 1 May 2023, following a 12-month transition period. In announcing the implementation of the NCC 2022, the State Government indicated that it had considered the current challenges facing the building and construction industry and as a result decided that some provisions, including energy efficiency, would have a longer transitional period and that the mandatory liveable (accessible) housing provisions would not be applied in Western Australia. In making this determination the Government indicated it would continue to monitor the situation in the building industry and the housing market. New South Wales and South Australia also determined to not support the new requirements. There is no indication, at time of writing, that the State Government has progressed in its consideration of the livable housing design requirements.

WALGA's Building Act and Regulations Advocacy Position

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth.

The Association has the following endorsed positions:

- 1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
- 2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
- 3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.
 - d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
- 4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
- 5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
- 6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

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 <u>Advocacy Positions for a New Local Government Act</u>

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 ACCESSIBLITY

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

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 ACCESSIBLITY 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. METHOLD 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.



INFOPAGE

To: All Local Governments From: Tony Brown,

Executive Director Member Services

Last Updated: 4 September 2024

Date: 6 September 2024

Subject: Local Government Elections – Advocacy Positions

Operational Area:	Governance				
Key Issues:	 Local Governments are being asked to consider WALGAs current and alternative advocacy positions as they relate to Local Government Elections Local Government decision (Council) required by 28 October Template Agenda Item provided to assist Council in preparing their positions 				
Action Required:	Council Decision to WALGA by 28 October 2024 for inclusion in the December 2024 State Council Agenda				

WALGA recently undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of legislative reforms to the Local Government electoral process. 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 of conducting Local Government elections in Western Australia.

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

Since 2008, WALGA has surveyed the sector on five occasions and at all times the sector has supported the following:

- first-past-the-post method of counting votes,
- voting at Local Government elections to be voluntary, and
- four-year terms with a two-year spill.

All Local Governments are now being asked to provide a Council decision on WALGAs advocacy positions as they relate to Local Government Elections, to see if the positions are still current.

To inform an item for the December meeting of State Council, Council decisions are requested by <u>Monday 28</u> <u>October 2024</u>. Local Governments will also be able to provide feedback through the November round of Zone meetings. To assist Councils in compiling their positions, WALGA has drafted a template Agenda Item.

For more information, please contact:

Tony Brown, (08) 9213 2051, tbrown@walga.asn.au

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 Nil

Interest:

Date: 12 September 2024

Author: Stan Scott

Attachments 9.2.4A Information from applicant

9.2.4B Location plan

9.2.4C Outbuilding Fact Sheet9.2.4D Outbuildings Policy

9.2.4E Planning and Development (Local Planning Schemes)

Regulations 2015 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 Zincalume.

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					
	Front	Side	Rear	of site	
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:

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:

- 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 plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
- 2. 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.
- 3. The external walls of the shed are clad in Colourbond colours to the satisfaction of the local government.
- 4. 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.

ADVICE:

- A) 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.
- B) 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.
- C) 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.
- D) 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.
- E) 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.

Attachment 9.2.4A

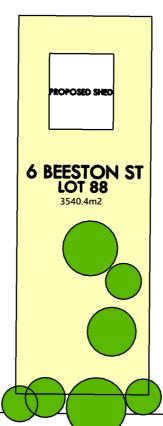
Applicant Responses to Questions

There are a few more pieces of information that will be required before I can put it to Council for decision:

- 1. The application indicates that the shed will be used for a workshop and storage. We need to know whether this use will be for a commercial of domestic purpose. There are residences nearby so the impact on neighbours is a consideration.
- The shed will only be used for personal domestic purposes only.
- 2. The plans indicate that the wall height is 4 metres. Can you advise the height of the top of the roof gable? Someone smarter than me could probably work it out from the dimensions and the roof pitch but it is easier to ask.
- Maximum height of the shed at the peak is 4.75m.
- 3. What material (Zincalume of Colour bond) is proposed for the walls and roof.
- It will be monument colour wall and zincalume colour roof.
- 4. Does the owner propose to build a house on the property, and if so when is that likely to occur?
- Yes, he said he will also build a house on the property in approximately 18 months.

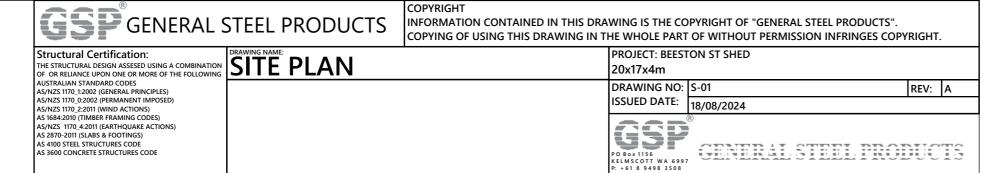
SITE PLAN SCALE: 1:1000 @ A3 6 BEESTON ST, CUBALLING





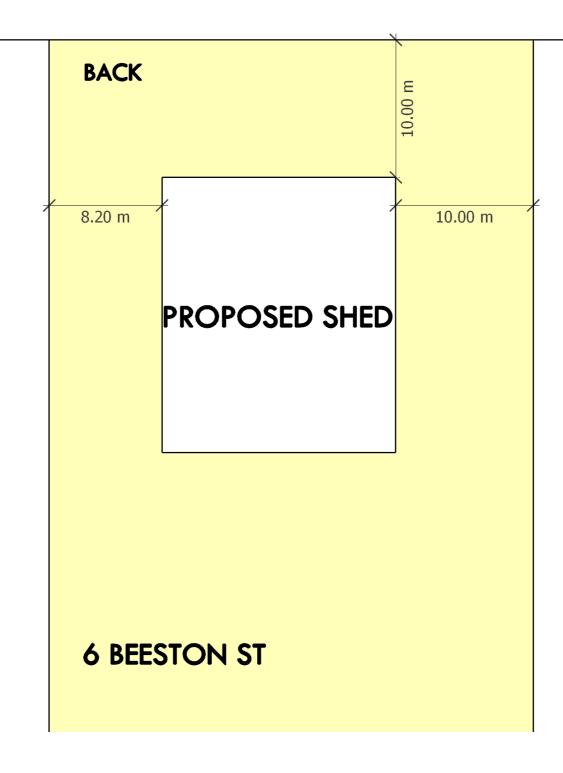
BEESTON STREET





SITE PLAN DIMENSIONS SCALE: 1:1000 @ A3 6 BEESTON ST, CUBALLING









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Structural Certification:
THE STRUCTURAL DESIGN ASSESED USING A COMBINATION
OF OR RELIANCE UPON ONE OR MORE OF THE FOLLOWING
AUSTRALIAN STANDARD CODES
AS/NZS 1170_1:2002 (GENERAL PRINCIPLES)
AS/NZS 1170_0:2002 (PERMANENT IMPOSED)
AS/NZS 1170_2:2011 (WIND ACTIONS)
AS 1684:2010 (TIMBER FRAMING CODES)
AS/NZS 1170_4:2011 (EARTHQUAKE ACTIONS)
AS 2870-2011 (SLABS & FOOTINGS)

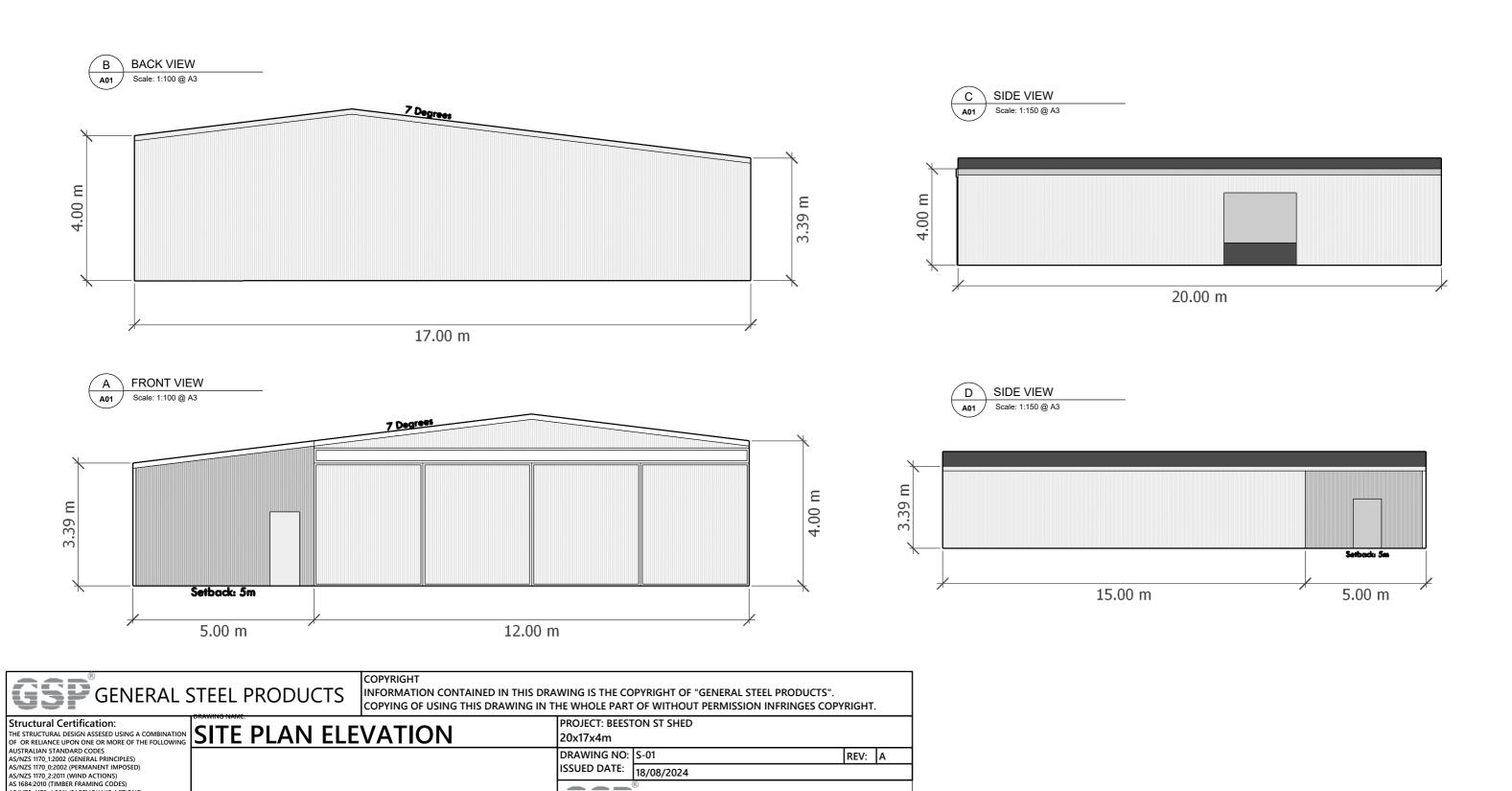
AS 4100 STEEL STRUCTURES CODE AS 3600 CONCRETE STRUCTURES CODE

DRAWING NAME:		AFNICIONIC	PROJECT: BEESTON ST SHED	
i	SITE PLAN DIM	<u>/IENSIONS</u>	20x17x4m	
			DRAWING NO:	S-01
		ISSUED DATI	ISSUED DATE:	18/08/2024
				(R)

REV: A

SITE PLAN ELEVATION SCALE: 1:100 @ A3 6 BEESTON ST, CUBALLING

AS/NZS 1170_4:2011 (EARTHQUAKE ACTIONS) AS 2870-2011 (SLABS & FOOTINGS) AS 4100 STEEL STRUCTURES CODE AS 3600 CONCRETE STRUCTURES CODE



REV: A

DRAWING NO: S-01

18/08/2024

ISSUED DATE:

This fact sheet sets out land use planning considerations relevant to **outbuildings** on land in Western Australia.

This fact sheet has been prepared to assist in interpreting the definition and treatment of outbuildings in planning instruments, particularly in the implementation of *State Planning Policy 7.3: Residential Design Codes Volume 1* (R-Codes) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

What is an outbuilding?

An outbuilding is defined by the R-Codes as "an enclosed non-habitable structure that is detached from any dwelling." Based on this definition, an outbuilding requires a dwelling.

Outbuildings are also known as sheds, barns and workshops, with varying design, size and construction materials. They may be pre-constructed, transported to and then placed on land, and are capable of being adapted for various uses. For clarity purposes, this fact sheet refers to outbuildings where the R-Codes apply, and sheds in other circumstances.

Outbuildings / sheds are not always associated with residential development, and may be considered works associated with other land uses e.g. a light industry with a shed for storage and repairs. However, a shed with no dwelling and no other associated land use would be best described as 'warehouse / storage', as defined in the Regulations.

Do outbuildings require development approval?

In a residential setting, outbuildings are assessed against the R-Codes and local planning scheme. The R-Codes are applied in local planning schemes as if they were part of the scheme, and principally apply to residential zoned land. R-Code requirements and outbuilding standards may be applied to other zones if prescribed by the local planning scheme. Local planning policies can also provide exemptions from development approval, and be used to vary the R-Codes.

Exemption for requiring development approval under the deemed provisions

Under clause 61 of the deemed provisions of the Regulations, the erection or extension of an outbuilding is exempt from development approval where:

- the R-Codes apply, and the outbuilding satisfies the deemed-to-comply requirements
- the outbuilding is on the same lot as a single house or a grouped dwelling
- the outbuilding is not located in a place that is the subject of an order, a heritage agreement, or in the Register of Heritage Places under the Heritage Act 2018, or in a heritage area or on a heritage list under a local planning scheme
- the outbuilding is not located within a special control area or a bushfire prone area as designated by the Fire and Emergency Services Commissioner under the Fire and Emergency Services Act 1998 (as amended), for which development approval may be required.

Clause 5.4.3 of the R-Codes sets out the outbuildings design principle and deemed-to-comply requirements. This is to protect the streetscape and visual amenity by requiring outbuildings to have a relatively small floor area, be low in height, and located away from view.

The deemed-to-comply requirements are satisfied if the outbuilding is – (1) not attached to a dwelling (2) non-habitable (3) maximum area 60m² (aggregate) or 10% of site (whichever is less) (4) maximum wall height of 2.4m (5) maximum ridge height of 4.2m (6) located behind street front setback (7) private open space requirements are met and (8) boundary setbacks achieved.

Other exemptions from development approval

A local government may add supplemental provisions to its scheme to set out exemptions from requiring development approval. This is typical for sheds in rural and rural residential areas. A local planning policy (LPP) can also provide exemptions and set out parameters in more detail.

Situations where a development approval is required

Where the R-Codes apply, development approval for outbuildings is required when:

- there are no specific exemptions from development approval in the local planning scheme or a LPP
- 2. the deemed-to-comply requirements are not satisfied.

The proposed outbuilding would be assessed against the outbuildings design principle in the R-Codes - "Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."

Where the R-Codes don't apply, development approval for a shed is required when:

- 1. there are no specific exemptions from development approval in the local planning scheme or a LPP
- 2. the shed is not associated with a dwelling.

Purpose of outbuilding

A shed structure is not an outbuilding if it is proposed on a lot without a dwelling. A land use must then be identified in the proposal consistent with the purpose of the proposed structure.

The 'warehouse / storage' use is the most suitable if the shed is not associated with a land use such as agriculture or light industry. Outbuildings and sheds are not land uses in themselves, therefore a land use needs to be established to determine whether it is permissible under the local planning scheme. For example, if a property has an approved or permitted use, the proposed shed may be applied for to store materials, equipment, plant associated with that use.

Where outbuildings are proposed to be separated from a dwelling by way of subdivision, there will often be a condition to demolish the separated outbuilding.

Without a dwelling, a shed by itself takes on a warehouse / storage land use, which is not usually permitted in a residential zone.

Scheme provisions for outbuildings / sheds

The deemed provisions, R-Codes and LPP are the primary instruments used to regulate outbuildings and sheds. Provisions may be inserted that provide guidance for non-residential zones if development control and/or exemptions are required. Provisions could address matters such as location, size, design, materials, appearance, and/or amenity considerations.

OUTBUILDINGS

When WAPC approval is required to vary the R-Codes in a LPP

LPPs are the most flexible instrument to govern the development of outbuildings / sheds. Clause 7.3.2 of the R-Codes also allows a local government (with approval of the Western Australian Planning Commission) to vary the deemed-to-comply requirements for outbuildings through a LPP.

A LPP can vary the R-Codes outbuildings deemedto-comply requirements other than requirements 1 and 2 (that it's not habitable and is associated with a dwelling), which is reflected in the outbuilding definition.

When requesting WAPC approval for variations to the R-Codes in a LPP, the proposal needs to: outline the need for the variation specific to that locality or region; be consistent with the objectives and design principles; and, be capable of implementation as part of the ongoing building approval process.

Reasons to vary the R-Codes may include: the needs of a locality or region; expectations and needs of residents; climate; lifestyle; desired built form; and, to provide for orderly and proper planning outcomes.

Variations may provide more flexibility, or set more stringent requirements. For example, an outbuilding's maximum wall height requirement may be impractical for items proposed to be stored and a variation could provide for a greater height.

When WAPC approval is not required

LPPs that provide development exemptions or guidance in other zones, and/or addresses visual impact/amenity do not require WAPC approval. For example, visual impacts could be avoided or managed by directly locating behind a dwelling; taking advantage of landform; requiring design, scale, construction materials and finishes to be sympathetic to the built or landscape character; providing for screening materials including existing or planted trees and vegetation.

Local governments could have a LPP that deals with outbuildings. The WAPC only determines the parts of a LPP that sets variations to the R-Codes, leaving flexibility for the local government elsewhere in the LPP.

Temporary habitation of outbuildings

A shed cannot be characterised as an outbuilding if there is no association with a habitable dwelling on the same lot.

However, an outbuilding may be part of a development proposal that includes a dwelling, with the outbuilding intended to be constructed first, to store the materials/equipment for the dwelling construction. As there is a risk that the outbuilding may be constructed and used without a dwelling, conditions of development approval may be required to control the timing of construction to ensure that the outbuilding is developed in association with the dwelling and not before.



While some local governments have allowed people to live in sheds while dwellings are constructed, this is a breach of building legislation unless they have been converted to a habitable standard (class 1), as sheds are classified as class 10 structures, which are non-habitable.

Regulation 11(2)(c) of the Caravan Parks and Camping Grounds Regulations 1997 provides for occupation of one caravan on site for up to year, which may be considered in conjunction with a development application. Such use may be linked to conditions such as; having a building permit for the dwelling; a statutory declaration acknowledging that use of the caravan is temporary; ensuring there is suitable provision made for water supply and effluent disposal; and the caravan being located within an outbuilding.

Temporary uses are also considered under section 61 of the deemed provisions, which could also be used for a caravan.

Are shipping containers outbuildings?

As a shipping container is a structure that is typically enclosed and not used for habitable purposes, it falls within the definition of an outbuilding. The two most common sizes of shipping containers are typically referred to as 20 and 40 footers.

Shipping containers & the R-Codes	Internal length	Internal width	Internal height	Internal floor area
20	5.9m	2.35m	2.4m	13.86m²
40	12.03m	2.35m	2.4m	28.27m²
R-Code deemed to comply	Silent	Silent	Wall height 2.4m	60m² or 10% of lot

Depending on the dimensions and placement of a shipping container, it may be capable of meeting the deemed-to-comply requirements of the R-Codes. If a local government has concerns about the appearance of this kind of outbuilding or shed, the solution is to introduce scheme provisions or a LPP that deals with visual impacts including design, materials and finishes.

OUTBUILDINGS

Where a shipping container does not meet the definition of an outbuilding under the R-Codes or an applicable LPP, it will require development approval against the most applicable land use under the local planning scheme.

LOCAL PLANNING POLICY OUTBUILDINGS

Within all Rural Townsite and Rural Residential zoned land and on General Agricultural zoned lots with an area of 2ha or less, planning approval may be granted to outbuildings appurtenant to any dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any dwelling on site and provided the proposed development complies with the following:

- (a) In the Rural Townsite and Rural Residential zones of the Shire, where the lot size is 1500m² or less in area:
 - (i) Zincalume construction, where the total outbuilding does not exceed 55m² in floor area;
 - (ii) Colourbond construction, where the total outbuilding does not exceed 65m² in floor area;
 - (iii) Masonry construction and/or where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m² in floor area and no parapet wall is greater than 8 metres in length.
- (b) In Rural Townsite and Rural Residential zones of the Shire where the lot size is over 1500m² or on General Agricultural zoned lots with an area of 2 ha or less;
 - (i) Zincalume construction, where the total outbuilding does not exceed 85m² in total floor area;
 - (ii) Colourbond construction, where the total outbuilding does not exceed 120m² in total floor area;
 - (iii) Masonry construction and/or where the total outbuilding has walls constructed of the same materials and appearance as the house and does not exceed 170m² in total floor area.
- (c) Wall height of any outbuildings not to exceed 3 metres. In the case of gable floor construction, the maximum height is not to exceed 4 metres.
- (d) Prior to the considering a parapet wall construction on any boundary, the applicant will present to Council with written agreement to the same by any affected adjoining landowner.
- (e) The applicant providing the Local Government with a written undertaking that the outbuilding constructed will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Scheme.

- (f) Any application for planning approval which does not comply with the above shall be referred to Council for consideration.
- (g) No planning approval will be granted for any outbuildings on any Rural Townsite or Rural Residential zoned lot which does not contain a residence.
- (h) Setbacks from boundaries for Outbuildings
 - (i) If attached to the dwelling the setbacks for an outbuilding shall be a minimum of 1.0 metre from side boundaries with eaves not closer than 0.75 metres to a side boundary in the Rural Townsite Zone. Setback to the rear boundary shall be as specified in the Residential Design Codes for Rural Townsite zoned lots and/or a minimum of 10 metres for Rural Residential zoned land.
 - (ii) If detached from the dwelling, outbuildings shall be at least 1.8 metres clear of the dwelling with a minimum setback of 1.0 from the side boundary and 1.2m from the rear boundary in the Rural Townsite Zone and shall be a minimum of 10 metres rear setback in the Rural Residential Zone.

67. Consideration of application by local government

- (1) Development approval cannot be granted on an application for approval of
 - (a) development that is a class X use in relation to the zone in which the development is located, unless
 - (i) the development relates to land that is being used for a non-conforming use; and
 - (ii) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use;

or

- (b) development that otherwise does not comply with a requirement of this Scheme, unless
 - (i) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or
 - (ii) the development is permitted under a provision of this Scheme in relation to non-conforming uses.
- (2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application
 - (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
 - (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
 - (c) any approved State planning policy;
 - (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
 - (e) any policy of the Commission;
 - (f) any policy of the State;
 - (fa) any local planning strategy for this Scheme endorsed by the Commission;
 - (g) any local planning policy for the Scheme area;
 - (h) any structure plan or local development plan that relates to the development;
 - (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
 - (k) the built heritage conservation of any place that is of cultural significance;
 - (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
 - (m) the compatibility of the development with its setting, including
 - (i) the compatibility of the development with the desired future character of its setting; and

- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.
- (3) Subclause (1) has effect despite the zoning table for this Scheme.

[Clause 67 amended: SL 2020/252 r. 74.]

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 Nil

Interest:

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:

- 5. Approve the Development Application with no conditions.
- 6. Approve the Development Application with conditions.
- 7. Refuse the Development Application (providing reasons); or
- 8. Defer and seek additional information.

Voting Requirements - Simple Majority

OFFICER'S RECOMMENDATION:

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:

- 5. 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.
- 6. 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.
- 7. The external walls and roof of the storage shed are clad in Colourbond colours to the satisfaction of the local government.
- 8. The storage shed is not used for commercial, industrial or habitable purposes.

ADVICE:

- F) 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.
- G) 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.
- H) 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.
- I) 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.
- J) 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.



Desiree Martinez

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BUILDING
SHIRE OF CUBALLING
PO Box 13
Cuballing WA 6311

To whom it may concern,

RE: 35 King Street, Popanyinning

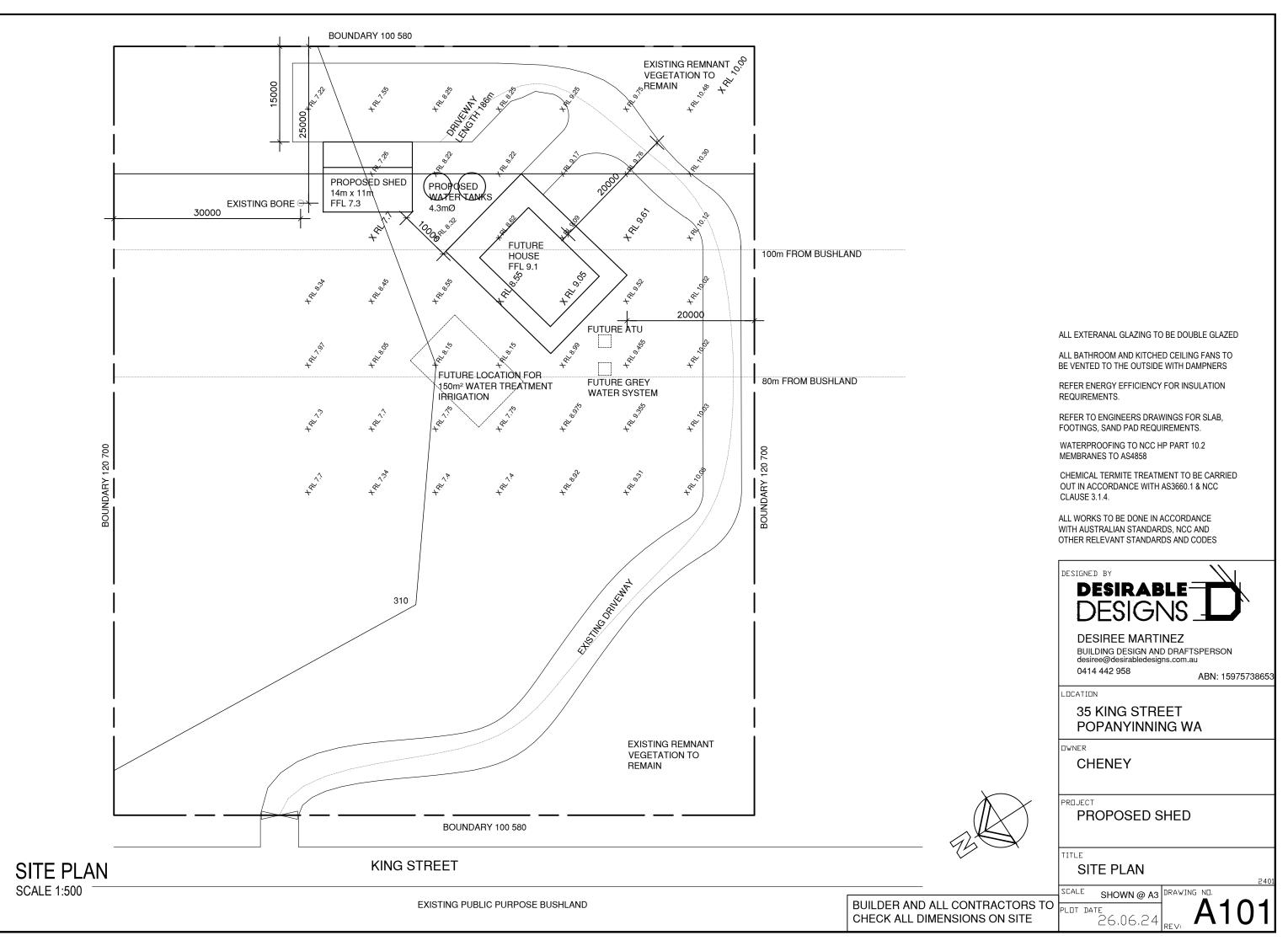
The owners are needing to move more of their belongings to the site ahead of their pending Proposed House application. Would the Shire please consider allowing a Building Licence for the Shed to proceed ahead of the House Building Licence. The House proposal is underway, but as you are aware, documentation for the house takes a little longer than the shed. The Proposed House Building Licence documents will be submitted to the Shire when they are finalise, which will be as soon as possible.

If the Shire agrees to the Shed Building licence being submitted now, I will have the Owners sign the Building Licence Forms to proceed.

Please advise the Shires position on this proposal. I have included all the documents for your perusal.

Regards,

Desiree Martinez



9.3 MANAGER OF WORKS AND SERVICES:

Nil

9.4 **COMMITTEE REPORTS:**

Nil

10. REPORTS OF OFFICERS AND COMMITTEES:

Nil.

11. <u>ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:</u>

Nil

12. <u>URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:</u>

Nil

13. CONFIDENTIAL MATTERS:

12.1 Rates Debtor Interest Write Off - CONFIDENTIAL

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: