



Shire of Mukinbudin

UNCONFIRMED MINUTES

Ordinary Meeting of Council

Meeting held in Council Chambers at
15 Maddock Street, Mukinbudin
Commencing at 1.03pm Tuesday 17th August 2023

****** DISCLAIMER ******

Disclaimer:

The Shire of Mukinbudin assumes no responsibility for any act, omission, statement, or implication arising during Council or Committee meetings. The Shire of Mukinbudin explicitly disclaims any liability for any loss incurred as a result of reliance on such acts, omissions, statements, or implications by any individual or legal entity. Any person or legal entity who chooses to act or refrain from acting based on statements, acts, or omissions made during Council or Committee meetings does so at their own risk.

In particular, it should be noted that in discussions pertaining to planning applications or license applications, any statements or implications of approval made by members or officers of the Shire of Mukinbudin during meetings should not be construed as official notice of approval from the Shire of Mukinbudin. The Shire of Mukinbudin advises that individuals with pending applications must obtain written confirmation of the application's outcome and should only rely on such written confirmation, including any attached conditions determined by the Shire of Mukinbudin.

Ethical Decision Making and Conflicts of Interest:

Council adheres to a code of conduct and ensures that all decisions are based on an honest assessment of the matter, ethical decision-making, and personal integrity. Councillors and staff members comply with statutory requirements to disclose financial, proximity, and impartiality interests. Once declared, they abide by the relevant legislation.



Dirk Sellenger
CHIEF EXECUTIVE OFFICER

Vision Statement

To assist our community towards a prosperous future by providing a positive environment in which to work and live.

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AGENDA

Agenda of the Ordinary Meeting of Council to be held in Council Chambers, Maddock Street, Mukinbudin on Tuesday 15th August 2023.

1. Declaration of Opening

The Shire President declared the Meeting open at 1.03pm

2. Record of attendance, apologies, and approved leave of absence

2.1 Present:

Cr G Shadbolt	Shire President
Cr R Nicoletti	Deputy President

Cr G Bent
Cr A Farina
Cr C McGlashan
Cr J Seaby
Cr Ventris
Cr A Walker

2.2 Staff:

Dirk Sellenger	Chief Executive Officer
Renee Jenkin	Manager of Corporate and Community Services
Jess McCartney	CRC Coordinator

2.3 Visitors:

2.4 Apologies:

Cr S Paterson

2.5 On leave of absence:

2.6 Applications for leave of absence:

Cr Farina requested a leave of absence for the September 2023 Ordinary Meeting of Council.

OFFICER RECOMMENDATION

Council Decision Number – 01 08 2023

Moved: Cr Ventris

Seconded: Cr Nicoletti

That Cr Farina be granted a leave of absence for the September 2023 Ordinary Meeting of Council/

Carried 7 / 0

3. Public Question Time (min 15 minutes)

3.1 Response to previous questions taken on notice.
Nil

3.2 Declaration of public question time opened (minimum 15 mins)

The Shire President to declare public question time open at 1.05pm.

3.3 Declaration of public question time closed

The Shire President to declare public question time closed at 1.05pm.

4. Declarations of Interest

Nil

5. Petitions, deputations, and presentations

5.1 Petitions

5.2 Deputations

5.3 Presentations

6. Announcements by the Presiding person without discussion

Cr Shadbolt expressed his appreciation to the Council for the 2023 WALGA Eminent Award Nomination.

7. Confirmation of the Minutes of previous meetings

7.1 Confirmation of Minutes for the Ordinary Meeting of Council held on the 18th July 2023.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number – 02 08 2023

Moved: Cr Walker

Seconded: Cr Ventris

That the Minutes of the Ordinary Meeting of Council held on the 18th July 2023 be accepted as a true and correct record of proceedings.

Carried 8 / 0

8. Committee Meetings

8.1 Receipt of Minutes of Committee Meetings

- 8.1.1 NewTravel General Meeting held 27th July 2023
[NewTravel Minutes](#)

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number – 03 08 2023

Moved: Cr Bent

Seconded: Cr Nicoletti

That the Minutes of the following committee meetings be received.

- **NewTravel General Meeting held 27th July 2023**

Carried 8 / 0

8.2 Recommendations from Committee Meeting for Council Consideration

9.1 Monthly Information Report

9.1.1 August 2023 Information Report	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12 th August 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	August Information Report
Documents Tabled	Nil

Summary

The purpose of this communication is to enable the Council to receive the Monthly Information Report, which includes reports from key personnel, namely the Environmental Health Officer, Caravan Park Manager, Acting Manager of Works, Community Resource Centre Coordinator, Manager of Corporate and Community Services, and the Chief Executive Officer.

Background Information

The Monthly Information Report serves as a means to provide Council with updates on various operational matters within the Shire of Mukinbudin. These reports offer valuable insights into the performance and progress of the respective areas under the purview of the aforementioned personnel.

Officer Comment

Refer to August Information Report.

Consultation

Allan Ramsay – Environmental Health Officer

Tania Sprigg - Caravan Park Manager

Bob Edwards – Acting Manager of Works

Jessica McCartney – Community Resource Centre Coordinator

Renee Jenkin – Manager of Corporate and Community Services

Dirk Sellenger – Chief Executive Officer

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

OFFICER RECOMMENDATION

Council Decision Number – 04 08 2023

Moved: Cr Ventriss

Seconded: Cr McGlashan

That Council receive the August 2023 Information Report.

Carried 8 / 0

9.2 Finance Reports

9.2.1 List of Payments – July 2023	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Edward Nind – Finance Manager
Date:	7 th August 2023
Disclosure of Interest:	Nil
Responsible Officer:	Edward Nind – Finance Manager
Author:	Lucia Scari – Senior Finance Officer
Voting Requirements	Simple Majority
Documents Attached	List of Payments – Municipal Account (5 pages) List of Payments – Restricted Muni Account (1 page) Corporate Credit Card Statement July 2023 (4 pages) Credit Card Summary July 2023 (1 page)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please see the Finance Manager prior to the meeting so that a researched answer may be provided.

Summary

List of payments made in July 2023 for endorsement by Council.

Background Information

A list of payments submitted to Council on 15th August 2023, for confirmation in respect of accounts already paid or for the authority to those unpaid. (Please refer to Payment listing attached).

Officer Comment

Standard process of obtaining Council endorsement of payments.

Strategic & Social Implications N/A

Consultation N/A

Statutory Environment

A list of payments is required to be presented to Council as per section 13 of the Local Government (Financial Management) Regulations 1996.

Policy Implications

Council Policy No. 1.6.5 (e) states that a list of payments is required to be presented to Council each month in accordance with Financial Management Regulations 13(1) for recording in the minutes.

Financial Implications

All payments have been made in accordance with the 2023/2024 Budget.

OFFICER RECOMMENDATION

Council Decision Number – 05 08 2023

Moved: Cr Ventris

Seconded: Cr McGlashan

That the list of payments made in July 2023, be endorsed for payment.

Municipal Fund:

Muni EFTs	EFT 8238	to	EFT 8317	\$264,175.64
Muni Cheques	Chq 31954	to	Chq 31956	\$9,889.66
Muni Direct Debits (Superannuation, loans, leases)	DD 10606.1	to	DD 10606.10	\$41,553.96
Pays on (Not included on payment listing)	05/07/2023 & 19/07/2023			\$93,613.51
Total Municipal Funds				\$409,232.77

Restricted Muni Fund:

RMF EFTs	EFT -	to	EFT -	\$0.00
RMF Cheques	Chq -	to	Chq -	\$0.00
RMF Direct Debits	DD 10614.1	to	DD 10736.1	\$16,293.50
Total Restricted Muni Funds				\$16,293.50

Carried 8 / 0

9.2.2 Monthly Statement of Financial Activity Report – 31 July 2023	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	9 th August 2023
Disclosure of Interest:	Nil
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	Statement of Financial Activity – For the period ended 31 July 2023 (18 Pages) Schedules 2 to 14 For the period 1 July 2023 to 31 July 2023 (69 Pages)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please discuss these queries with the Finance Manager so that a researched answer may be provided for you.

Summary

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995 and Local Government (Financial Management Regulations 1996)*.

The Monthly Statement of Financial Activity Report attached for consists of;

Statement of Financial Activity comprising:

1. Acquisition of Assets
2. Disposal of Assets
3. Information on Borrowings
4. Reserves
5. Net Current Assets
6. Rating Information
7. Restricted Municipal and Trust Funds
8. Operating Statement
9. Statement of Financial Position
10. Financial Ratios
11. Grants Revenue
12. Bank Balances & Investment Information

Schedules 2 - 14

Background Information

Unspent grants and prepayments received are identified in Note 5. "Net Current Assets " in the Statement of Financial Activity, however at the time of writing they will be impacted by adjustments yet to be made to the liabilities at 30 June 2023.

The NRM Grants have now been finalized with unspent funds having been returned to the grant provider.

At the time of writing the 2023-2024 budget is yet to be adopted. As a result budget information has been excluded from the Statement of Financial Activity and the Schedules.

Council is yet to adopt its policy material variations to be reported, typically set at \$10,000 and 10%.

As there is no budget against which to report material variations no variations have been reported for the reporting period.

The "Actual" brought forward surplus from 2022/2023 is \$2,363,267. This is not the final figure as further end of year accounting adjustments are yet to be completed and some 2022-2023 invoices are still being received.

In June 2023 we received \$1,927,705 as Advance Grants for 2023-2024. \$1,254,521 was General Purpose Funding and \$673,184 was Road funding.

Without these advance payments of \$1,927,705 the brought forward amount would be \$435,564.

Officer Comment

At 31 July 2023 the end of month position is a surplus of \$2,146,072, this includes the \$1,297,671 advance Financial Assistant Grant payments for the 2022-2023 financial year.

Without these advance payments of \$1,297,671 the end of month position would be a surplus of \$218,367.

The WA Local Government Grants Commission have advised that the "*... advance payments do not reflect 100% of each local governments total 2023-24 grant allocation ...*" and "*... some local governments will be receiving extremely limited or no quarterly payment in 2023-24 ...*".

At the time of writing we have not received any advice with respect to any Financial Assistance Grant payments that may be received in 2023-2024.

Strategic & Social Implications N/A

Consultation N/A

Statutory Environment

General Financial Management of Council, Council 2022/23 Budget, *Local Government (Financial Management) Regulations 1996, r34, Local Government Act 1995, section 6.4.*

Policy Implications

Council is required annually to adopt a policy on what it considers to be material as far as variances that require to be reported for Council.

Council adopted a policy on 23 August 2022 that the material variation be set at \$10,000 and 10%.

Financial Implications

There is no direct financial implication in relation to this matter.

OFFICER RECOMMENDATION

Council Decision Number – 06 08 2023

Moved: Cr Farina

Seconded: Cr Nicoletti

That Council adopt the Monthly Financial Report for the period ending 31 July 2023.

Carried 8 / 0

9.3 Chief Executive Officer's Reports

9.3.1 Register of Delegations - Development Approvals/Planning Determinations	
Location:	All of Shire
File Ref:	ADM 309
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	3 rd August 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	Register of Delegations
Documents Tabled	Nil

Summary

To present Council a request to review and adopt the Register of Delegations document which delegates authority to the Chief Executive Officer (CEO) to grant, modify or refuse Development Applications under the Planning and Development Regulations 2015. Delegation No 45: Development Approvals/Planning Determinations.

Background Information

Under the *Local Government Act 1995* there are basically two types of delegations Council may make:

- Delegations to a Committee of Council or
- Delegations to the CEO

Officer Comment

The Council's decision from the April Ordinary Meeting involved establishing a delegation for the CEO, aimed at introducing a certain level of flexibility. This delegation is specifically designed to streamline the processing of Development applications for projects of a standard nature. The intention is to grant the CEO the authority to approve such projects, eliminating the necessity for Council deliberation.

Examples of projects falling under this "standard" category encompass additions like patios, pergolas, verandas, carports, sheds, and shade structures. It is important to note that the CEO is not seeking delegated authority for matters that require Council's discretionary judgment, specifically those categorized as "D use" according to the Town Planning Scheme. The proposed delegation is exclusively applicable to items classified as "Approved" or "A use."

Planning and Development (Local Planning Schemes) Regulations 2015

No. 45: DEVELOPMENT APPROVALS/PLANNING DETERMINATIONS

File Reference:

Date Made: 20th July 2023

Review Date:

The Delegation

The Council of the Shire of Mukinbudin hereby delegates authority to the Chief Executive Officer, to grant, modify or refuse Development Applications under the Planning and Development (Local Planning Schemes) Regulations 2015.

Purpose

To enable the CEO to promptly review and take such measures as deemed appropriate to grant or refuse Development Applications.

- In the case of development applications involving use which is classified as “P” use (permitted use) in the Local Planning Scheme text, the Chief Executive Officer has delegated authority to approve such applications subject to relevant conditions if necessary.
- In the case of development applications involving a use which is classified as “A” use in the Scheme text, the Chief Executive Officer has delegated authority to approve each application subject to the application being advertised in accordance with the Scheme, no substantive objections being received.
- The Chief Executive Officer has delegated authority to refuse development applications in cases where such applications do not comply with the provisions of the Scheme and could not comply without significantly altering the proposal.
- The Chief Executive Officer has delegated authority to consider and determine applications for patios, pergolas, verandas, car ports, sheds, shade structures and/or other minor additions in all zones provided that, where appropriate, advertising/consultation with likely affected adjoining landowners has been undertaken and submissions adequately addressed.

Consultation

Dirk Sellenger – Chief Executive Officer

Paul Bashall – Consultant Planner – Planwest (WA) Pty Ltd

Renee Jenkin – Manager of Corporate and Community Services

Strategic & Social Implications

Nil

Statutory Environment

Local Government Act 1995, Sections 5.42, 5.43, & 5.44 and Sections 6.16, 6.17, 6.18 and 6.19.

Policy Implications

Nil

Financial Implications

Nil

OFFICER RECOMMENDATION

Council Decision Number – 07 08 2023

Moved: Cr Nicoletti

Seconded: Cr Farina

That Council adopts the reviewed Register of Delegations as presented to include new delegation No.45 Development Approvals / Planning Determinations.

Carried 8 / 0

9.3.2 Fees & Charges – Floor Cleaner Hire Fees – New Fee	
Location:	All of Shire
File Ref:	ADM 016
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	8 th August 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary

For Council to consider hire fees for the carpet cleaner purchased in August 2023.

Background Information

It is thought that the availability of a quality carpet cleaning machine will bring benefits to the ratepayers and residents throughout the Mukinbudin and surrounding region. Currently the closest floor cleaning machine to Hire is in Northam.

Officer Comment

Following informal discussion, the idea of a floor cleaning machine was supported, and the machine recently arrived in Mukinbudin and is available for hire.

Consultation

Dirk Sellenger – Chief Executive Officer
 Lucia Scari – Senior Finance Officer
 Renee Jenkin – Manager of Corporate & Community Services
 Councillors – Informal discussion.

Strategic & Social Implications

Nil

Statutory Environment

Setting of Fees and Charges General Financial Management of Council, Council 2019/20 Budget, *Local Government (Financial Management) Regulations 1996*, r34, *Local Government Act 1995*, section 6.17, 6.19

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* *Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

- (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil

Financial Implications

Any financial income from the hire of the floor cleaner will be insignificant in the total scheme of the Annual Shire Budget revenue, the priority is not financial benefit but to provide a community service (floor cleaner) not otherwise available in Mukinbudin.

OFFICER RECOMMENDATION

Council Decision Number – 08 08 2023

Moved: Cr McGlashan

Seconded: Cr Ventris

That Council make an amendment to the 2023/2024 Fees & Charges schedule to include a new fee for Floor Cleaner machine hire fee as follows:

- 24hr hire fee of \$60.00inc GST
- 48hr hire fee of \$80.00inc GST
- Small cleaning product fee at cost
- Large cleaning product fee at cost
- An emptying / cleaning fee of \$50.00inc GST if applicable / required at the conclusion of the hire period.

That the new fee be advertised in accordance with section 6.19 of the Local Government Act 1995.

Carried 8 / 0

9.2.3 2023/2024 Building Fees	
Location:	All of Shire
File Ref:	ADM 016
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	7 th June 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	2023/2024 Building Fees
Documents Tabled	Nil

Summary

This agenda item presents the proposal for Council's consideration to amend the Building Fees and charges. The aim is to bring these charges in line with those of the City of Kalamunda, which currently offers Building Services support for the Shire of Mukinbudin.

Background Information

In [Month and Year], Council endorsed the 2023/2024 Fees and Charges. Subsequent to receiving training at the City of Kalamunda, it became evident that aligning the Building Fees and Charges of both Local Government Authorities would yield significant advantages.

Officer Comment

Upon careful consideration, the Building Fees and charges of the City of Kalamunda have been revised and integrated into the Shire of Mukinbudin's fee structure. A comprehensive updated document outlining these changes has been prepared for Council's review and deliberation.

Consultation

Dirk Sellenger – Chief Executive Officer
Lucia Scari – Senior Finance Officer
Renee Jenkin – Manager of Corporate & Community Services
Hilda Scrivener – Customer Liaison Officer
Peter Hulme – City of Kalamunda Building Services

Strategic & Social Implications

Nil

Statutory Environment

Setting of Fees and Charges General Financial Management of Council, Council 2019/20 Budget, *Local Government (Financial Management) Regulations 1996*, r34, *Local Government Act 1995*, section 6.17, 6.19

Policy Implications

Nil

Financial Implications

OFFICER RECOMMENDATION

Council Decision Number – 09 08 2023

Moved: Cr Bent

Seconded: Cr McGlashan

That Council amend the 2023/2024 Fees & Charges to allow for the Building fees to be aligned with those of the City of Kalamunda as presented.

Carried 8 / 0

9.3.4 - Joint Venture Housing – Agreement Extension	
Location:	All of Shire
File Ref:	ADM 016
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	7 th June 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary:

The purpose of this agenda item is to seek Council's approval for an extension and consolidation of the existing Joint Venture Housing agreement between Homeswest (now known as the Department of Communities) and the Shire of Mukinbudin.

Background Information:

During the late 1980s and early 1990s, the State Government introduced the Joint Venture housing initiative under the Homeswest portfolio. This initiative involved the State Government handling property design and construction, while local governments were responsible for property management, repairs, maintenance, and other related matters.

Officer Comment:

Presently, the Shire of Mukinbudin oversees a total of sixteen (16) dwellings under either active or expired Joint Venture agreements. The Department of Communities is currently engaged in updating and reviewing these properties.

The Joint Venture properties comprise:

- 1 single residence at 12 White Street
- 1 single residence at 6 Lansdell Street
- 4 units located at the corner of Cruickshank Road and Greenslade Street
- 10 Aged units on Maddock Street

For the properties with expired agreements, several options are available, including:

Option 1: Renewal and establishment of a new agreement with the Department of Communities, following a similar structure as the previous agreement with Homeswest.

Option 2: Decline to enter a new agreement, leading the Department of Communities to potentially manage the property as "state housing."

Option 3: Decline to enter a new agreement, prompting the Department of Communities to consider selling the property on the open market.

It's important to note that Western Australia is currently facing a housing crisis, with Mukinbudin experiencing an unprecedented level of rental demand and an absence of available rentals.

While there are advantages to not entering into a new agreement with the Department of Communities, there are also associated risks. The Shire would lose influence over tenant allocation if the properties continue to be rented. Alternatively, if the Department of Communities decides to sell the properties, existing tenants might be displaced if they are not the purchasers.

Consultation

Strategic & Social Implications

Statutory Environment

Policy Implications

Financial Implications

Council makes an allowance in the annual budget for costs associated and rental received from all public housing, including the Joint Venture properties.

OFFICER RECOMMENDATION

Council Decision Number – 10 08 2023

Moved: Cr Ventris

Seconded: Cr Nicoletti

That Council instruct the CEO to work with the Department of Communities to enter into a new and consolidated Agreement for all existing Joint Venture properties within the Mukinbudin townsite.

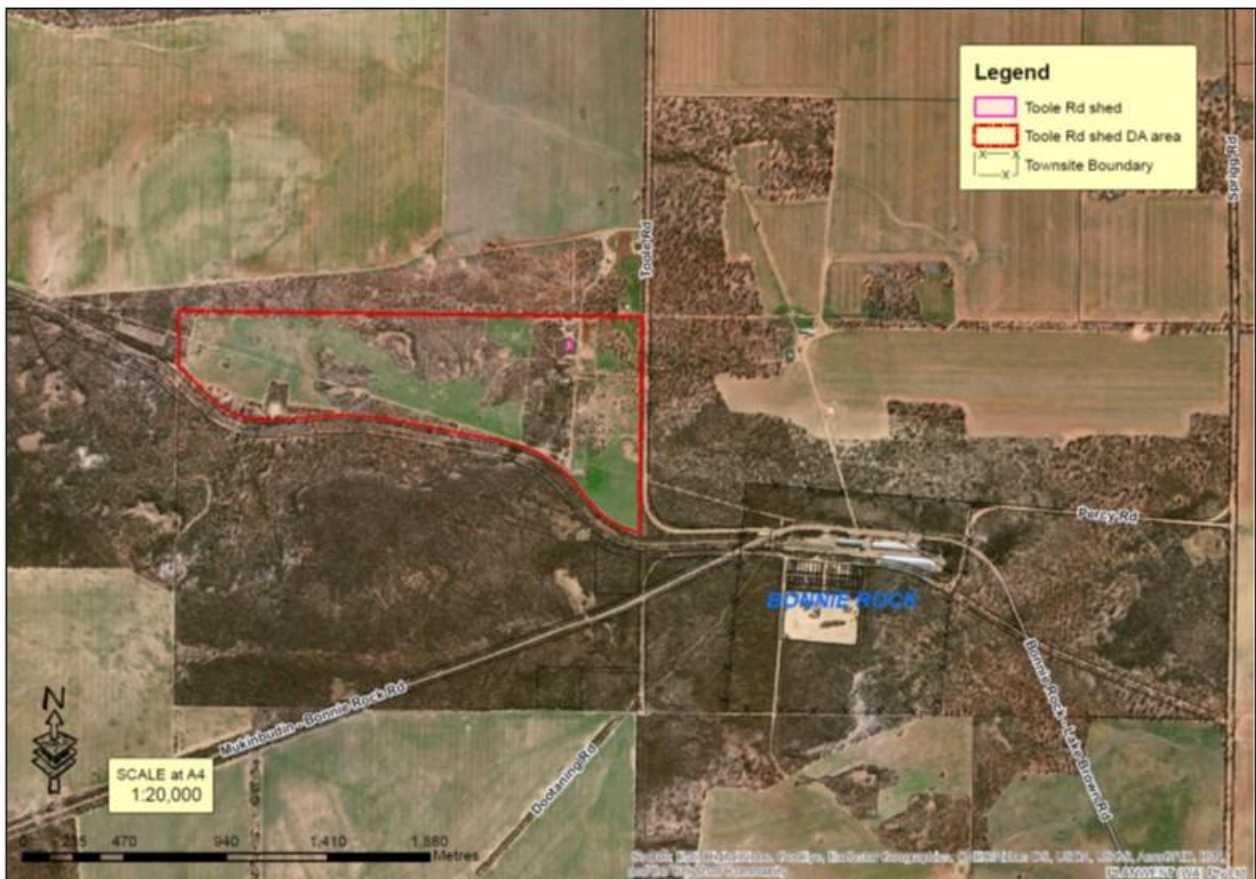
Carried 8 / 0

9.3.5 Development Approval Application – Shed at Lot 3717 Toole Road, Bonnie Rock	
Location:	121 Toole Road, Bonnie Rock
File Ref:	A1130
Applicant:	Justin and Christine Bowron
Date:	31 July 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger - CEO
Author:	Paul Bashall, Consultant Planner – Planwest (WA) Pty Ltd
Voting Requirements:	Absolute Majority
Documents Attached:	Nil
Documents Tabled:	Nil

Summary

Justin and Christine Bowron have requested a Development Approval (DA) to build a 40m x 25m shed with two water tanks. The shed is to be used for general purpose and to store fodder presumably sourced from the 123-hectare property. The property location is shown in **Figure 1**.

FIGURE 1 – LOCATION PLAN



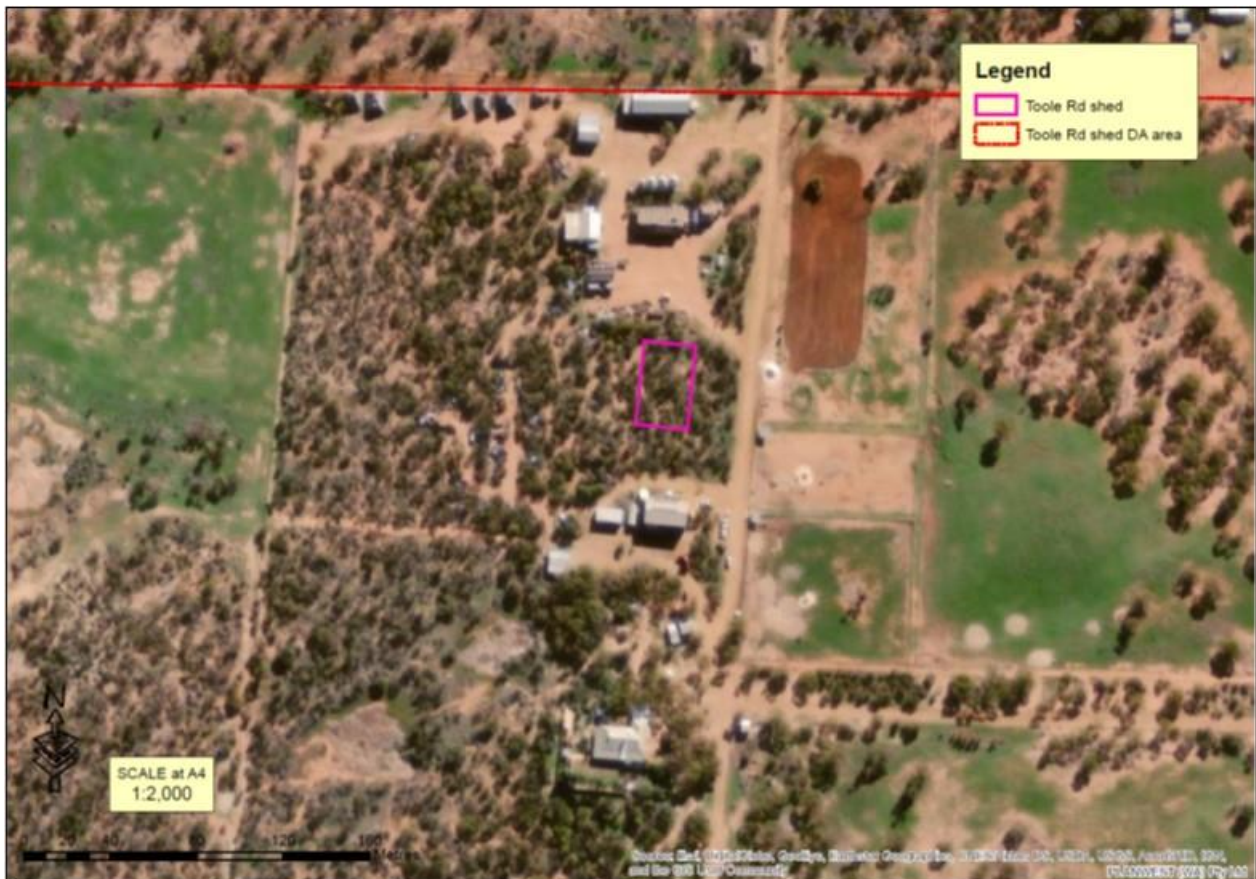
Source: Landgate, Planwest

Background Information

The property is located in Bonnie Rock locality about 500 metres west of the Bonnie Rock townsite boundary.

The DA is accompanied by an application form, copy of the title, and a mud map type site plan. The property appears to have extensive development in the area near the proposed shed and will inevitably involve the clearing of vegetation. An enlargement of the area is shown in **Figure 2** below with an approximate size and location of the proposed shed.

FIGURE 1 – ENLARGEMENT OF AREA OF DEVELOPMENT



Source: Landgate, ESRI, Planwest

The proposed shed will be located 30 metres from the nearest building to the south, about 117 metres from the northern boundary of the property, and 320 metres from Toole Road.

Existing Development

As can be seen in **Figure 2**, there is extensive development of what appears to be a couple of dwellings and multiple sheds and silos.

Proposed Development

As mentioned, the proposed development includes the 40 x 25 (6m high) shed with open ends to the north and south. The two 138,000 litre rainwater tanks will be located in the southwest and northeast corners of the shed. The builders (Phoenix Sheds) are based in Beverley estimating the cost to be \$188,000.

Strategic & Social Implications

The proposed development is consistent with the continued use of the land for agricultural purposes.

Consultation

Nil.

Policy Implications

There are no policy implications that relate to the proposed development.

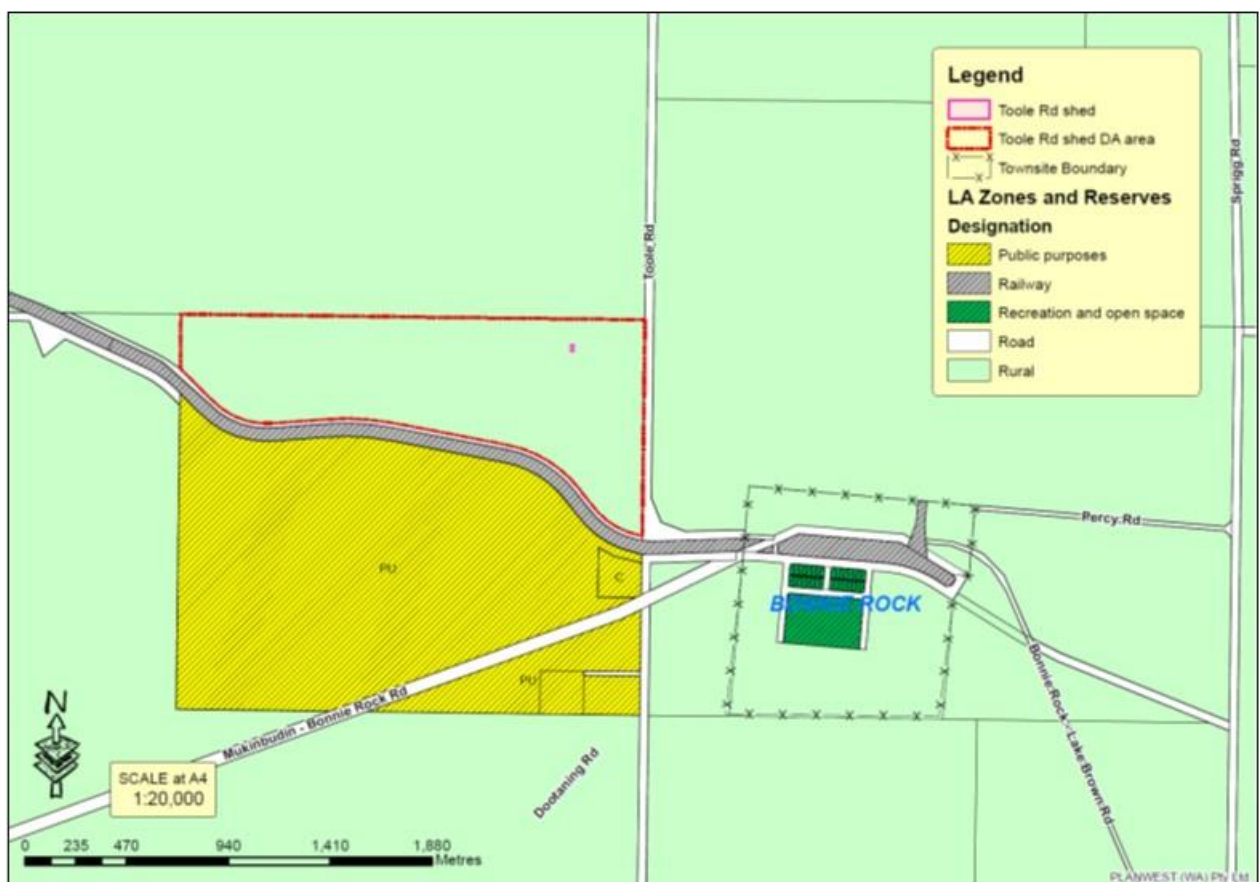
Financial Implications

Nil.

Statutory Environment

The Shire of Mukinbudin Local Planning Scheme No 4 (Scheme 4) gazetted in 2003 designates the land as 'Rural'. **Figure 3** shows an extract from the Scheme mapping.

FIGURE 2 – EXTRACT FROM SCHEME MAP

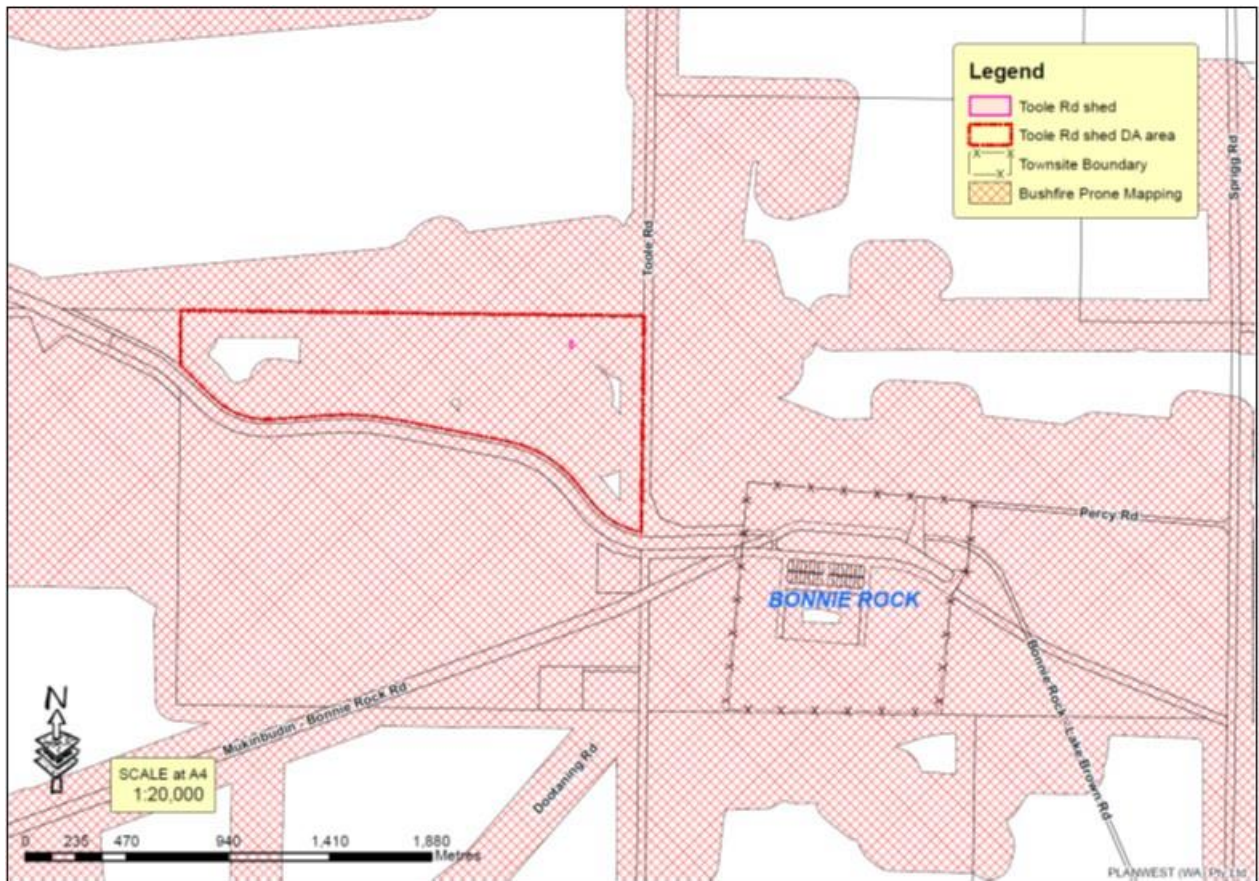


Source: DPLH, Landgate, Planwest

Bushfire Prone Mapping

The property is in a Bushfire Prone area as shown in **Figure 4**. Although most of the property is affected by the Bushfire Prone mapping, the residential development is already existing and appears to be located at least 130 metres from the proposed shed.

FIGURE 4 – BUSHFIRE PRONE MAPPING



Source: Landgate, DFES, Planwest

Officer Comment

Although the proposed development is consistent with the Rural zoning in the Scheme, the *Planning and Development (Local Planning Schemes) Regulations 2015* do not appear to exempt this development from requiring a DA. The proposed development therefore requires the Council's approval.

OFFICER RECOMMENDATION

Council Decision Number – 11 08 2023

Moved: Cr Seaby

Seconded: Cr Walker

That the Council approve the DA for the proposed shed and two rainwater tanks, subject to the following condition and advice notes:

- 1 The drainage of the proposed shed be designed and installed to the satisfaction of the local government.

Note 1: If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.

Note 2: The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government (where applicable) and be approved before any work requiring a building permit can commence on site.

Note 3: If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Carried 8 / 0

Shire of Mukinbudin



Notice of determination on application for development approval

Location: 121 Toole Road, **Bonnie Rock**

Lot: 3717

Plan/Diagram: 68100

Vol. No: 2084

Folio No: 942

Application date: 13 July 2023

Received on: 31 July 2023

Description of proposed development:

A 40m x 25m open-ended shed with two 138,000 litre water tanks.

The application for development approval is:

- Approved subject to the following conditions
 Refused for the following reason(s)

Conditions/reasons for refusal:

1. The drainage of the proposed shed be designed and installed to the satisfaction of the local government.

Date of determination: 15 August 2023

Advice notes:

- 1 If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
- 2 The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government (where applicable) and be approved before any work requiring a building permit can commence on site.
- 3 If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

10. Elected Members Motions of which previous notice has been given

10.1 Nil

11. Urgent Business Approved by Person Presiding or by Decision

11.1 Nil

12. Closure of Meeting

12.1 The Chairperson thanked Elected Members and Staff for attending and declared the meeting closed at 1:29pm.