



UNCONFIRMED MINUTES

ORDINARY COUNCIL MEETING

16 JUNE 2021

Shire of Carnamah
33-37 Macpherson Drive
Carnamah



MINUTES ORDINARY COUNCIL MEETING 16 JUNE 2021

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The Shire of Carnamah advises that anyone who has any application lodged with the Shire of Carnamah shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnamah in respect of the application.

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**ORDINARY COUNCIL MEETING
16 JUNE 2021**

1.0 DECLARATION OF OPENING

The Presiding Person welcomed Elected Members and Staff, and declared the meeting open at 4.05pm.

Acknowledgment of Country

The Shire of Carnamah would like to acknowledge the traditional custodians of this land, and pay its respect to local Aboriginal Elders, both past and present.

We also reflect on the spirit of the pioneers who settled this country and developed the land, and the service personnel whose sacrifices have enabled us to enjoy the lifestyle we have become accustomed to.

2.0 RECORD OF ATTENDANCE

2.1 Present

Cr Merle Isbister	Shire President (<i>Presiding Person</i>)
Cr Dwayne Wooltorton	Deputy President
Cr Con Kikeros	
Cr Ian Bowman	
Cr Luke Risinger	
Cr Ian Bowman	
Cr Bruce Chisholm	arrived at 4:18pm
Vin Fordham Lamont	Chief Executive Officer
Ian Walsh	Deputy Chief Executive Officer
John Skinner	Manager Works and Services
Chloe Burman	A/Executive Coordinator (<i>Minute Taker</i>)

2.2 Apologies

Nil

2.3 Leave of Absence (Previously Approved)

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

Nil

5.0 APPLICATION FOR LEAVE OF ABSENCE

- 5.1 Cr Counsel submitted an application to the Chief Executive Officer for leave of absence for the Ordinary Council Meeting held today, 16 June 2021

OCM20210601 COUNCIL DECISION

That Councillor Counsel be granted leave of absence for the Ordinary Council Meeting held today, 16 June 2021.

*Moved: Cr Isbister
Seconded: Cr Risinger*

CARRIED: 5/0

6.0 DISCLOSURE OF INTEREST

6.1 Declaration of Financial Interest and Proximity Interests

- Cr Bowman declared a Financial Interest in Item 10.2.4 due to being the applicant of the development application.
- Cr Chisholm declared a Proximity Interest in Item 10.2.5 due to his property neighbouring the proposed site.

6.2 Declaration of Interest Affecting Impartiality

- Cr Risinger declared an Impartiality Interest in Item 10.2.1 due to his partner being the Coordinator of the Carnamah Childcare Centre.

7.0 PETITIONS AND DEPUTATIONS

- 7.1 Presentation by Laura Gray – Shire of Carnamah Draft Local Heritage Survey

PROCEDURAL MOTION

That Council suspend standing orders to bring agenda Item 15.1 Draft Heritage Survey forward for consideration after today's presentation.

*Moved: Cr Risinger
Seconded: Cr Wooltorton*

CARRIED: 5/0

15.1 DRAFT LOCAL HERITAGE SURVEY

File Code	ADM0204
Author	Laura Gray, Heritage Consultant
Disclosure of Interest	Nil
Attachments	1. Draft Report – Local Heritage Survey 

SUMMARY

The draft report is a summary of the recommendations for the Local Heritage Survey and the places within that survey that form the Heritage List for conservation guidance through the provisions of the Shire's planning scheme.

Eighty places are recommended in the Local Heritage Survey, many of which were mentioned in the 1996 heritage inventory. Some places still require information to identify and/or inform of their history.

Shire Council's endorsement of the draft report for community consultation is an important part of the review process as it engages with the community to further understand, provide information, make connections and amend the draft document.

The Local Heritage Survey is a summary the community's heritage and having a role to be included, empowers them as the custodians of this heritage.

BACKGROUND

Laura Gray of Heritage Intelligence (WA) has been contracted to undertake a review of the 1996 Shire of Carnamah Municipal Inventory of Heritage Places.

1. The review is undertaken in consideration of the Department of Planning, Lands and Heritage's guidelines; *Criteria for the assessment of local heritage places and areas* as recommended in *State Planning Policy 3.5 Historic Heritage Conservation*.
2. Assessments determine levels of significance for each place in consideration of the overall context of the Shire's towns and district. The levels of significance are consistent with the required categories (Heritage Act 2018).

Laura presented an overview of the review process to Council on 18 November 2020.

A further presentation to Council took place on 19 May 2021 as a preliminary draft report to discuss the implications associated with the Heritage List.

The draft report comprises recommendations for the Local Heritage Survey and the places within that survey that form the Heritage List for conservation guidance through the provisions of the Shire's planning scheme and a local planning policy.

COMMENT

Laura Gray can be available for any public or less public meetings with regard to any concerns or queries that property owners may have, particularly with regard to the proposed Heritage List, in the company of a Shire Officer.

CONSULTATION

Consultation to date has predominantly been with Adam Fawkes, the Community Development Officer, and Andrew Bowman-Bright who directed me to the Carnamah website. Council discussion at briefings has also been informative.

As stated the community consultation is an important element of the consultation process.

STATUTORY ENVIRONMENT

A review of the 1996 Heritage Inventory is a requirement of the Heritage Act 2018.

This review is in accordance with the Part 8 of the Heritage Act 2018 that requires the identification of the "Heritage List".

POLICY IMPLICATIONS

A Local Planning Policy relevant to the Heritage List will be prepared as an integral part of the review process.

FINANCIAL IMPLICATIONS

None beyond the contracted fee.

VOTING REQUIREMENT

Simple Majority

OCM20210602 COUNCIL DECISION

That Council endorse the attached Draft LocalHeritage Survey for public comment.

*Moved: Cr Kikeros
Seconded: Cr Risinger*

CARRIED: 5/0

PROCEDURAL MOTION

That Council reinstate standing orders.

*Moved: Cr Risinger
Seconded: Cr Woollorton*

CARRIED: 5/0

8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Presiding Person advised that if there are any Councillors (with terms expiring in 2023) wishing to resign from their role/s, they should notify the Shire President and Chief Executive Officer in writing by no later than 31 July 2021.

9.0 CONFIRMATION OF MINUTES

9.1 OCM20210603 COUNCIL DECISION

That the Minutes of the Ordinary Meeting of Council held on Wednesday 19 May 2021 be accepted as a true and correct record. 

Moved: Cr Wooltorton

Seconded: Kikeros

CARRIED 5/0

10.0 MANAGEMENT REPORTS

10.1 FINANCE REPORTS

10.1.1 ACCOUNTS FOR PAYMENT

File Code	ADM0076
Author	Ian Walsh, Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Cheque & EFT Listing 

SUMMARY

Council to confirm the payment of creditors for the period 12 May 2021 to 4 June 2021, in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

BACKGROUND

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

COMMENT

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the provision of services and as to prices, computations and costings, and that the amounts shown were due for payment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4 Financial Report
Local Government (Financial Management) Regulations 1996 -
Section 12 Payments from municipal fund;
Section 13 Lists of accounts; and
Section 15 Rounding off figures

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OCM20210604 COUNCIL DECISION

That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 12 May 2021 to 4 June 2021; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy Chief Executive Officer (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:

Municipal cheque	28225
Municipal EFT's:	14442 – 14532
Payroll direct debits:	# 24 – # 27
Municipal direct debits:	31052021

Totalling \$ 627,642.58 be approved and passed for payment.

Moved: Cr Kikeros
Seconded: Cr Bowman

CARRIED 5/0

10.1.2 FINANCIAL REPORTS TO 31 MAY 2021

File Code	ADM0076
Author	Ian Walsh, Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Monthly Statement of Financial Activity May 2021 

SUMMARY

A Statement of Financial Activity and other supplementary financial information is produced monthly as part of the Council meeting agenda.

BACKGROUND

The attached financial reports for the period 1 July 2020 to 31 May 2021 (Attachment 10.1.3(a)) have been prepared in accordance with the Local Government Financial Management Regulations.

COMMENT

Included with this report is the following:

- Statement of Financial Activity for the period 1 July 2020 to 31 May 2021;
- Summary Rates Trial Balance Report as at 31 May 2021;
- Cash and Investment Listing;
- Debtors Listing; and
- Other Supplementary Information.

The Australian Accounting Standard Board (AASB) have recently released the following standards:

- a) AASB 16 – Leases
- b) AASB 1058 Income of Not-for-Profit Entities
- c) AASB 15 Revenue from Contractors and Customers

The first two have no real impact on the Shire of Carnamah.

The main objective of AASB 15 is to provide clarity about the nature, amount and timing of contracts and the accounting treatment of funds received.

All funds received prior to the funding obligations being met are to be classified as a Current Liability. Once the obligations associated with the funding is to be recorded as revenue.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 34 - Financial activity statement report — +s. 6.4

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OCM20210605 COUNCIL DECISION

That Council receives the Statement of Financial Activities for the period 1 July 2020 to 31 May 2021 and other supplementary financial information as presented.

Moved: Cr Kikeros

Seconded: Cr Wooltorton

CARRIED 6/0

10.1.3 ADOPTION OF PROPOSED DIFFERENTIAL RATING FOR 2021/22 BUDGET

File Code	ADM0145
Author	Ian Walsh, Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	Nil

SUMMARY

The Shire has historically utilised the capacity with the Local Government Act to adopt differential rates. Differential rates enables a local government to best apportion the rates burden across the district in a fair and consistent manner.

BACKGROUND

In June 2009 Council resolved to adopt differential rating to ensure that the apportionment of the rates burden across the district is undertaken in a fair and consistent manner, and that rating bases are not eroded due to differing methods and periods of revaluation, land usage and impact of operations on shire resources.

Section 6.36 of the Local Government Act 1995 requires Council to give at least 21 days public notice of its intention to impose differential rates, and invite public submissions. Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment. Council at its budget meeting can adopt the advertised rates, or resolve to adopt a modified version of them.

COMMENT

Council decided not to increase rates in 2020/21 in an effort to relieve the financial hardship of ratepayers due to the impact of COVID19.

In order to achieve the funding required to meet the required expenditure it is proposed that Council adopt the "Rate in the \$" for each rate category as follow:

	2020/21	2021/22
GRV Carnamah & Eneabba	0.154852	0.159498
UV Rural & Mining	0.017496	0.018021
GRV Mining (Differential Rate)	0.309704	0.318995
GRV Rural (Differential Rate)	0.154852	0.159498

CONSULTATION

Chief Executive Officer
Manager Works & Services

STATUTORY ENVIRONMENT

Local Government Act 1995, Sections 6.28 Basis of Rates, 6.32 Rates & Services Charges, 6.33 Differential Rates, 6.35 Minimum Payment, 6.36 Local Government to Give Notice of Certain Rates

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed general, differential and minimum rates will generate approximately an additional 3% revenue than was raised in the 2020/21 financial year.

VOTING REQUIREMENT

Simple Majority

The author advised that, subsequent to the agenda being sent out, he has re-calculated the UV Rural & Mining Rate in the figure to be 1.6650.

OCM20210606 COUNCIL DECISION

That Council –

1. Advertise its intention, in accordance with Section 6.36 of the Local Government Act 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2021/22 financial year:

Rating Category	Minimum Rate \$	Rate in \$ (c)
GRV Townsite	795	15.9498
GRV Rural	380	15.9498
GRV Mining	795	31.8995
UV Rural & Mining	795	1.6650

2. Consider any submissions received prior to imposing the proposed 2021/22 differential rates and minimum rates.

Moved: Cr Chisholm

Seconded: Cr Wooltorton

CARRIED: 6/0

Cr Risinger declared an Impartiality Interest in this item and remained in the Chamber. Cr Risinger did not vote on this item.

10.2 ADMINISTRATION REPORTS

10.2.1 CARNAMAH CHILD CARE CENTRE INC. – REQUEST FOR ANNUAL CONTRIBUTION

File Code	ADM0396
Author	Vin Fordham Lamont – Chief Executive Officer
Disclosure of Interest	Nil
Attachments	<ol style="list-style-type: none">1. Letter from Carnamah Child Care Centre Inc. 2. Minutes of meeting of Carnamah Child Care Centre Inc. 3. CONFIDENTIAL ATTACHMENT 2020/2021 Annual financial statements of Carnamah Child Care Centre Inc.

SUMMARY

Council is requested to consider a request from Carnamah Child Care Centre Inc. to make an annual allocation as a “financial safety net” in the event that the organisation faces future financial difficulties.

BACKGROUND

A letter has been received from Carnamah Child Care Centre Inc. requesting the Shires of Coorow and Carnamah to each provide an annual budget allocation of \$8,000 to the organisation in the form of a transfer to an appropriate “trust fund”. The purpose of this allocation is stated as being for the shires to “back the organisation with a financial safety net to cover unforeseen or major expenses such as building repairs and/or maintenance”.

There are currently 25 children enrolled at the centre, 16 of whose parents live or work in Carnamah. The centre operates four days a week and is looking to expand those hours into a fifth day.

COMMENT

After receiving the initial letter (see attachment 1), the Author requested Carnamah Child Care Centre Inc. to provide minutes of the meeting where the proposal was discussed (see Attachment 2), along with annual financial statements for the 2020/2021 financial year (see attachment 3).

It is proposed that Council considers establishing a reserve with a suitable name and purpose that could be used for operational expenses across a range of children’s services and facilities. The reserve funds, therefore, would not be for the exclusive use of Carnamah Child Care Centre Inc. but, rather, would be available for the Shire’s own use and that of other organisations/groups within our local communities.

It is further proposed that an annual amount of \$5,000 be budgeted for transfer to the new reserve.

CONSULTATION

Councillors

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 6 Financial Management

Division 2 Annual Budget

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan

Theme: Social

Objective: Continuity and improvement of existing services and facilities in the Shire

Strategic Initiative: To support an appropriate level of education in the Shire from child care to Vocational Educational Training Programs

POLICY IMPLICATIONS

Policy 2.10 PROPOSALS REQUIRING SHIRE FUNDING AND/OR IN-KIND SUPPORT

FINANCIAL IMPLICATIONS

Should Council choose to allocate an annual sum as requested, \$5,000 will be allocated in each annual budget.

VOTING REQUIREMENT

Simple Majority

OCM20210607 COUNCIL DECISION

That Council authorises the Chief Executive Officer to:

1. Determine an appropriate name and purpose for a proposed reserve to encompass operational expenses relating to services and facilities for children across the District;
2. Include the proposed new reserve in Council's 2021/2022 budget deliberations;
3. Include a transfer of \$5,000 to the new reserve in Council's 2021/2022 budget deliberations; and
4. Advise Carnamah Child Care Centre Inc. that the proposed reserve and annual transfer of \$5,000 will be considered as part of Council's 2021/2022 budget deliberations.

Moved: Cr Wooltorton

Seconded: Cr Chisholm

CARRIED: 5/0

10.2.2 ADOPTION OF “CREATING OUR FUTURE” (SHIRE OF CARNAMAH STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN 2021-2031)

File Code	ADM0202
Author	Vin Fordham Lamont – Chief Executive Officer
Disclosure of Interest	Nil
Attachments	<ol style="list-style-type: none">1. Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 2. Community Feedback – verbatim 3. Summary of Community Feedback and Proposed Responses 

SUMMARY

Council is requested to consider adopting the final version of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (SCP/CBP) that was developed through community engagement and supported by the community during the recent public comment period.

BACKGROUND

Section 5.56 (1) of the Local Government Act 1995 requires all local governments to plan for the future. This plan for the future is provided by the Integrated Planning and Reporting Framework (IPRF).

The SCP/CBP represents the highest level of strategic planning undertaken by local governments. It is a legislative requirement as part of the Integrated Planning and Reporting Framework under the Local Government Act 1995. Its purpose is:

- Ensuring the community is involved in the setting of a long term vision;
- Providing Council with a clear understanding of the community’s wellbeing, priorities, aspirations, needs and wants; and
- Setting out Council’s priorities in relation to implementing its strategies.

At the Ordinary Council Meeting on 19 May 2021, Council approved the draft SCP/CBP for public comment. The purpose of a public comment period is primarily to provide the community the opportunity to review the draft SCP/CBP and provide comment about whether they feel it accurately represents their views and aspirations. Following that meeting, public comment was sought.

COMMENT

The SCP/CBP will be the Shire’s primary strategic document, forming part of the Integrated Planning and Reporting Framework. Initial community engagement has been undertaken via a number of forums, while a public comment period enabled stakeholder to comments on the draft SCP/CBP. The recent public comment period has been successful with the majority of participants supporting the document and its contents. Minor changes have been made to address some comments received, including addressing matters that required improved clarity for the reader. Council now has the opportunity to continue to support the community engagement undertaken, by adopting the final version of the SCP/CBP.

CONSULTATION

The initial community engagement process consisted of two community workshops and a subsequent survey. The two workshops were held in Carnamah (10 March 2021) and Eneabba (11 March 2021). The survey was open from 12 – 28 March 2021. There were 46 participants in the workshop and 57 participants in the survey . The engagement was designed to elicit the community's vision and priorities.

Submissions on the draft SCP/CBP were accepted from after the May Ordinary Meeting of Council until close of business 8 June 2021. The results of this public comment period are outlined in Attachments 2 and 3.

STATUTORY ENVIRONMENT

Local Government Act 1995
Section 5.56 Planning for the future

Local Government (Administration) Regulations 1996
Reg. 19C Strategic community plans, requirements for
Reg. 19D Public notice of adoption of strategic community plan
Reg. 19DA Corporate business plans, requirements for

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031

Outcome 4: Open, collaborative and empowered

Priority 4.2: Improvement in communication, effective community partnerships and advocacy

Strategy 4.2.2(i): Strengthening Shire-community partnerships to implement the priorities of the Plan

POLICY IMPLICATIONS

Policy 2.7 – Community Engagement

FINANCIAL IMPLICATIONS

Nil. All projects/activities described in this plan will be funded through the corresponding annual budget process.

VOTING REQUIREMENT

Absolute Majority

OCM20210608 COUNCIL DECISION

That Council

1. Receives the submissions from the public comment period in relation to the draft Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031.
2. Agrees to the comments and changes contained in the response table in Attachment 3.
3. By absolute majority, adopts the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (Attachment 1), in accordance with Regulation 19C(7) of the *Local Government (Administration) Regulations 1996*.
4. Approves Local Public Notice of the adoption of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031, in accordance with Regulation 19D of the *Local Government (Administration) Regulations 1996*.

Moved: Cr Chisholm

Seconded: Cr Kikeros

CARRIED: 6/0

10.2.3 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED OUTBUILDING (DOMESTIC STORAGE SHED)

File Code	ADM0705
Author	Mr Joe Douglas – Exurban Rural & Regional Planning
Disclosure of Interest	Nil
Attachments	1. Application →

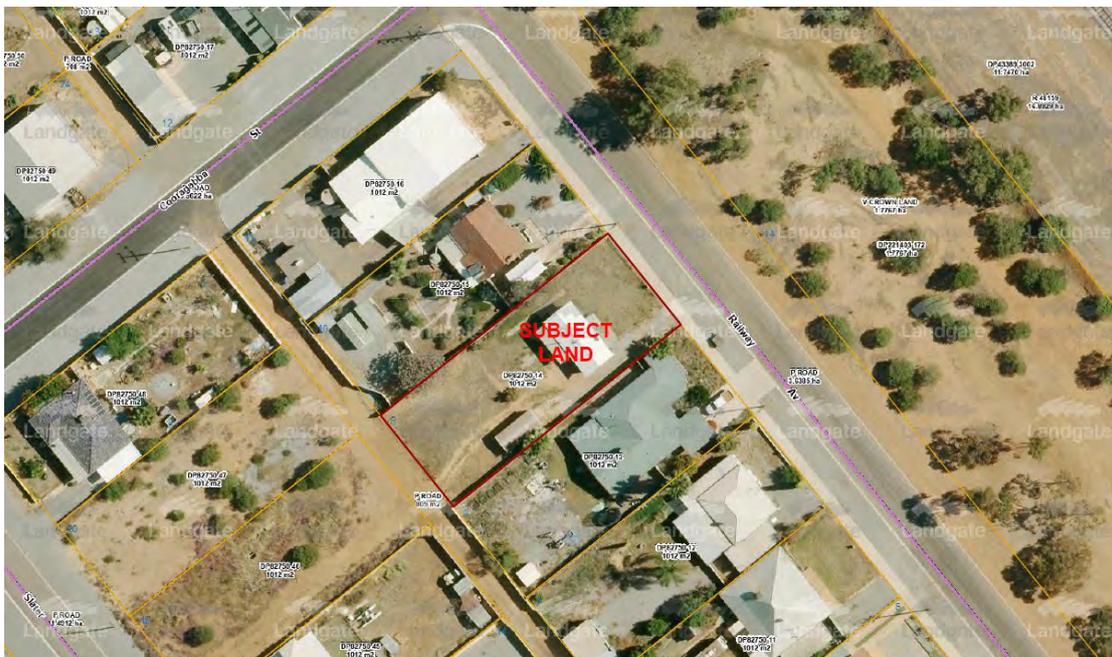
SUMMARY

This report recommends that a development application submitted by Nusteel Patios and Sheds on behalf of Mr James Hallam (Landowner) to construct a new 63m² steel framed and clad domestic outbuilding on Lot 14 (No.9) Railway Avenue, Carnamah be approved subject to conditions.

BACKGROUND

The applicant is seeking Council's development approval to construct a new 63m² steel framed, Colorbond clad outbuilding (i.e. shed) at the rear of Lot 14 (No.9) Railway Avenue, Carnamah for domestic storage purposes.

Lot 14 is located in the south-western part of the Carnamah townsite in a well-established low density residential area. The subject land comprises a total area of approximately 1,012m² and has direct frontage and access to Railway Avenue along its front boundary to the north-east and an existing public right-of-way along its rear boundary to the south-west.



Location & Lot Configuration Plan (Source: Landgate)

Lot 14 has historically been developed and used for low density residential purposes and contains an older style single storey dwelling in good habitable condition in its front half. The rear portion of the land is predominantly vacant aside from a small 32m² shed along its south-eastern side boundary which will need to be demolished to accommodate the proposed new shed.

Immediately adjoining and nearby land uses include:

- Low density residential development (i.e. single houses) to the south-east, south-west and north-west and beyond including a small number of vacant, undeveloped 'Residential' zoned lots and a Telstra telephone exchange building; and
- Vacant Crown Land to the north-east on the opposite side of Railway Avenue which has been developed as a vegetated buffer strip and an operational railway reserve beyond.

Full details of the proposal, including various plans, are provided in Attachment 1.

COMMENT

Lot 14 is classified 'Residential' zone in the Shire of Carnamah Local Planning Scheme No.2 (LPS2) with a density coding of R10/30.

Under the terms of LPS2 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the development and use of an outbuilding in association with a single house is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it satisfies the deemed-to-comply requirements of the Residential Design Codes of Western Australia (i.e. the 'R-Codes').

Council should note that demolition of the existing 32m² shed along the south-eastern side boundary of Lot 14 to accommodate the proposed new outbuilding is exempt from the need for Council's development approval as per clause 61(1) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and has not therefore been considered as part of this application.

An assessment of the proposal for Lot 14 has confirmed it satisfies the majority of the deemed-to-comply requirements of the R-Codes except for the following:

- i) Maximum permitted wall height for outbuildings (i.e. 2.4 metres required by the R-Codes / 3 metres proposed); and
- ii) Maximum permitted collective floor area for all outbuildings (60m² required by the R-Codes / 63m² proposed excluding the existing 32m² shed which is proposed to be demolished).

In considering whether or not to approve these proposed variations to the deemed-to-comply requirements of the R-Codes Council must decide whether such variations are likely to have a detrimental impact upon the amenity, character, functionality and safety of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded, following a detailed assessment of the application, that the proposed variations to the deemed-to-comply requirements of the R-Codes as they apply to wall heights and total collective floor areas for residential outbuildings are unlikely to have any adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) The outbuilding is not considered to be excessively large in its local context and will be finished using visual appealing materials and colours;
- ii) Sufficient private open space will remain available on the land to maintain opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around

the site;

- iii) The outbuilding will be located at the rear of the land with adequate setbacks from all existing development on all immediately adjoining and other nearby properties. As such it is expected to have minimal impact on the visual amenity of the local streetscape or any neighbouring properties and is unlikely to give rise to any overshadowing or access to natural sunlight for any dwellings on immediately adjoining or other nearby properties.

It was also noted during assessment of the application that no information was provided as to how stormwater from the proposed new shed will be managed and disposed. Under the terms of the R-Codes all stormwater from the proposed structure is required to be directed to garden areas, sumps or rainwater tanks on the subject land to allow for the effective retention of stormwater on-site. The retention and management of all stormwater on the property is achievable with relative ease however it is recommended that Council impose a condition on any development approval that may ultimately issued requiring compliance with the requirements of the R-Codes to ensure no stormwater is directed to any immediately adjoining property.

In light of the above findings and conclusions it is recommended Council exercise its discretion and approve the application subject to a range of conditions to ensure the development proceeds in a proper and orderly manner.

CONSULTATION

Not required or deemed necessary given the proposed variations to the deemed-to-comply requirements of the R-Codes are only minor in nature and likely to have limited impact on any immediately adjoining property.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnamah Local Planning Scheme No.2

POLICY IMPLICATIONS

- State Planning Policy 7.3 – *Residential Design Codes (Volume 1)*

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FINANCIAL IMPLICATIONS

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget.

All costs associated with the proposed development will be met by the landowner.

It is significant to note that should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

VOTING REQUIREMENT

Simple majority required.

OCM20210609 COUNCIL DECISION

That the application for development approval submitted by Nusteel Patios and Sheds on behalf of Mr James Hallam (Landowner) to construct a new 63m² steel framed and clad domestic outbuilding on Lot 14 (No.9) Railway Avenue, Carnamah be **APPROVED** subject to the following conditions and advice notes:

Conditions

1. The proposed outbuilding (i.e. shed) shall be constructed strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. All external surfaces of the proposed outbuilding shall be clad with new materials only.
5. All stormwater drainage from the proposed outbuilding shall be retained and managed on-site. If stormwater drainage becomes an issue and cannot be retained within the land's designated lot boundaries for any reason, a suitable capacity rainwater tank shall be installed on the land by the applicant/landowner within ninety (90) days of issuance of a written directive by the Shire's Chief Executive Officer.
6. The proposed outbuilding shall only be used for domestic storage, maintenance and hobby purposes unless otherwise approved by Council.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Carnamah under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the Building Act 2011 and Building Regulations 2012, a suitable building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
4. The proposed new outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
5. The removal of any asbestos from the land may only be undertaken by an authorised asbestos removal licence holder in accordance with the specific requirements of the Occupational Safety and Health Act 1984, the Occupational Safety and Health Regulations 1996 and the National code of practice for the safe removal of asbestos 2nd edition [NOHSC:2002(2005)].

6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
8. If the applicant or landowner 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 submitted within 28 days of the determination.

Moved: Cr Kikeros
Seconded: Cr Risinger

CARRIED: 6/0

Having declared a Financial Interest in this item, Cr Ian Bowman left the Chamber at 4:34pm.

10.2.4 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED NEW STORAGE SHED FOR EXTENSIVE AGRICULTURAL PURPOSES

File Code	ADM0705
Author	Mr Joe Douglas – Exurban Rural & Regional Planning
Disclosure of Interest	Nil
Attachments	1. Application 

SUMMARY

This report recommends that a development application submitted by Wheatbelt Steel Pty Ltd on behalf of Mr Ian Bowman (Landowner) to construct a new 1,152m² hay storage shed on Lot M928 North Boundary Road with all access via the adjoining Lot M1017 Carnamah-Perenjori Road, Carnamah be approved subject to conditions.

BACKGROUND

The applicant is seeking Council's development approval to construct a new 48 metre long, 24 metre wide and 8.9 metre high steel framed and zincalume clad shed on Lot M928 North Boundary Road, Carnamah for the storage of hay to support the continued use of the land for extensive agricultural purposes (i.e. cropping and grazing).

The proposed structure will be erected centrally in the eastern portion of Lot M928 in an area previously cleared of all existing native vegetation. A 300,000 litre rainwater tank is also proposed to be installed on the southern side of the proposed shed for water supply and stormwater drainage management purposes.

Under the terms of the application all access to the proposed new shed on Lot M928 is proposed via Lot M1017 located immediately east which is also owned by Mr Bowman and contains various improvements directly associated with his existing farming operations in the immediate locality.

Full details of the proposal, including various supporting plans, are provided in Attachment 1.

The subject land is located approximately 8 kilometres north of the Carnamah townsite in the locality of Carnamah.

Lot M928 is an irregular shaped lot comprising a total area of approximately 161.87 hectares that has direct frontage and access to North Boundary Road along its western boundary which is a local road under the care, control and management of the Shire that has been constructed to a basic rural standard (i.e. unsealed road carriageway).

Lot M1017, which is located immediately east of Lot M928, is also an irregular shaped lot comprising a total area of approximately 348.37 hectares that has direct frontage and access to North Boundary Road along its southern boundary as well as Carnamah-Perenjori Road along its eastern boundary which is a sealed and drained regional distributor road under the care, control and management of the Shire.

Lot M928, being the land upon which the new hay storage shed is proposed to be constructed, is

gently sloping from east to west, predominantly cleared of all native vegetation with the exception of a few small stands in select locations for land management purposes, and has been extensively developed and used for broadacre agricultural purposes (i.e. cropping and grazing) for many years. It is significant to note the land contains no built form improvements associated with its current use aside from a farm dam and associated catchment, vehicle access tracks, firebreaks and boundary fencing.

Lot M1017, which is proposed to be used to provide access to the new shed on Lot M928, has also been extensively cleared, developed and used for broadacre agricultural purposes (i.e. cropping and grazing) for many years and contains a number of associated improvements including a single house, numerous farm sheds of various sizes, grain storage silos, an unsealed driveway to/from Carnamah-Perenjori Road, vehicle access tracks, firebreaks and boundary fencing.



Location & Lot Configuration Plan (Source: Landgate 2021)

Whilst both lots are not subject to inundation or flooding, those areas containing significant stands of native vegetation and their immediate surrounds have been designated by the Fire and Emergency Services Commissioner of WA as being bushfire prone. It should however be noted the proposed new shed will not be sited on any portion of Lot M928 that has been designated as bushfire prone.

Existing adjoining and other nearby land uses are also rural in nature comprising broadacre agricultural activities on lots of various sizes.

COMMENT

Lots M928 and M1017 are classified 'Rural' zone under the Shire of Carnamah Local Planning Scheme No.2 (LPS2).

Under the terms of LPS2 the development of any land classified 'Rural' zone for extensive agricultural purposes is listed as being a permitted (i.e. a 'P') use. Notwithstanding this fact, Council's development approval is still required as no express exemption to the requirement to obtain approval for any such use, including any associated construction works, is contained in LPS2 or the Deemed

Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS2 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment has confirmed the proposal is compliant with the following relevant requirements:

- Land capability and land use compatibility;
- Lot boundary setbacks;
- Preservation of rural character and amenity;
- Preservation of natural environmental features, drainage patterns and catchments;
- Vehicle access and parking; and
- Bushfire risk, flood risk and stormwater drainage management.

Notwithstanding the above conclusion, it should be noted there is a need to consider and address the proposed vehicle access arrangements to the new shed on Lot M928 via Lot M1017 in the event of one of these lots is ever sold to a third party in the future to avoid any potential disputes regarding access, including restrictions to access and claims of trespass. This issue can be resolved by imposing a condition on any development approval issued requiring the following:

- i) The preparation and registration of a right-of-carriageway easement on the certificate of title of Lots M928 and M1017 to provide legal access rights to Lot M928 through Lot M1017 within 90 days of settlement of any future contract for the sale of either of these two lots to a third party; or
- ii) The construction of a new, separate driveway access to the proposed new shed on Lot M928 via this lot's frontage to North Boundary Road within 90 days of settlement of any future contract for the sale of Lot M928 or M1017 to a third party to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services.

Council should note these conditions will run with the land in perpetuity as part of any development approval that may ultimately be issued for the proposed new shed on Lot M928 and will not apply if both lots are sold at the same time to one new landowner only.

In light of the above findings and conclusions, it is recommended Council exercise its discretion and approve the application subject to a range of conditions to ensure the development proceeds in a proper and orderly manner.

CONSULTATION

Not required or deemed necessary.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnamah Local Planning Scheme No.2

POLICY IMPLICATIONS

- State Planning Policy 2.5 – Rural Planning

FINANCIAL IMPLICATIONS

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and will be offset by the development application fee paid by the landowner.

All costs associated with the proposed development will be met by the landowner.

It is significant to note that should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

VOTING REQUIREMENT

Simple majority required.

OFFICER RECOMMENDATION

That the application for development approval submitted by Wheatbelt Steel Pty Ltd on behalf of Mr Ian Bowman (Landowner) to construct a new 1,152m² hay storage shed on Lot M928 North Boundary Road with all access via the adjoining Lot M1017 Carnamah-Perenjori Road, Carnamah be **APPROVED** subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with all the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. All external surfaces of the proposed storage shed shall be clad with new materials only.
5. In the event of one (1) of the lots the subject of this approval is ever sold to a third party in the future, the relevant landowners shall, within ninety (90) days of settlement of the contract of sale, either:
 - i) arrange for the preparation and registration of a right-of-carriageway easement on the certificate of title of Lots M928 and M1017 at their own cost to provide legal access rights to Lot M928 through Lot M1017 in perpetuity; or
 - ii) arrange for the construction of a new, separate driveway access to the proposed new shed on Lot M928 via this lot's frontage to North Boundary Road at their own cost to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services.

Advice Notes

9. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
10. This is a development approval of the Shire of Carnamah under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
11. In accordance with the Building Act 2011 and Building Regulations 2012, a suitable building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
12. The proposed new storage shed is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
13. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
14. If the applicant or landowner 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 submitted within 28 days of the determination.

OCM20210610 COUNCIL RESOLUTION

AMENDMENT TO MOTION:

That condition 5 be removed from the officer recommendation.

Moved: Cr Kikeros

Carried: Cr Chisholm

CARRIED: 5/0

SUBSTANTIVE MOTION:

That the application for development approval submitted by Wheatbelt Steel Pty Ltd on behalf of Mr Ian Bowman (Landowner) to construct a new 1,152m² hay storage shed on Lot M928 North Boundary Road with all access via the adjoining Lot M1017 Carnamah-Perenjori Road, Carnamah be **APPROVED** subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with all the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. All external surfaces of the proposed storage shed shall be clad with new materials only.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Carnamah under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the Building Act 2011 and Building Regulations 2012, a suitable building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
4. The proposed new storage shed is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
5. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
6. If the applicant or landowner 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 submitted within 28 days of the determination.

Moved: Cr Kikeros

Seconded: Cr Chisholm

CARRIED: 5/0

REASON FOR SUBSTANTIVE MOTION DIFFERING TO THE OFFICER RECOMMENDATION

Council agreed that the inclusion of condition 5 in the original officer recommendation incurred an unnecessary fiscal impost to the applicant and therefore should be removed.

Cr Bowman returned to the Chamber at 4:38pm.

Having declared a Proximity Interest in this item, Cr Chisholm left the Chamber at 4:40pm.

10.2.5 APPLICATION FOR PLANNING APPROVAL – PROPOSED WORKFORCE ACCOMMODATION DEVELOPMENT

File Code	ADM0218
Author	Mr Joe Douglas – Exurban Rural & Regional Planning (Town Planning Consultant)
Disclosure of Interest	Nil
Attachments	1. Submission 

SUMMARY

This report recommends that Council:

- i) Endorse a revised site development plan for a proposed new workforce accommodation development at Cooperative Bulk Handling Limited's existing grain handling and storage facility in the Carnamah townsite that was recently approved by the Shire's Chief Executive Officer under delegated authority pursuant to the terms of the original planning approval issued by Council at its May 2021 Ordinary Meeting; and
- ii) Amend / delete Conditions 1, 3, 8, 9 and 10 of the original planning approval granted by Council at its May 2021 Ordinary Meeting as recommended to reflect the revised site development plan and ensure the approval is relevant and enforceable.

BACKGROUND

At its Ordinary Meeting held on 19 May 2021 Council resolved to approve a planning application submitted by Cooperative Bulk Handling Limited (CBH) for a proposed new workforce accommodation development at its existing grain handling and storage facility on Lot 252 (No.15) Parker Street, Carnamah to provide accommodation for up to sixteen (16) persons on an intermittent basis throughout the year.

In granting planning approval for the proposed development Council imposed the following conditions:

1. *The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.*
2. *Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.*
3. *A stormwater drainage management plan shall be prepared and submitted to the Shire for approval by the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services prior to the commencement of any development on the land.*
4. *The proposed development shall be connected to the existing electricity and water supply infrastructure servicing the land prior to its occupation and use.*
5. *The proposed development shall be provided with an adequate on-site effluent disposal system as determined by the Shire's Environmental Health Officer or Department of Health prior to its*

occupation and use.

6. *The sub-floor area around the periphery of all proposed buildings to be sited on the land shall be backfilled to the lower edges of their base or enclosed with brick, stone, vermin proof battens or other means acceptable to the Shire's Chief Executive Officer within six (6) months of the date of this approval unless otherwise approved by the local government.*
7. *Any external defects on the proposed buildings to be sited on the land shall be rectified within three (3) months of the buildings being positioned on the land including any external painting that may be required.*
8. *The proposed smoking and car parking areas along the southern side of the development shall be screened from all properties located immediately south on the opposite side of Inja Street through the erection of 1.8 metre Colorbond fencing of suitable length to avoid the potential for overlooking by staff who use smoking area and headlight glare from vehicles attending the facility during night-time hours. The fencing required by this condition shall match the fencing already proposed and be installed to the satisfaction of the Shire's Chief Executive Officer prior to occupation and use of the proposed development.*
9. *A five (5) metre landscaping strip shall be provided along the southern boundary of the subject land to also help screen the proposed development from public view and mitigate any potential noise impacts. The landscaping required by this condition shall be installed by no later than the end of Winter 2022 unless otherwise approved by Council.*
10. *A detailed landscaping plan shall be prepared and submitted to the Shire for approval by the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services prior to the commencement of any development on the land. The landscaping plan required by this condition shall provide details of all plant species to be used within the development as well as the landscaping strip required by Condition 9 of this approval, the density of all plantings and ongoing maintenance regimes until the landscaping is mature.*
11. *All solid wastes generated by the proposed development and use of the land shall be managed to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Environmental Health Officer and disposed of on a weekly basis at an appropriate, suitably approved landfill site.*
12. *Suitable directional signage shall be installed in suitable locations on the land prior to occupation and use of the buildings by workers to direct all vehicle traffic to and from the proposed development in a safe and convenient manner.*
13. *All external lighting for the proposed development shall be designed, installed and operated to comply with the requirements of Australian Standard AS/NZS 4282:2019 entitled 'Control of the obtrusive effects of outdoor lighting'. In particular, no external lighting is permitted to be directed to any properties located immediately south on the opposite side of Inja Street.*
14. *The applicant shall implement a complaints management system that, as a minimum, records the number and details of any complaints received concerning the impact of the proposed development and any action taken in response to the complaints. Details of any complaints received shall be provided to the Shire's Chief Executive Officer within seven (7) days of receipt, including any action taken or to be taken by the applicant to address the concerns raised.*
15. *The proposed development shall be sited a minimum distance of 500 metres from the existing dwelling on Lot 73 (No.41) Inja Street, Carnamah. An amended site development plan demonstrating compliance with the requirements of this condition shall be prepared and submitted to the Shire's Chief Executive Officer for consideration and determination prior to the commencement of any development on the land.*

COMMENT

By correspondence dated 28 May 2021 CBH submitted and requested the Chief Executive Officer's consideration and approval of a revised site development plan to satisfy the specific requirements of Condition 15 of the abovementioned planning approval (see Attachment 1).

Following further consultation with Shire staff, Councilors and Craig & Jessica Parker, the current registered proprietors of a number of properties located immediately south of CBH's facility on the opposite side of Inja Street, the revised site development plan was formally approved by the Chief Executive Officer under delegated authority on 2 June 2021.

In light of this outcome, it is recommended that Council endorse the revised site development plan approved by the Shire's Chief Executive Officer under delegated authority pursuant to Condition 15 of the original planning approval issued by Council at its May 2021 Ordinary Meeting.

It is also recommended that Council amend / delete conditions 1, 3, 8, 9 and 10 of the original planning approval granted on 19 May 2021 to reflect the revised site development plan and ensure the approval is relevant and enforceable. Details of all proposed amendments are outlined as follows with all suggested wording changes shown in red text for clarity and ease of reference:

Original Condition 1

The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.

Proposed Revised Condition 1

The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by **the local government**.

Justification

To legitimize the action taken by the Shire's Chief Executive Officer to approve the revised site development plan under delegated authority pursuant to the specific requirements of Condition 15 to assist CBH move forward with the required building permit application with certainty and without delay rather than requiring the revised plan to be presented to Council for formal consideration and approval.

Original Condition 3

A stormwater drainage management plan shall be prepared and submitted to the Shire for approval by the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services prior to the commencement of any development on the land.

Recommendation & Justification

That this condition be deleted from the approval in its entirety given the new location of the proposed development and the ability to contain and manage all stormwater on-site without any negative impacts on the existing and proposed development of the land or any nearby properties.

Original Condition 8

The proposed smoking and car parking areas along the southern side of the development shall be screened from all properties located immediately south on the opposite side of Inja Street through the erection of 1.8 metre Colorbond fencing of suitable length to avoid the potential for overlooking by staff who use smoking area and headlight glare from vehicles attending the facility during night-time hours. The fencing required by this condition shall match the fencing already proposed and be installed to the satisfaction of the Shire's Chief Executive Officer prior to occupation and use of the proposed development.

Recommendation & Justification

That this condition be deleted from the approval in its entirety given the new location of the proposed development which is now over 500 metres from the existing dwelling on Lot 73 (No.41) Inja Street as well as 6 metres AHD lower on Lot 252 than the original proposed development. It is contended the revised location of the proposed development on Lot 252 will remove any risk of overlooking by staff who use the smoking area as well as headlight glare from vehicles attending the facility's parking area during night-time hours and that the imposition of Condition 8 is now unnecessary and not warranted.

Condition 9

A five (5) metre landscaping strip shall be provided along the southern boundary of the subject land to also help screen the proposed development from public view and mitigate any potential noise impacts. The landscaping required by this condition shall be installed by no later than the end of Winter 2022 unless otherwise approved by Council.

Recommendation & Justification

That this condition be deleted from the approval in its entirety given the new location of the proposed development which is now over 500 metres from the existing dwelling on Lot 73 (No.41) Inja Street, 6 metres AHD lower on Lot 252 than the original proposed development and the visual screening that will be afforded by an existing stand of native vegetated located immediately south of the proposed development. It is contended the revised location of the development on Lot 252 and the existing vegetation on the land will ensure the development will be adequately screened from public view, particularly from Inja Street to the south, and any potential noise impacts will be significantly reduced due to a much greater separation distance to the existing dwelling on Lot 73 (No.41) Inja Street. Council is also reminded that CBH have an ongoing obligation to comply with the specific requirements of the *Environmental (Noise) Regulations 1997* which are administered by the Shire.

Condition 10

A detailed landscaping plan shall be prepared and submitted to the Shire for approval by the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services prior to the commencement of any development on the land. The landscaping plan required by this condition shall provide details of all plant species to be used within the development as well as the landscaping strip required by Condition 9 of this approval, the density of all plantings and ongoing maintenance regimes until the landscaping is mature.

Recommendation & Justification

That this condition be deleted from the approval in its entirety given the recommendation above regarding Condition 9 which removes the requirement for the preparation and submission of a detailed landscaping plan for the various reasons stated.

CONSULTATION

The revised site development plan was the subject of discussion with Shire staff, Councilors and Craig and Jessica Parker, the owners of Lot 73 (No.41) Inja Street, Carnamah who raised concerns with the CBH's original proposal during public advertising and at Council's May 2021 Ordinary Meeting.

The reporting officer also consulted with the Shire's Chief Executive Officer and Mr Jason Mascurine of CBH regarding the various proposed amendments to the conditions of planning approval originally granted by Council on 19 May 2021. Council should note Mr Mascurine raised no objections to and was generally supportive of all the proposed amendments.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015 (as amended)
- Shire of Carnamah Local Planning Scheme No.2

POLICY IMPLICATIONS

- State Planning Policy 2.5 – *Rural Planning*
- State Planning Policy 3 – *Urban Growth and Settlement*
- State Planning Policy 4.1 – *State Industrial Buffer*
- EPA Guidance Statement No.3 – *Separation Distances between Industrial and Sensitive Land Uses*
- WAPC Position Statement: *Workforce Accommodation (2018)*

FINANCIAL IMPLICATIONS

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been offset by the development application fee paid by the applicant. All costs associated with the proposed development will be met by the applicant/landowner.

It is significant to note that should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

VOTING REQUIREMENT

Simple majority required.

OCM20210611 COUNCIL DECISION

That Council:

1. Endorse the revised site development plan for a proposed new workforce accommodation development on Lot 252 (No.15) Parker Street, Carnamah that was approved by the Shire's Chief Executive Officer under delegated authority on 2 June 2021 pursuant to Condition 15 of the original planning approval issued by Council at its May 2021 Ordinary Meeting; and
2. Amend / delete Conditions 1, 3, 8, 9 and 10 of the original planning approval granted by Council at its May 2021 Ordinary Meeting as recommended to reflect the revised site development plan and ensure the approval is relevant and enforceable and authorise the Shire Administration to issue an amended approval notice to Cooperative Bulk Handling Limited with the following revised set of conditions with no modifications to the original advice notes:
 3. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by the local government.
 4. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
 5. The proposed development shall be connected to the existing electricity and water supply infrastructure servicing the land prior to its occupation and use.
 6. The proposed development shall be provided with an adequate on-site effluent disposal system as determined by the Shire's Environmental Health Officer or Department of Health prior to its occupation and use.
 7. The sub-floor area around the periphery of all proposed buildings to be sited on the land shall be backfilled to the lower edges of their base or enclosed with brick, stone, vermin proof battens or other means acceptable to the Shire's Chief Executive Officer within six (6) months of the date of this approval unless otherwise approved by the local government.
 8. Any external defects on the proposed buildings to be sited on the land shall be rectified within three (3) months of the buildings being positioned on the land including any external painting that may be required.
 9. All solid wastes generated by the proposed development and use of the land shall be managed to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Environmental Health Officer and disposed of on a weekly basis at an appropriate, suitably approved landfill site.
 10. Suitable directional signage shall be installed in suitable locations on the land prior to occupation and use of the buildings by workers to direct all vehicle traffic to and from the proposed development in a safe and convenient manner.
 11. All external lighting for the proposed development shall be designed, installed and operated to comply with the requirements of Australian Standard AS/NZS 4282:2019 entitled 'Control of the obtrusive effects of outdoor lighting'. In particular, no external lighting is permitted to be directed to any properties located immediately south on the opposite side of Inja Street.
 12. The applicant shall implement a complaints management system that, as a minimum, records the number and details of any complaints received concerning the impact of the proposed development and any action taken in response to the complaints. Details of any complaints received shall be provided to the Shire's Chief Executive Officer within seven (7) days of receipt, including any action taken or to be taken by the applicant to address the concerns raised.
13. The proposed development shall be sited a minimum distance of 500 metres from the existing

dwelling on Lot 73 (No.41) Inja Street, Carnamah. An amended site development plan demonstrating compliance with the requirements of this condition shall be prepared and submitted to the Shire's Chief Executive Officer for consideration and determination prior to the commencement of any development on the land.

Moved: Cr Risinger
Seconded: Cr Wooltorton

CARRIED: 5/0

Cr Chisholm returned to the Chamber at 4:42pm.

PROCEDURAL MOTION

RECOMMENDATION

That the meeting be closed to the public to consider Confidential Item 10.3.1 of the Agenda as the item is considered confidential pursuant to s 5.23 (2)(a) of the Local Government Act 1995.

Moved: Cr Bowman
Seconded: Cr Risinger

CARRIED: 6/0

10.3 CONFIDENTIAL REPORTS

10.3.1 REQUEST TO WRITE OFF DEBT

File Code	ADM0041
Author	Ian Walsh, Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	Nil

Confidential Report tabled under separate cover.

OCM202106012 COUNCIL RESOLUTION

That Council in accordance with Section 6.12 (c) of the Local Government Act 1995, write off the following debt:

Debtor #	Invoice #	Description of Debt	Amount
1221	12781,12811, 12861-2, 12889, 12910 & 12919	Rent	1,000.00
1260	12699 & 12706	Rent	161.72
1253	12476	Private Works	120.00

Mover: Cr Woollorton
Seconded: Cr Bowman

CARRIED: 6/0

PROCEDURAL MOTION

RECOMMENDATION

That the meeting be re-opened to the public.

Moved: Cr Bowman

Seconded: Cr Risinger

CARRIED: 6/0

11.0 ORDERING OF THE COMMON SEAL

- Nil

12.0 RECOMMENDATIONS FROM COMMITTEES

- Nil

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- Nil

14.0 NOTICE OF MOTIONS (FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING)

- Nil

15.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

15.1 DRAFT LOCAL HERITAGE SURVEY

- *Refer to page 6 of the minutes.*

16.0 CLOSURE OF MEETING

There being no further business, the meeting was declared closed at 4:47pm.