



MINUTES


Ordinary Council Meeting

Held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 19 September 2023

ABN: 35 939 977 194

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Shire of Dowerin Ordinary Council Meeting Tuesday 19 September 2023



1. Official Opening / Obituaries

The President welcomes those in attendance and declares the Meeting open at 4.00pm

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr RI Trepp	President
Cr BA Ward	Deputy President
Cr WG Allsopp	
Cr LG Hagboom	
Cr NP McMorran	
Cr AJ Metcalf	
Cr JC Sewell	

Staff:

Mr B Jones	Chief Executive Officer
Mr A Wooldridge	Deputy Chief Executive Officer
Ms K Rose	Executive and Governance Officer

Members of the Public: Nil

Apologies: Cr DP Hudson

Approved Leave of Absence:

3. Public Question Time

4. Disclosure of Interest

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of the Previous Meeting(s)

7.1 Ordinary Council Meeting held on 15 August 2023.

[Attachment 7.1A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/ Resolution – 7

Moved: Cr Ward

Seconded: Cr Allsopp

851

That, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Ordinary Council Meeting held 15 August 2023, as tabled, be confirmed as a true and correct record of proceedings.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

8. Minutes of Committee Meeting(s) to be Received

8.1 Asset and Works Committee Meeting held on 5 September 2023.

[Attachment 8.1A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 8

Moved: Cr Metcalf

Seconded: Cr McMorran

852

That, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Asset and Work Committee Meeting, held on 5 September 2023, as presented in Attachment 8.1A, be received by Council.

NOTE:

The Assets & Works Committee discussed the capacity of the three 450mm culverts at slk4.38 on Harris East Road and requested the Assets and Works Coordinator research options and costs of increasing the diameter of the culverts.

A quotation has been received for 3 x 600mm HDPE pipes to be installed for the same price as the original quote for 3 x 450mm reinforced concrete pipes.

The quotation for 3 x 600mm HDPE pipes will be accepted should Council accept the recommendation of the Assets and Works Committee.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

9.	Recommendations from Committee Meetings for Council Consideration
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9.1	Asset & Works Committee Meeting held on 5 September 2023
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9.1.1	Roads to Recovery – Allocation of Surplus Funding
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Refer Asset and Works Committee Meeting Minutes dated 5 September 2023.

	Voting Requirements
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Simple Majority



Absolute Majority

Committee Recommendation – 9.1.1

Moved: Cr Ward

Seconded: Cr Hagboom

853 That Council allocate the balance of the 2023/24 Roads to Recovery funding of \$38,861 to gravel re-sheeting Hindmarsh Back Road from SLK 2.30 to 2.93.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

9.1.2	Local Roads and Community Infrastructure Program (LRCIP) Phase 4 Part B Allocation
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Refer Asset and Works Committee Meeting Minutes dated 5 September 2023.

[Attachment 9.1.2A](#) – Sealed Roads Report

	Voting Requirements
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Simple Majority



Absolute Majority

Committee Recommendation – 9.1.2

Moved: Cr Hagboom

Seconded: Cr Trepp

854 That Council nominate the following projects for LRCIP Phase 4B funding:

- Reseal of Dowerin-Meckering Road (SLK 18.45-21.50, total of 3.05km),
- Reseal on Koorda-Wongan Hills Road (SLK 17.08-18.20 total of 1.12km).
- Culvert failure repair on Metcalf Road (SLK 3.58), and
- Replacement of entire culvert on Harris East Road (SLK 4.38).

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

10.	Announcements by the President Without Discussion
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Elections

- President & Deputy President positions will be vacated at the upcoming election.

11. OFFICER'S REPORTS – CORPORATE AND COMMUNITY SERVICES

11.1 Financial Activity Statements

Corporate and Community Services



Date:	14 September 2023
Location:	Not Applicable
Responsible Officer:	Aaron Wooldridge, Deputy Chief Executive Officer
Author:	As above
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
SharePoint Reference:	Organisation / Financial Management / Reporting / Financial Statements / 2023-2024 Monthly Financial Statements
Disclosure of Interest:	Nil
Attachments:	Attachment 11.1A

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This item presents the Statement of Financial Activity to Council for the period ending August 2023.

Background

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports which have been prepared and are presented to Council.

Comment

In order to fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Dowerin's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

Statements of Financial Activity – Statutory Reports by Program and Nature or Type

The Statements of Financial Activity provide details of the Shire's operating revenues and expenditures on a year-to-date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position.

Note 1 – Statement of Financial Activity

Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

Note 2 – Cash and Financial Assets

This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

Note 3 – Receivables

This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

Note 4 – Other Current Assets

This note provides details of other current assets that the Shire may hold.

Note 5 – Payables

This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 6– Rate Revenue

This note provides details of rates levied during the year.

Note 7 – Disposal of Assets

This note gives details of the capital asset disposals during the year.

Note 8– Capital Acquisitions

This note details the capital expenditure program for the year.

Note 9 –Borrowings

This note shows the Shire's current debt position and lists all borrowings.

Note 10 – Cash Backed Reserves

This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year-to-date basis.

Note 11 – Other Current Liabilities

This note outlines any provisions the Shire has on hand relative to other current liabilities.

Note 12 – Operating Grants and Contributions Received

This note provides information on operating grants received.

Note 13 – Non-Operating Grants and Contributions Received

This note provides information on non-operating grants received.

Note 14 – Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% or \$10,000, whichever is the greater. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

Consultation

Brian Jones, Acting Chief Executive Officer

Aaron Wooldridge, Deputy Chief Executive Officer

Megan Shirt, Consultant

Policy Implications

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: *We are recognised as a transparent, well governed, and effectively managed Local Government*

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar, Financial Management Framework and Legislation
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Timely preparation of the monthly financial statements within statutory guidelines is vital to good financial management. Failure to submit compliant reports within statutory time limits will lead to non-compliance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 11.1

Moved: Cr Trepp


Seconded: Cr Ward

855

That Council, by Simple Majority pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period August 2023, as presented in Attachment 11.1A.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

11.2 List of Accounts Paid	
<div>Corporate & Community Services</div> <div>  <div>SHIRE OF DOWERIN TIN DOG TERRITORY</div> </div>	
Date:	14 September 2023
Location:	Not Applicable
Responsible Officer:	Aaron Wooldridge, Deputy Chief Executive Officer
Author:	Aaron Wooldridge, Deputy Chief Executive Officer
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
SharePoint Reference:	Organisation/Financial Management/Reporting/Financial Statements and Credit Cards
Disclosure of Interest:	Nil
Attachments:	Attachment 11.2A

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item presents the List of Accounts Paid, paid under delegated authority, for August 2023.

Background

Nil

Comment

The List of Accounts Paid as presented has been reviewed by the Deputy Chief Executive Officer.

Consultation

Brian Jones, Acting Chief Executive Officer

Aaron Wooldridge, Deputy Chief Executive Officer

Susan Dew, Finance Officer

Rhonda Ratcliffe, Finance Officer

Policy Implications

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies. Payments have been made under delegated authority.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: *We are recognised as a transparent, well governed, and effectively managed Local Government*

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegated authority.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Financial Implications

Funds expended are in accordance with the Council's adopted 2023/24 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 11.2

Moved: Cr Allsopp

Seconded: Cr McMorran

856

That Council, by Simple Majority pursuant to Section 6.8(1)(a) of the *Local Government Act 1995* and Regulation 12 & 13 of the *Local Government (Financial Management) Regulations 1996*, receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Dowerin Municipal Fund, as presented in Attachment 11.2A, and as detailed below:

List of Accounts Paid – August 2023	
EFT 11173 to EFT 11304	\$693,133.99
Direct Debit: Credit Card Payment: July 2023	\$2,680.83
Direct Debit: Synergy	\$13,494.97
Direct Debit: Bank Fees	\$70.98
Direct Debit: Water Corporation	\$6528.22
Direct Debit: XENEX Systems	\$460.41
Direct Debit: Telstra	\$743.87
Direct Debit: Wylie Weekly	\$25.00
Direct Debit: Wesfarmers Kleenheat Gas	\$241.37
Direct Debit: Merchant Fees	\$227.57
Direct Debit: Resonline Room Manager	\$242.00
Direct Debit: Bpay Fees	\$89.29
PPE August 2023 - Wages	\$53,268.00
PPE August 2023 - Wages	\$57,343.54
PPE August 2023 - Wages	\$58,855.08
Direct Debit: Superannuation	\$24,445.73
TOTAL	\$911,850.85

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

11.3 Sale of Land for Unpaid Rates in Excess of Three Years

Corporate & Community Services



Date:	25 August 2023
Location:	Various
Responsible Officer:	Aaron Wooldridge, Deputy Chief Executive Officer
Author:	Sheldon Cox, Rates and Finance Officer
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996; Civil Judgements Enforcement Act 2004</i>
SharePoint Reference:	Organisation/Rates & Valuations/Debt Recovery
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This item is represented to clearly define the process undertaken by the Shire to proceed with the sale of properties whose rates and charges have been in arrears for three years.

Background

Under Section 6.64(1)(b) of the *Local Government Act 1995* (the Act), if any rates or service charges due to a local government have remained unpaid for at least three years, the local government may take possession of and proceed to sell the land. Section 6.68 describes the necessary conditions for exercising the power to sell the land.

Whilst Section 6.68(1) of the Act prevents the local government from exercising the power of sale unless the local government has attempted to recover money due to it under Section 6.56 of the Act, under Section 6.68(2), a local government is not required to attempt under Section 6.56 to recover money due before exercising the power of sale, where the local government has a reasonable belief that the cost of proceedings will equal or exceed the value of the land, or where the local government has made reasonable efforts to locate the owner of the property and has been unable to do so.

In order to take possession of the property and proceed with its sale, the local government must cause notice requiring the payment of rates in accordance with Schedule 6.3 of the Act. The notice is also to be served on any party with an interest in the land, such as the Mortgagees and is also to be posted on the local government's official website for a period of not less than 35 days. If at the expiration of three months from the date of issue of the notice the rates remain unpaid, the local government can proceed with selling the land by public auction, with such an auction to occur not more than twelve months from the date of the notice.

Achievements have been, including the sale and seizure of one property, two more awaiting sale or seizure and the enforcement of consistent payments by problematic debtors who are now on schedule each year.

The aim of this item is to propose an additional four assessments for potential sale and/or seizure. The following properties, while not necessarily hold a large debt, will become a problem if they are not acted upon now. The four listed are under unfortunate circumstances in which all owners and potential beneficiaries have since passed away, leaving a difficult and uncomfortable situation for the Shire to navigate.

Under Clause 5 of Schedule 6.3 of the Act, the outstanding rates, any additional legal expenses and the costs of the sale or incidental costs to the sale of the property can be recovered by the local government. Any residual amounts from the sale of the property are to be held by the local government in the event of the owners making a claim. If after twelve months the amount has not been claimed, the residual funds are to be paid into the Supreme Court under Section 99 of the Trustees Act. If unclaimed for a further six years, the amount is then paid into the Consolidated Fund of the State Government.

Comment

Staff have exhausted all avenues of action in accordance with relevant legislative requirements relating to collection of the outstanding rates on the properties. A decision from Council on how to proceed was ratified at its Ordinary Council Meeting held on 18 April 2023 (CMRef 0765).

The Officer's Recommendation is to clearly identify the process the Shire has undertaken in relation to debt recovery for the two properties and the recommendation for the sale and the steps carried out.

Consultation

Sheldon Cox, Rates Officer

Tara Donnelly, Rates Consultant

Aaron Wooldridge, Deputy Chief Executive Officer

Lauren Marsh, Senior Account Manager - AMPAC Debt Recovery

Damian Barr, Local Government Services - AMPAC Debt Recovery

Association of Rates Officers

Troy Hancock, Legislation Officer, Department of Local Government, Sports, and Cultural Industries

Policy Implications

Nil

Statutory Implications

Part 6 Division 6 and Schedule 6.3 of the *Local Government Act 1995* are applicable.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: *We are recognised as a transparent, well governed, and effectively managed Local Government*

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Financial Impact
Risk Description	\$50,001 - \$200,000
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Extreme (20)
Key Controls (in place)	Financial Management Framework; Debt Recovery Procedures; Legislation
Action (Treatment)	Undertake debt recovery as per procedures and legislation
Risk Rating (after treatment)	Effective

Financial Implications

The sale of the properties at the sale or seizure level in debt recovery would decrease the outstanding rates by approximately \$60,000 or more. Daily interest accruing at 5% per annum would cease. The outstanding rates and service charges may not be fully recovered from the sale of the property, or the cost of any legal action/s. In the event the price realised at sale is less than the balance of the rates and charges, Section 6.12(1) c of the *Local Government Act 1995* provides that any shortfall following sale shall be written off.

There is a provision for rates debt recovery in the 2023/24 budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution - 11.3

Moved: Cr Ward

Seconded: Cr McMorran

857

That, by Simple Majority, in accordance with the *Local Government Act 1995*, Council pursuant to minutes of the Ordinary Council Meeting dated 18 April 2023 (CMRef 0765) in relation to A229 - Lot 58 Dowall Street, Minnivale, the Shire were made aware that the owners were deceased and a decision in or around 2020 was made to write-off rates and charges by Council motion each financial year. Following the commencement of a new Rates Officer, an internal decision was made to allow the rates and charges to be outstanding for three years to proceed with seizure and sale. Following contact with the Executors of the Estates of the deceased owners in or around 2023, they have relinquished rights to the property allowing Council to proceed with seizure and sale.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

11.4 Central East Aged Care Alliance (CEACA)

Corporate & Community Services



Date:	25 August 2023
Location:	Various
Responsible Officer:	Brian Jones, Acting Chief Executive Officer
Author:	Brian Jones, Acting Chief Executive Officer
Legislation:	<i>Local Government Act 1995;</i>
SharePoint Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

To consider applying for membership of CEACA.

Background

Council has previously discussed the merits of becoming a member of CEACA at the May, June, and August Workshops.

Council has the option of:

- Full membership (\$15,000 per annum)
- Associate membership (\$5,000 per annum)
- Not applying for membership

Further information regarding CEACA can be found at <https://www.ceaca.org.au/>.

Comment

Council has indicated a preference for associate membership.

The terms of associate membership are:

- Non-Voting member of CEACA.
- Annual Membership Levy of \$5,000 per annum.
- Minimum Membership commitment of three years from 1 July 2023.
- Option to apply for General Membership of CEACA at any time.
- Included in CEACA's applications to State and Federal Government (as appropriate) for Grant funding ("Funding") to construct Independent Living Units (ILUs).
- Upon confirmation of Funding for ILUs, an obligation to apply for General Membership of CEACA.
- A funding commitment towards the ILUs from the Shire is a likely condition of any State and Federal Government funding.
- Appropriate land will be gifted to CEACA to enable the construction of the ILUs.
- CEACA land will be exempt from Shire rates due to its charitable status.

Consultation

Nil

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: *We are recognised as a transparent, well governed, and effectively managed Local Government*

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Asset Management Practices
Risk Category	Financial Impact
Risk Description	\$5,001 - \$50,000
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Low (4)
Key Controls (in place)	Financial Management Framework; Debt Recovery Procedures; Legislation
Action (Treatment)	
Risk Rating (after treatment)	Effective

Financial Implications

Council has included an allocation of \$15,000 in the 2023/24 Budget. While associate membership provides an initial Budget saving, Council may be required to upgrade to full membership should CEACA lodge a funding application during the financial year that includes housing for the Shire of Dowerin.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 11.4

Moved: Cr Metcalf

Seconded: Cr Ward

858 That, by simple majority, Council apply for Associate Membership of the Central East Accommodation & Care Alliance.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

11.5 Regional Early Education and Development Inc (REED) – Project Support Proposal	
<div>Corporate & Community Services</div> <div>  </div>	
Date:	12 September 2023
Location:	10 Cottrell Street Dowerin, Dowerin REED
Responsible Officer:	Aaron Wooldridge, Deputy Chief Executive Officer
Author:	Aaron Wooldridge, Deputy Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Community Development/Community Groups Liaison/2023-Dowerin REED
Disclosure of Interest:	Nil
Attachments:	Attachment 11.5A

Purpose of Report



Executive Decision



Legislative Requirement

Summary

This Item presents a financial support proposal for Dowerin REED for the purpose of completing a fundraised landscaping project at 10 Cottrell Street, Dowerin and for Council to consider and, if satisfactory, adopt the approval.

Background

The Dowerin Community Childcare Inc was supported by the Shire of Dowerin prior to the merger with REED in 2020. However, the Shire of Dowerin is currently responsible for the upkeep and maintenance of the building and land that REED currently occupies.

Comment

Dowerin REED has sent a letter (attachment 11.5A) seeking the financial support from the Shire of Dowerin in contributing towards the shortfall of \$2,393.00, for the landscape project that is estimated to cost \$5,390.00. To date, REED has successfully fundraised \$2,997.00 towards the project.

The purpose of the project is to revitalise the existing landscape by upgrading the area with a more natural and nurturing outdoor environment for children. It will provide improved sensory elements for the children such as: mud pit area, natural herbs area, sensory path to connect to a custom-built teepee donated and made locally by families and the Dowerin Men's shed.

Consultation

Brian Jones, Acting Chief Executive Officer

Aaron Wooldridge, Deputy Chief Executive Officer

Sheldon Cox, Rates Officer

Russell Holleley, Assets and Works Administration Officer

Policy Implications

Nil

Statutory Implications

Local Government (Financial Management) Regulations 1996
r.12(1)(a) Payment from municipal or trust fund, restrictions on making

Strategic Implications

Strategic Community Plan

Community Priority: Our Community

Objective: We live in a diverse, healthy, and connected community

Outcome: 1.2

Reference: 1.2.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Management of Facilities/Venues/Events
Risk Category	Property (Plant, Equipment, Buildings)
Risk Description	Inconsequential damage
Consequence Rating	Insignificant (1)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Low (2)
Key Controls (in place)	
Action (Treatment)	
Risk Rating (after treatment)	Adequate

Financial Implications

2023/2024 Budget Review amendment.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 11.5

Officer Recommendation:

That Council supports the Financial contribution towards the Project Proposal submitted by Dowerin REED, as presented in Attachment 11.5A.

Moved: Cr Trepp

Seconded: Cr Hagboom

859

Alternate Motion

That Council request REED to apply for the Dowerin Field Days October funding round. If the funding application is unsuccessful, REED to reapproach Council for funding.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

Reason: Council agreed that the Dowerin Field Days Community Funding would be better suited to the application received from REED.

11.6 Dowerin Memorial Swimming Pool

Governance & Compliance



Date:	6 September 2023
Location:	Memorial Avenue, DOWERIN
Responsible Officer:	Brian Jones, Acting Chief Executive Officer
Author:	Brian Jones, Acting Chief Executive Officer
Legislation:	
SharePoint Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

To consider removing the entry fees for the Dowerin Memorial Swimming Pool (hire fees excluded).

Background

In 2022 local Dowerin resident, Dayrell Jennings, kindly made a donation to the Shire to cover all admission fees into the Dowerin Memorial Swimming Pool for the 2022/2023 season.

This donation was widely recognised throughout the Region and resulted in an increase in attendance throughout the pool season, with an influx of both junior and senior patrons daily.

Having a free-entry pool provided the youth of Dowerin with a place to play, learn, and enjoy summer with their friends and peers. It offered parents a local option for activities throughout the summer school break and saw less families travelling to the city to spend the day out with their children.

The Dowerin Memorial Pool is utilised by both locals and people travelling through the Wheatbelt as either tourists or visiting local families. By drawing more people into the town centre, local businesses including the Tin Dog General Store, and Dowerin Roadhouse, also benefit from an injection of money and customers through their doors.

As part of the 2023/2024 Budget, Council forecasts to receive \$6,996.00 in admission fees and seasonal passes. The Budget does not predict any income for hire fees.

Current admission fees are:

Description	Notes	Fee/Charge
Adult	Per Visit	4.00
Children	Per Visit	4.00
Family Visit (2 Adults & 2 Children)	Per Visit	15.00
Season Tickets; Family (Max 4 people of Immediate Family)	2 adults & 2 children	140.00
- Additional Children	Per Child	30.00
Season Tickets; Single	Per Season	80.00
Half Season Ticket; Family (1 January each year)	2 adults & 2 children	70.00
- Additional Children	Per Child	15.00
Half Season Ticket; Single (1 January each year)	Per Half Season	40.00
Adult; Non-Swimmer	Per Visit	2.00
Senior / Concession Adult	Per Visit	2.00
Season Ticket - Senior / Concession Adult	Per Season	60.00
Hire of Swimming Pool	Per Hour	50.00
Cleaning Fee - If Required (Includes Staff Time & Materials)	Cost Recovery	Cost Recovery

Consultation

Brian Jones, Acting Chief Executive Officer

Dowerin Shire President

Dowerin Shire Deputy President

Policy Implications

Nil

Statutory Implications

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,
 - b. controlled, managed, or maintained by the local government;
 - c. supplying a service or carrying out work at the request of a person;
 - d. subject to section 5.94, providing information from local government records;
 - e. receiving an application for approval, granting an approval, making an inspection and
 - f. issuing a licence, permit, authorisation, or certificate;
 - g. supplying goods;
 - h. 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.
- Absolute majority required.

Strategic Implications

Local Planning Strategy

Strategic Community Plan

Community Priority: Our Economy

Objective: We are an attractive location to invest, live, play, visit and work

Outcome: 2.1

Reference: 2.1.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Asset Management Practices
Risk Category	Reputation (Social/Community)
Risk Description	\$5,001 - \$50,000
Consequence Rating	Minor (2)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Low (4)
Key Controls (in place)	Community & Engagement Framework Communication & Engagement Policy Community Satisfaction Survey
Action (Treatment)	No Action required
Risk Rating (after treatment)	Adequate

Financial Implications

Council currently forecasts an income of \$6,996.00 for the 2023/2024 pool season. The outcome of the recommendation, if adopted, would be to incur unbudgeted expenditure equivalent to the budgeted revenue.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 11.6

Officers Recommendation:

That Council agree to waive the entry fees for the Dowerin Memorial Swimming Pool for the 2023/24 pool season and remove the entry fees from the Shires fees and charges (hire fees excluded).

Moved: Cr Sewell

Seconded: Cr Metcalf

860

Alternate Motion

That the item lay on the table.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

11.7 Unpaid Rates – 36 Goldfields Road, DOWERIN

Corporate & Community Services



Date:	8 September 2023
Location:	Nil
Responsible Officer:	Aaron Wooldridge, Deputy Chief Executive Officer
Author:	Sheldon Cox, Rates and Finance Officer
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
SharePoint Reference:	Organisation/Rates and Evaluations/Reporting/2023 Recalcitrant Rates Debtors
Disclosure of Interest:	Nil
Attachments:	Attachment 11.7A

Purpose of Report

☒ Executive Decision ☐ Legislative Requirement

Summary

The Shire of Dowerin has received a request from the beneficiary of the Estate of 36 Goldfields Road, Dowerin for the Shire to defer action to take possession and sell the land for unpaid rates and charges.

Background

The property 36 Goldfields Road has previously been approved for seizure and sale by Council due to rates arrears being in excess of three years. It is due to go to Auction in October.

Comment

The Shire has received correspondence (Attachment 11.7A) from the beneficiary of the Estate of 36 Goldfields Road, who's deceased parents own the property 36 Goldfields Road, Dowerin.

In verbal conversations with the beneficiary, the Rates Officer is under the assumption that their daughter and/or granddaughter is interested in purchasing the property, however this may not take place until well into 2024. The debt will be paid at settlement, should the private property sale go ahead.

As of 8 September 2023, the current debt held is over \$32,000. This amount includes yearly rates and charges from 2019 onwards, plus all charges in relation to probate searches, skip traces and general legal fees. The current value of the property is unknown.

Administration is seeking Council direction regarding the request received due to the large debt and the previous approval to seize and sell. Council can decide to continue with the seizure and sale of the property unless the owners, or any living relative, pays the third year owing debt in full. The proposal received from the beneficiary of the Estate of 36 Goldfields Road, Dowerin will not meet this requirement by the auction due date.

Two recommendations have been provided for Council consideration, one to deny the request received and one to approve the request received.

Consultation

Sheldon Cox, Rates Officer

Aaron Wooldridge, Deputy Chief Executive Officer

Lauren Marsh, Senior Account Manager - AMPAC Debt Recovery

Damian Barr, Local Government Services, AMPAC Debt Recovery

Troy Hancock, Legislation Officer, Department of Local Government, Sports, and Cultural Industries

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Financial Impact
Risk Description	\$5,001 - \$50,000
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	High (16)
Key Controls (in place)	Financial Management Framework; Debt Recovery Procedures; Legislation
Action (Treatment)	Undertake debt recovery as per procedures and legislation
Risk Rating (after treatment)	Effective

Financial Implications

The risk implications as set out above is \$5,001 - \$50,000.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 11.7

Moved: Cr McMorran **Seconded** Cr Hagboom

- 861** That Council accept the offer to make minimal weekly payments and postpone the possession and sale of 36 Goldfields Road, Dowerin to allow a private sale of the property to relatives of the deceased owners, subject to the following conditions:
- a) The property being purchased, or debt being paid by in full by 30th June 2024.
 - b) Any default of payment schedule shall lead to recommencement of the PSSO.

CARRIED 5/2

For: Cr Trepp, Cr Ward, Cr Hagboom, Cr McMorran, Cr Sewell

Against: Cr Allsopp, Cr Metcalf

12. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

12.1 Dowerin Bush Fire Brigade – Policy Manual

Governance & Compliance



Date:	17 August 2023
Location:	Not Applicable
Responsible Officer:	Brian Jones, Acting Chief Executive Officer
Author:	Brian Jones, Acting Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Organisation/Governance/Council Policies
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A

Purpose of Report



Executive Decision



Legislative Requirement

Summary

To consider the adoption of various Policies in regard to the operation of volunteer Bushfire Brigades within the Shire.

Background

The Shire administration, in conjunction with the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer have prepared the following Policies for Council consideration:

- 8.1 Roles of Brigade Officers
- 8.2 Brigade Meetings
- 8.3 Firefighter Induction
- 8.4 Personal Protective Equipment
- 8.5 Use of Brigade Sheds
- 8.6 Vehicle Use for Operational Activities
- 8.7 Shire Owned Equipment and Bushfires
- 8.8 Police Statements

The above Policies were produced based on framework from DFES, other Shire Policies, and in consultation with the Chief Bushfire Control Officer and Deputy Bushfire Control Officers.

These Policies are now presented to Council for consideration.

Consultation

Brian Jones, Acting Chief Executive Officer
Kahli Rose, Executive and Governance Officer
Paul Millsteed, Chief Bush Fire Control Officer
Gavin Hagboom, Deputy Chief Bush Fire Control Officer
Department of Fire and Emergency Services

Policy Implications

The current Policy Manual will be updated accordingly, should Council resolve to adopt the proposed Policies.

Statutory Implications

Section 2.7 of the *Local Government Act 1995* stipulates that the role of Council is to determine policies.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	People
Risk Description	Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire / Officers
Consequence Rating	Moderate (3)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Moderate (6)
Key Controls (in place)	Governance Management Framework.
Action (Treatment)	Documented review processes.
Risk Rating (after treatment)	Adequate

Financial Implications

Funds have been included in the 2023/24 Budget to cover any costs associated with the policies. Similarly, funds will need to be allocated in future budgets.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation/Resolution – 12.1

Moved: Cr Ward

Seconded: Cr McMorran

862

That, by simple majority, Council adopt the following Policies as presented in Attachment 12.1A:

- 8.1 Roles of Brigade Officers,
- 8.2 Brigade Meetings,
- 8.3 Firefighter Induction,
- 8.4 Personal Protective Equipment,
- 8.5 Use of Brigade Sheds,
- 8.6 Vehicle Use for Operational Activities,
- 8.7 Shire Owned Equipment at Bushfires, and
- 8.8 Police Statements

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

12.2 Policy Review – Councillor IT Devices

Governance & Compliance



Date:	17 August 2023
Location:	Not Applicable
Responsible Officer:	Brian Jones, Acting Chief Executive Officer
Author:	Brian Jones, Acting Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Organisation/Governance/Council Policies
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A

Purpose of Report



Executive Decision



Legislative Requirement

Summary

To consider amendments to Council Policy 1.10 Councillor IT Devices.

Background

Council Policy 1.10 Councillor IT Devices has been amended to reflect the change from iPads to Laptops. Council reviewed the proposed changes at the August Workshop and the Policy, as amended is now presented to Council for consideration.

Comment

Council policies are regularly reviewed for relevance and accuracy with any required amendments being presented to Council for endorsement. With the acquisition of 8 laptops for Councillor use, the current Policy required amending to reflect these changes. This policy is included as an attachment.

The amendments are written in red and green text, Black text indicates the wording currently contained in the policy. Further comment on the amendments is detailed below:

Consultation

Brian Jones, Acting Chief Executive Officer

Policy Implications

The current Policy Manual will be updated accordingly, should Council resolve to adopt the proposed amendments.

Statutory Implications

Section 2.7 of the *Local Government Act 1995* stipulates that the role of Council is to determine policies.

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government .

Outcome: 5.3

Reference: 5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

The implications to Council on amending the policy is considered low risk.

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	People
Risk Description	Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire / Officers
Consequence Rating	Moderate (3)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Moderate (6)
Key Controls (in place)	Governance Management Framework
Action (Treatment)	Documented review processes
Risk Rating (after treatment)	Adequate

Financial Implications

Funds have been included in the 2023/24 Budget to cover any costs associated with the policies. Similarly, funds will need to be allocated in future budgets.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation/Resolution 12.2

Moved: Cr Metcalf

Seconded: Cr Hagboom

863 That, by simple majority, Council adopt the amended Policy 1.10 Councillor IT Devices, as presented in Attachment 12.2A, with the following amendment:

Point 5. Decision is solely by CEO.

Point 8. Remove

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

12.3 Development Application - Lot 25585 Minnivale Northeast Road, MINNIVALE

Governance & Compliance



Date:	31 August 2023
Location:	Lot 25585 Minnivale Northeast Road, MINNIVALE
Responsible Officer:	Brian Jones, Acting Chief Executive Officer
Author:	Laura Pikoss, HBP Services WA
Legislation:	<i>Planning & Development Act 2005</i>
SharePoint Reference:	N/A
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

Council has received a planning application requesting approval to construct a machinery shed in support of extensive agricultural operations. The proposed shed dimensions are 48m (length) x 24m (width) x 6.6m (height), which complies with the allowable land use outlined in the Land Planning Shire of Dowerin Scheme No 2.

Background

At present, the subject site comprises a dwelling along with multiple farm sheds that facilitate the ongoing agricultural activities taking place on the property. These structures play a crucial role in supporting and facilitating the various agricultural operations conducted on the site.

Description of Proposal

The council has recently received a planning application that seeks approval to establish a machinery shed in conjunction with extensive agricultural operations. The proposed shed is intended to serve as a functional storage facility for various farm machinery and equipment related to the agricultural activities taking place on the premises.

With dimensions measuring 48 metres in length, 24 metres in width, and 6.6 metres in height, out buildings in association with Agriculture extensive activities are permissible in accordance with the Shire of Dowerin Scheme No 2. The machinery shed will contribute to the efficient functioning of the agricultural operations by providing a dedicated space for storing and maintaining essential equipment on site.

The planning application has been thoroughly assessed and considered various factors, including the shed's location, impact on the surrounding environment, and compliance with relevant regulations. A decision will be made based on these considerations to ensure that the proposed construction aligns with the community's interests while supporting the sustainable growth of agriculture in the area.

The development is located Lot 25585 Minnivale Northeast Road, MINNIVALE and is currently zoned 'Rural' under the Local Planning Scheme 'Shire of Dowerin Scheme No 2'. The Rural Zone objectives are as follows:

- To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect land from urban uses that may jeopardize the future use of that land for other planned purposes that are compatible with the zoning.
- To protect the land from closer development that would detract from the rural character and amenity of the area.
- To prevent any development that may affect the viability of a holding.
- To encourage small scale, low impact tourist accommodation in rural locations.
- To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.

Considering the proposed development's remote location, it is evident that there is no significant impact on the natural landscape or rural ambiance. This compliance with the zoning objectives signifies that the development aligns with the intended goals and regulations set forth for the area.



Figure 1: Subject Site

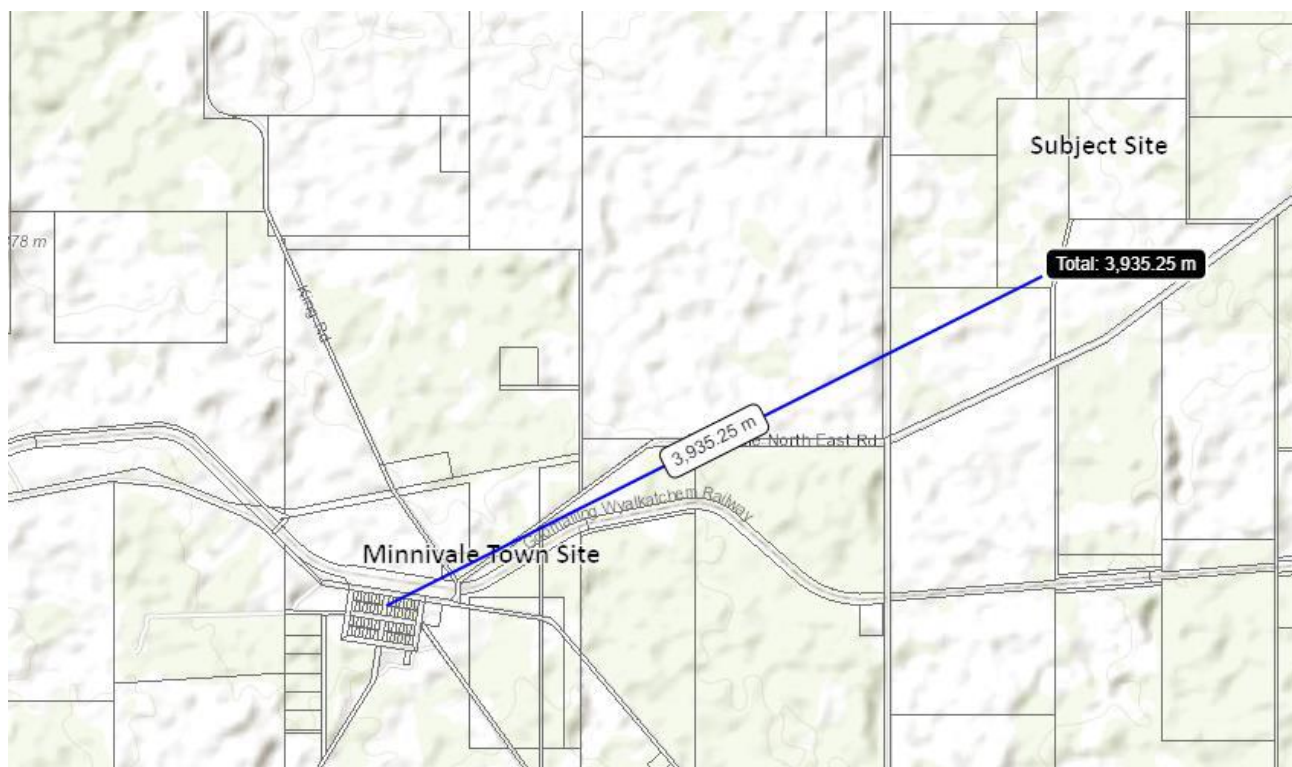


Figure 2: Site location

Site and Location



Figure 3: Site Plan

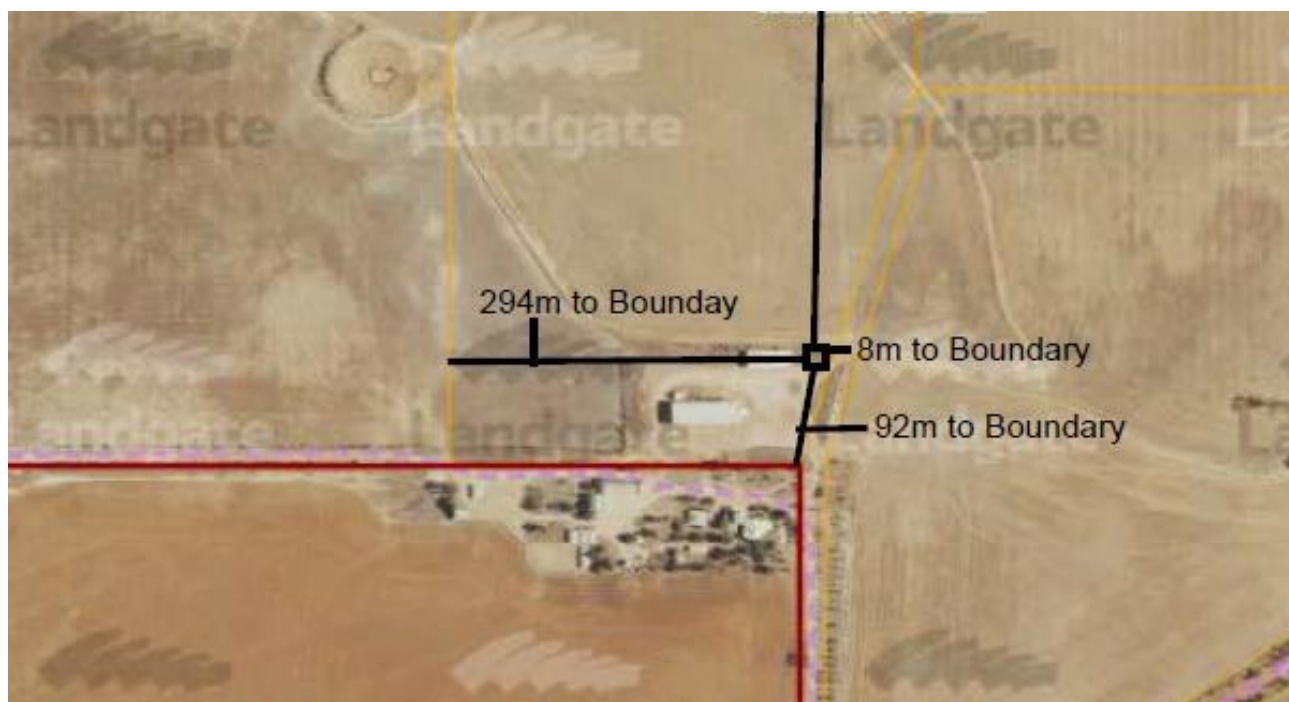


Figure 4: Setbacks

Consultation

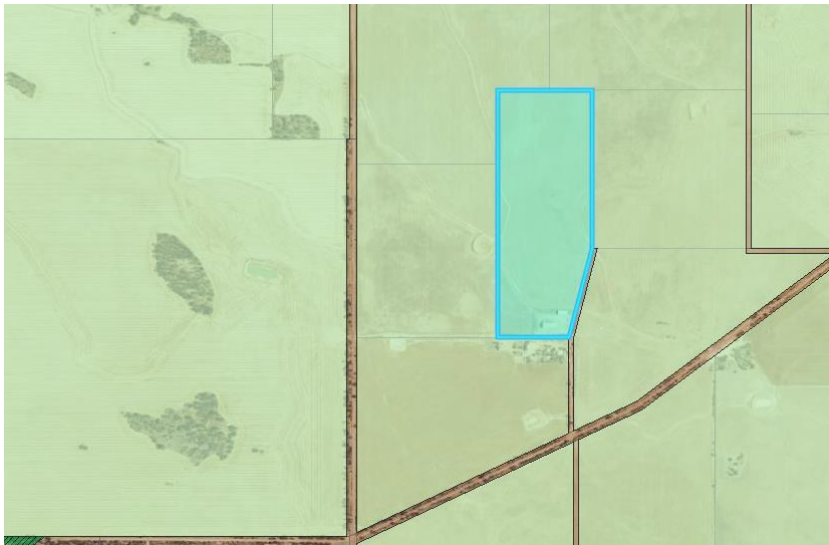
Nil

Policy Implications

Nil

Statutory Implications

As to the planning framework a 'an outbuilding for agriculture — extensive' is assessed and determined under the provisions of the Shire of Dowerin Local Planning Scheme No.2. Accordingly, the following table provides a summary of legal and other requirements in relation to this proposal:

Shire of Dowerin Local Planning Scheme (LPS) No.2 (Statutory instrument)	
Current Zoning	<p><i>'Rural' – See extract of Zoning Map below – green colour.</i></p>  <p><i>Figure 5 Extract of zoning map</i></p>
Permissibility (Table 1 – Zoning Table)	<p><i>Table 1 – Zoning Table of LPS 2 qualifies an outbuilding for agriculture – extensive means premises used for the raising of stock or crops including outbuildings and earthworks but does not include agriculture – intensive or animal husbandry – intensive; as 'P' use. This means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.</i></p>
Definitions	<p><i>The draft LPS 2 defines:</i></p> <p><i>a) agriculture – extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture – intensive or animal husbandry – intensive;</i></p>
Objectives	<p><i>The Council's LPS 2 nominates the objectives of the Rural I Zone to:</i></p> <ul style="list-style-type: none"> <i>• To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.</i> <i>• To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.</i> <i>• To protect the land from closer development that would detract from the rural character and amenity of the area.</i> <i>• To prevent any development that may affect the viability of a holding.</i> <i>• To encourage small scale, low impact tourist accommodation in rural locations.</i> <i>• To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.</i>
Development Standards	<p><i>LPS 2 stipulates the following standards for development in the Rural Zone:</i></p> <ul style="list-style-type: none"> <i>• Table 2 details the minimum setback distance for all boundaries is set at 'nil' and landscaping at 'nil'</i>

Planning and Development (Local Planning Scheme) Regulations 2015 <i>(Statutory instrument)</i>	
Schedule 2; Part 9; Clause 68(2)	<i>This clause empowers Council to determine Development Applications under the planning legislation having regard to the zoning and other Scheme provisions pertinent to the application under consideration.</i>
Schedule 2; Part 9; Clause 76 (1) and (2)	<i>This part of the Planning Regulations affords the applicant the right to apply to the State Administration Tribunal (SAT) for a review of the Council's decision in relation to the decision on the proposed use and or development of the land.</i>
State Planning Policy 3.7 – Planning in Bushfire Prone Areas <i>(Statutory instrument – tied to Planning Regulations)</i>	
Generally	<i>State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management across WA. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. SPP 3.7 is a guide to implementing effective risk-based land use planning to preserve life and reduce the impact of bushfire on property and infrastructure.</i>
6.2 Strategic planning proposals, subdivision and development applications	<p><i>Section 6.2 of SPP 3.7 a) states:</i></p> <ul style="list-style-type: none"> <i>a) Strategic planning proposals, subdivision and <u>development applications</u> within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with policy measures.</i> <i>b) Any strategic planning proposal, subdivision or <u>development application</u> in an area to which policy measure 6.2 a) applies, that has or will, on completion, have a moderate BHL and/or where BAL-12.5 to BAL-29 applies, may be considered for approval where it can be undertaken in accordance with policy measures 6.3, 6.4 or 6.5.</i> <i>c) This policy also applies where an area is not yet designated as a bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, as outlined in the Guidelines.</i>

<i>Planning Bulletin 111/2016 - Planning in Bushfire Prone Areas</i> <i>(Guidance document – tied to SPP 3.7)</i>	
5. Exemptions	<p><i>Planning Bulletin 111/2016 states exemptions from the requirements of SPP</i></p> <p><i>3.7 includes renovations, alterations, extensions, improvements, or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios, and storage sheds for example). SPP 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:</i></p> <ul style="list-style-type: none"> <i>• result in the intensification of development (or land use);</i> <i>• result in an increase of residents or employees;</i> <i>• involve the occupation of employees on site for any considerable amount of time; or</i> <i>• result in an increase to the bushfire threat; the proposal may also be exempt from the provisions of SPP 3.7.</i>

Strategic Implications

Strategic Community Plan

Community Priority: Our Economy

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government

Outcome: 5.4

Reference: 5.4.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

The risk assessment in relation to this development is low it poses no significant environmental implications to the site or neighbouring properties. The development is minor.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Financial Implications

There are no budgetary considerations and implications applicable to this proposal.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation/Resolution 12.3

Moved: Cr Hagboom

Seconded: Cr Ward

864

That Council grant Planning Approval for the placement of a Machinery Shed at Lot 25585 Minnivale Northeast Road, MINNIVALE, as per the application received, subject to the below conditions:

CONDITIONS:

- 1) All stormwater to be contained on-site.
- 2) There must be a minimum of 8m setback of the shed from all boundaries.

ADVICE NOTES:

The following advice notes are offered in addition to the notes provided in Form 4 of Clause 86 of the Deemed Provisions on the approval granted in condition(s) above:

- a) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Dowerin.
- b) Nothing in the approval shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- c) The applicant is advised a Building Permit is required prior to commencement of any building works. In this regard the applicant is advised that conditions relating to BAL assessment may result in conditions being imposed at the building permit stage to mitigate the risk for burning embers as part of a preventative approach to bushfire attack.
- d) The applicant is advised of a right of appeal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act, 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website - www.sat.justice.wa.gov.au. Attachment 12.2A.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

12.4 Development Application – 1400 (Lot 12275) Dowerin-Koorda Road, MANMANNING

Governance & Compliance



Date:	6 September 2023
Location:	1400 (Lot 12275) Dowerin-Koorda Road, MANMANNING
Responsible Officer:	Brian Jones, Chief Executive Officer
Author:	Laura Pikoss, HBP Servies WA
Legislation:	<i>Planning & Development Act 2005</i>
SharePoint Reference:	N/A
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

CRISP Wireless plans to expand its fixed wireless network across the Wheatbelt region by constructing a 30-metre communications tower in Manmanning. The project aims to improve telecommunications connectivity for local residents. An agreement with the landowner has been reached, and the development application is in accordance with relevant regulations under the Shire of Dowerin Town Planning Scheme 2. The council will carefully assess the proposal's impact on the environment and its compliance with regulations to make a decision that aligns with community interests and supports sustainable agricultural growth in the area.

Given the remote location of the proposed development, it is anticipated that there will be minimal visual impact on the surrounding area. Therefore, the officer's recommendation is to approve the development. This decision takes into consideration the unique circumstances of the location and the potential benefits it offers without significant visual disruption.

Description of Proposal

CRISP Wireless is planning to expand their fixed wireless network throughout the Wheatbelt region. As part of this initiative, they intend to construct a 30-metre communications tower on Lot 12275, situated along Dowerin-Koorda Road in Manmanning. This tower is a crucial component of the broader network deployment across the region, aimed at enhancing telecommunications connectivity for Wheatbelt residents.

They have already reached an agreement with the landowner for the installation of this telecommunications infrastructure on the specified land. This infrastructure will include the 30-metre tower and a container designed to house communication equipment, topped with solar panels for power supply. The development application adheres to the provisions of the Planning and Development Act 2005 and is subject to assessment under the Shire of Dowerin Town Planning Scheme 2. Notably, the subject land falls within the Rural Zone.

The council will conduct a thorough evaluation of the planning application, taking into account several factors. These factors include the tower's location, its potential impact on the surrounding environment, and its compliance with relevant regulations. The council's decision will be guided by these considerations, ensuring that the proposed construction aligns with the community's interests and supports the sustainable growth of agriculture in the area.

The development is located **1400 (Lot 12275) Dowerin-Koorda Road, Manmanning** and is currently zoned 'Rural' under the Local Planning Scheme 'Shire of Dowerin Scheme No 2'. The Rural Zone objectives are as follows:

- To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect land from urban uses that may jeopardize the future use of that land for other planned purposes that are compatible with the zoning.
- To protect the land from closer development that would detract from the rural character and amenity of the area.
- To prevent any development that may affect the viability of a holding.
- To encourage small scale, low impact tourist accommodation in rural locations.
- To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.

Considering the proposed development's remote location, it is evident that there is no significant impact on the natural landscape or rural ambiance. This compliance with the zoning objectives signifies that the development aligns with the intended goals and regulations set forth for the area



Figure 1: Subject Site

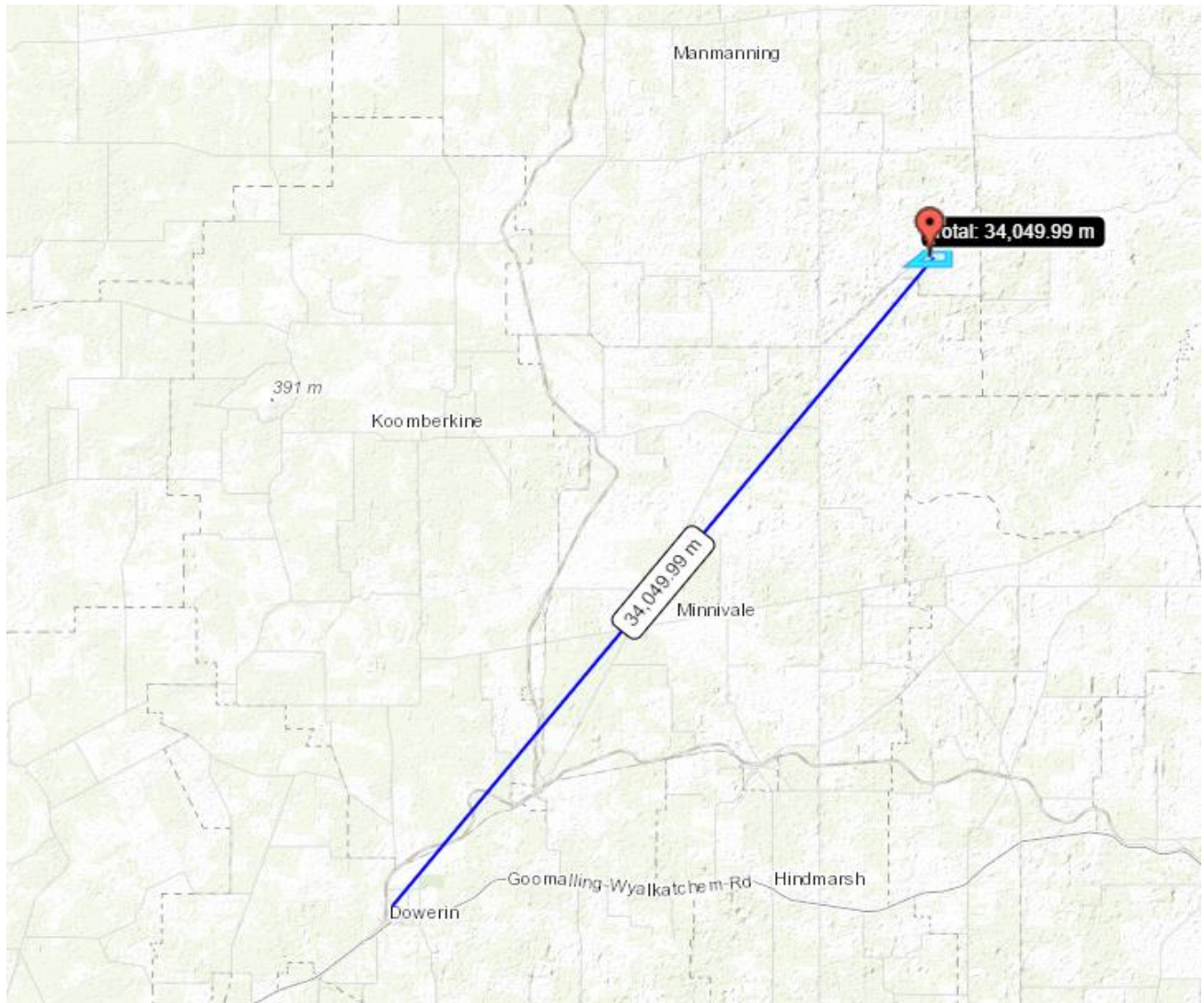


Figure 2: Site Location

The site is situated approximately 34 kilometres to the North-Northeast of Dowerin's town centre.

Site and Location

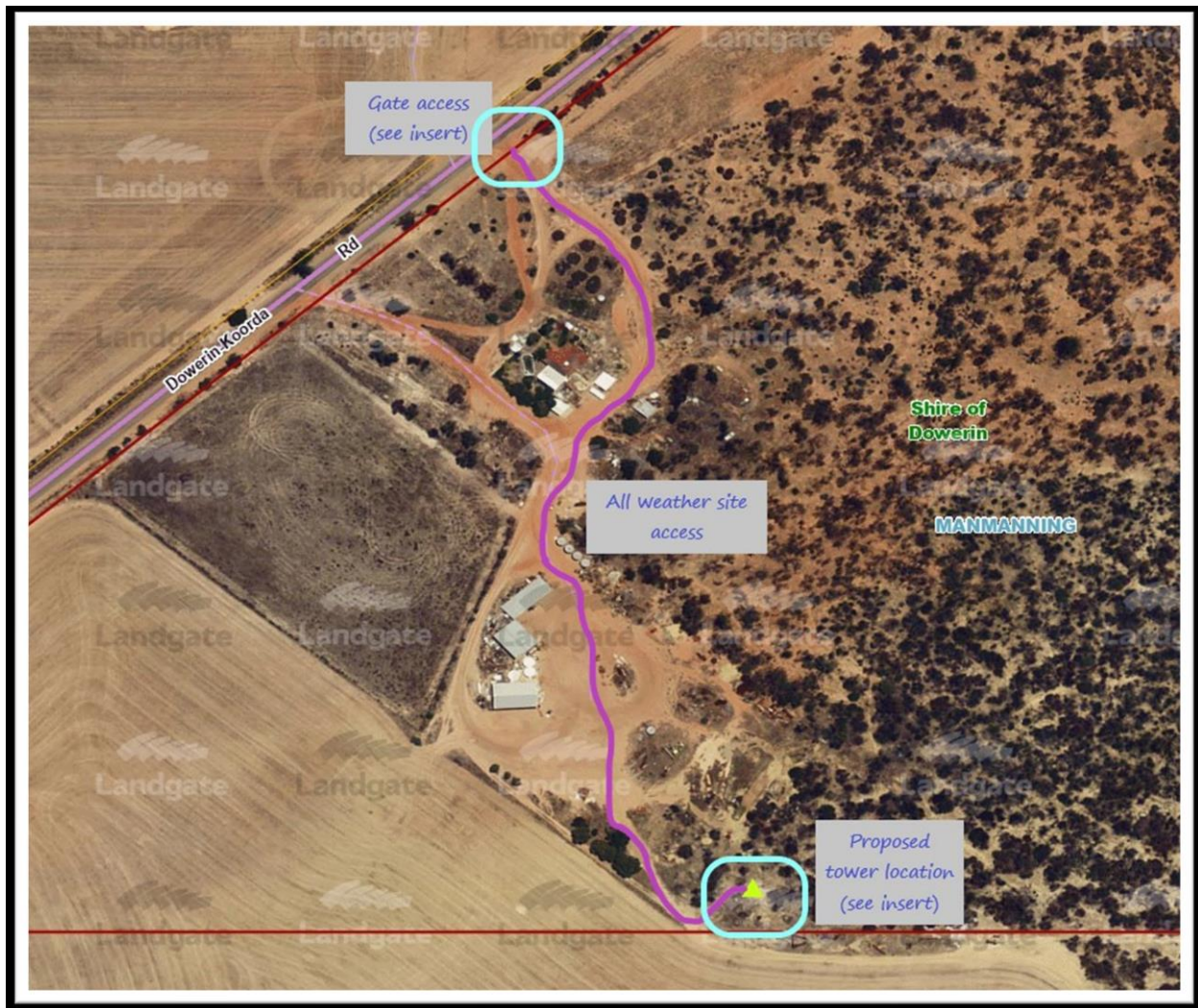


Figure 3: Site Plan

Consultation

Nil

Policy Implications


Relevant Plans and Policy:

The intent of State Planning Policy 5.2 – “Telecommunications Infrastructure is to “balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas”.

Statutory Implications

The subject land is in the Rural Zone and the Zoning Table in the Planning Scheme designates Telecommunications Infrastructure as ‘D’, a discretionary use requiring local government approval.

Section 64 of Schedule 2 Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulation 2015, requires advertising of complex applications for development approval. We note that the proposed telecommunications facility is not a complex application and therefore may not require advertising. Given the remote location, there is relatively low impact to adjoining properties.

Shire of Dowerin Local Planning Scheme (LPS) No.2 (Statutory instrument)																																									
Current Zoning	<p><i>'Rural' – See extract of Zoning Map below – green colour.</i></p> <div></div> <p><i>Figure 5: Extract of Zoning Map</i></p>																																								
Permissibility (Table 1 – Zoning Table)	<p><i>Table 1 – Zoning Table of LPS 2 qualifies the subject land is located in the Rural Zone and the Zoning Table in the Planning Scheme designates Telecommunications Infrastructure as 'D', a discretionary use requiring local government approval.</i></p> <table><tr><th colspan="8">OTHER USES</th></tr><tr><td>Funeral Parlour</td><td>X</td><td>A</td><td>X</td><td>P</td><td>A</td><td>X</td><td>X</td></tr><tr><td>Service Utility</td><td>D</td><td>D</td><td>D</td><td>D</td><td>D</td><td>D</td><td>D</td></tr><tr><td>Telecommunications Infrastructure</td><td>A</td><td>D</td><td>P</td><td>P</td><td>D</td><td>A</td><td>D</td></tr><tr><td>Veterinary Centre</td><td>X</td><td>A</td><td>D</td><td>P</td><td>A</td><td>D</td><td>A</td></tr></table>	OTHER USES								Funeral Parlour	X	A	X	P	A	X	X	Service Utility	D	D	D	D	D	D	D	Telecommunications Infrastructure	A	D	P	P	D	A	D	Veterinary Centre	X	A	D	P	A	D	A
OTHER USES																																									
Funeral Parlour	X	A	X	P	A	X	X																																		
Service Utility	D	D	D	D	D	D	D																																		
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Veterinary Centre	X	A	D	P	A	D	A																																		
Definitions	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015:</i></p> <p><i>a) telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure related to the network;</i></p>																																								
Objectives	<p><i>The Council's LPS 2 nominates the objectives of the Rural I Zone to:</i></p> <ul style="list-style-type: none"><i>To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.</i><i>To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.</i><i>To protect the land from closer development that would detract from the rural character and amenity of the area.</i><i>To prevent any development that may affect the viability of a holding.</i><i>To encourage small scale, low impact tourist accommodation in rural locations.</i><i>To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.</i>																																								

Development Standards	<p><i>LPS 2 stipulates the following standards for development in the Rural Zone:</i></p> <ul style="list-style-type: none"> • <i>Not listed.</i>
<p align="center">Planning and Development (Local Planning Scheme) Regulations 2015 (Statutory instrument)</p>	
Schedule 2; Part 9; Clause 68(2)	<i>This clause empowers Council to determine Development Applications under the planning legislation having regard to the zoning and other Scheme provisions pertinent to the application under consideration.</i>
Schedule 2; Part 9; Clause 76 (1) and (2)	<i>This part of the Planning Regulations affords the applicant the right to apply to the State Administration Tribunal (SAT) for a review of the Council's decision in relation to the decision on the proposed use and or development of the land.</i>
<p align="center">State Planning Policy 3.7 – Planning in Bushfire Prone Areas (Statutory instrument – tied to Planning Regulations)</p>	
Generally	<i>State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management across WA. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. SPP 3.7 is a guide to implementing effective risk-based land use planning to preserve life and reduce the impact of bushfire on property and infrastructure.</i>
6.2 Strategic planning proposals, subdivision, and development applications	<p><i>Section 6.2 of SPP 3.7 a) states:</i></p> <ul style="list-style-type: none"> <i>a) Strategic planning proposals, subdivision and <u>development applications</u> within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with policy measures.</i> <i>b) Any strategic planning proposal, subdivision, or <u>development application</u> in an area to which policy measure 6.2 a) applies, that has or will, on completion, have a moderate BHL and/or where BAL-12.5 to BAL-29 applies, may be considered for approval where it can be undertaken in accordance with policy measures 6.3, 6.4 or 6.5.</i> <i>c) This policy also applies where an area is not yet designated as a bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, as outlined in the Guidelines.</i>
<p align="center">Planning Bulletin 111/2016 – Planning in Bushfire Prone Areas (Guidance document – tied to SPP 3.7)</p>	
5. Exemptions	<p><i>Planning Bulletin 111/2016 states exemptions from the requirements of SPP 3.7 includes renovations, alterations, extensions, improvements, or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios, and storage sheds for example). SPP 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:</i></p> <ul style="list-style-type: none"> • <i>result in the intensification of development (or land use);</i> • <i>result in an increase of residents or employees;</i> • <i>involve the occupation of employees on site for any considerable amount of time; or</i> • <i>result in an increase to the bushfire threat; the proposal may also be exempt from the provisions of SPP 3.7.</i>

Strategic Implications

Strategic Community Plan

Community Priority: Our Economy

Objective: Diverse and appropriate housing Reliable Telecommunications Community infrastructure

Outcome: 3

Reference: 3.4

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

The risk assessment in relation to this development is low it poses no significant environmental implications to the site or neighbouring properties. The development is minor.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Financial Implications

There are no budgetary considerations and implications applicable to this proposal.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution - 12.4

Moved: Cr McMorran

Seconded: Cr Metcalf

865

That Council grant Planning Approval for the placement of a telecommunications tower as per the application received, with the following conditions:

CONDITIONS

- 1) All stormwater to be contained on-site.
- 2) No vegetation to be cleared without permit in accordance with the Environmental Protection Act 1986.

ADVICE NOTES

The following advice notes are offered in addition to the notes provided in Form 4 of Clause 86 of the Deemed Provisions on the approval granted in condition(s) above:

- a) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Dowerin.
- b) Nothing in the approval shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- c) The applicant is advised a Building Permit is required prior to commencement of any building works. In this regard the applicant is advised that conditions relating to BAL assessment may result in conditions being imposed at the building permit stage to mitigate the risk for burning embers as part of a preventative approach to bushfire attack.
- d) The applicant is advised of a right of appeal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act, 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website - www.sat.justice.wa.gov.au.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

12.5 Development Application – Lot 11 on DP044355 (Clinic Road), KOOMBERKINE

Governance & Compliance



Date:	7 September 2023
Location:	Lot 11 on DP044355 (accessed off Clinic Road), KOOMBERKINE 6461
Responsible Officer:	Brian Jones, Chief Executive Officer
Author:	Laura Pikoss, HBP Servies WA
Legislation:	<i>Planning & Development Act 2005</i>
SharePoint Reference:	N/A
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

CRISP Wireless plans to expand its fixed wireless network across the Wheatbelt region by constructing a 30-metre communications tower at Lot 11 on DP044355 (accessed off Clinic Road), Koomberkine 6461. The project aims to improve telecommunications connectivity for local residents. An agreement with the landowner has been reached, and the development application is in accordance with relevant regulations under the Shire of Dowerin Town Planning Scheme 2. Council will carefully assess the proposal's impact on the environment and its compliance with regulations to make a decision that aligns with community interests and supports sustainable agricultural growth in the area.

Given the remote location of the proposed development, it is anticipated that there will be minimal visual impact on the surrounding area. Therefore, the officer's recommendation is to approve the development. This decision takes into consideration the unique circumstances of the location and the potential benefits it offers without significant visual disruption.

Description of Proposal

CRISP Wireless is planning to expand their fixed wireless network throughout the Wheatbelt region. As part of this initiative, they intend to construct a 30-meter communications tower on **Lot 11 on DP044355 (accessed off Clinic Road), Koomberkine 6461**. This tower is a crucial component of the broader network deployment across the region, aimed at enhancing telecommunications connectivity for Wheatbelt residents.

They have already reached an agreement with the landowner for the installation of this telecommunications infrastructure on the specified land. This infrastructure will include the 30-meter tower and a container designed to house communication equipment, topped with solar panels for power supply. The development application adheres to the provisions of the Planning and Development Act 2005 and is subject to assessment under the Shire of Dowerin Town Planning Scheme 2. Notably, the subject land falls within the Rural Zone.

The council will conduct a thorough evaluation of the planning application, taking into account several factors. These factors include the tower's location, its potential impact on the surrounding environment, and its compliance with relevant regulations. The council's decision will be guided by these considerations, ensuring that the proposed construction aligns with the community's interests and supports the sustainable growth of agriculture in the area.

The development is located **Lot 11 on DP044355 (accessed off Clinic Road), Koombarkine 6461** and is currently zoned 'Rural' under the Local Planning Scheme 'Shire of Dowerin Scheme No 2'. The Rural Zone objectives are as follows:

- To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect land from urban uses that may jeopardize the future use of that land for other planned purposes that are compatible with the zoning.
- To protect the land from closer development that would detract from the rural character and amenity of the area.
- To prevent any development that may affect the viability of a holding.
- To encourage small scale, low impact tourist accommodation in rural locations.
- To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.

Considering the proposed development's remote location, it is evident that there is no significant impact on the natural landscape or rural ambiance. This compliance with the zoning objectives signifies that the development aligns with the intended goals and regulations set forth for the area.



Figure 1 Subject Site

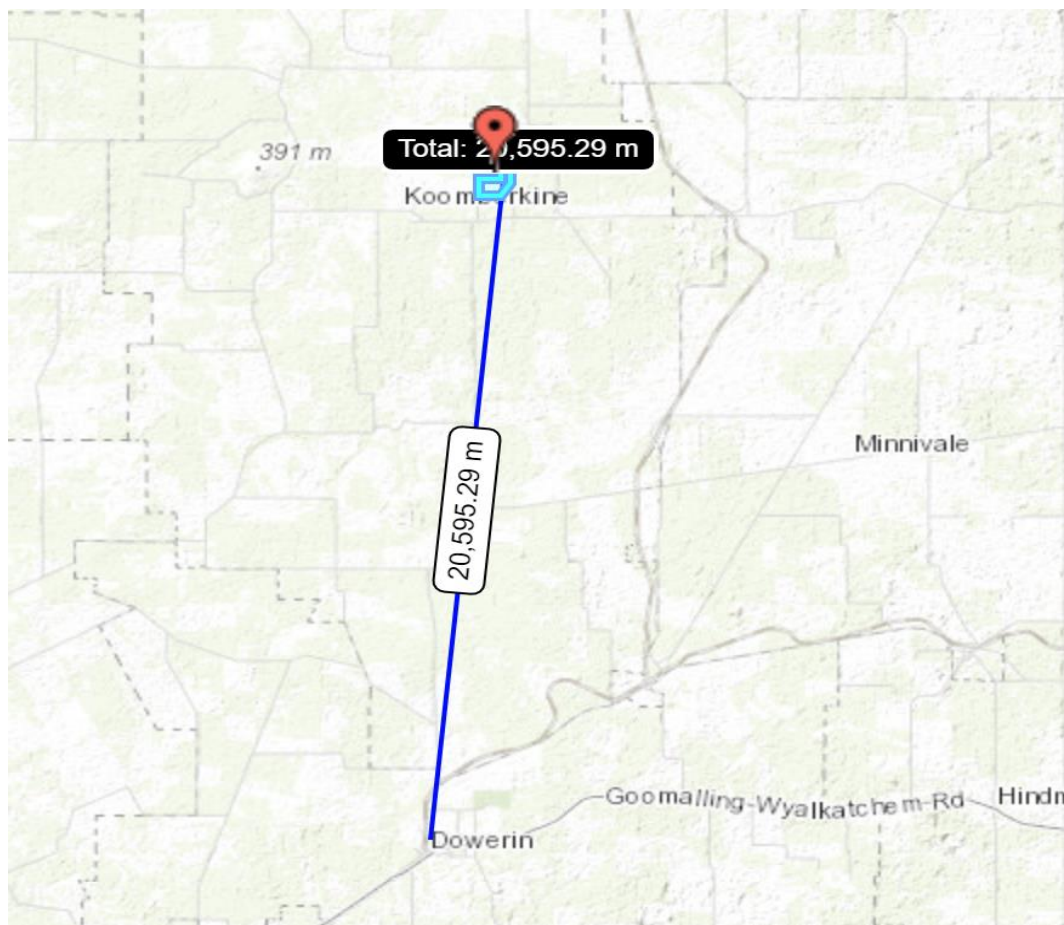


Figure 2: Site location

The site is situated approximately 20 kilometres North of Dowerin's town centre.

Site and Location

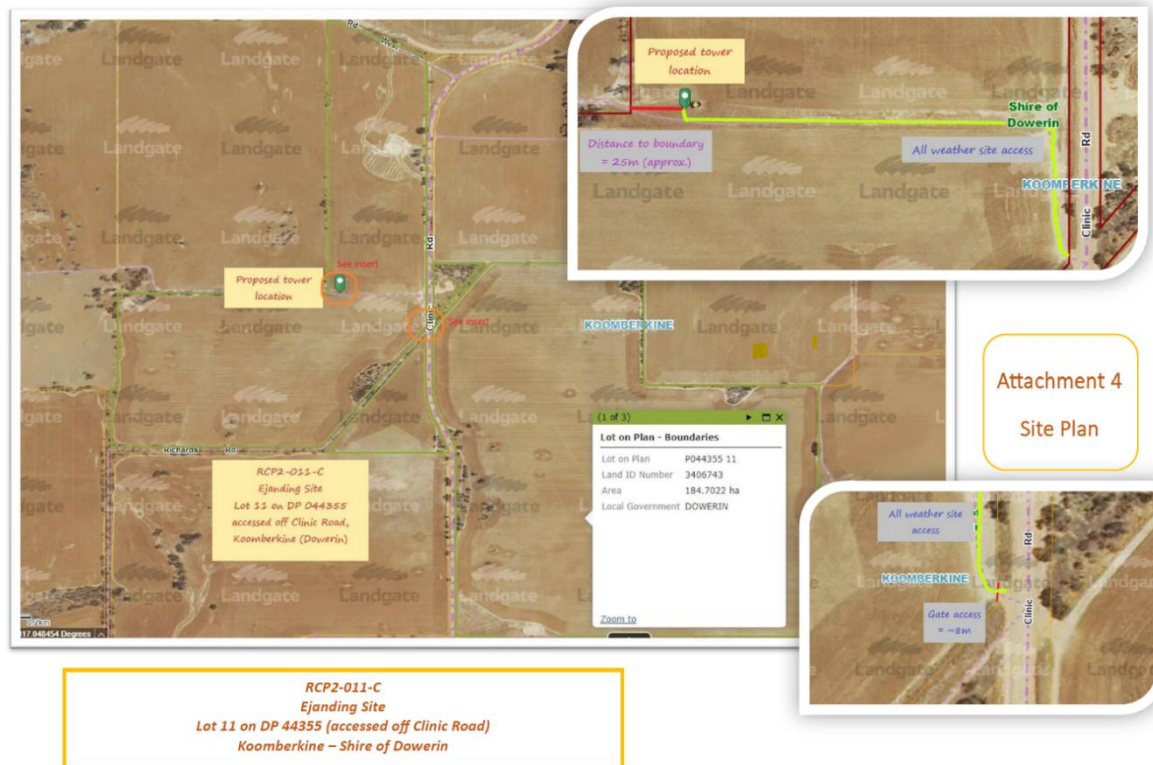


Figure 3: Site Plan

Consultation

There has not been any formal consultation on this development proposal.

Policy Implications

Relevant Plans and Policy:

The intent of State Planning Policy 5.2 – “Telecommunications Infrastructure is to “balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas”.

Statutory Implications

The subject land is in the Rural Zone and the Zoning Table in the Planning Scheme designates Telecommunications Infrastructure as ‘D’, a discretionary use requiring local government approval.

Section 64 of Schedule 2 Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulation 2015 requires advertising of complex applications for development approval. We note that the proposed telecommunications facility is not a complex application and therefore may not require advertising. Given the remote location, there is relatively low impact to adjoining properties.

Shire of Dowerin Local Planning Scheme (LPS) No.2
(Statutory instrument)

Current Zoning

'Rural' – See extract of Zoning Map below – green colour.

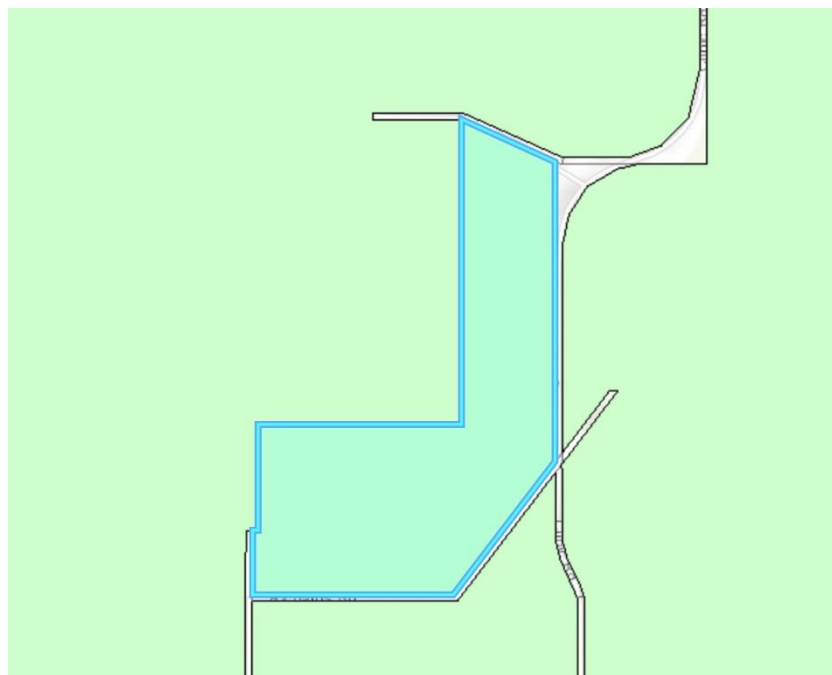


Figure 5 Extract of zoning map

Permissibility (Table 1 – Zoning Table)

Table 1 – Zoning Table of LPS 2 qualifies the subject land is located in the Rural Zone and the Zoning Table in the Planning Scheme designates

Telecommunications Infrastructure as 'D', a discretionary use requiring local government approval.

OTHER USES							
Funeral Parlour	X	A	X	P	A	X	X
Service Utility	D	D	D	D	D	D	D
Telecommunications Infrastructure	A	D	P	P	D	A	D
Veterinary Centre	X	A	D	P	A	D	A

Definitions

Planning and Development (Local Planning Schemes) Regulations 2015:

a) **telecommunications infrastructure** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure related to the network;

Objectives

The Council's LPS 2 nominates the objectives of the Rural I Zone to:

- To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.
- To protect the land from closer development that would detract from the rural character and amenity of the area.

	<ul style="list-style-type: none"> To prevent any development that may affect the viability of a holding. To encourage small scale, low impact tourist accommodation in rural locations. To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.
Development Standards	<p><i>LPS 2 stipulates the following standards for development in the Rural Zone:</i></p> <ul style="list-style-type: none"> Not listed
Planning and Development (Local Planning Scheme) Regulations 2015 <i>(Statutory instrument)</i>	
Schedule 2; Part 9; Clause 68(2)	<p><i>This clause empowers Council to determine Development Applications under the planning legislation having regard to the zoning and other Scheme provisions pertinent to the application under consideration.</i></p>
Schedule 2; Part 9; Clause 76 (1) and (2)	<p><i>This part of the Planning Regulations affords the applicant the right to apply to the State Administration Tribunal (SAT) for a review of the Council's decision in relation to the decision on the proposed use and or development of the land.</i></p>
State Planning Policy 3.7 – Planning in Bushfire Prone Areas <i>(Statutory instrument – tied to Planning Regulations)</i>	
Generally	<p><i>State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management across WA. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. SPP 3.7 is a guide to implementing effective risk-based land use planning to preserve life and reduce the impact of bushfire on property and infrastructure.</i></p>
6.2 Strategic planning proposals, subdivision, and development applications	<p><i>Section 6.2 of SPP 3.7 a) states:</i></p> <ol style="list-style-type: none"> <i>Strategic planning proposals, subdivision and <u>development applications</u> within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with policy measures.</i> <i>Any strategic planning proposal, subdivision, or development application in an area to which policy measure 6.2 a) applies, that has or will, on completion, have a moderate BHL and/or where BAL-12.5 to BAL-29 applies, may be considered for approval where it can be undertaken in accordance with policy measures 6.3, 6.4 or 6.5.</i> <i>This policy also applies where an area is not yet designated as a bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, as outlined in the Guidelines.</i>
Planning Bulletin 111/2016 - Planning in Bushfire Prone Areas <i>(Guidance document – tied to SPP 3.7)</i>	
5. Exemptions	<p><i>Planning Bulletin 111/2016 states exemptions from the requirements of SPP 3.7 includes renovations, alterations, extensions, improvements, or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios, and storage sheds for example). SPP 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:</i></p> <ul style="list-style-type: none"> <i>result in the intensification of development (or land use);</i> <i>result in an increase of residents or employees;</i>

	<ul style="list-style-type: none"> involve the occupation of employees on site for any considerable amount of time; or result in an increase to the bushfire threat; the proposal may also be exempt from the provisions of SPP 3.7.
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Strategic Implications

Strategic Community Plan

Community Priority: Our Economy

Objective: Diverse and appropriate housing Reliable Telecommunications Community infrastructure

Outcome: 3

Reference: 3.4

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

The risk assessment in relation to this development is low it poses no significant environmental implications to the site or neighbouring properties. The development is minor.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Financial Implications

There are no budgetary considerations and implications applicable to this proposal.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution - 12.5

Moved: Cr Ward

Seconded: Cr Metcalf

866

That Council grant Planning Approval for the placement of a telecommunications tower as per the application received, with the following conditions:

CONDITIONS:

- 1) All Stormwater to be contained on-site.
- 2) No vegetation to be cleared without permit in accordance with the Environmental Protection Act 1986.

ADVICE NOTES:

The following advice notes are offered in addition to the notes provided in Form 4 of Clause 86 of the Deemed Provisions on the approval granted in condition(s) above:

- a) This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Dowerin.
- b) Nothing in the approval shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- c) The applicant is advised a Building Permit is required prior to commencement of any building works. In this regard the applicant is advised that conditions relating to BAL assessment may result in conditions being imposed at the building permit stage to mitigate the risk for burning embers as part of a preventative approach to bushfire attack.
- d) The applicant is advised of a right of appeal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act, 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website - www.sat.justice.wa.gov.au.

CARRIED 7/0

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr Hagboom, Cr McMorran, Cr Metcalf, Cr Sewell

12.6 Management Order – Reserve 13758

Governance & Compliance



Date:	8 September 2023
Location:	Not Applicable
Responsible Officer:	Brian Jones, Acting Chief Executive Officer
Author:	Brian Jones, Acting Chief Executive Officer
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	
Disclosure of Interest:	Nil
Attachments:	Attachment 12.6A

Purpose of Report



Executive Decision



Legislative Requirement

Summary

To consider requesting a Management Order of Part Reserve 13758 for the purposes of revegetation works.

Background

The Shire has inadvertently encroached into Lot 29236 on Deposited Plan 219843, being one of 4 lots that make up Reserve 13758 when extracting gravel from the adjacent gravel pit located at Reserve 15533. Please see aerial photo at attachment 12.6A for reference.

The Shire is now required to repair any damage caused by the clearing and re-establish and maintain vegetation on the area affected by the clearing to a condition as near as possible to the condition of the vegetation before the clearing occurred, in accordance with the requirements of the Environmental Protection Act 1986.

The rehabilitation of the affected area includes the requirement to undertake revegetation so as to achieve a species composition, structure, density, and vegetation condition of native vegetation similar to pre-clearing species composition, structure, density, and vegetation condition by:

- deliberately planting and/or seeding native vegetation; and
- ensure only local species are used in the revegetation; and
- ensure that the local species used in revegetation include the species identified during the vegetation survey.

The Shire is also required to maintain the following records for a period of ten (10) years in relation to the revegetation of the affected area:

- The date or dates of revegetation activities undertaken
- Species planted or seeded
- The number of each species planted or the quantity of seed for each species sown
- A description of the revegetation activities undertaken
- The species composition, structure, density, and vegetation condition of native vegetation in the specified area.

The Shire has engaged the services of Natural Area Consultant Management Services to assist with the revegetation, monitoring and reporting.

In order for the Shire to have access to the reserve to enable the required revegetation it is recommended that Council apply for a Management Order for a period of 10 years for the purposes of conservation and rehabilitation or similar purpose as advised.

Consultation

Department of Planning, Lands and Heritage

Department of Water and Environment Regulation

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government

Outcome: 5.4

Reference: 5.4.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Property (Plant, Equipment, Buildings)
Risk Description	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions
Consequence Rating	Minor (2)
Likelihood Rating	Likely (4)
Risk Matrix Rating	High (10)
Key Controls (in place)	
Action (Treatment)	
Risk Rating (after treatment)	Choose an item.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 12.6

Moved: Cr Trepp

Seconded: Cr Metcalf

867 That Council apply for a Management Order for Lot 29236 on Deposited Plan 219843, being one of 4 lots that make up Reserve 13758, for a period of ten years, to enable revegetation works to be carried out.

CARRIED 6/1

For: Cr Trepp, Cr Ward, Cr Allsopp, Cr McMorran, Cr Metcalf, Cr Sewell

Against: Cr Hagboom

13. Urgent Business Approved by the Person Presiding or by Decision

Nil

14. Elected Members' Motions

Nil

15. Closure

The President thanked those in attendance and declared the meeting closed at 5.27pm.