



**MINUTES
OF THE
SPECIAL MEETING
OF COUNCIL
HELD ON**

6 July 2026

Council Chambers

Honour Avenue

Wyalkatchem

Commencement: 4:02pm

Closure: 4:28pm

Preface

When the Chief Executive Officer approved these Minutes for distribution they are in essence “*Unconfirmed*” until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The “*Confirmed*” Minutes are then signed off by the Presiding Member.

Unconfirmed Minutes

These unconfirmed minutes were approved for distribution on the 8 July 2026.



Tom Kettle
Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten days of this meeting.

DISCLOSURE OF INTEREST

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

Impartiality Interest:

As per the Shire of Wyalkatchem Code of Conduct for Council Members, Committee Members, and Candidates for Election, and to maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest. Having disclosed the interest, you may declare your objectivity on the matter, and remain in the Chamber, and chair, or move/second, speak and vote on the matter.

Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting, or prior to consideration of the item in which an interest exists.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

	TABLE OF CONTENTS	
1.	DECLARATION OF OPENING	1
2.	PUBLIC QUESTION TIME	1
2.1.	Response to Public Questions Previously Taken on Notice	1
2.2.	Declaration of Public Question Time opened	1
2.3.	Declaration of Public Question Time closed	1
3.	ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE.....	1
3.1.	Attendance	1
3.2.	Visitors.....	1
3.3.	Apologies.....	1
3.4.	Approved Leave of Absence	1
3.5.	Applications for Leave of Absence	2
4.	OBITUARIES.....	2
5.	PETITIONS, DEPUTATIONS, PRESENTATIONS.....	2
5.1.	Petitions.....	2
5.2.	Deputations	2
5.3.	Presentations	2
6.	DECLARATIONS OF INTEREST.....	2
6.1.	Financial and Proximity Interest	2
6.2.	Impartiality Interests	2
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT	
	DISCUSSION.....	2
8.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	2
9.	REPORTS	3
9.1.	CORPORATE AND COMMUNITY SERVICES	3
9.1.1.	ADOPTION OF ANNUAL BUDGET FOR THE YEAR ENDED 30 JUNE 2027 3	
10.	PLANNING AND BUILDING	9
10.1.1.	DEVELOPMENT APPROVAL (DA) APPLICATION – 59 JOHNSTON ST, WYALKATCHEM	9
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	22
12.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	22
13.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY	
	DECISION	22
14.	MATTERS BEHIND CLOSED DOORS.....	22

15. CLOSURE OF THE MEETING 22

1. DECLARATION OF OPENING

The Presiding Member, Cr Petchell declared the meeting open at 4:02pm.

2. PUBLIC QUESTION TIME

2.1. Response to Public Questions Previously Taken on Notice

Nil

2.2. Declaration of Public Question Time opened

Public Question Time opened at 4:02pm.

There were no public questions.

2.3. Declaration of Public Question Time closed

Public Question Time closed at 4:03pm.

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Cr Christy Petchell	President and Presiding Member
Cr Mischa Stratford	Deputy President
Cr Christopher Loton	
Cr Justin Begley	
Cr Tracy Dickson	
Cr Rod Lawson Kerr	
Cr Stephen Gamble	

Tom Kettle	Chief Executive Officer
Claire Trenorden	Manager Corporate Services

3.2. Visitors

Russell Wood
Jennie Gorham

3.3. Apologies

Nil

3.4. Approved Leave of Absence

Nil

3.5.Applications for Leave of Absence

Cr Petchell applied for a leave of absence for the Ordinary Meeting of Council on the 16 July 2026.

COUNCIL RESOLUTION:

(68/2026) Moved: Cr Stratford

Seconded: Cr Dickson

CARRIED 7/0

**Voted for: Cr Petchell, Cr Stratford, Cr Begley, Cr Loton, Cr Gamble,
Cr Lawson Kerr, Cr Dickson**

4. OBITUARIES

Nil

5. PETITIONS, DEPUTATIONS, PRESENTATIONS

5.1.Petitions

Nil

5.2.Deputations

Nil

5.3.Presentations

Nil

6. DECLARATIONS OF INTEREST

6.1.Financial and Proximity Interest

Nil

6.2.Impartiality Interests

Cr Petchell declared an impartiality interest in item 9.1.1.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member thanked staff for the time and effort they have put into the Budget preparation and also to Councillors for attending all of the Budget workshops.

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

Cr Petchell declared an impartiality interest in item 9.1.1

9. REPORTS

9.1. CORPORATE AND COMMUNITY SERVICES

9.1.1. ADOPTION OF ANNUAL BUDGET FOR THE YEAR ENDED 30 JUNE 2027

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 July 2026
Reporting Officer:	Claire Trenorden, Manager Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.05.07
Attachment Reference:	9.1.1 Annual Budget for the year ended 30 June 2027 9.1.2 Capital program for the year ended 30 June 2027 9.1.3 Fees and Charges 2026/27

SUMMARY

The *Local Government Act 1995*, section 6.2 requires a local government to prepare and adopt a budget before 31 August. Council is recommended to adopt the attached Annual Budget for year end 30 June 2027.

BACKGROUND

The draft 2026/27 Budget has been compiled based on the principles contained in the Strategic Community Plan and in accordance with presentations made to Council at eight budget workshops.

COMMENT

The main features of the draft 2026/27 Annual Budget are as follows;

Major Items of Income;

- Rates \$1,651,192 (equating to a 5% increase on total income)
- Operating Grants \$ 574,804
- Non-operating Grants \$1,369,460
- Fees & Charges \$ 252,059
- Interest revenue \$ 127,500

Proposed capital expenditure of \$2,729,710 funded as follows;

- Reserve funded \$ 409,088
- Non-operating grants \$1,369,460
- Proceeds from sales \$ 320,000
- Own source (Municipal fund) \$ 631,222

The capital works include;

a. roads program totalling \$1,120,000, comprising;

- Roads to Recovery \$ 505,000; &
- Regional Road Group \$ 615,000.

These works are principally funded via federal and state government grants. Delivery of this work will require just \$205,000 to be drawn from the Municipal Fund.

- b. plant purchase/replacement of \$966,100 and the major components are as follows;
- Replace grader \$ 500,000
 - Community Bus replacement \$ 255,000
 - Skid Steer mounted mulcher \$ 60,000
 - New light vehicles \$ 151,100
- c. Building projects totalling \$187,000 comprising;
- Contribution to CEACA build \$ 97,000
 - Town Hall guttering \$ 45,000
 - 53 Piesse fence replacement \$ 35,000
 - Admin Office door replacement \$ 10,000
- d. Other infrastructure projects totalling \$456,610 and include the following projects;
- Swimming Pool works \$ 30,000
 - Recreation Centre tanks \$100,000
 - Depot tanks \$ 50,000
 - Mobile Water tanker \$100,000
 - Footpath Riches St to Swimming Pool \$ 66,300
 - Drainage works Thurston St \$ 34,000 (funded by Roads 2 Recovery)
 - Wheatbelt Way Rail Trail \$ 76,310

It is also noted that from 2026/27 Workers Compensation insurance is classified as an employee cost, rather than insurance, so this explains the variance to prior years' actuals and budgets in both areas.

The estimated brought forward balance is \$2,625,175 however, it must be noted that this figure is unaudited and may change once the annual accounts are finalised. The major contributor to this carried forward amount is the approximate 80% advance payment of the Commonwealth Financial Assistance Grants for 2026/27 being pre-paid in June 2026.

STATUTORY ENVIRONMENT

Local Government Act 1995

"6.2. Local government to prepare annual budget

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
- (a) the expenditure by the local government; and*
 - (b) the revenue and income, independent of general rates, of the local government; and*
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*

- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and*
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) the amount it is estimated will be yielded by the general rate; and*
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;**and*
 - (c) the fees and charges proposed to be imposed by the local government; and*
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) such other matters as are prescribed.*
- (5) *Regulations may provide for —*
- (a) the form of the annual budget; and*
 - (b) the contents of the annual budget; and*
 - (c) the information to be contained in or to accompany the annual budget.”*

POLICY IMPLICATIONS

Policy 2.4. Budget preparation

FINANCIAL IMPLICATIONS

Budget of estimated income and expenditure for the 2026/27 financial year.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Pillar 4 Civic Leadership	Statement of Strategic Outcome: We lead with accountability, connection and openness through best-practice systems, policies and financial controls
Goal No.	GOAL 11. High standard of governance
11.3	Ongoing long term financial planning and transparent financial management

VOTING REQUIREMENT

Absolute Majority

AMENDMENT MOTION/COUNCIL RESOLUTION:

(69/2026) Moved: Cr Loton

Seconded: Cr Stratford

Cr Loton moved the following amendments to the recommendation:

- 12. That, noting section 6.2(2) of the Local Government Act 1995 requires the annual budget to be prepared having regard to the plan for the future of the district under section 5.56, Council requests the CEO to present to Council, prior to the 2026/27 mid-year budget review, a report on the review status and update schedule for the addition of key informing strategies to the Shire's Integrated Planning and Reporting Framework, including the Council Plan, Long Term Financial Plan, Asset Management Plan and Workforce Plan.**
- 13. That the award of tender or commitment to purchase for any plant item in the 2026/27 capital program with an estimated value exceeding \$250,000 be determined by Council resolution, with the relevant report to include a statement of alignment with the draft Asset Management Plan and Long Term Financial Plan.**

CARRIED 5/2

Voted for: Cr Stratford, Cr Loton, Cr Gamble, Cr Lawson Kerr, Cr Dickson

Voted against: Cr Petchell, Cr Begley

AMENDED OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION:

(70/2026) Moved: Cr Begley

Seconded: Cr Lawson Kerr

- 1. That, in accordance with Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Shire of Wyalkatchem 2026/2027 Budget, as presented in Attachment 9.1.1.**
- 2. That, in accordance with Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, Council for the purpose of yielding the deficiency disclosed by the 2026/27 Budget adopted at Part 1 above, imposes the following general rates and minimum payments on Gross Rental and Unimproved Values (as shown at Note 2 of the 2026/27 Budget).**

Type	Rate in \$	Minimum Payment
Residential (GRV)	0.086140	\$607.00
Rural (UV)	0.006436	\$677.00
Mining (UV)	0.006436	\$677.00

- 3. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:**

One Installment Option:

Full payment with 5% discount	21/08/2026
Full payment	04/09/2026

Four Installment Option:

1st Instalment due date	04/09/2026
2nd Instalment due date	06/11/2026
3rd Instalment due date	08/01/2027
4th Instalment due date	12/03/2027

4. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.
5. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 7% for rates and other charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
7. That, in accordance with Section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopts the following charges for the removal and deposit of domestic and commercial waste:

Residential and Commercial Premises 240ltr Waste Bin Weekly Collection;	\$ 403.00
Additional Refuse Service 240ltr Waste Bin Weekly Collection;	\$ 403.00
Residential Premises – Pensioner/Senior First 240ltr Waste Bin Weekly Collection;	\$283.00
Residential Premises – Pensioner/Senior Additional Refuse Service	\$403.00

8. That, in accordance with Section 5.99 of the Local Government Act 1995 and Regulation 34 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees and allowances for elected members:

Council Annual Meeting Fees; Councillors	\$ 5,817.00 per annum
Council Annual Meeting Fees; President	\$ 5,817.00 per annum
Allowance; Shire President	\$ 7,391.00 per annum
Allowance; Deputy Shire President	\$ 1,847.00 per annum
Allowance; ICT expenses	\$660.00 per annum
ARIC Independent Member	\$450 per meeting

9. ***That, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopts the level to be used in the Statement of Financial Activity in 2026/27 for the reporting of material variance as 10% or \$10,000, whichever is the greater.***
10. ***That, in accordance with Section 6.11 of the Local Government Act 1995, Council adopts to transfer \$31,454 to the Sport and Recreation Facilities Reserve. It adopts utilize \$120,000 to fund plant purchases, utilise \$90,000 for building related capital projects, \$97,000 for community development related capital projects and \$102,088 for replacement of the Community Bus.***
11. ***That, in accordance with Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges 2026/2027 included in attachment 9.1.3.***
12. ***That, noting section 6.2(2) of the Local Government Act 1995 requires the annual budget to be prepared having regard to the plan for the future of the district under section 5.56, Council requests the CEO to present to Council, prior to the 2026/27 mid-year budget review, a report on the review status and update schedule for the addition of key informing strategies to the Shire's Integrated Planning and Reporting Framework, including the Council Plan, Long Term Financial Plan, Asset Management Plan and Workforce Plan.***
13. ***That the award of tender or commitment to purchase for any plant item in the 2026/27 capital program with an estimated value exceeding \$250,000 be determined by Council resolution, with the relevant report to include a statement of alignment with the draft Asset Management Plan and Long Term Financial Plan.***

CARRIED 6/1

***Voted for: Cr Petchell, Cr Begley, Cr Stratford, Cr Loton, Cr Lawson Kerr,
Cr Dickson***

Voted against: Cr Gamble

10. PLANNING AND BUILDING

10.1.1. DEVELOPMENT APPROVAL (DA) APPLICATION – 59 JOHNSTON ST, WYALKATCHEM

Applicant:	Pawel and Karolina Kadlubicki
Location:	59 Johnston St, Wyalkatchem
Date:	1 Junly 2026
Reporting Officer:	Paul Bashall, Planwest (WA) Pty Ltd
Disclosure of Interest:	No interest to disclose
File Number:	07.02
Attachment Reference:	10.1.1 Development Application as submitted

Executive Summary

This report considers a proposal to build a new transportable container dwelling measuring about 6m x 8.5m (54m²) at the front of a town lot in Johnston Street, Wyalkatchem. The report was originally presented to the 18 June 2026 Ordinary Council Meeting, but deferred for further information to be received.

Background

A Development Approval (DA) application was submitted by Pawel and. Karolina Kadlubicki, the owners. The DA was accompanied by;

- a signed DA application form,
- a set of floor plans and elevations of the proposed dwelling,
- a copy of the certificate of title,
- a few development specifications, and
- a site plan.

Location

The proposed dwelling is proposed to be located at the front of the property in Johnston Street that has an existing house located at the rear. Lot 1 is about 18m x 50m measuring about 908m² with access to a rear 5m laneway.

Figure 1 provides a location plan showing how the property is affected by the Bushfire Prone mapping issued by DFES.

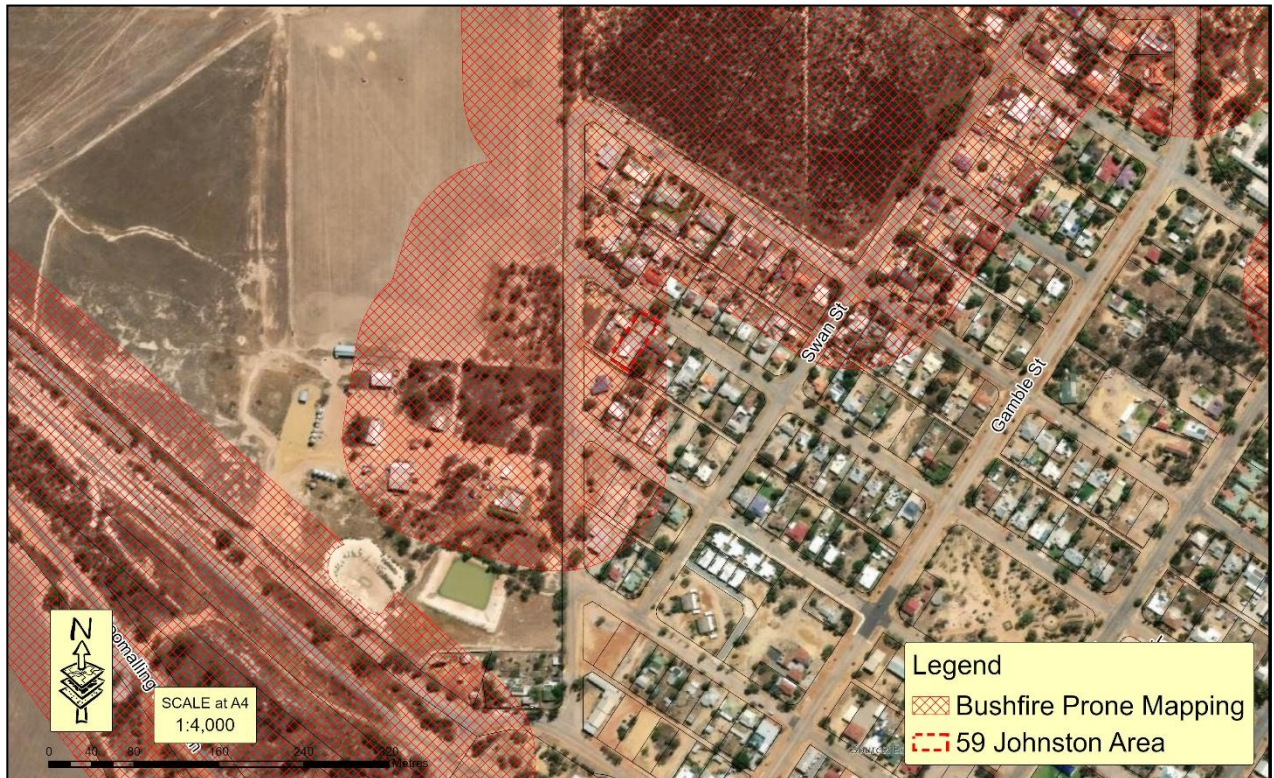
Figure 2 provides an enlargement of the property clearly showing the existing house at the rear of the lot. The house appears to have solar panels installed since the aerial photograph was taken. The front part – according to Google Streetview - has three caravan stored on site.

Proposed Development

The proposal seeks approval for a new container dwelling measuring about 6m x 8.5m and 2.5m high at the eaves. The estimated cost of the development is stated as just under \$130,000 to be completed within 6 months.

The plans submitted are of poor quality as they do not clearly show setbacks from boundaries and the ridge height of the dwelling. However, it is clear that the dwelling is well setback (for the R30 density code) from the road (Johnston Street) and side setbacks, and a second dwelling on the property is acceptable given the R-Code designation (R10/30). There are no distances shown between the existing and proposed dwelling, however, it appears to be adequate.

FIGURE 1 – LOCATION PLAN



Source: Landgate, DFES, Planwest

FIGURE 2 – ENLARGEMENT OF PROPERTY



The application form also indicates that the existing development on the property is a 6x10m shed, however the address on the certificate of title provides this address as the owners' residence.

The DA form also says the nature of the proposed development is 'Use' instead of 'Works'.

The plans show a carport on Johnston Street; however, it is unclear whether this is setback in accordance with the Residential Design Codes (R-Codes).

The site plans appear to be drawn incorrectly showing the width of the lot to be 17m rather than 18m.

The applicant has provided an example of what the development may look like. This is shown in **Figure 3** below.

FIGURE 3 – APPEARANCE OF DEVELOPMENT



Source: Applicant, Planwest

Local Planning Scheme

The land is zoned 'Residential' with a density of R10/30 in Local Planning Scheme No 4 (the Scheme). **Figure 4** shows an extract from the Scheme mapping of the property and surrounding land.

FIGURE 4 – SCHEME MAP EXTRACT



The Scheme requires that all residential development must comply with the R-Codes (Residential Design Codes). The Deemed Provisions (of the *Planning and Development (Local Planning Schemes) Regulations 2015*) do not exempt this development from requiring a DA (clause 61) as the development is not a single house (the only house on the lot). The addition of a second dwelling makes them both termed 'grouped dwellings'.

The split density code implies that, where deep sewerage is available, the density can comply with the R30 code – otherwise the R10 code applies.

Although the land is within the Bushfire Prone mapping, there is an exemption for development on lots less than 1,100m², from requiring a Bushfire Management Plan. Nevertheless, if approved, the applicant will require a Bushfire Attack Level assessment to determine the building standards required.

The Scheme provides for Local Planning Policies (LPP) to cover more detailed aspects of development within the Scheme area. These LPPs are prepared and adopted under the provisions of the Scheme (Part 2).

The LPP No 1 – Moveable Buildings is one such LPP that was adopted by the Council to safeguard the quality of the streetscape in established residential areas by restricting the use of moveable buildings, like containers, dongas and transportable structures. It is considered that these structures may detract from an established streetscape. Although the design of the current proposal may well hide the underlying container, it still presents

as a building without the character and features of a typical dwelling found elsewhere in the residential areas of Wyalkatchem.

Attachment A provides copy of LPP 1.

These types of buildings may be acceptable in grouped environments like an aged persons' complex or a workers' accommodation location, however, this is not consistent with objectives outlined in LPP.

Other circumstances where these may be more acceptable include a second dwelling at the rear of a property, or an ancillary dwelling, where it is less likely to impact the streetscape.

Consultation

Nil.

Statutory Environment

- Planning and Development Act 2005
- Shire of Wyalkatchem Local Planning Scheme No 4

Policy Implications

There are policy implications applicable to this item relating to the LPP 1 – Moveable Buildings.

Financial Implications

There are no financial implications applicable to this item.

Strategic/Risk Implications

There are strategic risk implications applicable to this item by approving the DA against the principles of an adopted policy that may create a precedence for future similar applications.

Discussion

The temptation, especially in the current housing stock shortage, is to welcome 'any' accommodation, however, this must be weighed against the longer-term implications of approving this DA. The risk of the Council approving 'moveable buildings' in existing residential areas is that there may be a flood of similar applications that will be difficult to object to – and will be there for the long-term.

There is little information on the durability of these types of structures that may be difficult to manage in the long term.

Further Discussion

As mentioned, the proposed development does not comply with LPP No 1, however the alternative recommendation provided could be based on the review of LPP No 1 that seeks more flexibility in treating moveable buildings. The second part of the alternative decision incorporates a review of LPP No 1.

The main issue is the impact on the streetscape – existing and future – hence the recommendation that the building façade be redesigned to incorporate the carport/garage. This is an opportunity to require better quality drawings to correct lot dimensions and show setbacks of all features.

Although a generalisation, it is commonly accepted that a better build (materials and presentation) will be better maintained and looked after. Due to the portability of these types of houses, it is unlikely that the materials used have the same durability and longevity. This will have a future impact on the streetscape.

AMENDMENT MOTION/COUNCIL RESOLUTION:

(71/2026) Moved: Cr Stratford Seconded: Cr Gamble

Cr Stratford moved to amend the recommendation to remove the word “more” in condition 3, changing it from “That the front façade of the dwelling be constructed of materials considered more appropriate for the prevailing climatic conditions to the satisfaction of the local government.” to “That the front façade of the dwelling be constructed of materials considered appropriate for the prevailing climatic conditions to the satisfaction of the local government.”

CARRIED 7/0

***Voted for: Cr Petchell, Cr Begley, Cr Stratford, Cr Loton, Cr Lawson Kerr,
Cr Dickson, Cr Gamble***

VOTING REQUIREMENT

Simple Majority

AMENDED ALTERNATE RECOMMENDATION/COUNCIL RESOLUTION:

(72/2026) Moved: Cr Stratford Seconded: Cr Loton

That Council approves the Development Approval application subject to the following conditions and advice notes.

- 1. The proposed carport being setback in accordance with the R-Codes (Residential Design Codes) to the satisfaction of the local government.***
- 2. The development being redesigned to incorporate the carport into the overall front façade of the dwelling with an appropriate landscaping plan to the satisfaction of the local government.***
- 3. That the front façade of the dwelling be constructed of materials considered appropriate for the prevailing climatic conditions to the satisfaction of the local government.***
- 4. That the Council carry out a review of the Local Planning Policy No 1 relating to Moveable Buildings to ensure;***

- i. that the policy maintains its relevancy with current shortages of residential accommodation in the state*
- ii. That the assessment of the use of moveable buildings in residential areas be based on visual performance, including factors like materials used, consistency with streetscape objectives, landscaping, roof pitches and other measures to reduce the visual impact of structures like containers and dongas.*

CARRIED 7/0

**Voted for: Cr Petchell, Cr Begley, Cr Stratford, Cr Loton, Cr Lawson Kerr,
Cr Dickson, Cr Gamble**



ATTACHMENT A

SHIRE OF WYALKATCHEM LOCAL PLANNING SCHEME No. 4

The Shire of Wyalkatchem under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme No. 4, hereby adopts the following Policy.

LOCAL PLANNING POLICY No. 1 MOVEABLE BUILDINGS

DATE ADVERTISED:

DATE FINALLY ADOPTED:

1. DISCUSSION

Recent land price increases and substantially increased prices for dwellings within the metropolitan and major regional centres has resulted in a substantial portion of the community unable to purchase property. This has resulted in an increased demand for land within smaller communities and in particular the sale of homestead lots within the satellite towns.

The Council is experiencing an increase in the demand for more affordable housing types within the Shire. These 'affordable' housing types are often in the form of moveable, recycled and converted shed type structures. The Council is keen to restrict these types of dwellings amongst the existing residential areas as they are considered inappropriate to, the standard of existing housing stock, and the expectations of residents or owners already established in the area. The Council considers it reasonable to protect existing owners' investments in the town from development that may detract from the amenity of the residential character.

2. DEFINITIONS

A PERMANENT building is generally not designed to be moved and includes the following;

- a) **'Site Built'** structures are built on location as new permanent structures. They are of traditional appearance with pitched roofs and typical house layout, designed to accommodate families.
- b) **'Relocated'** dwellings are structures that have previously been constructed on a site elsewhere. The structures that are relocated are not necessarily designed to be relocated.

A MOVEABLE building is generally any structure capable of being transported from one location to another. There are three basic types as follows;

- a) **'Transportable'** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
- b) **'Donga Type'** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those (such as

ATCO, Western Portables or Durabuilt units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.

- c) **'Containers'**. These structures, although considered 'buildings' by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes 'seatainers' and other large vessels designed to carry, and be carried on specially designed vehicles or transporters.

3 BACKGROUND

Due to the historic uncertainty in the permanence of mining activities, and the mobility of mining operations, the establishment of permanent workforce accommodation in the region may not always be desirable or viable.

The use and reuse of moveable buildings is common. The downside of this trend is that the building stock may be second-hand, may contain undesirable materials like asbestos, and may be visually out of harmony with existing buildings in the locality. Many other Councils are not permitting buildings within their districts which contain asbestos. Without the appropriate controls Wyalkatchem could become a 'dumping ground' for such structures.

To ensure that the Council has the opportunity to consider such proposals, all applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence.

The Council has delegated authority to its Building Surveyor to determine Applications for Planning Consent for all applications for **transportable** and **relocated** dwellings in zones of the Scheme where dwellings are permitted. The Building Surveyor may impose appropriate conditions including the requirement for a bond or bank guarantee.

Donga type and **Containers** are subject to Council consideration.

4 POLICY

4.1 Council Policy on Moveable Buildings

- a) All applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence. Generally the Council is not in favour of the use of moveable buildings, especially in the townsites areas, however the Council will consider each application on its merits.

- b) The Council shall not permit the establishment, occupation or erection of **donga type** structures for residential purposes within a Townsite Boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp site for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement, and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.

- c) The Council will only permit **donga type** structures for uses *other than* residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.

d) The Council will only permit **site built** and **relocated** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.

e) The Council will not permit the storing or use of a **'container'**, as defined above, within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.

f) The Council may give special consideration for the use of **'containers'** outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of the **'containers'** will not detract from the amenity of the locality.

4.2 Measures to ensure Compliance with Planning Consent

When an application for Planning Consent for a Moveable Building is considered by the Council, or the Building Surveyor, that Consent may be granted subject to conditions requiring the applicant, or owner, to:

- a) lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the surety for the completion of the moveable building to a standard acceptable to the Council;
- b) specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council.
- c) obtain a special building licence of a specified duration.

5 OBJECTIVES OF POLICY

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.
- c) To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (eg. asbestos).
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.
- e) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of **'containers'** within the non-industrial areas of the townsite.

CHIEF EXECUTIVE OFFICER

Date

**OFFICER
RECOMMENDATION**

LG Ref: %%%



Planning and Development Act 2005

Shire of Wyalkatchem

Notice of determination on application for development approval

Location: 59 Johnston Street, Wyalkatchem.

Lots: 1

Plan/Diagram: 35214

Vol. No: 502

Folio No: 115A

Application date: 4 May, 2026

Received on: 4 May, 2026

Description of proposed development:

The construction of a container dwelling.

The application for development approval received on 4 May 2026 is:

☐ Approved subject to the following conditions

☒ Refused for the following reason(s)

Conditions/Reasons for refusal:

1. The proposal does not comply with the Council's adopted Local Planning Policy No 1 – Moveable Buildings.
2. The undesirable impact of container-type housing on the streetscape of an established residential street.
3. The establishment of moveable-type buildings in prominent streetscape locations will compromise the visual aesthetics of residential areas.
4. The introduction of moveable buildings are generally out of character with the predominant housing style in the locality.

Date of determination: 6 July, 2026

**ALTERNATIVE
COUNCIL
DETERMINATION**

LG Ref: %%%



Planning and Development Act 2005

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☒ Approved subject to the following conditions

☐ Refused for the following reason(s)

Conditions/~~Reasons for refusal:~~

1. The proposed carport being setback in accordance with the R-Codes (Residential Design Codes) to the satisfaction of the local government.
2. The development being redesigned to incorporate the carport into the overall front façade of the dwelling with appropriate landscaping plan to the satisfaction of the local government.
3. That the front façade of the dwelling be constructed of materials considered more appropriate for the prevailing climatic conditions to the satisfaction of the local government.

Footnotes

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

Date of determination: 6 July 2026

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

14. MATTERS BEHIND CLOSED DOORS

Nil

15. CLOSURE OF THE MEETING

There being no further business, the Presiding Member closed the meeting at 4:28pm.