



## Shire of Cunderdin

### Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 19<sup>th</sup> June 2014** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5:03pm**.

A handwritten signature in black ink, appearing to read 'Peter Naylor', is positioned above the printed name.

Peter Naylor  
**Chief Executive Officer**

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## AGENDA

### 1. Declaration of opening

**The President declared the meeting open at 5.03 pm**

**The Shire of Cunderdin disclaimer was read aloud.**

The Local Government Act 1995 Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

"No responsibility whatsoever is implied or accepted by the Shire of Cunderdin 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 working days of this meeting".

### 2. Suspension of Clause 3.2 - Standing Orders

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Not applicable
<b>Date:</b>	10 <sup>th</sup> June 2014
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer

#### Resolution 2.1:

**Council suspends clause 3.2 – Order of Business – of the Shire of Cunderdin Standing Orders Local Law 2001**

**Moved: Cr Dennis Whisson**

**Seconded: Cr Doug Kelly**

**Vote – Simple majority**

**Carried: 8/0**

### 3. Public Question Time

**Response to previous public questions taken on notice**

**Declaration of public question time opened at**

**Declaration of public question time closed at**

#### **4. Record of Attendance, Apologies and Approved Leave of Absence**

##### **Record of attendances**

###### **Councillors**

Cr RL (Rod) Carter  
Cr RC (Clive) Gibsone  
Cr TE (Todd) Harris  
Cr TA (Terri) Jasper  
Cr NW (Norm) Jenzen  
Cr DG (Dianne) Kelly  
Cr DB (Doug) Kelly  
Cr DA (Dennis) Whisson

##### **Apologies**

##### **On Leave of Absence**

##### **Staff**

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services (from 5:24pm)

##### **Guests of Council**

##### **Members of the Public**

##### **Applications for leave of absence**

##### **Declaration of Members and Officers Financial Interests**

Item 8.5      Chief Executive Officer and Deputy CEO

#### **5. Petitions, Deputations, Presentations**

##### **Deputations**

##### **Presentations**

#### **6. Announcements by President without discussion**

## 7. Confirmation of the Minutes of Previous Meetings

### 7.1 Ordinary Meeting of Council held on Thursday 15<sup>th</sup> May 2014

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	10 <sup>th</sup> June 2014
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	N/A
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### **Proposal/Summary**

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 15<sup>th</sup> May 2014.

#### **Background**

The minutes of the meeting have been circulated to all Councillors and have been made available to the public.

#### **Comment**

No business arising.

#### **Consultation**

Nil

#### **Statutory Environment**

*Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2)*

The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

#### **Policy Implications**

Nil

#### **Financial Implications**

There are no financial implications in considering this item.

#### **Strategic Implications**

Nil

**Resolution 7.1**

**That:**

- 1. The minutes of the Ordinary Council Meeting held on Thursday 15<sup>th</sup> May 2014, be confirmed as a true and correct record.**

**Moved: Cr Clive Gibsone**

**Seconded: Cr Terri Jasper**

**Vote – Simple majority**

**Carried: 8/0**

**Note to this item:**

The President will sign the minute declaration.

## 8. Finance & Administration

### 8.1. Financial Report for May 2014

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	12 <sup>th</sup> June 2014
<b>Author:</b>	Paul Godfrey/Darren Long
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	71 Pages

#### Proposal/Summary

The financial position as at 31<sup>st</sup> May 2014 is presented for consideration.

#### Appendices - Financial Statements

- Statement of Financial Activity
- Councillor EOY Estimate
- Operating Statement
- Statement of Surplus or Deficit
- Statement of Financial Position
- Statement of Cash Flows
- Details by Function & Activity
- Reserves Account Summary
- Loan Repayment Schedule
- Financial Activity Statement
- Municipal Bank Account Statement & Reconciliation 036-102 00-0030
- Municipal Business Cash Reserve Statement & Reconciliation 036-107 22-3647
- Municipal Term Deposit Statement & Reconciliation 036-107 22-6418
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8704
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8712
- Reserves Business Cash Reserve Statement & Reconciliation 036-107 22-3639
- Reserves Term Deposit Statement & Reconciliation 036-107 23-6827
- Working Trust Account Statements & Reconciliations 036-172 12-2981
- REBA Trust Account Statements & Reconciliations 036-172 12-3001

#### Statutory Environment

The Local Government Act 1995 Part 6 Division 3 requires that a monthly financial report be presented to Council.

#### Commentary

Nil

#### Policy Implications

Nil

### **Financial Implications**

All financial implications are contained within the reports

### **Strategic Implications**

Nil

#### **Resolution 8.1**

**That council receive the financial reports to 31<sup>st</sup> May 2014.**

**Moved: Cr Clive Gibsone**

**Seconded: Cr Dennis Whisson**

**Vote – Simple majority**

**Carried: 8/0**



## 8.2 Accounts Paid – May 2014

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	12th June 2014
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	3 Pages

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling \$270,734.07 listed in the Warrant of Payments for the period 1<sup>st</sup> May to 31<sup>st</sup> May 2014.

### **Attachments**

Warrant of Payments for 1st May – 31<sup>st</sup> May 2014.

### **Statutory Environment**

Financial Management Regulations 12 & 13

### **Commentary on Statutory Environment**

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

### **Policy Implications**

Nil

### **Financial Implications**

All financial implications are contained within the reports

### **Strategic Implications**

Nil

**Resolution 8.2**

**(a) That Council's payment of accounts amounting to \$ 270,734.07 for the month of May 2014 from the Municipal Fund be confirmed and noted.**

**(b) The Payments List as presented where incorporated in the Minutes of the Meeting.**

**Moved: Cr Todd Harris**

**Seconded: Cr Doug Kelly**

**Vote – simple majority**

**Carried: 8/0**

**Creditor Payment Listing - MAY 2014**

<b>Date</b>	<b>Reference</b>	<b>Narration</b>	<b>Amount</b>
1/05/2014	EFT-2102	Westpac Banking Corporation - credit card	-2,604.84
1/05/2014	EFT-2103	Westnet	-44.95
1/05/2014	Bank Fees	Westpac Banking Corporation	-227.26
1/05/2014	Bank Fees	Commonwealth Bank of Australia	-20.00
2/05/2014	EFT-2069	Samson, Michelle Toni	-440.70
7/05/2014	Staff Wages	Payroll	-41,766.51
7/05/2014	EFT-2090	White, Paul	-500.00
13/05/2014	10470	Synergy	-1,186.55
13/05/2014	10471	COVs Parts	-427.19
13/05/2014	10472	MLC Nominees Pty Ltd	-404.94
13/05/2014	10473	MTAA Super	-153.02
13/05/2014	10474	Westscheme Superannuation	-560.94
13/05/2014	10475	BT Super for Life	-605.09
13/05/2014	10476	Bunnings Group Limited	-540.81
13/05/2014	10477	Baxters Rural Centre	-225.50
13/05/2014	10478	OnePath Superannuation	-293.46
13/05/2014	10479	JASON SIGNMAKERS	-518.10
13/05/2014	EFT-2070	Peter Eaton	-70.00
13/05/2014	EFT-2071	Colonial First State	-282.18
13/05/2014	EFT-2072	Hostplus	-131.82
13/05/2014	EFT-2073	WA Local Government Superannuation Plan	-10,419.52
13/05/2014	EFT-2074	Cunderdin Panelbeaters	-440.00
13/05/2014	EFT-2075	Samson, Michelle Toni	-349.50
13/05/2014	EFT-2076	R.W & N.M Denney	-9,089.60
13/05/2014	EFT-2077	Cunderdin Co-op	-1,851.14
13/05/2014	EFT-2078	Byrnes, Hayley Kristin	-206.69
13/05/2014	EFT-2079	Eastern Hill Saws & Mowers	-139.50
13/05/2014	EFT-2080	HCT Rural Agencies	-29.60
13/05/2014	EFT-2081	G K Auto Electrics	-148.50
13/05/2014	EFT-2082	Donovans Engineering	-60.50
13/05/2014	EFT-2083	Landmark Products Ltd	-9,438.00
13/05/2014	EFT-2084	Country Ford	-1,299.48
13/05/2014	EFT-2085	Wongan Concrete Services	-869.00
13/05/2014	EFT-2086	COLAS WA PTY LTD	-118,823.75
13/05/2014	EFT-2087	Shire of Quairading	-470.25
15/05/2014	EFT-2091	sgfleet	-1,181.68
15/05/2014	Bank Fees	Commonwealth Bank of Australia	-29.50
16/05/2014	EFT-2088	Advanced Autologic Pty Ltd	-2,142.00
16/05/2014	EFT-2089	NetRegistry Pty Ltd	-47.85
21/05/2014	Staff Wages	Payroll	-39,706.03
21/05/2014	EFT-2104	White, Paul	-500.00
22/05/2014	10480	Cancelled CHO	0.00
22/05/2014	10481	Cancelled CHO	0.00
22/05/2014	10482	Australian Taxation Office (Fbt)	-9,919.63
23/05/2014	10483	Department Of Transport	-332.80
23/05/2014	10484	Telstra Corporation Limited	-2,071.06
23/05/2014	10485	Telstra (Bigpond)	-59.90
23/05/2014	EFT-2092	Cunderdin Medical Practice	-338.00
23/05/2014	EFT-2093	Horsfield, Garry	-1,660.00
23/05/2014	EFT-2094	Shire of York	-3,843.60
23/05/2014	EFT-2095	Andy's Plumbing Service	-426.50

23/05/2014	EFT-2096	Plastic Card Customization	-1,560.77
23/05/2014	EFT-2097	Radiowest Broadcasters Pty Ltd	-660.00
23/05/2014	EFT-2098	Takacs, Adam	-357.50
23/05/2014	EFT-2099	Orica Australia Pty Ltd	-85.93
23/05/2014	EFT-2100	Truck Centre WA Pty Ltd	-831.17
23/05/2014	EFT-2101	Sportspower Northam	-340.00
28/05/2014	10497	Cancelled CHQ	0.00
28/05/2014	10498	Cancelled CHQ	0.00
30/05/2014	Bank Fees	Westpac Banking Corporation	-1.26
		<b>Total Amount:</b>	<b>-\$270,734.07</b>
CHQ	-\$ 17,298.99		
EFT	-\$253,435.08		
<b>TOTAL</b>	<b>-\$270,734.07</b>		

### 8.3 Council Investments – At 31<sup>st</sup> May 2014

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	12 <sup>th</sup> June 2014
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### Proposal/Summary

To inform Council of its investments as at 31<sup>st</sup> May 2014.

#### Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits
- Commercial Bills
- Government bonds
- Other Short-term Authorised Investments

Council funds are to be invested with the following financial institutions.

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

#### Commentary

<b>COUNCIL INVESTMENTS</b>				
<b>Institution</b>	<b>Amount Invested</b>	<b>Investment type</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>
Westpac Banking Corporation	\$96.43	Business Cash Reserve Bonus 22-3639 2.40%	\$0.00	\$96.43
Westpac Banking Corporation	\$1,166,835.44	Reserves Term Deposit 23-6827 3.15%	\$0.00	\$1,166,835.44
Westpac Banking Corporation	\$2,112,641.85	Business Cash Reserve Bonus 22-3647 2.4%	\$2,112,641.85	\$0.00
Westpac Banking Corporation	\$0.00	Muni Term Deposit 22-8712 3.0%	\$0.00	\$0.00
<b>TOTAL INVESTMENTS</b>	<b>\$3,279,573.72</b>		<b>\$2,112,641.85</b>	<b>\$1,166,931.87</b>

**Statutory Implications**

Financial Management Regulation 19.

**Policy Implications**

Delegation #18 – Investments.

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

There are no strategic implications in considering this item.

**Resolution 8.3**

**That the report on Council investments as at 31<sup>st</sup> May 2014 be received and noted.**

**Moved: Cr Dennis Whisson      Seconded: Cr Norm Jenzen**

**Vote – Simple Majority      Carried: 8/0**

## 8.4 Shire of Cunderdin Meeting Dates for 2014/2015

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	10 <sup>th</sup> June 2014
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For Council to consider the Council and committee meetings dates and times for the 2014/2015 financial year.

### **Background**

Each year Council is required to set the dates for their Ordinary and Committee meetings for the next financial year.

Currently Ordinary Meetings of Council are held on the third (3<sup>rd</sup>) Thursday of each month, with the exception of the month of January (when there is no scheduled meeting), commencing at 5:00pm.

### **Comments**

The current meeting schedule has been in place for some time and appears to work well for the Council members, and provides reasonable opportunity for members of the community to attend the meetings if they desire.

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, Council must give local public notice of the times, dates and place for Ordinary and Committee meetings.

### **Consultation**

Nil

### **Statutory Implications**

*Local Government Act 1995* – section 5.3 Ordinary and Special Meetings of Council

#### ***5.3. Ordinary and special council meetings***

- (1) A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.*
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Local Government (Administration) Regulations 1996 – Regulation 12 Public Notice of Council and Committee meetings

## **12. Meetings, public notice of (Act s. 5.25(1)(g))**

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Nil



**Resolution 8.4**

That Council adopts and provides Local Public Notice for the following Ordinary Council and Committee Meetings dates, time and places for the 2014/15 financial year:

1. The date for Ordinary Council Meetings be as follows, commencing at 5:00pm and being held in the Council Chambers, Lundy Avenue, Cunderdin:

Month	Meeting Date
July 2014	Thursday 17 July 2014
August 2014	Thursday 21 August 2014
September 2014	Thursday 18 September 2014
October 2014	Thursday 16 October 2014
November 2014	Thursday 20 November 2014
December 2014	Thursday 18 December 2014
January 2015	No meeting
February 2015	Thursday 19 February 2015
March 2015	Thursday 19 March 2015
April 2015	Thursday 16 April 2015
May 2015	Thursday 21 May 2015
June 2015	Thursday 18 June 2015

2. Cunderdin Museum Committee Meetings will be held on the second (2<sup>nd</sup>) Thursday of each third month, four times per year (February, May, August & November) commencing at 7:30pm at the Cunderdin Museum, Forrest Street, Cunderdin.
3. Audit Committee meetings will be held as and when required with local public notice given on those occasions where the public are invited to attend.
4. Local Emergency Management Committee (LEMC) meetings are to be held four (4) times per year on the last Wednesday of each third (3<sup>rd</sup>) month, August, November, February & May, commencing at 4:30pm in the Council Chamber, Lundy Avenue, Cunderdin.

Moved: Cr Doug Kelly

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

## 8.5 Chief Executive Officer Annual Leave

<b>Location:</b>	Not Applicable
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	10 <sup>th</sup> June 2014
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

The Chief Executive Officer, Peter Naylor, and the Deputy CEO, Paul Godfrey, declare an interest in this item.

### **Proposal/Summary**

That Council endorses the Chief Executive Officer (CEO) clearing 15 days of annual leave entitlements and appoint an Acting CEO during this period.

### **Background**

The CEO, Mr Peter Naylor, is applying to clear 15 days of annual leave entitlements from Monday 6<sup>th</sup> October 2014 to Friday 24<sup>th</sup> October 2014, inclusive, resuming on Monday 27<sup>th</sup> October 2014.

### **Comments**

It is proposed that the Deputy CEO, Mr Paul Godfrey, be appointed as Acting CEO during this period.

### **Consultation**

Nil

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Provision has been included on the draft budget for 2014/2015.

### **Strategic Implications**

Nil

**Resolution 8.5**

**That Council:**

- 1. Endorses the Chief Executive Officer (CEO) clearing 15 days annual leave entitlements from Monday 6<sup>th</sup> October 2014 to Friday 24<sup>th</sup> October 2014, inclusive.**
- 2. Appoints the Deputy CEO, Paul Godfrey, as Acting CEO for period 6<sup>th</sup> October to 24<sup>th</sup> October 2014, inclusive.**

**Moved: Cr Dennis Whisson**

**Seconded: Cr Dianne Kelly**

**Vote – Simple majority**

**Carried: 8/0**

## 8.6 Australian Local Government Association – Local Government Financial Assistance Grants

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Australian Local Government Association
<b>Date:</b>	12 <sup>th</sup> June 2014
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	31619
<b>Attachment/s:</b>	2 Pages

### **Proposal/Summary**

It was announced during the recent hand down of the Federal Government Budget that there will be a freeze placed on the indexation of Local Government Financial Assistance Grants for a three year period until 2017/2018.

The Australian Local Government Association is seeking support from the local government industry Australia wide for the reinstatement of the Indexation on the Local Government Financial Assistance Grants.

### **Background**

Council has been asked to join the Australian Local Government Association's (ALGA) call to have the Government restore the indexation of the Local Government Financial Assistance Grants (FAGs) which has been frozen for three years until 2017/2018.

The FAGs are a vital part of the revenue base of all Councils. For many smaller rural and remote Councils the FAGs form the majority of their revenue.

ALGA has been fighting to have the value of the FAGs restored to a level equivalent to 1% of tax revenue, the level they were at when John Howard came to power in 1996. In recent years they slipped to 0.7% but ALGA are shocked to see that they will decline to just 0.53% by 2017/2018.

### **Comments**

It has been highlighted by both the ALGA and the State Government's Department of Local Government and Communities that the Federal Budget has frozen the Indexation of the Total Funding Pool for all Local Governments in Australia for the next 3 years.

A further significant Federal Budget decision was to revert back to FAGs Payments being made to Councils in the Year they are due, compared to the recent Federal Government Practice (since 2009/2010) of a significant Advance Payment being made prior to the 30<sup>th</sup> June each year.

### **Consultation**

Nil

### **Statutory Implications**

Federal Legislation – *Local Government (Financial Assistance) Act 1995*.

### **Policy Implications**

Nil

### **Financial Implications**

Major impact on Local Government services and infrastructure.

Decision to freeze Indexation will result in \$925 Million in reduced FAGs funding across Australia between now and 2017/2018.

Council attracted \$1.35 Million in FAGs in the 2013/2014 Year (including the Advance Payment of \$667,049 in late June 2013).

### **Strategic Implications**

Nil

#### **Resolution 8.6**

**That Council actively supports the Australian Local Government Association's call for the reinstatement of Indexation on the Local Government Financial Assistance Grants.**

**Moved: Cr Terri Jasper**

**Seconded: Cr Norm Jenzen**

**Vote – Simple majority**

**Carried: 8/0**

## 9. Environmental Health & Building Services

Nil

## 10. Works & Services

5:24pm Manager Works & Services, Ian Bartlett, entered the meeting

### 10.1 Works & Services Report

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager Works & Services
<b>Date:</b>	10 <sup>th</sup> June 2014
<b>Author:</b>	Ian Bartlett
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### **Proposal/Summary**

Council is to receive the Works and Services Report.

#### **Construction**

- Works on Quelagetting Road resumed following heavy rain event.

#### **General**

- Routine maintenance works being carried out throughout the Shire and on a as needs basis.
- Winter grading has been completed on the following Roads: Hopkins, Wilson, Hackett, Bourke, Mitchell, Loton, Snooke, Stewart, Fleay, Bulgin, Leeming, Dempster, Burges, Hardy, Beebering, Solomon Back, Botts, Burges North, Carter Wilson, Antonio, Throssell, Hills, Warding, Broads, Scadden, Fuller, Harris, Cousin, Three Mile Gate, Flowery Patch, Jasper, Eight Mile Gate, Pascoe, Rabbit Proof Fence South, Wilding, Woonwooring, Mt Anne, Baxter, Dennis, Leeson, Donovan, Hillam, Mathews, Beard and Quelagetting.
- A total of 287.54 km of roads graded in May which just over half of the Shire gravel roads.
- New road and business signs erected on Hardy, Woonwooring, Donovan, Five Mile Gate, Kelkering, Doodenanning, Meckering-Goomalling and for the Cunderdin Pharmacy.
- Attended to rate payer contacts re trees on Goldfields Road, graded one load of gravel on Beebering Road wash out, and blow out on Gimbel Road.
- Replaced guide posts on Meckering-Dowerin, Meckering-Goomalling and Cunderdin-Wyalkatchem Roads.

#### ***Parks and Gardens Cunderdin & Meckering***

- General mowing, whipper snipping and clean-up of all parks, gardens and public open space.
- Planted annual plants at Shire office and in business precinct.

#### ***Building and other Maintenance***

- Repaired toilet cistern at unit 4 Cottage Homes.
- Completed internal maintenance works at the Doctors House.

#### ***Airfield Maintenance***

- Routine inspections carried out, no other problems to report.

- Waiting for new float valves for water tanks at the Airfield

**Plant Maintenance**

- Carried out general servicing and minor repairs to all plant and equipment.
- No major break downs to report.
- Received quotation of \$18,297 to repair damaged John Deere tractor.
- Upgraded rear of water tank (new motor and plumbing).

**Waste Services**

- General upkeep of the Cunderdin and Meckering Transfer Stations, everything running okay.
- Waste Transfer Station employee(s) also assist with general maintenance to Meckering Golf, Bowls & Tennis Clubs.

**Works & Services Staff**

- Mr Barry Bell from Meckering commenced working for the Shire on Tuesday 20<sup>th</sup> May 2014.

**Other Matters**

- Traffic counts on all roads within the Shire is continuing; the following roads have recently been completed.

Road	Date Range	Average Vehicles Per Day
Fiegert	16/5/14-22/5/14	14.80
Halbert		4.00
Eight Mile Gate		20.00
Jasper		12.40
Inverness	22/5/14-29/5/14	7.80
Rabbit Proof Fence South		11.70
Parrawilla		2.00
Nornadee		14.00
Solomon Back	29/5/14-5/6/14	8.00
Snooke		21.80
Loton		24.50
Stewart		6.70

**Statutory Implications**

Local Government Act 1995

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Resolution 10.1**

**That Council:**

- 1. Receives the Works and Services Report.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Dianne Kelly**

**Vote – Simple majority**

**Carried: 8/0**



## 11 Planning & Development

### 11.1 Proposed Rezoning – Town Planning Scheme No 3 Amendment No 2

<b>Location:</b>	Lot 6110 Great Eastern Highway, Cunderdin
<b>Applicant:</b>	Gray & Lewis on behalf of Landcorp
<b>Date:</b>	9 <sup>th</sup> June 2014
<b>Author:</b>	J Jurmann, Manager Planning Services (Shire of York)
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	30764
<b>Attachment/s:</b>	23 Pages (10 documents)

#### Proposal/Summary

Council at its Ordinary Meeting held on 20 February 2014 resolved:

*"That Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to:*

1. *Initiate Scheme Amendment No. 2 to the Cunderdin Local Planning Scheme No. 3 in accordance with the Scheme Amendment documentation and mapping by:
  - a. *Rezoning Lot 6110 (Reserve 9224) Great Eastern Highway, Cunderdin, from 'Conservation' reservation to 'General Agriculture' zone.**
2. *Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;*
3. *Forward the Scheme Amendment to the Environmental Protection Authority and request permission to advertise;*
4. *Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the Scheme amendment for public comment for a period of 42 days in accordance with the Town Planning Regulations 1967."*

The proposal has been advertised and no adverse submissions were received. It is recommended that Council finally approve the amendment and forward it to the Minister for Planning for gazettal.

#### Background

Council initiated a scheme amendment to the Cunderdin Local Planning Scheme No. 3 on request of the applicant on behalf of Landcorp to rezone Lot 6110 (Reserve 9224) Great Eastern Highway, Cunderdin from 'Conservation' reservation to 'General Agriculture' zone.

The lot is vacant and has a lot area of 64.002 hectares. It is approximately 4 kilometres to the east of the Cunderdin townsite and is immediately adjacent to the intersection of Great Eastern Highway and Rabbit Proof Fence Road (north). The land contains a portion of the Mortlock River and is generally considered suitable for agricultural purposes.

#### Comment

The amendment will ensure that the land is appropriately zoned consistent with the zoning of all surrounding lots prior to disposal.

The proposed 'General Agriculture' zone is a logical and practical zoning option for Reserve 6110, and will ensure that any future land uses are compatible with existing surrounding farming units.

There are no economic implications associated with this proposal. The land has highway frontage and it is likely that it will continue to be used for agricultural purposes.

There are no adverse social implications associated with this proposal.

Mortlock River tributaries are located on portions of the subject property.

The Mortlock River East catchment drains the majority of the Shire of Cunderdin local government area. Sections of the Mortlock River East are degraded and there are a range of management issues. Historically areas around the river valleys have been extensively cleared for farming, as has been the case for the Lots.

There is a mixture of agricultural uses within the Mortlock River East catchment however it is dominated by traditional broad acre farming. The majority of the catchment is privately owned with the exception that some sections lie within crown reserves, as is the case for Reserve 9224 subject of this amendment.

Due to multiple property ownership catchment management by landowners varies throughout the Mortlock River East area. Management strategies can be employed by landowners including measures such as fencing, revegetation of river banks, undertaking appropriate fire and weed management, erosion control and limiting vehicle access to or across the river.

Historically the lots have been used for grazing and until recently were subject of a farm lease. Whilst they contain waterways so do all surrounding lots to the north west and north east.

### **Consultation**

In accordance with the *Town Planning Regulations 1967*, the scheme amendment was publicly advertised for a minimum period of 42 days. Comments were received from Western Power, Main Roads, Department of Water and Department of Mines, State Heritage Office, Department of Health, Department of Planning (Tourism) and Petroleum (attached at Appendix 2) during the exhibition period and have been considered prior to finalising the Scheme Amendment. No public submissions were received.

### **Statutory Implications**

#### Planning and Development Act 2005

Under Section 75 of the *Planning and Development Act 2005*, a Local Government may amend a Local Planning Scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment:

- a) Prepared by the Local Government, approved by the Minister and published in the Gazette; or
- b) Proposed by all or any of the land owners of any land in the Scheme area, adopted with or without modifications, by the Local Government, approved by the Minister and published in the Gazette.

#### Town Planning Regulations 1967

A Scheme Amendment must be prepared, advertised and adopted in accordance with the provisions of the Regulations.

### Cunderdin Local Planning Scheme No. 3

Under the Cunderdin Local Planning Scheme No 3, Lot 6110 (Reserve 9224) is reserved for 'Conservation'. The 'Conservation' zone was allocated to all Crown Reserves as part of the development of the Scheme that comprised areas of wetlands and/or remnant vegetation, and in this particular case, areas of the Mortlock River.

#### **Policy Implications**

There are no policy implications. The proposed rezoning is consistent with the Cunderdin Local Planning Scheme and Strategy.

#### **Financial Implications**

The costs associated with the preparation, advertising and gazettal of the Scheme amendment will be borne by the applicant. There are no financial implications for the Shire of Cunderdin.

#### **Strategic Implications**

##### Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

##### Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

##### Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

##### Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

This proposed amendment is considered consistent with the goals of the Plan.

**Resolution 11.1**

That Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to:

1. Adopt, with or without modification, Scheme Amendment No. 2 to the Cunderdin Local Planning Scheme No. 3 by:
  - a. Rezoning Lot 6110 (Reserve 9224) Great Eastern Highway, Cunderdin, from 'Conservation' reservation to 'General Agriculture' zone;
  - b. Amending the Scheme map accordingly.
2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation.
3. Forward the Scheme Amendment No. 2 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.

Moved: Cr Dennis Whisson

Seconded: Cr Clive Gibsone

Vote: Simple majority

Carried: 8/0

## 11.2 Proposed Shed – 3 Island Avenue, Cunderdin

<b>Location:</b>	Lot 406 (3) Island Avenue, Cunderdin
<b>Applicant:</b>	P G & E K King
<b>Date:</b>	11 <sup>th</sup> June 2014
<b>Author:</b>	Kira Strange, Planning Officer, Shire of York
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	31661
<b>Attachment/s:</b>	3 Pages

### **Proposal/Summary**

The Shire of Cunderdin has received an application for planning approval for the construction of a shed at Lot 406 (3) Island Avenue, Cunderdin.

The proposed shed will result in the landowner exceeding the maximum allowable floor area of outbuildings under the Residential Design Codes and therefore requires planning approval.

Notwithstanding the above, it is recommended that the application be approved subject to the conditions recommended at the end of this report.

### **Background**

The subject property is located at Lot 406 (3) Island Avenue within the townsite of Cunderdin, just south of Great Eastern Highway.

The property is zoned Residential R20 under the Shire of Cunderdin Local Planning Scheme No. 3 and in accordance with the Residential Design Codes.

The site is 1,216m<sup>2</sup> and consists of one residential dwelling and three (3) sheds, two (2) of which are 3m by 5m in floor area and the other being 3m by 3m. There is also an existing carport that will be removed and replaced by the proposed shed.

The proposed shed has a total floor area of 54m<sup>2</sup> and will be used for the storage of vehicles and other personal items.

### **Comment**

The proposed development is for the construction of a shed with variation to the design requirements of the Residential Design Codes. The shed is to be used for storage of motor vehicles and other personal items. Whilst the proposal requires variation to the total permissible floor area of outbuildings under the R-Codes, it will not significantly impact the amenity of the locality.

There are no economic and / or environmental implications associated with this proposal.

There are no social implications associated with this proposal. Sheds are common in rural areas and represent the needs and lifestyle of the community.

## Consultation

Under Clause 5.5 of the Town Planning Scheme No 3, where development that requires variation to the Residential Design Codes is considered to affect any owners or occupiers in the general locality or adjoining the site, the Local Government is to –

- (a) Consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- (b) Have regard to any expressed views prior to making is determination to grant the variation.

It is considered that this proposal will not impact any owners or occupiers in the general locality and therefore does not require notice or further consultation.

## Statutory Implications

State Planning Policy 3.1. The Residential Design Codes

The property is zoned Residential with a coding of R20 in accordance with the Residential Design Codes (R-Codes). Development requirements are as follows;

Table 1 Provision	Requirement	Actual	Variation	Comments
Street Setbacks • Primary • Secondary • Other/Rear	• 6m • 1.5m • Table 2a and 2b	• >6m • n/a • 1m/6.1m	• Nil • n/a • Nil	The shed complies with the setback requirements.
Open Space	50% of site $0.5 \times 1216m^2 = 608m^2$ $1216 - 608 = 608m^2$ of development	Existing sheds = $2 (5 \times 3) = 30m^2$ Garden shed = $3 \times 3 = 9m^2$ Proposed Shed: $9 \times 6 = 54m^2$ House: $\sim 11 \times 18 = \sim 198m^2$ Total = $291m^2 < 608m^2$	• Nil	The proposed shed does not impact the required open space provision.

Part 5 Design Principle	Deemed-to-Comply Requirement	Actual	Variation	Comments
5.4.3. Outbuildings  P3. Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties	C3. Outbuildings that: i. Are not attached to the dwelling; ii. Are non-habitable; iii. Collectively do not exceed $60m^2$ in area or 10 percent in aggregate of the site area, whichever is the lesser; iv. Do not exceed a wall height of 2.4m; v. Do not exceed a ridge height of 4.2m; vi. Are not within the primary street setback area; vii. Do not reduce the amount of open space required in Table ; and viii. Comply with the setback requirements of Table 1, but in areas coded R15 or less, the rear setback requirement is determined by Tables 2a and 2b.	i. Not attached; ii. Used for garage and personal storage; iii. Total $(30+54+9) = 93m^2$ ; iv. 2.4m; v. 2.924m; vi. >6m from primary street; vii. See Table 1; viii. See Table 1.	i. Nil; ii. Nil; iii. Exceeds by $33m^2$ ; iv. Nil; v. Under by 1.276m; vi. Nil; vii. Nil; viii. Nil.	i. Complies; ii. Condition of approval; iii. Does not comply – does not impact the locality; iv. Complies; v. Complies; vi. Complies; vii. Complies; viii. Complies.
5.3.9 Stormwater	C9 All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.	No mention of stormwater.	N/A	Condition of approval

### Cunderdin Local Planning Scheme No. 3

The subject property is zoned Residential R20 under the Scheme. In accordance with Clause 8.2 of the Scheme, the erection of a single house including all ancillary outbuildings is considered a permitted development *“except where the proposal requires the exercise of a discretion by the Local Government under the Scheme to vary the provisions of the Residential Design Codes”*.

Under Clause 5.5 of the Cunderdin Local Planning Scheme No 3, where development that requires variation to the Residential Design Codes is considered to affect any owners or occupiers in the general locality or adjoining site, the Local Government is to –

- (a) *Consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) *Have regard to any expressed views prior to making its determination to grant the variation.*

Although a variation to the R-Codes is required, it is considered that the development will not impact adjoining owners or occupiers and therefore, does not require advertising.

Clause 10.2 of the Scheme outlines the matters for consideration that must be assessed by the Local Government. These matters have been considered as follows:

- (a) *The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.*

The Cunderdin Local Planning Scheme No. 3 applies to the site. The requirements have been considered in this report and it has been determined that the application is consistent with the aims and provisions of the Scheme.

- (b) *The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.*

There are no new Schemes or amendments applicable to the proposal or site.

- (c) *Any approved statement of planning policy of the Commission.*

There are no approved statements applicable to the proposal or site.

- (d) *Any approved environmental protection policy under the Environmental Protection Act 1986.*

There are no policies applicable.

- (e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.*

There are no policies applicable.

- (f) *Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.*

There are no policies applicable.

- (g) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*

The land is not reserved under the Scheme.

- (h) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage precinct.*

The property is not heritage listed, nor is it within a heritage precinct.

*(i) The compatibility or a use or development with its setting.*

A shed is considered an ancillary structure to a dwelling and is therefore compatible within a residential zone. The collectively oversized floor area for the outbuildings is still considered compatible based on its use and the relatively low height of the proposed structure.

*(j) Any social issues that have an effect on the amenity of the locality.*

There are no major social issues associated with the proposal. However there is a risk of setting a precedent in the area for total area of sheds which is something Council should take into consideration.

*(k) The cultural significance of any place or area affected by the development.*

There is no specific cultural significance to the area.

*(l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.*

No environmental impacts have been identified.

*(m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.*

There are no natural constraints that will affect this property.

*(n) The preservation of the amenity of the locality.*

The proposal will not significantly impact the amenity of the locality.

*(o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.*

The proposed shed would result in the collective floor area for outbuildings exceeding the requirements of the R-Codes. The proposed shed itself is under the requirement and is substantially lower in height. The proposal will therefore not significantly impact neighbouring properties.

*(p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*

There is an existing access point to the rear lane. The proposed shed will not impact existing access and egress.

*(q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

The proposal will not generate any additional traffic.

*(r) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.*

Not applicable.

*(s) Whether public utility services are available and adequate for the proposal.*

The proposal will not generate the need for additional public utility services.

*(t) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).*

Not applicable.

*(u) Whether adequate provision has been made for access by disabled persons.*

Not applicable. The development is on private property and for private use.



(v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

No landscaping has been indicated in the proposal. Existing vegetation is considered adequate.

(w) *Whether the proposal is likely to cause soil erosion and degradation.*

The proposal is unlikely to cause erosion or degradation.

(x) *The potential loss of any community service or benefit resulting from the planning consent.*

Not applicable. The proposal does not relate to or affect any community service.

(y) *Any relevant submissions received on the application.*

Nil. Notice is not required.

(z) *The comments or submissions received from any authority consulted under clause 10.1.1.*

Nil. No authorities are required for consultation.

(za) Any other planning consideration the local government considers relevant.

Nil.

### **Policy Implications**

There are no policy implications for the Shire of Cunderdin. A number of properties in the area contain sheds with oversized floor areas, indicating the needs and lifestyle of the community.

### **Financial Implications**

There are no financial implications for the Shire of Cunderdin. The applicant and landowner/s are responsible for the costs associated with the development.

### **Strategic Implications**

#### Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

#### Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

#### Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

#### Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

This proposal is consistent with the aims and goals of the Community Plan and will support the growth in the population base.

### **Resolution 11.2**

That Council APPROVE the construction of a shed at lot 406 (3) Island Avenue, Cunderdin subject to the imposition of the following conditions:

1. Development must substantially commence within two (2) years from the date of determination.
2. Development shall take place in accordance with the stamped approved plans.
3. All stormwater is to be managed on-site to the satisfaction of the local government.
4. The outbuilding is not to be used for habitable, commercial and/or industrial purposes.

#### **ADVICE NOTES:**

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

**Note 3:** If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.

**Note 4:** In accordance with the provisions of the Building Act 2011, an application for a building and/or demolition permit must be submitted to, and approval granted by the local government prior to the commencement of the development hereby permitted.

**Moved:** Cr Clive Gibsone

**Seconded:** Cr Doug Kelly

**Vote:** Simple majority

**Carried:** 8/0

**12. Urgent Items**

**13. Matters for which the meeting may be closed**

**14. Closure of meeting**

There being no further business the Shire President will declare the meeting closed at 6.06pm.