



## Shire of Cunderdin

### Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 21<sup>st</sup> August 2014** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5:01pm**.

A handwritten signature in black ink, appearing to read 'Peter Naylor'.

Peter Naylor  
**Chief Executive Officer**

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## AGENDA

### 1. Declaration of opening

**The President declared the meeting open at 5.01pm**

**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>	14 <sup>th</sup> August 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 Terri Jasper**

**Seconded: Cr Norm Jenzen**

**Vote – Simple majority**

**Carried: 5/0**

### 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**



## 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 17<sup>th</sup> July 2014, and Special Council Meetings (2) held on Thursday 31<sup>st</sup> July 2014

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	14 <sup>th</sup> August 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 17<sup>th</sup> July 2014, and Special Council Meetings (2) held on Thursday 31<sup>st</sup> July 2014.

#### **Background**

The minutes of the meetings 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 17<sup>th</sup> July 2014, be confirmed as a true and correct record.**
- 2. The minutes of the Special Council Meetings (2) held on Thursday 31<sup>st</sup> July 2014, be confirmed as a true and correct record.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Norm Jenzen**

**Vote – Simple majority**

**Carried: 5/0**

#### **Note to this item:**

The President will sign the minute declarations.

## 8. Finance & Administration

### 8.1. Financial Report for July 2014

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	14 <sup>th</sup> August 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 31st July 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
- 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

The Chief Executive Officer advised that due to problems with the Local Government Solutions Computer Software staff were not able to present a Financial Report for the month of July 2014 to the meeting.

Several new account numbers have been prepared since the adoption of the new budget and for some unknown reason they are not being recognised by the reporting program.

The matter has been referred to the LGS Software Programmers in South Australia.

The July Financial Report will be presented to the September 2014 Ordinary Meeting of Council along with the August 2014 Financial Report.

### **Resolution 8.1**

**Council resolved that staff work to rectify the computer software problem as soon as possible to enable the balanced Financial Reports to be presented to the September 2014 Ordinary Meeting of Council.**



## 8.2 Accounts Paid – July 2014

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	14 <sup>th</sup> August 2014
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	5 Pages

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling \$728,183.33 listed in the Warrant of Payments for the period 1<sup>st</sup> July to 31st July 2014.

### **Attachments**

Warrant of Payments for 1<sup>st</sup> July – 31st July 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 \$ 728,183.33 for the month of July 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 Clive Gibsone**

**Seconded: Cr Doug Kelly**

**Vote – simple majority**

**Carried: 5/0**

<b>Creditor Payment Listing July 14</b>			
<b>Date</b>	<b>Reference</b>	<b>Narration</b>	<b>Amount</b>
1/07/2014	EFT-2271	WESTPAC CREDIT CARD 1ST July	-\$ 539.34
1/07/2014	Bank Fees	Westpac Banking Corporation	-\$ 239.85
1/07/2014	Bank Fees	Commonwealth Bank of Australia	-\$ 20.00
1/07/2014	EFT-2268	Westnet	-\$ 74.95
2/07/2014	EFT-2247	White, Paul	-\$ 500.00
2/07/2014	Payroll	Staff Wages	-\$ 42,057.26
3/07/2014	Payroll	Staff Wages	-\$ 564.24
10/07/2014	10525	COVs Parts	-\$ 717.18
10/07/2014	10526	Baxters Rural Centre	-\$ 29.73
10/07/2014	EFT-2216	Globe Growing Solutions	-\$ 3,520.00
10/07/2014	EFT-2217	Courier Australia	-\$ 17.91
10/07/2014	EFT-2218	Cunderdin Co-op	-\$ 1,019.13
10/07/2014	EFT-2219	Hitachi Construction Machinery (Australia)	-\$ 186.30
10/07/2014	EFT-2220	Cunderdin Co-op Museum	-\$ 97.35
10/07/2014	EFT-2221	Shire of Tammin	-\$ 1,049.60
11/07/2014	10527	Synergy	-\$ 3,714.60
11/07/2014	10528	Telstra Corporation Limited	-\$ 2,000.57
11/07/2014	10529	Bunnings	-\$ 236.55
11/07/2014	10530	Water Corporation	-\$ 2,727.25
11/07/2014	10531	Cunderdin Newsagency	-\$ 1,189.40
11/07/2014	10532	JASON SIGNMAKERS	-\$ 1,594.45
11/07/2014	10533	Stokes, Betty	-\$ 50.00
11/07/2014	10534	Lynnies Highway 1 Cafe	-\$ 225.00
11/07/2014	EFT-2222	Conservation Resources	-\$ 113.40
11/07/2014	EFT-2223	The Cunderdin Mob	-\$ 354.40
11/07/2014	EFT-2224	Courier Australia	-\$ 45.23
11/07/2014	EFT-2225	Wurth Australia Pty Ltd	-\$ 145.09
11/07/2014	EFT-2226	Total Green Recycling	-\$ 1,017.71
11/07/2014	EFT-2227	Mick Walker Transport	-\$ 4,928.00
11/07/2014	EFT-2228	Australia Post	-\$ 177.23
11/07/2014	EFT-2229	Avon Waste	-\$ 6,476.35
11/07/2014	EFT-2230	Museums Australia	-\$ 143.00
11/07/2014	EFT-2231	Meckering Roadhouse	-\$ 2,400.00
11/07/2014	EFT-2232	Shire of York	-\$ 3,803.95
11/07/2014	EFT-2233	Eastern Hill Saws & Mowers	-\$ 265.50
11/07/2014	EFT-2234	F-111 Engineering Pty Ltd	-\$ 3,998.50
11/07/2014	EFT-2235	Av-Sec Security	-\$ 108.00
11/07/2014	EFT-2236	Country Ford	-\$ 839.96
11/07/2014	EFT-2237	Startrack Express	-\$ 69.65
11/07/2014	EFT-2238	Avdata Australia	-\$ 1,398.31
11/07/2014	EFT-2239	COLAS WA PTY LTD	-\$ 1,980.00
11/07/2014	EFT-2240	Radiowest Broadcasters Pty Ltd	-\$ 1,693.20
11/07/2014	EFT-2241	Archival Survival Pty Ltd	-\$ 515.35

11/07/2014	EFT-2242	Meckering Action Group	-\$	25.00
11/07/2014	EFT-2243	Eastway Food Supplies	-\$	255.38
11/07/2014	EFT-2244	Landgate Revenue Office	-\$	375.50
11/07/2014	EFT-2245	Work Plan Foundation Incorporated	-\$	620.00
11/07/2014	EFT-2246	Kellerberrin Tyre Service	-\$	2,020.00
15/07/2014	Bank Fees	Commonwealth Bank of Australia	-\$	29.50
15/07/2014	EFT-2270	sgfleet	-\$	1,356.48
15/07/2014	EFT-2266	West Australian Treasury Corporation	-\$	19,628.91
16/07/2014	Payroll	Staff Wages	-\$	42,050.52
16/07/2014	Bank Fees	Commonwealth Bank of Australia	-\$	20.00
16/07/2014	EFT-2267	White, Paul	-\$	500.00
16/07/2014	EFT-2272	White, Paul	-\$	500.00
17/07/2014	Bank Fees	Westpac Banking Corporation	-\$	5.00
17/07/2014	EFT-2248	Cunderdin Co-Op Fuel	-\$	9,274.28
21/07/2014	EFT-2249	Adina Apartment Hotel Perth	-\$	5,475.00
21/07/2014	EFT-2250	Robinson Build-Tech	-\$	287,460.04
21/07/2014	EFT-2275	Westnet	-\$	49.95
22/07/2014	10535	State Library of WA	-\$	284.10
22/07/2014	EFT-2251	Bayswater Fire Protection	-\$	2,190.10
22/07/2014	EFT-2252	Cunderdin Co-op	-\$	1,697.76
22/07/2014	EFT-2253	Cunderdin Community Resource Centre	-\$	230.00
22/07/2014	EFT-2254	Shire of York	-\$	1,415.20
22/07/2014	EFT-2255	Perfect Computer Solutions Pty Ltd	-\$	1,957.50
22/07/2014	EFT-2256	Andy's Plumbing Service	-\$	858.00
22/07/2014	EFT-2257	Farmways Cunderdin	-\$	217.80
22/07/2014	EFT-2258	Pestex Co	-\$	143.00
22/07/2014	EFT-2259	Australasian Performing Rights Association	-\$	67.07
22/07/2014	EFT-2260	Cunderdin Co-op Museum	-\$	55.15
22/07/2014	EFT-2261	WA Local Government Association	-\$	314.29
22/07/2014	EFT-2262	Shire of Tammin	-\$	6,508.40
22/07/2014	EFT-2263	Combined Tyrepower	-\$	1,833.00
22/07/2014	EFT-2264	Eastway Food Supplies	-\$	455.96
22/07/2014	EFT-2265	Landgate Revenue Office	-\$	242.00
29/07/2014	10536	Kehlet, Keith Raymond	-\$	2,000.00
29/07/2014	EFT-2269	Robinson Build-Tech	-\$	203,858.16
30/07/2014	EFT-2276	White, Paul	-\$	500.00
30/07/2014	Payroll	Staff Wages	-\$	39,288.02
31/07/2014	EFT-2277	Westpac Credit Card 31st July 2014	-\$	1,578.77
		<b>Total Amount:</b>		<b>-\$728,183.33</b>

EFT           -\$ 713,414.50  
CHQ           -\$ 14,768.83

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**TOTAL           -\$ 728,183.33**

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

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	14 <sup>th</sup> August 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 31st July 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% Expires : 24/08/2014	\$0.00	\$1,166,835.44
Westpac Banking Corporation	\$620,923.73	Business Cash Reserve Bonus 22-3647 2.35%	\$ 620,923.73	\$0.00
Westpac Banking Corporation	\$0.00	Muni Term Deposit 22-8712 3.0%	\$0.00	\$0.00
<b>TOTAL INVESTMENTS</b>	<b>\$ 1,787,855.60</b>		<b>\$ 620,923.73</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> July 2014 be received and noted.**

**Moved: Cr Clive Gibsone**

**Seconded: Cr Norm Jenzen**

**Vote – Simple Majority**

**Carried: 5/0**

#### 8.4 Cunderdin RSL Sub Branch – ANZAC Plaque Project

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Cunderdin RSL Sub Branch
<b>Date:</b>	18 <sup>th</sup> August 2014
<b>Author:</b>	Paul Godfrey
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	31832
<b>Attachment/s:</b>	2 Pages

#### **Proposal/Summary**

The Cunderdin Returned & Services League (RSL) Sub Branch is undertaking a project to install plaques for the 20 locals lost during WW1, for the centenary of the Gallipoli landing.

#### **Background**

The Cunderdin RSL Sub Branch will research the project to ensure all the correct persons are listed on the plaques in time for the centenary commemorations at the 2015 Cunderdin ANZAC Service.

The Total Project cost will be \$10,000, Funded by Lotterywest Grant of \$5,000, \$2,500 Local Donations and Cunderdin RSL Sub Branch Funds and the balance of \$2,500 requested from council support.

#### **Comments**

Supported

#### **Consultation**

Cunderdin RSL Sub Branch

#### **Statutory Implications**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

#### **Policy Implications**

Nil – Council Policies are in the process of being reviewed.

#### **Financial Implications**

Payment of \$2,500 from Council Donations

#### **Strategic Implications**

Nil

**Resolution 8.4**

**That Council approves the payment of \$2,500 from Council Donations to support the project, subject to Lotterywest approving the \$5,000 grant.**

**Moved: Cr Clive Gibsone**

**Seconded: Cr Terri Jasper**

**Vote – Simple majority**

**Carried: 5/0**



## **9. Environmental Health & Building Services**

Nil

## 10. Works & Services

### 10.1 Works & Services Report

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager Works & Services
<b>Date:</b>	13 <sup>th</sup> August 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

- Completed works on Quelagetting and Ygnattering Roads.
- Started shoulder upgrade on Vanzetti Street.

#### General

- Routine maintenance works being carried out throughout the Shire and on a as needs basis.
- Carried out verge pick up in Cunderdin and Meckering.
- Patching pot holes on Rabbit Proof Fence South Road.
- Clean up at Cunderdin District High School following new fencing and concrete works.
- Winter grading has been completed on the following Roads & Streets: Nambling South, Wilding, Hagboom, Snooke, Southern Brook, Loton, Stewart, Leeming and Dempster.
- The following roads have been chemical sprayed: Minnivale, Airfield, Quelagetting, Goomalling, Wilding, Doodenanning, and exterior of Meckering Hall.
- The following signs have been replaced: Meckering Rose Garden Overnight Stay Area, Cunderdin Hill Lookout (4 signs), Southern Brook/Goomalling Roads – cross road signs.
- Carted 670m<sup>3</sup> of sand to the Cunderdin Sports Ground for the bowls and tennis areas.
- Repaired driveways in Togo Street and Lundy & Olympic Avenues.
- Repair wash outs on Doodenanning and Coleman Roads.
- Replace several guide posts as required.

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

- General mowing, whipper snipping and clean-up of all parks, gardens and public open space.
- Tidy Towns judging was carried out in Cunderdin on Friday 25<sup>th</sup> July 2014, feedback from the judges has been very positive.
- Sprayed all verges around Meckering streets.
- Filled, levelled and rolled Meckering Hockey Field.

#### ***Cemeteries***

- Both of the Cunderdin and Meckering Cemeteries have had rabbit holes filled and poison oats laid.
- Chemical spraying has also been carried out.
- Prepared for two funerals.

### ***Airfield Maintenance***

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

### ***Plant Maintenance***

- Carried out general servicing and minor repairs to all plant and equipment.
- No major break downs to report.

### ***Waste Services***

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

### ***Works & Services Staff***

- Nil

### ***Other Matters***

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

<b>Road</b>	<b>Date Range</b>	<b>Average Vehicles Per Day</b>
Meckering-Goomalling	3/7/14-31/7/14	55.00
Meckering-Dowerin		42.60
Cunderdin-Wyalkatchem		144.50
Cunderdin-Quairading		236.00
Hardy	1/8/14-8/8/14	3.80
Broads		8.80
Warding		1.00
Hill		3.00

- Evergreen have responded in relation to repairs to the Meckering Tennis Courts. They advise that will complete the repairs prior to the commencement of the tennis season. Waiting for courts to completely dry out prior to programming works. The Tennis Club President has been informed.
- Met on-site at Cunderdin District High School with the School Principal and representative from the Lawn Doctor. The Lawn Doctor is to provide a quote for required works to the Shire. Will discuss further at the Council meeting.
- Discuss changeover of the Manager Works & Services vehicle.

### **Statutory Implications**

*Local Government Act 1995*

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

The Manager Works & Services (MWS) tabled a detailed list of quotations received for the Changeover of the MWS Vehicle.

**Resolution 10.1**

**That Council:**

- 1. Receives the Works and Services Report.**
- 2. Replace Manager Works & Services vehicle with a Nissan Xtrail T32 TI Automatic Wagon (with accessories) from Avon Valley Nissan, Northam, as per the quotation 957 dated 13<sup>th</sup> August 2014.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Clive Gibsone**

**Vote – Simple majority**

**Carried: 5/0**

## 11 Planning & Development

### 11.1 Proposed Storage Shed

<b>Location:</b>	Lot 3 (25) Baxter Road, Cunderdin
<b>Applicant:</b>	Allied Sheds (for R McManus)
<b>Date:</b>	14 <sup>th</sup> August 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>	31815
<b>Attachment/s:</b>	12 Pages (2 documents)

#### **Proposal/Summary**

The Shire of Cunderdin has received an application for a storage shed at Lot 3 (25) Baxter Road, Cunderdin.

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 3 (25) Baxter Road, just north of Great Eastern Highway, on the western boundary of the sporting complex, in the townsite of Cunderdin.

The property is zoned Residential R10 under the Shire of Cunderdin Local Planning Scheme No 3 and in accordance with the Residential Design Codes.

The site is 1,012m<sup>2</sup> and consists of one residential dwelling and an existing shed which will be demolished and replaced by this proposed shed. The proposed shed has a total floor area of 54m<sup>2</sup>, a wall height of 3.0m and a ridge height of 3.534m. The shed will be used for storage.

#### **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 as a garage and for the purposes of storage. It will not significantly impact the amenity of the locality.

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

There are also no social implications for the Shire of Cunderdin. A number of similar sheds exist in Cunderdin and represent the needs and the lifestyle of the community.

#### **Consultation**

In accordance with 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 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

Table 1 Provision	Requirement	Actual	Variation	Comments
Street Setbacks <ul style="list-style-type: none"> <li>Primary</li> <li>Secondary</li> <li>Other/Rear</li> </ul>	<ul style="list-style-type: none"> <li>7.5m</li> <li>3m</li> <li>Table 2a and 2b/6m</li> </ul>	<ul style="list-style-type: none"> <li>&gt;7.5m</li> <li>n/a</li> <li>1.5m/5m</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> <li>Nil</li> <li>Nil/-1m</li> </ul>	The shed does not comply with the rear setback however the variation is considered to have minimal impact on the surrounding area.
Open Space	60% of site $0.6 \times 1,012\text{m}^2 = 607.2\text{m}^2$ $1,012 - 607.2 = 404.8\text{m}^2$ of development	Shed: $9 \times 6 = 54\text{m}^2$ House: $295\text{m}^2$ Total = $349\text{m}^2 < 404.8\text{m}^2$	<ul style="list-style-type: none"> <li>Nil</li> </ul>	The 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	<p><i>C3. Outbuildings that:</i></p> <ul style="list-style-type: none"> <li><i>i. Are not attached to the dwelling;</i></li> <li><i>ii. Are non-habitable;</i></li> <li><i>iii. Collectively do not exceed 60m<sup>2</sup> in area or 10 percent in aggregate of the site area, whichever is the lesser;</i></li> <li><i>iv. Do not exceed a wall height of 2.4m;</i></li> <li><i>v. Do not exceed a ridge height of 4.2m;</i></li> <li><i>vi. Are not within the primary street setback area;</i></li> <li><i>vii. Do not reduce the amount of open space required in Table ; and</i></li> <li><i>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></li> </ul>	<ul style="list-style-type: none"> <li>i. Not attached;</li> <li>ii. Used for garage and storage;</li> <li>iii. Proposed = <math>54\text{m}^2</math>;</li> <li>iv. 3.0m;</li> <li>v. 3.534m;</li> <li>vi. &gt;7.5m from primary street;</li> <li>vii. See Table 1;</li> <li>viii. See Table 1.</li> </ul>	<ul style="list-style-type: none"> <li>i. Nil;</li> <li>ii. Nil;</li> <li>iii. Nil;</li> <li>iv. Exceeds by 0.6m;</li> <li>v. Under by 0.666m;</li> <li>vi. Nil;</li> <li>vii. Nil;</li> <li>viii. Nil.</li> </ul>	<ul style="list-style-type: none"> <li>i. Complies;</li> <li>ii. Condition of approval;</li> <li>iii. Complies;</li> <li>iv. Does not comply – does not impact the locality when the ridge height is under;</li> <li>v. Complies;</li> <li>vi. Complies;</li> <li>vii. Complies;</li> <li>viii. Complies.</li> </ul>
5.3.9 Stormwater	<p><i>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.</i></p>	<ul style="list-style-type: none"> <li>ix. No mention of stormwater.</li> </ul>	<ul style="list-style-type: none"> <li>ix. N/A</li> </ul>	<ul style="list-style-type: none"> <li>ix. Condition of approval</li> </ul>

### Cunderdin Local Planning Scheme No. 3

The subject property is zoned Residential R10 under the Scheme. Under clause 8.2 of the Scheme, the erection of a single house including 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 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.*

Although a variation to the r-codes is required, 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 measured 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 applies to the site. The provisions 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 oversized wall height and reduced rear setback are still considered to be acceptable as they are not likely to impact the area.
- (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 oversized sheds, which should be considered by Council.
- (k) *The cultural significance of any place or area affected by the development.*  
There is no specific cultural significance in 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 the area.
- (n) *The preservation of the amenity of the locality.*  
The proposal will not significantly impact the amenity of the location.
- (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 will exceed the required wall height which will have minimal to no impact based on the total ridge being less than the maximum. Furthermore, the reduced rear setback will have minimal impact on the adjoining property.
- (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.*  
The proposed development 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 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 land 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 however it is not necessary for this proposal.

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

The proposal is unlikely to cause erosion or degradation of soils.

(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.*

Notice is not required.

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

No authorities are required for consultation.

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

Nil.

It is considered that the proposal is consistent with the ultimate purpose of the zone and that the development will have no major impact on the surrounding locality.

#### Cunderdin Local Planning Strategy

The Shire of Cunderdin Local Planning Strategy identifies that the provisions of the Residential Design Codes should be applied to future housing developments to “*create neighbourhoods with a community identity and high levels of safety, accessibility and amenity*”.

The proposal has been assessed against the Residential Design Codes.

#### **Policy Implications**

There are no policy implications for the Shire of Cunderdin. A number of proposed sheds require variations to requirements that have minimal impact on the locality.

#### **Financial Implications**

There are no financial implications for the Shire of Cunderdin. The applicant and the 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 population base.

#### **Resolution 11.1**

**That Council APPROVE the construction of a shed at Lot 3 (25) Baxter Road, 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 shall be managed on site to the satisfaction of the Local Government.**
- 4. The outbuilding shall not 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 Norm Jenzen**

**Vote: Simple majority**

**Carried: 5/0**

**12. Urgent Items**

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

**14. Closure of meeting**

There being no further business the Shire President declared the meeting closed at 5.45pm.