



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 18th April 2013** in the Council Chambers, Lundy Avenue Cunderdin commencing at 5:00 pm.

Peter Naylor
Chief Executive Officer

Table of Contents

1.	Declaration of opening	3
2.	Suspension of Clause 3.2 - Standing Orders	3
3.	Public Question Time	3
4.	Record of Attendance, Apologies and Approved Leave of Absence	4
5.	Petitions, Deputations, Presentations	4
6.	Announcements by President without discussion	4
7.	Confirmation of the Minutes of Previous Meetings	5
7.1	Ordinary Meeting of Council held on Thursday 21 March 2013.....	5
8.	Finance & Administration	7
8.1.	Financial Report for March 2013	7
8.2	Accounts Paid – March 2013.....	9
8.3	Council Investments – At 31 st March 2013	10
8.4	Shire of Cunderdin Common Seal	12
8.5	Doctor Ken Gray	14
9.	Environmental Health & Building Services	17
10.	Works & Services	18
10.1	Works & Services Report.....	18
11.	Planning & Development	20
11.1	Planning Application 147705 – Lot 10493 Hills Road, Warding East	20
11.2	Planning Application – Lot 28 (9) West Main Street, Cunderdin	25
11.3	Matzin Capital – Request for Council to relinquish Property Management Order	27
12.	Urgent Items	29
13.	Matters for which the meeting may be closed	29
14.	Closure of meeting	29

1. Declaration of opening

The President declared the meeting open at 5.08pm

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

Location:	Cunderdin
Applicant:	Not applicable
Date:	9 th April 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer

Resolution 2.0:

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

Moved: Cr Dianne Kelly

Seconded: Cr. Clive Gibsone

Vote – Simple majority

Carried 6/0

Cr Graham Cooper entered the meeting at 5.10pm.

3. Public Question Time

Mrs Linley Gray addressed council in regard to item 8.5.

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	Shire President
Cr RC (Clive) Gibsone	Deputy Shire President
Cr GJ (Graham) Cooper	(Entered at 5.10pm)
Cr TE (Todd) Harris	
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 (Entered at 5.40pm)

Guests of Council

Members of the Public

Mrs Linley Gray (to 5:40pm)

Applications for leave of absence

Declaration of Members and Officers Financial Interests

Item 8.5: Cr Todd Harris declares an Interest as a Closely Associated Person as his wife is employed at the Medical Facility.

5. Petitions, Deputations, Presentations

Deputations

Presentations

Mrs Linley Gray left the meeting at 5.40pm
Ian Bartlett entered the meeting at 5.40pm

6. Announcements by President without discussion

7. Confirmation of the Minutes of Previous Meetings

7.1 Ordinary Meeting of Council held on Thursday 21 March 2013

Location:	Cunderdin
Applicant:	Administration
Date:	9 th April 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	
Attachment/s:	Nil

Proposal/Summary

Council to confirm the minutes of the Ordinary Council meeting held on Thursday 21 March 2013.

Background

The minutes have been circulated to all Councillors and they 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 21 March 2013, be confirmed as a true and correct record.**

Moved: Cr Dennis Whisson

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried 7/0

Note to this item:

The President will sign the minute declaration.

8. Finance & Administration

8.1. Financial Report for March 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	12 th April 2013
Author:	Paul Godfrey/Darren Long
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	

Proposal/Summary

The financial position as at 31st March 2013 is presented for consideration.

Appendices – 31st March 2013 - 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 projected to 31st March 2013
- 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 22-6311
- 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 31st March 2013.

Moved: Cr Graham Cooper

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried 7/0

8.2 Accounts Paid – March 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12 th April 2013
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	3 Pages

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$503,852.35 listed in the Warrant of Payments for the period 1st March to 31st March 2013.

Attachments

Warrant of Payments for 1st March – 31st March 2013.

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 \$503,852.35 for the period of 1st March – 31st March 2013 from the Municipal Fund be confirmed and noted.

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

Moved Cr Graham Cooper

Seconded Cr Doug Kelly

Vote – simple majority

Carried 7/0

8.3 Council Investments – At 31st March 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12 th April 2013
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31st March 2013.

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

COUNCIL INVESTMENTS AS AT 31st March 2013				
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds
Westpac Banking Corporation	\$96.43	Business Cash Reserve Bonus 22-3639 0.01%	\$0.00	\$96.43
Westpac Banking Corporation	\$2,231,303.52	Reserves Term Deposit 22-6311 4.50%	\$0.00	\$2,231,303.52
Westpac Banking Corporation	\$23.20	Business Cash Reserve Bonus 22-3647 3.00%	\$23.20	\$0.00
Westpac Banking Corporation	\$306,996.97	Muni Term Deposit 22-6418 4.10%	\$306,996.97	\$0.00
Westpac Banking Corporation	\$0.00	Muni Term Deposit 22-8704 4.45%	\$0.00	\$0.00
Westpac Banking Corporation	\$505,608.22	Muni Term Deposit 22-8712 4.10%	\$505,608.22	\$0.00
TOTAL INVESTMENTS	\$3,044,028.34		\$812,628.39	\$2,231,399.95

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 31st March 2013 be received and noted.

Moved Cr Dennis Whisson Seconded Cr Todd Harris

Vote – Simple Majority Carried 7/0

8.4 Shire of Cunderdin Common Seal

Location:	Shire Administration
Applicant:	Chief Executive Officer
Date:	9 April 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
File Reference:	
Attachment/s:	Nil

Proposal/Summary

Seeking Council endorsement for the affixing of the Shire of Cunderdin Common Seal on various documents in accordance with Council Policy #12 adopted 19 April 2007.

Background

Shire of Cunderdin Policy #12 authorises the Chief Executive Officer to affix the common seal to documents to be executed by the Shire where such documents are consistent and in accord with Council resolution.

Council is then to be notified of executed documents via a report to be submitted to a Council meeting.

Comment

During the previous month the Shire President and/or Chief Executive Officer witnessed the affixing of the Shire of Cunderdin Common Seal to the following document(s):

- 4 April 2013 – Appointment of Settlement Agent, Vicki Philipoff Settlements, for the sale of Lot 2223 Centenary Place, Cunderdin, and Lot 44 Hodgson Street & Lot 49 Togo Street, Cunderdin, from the Shire of Cunderdin to LandCorp for purpose of Light Industrial and Residential Development.

Consultation

Nil

Statutory Implications

Local Government Act 1995 – section 9.49A Execution of documents.

Policy Implications

Finance Policy #12.

Financial Implications

Nil

Strategic Implications

Nil

Resolution 8.4

That Council endorses the affixing of the Shire of Cunderdin Common Seal to the following document(s):

1. 4 April 2013 – Appointment of Settlement Agent, Vicki Philipoff Settlements, for the sale of Lot 2223 Centenary Place, Cunderdin, and Lot 44 Hodgson Street & Lot 49 Togo Street, Cunderdin, from the Shire of Cunderdin to LandCorp for purpose of Light Industrial and Residential Development.

Moved: Cr Clive Gibsone

Seconded: Cr Dianne Kelly

Vote: Simple majority

Carried 7/0

8.5 Doctor Ken Gray

Location:	Cunderdin
Applicant:	Dr Ken Gray
Date:	9 th April 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Cr Todd Harris
File Reference:	
Attachment/s:	3 Pages

Cr Todd Harris declares an Interest as a Closely Associated Person as his wife is employed at the Medical Facility.

Resolution 8.5.1

That Cr Todd Harris be permitted to remain in the meeting, taking part in the discussion and leaves the meeting during voting.

Moved Cr Dennis Whisson Seconded Cr Dianne Kelly

Vote – Simple majority Carried 6/0

Proposal/Summary

For Council to consider financial and other considerations raised by Dr Gray for him to continue his medical practice in Cunderdin.

Background

Since a proposal was mooted in recent times in relation to a pharmacy commencing in Cunderdin and the distinct possibility that the doctor will lose the pharmaceutical dispensary licence, there has been a lot of conjecture on the future of the medical practice in its current format and the doctor.

Council and/or Council representatives have met with Dr Gray on several occasions to discuss options available.

A confidential item was presented to the February 2013 meeting of Council at which the following resolution was passed.

That Council :

- 1. Reduce the rental on the residential premises to \$50 per week, from \$80 per week. Rental on surgery to be retained at \$100 per week.*
- 2. Obtain quotes for changeover of the current vehicle with like vehicle and also upgrade to Ford Territory, Council will then budget for as part of the mid-year budget review process.*
- 3. Authorise the Chief Executive Officer to inspect both premises with the Manager Environmental Health Building Services to ascertain any works required.*
- 4. Consider a subsidy for Locum Costs, Chief Executive Officer to Liaise with Dr Gray.*
- 5. Declines the offer to purchase the medical practice, due to it being a type of business that council does not usually involve itself with.*

6. Council may consider purchase of medical equipment, consumables and furniture, upon attaining a valuation.

Following the above, the Shire President and Chief Executive Officer met with Dr Gray on Wednesday 13 March 2013 to discuss Councils resolution and possible alternative arrangements.

A subsequent request, dated 15 March 2013, was presented as part of the Budget Review process to consider providing the doctor with two small vehicles in place of the larger vehicle to enable both he and the other doctor to each have a vehicle.

Council concurred with this request and it was approved as part of the budget review.

Comment

In the latest correspondence, dated 28 March 2013, Dr Gray indicates that he would like to stay and manage the medical facility in Cunderdin and phase his way out of the practice over period of time. He presents the following items for Council consideration:

1. Two vehicles, one for each doctor, though 4 cylinder smaller vehicles even second hand would be OK if cost is an issue. – Council has already supported this proposal as part of the 2012-13 Budget Review process.
2. No rent on surgery or house. – Council will need to reconsider in light of its resolution of 21 February 2013.
3. Fuel each week if I am travelling here to work. – The doctor's vehicle currently is fuelled at from the Shire Depot at Council expense, it is not expected the two smaller vehicles would increase current fuel usage substantially, but again will for Council consideration.
4. Allocation of \$50 000 to \$100 000 per year to pay for a second doctor. – This type of request has not previously been formally considered by Council. Council did on 21 February resolve to consider assistance with Locum costs but the financial amount was not to this value.

Dr Gray further commented:

This will allow us to continue to bulk bill the disadvantaged.

I will not be able to manage the practice if it is going to cost me more than it earns which is why these concessions are requested.

The matter is presented for Council consideration.

Consultation

Dr Ken Gray.

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Council will need to take into consideration the financial implications when deliberating on the budget for 2013-14 and future financial years.

Strategic Implications

Nil

Cr Todd Harris Left the meeting at 6.46pm.

Resolution 8.5.2

That:

- 1. The matter be deferred to enable Council to seek legal and professional advice and have further discussions with Dr Ken Gray.**
- 2. Council hold a Special Council Meeting on a date to be confirmed to further consider the matter.**

Moved Cr Graham Cooper Seconded Cr Dennis Whisson

Vote – Simple majority Carried 6/0

Cr Todd Harris returned to the meeting at 6.49pm.

9. Environmental Health & Building Services

No Reports

10. Works & Services

10.1 Works & Services Report

Location:	Cunderdin
Applicant:	Manager Works & Services
Date:	8 th April 2013
Author:	Manager Works & Services
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is to receive the Works and Services Report.

Construction

Recommended clearing and shoulder upgrade on Quelagetting Road, now 95% complete.
Footpath between Spear Street and Manta Performance Products completed.
Reseal on Cunderdin / Wyalkatchem Road completed.
Reseal on Meckering / Dowerin Road completed.

General

Routine maintenance works being carried out throughout the Shire and on a as needs basis.

- Carted in 80 cubic metres of white sand to top dress hockey oval.
- Removed timber from old building at airfield to old landfill site.
- Started cleaning out storm water drains in Cunderdin, this will be ongoing until completed.
- Horticulturist carried out general maintenance to tennis courts and bowling green.

Parks and Gardens Meckering

Carried out general mowing, whipper snipping and clean-up of all parks, gardens and public open space.

Parks and Gardens Cunderdin

Carried out general mowing, whipper snipping and general clean-up of public open space.

Building and other Maintenance

Commenced upgrade works to the Cunderdin Early Learning Centre sand pit.

Plans submitted to CEO for approval for main street landscaping and planting.

Building and Other Maintenance

- Started upgrade works to the Play Group sand pit.
- Replaced front and kitchen windows at Council office.
- No problems reported last month in relation to cleaning of Council buildings and public toilets.

Airfield Maintenance

- Replaced bearings in the wind sock and upgraded power plug to comply with regulations.
- No other problems to report.

Plant Maintenance

- Carried out general servicing and minor repairs to all plant and equipment.
- Replaced 5hp motor on wacker packer.
- No major breakdowns to report.

Waste Services

General upkeep of the Cunderdin and Meckering Transfer Stations, everything running okay.

Works and Services Staff

The Transfer Station operator at Meckering, Geoff Don, is transferring to Works and Mr Gary Coward of Meckering will be taking up the position as transfer station operator.

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Strategic Implications

Nil

Resolution 10.1

That Council receives the Works and Services Report.

Moved : Cr Todd Harris Seconded: Cr Doug Kelly

Vote – Simple majority Carried : 7/0

11. Planning & Development

11.1 Planning Application 147705 – Lot 10493 Hills Road, Warding East

Location:	Lot 10493 Hills Road, Warding East
Applicant:	AJ Marsh Pty Ltd on behalf of NJ Tainsh & TJ Tainsh
Date:	9 th April 2013
Author:	Town Planning Consultant
Item Approved by:	Chief Executive Officer
File Reference:	29752
Attachment/s:	9 Pages

Proposal/Summary

The Western Australian Planning Commission (WAPC) have received an application to create a homestead lot and re-subdivide Lot 9021 on DP 123517 and Lot 10493 on DP 127461 Hills Rd, Warding East resulting in the three (3) lots.

As part of the WAPC's assessment process, the application has been referred to the Shire for comment.

This report provides an assessment of the proposal and recommends approval subject to the conditions listed at the end of this report.

Background

Council at its Ordinary Meeting held on 18 November 2010 resolved as follows:

(a) *“Approval; subject to the condition stated below:*

- 1. All buildings and effluent disposal systems having necessary clearance from the new boundaries as required under the relevant legislation.*
- 2. Measures to be taken to ensure that areas identified as being significant natural vegetation are retained.*
- 3. Measures to be taken to ensure an adequate effluent disposal system(s) in accordance with the Health Act 1911.*

(b) *WAPC be advised of (a) above.”*

The previous plan of subdivision is attached at Appendix 1 and as can be seen applied only to Lot 10493 on DP 127461.

The owners have now submitted another subdivision application to the WAPC including two (2) lots in their ownership that proposes to create a homestead lot over the two (2) existing lots and two (2) agricultural lots, that is three (3) lots in total. The proposed homestead lot will be 14.97 hectares in area and will contain all of the existing buildings on both lots with the exception of the dwelling on Lot 9021 (proposed Lot 2). The two (2) agricultural lots will be 51 hectares and 39.25 hectares in area. Refer to Appendix 2 for the plan of subdivision.

If approved, this application will supersede the previous subdivision approval.

The property is located in the locality of Warding East on the local government boundaries of Cunderdin and York. Lot 9021 is 64.75 hectares in area and Lot 10493 is 40.4686 hectares in area. Both current lots contain a dwelling each and numerous farm buildings. The surrounding properties vary from similarly sized to larger broad-hectare farming holdings. Refer to Appendix 1.

Comment

The realignment of farm boundaries and creation of homestead lots is not fragmentation of rural land and will not affect the economic base of agriculture in Cunderdin.

Homestead lots are an important mechanism to enable families to remain in their family homes and for traditional farmhouses to be preserved.

There are no environmental implications associated with the proposal. As recommended in the original Council resolution, it is recommended that the remnant vegetation be protected. This application has also been referred to the Department of Environment and Conservation who will also provide comments.

It is recommended that the application be amended to show all proposed lots meet the minimum lot sizes in the Cunderdin Local Planning Scheme No. 3. If this amendment is carried out, then Council should support the approval of this application, subject to the conditions listed in the Officer's Recommendation.

It should be noted that the approval of this subdivision application will supersede the previous approval.

Consultation

The WAPC have also referred the application to Western Power, Water Corporation, Department of Mines and Petroleum and the Department of Environment and Conservation as part of their assessment process. As the Shire is not the determining authority, there are no consultation requirements.

Statutory Implications

Shire of Cunderdin Local Planning Scheme No. 3 (District Zoning Scheme)

The property is zoned General Agriculture under the provisions of the Shire of Cunderdin Local Planning Scheme No. 3 (District Zoning Scheme) and is currently used for agricultural related activities.

The minimum lot size stipulated in Table 2 of the Scheme is 40 hectares for properties zoned General Agriculture, with the exception of homestead lots where the minimum lot size is 4 hectares. The proposed homestead lot is 14.97 hectares and therefore complies, proposed Lot 2 is 51 hectares and complies, however proposed Lot 3 will be 39.25 hectares and does not comply.

Clause 5.5 of the Scheme provides Council with the power to vary site and development standards and requirements, however Council should be cautious of not creating a precedent. The lot boundaries could be amended to ensure all lots created meet the required minimum lot sizes.

The General Agriculture zone is intended primarily for the preservation of agriculturally significant land and the zone objectives are to ensure continuation of broad-care farming; to protect the potential of agricultural land for primary production; to provide for a range of rural pursuits; to control the fragmentation of broad-care farming properties through the process of subdivision; to consider non-rural uses; and to protect broad-acre agricultural land from land degradation.

This proposal could be considered inconsistent with the objectives of the zone and may encourage fragmentation of farming land.

Cunderdin Local Planning Strategy

Clause 4.3.1 of the Strategy relates to agriculture, which is the predominant industry in the Shire. A key action of the Strategy in relation to agriculture is to “incorporate provisions in Local Planning Scheme No. 3 specific to General Agriculture zone which specify that the local government will only support the further subdivision of existing agricultural lots in limited circumstances which accord with Western Australian Planning Commission policy applicable at the time.” The applicable policies have been considered as follows:

State Planning Policy 2.5 – Agricultural and Rural Land Use Planning

The four key objectives of the policy are:

1. Protect agricultural land resources wherever possible
2. Plan and provide for rural settlement
3. Minimise the potential for land use conflict
4. Carefully manage natural resources

Clause 5.2.3 of the policy sets out the provision to avoid land use conflicts as follows:

1. “Proposals to rezone, subdivide or develop land within rural areas must have regard to both on-site and off-site impacts and, where necessary, should be accompanied by information identifying—
 - (a) environmental values and any environmental risks;
 - (b) the potential for land use conflict;
 - (c) the potential impacts and restrictions on allowed uses on adjacent or nearby locations;
 - (d) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site and the appropriate conditions relating to subdivision and development.”

The proposal could create land use conflict due to the reduction in lot sizes. Although it should be noted that the proposal can meet the lot sizes stipulated in the Scheme, which should represent sufficient areas for distances and therefore reduction in the potential for land use conflict.

WAPC Development Control Policy 3.4 – Subdivision of Rural Land

The policy measures for rural lots for farming and conservation have been considered as follows:

Clause 4.1 encourages the retention of rural character and agricultural holdings by encouraging existing large rural lots be retained for broad-acre and traditional forms of farming and that the fragmentation of rural land and loss of rural character through piecemeal, unplanned subdivision should not be permitted. Notwithstanding this, subdivision is not considered fragmentation if subdivision is to:

- (a) To realign lot boundaries for farming purposes and/or for access to landlocked lots, with no increase in the number of lots.
- (b) To reduce the area of large land parcels which are two or more times the area of typical lots used in the district for farming.
- (c) To protect and actively conserve places of cultural and natural heritage.
- (d) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources.
- (e) To allow for the continued occupation of existing houses when they are no longer used in a farming operation.
- (f) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with policy and are necessary in the public interest.

The proposed subdivision does not meet these provisions and could therefore be considered as fragmentation.

Clause 4.2 of the policy states subdivision in broad-acre farming areas large lots may be subdivided to create lots which are consistent with the size of lots used for farming in the locality and allow for continued broad-acre farming. The prevailing lot sizes in the area are similar to the current lot sizes. Therefore, this provision is not applicable to this proposal.

Clause 4.3 of the policy permits subdivision if the lot is divided by a significant physical or constructed feature, such as a highway or river, but does not include a creek or track. Whilst there is the presence of a track in Lot 9021, this is not in line with the proposed boundary alignment, nor is it generally included in this definition.

Clause 4.5 permits subdivision to better align boundaries. The existing boundaries are not considered to be poorly aligned.

Clause 4.9 sets out the provisions for the creation of homestead lots as follows:

“Homestead lots may be created to enable an existing house on a farm to continue to be occupied provided that:

- (a) the land is in the Wheatbelt agricultural policy area (refer to appendix 3);
- (b) the population in the locality is declining or relatively static;
- (c) the homestead lot has an area between 1 and 4 ha, or up to 20 ha where it is desirable to respond to the landform or to include existing outbuildings or water sources;
- (d) there is an adequate water supply for domestic, land management and fire management purposes;
- (e) the homestead lot fronts a constructed public road;
- (f) the homestead lot contains an existing residence; and
- (g) a homestead lot has not been excised from the farm in the past.”

These provisions have been assessed as follows:

- (a) The subject land is within the Wheatbelt agricultural policy area.
- (b) Population within Meckering (Warding East is included in the ABS data with Meckering) in 2011 was 265 and the population in Cunderdin in 2006 was 1131 and decreased to 1043 in 2011.
- (c) Homestead lot is 14.97ha.
- (d) There is a bore located within the homestead lot as well as Lot 2 and Lot 3.
- (e) The Homestead Lot fronts Hills Road which is a public, unsealed road.
- (f) The homestead lot contains an existing dwelling.
- (g) A homestead lot HAS been approved but not excised in the past.

The proposal meets the provisions of the Development Control Policy and can be approved.

In conclusion, the proposal can meet the statutory requirements, local and state, for the subdivision, if the area of Lot 3 is increased to meet the minimum lot size of 40 hectares.

Policy Implications

As indicated above, the proposal can meet the policy provisions and therefore there are no adverse policy implications.

Financial Implications

There are no financial implications for the Shire of Cunderdin associated with this proposal.

Strategic Implications

The Cunderdin's Community Strategic Plan 2011 goals 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.

The proposal is consistent with the goals of the Community Strategic Plan and will assist in the growth of the population base. It will not impact the environment or natural resources.

Resolution 11.1

"That Council:

RESOLVE to advise the Western Australian Planning Commission that no objections are raised to the approval of Application No. 147705 for the proposed subdivision to create two (2) agricultural lots and one (1) homestead lot of Lot 9021 on DP 123517 and Lot 10493 on DP 127461 Hills Rd, Warding East, subject to the imposition of the following conditions:

- 1. The plan of subdivision is to be modified so that no lot is less than 40 hectares in area, with the exception of the homestead lot that is to be no less than 4 hectares. (Local Government)***
- 2. All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)***
- 3. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)***
- 4. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government)"***

Moved: Cr Todd Harris

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried 7/0

11.2 Planning Application – Lot 28 (9) West Main Street, Cunderdin

Location:	Lot 28 (9) West Main Street, Cunderdin
Applicant:	DJR McEwen & RE McEwen (Macs Agencies)
Date:	10 th April 2013
Author:	Town Planning Consultant
Item Approved by:	Chief Executive Officer
File Reference:	
Attachment/s:	5 Pages

Proposal/Summary

Council is in receipt of a planning application to construct a grain packaging and storage shed at Lot 28 (9) West Main Street, Cunderdin.

The application must be advertised before being determined in accordance with the provisions of the Cunderdin Local Planning Scheme No. 3.

The purpose of this report is to outline the assessment process and to recommend Council delegate the determination of the application to the Chief Executive Officer.

Background

Lot 28 (9) West Main Street, Cunderdin is currently used for the warehousing and selling of grain and retail sales of gas. The site has an area of 2.145 hectares, is located at the western end of the town site and has a dual zoning of Mixed Business and Rural under the provisions of the Local Planning Scheme No. 3.

It is proposed to construct a new grain packaging and storage shed at the rear of the existing warehouse and to then demolish the existing freestanding shed.

Comment

There are no negative issues associated with this proposal and therefore it is considered appropriate and efficient to delegate the determination of this application to the Chief Executive Officer to facilitate the application process to enable the applicant to progress the development as soon as practicable.

Consultation

The application requires advertising in accordance with clause 9.4 of the Scheme for a minimum period of 14 days, including giving notice in a local newspaper and notifying nearby landowners.

All submissions received during this period will be considered in the assessment of the application.

Statutory Implications

Cunderdin Local Planning Scheme No. 3

The site has a dual zoning of Mixed Business and General Agriculture. However as the proposed development is located wholly within the Mixed Business zone, the provisions of this zone are applicable only.

Under the provisions of the Scheme, the current use is best defined as 'Industry – Rural', which means:

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes.

Industry – Rural is an 'X' use in the Mixed Business zone under the Scheme, which means it is prohibited, however, as the business was legally in operation prior to the gazettal of the Scheme (on 14 May 2007), the use can be classified as a non-conforming use. The Scheme permits non-conforming uses to be altered, changed or expanded with planning approval and subject to such planning approval being advertised in accordance with clause 9.4 of the Scheme.

Therefore, the application for planning consent can be considered and determined by Council, subject to the advertising and other relevant provisions of the Scheme being considered and met during the assessment process.

Policy Implications

There are no policy implications associated with this proposal for the Shire of Cunderdin.

Financial Implications

There are no financial implications associated with this proposal for the Shire of Cunderdin.

Strategic Implications

The Cunderdin's Community Strategic Plan 2011 goals 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.

The proposal is consistent with the goals of the Community Strategic Plan and will strengthen a local business, enable business growth and potentially provide new employment.

Resolution 11.2

"That Council delegate determination of the planning application to construct a grain packaging and storage shed on Lot 28 (9) West Main Street, Cunderdin, to the Chief Executive Officer, subject to the application being advertised and assessed in accordance with the provisions of the Cunderdin Local Planning Scheme No. 3."

Moved: Cr Clive Gibsone

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried 7/0

11.3 Matzin Capital – Request for Council to relinquish Property Management Order

Location:	H49 Lot 150 (Reserve 10489) Dreyer Street, Meckering
Applicant:	Matzin Capital
Date:	16 April 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Nil
File Reference:	
Attachment/s:	6 Pages

Proposal/Summary

For Council to consider relinquishing Property Management Order for H49, Lot 150 (Reserve 10489) Dreyer Street, Meckering.

This report recommends that Council supports relinquishing the Management Order.

Background

Matzin Capital are requesting Council consideration to this matter so they are able to purchase or gain control of the property through the Department of Regional Development and Lands for purpose of erecting advertising signage.

Management for the property was originally vested with the Meckering Road Board for the purpose of recreation on 1 December 1926. This vesting was subsequently transferred to the Cunderdin Road Board and the Shire of Cunderdin as the municipality changed names.

Vesting Order 8401/06 dated 11 May 1943 currently applies, and gazettal dates 3 December 1926 and 21 May 1943 refer.

Comment

The property is low lying land situated on the north western side of Dreyer Street (Great Eastern Highway) approximately 350 metre prior to the Dunlop Street turn off (to the left).

The land is not currently being utilised by Council for any specific purpose and given its low lying nature does not appear could be utilised for any immediate future purposes.

Future advertising signage to be erected on the property would be subject to a planning application for consideration in accordance with the Shire of Cunderdin Town Planning Scheme No 3, and also Main Roads WA approval.

Consultation

Charles Maasdorp, Matzin Capital

Statutory Implications

Land Administration Act 1997

46. Care, control and management of reserves

(1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.

50. Management order, revocation of

(1) When a management body –

(a) agrees that its management order should be revoked; or

(b) does not comply with its management order or with a management plan which applies to its managed reserve or does not submit a management plan in compliance with a request made under section 49(2), the Minister may by order revoke that management order.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 11.3

That Council:

- 1. Agrees to revoke Vesting Order 8401/06 dated 11 May 1943, for property H49, Lot 150 (Reserve 10489) Dreyer Street, Meckering.**
- 2. Informs Matzin Capital that any future development on the property, including signage, will be subject to submission of plans and compliance with the Shire of Cunderdin Town Planning Scheme No 3 and other associated health / building legislation.**

Moved: Cr Clive Gibsone

Seconded: Cr Todd Harris

Vote: Simple majority

Carried : 7/0

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 7.29pm