



## Shire of Cunderdin

The Ordinary Meeting of the Cunderdin Shire Council was held on **Tuesday 23<sup>rd</sup> October 2018** in the Cunderdin Shire Chambers, Cunderdin, WA, 6407 **commencing at 1.00pm.**

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## AGENDA

### 1. Declaration of Opening

**The President declared the meeting open at 1pm**

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

#### 2.1 Record of attendances

##### Councillors

Cr DA (Dennis) Whisson	Shire President
Cr DB (Doug) Kelly	Deputy President
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr D (Di) Kelly	

##### In Attendance

Gary Martin	A/Chief Executive Officer
Kayla James	Governance and Compliance Officer

##### No Attendance

Cr J (Jayson) Goldson

##### Guests of Council

Stuart Hobley	Future Manager of Corporate Services and Finance
Mary Groves	Cunderdin District High School
11 Students	Cunderdin District High School

##### Members of the Public

Nil

#### 2.2 Apologies

#### 2.3 Leave of Absence Previously Granted

### 3. Public Question Time

Nil

### 4. Petitions, Deputations & Presentations

## **5. Applications for Leave of Absence**

Nil

## **6. Confirmation of the Minutes of Previous Meetings**

### **6.1 Ordinary Meeting of Council held on Thursday 20<sup>th</sup> September 2018.**

#### **Resolution 6.1 October 2018**

That the Minutes of the Ordinary Council Meeting held on Thursday 20<sup>th</sup> September 2018 be confirmed as a true and correct record.

Moved: Cr Norm Jenzen

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 7/0

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

The President signed the minute declaration on the previous minutes.

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

Nil

## **8. Announcements by President without Discussion**

Dennis Whisson commended the Earthquake Anniversary Committee for their efforts on the end result of the Meckering Earthquake Anniversary Commemorations.

He also commended the Hot Rod Show Committee for their efforts of the weekend show.

Dennis also welcomed the Cunderdin District High School leader students.

Council introduced themselves one by one, followed by the students.

Students then proceeded to ask Councillors questions about our Shire.

Dennis then proceeded with the meeting and welcomed the students to ask any questions throughout the meeting.

## 9. Finance & Administration

### 9.1 Financial Reports for September 2018

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	17/10/18
<b>Author:</b>	Paul Godfrey
<b>Item Approved by:</b>	A/Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	3 attachments

#### Proposal/Summary

The financial reports as at September 2018 are presented for consideration.

#### Background

The financial reports have been circulated to all Councillors.

#### Comment

Nil

#### Consultation

Nil

#### Statutory Environment

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

#### Policy Implications

Nil

#### Financial Implications

All financial implications are contained within the reports.

#### Strategic Implications

Nil

#### Resolution 9.1 October 2018

That Council receives the monthly financial reports to September 2018.

Moved: Cr Alison Harris

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 7/0

## 9.2 Accounts Paid – September 2018

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	17/10/18
<b>Item Approved By:</b>	A/Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling \$331,820.33 for September 2018 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 30<sup>th</sup> September 2018.

### **Background**

Nil

### **Comment**

Nil

### **Consultation**

Nil

### **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).

Financial Management Regulations 12 & 13.

### **Policy Implications**

Nil

### **Financial Implications**

All financial implications are contained within the reports

### **Strategic Implications**

Nil

**Resolution 9.2 October 2018**

1. That Council's payment of accounts amounting to \$318,871.13 from Municipal Account and \$12,949.03 from Trust Account for September 2018, from :

<b>Municipal Account</b>	<b>\$</b>
Electronic Funds Transfer: EFT2437 - 2544	295,646.52
Direct Debit: DD1152.1 – 1170.1	13,732.55
Cheques: 11408 - 11418	9,489.85
Bank Charges:	2.38
<b>Trust Account</b>	12,949.03
<b>TOTAL</b>	331,820.33

be confirmed and noted; and,

2. That the Payments List as presented be incorporated in the Minutes of the Meeting.

Moved: Cr Alison Harris

Seconded: Cr Di Kelly

Vote – Simple Majority

Carried: 7/0

<b>Cheque /EFT No</b>	<b>Date</b>	<b>Supplier</b>	<b>Description</b>	<b>Amount</b>
EFT2545	13/09/2018	Cunderdin Co-Op	Leadership Meeting Sandwiches and Rolls	612.09
EFT2546	13/09/2018	Australia Post	Postal Charges	145.97
EFT2547	13/09/2018	Covs Parts Pty Ltd	Premium Gold 15W40 250L	1,525.92
EFT2548	13/09/2018	Cunderdin Newsagency	Cunderdin Early Learning Centre Supplies	608.93
EFT2549	13/09/2018	AIR LIQUIDE	Gas Cylinder Hire Fee	120.86
EFT2550	13/09/2018	Avon Waste	Rubbish Service	12,333.36
EFT2551	13/09/2018	Goodfield Quality Meats	Water and Account Keeping Fee	29.00
EFT2552	13/09/2018	WA Contract Ranger Services	Ranger Services	654.50
EFT2553	13/09/2018	Glenwarra Development Services	Town Planning Consultancy Service	6,393.75
EFT2554	13/09/2018	FILTERSPLUS	Oil and Air Filter	134.64
EFT2555	13/09/2018	Autopro Northam	Clutch Kit inc DM Fly Wheel and Freight	1,541.33
EFT2556	13/09/2018	Combined Tyres Cunderdin	Fan Belt and Tyre Repair for Lawn Mower	86.51
EFT2557	13/09/2018	Ag Implements	Wet Charged Batteries	964.72
EFT2558	13/09/2018	Cunderdin Community Resource Centre	Library Service Fee	17,600.00
EFT2559	13/09/2018	Kleenheat Gas Pty Ltd	Staff Housing Gas Charges	320.28
EFT2560	13/09/2018	Perfect Computer Solutions	Lenovo Notebook and MS Office for MOWS	1,710.00
EFT2561	13/09/2018	Marketforce	Advertising Tech Officer The West 28/7/2018	2,530.84
EFT2562	13/09/2018	Quairading Earthmoving	Gravel pushing including plant hire D8T Dozer	30,844.00
EFT2563	13/09/2018	IXOM	Gas Cylinder Hire Fee	84.57
EFT2564	13/09/2018	Baxters Rural Centre	PTO	2,391.40

		<b>KB</b>		
<b>EFT2565</b>	<b>13/09/2018</b>	<b>Brickmart WA</b>	<b>Supply 3 x pallets of RLB 500X350X240 Flats</b>	<b>1,188.00</b>
<b>EFT2566</b>	<b>13/09/2018</b>	<b>Chatfields</b>	<b>Seedlings Christine Groom</b>	<b>304.11</b>
<b>EFT2567</b>	<b>13/09/2018</b>	<b>Cannon Hygiene Pty Ltd</b>	<b>Service Amendment Increase</b>	<b>47.66</b>
<b>EFT2568</b>	<b>13/09/2018</b>	<b>Scitech Discovery Centre</b>	<b>Science Show Meckering Earthquake</b>	<b>2,650.00</b>
<b>EFT2569</b>	<b>13/09/2018</b>	<b>Fabian Houbrechts</b>	<b>Fuel for CEO Car</b>	<b>20.04</b>
<b>EFT2570</b>	<b>13/09/2018</b>	<b>Hocking Planning and Architecture</b>	<b>Significance Assesment of Cunderdin Museum</b>	<b>4,816.45</b>
<b>EFT2571</b>	<b>13/09/2018</b>	<b>Swan Event Hire</b>	<b>Marquee for 50th Meckering Earthquake Gala Event</b>	<b>2,128.00</b>
<b>EFT2572</b>	<b>13/09/2018</b>	<b>Work Wear Group</b>	<b>K Walker Uniform</b>	<b>499.53</b>
<b>EFT2573</b>	<b>13/09/2018</b>	<b>MAYDAY EARTHMOVING</b>	<b>Mobilisation, Dry Posi Track , De-Mob</b>	<b>1,694.00</b>
<b>EFT2574</b>	<b>13/09/2018</b>	<b>Tammin Contracting Service</b>	<b>Gravel Carting x 23.5 hrs</b>	<b>4,265.25</b>
<b>EFT2575</b>	<b>13/09/2018</b>	<b>Retallack Mobile Fabrication</b>	<b>Westmix Cement Mixer</b>	<b>330.00</b>
<b>EFT2576</b>	<b>13/09/2018</b>	<b>Soundgardens</b>	<b>Stage for Meckering Earthquake</b>	<b>800.00</b>
<b>EFT2577</b>	<b>13/09/2018</b>	<b>Courier Australia</b>	<b>Freight Charges</b>	<b>30.03</b>
<b>EFT2578</b>	<b>14/09/2018</b>	<b>Combined Tyres Cunderdin</b>	<b>Halitrax Blade Runner and Tyre Disposal</b>	<b>1,265.00</b>
<b>EFT2579</b>	<b>14/09/2018</b>	<b>Great Eastern Country Zone of WALGA</b>	<b>Annual Subscription 2018/2019</b>	<b>3,850.00</b>
<b>EFT2580</b>	<b>14/09/2018</b>	<b>AMJ Industries</b>	<b>Repair office air conditioner</b>	<b>3,120.11</b>
<b>EFT2581</b>	<b>14/09/2018</b>	<b>Signs Plus</b>	<b>Badges Magnetic Clips and postage</b>	<b>59.00</b>
<b>EFT2582</b>	<b>14/09/2018</b>	<b>Shire of Tammin</b>	<b>Rent 3 Nottage Way 17/9-14/10</b>	<b>880.00</b>
<b>EFT2583</b>	<b>14/09/2018</b>	<b>Courier Australia</b>	<b>Freight</b>	<b>205.21</b>
<b>EFT2584</b>	<b>17/09/2018</b>	<b>Aussie Fencing</b>	<b>Fencing for AAA</b>	<b>3,820.00</b>
<b>EFT2585</b>	<b>20/09/2018</b>	<b>Australian Tax Office</b>	<b>BAS for August 2018</b>	<b>15,397.00</b>

EFT2586	25/09/2018	Department of Mines, Industry Regulations and Safety	Remit Building Services Levy Collected	10,949.03
EFT2587	27/09/2018	Jason Signmakers	Road Signs	3,160.69
EFT2588	27/09/2018	Cunderdin Co-Op	Cement Fast Set	1,892.39
EFT2589	27/09/2018	Autopro Northam	Engine Oil	145.44
EFT2590	27/09/2018	Shire of Northam	Old Quarry Tipping Fees	3,212.60
EFT2591	27/09/2018	Contract Aquatic Services	Off Season Turnovers @1 October	4,620.00
EFT2592	27/09/2018	AMJ Industries	Shire Works Depot Replace RCDS	4,517.15
EFT2593	27/09/2018	WALGA	Short Course for Kayla James - Effective Letter & Report writing in LG	567.00
EFT2594	27/09/2018	Cunderdin Community Resource Centre	HR Course- Andrew Arney and Rick Buxton	1,420.00
EFT2595	27/09/2018	Griffin Valuation Advisory	Professional Valuation Advisory- 3 X Market Valuation Reports	2,475.00
EFT2596	27/09/2018	Perfect Computer Solutions	IT Support 3/9-14/9	1,392.50
EFT2597	27/09/2018	Marketforce	Death Notices West Australian - Kelly Condolences	100.65
EFT2598	27/09/2018	Major Motors	Element Fuel and Sedimenter Fuel	217.98
EFT2599	27/09/2018	Kiamia Pty Ltd	Cart Gravel Leeming to Bulgin Rd	26,263.89
EFT2600	27/09/2018	Shire of Tammin	Job Number P0525 Private Works	2,652.00
EFT2601	27/09/2018	Lloyds Earthmoving	Landscape Mix 10M3 delivered	1,100.00
EFT2602	27/09/2018	Ampac Debt Recover Pty Ltd	AMPAC Debt Recovery	8,950.62
EFT2603	27/09/2018	MAYDAY EARTHMOVING	Dry Roller Hire	5,885.00
EFT2604	27/09/2018	Tammin Contracting Service	Loton rd Works	14,746.89
EFT2605	27/09/2018	Cubic Solutions Pty Ltd	375MM ADS N12 AASHTO M294 WT Pipe 4.0M (2 Lengths)	492.80

EFT2606	27/09/2018	Truquip Pty Ltd	Gravel Cartage	5,621.00
EFT2607	27/09/2018	Rainyday Pty Ltd	Rates refund for assessment A53415 6 TOGO STREET CUNDERDIN WA 6407	4,436.35
EFT2608	27/09/2018	Wheatbelt East Regional Organisation of Councils	2018 AGO Holiday Planner	110.80
EFT2609	27/09/2018	Earthstyle Contracting Pty Ltd	Maintenance Grading August 2018	58,214.74
EFT2610	27/09/2018	Combined Tyres Cunderdin	Hailtrax Blades and disposal	7,486.00
EFT2611	27/09/2018	Daves Tree Service	Main Street West Cunderdin Trim out hanging branches	2,860.00
EFT2612	28/09/2018	Autopro Northam	Auto Trans Multi	156.19
EFT2613	28/09/2018	Perfect Computer Solutions	Tech Suppport 20/9 and Monthly monitoring fee for daily management	255.00
EFT2614	28/09/2018	Alloy & Stainless Products Pty Ltd	Baldes Iseki and John Deere	2,265.01
EFT2615	28/09/2018	Fast Finishing Services	Binding of council minutes	203.97
EFT2616	28/09/2018	Barkly Royal Pty Ltd	Mail out service fee	22.80
EFT2617	28/09/2018	West Coast Synthetic Surfaces	Repair and Maintenance to Tennis Courts	2,200.00
			Total EFT Payments	306,595.55
11419	13/09/2018	Water Corporation	Standpipe Five Mile Gate Rd	168.53
11420	13/09/2018	Synergy	Street light tarrif	3,527.15
11421	13/09/2018	Telstra	Shire Office Phones, mobiles and Ipads	1,624.95
11422	13/09/2018	Petty Cash	Museum Petty Cash	72.68
11423	13/09/2018	Cunderdin Medical Practice	A Walker Employment Medical	121.00
11424	13/09/2018	Shire of Cunderdin	Payroll deductions	110.00
11425	13/09/2018	Nola Bonser	Rates refund for assessment A53086 43 MAIN STREET CUNDERDIN WA 6407	522.58

11426	13/09/2018	Southern Cross Austereo Pty Ltd	Around the towns interviews	154.00
11427	14/09/2018	Water Corporation	Standpipe Rabbit proof fence rd	140.68
11428	14/09/2018	Petty Cash	Administration Petty Cash Recoup June - August	235.80
11429	27/09/2018	Water Corporation	Airport Water	1,972.85
11430	27/09/2018	Synergy	Depot Power	530.85
11431	27/09/2018	Telstra	Day Care Phone Bills	60.73
11432	27/09/2018	Australian Communications and Media Authority	Licence Renewal - 1905149/1	44.00
11433	27/09/2018	Western Hearing Service	Sub Full Audio Hearing Test	204.05
			Total Cheques	9,489.85
1711	01/09/2018	1 - BANK CHARGES	BANK CHARGES	2.38
DD1179.1	05/09/2018	WA Super	Payroll deductions	4,471.77
DD1179.2	05/09/2018	Club Plus Superannuation	Superannuation contributions	101.84
DD1179.3	05/09/2018	HOSTPLUS	Superannuation contributions	363.59
DD1179.4	05/09/2018	Australian Super	Superannuation contributions	209.53
DD1179.5	05/09/2018	Westscheme Superannuation	Superannuation contributions	572.62
DD1179.6	05/09/2018	BT Super for Life	Superannuation contributions	415.42
DD1179.7	05/09/2018	MLC Super for life	Superannuation contributions	190.83
DD1179.8	05/09/2018	MTAA Superannuation Fund	Superannuation contributions	207.71
DD1179.9	05/09/2018	TWU Super	Superannuation contributions	207.71
DD1193.1	03/09/2018	Trust account - Shire of Cunderdin	Transfer funds for Meck Cementary Project	2,000.00
DD1199.1	19/09/2018	WA Super	Payroll deductions	4,247.22
DD1199.2	19/09/2018	Club Plus Superannuation	Superannuation contributions	101.84

DD1199.3	19/09/2018	Australian Super	Superannuation contributions	259.53
DD1199.4	19/09/2018	HOSTPLUS	Superannuation contributions	542.47
DD1199.5	19/09/2018	Westscheme Superannuation	Superannuation contributions	390.40
DD1199.6	19/09/2018	BT Super for Llife	Superannuation contributions	415.42
DD1199.7	19/09/2018	MLC Super for life	Superannuation contributions	211.93
DD1199.8	19/09/2018	MTAA Superannuation Fund	Superannuation contributions	207.71
DD1199.9	19/09/2018	TWU Super	Superannuation contributions	207.71
DD1179.10	05/09/2018	Colonial First State	Superannuation contributions	203.65
DD1199.10	19/09/2018	Colonial First State	Superannuation contributions	203.65
			<b>Total Direct Debits</b>	<b>15,732.55</b>
			<b>Total Payments</b>	<b>331,817.95</b>

### 9.3 Council Investments – As at 30<sup>th</sup> September 2018

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	17/10/18
<b>Item Approved By:</b>	A/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 30<sup>th</sup> September 2018

#### 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; and
- 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.

#### Comment

In addition to the Shire's Municipal Operating Accounts totaling \$ 1,660,755.95 (Westpac - \$ 1,379,850.10 & Bendigo - \$ 280,905.85 as per attached statements, the following investment accounts are held as at 30<sup>th</sup> September 2018:

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$993,725.07	Reserves Term Deposit 2.75% Expires : 14/03/2019		\$993,725.07	
Westpac Bank	\$715,299.74	Business Cash Reserve 22-3647 0.60%	\$715,299.74		
Westpac Bank	\$143,408.64	Trust Working Account 12-2981			\$143,408.64
<b>TOTAL INVESTMENTS</b>	<b>\$1,852,433.45</b>		<b>\$715,299.74</b>	<b>\$993,725.07</b>	<b>\$143,408.64</b>

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 52,727.94 and Bendigo Term Deposit Ref: 2640625 - \$ 432,705.08

#### Consultation

Nil

**Statutory Implications**

Financial Management Regulation 19.

**Policy Implications**

Nil

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

There are no strategic implications in considering this item.

**Resolution 9.3 October 2018**

That the reports on Council investments as at 30<sup>th</sup> September 2018 be received and noted.

Moved: Cr Todd Harris

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 7/0

#### 9.4 Delegations Register 2018

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	8 October 2018
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	A/Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment

##### **Proposal/Summary**

For Council to adopt Delegation 2.3 Executing and Affixing the Common Seal and amended Delegation 5.1 Issuing Burning Permits.

##### **Background**

Council's Delegations Register has been reviewed previously and adopted at Councils Ordinary Meeting of Council on 16 August 2018.

The Delegations Register fit into a hierarchy of requirements. Accordingly, it is necessary that it integrates with legislative requirements and the local laws, planning policy and general policy as made by Council.

##### **Comment**

Delegations may be made, amended or revoked at any time by absolute majority.

Coming into the permit season it was noted that the Manager of Works and Services was given authority to serve burning permits. The Manager of Works and Services has no knowledge of burning periods and requirements and there are no provisions for the Manager of Works and Services to become a Fire Control Officer.

As stated, officers will have to report to council if and when the Common Seal is executive and affixed.

##### **Consultation**

Daniel Birleson – Community Emergency Services Manager  
Gary Martin – A/Chief Executive Officer  
Jacky Jurmann – Planning Consultant

##### **Statutory Implications**

Compliance with various Local Government Act requirements.

Adoption of Delegations is required to be by absolute majority.

##### **Policy Implications**

Nil.

##### **Financial Implications**

Nil.

**Strategic Implications**

Delegations Register is to enable the effective and efficient implementation of Council's instructions, adopted annual budget, and legislative and local law obligations.

**Resolution 9.9 October 2018**

That Council:

1. Add Delegation 2.3 Executing and Affixing the Common Seal; and,
2. Amend Delegation 5.1 Issuing Burning Permits.

Moved: Cr Norm Jenzen

Seconded: Cr Doug Kelly

Vote – Absolute majority

Carried: 7/0

## 9.5 Application to keep three (3) Dogs

<b>Location:</b>	Watts Street, Cunderdin, WA 6407
<b>Applicant:</b>	Julie & Stephen Skinner
<b>Date:</b>	8 <sup>th</sup> October 2018
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	A/Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	
<b>Attachment/s:</b>	1 Attachments 1 pages

### **Proposal/Summary**

An application has been received requesting permission to keep three (3) dogs on the property on Watts Street, Cunderdin.

### **Background**

It is a requirement of the Shire of Cunderdin Dogs Local Law 2015 that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

### **Comment**

The Ranger, Kylie Spark of WA Contract Ranger Services has inspected the property and verbally informed the Shire that the property fences are adequate to contain the 3 dogs. However, advised that the owners need to show more diligence in keeping the dogs within the property.

Kylie is happy with the progress the owners have made to satisfy these requirements.

All three (3) dogs are currently registered with the Shire and have been microchipped.

Should Council be in favour of granting an exemption it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*, as mentioned above.

### **Consultation**

Immediate neighbours by ranger, nil objections  
Kylie Spark – WA Contract Ranger Services.

### **Statutory Implications**

#### ***Dog Act 1976 (as amended)***

#### **Part V — The keeping of dogs**

##### **6. Limitation as to numbers**

- (1) *A local government may, by a local law under this Act —*
  - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
  - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*
- (2) *A local law mentioned in subsection (1) —*
  - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
  - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*
  - (c) *cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*

- (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
  - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
  - (b) cannot authorise the keeping in or at those premises of —
    - (i) more than 6 dogs that have reached 3 months of age; or
    - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
  - and
  - (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
  - (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
    - (i) a local law mentioned in subsection (1); or
    - (ii) an exemption granted under subsection (3);
  - or
  - (b) more than —
    - (i) 2 dangerous dogs (declared); or
    - (ii) 2 dangerous dogs (restricted breed); or
    - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
  - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.
- Penalty:
  - (a) for an offence relating to a dangerous dog —
    - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
    - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;
  - (b) for an offence relating to a dog other than a dangerous dog —
    - (i) a fine of \$5 000;
    - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.
- (5) Any person who is aggrieved —
  - (a) by the conditions imposed in relation to any exemption under subsection (3); or
  - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

## **Shire of Cunderdin Dogs Local Law 2015**

### **PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**

#### **3.1 Dogs to be confined**

- (1) An occupier of premises within a townsite on which a dog is kept must -
  - (a) cause a portion of the premises on which the dog is kept to be fenced or walled in a manner capable of confining the dog;
  - (b) ensure the fence or wall used to confine the dog and every gate or door in the fence or wall is of a type, height and construction which having regard to the breed, age, size and physical

condition of the dog is capable of preventing the dog at all times from passing over, under or through it;

- (c) ensure that every gate or door in the fence or wall is kept closed at all times when the dog is on the premises, unless the gate or door is temporarily opened in a manner that ensures that the dog remains confined;
- (d) maintain the fence or wall and all gates and doors in the fence or wall in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

**Penalty:** Where the dog kept is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

### **3.2 Limitation on the number of dogs**

(1) This clause does not apply to premises which have been-

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) On land within a townsite, or zoned "rural residential" under a local planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

(3) On land zoned "rural" under a local planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 4 dogs over the age of 3 months and young of those dogs under that age.

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **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.

### **Resolution 9.5 October 2018**

That Council approves the application from Stephen and Julie Skinner to keep three (3) dogs at Watts St, Cunderdin, subject to the following conditions:

- 1) That the exemption be reviewed by the ranger in twelve months' time to ensure that no adverse problems have been experienced as a result of the exemption;*
- 2) That Council reserves the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period;*
- 3) The exemption applies only to the dogs nominated by the applicant;*
- 4) Each dog must be registered with the Shire of Cunderdin; and*
- 5) Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.*

Moved: Cr Alison Harris

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 7/0

## 9.6 Opening of Sandalwood Village

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	10 <sup>th</sup> October 2018
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	A/Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 attachment

### **Proposal/Summary**

To consider officially opening the Age Appropriate Accommodation (aka Sandalwood Village) in February with the Western Australian Country Health Service (WACHS) in conjunction with the Primary Health Care Centre proposed opening.

### **Background**

Council At its Ordinary Meeting of Council held on 19th April 2018, Council resolved;

*That council agree to contribute up \$1,000 for refreshments on the day of the grand opening, however in accordance with Council policy, that the Shire reserves the right as owner of the accommodation units for the Shire President to formally open the facility.*

Residents began moving into Sandalwood Village on 15 October 2018 after a community walkthrough on 13 October 2018.

### **Comment**

The Shire of Cunderdin had previously agreed as per the above to open the Cunderdin Age Appropriate Accommodation and contribute \$1000 toward the project on the same day as the WACHS Official opening.

With this in mind it will be in the best interest of the Shire to open both projects consecutively on the same day.

At the Age Appropriate Accommodation Management Project Committee meeting held Tuesday 2<sup>nd</sup> October 2018, Mr Jeffery Williams of WACHS suggested the following order of events -

Open the Primary Health Care Centre  
Morning Tea  
Open the Age Appropriate Accommodation Project

### **Consultation**

Western Australian Country Health Centre - Jeffery Williams  
Age Appropriate Accommodation Project Management Committee

### **Statutory Implications**

Nil

### **Policy Implications**

Policy: 2.1 Building additions and/or new buildings will opened by Council president or proxy where applicable

### **Financial Implications**

The funds required for any contribution to WACHS, or to self-manage the Grand Opening, can be sourced from “CDO Expenditure” A/C 11161030.

### **Strategic Implications**

#### ***Shire of 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.

#### Economic

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

### **Resolution 9.6 October 2018**

That Council agree;

1. To contribute up \$1,000 for refreshments on the day of the grand opening
2. The Shire President to formally open the facility.
3. That the Grand Opening be held on the same date WACHS propose the opening of the Primary Health Care Centre

Moved : Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 6/1

## 9.7 Review of Risk Management, Internal Control and Legislative Compliance

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance and Compliance Officer
<b>Date:</b>	5 <sup>th</sup> October 2018
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	A/Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Risk Dashboard Report 2018

### **Proposal / Summary**

For Council to note the results of the Risk Dashboard Review of the appropriateness and effectiveness of the Shire's systems in regard to risk management, internal control and legislative compliance.

### **Background**

The *Local Government (Audit) Regulations 1996* prescribe the requirements for local governments in relation to the engagement of auditors, the annual compliance audit return and the functions of the audit committee.

In February 2013 the Department of Local Government and Communities released Circular No. 05-2013 advising local governments of amendments to the *Local Government (Audit) Regulations 1996*. The amendments were gazetted 8 February 2013 and came into effect 9 February 2013.

The amendments extend the responsibilities of the Audit Committee and Chief Executive Officer of local governments in relation to the reviewing and reporting of the local government's systems and procedures in regard to risk management, internal control and legislative compliance.

### **Comment**

#### *Risk Management Policy*

The Shire developed a *Risk Management Policy* which states the objectives for, and commitment to, risk management. The policy is designed to align with this and make a statement on the Shire's objectives, approach and commitment to effective risk management across all its operations. The policy includes the following statement:

*"It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public."*

### **Consultation**

Chief Executive Officer (Acting) – Gary Martin  
Deputy Chief Executive Officer – Paul Godfrey  
Manager of Works and Services – Fabian Houbrechts  
Governance and Compliance Officer – Kayla James

### **Policy Implications**

Nil

### **Financial Implications**

Nil

## **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.

### **Resolution 9.7 October 2018**

That Council note the results the Shire's systems in regard to Risk Management, Internal Control and Legislative Compliance.

Moved: Cr Doug Kelly

Seconded: Cr Bernie Daly

Vote: Simple majority

Carried: 7/0

## 9.8 Bendigo – Additional Account

<b>Location:</b>	Cunderdin Shire Office
<b>Applicant:</b>	Internal Report
<b>Date:</b>	10 <sup>th</sup> September 2018
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	

### **Summary**

That Council approves Mr Stuart Hobley as a signatory for all Bendigo and Adelaide Bank Limited Accounts and Westpac Bank Accounts utilised by the Shire.

### **Background**

Mr Paul Godfrey has resigned as the Deputy Chief Executive Officer and therefore will be replaced by Mr Stuart Hobley. In order to access these accounts as a part of his daily duties, both Banking institutions require Council endorsement to change the signatories over.

### **Comment**

Mr Hobley will be required to access bank accounts as part of his daily duties so this is a necessity.

Mr Godfrey no longer requires access to the accounts.

### **Consultation**

Deputy Chief Executive Officer – Paul Godfrey  
Chris Giles – Bendigo and Adelaide Bank Ltd

### **Statutory Implications**

Financial Management Regulation 19.

### **Policy Implications**

Nil

### **Financial Implications**

No cost to adjust signatories.

### **Strategic Implications**

#### 6. Civic Leadership

Our Councillors and community leaders have vision, are accessible, act with transparency and integrity, and act in good faith on behalf of their constituents.

**Resolution 9.8 October 2018**

That Council;

1. Approve Mr Stuart Hobley Manager of Corporate Services and Finance as a signatory for the Bendigo and Adelaide Bank Pty Ltd accounts;
2. Approve Mr Stuart Hobley Manager of Corporate Services and Finance as a signatories for the account; and,
3. Remove Mr Paul Godfrey from the aforementioned Banking Institutions relating to the Shire of Cunderdin.

Moved: Cr Alison Harris

Seconded: Cr Di Kelly

Vote – Simple majority

Carried: 7/0

## 9.9 Shire of Cunderdin Administration Christmas Closing Period

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	A/Chief Executive Officer
<b>Date:</b>	16 October 2018
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For Council to consider the closure of the Shire Administration Office over the Christmas / New Year period.

This report recommends Council endorsement of the proposal as in recent years.

### **Background**

In the past five (5) years Council has authorised the closure of the Administration Office as follows:

2013/14	24 <sup>th</sup> December 2013, returning on Thursday 2 <sup>nd</sup> January 2014
2014/15	24 <sup>th</sup> December 2014, returning on Monday 5 <sup>th</sup> January 2015
2015/16	24 <sup>th</sup> December 2015, returning on Tuesday 5 <sup>th</sup> January 2016
2016/17	24 <sup>th</sup> December 2016, returning on Tuesday 3 <sup>rd</sup> January 2017
2017/18	22 <sup>nd</sup> December 2017, returning on Tuesday 2 <sup>nd</sup> January 2018

No complaints and / or adverse comments have been received in relation to the office closure over the periods mentioned.

### **Comment**

As a general rule no significant business is conducted between the Christmas and New Year period, therefore it is considered an ideal time to close the office and allow staff to clear some of their accrued leave entitlements, and enjoy a relaxed festive period with their families.

It is proposed the office be closed from the close of business on Friday 21<sup>st</sup> December 2018 to Wednesday 2<sup>nd</sup> January 2019 inclusive, reopening on Wednesday 2<sup>nd</sup> January 2019.

During the proposed six (6) business day closure period staff time will be allocated to public holidays (3 days) and annual leave entitlements (3 days).

Notification of the office closure will be displayed in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.

### **Consultation**

Shire Staff

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

## **Financial Implications**

Nil

## **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.

### **Resolution 9.9 October 2018**

That Council resolves to:

1. Approve the closure of the Shire of Cunderdin Administration Office during the Christmas / New Year period from close of business on Friday 21st December 2018 to Wednesday 2nd January 2019 inclusive, reopening on Wednesday 2nd January 2019 at 8.30am.
2. Advertises the Administration Office closure in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.

Moved: Cr Todd Harris

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 6/1

<b>10. Environmental Health and Building</b>
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Nil

<b>11. Planning &amp; Development</b>
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**11.1 Draft Shires of Cunderdin, Quairading and Tammin Regional Local Planning Strategy & Draft Cunderdin Local Planning Scheme No. 4 – Adoption for Advertising**

<b>Location:</b>	Shire-wide
<b>Applicant:</b>	Shire of Cunderdin
<b>Date:</b>	11 October 2018
<b>Author:</b>	J Jurmann, Contract Planner
<b>Item Approved by:</b>	G Martin, A/CEO
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	-
<b>Attachment/s:</b>	<ol style="list-style-type: none"><li>1. Draft Regional Local Planning Strategy &amp; Maps</li><li>2. Draft Local Planning Scheme No. 4 &amp; Maps</li><li>3. Scheme Review Report</li><li>4. WAPC Scheme Review Report Endorsement</li><li>5. DPLH Process Flow Charts</li></ol>

**Proposal/Summary**

The Council consider the draft Shires of Cunderdin, Quairading and Tammin Regional Local Planning Strategy and the draft Cunderdin Local Planning Scheme No. 4 for adoption for advertising purposes.

**Background**

The Shire of Cunderdin resolved at its Ordinary Meeting held in September 2017 that Council:

1. "Receives the Review Report of the Cunderdin Local Planning Scheme No. 3.
2. Authorises the CEO to forward the Report to the Western Australian Planning Commission for their endorsement.
3. Instructs the CEO to commence the development of the Regional Local Planning Strategy with the Shires of Quairading and Tammin."

The WAPC endorsed the Scheme Review Report (Attachment 3) and recommendations on 7 December 2017 (Attachment 4).

**Comment**

Once endorsed the Regional Local Planning Strategy will provide the framework for local planning and the strategic basis for the new local planning schemes. It will provide the interface between State and local planning, and will be seen by government agencies as the means by which to address economic, resource management, environmental and social issues at a strategic level.

The draft Strategy sets out the objectives for future planning and development in the region and includes a broad framework by which to pursue those objectives. The strategy addresses social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development.

There are two parts to the Strategy in accordance with the recommended format in the DPLH's Local Planning Manual. Part 1 is the Strategy containing the strategic directions and actions. Part 2 contains the Background Information, such as demographics, local issues and various maps.

The draft local planning scheme has been prepared using the Model Provisions in Schedule 1 of the Regulations, which aims to provide State-wide uniformity of definitions, land uses, zones, reserves and mapping.

Points of difference between LPS3 and LPS4 include:

- Conversion of zone names to accord with the Model Provisions and introduction of new zones, including Urban and Industrial Development, Light Industry and Rural Enterprise zones;
- Significant expansion of the land uses in the Zoning Table and the land use definitions in Part 6 to minimise proposals for land uses not listed and to provide better guidance for applicants and landowners;
- Review of land use permissibility and levels of permissibility in all zones;
- Application of density codes to all residential zoned land, which will provide an improved regulatory framework to control the population density by outlining the type and amount of residential dwellings that can be built on particular land size;
- Introduction of provisions to modify the R-Codes relating to dual density zones and construction of outbuildings;
- Review of the development standards for non-residential areas;
- Introduction of structure planning requirements for urban and industrial development zones;
- Introduction of urban and industrial development zones to identify suitable development land to cater for future population and employment needs; and

The new mapping has been produced by DPLH to meet the requirements of the Regulations, including zone labels, colours and acronyms.

Adopting the draft documents for advertising purposes does not preclude Council from modifying the documents during or following the consultation period.

It is worth noting that the current Planning Reform initiated by the Minister for Planning recently may result in changes to the Shire's new planning framework. However, the DPLH have recommended continuing progression of any local planning reviews that are substantially progressed and any changes resulting from the Planning Reform can be incorporated at a later date through the basic amendment process. A similar approach was adopted by DPLH in 2015 following the introduction of the new local planning schemes regulations.

### **Consultation**

Statutory Consultation Processes set out in the Regulations apply to Local Planning Strategies and Schemes, including Community Consultation Periods.

### **Statutory Implications**

The *Planning and Development (Local Planning Schemes) Regulations 2015* require every local government have a local planning scheme and any new scheme prepared to be accompanied by a local planning strategy.

The Regulations also require local governments to review their local planning schemes every five years with initial review periods for existing schemes prepared under the previous regulations stipulated as follows:

- 2020 – If the scheme is less than five years old (i.e. Gazetted from 19 October 2010 to present).
- 2017 – If the scheme is more than five years old (i.e. Gazetted from 18 October 2010 or older).

The Scheme Review Report received by Council in September 2017 was endorsed by the WAPC and recommends that due to the age of the Scheme and the non-conformance with the new Model Scheme Text, that a new local planning scheme be developed, in conjunction with the development of a regional local planning strategy.

### Local Planning Strategy

Part 3 of the Regulations sets out the requirement for a local planning strategy and the approval process, including consultation requirements.

### Local Planning Scheme

Part 5 of the *Planning and Development Act 2005* and Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* set out the requirements for the development, content, advertising and approval of a new local planning scheme. A flowchart depicting the process has been published by the Department of Planning, Lands and Heritage and has been attached to this report for Council's reference (Attachment 5).

The draft documents have been prepared in accordance with the requirements of the Regulations and the Department of Planning, Land and Heritage's (DPLH) Local Planning Manual.

### **Policy Implications**

The Shire's Local Planning Policies adopted under the provisions of LPS3 will continue to operate under a transitional clause in LPS4 until such time the review has been completed. It is important that the LPPs are current and consistent with the provisions of LPS3, and represent the needs of the community.

### **Financial Implications**

The development of the draft documents have been carried out by the Shire's Consultant Planner as part of her contracted duties with the mapping being produced by the DPLH within the existing budgetary allocation.

### **Strategic Implications**

The local planning strategy is the framework for local planning and the strategic basis for local planning schemes. It provides the interface between regional and local planning, and is increasingly being seen by other agencies as the means by which to address economic, resource management, environmental and social issues at a strategic level.

Local planning schemes are the principal statutory tool for implementing the local planning strategy and achieving the local government's aims and objectives with respect to the development of its local area. While schemes deal mainly with land use, development control and infrastructure coordination, they must be developed in the context of the strategic framework and the broader environmental, social and economic goals and objectives.

The local planning strategy and scheme will be developed utilising existing local and regional strategic planning documents, including each Shire's Strategic Community Plan.

**Resolution 11.1 October 2018**

That Council:

1. Adopt for advertising purposes the draft Shires of Cunderdin, Quairading and Tammin Regional Local Planning Strategy and Shire of Cunderdin Local Planning Scheme No. 4 for submission to the Western Australian Planning Commission for certification to advertise.
2. That Council forwards the draft Strategy and Scheme to:
  - (a) The Heritage Council for advice, pursuant to section 79 of the *Planning and Development Act 2005*.
  - (b) The Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act 2005*.
  - (c) The Western Australian Planning Commission for review, pursuant to Regulation 21 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. Following receipt of the Western Australian Planning Commission's certification, with or without modifications, advertise the draft documents in accordance with Regulations 13 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Following the advertising period, receive a further Report including details of consideration of the submissions, to endorse the Strategy and Scheme, with or without modifications, for submission to the Western Australian Planning Commission for approval.

Moved: Cr Todd Harris

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

## 11.2 Proposed Local Planning Policy – Construction of Dams

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Shire of Cunderdin
<b>Date:</b>	11 October 2018
<b>Author:</b>	J Jurmann, Contract Planner
<b>Item Approved by:</b>	G Martin, A/CEO
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	-
<b>Attachment/s:</b>	1 – Draft LPP

### **Proposal/Summary**

A draft Local Planning Policy has been developed to provide a regulatory framework for the construction of dams in the Shire of Cunderdin.

The draft LPP is being presented to Council for consideration for the purposes of advertising.

### **Background**

The policy has been developed following the recent determination of a development application for the construction of a dam on a small Rural zoned property within the Cunderdin townsite.

The application highlighted the need for better guidance for Council and the community on the determination of development applications for the construction of dams in the Shire due to the local planning scheme being silent on the issue.

Existing local planning policies adopted by other regional and rural local governments have been utilised in the development of the policy, including Augusta-Margaret River, Denmark and Swan.

### **Comment**

All current local planning policies will be reviewed following approval of the new Regional Local Planning Strategy and the Cunderdin Local Planning Scheme No. 4. As an interim measure, a transitional clause has been included in LPS4 to carry over policies that were adopted under the provisions of LPS3.

### **Consultation**

Clause 4 of the Deemed Provisions (Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedures for making a local planning policy as follows:

- (1) *"If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
  - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
    - (i) *the subject and nature of the proposed policy; and*
    - (ii) *the objectives of the proposed policy; and*
    - (iii) *where the proposed policy may be inspected; and*
    - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
  - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
  - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*

- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must —*
  - (a) *review the proposed policy in the light of any submissions made; and*
  - (b) *resolve to —*
    - (i) *proceed with the policy without modification; or*
    - (ii) *proceed with the policy with modification; or*
    - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
  - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
  - (b) *may publish a copy of each of those local planning policies on the website of the local government.”*

### **Statutory Implications**

#### **Planning and Development Act 2005**

The Act defines ‘development’ as:

**“development** means the development or use of any land, including —

- (a) *any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) *the carrying out on the land of any excavation or other works;*
- (c) *in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —*
  - (i) *is likely to change the character of that place or the external appearance of any building; or*
  - (ii) *would constitute an irreversible alteration of the fabric of any building.”*

#### **Planning and Development (Local Planning Schemes) 2015**

Clause 60 of Schedule 2 (the Deemed Provisions) states:

**“A person must not commence or carry out any works on, or use, land in the Scheme area unless —**

- (a) *the person has obtained the development approval of the local government under Part 8; or*
- (b) *the development is of a type referred to in clause 61.”*

Dams are not a land use that is listed in clause 61 as development exempt from approval.

#### **Cunderdin Local Planning Scheme No. 3 (LPS3)**

Dams are not listed in the Zoning Table and therefore must be assessed as a ‘use not listed’ in accordance with clause 3.4.2 of LPS3, which states:

**“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —**

- (a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*

- (b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- (c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

### **Policy Implications**

At present Council does not have any local planning policies regulating the construction of dams within the Shire. It is recommended that a policy be developed to provide a better regulatory framework for the construction of dams in the Shire, including exempting from development approval dams constructed on rural properties in conjunction with broad hectare agricultural activities.

### **Financial Implications**

There are minor financial implications associated with the advertising process for the adoption of local planning policies.

### **Strategic Implications**

#### **Cunderdin Strategic Community Plan**

The Goals of the SCP 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**

- Nurture and enhance our natural environment and prioritise the protection of our natural resources;
- Manage resource consumption and reduce waste, preserve and protect buildings and places of heritage and indigenous significance;

#### **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 proposed policy is consistent with the goals of the SCP.

### **Resolution 11.2 October 2018**

That Council resolve to:

1. Prepare and advertise the Local Planning Policy – Construction of Dams (attached to this Report) in accordance with clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Receive a further report following the advertising period to review the policy in light of any submissions received.

Moved: Cr Norm Jenzen

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 7/0

### 11.3 Proposed Ancillary Dwelling (Use Not Listed) – 426 Mills Rd, Youndegin

<b>Location:</b>	Lot 12559 (426) Mills Road, Youndegin
<b>Applicant:</b>	M Griff & C Rostron
<b>Date:</b>	12 October 2018
<b>Author:</b>	J Jurmann, Contract Planner
<b>Item Approved by:</b>	G Martin, A/CEO
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	A53436; DA2018/19 – 6
<b>Attachment/s:</b>	1 – Plans

#### **Proposal/Summary**

A development application has been received to obtain approval to construct a new dwelling and to convert the existing dwelling into ancillary accommodation at Lot 12559 (426) Mills Road, Youndegin.

Ancillary accommodation is not listed in the Zoning Table and is therefore a 'use not listed'.

The proposed development is considered consistent with the zone objectives and is being recommended for conditional approval.

#### **Background**

The subject site has an area of 52.412 hectares and currently contains a single dwelling, which is used as the main dwelling, and a transportable dwelling that is occupied by the owner's mother-in-law.

It is proposed to construct a new dwelling to be occupied as the main residence and convert the current main dwelling into ancillary accommodation. Following construction of the new dwelling, the transportable dwelling will be removed from the property.

Access to the property is via a track from the end of Mills Road on the southern side of Goldfields Road.

The submitted plans are attached to this Report.

#### **Comment**

Although the land use is not listed in the Scheme, clause 4.10.2 clearly anticipates and provides for the approval of a second dwelling on properties zoned General Agriculture. The proposed construction of a new dwelling, removal of the transportable dwelling and conversion of the existing dwelling to ancillary accommodation for occupation by a family member is in compliance with this clause.

#### **Consultation**

The application was notified to adjoining landowners in accordance with clause 64 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a minimum period of 14 days. No submissions were received regarding the development.

#### **Statutory Implications**

##### *Planning and Development Act 2005*

- Part 5 of the Act provides a statutory head of power for the Shire of Cunderdin to prepare, adopt and implement a local planning scheme.
- Part 14 of the Act provides a right of review by the State Administrative Tribunal if an applicant or owner is aggrieved by the determination of their development application. An application for review must be made within 28 days of the determination.

#### *Planning and Development Regulations 2009*

- Part 7 of the Regulations enables local government to charge specified fees for planning services, including development applications. Fees have been paid in accordance with the Regulations.

#### *Planning and Development (Local Planning Schemes) Regulations 2015*

- Schedule 2 of the Regulations contained the 'deemed provisions', including Parts 7, 8 and 9 that apply to applications for development approval, which have been considered in the assessment of this application as detailed in the Assessment section of this Report.

#### *Shire of Cunderdin Local Planning Scheme No. 3 (LPS3)*

The property is zoned General Agriculture under the provisions of LPS3. Dams are not listed in the Zoning Table and therefore must be assessed as a 'use not listed' in accordance with clause 3.4.2 of LPS3, which states:

*"If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —*

- (d) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (e) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- (f) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

For the purpose of progressing the application, it is common planning practice to initially assume that the proposal may be consistent with the zone objectives in accordance with sub-clause (b), which enables consultation to be carried out. It is worth noting that this stance does not affect the final determination of the application.

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
4.7, LPS3	Site and development requirements	Boundary setbacks – 20 metres from any boundary.	>20 metres from all boundaries.	Complies.
4.10.1, LPS3	Comply with the objectives of the zone.	Continue and retain farming as the principal land use; protect rural land for farming and preserve landscape/ character; provide a range of rural pursuits and diversify compatible activities; consider beneficial non-rural uses that are not detrimental to natural resources/ environment; protect from loss of biodiversity and degradation.	Construction of an ancillary dwelling does not affect the use of the property or nearby properties for farming purposes; nor is it detrimental to natural resources or the environment.	The assessment of this application indicates that the construction of an ancillary dwelling is consistent with the zone objectives.

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
4.10.2, LPS3	More than one dwelling	Generally not support more than one dwelling unless: (ii) additional dwelling is for family member(s).	Accommodation for mother-in-law who currently lives in transportable dwelling.	Complies.
4.10.3, LPS3	Subdivision	Approval of more than one dwelling not support for subdivision.	Subdivision not proposed.	Complies. Advice note recommended.
4.10.10, LPS3	Water supply	Sustainable water supply to be demonstrated where there is no scheme water.	Scheme water available.	Complies.
67(a), Regs	Aim of scheme	Aims and provisions of scheme	Ancillary dwelling	Refer to above assessment.
67(i), Regs	Scheme review report	Cunderdin Scheme Review Report 2017	Ancillary dwelling	Does not affect the proposed land use.
67(m), Regs	Compatibility of development	Compatibility with locality, effect of height, bulk, scale, orientation and appearance.	Ancillary dwelling	Compatible.
67(n), Regs	Amenity	Environmental and social impacts; character of locality.	Ancillary dwelling	No impacts identified.
67(q), Regs	Suitability of land	Take into account possible risk of flooding, subsidence, landslip, bush fire, soil erosion, land degradation, etc	Ancillary dwelling. Bushfire Report submitted.	Complies.
67(y), Regs	Submissions	Any submissions received on the application.	Dam	No submissions received.

### **Policy Implications**

There are no policy implications associated with this proposal.

### **Financial Implications**

There are no financial implications associated with this proposal.

### **Strategic Implications**

#### **Cunderdin Strategic Community Plan**

The Goals of the SCP 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**

- Nurture and enhance our natural environment and prioritise the protection of our natural resources;
- Manage resource consumption and reduce waste, preserve and protect buildings and places of heritage and indigenous significance;

#### **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 proposed development is not inconsistent with the goals of the SCP.

### **Resolution 11.3 October 2018**

1. That the Shire of Cunderdin considers the proposed ancillary accommodation is not a land use specifically listed in the zoning table and resolves to assess the application in accordance with clause 3.4.2(a) of the Shire of Cunderdin Local Planning Scheme 3.
2. **Approve** the construction of a single dwelling and change the use of the existing dwelling to ancillary accommodation at Lot 12559 (426) Mills Road, Youndegin proposed in the Development Application reference DA2018/19-6 and accompanying plans in accordance with Schedule 2, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions as follows:

#### **Conditions**

- a. The development shall be in accordance with the approved development plans (attached) which form part of this development approval.
- b. If the development is not substantially commenced within a period of two (2) years from the date of approval, the approval shall lapse and be of no further effect.
- c. The ancillary accommodation may only be occupied by a family member or workers employed for agricultural activities on the subject lot.
- d. All essential services to the additional dwelling shall be shared with the existing dwelling where practicable.
- e. Within one month of occupation of the new dwelling, the existing transportable dwelling shall be removed from the property.

#### **Advice Notes**

- f. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- g. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- h. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
- i. The approval of a second dwelling on the subject lot shall not be construed as a basis for the Shire of Cunderdin's support to the subdivision of the lot.

Moved: Cr Bernie Daly

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 7/0

<b>12. Urgent Items</b>
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Nil

<b>13. Scheduling of Meeting</b>
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**13.1 November 2018 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 15 November 2018 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

<b>14. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23)</b>
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<b>15. Closure of meeting</b>
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There being no further business the Shire President declared the meeting closed at 2.10pm

<b>16. Certification</b>
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**DECLARATION**

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 23<sup>rd</sup> October 2018 as shown were confirmed at the ordinary meeting of Council held on 15th November 2018.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_