



Shire of Cunderdin

Notice of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 15 August 2019** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer
16 August 2019

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AGENDA

1. Declaration of Opening

The President declared the meeting open at 5:00pm

The Shire of Cunderdin disclaimer will be 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 AE (Alison) Harris	Deputy President
Cr J (Jayson) Goldson	
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Manager of Corporate Services and Finance

Guests of Council

Members of the Public

2.2 Apologies

Cr DB (Doug) Kelly

2.3 Leave of Absence Previously Granted

Cr D (Di) Kelly
Cr B (Bernie) Daly

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

Nil

5. Applications for Leave of Absence

Nil

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 18 July 2019

Resolution 6.1

That the Minutes of the Ordinary Council Meeting held on Thursday 18 July 2019 be confirmed as a true and correct record.

Moved: Cr J (Jayson) Goldson

Seconded: Cr AE (Alison) Harris

Vote – Simple Majority

Carried/Lost: 5/0

Note to this item:

The President will sign the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

Nil

8. Announcements by President without Discussion

The President welcomed Cr Todd Harris and Cr Norm Jenzen back.

The President congratulated Cr Jayson Goldson and the Cunderdin Co-Operative on the recent award received for the fresh produce provided at the Cunderdin Co-Operative.

The President congratulated Cr Todd Harris on receiving his Long and Loyal service award at LG week.

9. Finance & Administration

9.1 Accounts Paid – July 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Service and Finance
Author:	Hayley Byrnes
Report Date:	7 August 2019
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 attachment – Creditors list of payments July 2019

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$482,827.11
Total for Trust -	\$0.00
TOTAL -	\$482,827.11

For May 2019 as listed in the Warrant of Payments for the period 1st to 31st July 2019.

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 9.1.1

1. That Council’s payment of accounts amounting to \$482,827.11, being from Municipal Account for July 2019, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 3365 - 3457	\$449,810.68	
Direct Debit (Inc Bank Charges): DD1550.1-DD1558.11	\$12,547.93	
Cheques: 11497-11506	\$20,468.50	
		\$482,827.11
Trust Account		\$0.00
TOTAL		\$482,827.11

be confirmed and noted; and,

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

Moved: Cr NW (Norm) Jenzen

Seconded: Cr AE (Alison) Harris

Vote – Simple Majority

Carried/Lost: 5/0

9.2 Council Investments – As at 31st July 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services
Author:	Hayley Byrnes
Report Date:	7 August 2019
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachment- Bank Statements

Proposal/Summary

To inform Council of its investments as at 31st July 2019.

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, the below investment accounts are held as at 31st July 2019.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$893,220.14	Municipal- 0000030	\$893,220.14		
Bendigo Bank	\$162,228.46	Municipal- 155971377	\$162,228.46		
Bendigo Bank	\$981,500.13	Reserves Term Deposit 1.9% Expires : 23/12/2019		\$981,500.13	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Westpac Bank	\$61,568.15	Trust Working Account 12-2981			\$61,568.15
TOTAL INVESTMENTS	\$2,098,663.66		\$1,055,595.38	\$981,500.13	\$61,568.15

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 61,388.51 and Bendigo Term Deposit Ref: 3030072 - \$ 443,948.97

Consultation

Nil

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long Term Financial Plan when determining annual Council Budgets.

Resolution 9.2

That the report on Council investments as at 31st July 2019 be received and noted.

Moved: Cr TE (Todd) Harris

Seconded: Cr J (Jayson) Goldson

Vote – Simple Majority

Carried/Lost: 5/0

9.3 Property And Rates – Acceptance of land

Location:	Cunderdin
Applicant:	Property & Rates Officer
Date:	5 August 2019
Author:	Brooke Davidson
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A53592
Attachment/s:	2 attachments- Map and Photo of the property

Proposal/Summary

For Council to consider an offer from the owner of 17 Byfield Street, Lot 25 on Plan 9285, Meckering to give up the land to the Shire in satisfaction of outstanding rates and charges.

Background

This property was subject to a fire on 21 April 2016 and is beyond repair. At the June 2019 Ordinary Council Meeting, Council resolved to proceed with a Property Seizure and Sale Order through AMPAC Debt Recovery.

On the 25th July 2019, the owner of 17 Byfield Street wrote to the Shire wishing to approach Council to transfer the property to the Shire of Cunderdin, on the understanding that the Shire of Cunderdin will write off any debt owing, and requesting that she will not incur any fees, debts, legal costs or demolition costs for the structure of the property.

A temporary hold has been placed on the legal action approved for the Property Seizure and Sale Order with AMPAC Debt recovery.

-- Map Viewer Plus --



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-- Map Viewer Plus --



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Comment

Should Council decide to take the land back in satisfaction of outstanding rates and charges, the property would need to be cleaned up prior to selling it. The approximate cost of demolition and clean-up of the remaining structure would be \$30,000. Depending on the amount the property sold for.

The property currently has \$14,576.38 in outstanding Rates and Charges, which the Shire would either write off upon receiving the land or recover when the property is sold in the future.

If Council were to continue with the Property Seizure and Sale Order, and it were deemed that there was not enough equity in the property for sale, the Shire would then need to commence the 3 Year Sale Rule, as per section 6.64 of the *Local Government Act 1995*. The cost of this would be between \$5,000 - \$7,000, which would be levied against the property to be recovered in the successful sale of the property.

Consultation

Water Corporation

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

The property currently has \$14,576.38 in outstanding Rates and Charges, which the Shire of Cunderdin would write off upon receiving the land or recover upon successful re sale of the property.

The approximate cost of demolition and clean-up of the remaining structure would be \$30,000, this would be recoverable subject to the sale amount of the property.

Further to the above costs, upon contacting the Water Corporation they have advised they currently have approximately \$19,000 in outstanding charges for the property. They have advised that there will be no cost to the Shire taking the land back, as the cost will be \$0.00.

However, when the Shire then decide to sell the property, they will be requesting a pro rata amount at the sale of property. They could not confirm how the pro rata amount is decided upon, nor how much it is likely to be. The Shire is in negotiations with the Water Corporation regarding this matter.

Strategic Implications

CL5-Objective 4 Ensure sound long term financial management and deliver value for money.

IT5.5.4 Risk Management

Resolution 9.3

That Council

1. Accept the land offer from Ms Lowe being Assessment A53592, Lot 25 on Plan 9285, and in return agree to write off all Council rates, charges, fees, debts and legal costs associated with the property; and,
2. Agree to pay all fees associated with the settlement of the property, being approximately \$1,300.00

Moved: Cr AE (Alison) Harris

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried/Lost: 5/0

9.4 Property and Rates – 3 Year Sale – Sherr Pastoral Properties

Location:	Cunderdin
Applicant:	Property & Rates Officer
Date:	5 August 2019
Author:	Brooke Davidson
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A53669 & A53667
Attachment/s:	4 Attachment – Map & Photo of the property

Proposal/Summary

It is proposed that Council, pursuant to Section 6.74 of the Local Government Act 1995, utilise AMPAC Debt Recovery to apply in the form and manner prescribed to the Minister to have the land re-vested in the Crown in right of the State, land parcels contained within assessments A53669 & A53667, which have rates and services in arrears for 3 or more years.

Background

The properties are owned by a de-registered company. The company was de-registered in 2012.

Council at its 15 February 2018 Ordinary Council Meeting resolved:
 “That Council, pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceed to sale of Assessments A53560, A53602, A53614, A53616, A53667, A53669, A53675, A54849 and A53679.”

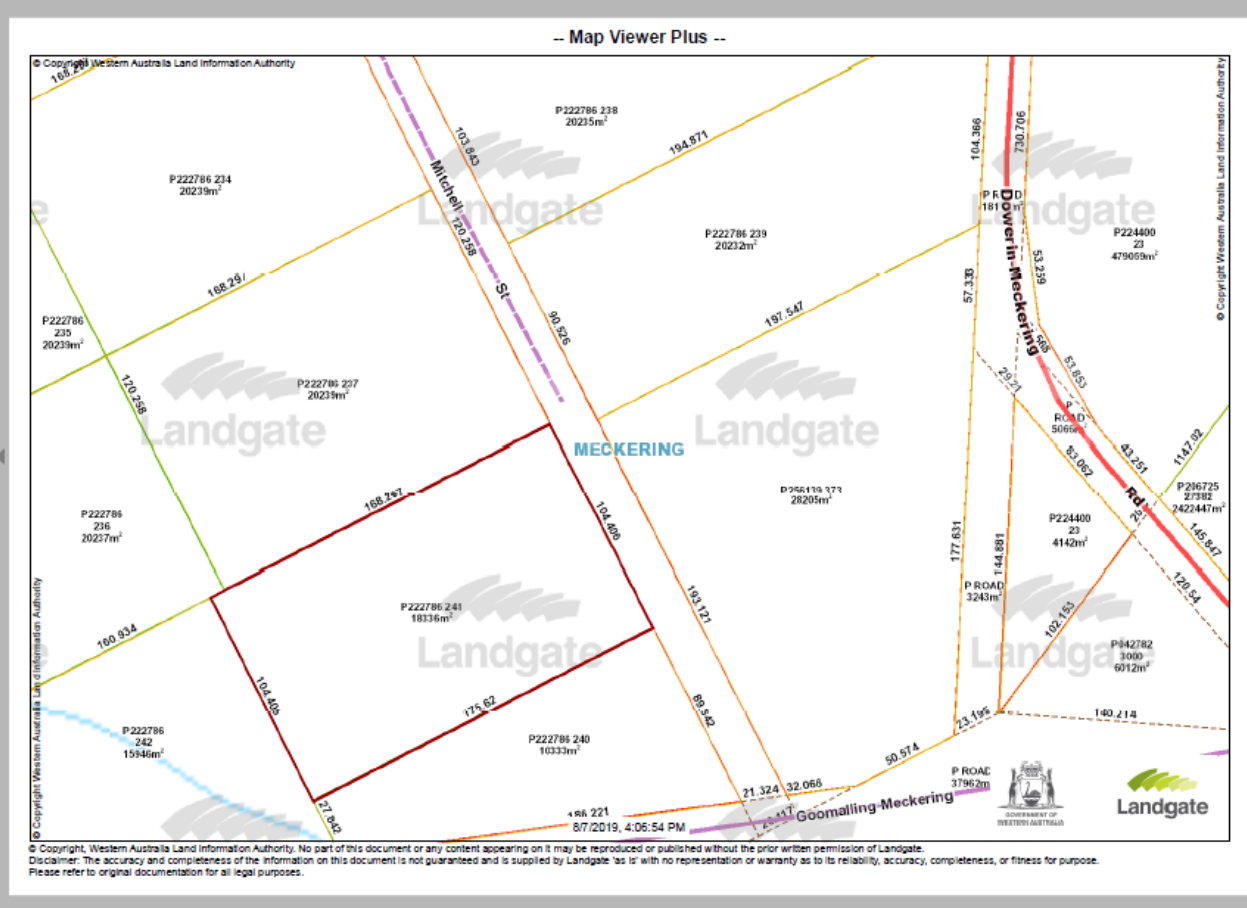
Accordingly, the abovementioned properties which have had rates outstanding of three or more years were referred to AMPAC for recovery action. Regrettably, AMPAC have been unsuccessful in its attempts to initiate recovery action, noting the owner of the properties is uncontactable.

The following table provides further information regarding outstanding amounts and actions undertaken to date:

Property – Lot 241 Mitchell Street, Cunderdin	
Assessment	A53669
Zoning/Area	Rural Residential - 18336.826 m2
Period Outstanding	7.5 years
Amount Outstanding	\$17,678.08
Payment	Last payment made 2/2/2012
Recovery Action / Responses	<p>15 February 2018 – Council approved commencing with the legal actions required to satisfy the sale of property via 3 Year Sale Rule</p> <p>27 March 2018 – Letter sent to Mortgagee to see if they have an objection to selling the property</p> <p>5 April 2018 – AMPAC spoke to Mortgagee of the property who advised he doesn’t have any objection to the Shire selling the property or transferring to Crown/Council.</p> <p>April 2018– File referred to solicitor to confirm what is required to satisfy the Local Government Act.</p> <p>16 July 2018 – Letter sent to ASIC confirming they have no objection to the Shire selling the property.</p>

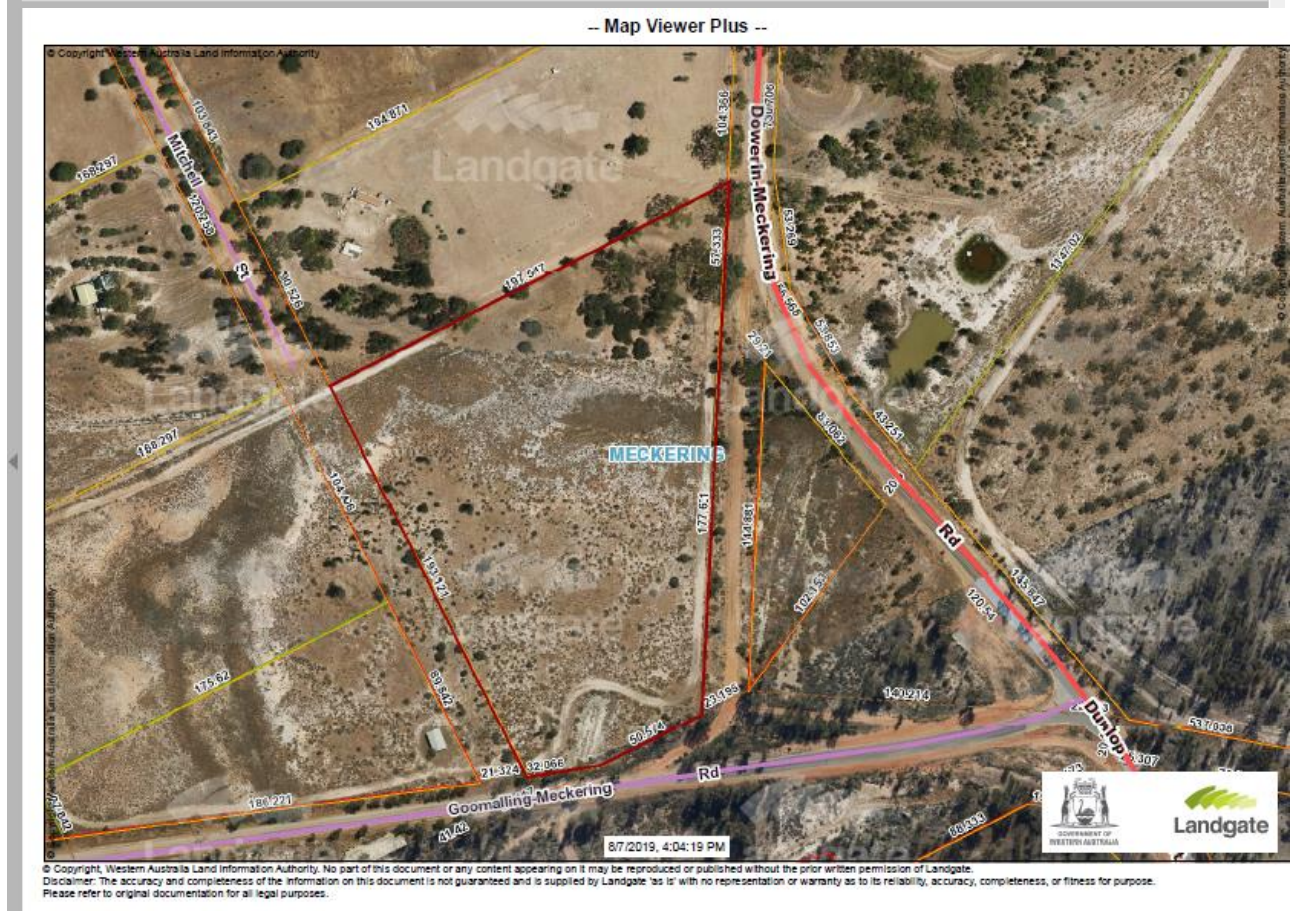
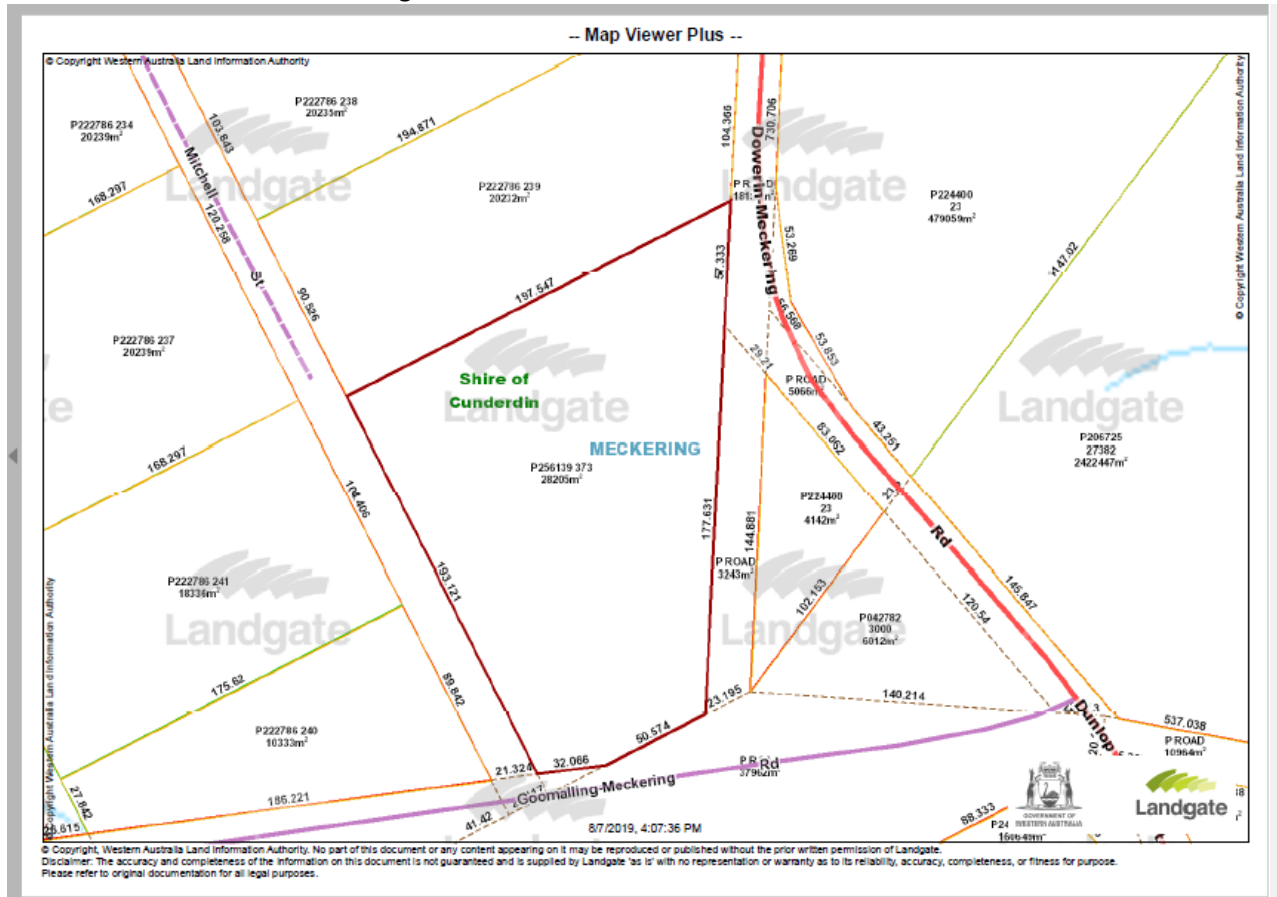
	<p>July 2018 – Form 2 and 3's drafted</p> <p>1 August 2018 – Letter sent to ASIC confirming if they have any objection to selling the property</p> <p>8 August 2018 – ASIC responded to letter of 1st August stating they have no interest in the property. ASIC believes the property may vest in the Crown.</p> <p>14 August 2018 – Letter sent to State Solicitors Officer</p> <p>4 September 2018 – Form 2 and 3 drafted</p> <p>12 September 2018 – Form 2 posted back to AMPAC for service</p> <p>16 September 2018 – Form 3 affixed to the property</p> <p>28 February 2019 – Another letter sent to State Solicitor's Office</p> <p>8 April 2019 – State Solicitors Office reply. SSO would consent to a vesting order pursuant to s 568F of the <i>Corporations Act 2001</i>, however would not consent to the Shire selling the property.</p> <p>5 May 2019 – Price Solicitors advised the cost of the 568F vesting order wouldn't be cheap, and should the Shire decide to go down that road, the courts may still deem the State be the better claim over the title than the Shire</p> <p>June 2019 – Decided the best option was to re-vest in the Crown</p> <p>5 August 2019 – Contacted Landgate to receive confirmation that land is vacant, in order to re-vest it to the Crown</p> <p>6 August 2019 – Physical inspection of the property to further confirm that the land is vacant, in order to re-vest it to the Crown</p>
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Lot 241 Mitchell Street Meckering:



Property – Lot 373 Mitchell Street, Cunderdin	
Assessment	A53667
Zoning/Area	Rural Residential - 28205.117 m2
Period Outstanding	7+ years as shown by our available systems
Amount Outstanding	\$26,384.08
Payment	No payments made from 5/7/11 - current, cannot see further back
Recovery Action / Responses	<p>23 March 2018 – Skip Trace on Mortgagee</p> <p>8 May 2018 – Non service of GPC on Mortgagee</p> <p>14 June 2018 – Phone call with the Mortgagee confirmed they have no objection to sale of property</p> <p>8 August 2018 – Letter sent to Mortgagee confirming conversation</p> <p>14 September 2018 – Approval given to Price to write to ASIC and State Solicitors Office, Letter sent to State Solicitors Office</p> <p>17 September 2018 – Letter sent to ASIC</p> <p>25 January 2019 – Letter sent to ASIC</p> <p>8 April 2019 – State Solicitors Office responded</p> <p>5 May 2019 – Price Solicitors advised the cost of the 568F vesting order wouldn't be cheap, and should the Shire decide to go down that road, the courts may still deem the State be the better claim over the title than the Shire</p> <p>June 2019 – Decided the best option was to re-vest in the Crown</p> <p>5 August 2019 – Contacted Landgate to receive confirmation that land is vacant, in order to re-vest it to the Crown</p> <p>6 August 2019 – Physical inspection of the property to further confirm that the land is vacant, in order to re-vest it to the Crown</p>

Lot 373 Mitchell Street Meckering:



Comment

Given the high level of debt, minimum value of the land, building restrictions and the amount of time that has been afforded in searching for ratepayers to either clear or reduce this debt, it is appropriate to apply the relevant section of the *Local Government Act 1995* empowering the re-vestment of land provision in relation to unpaid rates and charges.

Due to the response of the State Solicitors Office, the Shire is unable to sell the properties. A vesting under section 568F of the *Corporations Act 2001* may result in the courts deciding to vest the property in the State, and the process can be quite costly, adding more non recoverable charges to each assessment.

It is suggested that Council apply the provisions of Section 6.67 of the *Local Government Act 1995* and re-vest the properties to the Crown, which are in arrears for a period in excess of three (3) years.

Consultation

AMPAC Debt Recovery
Price Sierakowski Corporate
Austral Mercantile Collections

Statutory Implications

LOCAL GOVERNMENT ACT 1995 - SECT 6.74

6.74 . Power to have land re-vested in Crown if rates in arrears 3 years

(1) If land is —

(a) rateable land; and

(b) vacant land; and

(c) land in respect of which any rates or service charges have been unpaid for a period of at least 3 years,

the local government in whose district the land is situated may apply in the form and manner prescribed to the Minister to have the land re-vested in the Crown in right of the State.

(2) The Minister is to consider the application and the circumstances surrounding the application and may grant or refuse the application.

(3) If the application is granted the Minister is to execute a transfer or conveyance of the land to the Crown and is to deliver the transfer or conveyance to the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, for registration.

(4) Upon the delivery of the transfer or conveyance Schedule 6.3 clause 8 has effect in relation to the exercise of the power referred to in subsection (1).

[Section 6.74 amended: No. 49 of 2004 s. 64(1); No. 47 of 2011 s. 16.]

Policy Implications

NIL

Financial Implications

The outstanding amounts for each assessment will not be recoverable via the sale of land and the rates and costs of legal proceedings will need to be written off.

Strategic Implications

CL5-Objective 4 Ensure sound long term financial management and deliver value for money.
IT5.5.4 Risk Management

Resolution 9.4

That Council authorises the Chief Executive Officer:

1. Having made reasonable efforts to do so, being unable to locate the owner of property A53669 & A53667 is to, pursuant to Section 6.74 of the Local Government Act 1995, apply in the form and manner prescribed to the Minister to have the land re-vested in the Crown in right of the State, land parcels contained within assessments A53669 & A53667, which have rates and services in arrears for 3 or more years.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried/Lost: 5/0

10. Environmental Health and Building

Nil

11. Planning & Development

11.1 Proposed Carport/Patio (Non – Conforming Use) – 66 Throssell St, Meckering

Location:	Lot 404 (66) Throssell St, Meckering
Applicant:	Joseph Day Wheeler
Date:	8 August 2019
Author:	N Jurmann, Contract Planner
Item Approved by:	Stuart Hobley, CEO
Disclosure of Interest:	Nil
File Reference:	DA2019/20 - 1
Attachment/s:	1 – Plans

Proposal/Summary

A development application has been received to obtain approval to construct a Car port/ Patio at Lot 404 (66) Throssell St, Meckering.

Lot 404 is currently a non- conforming use (dwelling) in the Mixed Business Zone in Meckering.

The proposed development is considered consistent with the current use of the lot, will not impact on the other properties in the zone and is being recommended for approval.

Background

The subject site has an area of 2,211m² and currently contains a single dwelling, and several outbuildings. The outbuildings include two (2) 6m sea containers, a 6m office and a shed of 81m².

It is proposed to construct a carport/patio with an area of 36m².

The submitted plans are attached to this Report.

Comment

The property is zoned Mixed Business under the provisions of LPS3. The predominant use of the property is Residential, which is a non-conforming use in the Mixed Business zone under clause 3.9.1 of LPS3.

It is proposed to rezone this property and those adjoining to Residential R2.5 to ensure that the zoning reflects the current and future use of the properties, and to address the needs of the landowners.

The proposed construction of a new carport/patio is considered to be consistent with the objectives of the zone as it provides additional car parking and sitting space in front of the existing home office.

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 Mixed Business under the provisions of LPS3. Residential - Dwelling is not a permitted use in the Zoning Table, but the property use was existing before the gazettal date and therefore must be assessed as a 'non-conforming use' in accordance with clause 3.8 of LPS3, which states:

"3.8. NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;*
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or*
- (c) subject to clause 80(1) of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.*

AMD 3 GG 24/05/16"

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 – 5m from front boundary, 5m from rear boundary and 3m on one side	The proposed development is 5m from all boundaries	Complies.
4.7, LPS3	Minimum landscaped area	Landscaped area >10% of site area	The front 30% of the property contains native landscaping to be retained	Complies
4.7, LPS3	Car Parking	1 space per 50m ² of floor space	2 additional spaces proposed, Nil required	Complies
4.10.1, LPS3	Comply with the objectives of the zone.	To provide for a range of uses which complement the Town Centre zone; To accommodate a range of light and service industrial, wholesaling, retail warehouses, showrooms, trade and professional services that provide for the needs of the community but due to their scale, character and operational land requirements are generally not appropriate or cannot conveniently or economically be accommodated within the Town Centre or Industrial zones; To achieve a high standard of development and presentation including buildings, landscaping and vehicle parking.	Construction of a carport/patio does not affect the use of the property or nearby properties for Business purposes; but improves the facilities on the site if it were to be used for business in future.	Complies
67(a), Regs	Aim of scheme	Aims and provisions of scheme	Carport/Patio	Refer to above assessment.
67(i), Regs	Scheme review report	Cunderdin Scheme Review Report 2017	Carport/patio	Does not affect the capacity for the property to be used for mixed business in future.
67(m), Regs	Compatibility of development	Compatibility with locality, effect of height, bulk, scale, orientation and appearance.	Carport/patio	Compatible.
67(n), Regs	Amenity	Environmental and social impacts; character of locality.	Carport/patio	No impacts identified.

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
67(q), Regs	Suitability of land	Take into account possible risk of flooding, subsidence, landslip, bush fire, soil erosion, land degradation, etc	The carport patio will reduce the risk of soil erosion on the property.	Complies.
67(y), Regs	Submissions	Any submissions received on the application.	Carport/patio	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 11.1

1. **That the Shire of Cunderdin Approve** the construction of a Carport/patio at Lot 404 (66) Throssell St, Meckering proposed in the Development Application reference DA2019/20 – 1 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 Carport/ Patio is not to be used for habitable purposes.

d. The Carport/ Patio is not to be enclosed.

Advice Notes

- e. 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.
- f. 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.
- g. 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.

Council acknowledges that this is non-conforming and look to change the Town Planning Scheme in the future.

Moved: Cr J (Jayson) Goldson

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried/Lost: 5/0

12. Works & Services

Nil

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 September 2019 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 19 September 2019 commencing at 3pm at the Meckering Sporting Club, Meckering, WA 6405

15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 5:35pm.

16. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 15 August 2019 as shown were confirmed at the ordinary meeting of Council held on 19 September 2019.

Signed: _____

Date: _____