



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council held on Thursday 15th September 2022 in the Cunderdin Shire Council Chambers, WA, 6407 **commenced at 5.00pm.**

Stuart Hobley
Chief Executive Officer
15th September 2022

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AGENDA

1. Declaration of Opening

The Shire President declared the meeting open at 5.00 pm

The Shire of Cunderdin disclaimer was read aloud by Cr AE (Alison) Harris

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 AE (Alison) Harris	Shire President
Cr A (Tony) Smith	Deputy Shire President
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr W (Sam) Stewart	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance Officer

Guests of Council

Members of the Public

2.2 Apologies

2.3 Leave of Absence Previously Granted

Cr N (Natalie) Snooke

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

5. Applications for Leave of Absence

Resolution 5.1 OCM September 2022

That Council approve Leave of Absence for Cr Smith from 20th October OCM to 20th October OCM inclusive.

Moved: Cr B Daly

Seconded: Cr N Jenzen

Vote – Simple majority

Carried: 6/0

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 18th August 2022

Resolution 6.1 OCM September 2022

That the Minutes of the Ordinary Council Meeting held on Thursday 18th August 2022 be confirmed as a true and correct record.

Moved: Cr Norm

Seconded: Cr Bernie

Vote – Simple majority

Carried: 6/0

Note to this item:

The President Cr. A Harris signed the minute declaration on the Ordinary Council Meeting minutes from the 18th August 2022.

7. Declaration of Members and Officers Interests

Cr B. Daly has declared a Financial and Impartiality interest in Item 9.8 pursuant to Sections 5.60B, 5.61 of the Local Government Act 1995 and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 as Cr Daly is a representative on the Cunderdin Community Gym Committee.

8. Announcements by President without Discussion

Cr. A Harris, President, made the following statement in relation to recent events;

Whether you are a royalist or a republican, we are privileged to witness a historic moment in time with the passing of Queen Elizabeth II.

As our head of state, she reigned over us with grace, diplomacy and a dedication to duty and service the like of which we may never see again.

I think it appropriate if you would all join me to stand and observe a minute silence to celebrate and reflect on the life and commitment of our Sovereign Head of State, Queen Elizabeth II.

9. Finance & Administration

9.1 Accounts Paid – 31st August 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	1 st September 2022
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.1 – Accounts Paid August 2022

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$380,337.62
Total for Trust -	\$0.00
TOTAL -	\$380,337.62

For August 2022 as listed in the Warrant of Payments for the period 1st to 31st August 2022.

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 OCM September 2022		
1. That Council's payments of accounts amounting to \$380,337.62 being from Municipal Account for August 2022, as follows:		
Municipal Account	\$	Total
Electronic Funds Transfer: EFT 6395 - 6482	\$346,535.37	
Direct Debit (Inc Bank Charges):	\$23,072.19	
Cheques: 11812 - 11817	\$10,730.06	
TOTAL		\$380,337.62
Moved: Cr T Smith Vote – Simple majority	Seconded: Cr S Stewart Carried: 6/0	

9.2 Council Investments – As at 31st August 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	1 st September 2022
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2 - Bank Statements August 2022

Proposal/Summary

To inform Council of its investments as at 31st August 2022.

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 August 2022.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$350,843.17	Municipal- 0000030	\$350,843.17		
Bendigo Bank	\$3,191,796.73	Municipal- 155971377	\$3,191,796.73		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$2,643.00	Bendigo Trust Account 164 488 686			\$2,643.00
Westpac Bank	\$1.00	Trust Working Account 12-2981			\$1.00
Bendigo Bank	\$1,231,978.86	Term Deposit 3.10% Exp 10 Jan 2023		\$1,231,978.86	
TOTAL INVESTMENTS	\$4,777,409.54		\$3,542,639.90	\$1,232,125.64	\$2,644.00

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits#4032053 \$370,603.80 & #4032054 - \$170,195.64 & Ac#000073-\$22,162.38

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
31 August 2022

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit#	
	3864655	170,195.64
	TOTAL	170,195.64
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	TOTAL	170,195.64
INCOMING		0.00
		0.00
OUTGOING		0.00
		0.00
Balance as at end of month	TOTAL	170,195.64

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
31 August 2022

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit#	
	3864633	370,603.80
	TOTAL	370,603.80
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	TOTAL	370,603.80
INCOMING		0.00
		0.00
OUTGOING		0.00
		0.00
Balance as at end of month	TOTAL	370,603.80

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 OCM September 2022

That the report on Council investments as at 31st August 2022 be received and noted.

Moved: Cr B Daly

Seconded: Cr N Jenzen

Vote – Simple majority

Carried: 6/0

9.3 Move Behind Closed Doors

Resolution 9.3 OCM September 2022

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr T Harris

Seconded: Cr B Daly

Vote – Simple Majority

Carried: 6/0

9.4 Community Grant Program Submissions for 2022

9.5 Reserve Price 121 Cunderdin Wyalkatchem Road, Cunderdin

9.6 Move from Behind Closed Doors

Resolution 9.6 OCM September 2022

That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr S Stewart

Seconded: Cr B Daly

Vote – Simple majority

Carried: 6/0

9.7 Hospital Reserve – Transfer of Reserve 22160

Location:	Shire of Cunderdin
Applicant:	Finance & Property Assistant – Executive Services
Date:	1 st September 2022
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	Attachment 9.7.1 – Map Reserve 22610 Attachment 9.7.2 – Map from Water Corporation with location of Sewer

Proposal/Summary

For Council to be informed of the required Easement across Reserve 22160, being lot 384 on P171289 and lots 350 & 296 on Plan 158971.

Background

The WA Country Health Service (WACHS) – Wheatbelt negotiated a land swap with the Shire of Cunderdin who was chosen to be part of the Primary Health Centre Demonstration as part of the Southern Inland Health Initiative (SIHI) project.

It was agreed upon that the Shire of Cunderdin was to acquire the hospital site (Reserve 22160) and the Shire of Cunderdin was to transfer Lot 801 Lundy Avenue, Cunderdin (the current location of the Health Centre) to the WA Country Health Service as part of the land swap arrangement.

Comment

The Department of Planning, Lands and Heritage has recently discovered that the Water Corporation have assets within the previous hospital site, Reserve 22160, which requires an easement. The Chief Executive Officer has previously provided Council verbally this information and the potential issues that may arise.

The Easement is required to progress with the Transfer of Land to the Shire of Cunderdin.

The attached maps demonstrate to Council the location of the sewer gravity pipe that is located through the lots parallel to Cubbine Street. The sewer gravity pipe will require protection by an easement. The easement will need to be 5 meters wide from the centreline of the pipe (2.5 metres either side of the pipe).

Consultation

Department of Planning, Lands and Heritage
Water Corporation

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

There will be no cost to Council for the Easement, this will be covered by either the Water Corporation or WACHS.

Strategic Implications

2. ECONOMY

2.3 Build economic capacity

Land and infrastructure can accommodate commercial and residential growth

Resolution 9.7 OCM September 2022

The Council agree that once Lot 384 on Deposited Plan 171289, Lot 350 on Deposited Plan 158971 and Lot 296 on Deposited Plan 158971, currently contained within Reserve 22160, is registered to the Shire in Freehold, the Shire agree to the two easements requested by Water Corp, to be registered against those freehold titles.

Moved: Cr T Smith

Seconded: Cr T Harris

Vote – Simple majority

Carried: 6/0

Cr B Daly left the room @ 5.50pm

9.8 Cunderdin Community Gymnasium – Transfer of Governance

Location:	Cunderdin
Applicant:	Stuart Hobley
Date:	7 August 2022
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	382
Attachment/s:	Attachment 9.8 – Correspondence from Cunderdin Community Gymnasium

Proposal/Summary

For the Shire to assume responsibility for the operation of the Cunderdin Gym whilst the Gym Committee puts in place a governance structure that will support its operation.

Background

The Cunderdin Community Gym was established approximately 10 years ago with gymnasium equipment supplied by the WA Police & Citizens Boys Club. The equipment was available for use in the Cunderdin Town Hall by financial members of the Cunderdin Community Gym. This equipment has now been relocated to the Cunderdin Community Recreation Centre facility.

A small committee was appointed to manage the gym however they have not met for some time and were not incorporated.

In 2018 the Gym entered into an Memorandum of Understanding (MOU) with the Cunderdin the Cunderdin Community Resource Centre (CRC) in order to assist in the daily management of the gym. The CRC process the memberships on behalf of the Gym and receive a small remuneration for their administration services. This MOU has now expired but the CRC have advised they will continue the agreement.

In July 2022 a new Committee was elected to govern the Gym. The Committee consists of Mr Aaron Cooper (President), Cr Bernie Daly, Mr Axel Thompson and Mr Eliah Berbari. The Committees investigations have discovered that the gym is not covered by insurance, the committee is not incorporated, and they do not have a bank account.

The Committee have requested that the Shire finance the liability insurance for a two year period and enter the Gyms funds into the Shires Trust Account.

Comment

As the new Gym Committee is not incorporated, they are unable to open a bank account or obtain public liability insurance.

In order to assist with their request, the Shire will have to assume the management of the gym. This would allow the gym to be covered under the Shires Public Liability Insurance. The Shire has managed the Gym previously, and several other Councils in our region manage their local gyms.

The Shire could then appoint the newly elected Committee to manage and operate the Gym and report back to Council.

The new Committee has already inspected other gyms in the area and met with the respective Committees to understand how they operate their gyms. The Committee has a list of priorities that need to be completed in order to effectively manage the gym (Attachment 9.8)

The Committee have agreed to adopt a list of policies and procedures that will mitigate the risk to Council. These include:

- Induction of all new gym members
- The placement of “how to operate” cards on all pieces of equipment.
- Updating the gym rules.
- Improving reporting for maintenance on equipment and injuries.
- Provide a keyless entry system in lieu of the current system

The Shire can hold the Gym Committees funds in the Trust Bank Account and can pay invoices and receipt monies on behalf of the Gym Committee.

The gym has approximately 50 members and based on current financial projections will be financially sustainable into the future and will not need financial assistance from the Shire.

It is anticipated that the Committee will be able to become incorporated and have its governance procedures in place within two years.

Consultation

Gym Committee
Shire of Beverley
Shire of Kellerberrin

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

The gym is financially viable and should not need any assistance from the Shire.

Strategic Implications

1.1 Community members have the opportunity to be active, engaged and connected

- Inclusive access to Shire facilities and services
- The Shire supports positive leisure, learning and recreation outcomes

1.2 A healthy and safe community is planned for

- Promotion and advocacy of community health and wellbeing
- Volunteers and community groups feel supported and empowered

Resolution 9.8 OCM September 2022

That Council;

- 1) Agrees to govern the Cunderdin Gym for a period of up to 2 Years or until the Gym Committee is incorporated.
- 2) Includes the Cunderdin Gym under its Public Liability Insurance.
- 3) Agrees to hold funds in trust for the Cunderdin Community Gymnasium.
- 4) Appoints Mr Aaron Cooper, Cr Bernie Daly, Mr Axel Thompson and Mr Eliah Berbari as members of Council Gym Committee. The gym Committee will be responsible for the management of the Cunderdin Gym and will report to Council on a Monthly basis.

Moved: Cr S Stewart

Seconded: Cr N Jenzen

Vote – Simple majority

Carried: 5/0

Cr. B Daly returned to the room @5.57pm.

9.9 Receiving Minutes of Local Emergency Management Committee

Location:	Cunderdin
Applicant:	Governance Officer
Date:	8 th September 2022
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.9 - LEMC Meeting Minutes

Proposal/Summary

For Council to receive the minutes for the Local Emergency Management Committee held on the 6th September 2022.

Background

The Minutes listed above have been attached for Councillor Review and they have been made available to the public.

Comment

There are no recommendations to Council from the Local Emergency Management Committee Meeting.

Consultation

Mr Simon Bell – CESM

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.9 OCM September 2022

That the Minutes of the Local Emergency Management Committee Meeting held on the 6th September 2022 be received.

Moved: Cr N Jenzen

Seconded: Cr T Smith

Vote – Simple majority

Carried: 6/0

9.10 Chief Executive Officers Report

Location:	Cunderdin
Applicant:	Chief Executive Officer
Date:	9 th September 2022
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To provide an update on the matters the Chief Executive Officer has been addressing over the past month.

Background

Local Roads and Community Infrastructure Program Projects

Phase 3

O'Connor Park

Contractor has been appointed and work has commenced on the project. The project is expected to be completed in March 2023.

Meckering Earthquake Memorial Garden

Work has commenced on the design of the project and it is anticipated that when the layout and planning is completed requests for quotes will be called for in October 2022.

Cunderdin Golf Club – shed

The Golf Club has been advised of the funding and has commenced planning.

Gliding Club – ablutions

The Gliding Club is obtaining quotes to complete the works. Once this is completed the Shire will meet with the Club to discuss the works and project management options.

Meckering Apex Park

The Meckering Action Group decided not to proceed with the redevelopment of the APEX park, opting to wait for the stage 3 redevelopment of Meckering concept plan. With the LRCI funding allocated to the project (\$20 000), we are planning to fence the front access of the playground and if budget allows provide a shade structure over the picnic area.

Tennis Club – The installation of the soft fall at the playground at the Cunderdin Recreation Centre has been completed.

Club blinds (COMPLETED)

The installation of blinds at the Cunderdin Sporting Club has been completed.

Cunderdin and Pingelly Primary Health Centre Review

In May 2011, the WA Government established the Southern Inland Health Initiative (SIHI) to address issues related to regional health service delivery. The initiative was expected to transform health service design and delivery through four strategic outcomes: i) Sustainable, safe, high-quality emergency and acute services, ii) Primary health care services that integrate with and reduce reliance on emergency and hospital care, iii) Health related infrastructure that supports contemporary clinical and support services, and iv) Increase telehealth enabled services closer to home.

Two sites in the Wheatbelt, Pingelly and Cunderdin, were identified as pilot projects to demonstrate this health service model, redeveloping small acute care hospitals into comprehensive primary health care centres (PHC). These innovative centres were to provide access to 24/7 emergency care and offer facilities for a range of health professionals, designed to develop a multidisciplinary approach to health care which offers collegiate support, training opportunities and improved staff satisfaction.

At the request of the Cunderdin Shire Council, in July 2021, the Western Australian Country Health Services (WACHS) contracted SDF Global Pty Ltd to undertake a Review of the Primary Health Care Demonstration Sites (PHCDS) at both Cunderdin and Pingelly. The purpose of the Review was to evaluate whether what was intended to be delivered by the new PHCDS, had been delivered and help WACHS to understand the areas that require improvement.

A Review Governance Committee was formed to oversee the project. A comprehensive desk review was conducted, and key stakeholder interviews conducted. A community and key stakeholder survey were circulated. Four days of onsite consultation were conducted within the Shires. Drop-in sessions and focus groups discussions were held. Data analysis and triangulation assisted in understanding and validating the data in line with the Review questions.

The Review team considered the documented intent of the PHCDS model based on the six main aims of the 2019 articulation. Key findings under each of these aims are provided below:

1. Integrated, place-based, patient-centred care & primary health initiatives.
WACHS services at the PHCDS strongly align with the elements related to place-based care approaches. Primary health care initiatives initially included health education and chronic disease self-management programs for residents within each community. However, fewer services have been delivered since COVID-19. The current programs are well attended but there is high demand for additional primary health care services and early intervention programs within each location.

2. Upgraded emergency department supported by the Emergency Telehealth Service.
The 24-hour ED with Emergency Telehealth Service (ETS) support is working as per the model and is greatly appreciated by the communities. The PHCDS have videoconferencing facilities that strengthen emergency care provision closer to home.

The PHCDS can accommodate patients for up to 23 hours for observation but there is a strong perception in the community that patients can only stay at the PHCDS for a maximum of 4 hours. They will then be transferred to another facility or sent home. Because of this perception, many community members bypass the PHCDS altogether and head to Northam, Narrogin or Perth.

The technology enabled facilities can also support increased access to virtual treatment and specialist appointments. However, due to reluctance to use videoconferencing, many of the Aboriginal community reportedly prefer to travel the half hour required to Northam or Narrogin for face-to-face.

3. Cease provision of acute care inpatient and residential aged care services.
In the years preceding the PHCDS, there was very low demand for both inpatient and residential aged care at both facilities. Following PHCDS implementation, there are no inpatient services available at either site. Patients attending PHCDS ED can receive short stay care for a maximum of 23 hours. Patients who require care beyond this time or admission, are transferred to the most appropriate hospital.

The PHCDS model does not include residential aged care services at either PHCDS. Most WACHS provided aged care services are delivered in the community. Juniper has operated the Somerset Hostel in Cunderdin since 2014. The WACHS operated Ian Roberts Lodge in Cunderdin discharged its single resident in 2018, prior to closure of the facility in 2019.

4. Enable General Practitioner services to co-locate on site.
A GP private practice is co-located on site at both PHCDS. The GP at Cunderdin works three days a week (Mon, Tues, Fri), while the GP at Pingelly works four days per week (Mon, Tues, Thurs, Fri). A female GP visits Pingelly once a month. This is appreciated but there is demand for increased services.
5. Expanded outpatient clinics, extension of nursing staff skills on site and in the community, expanded utilisation of telehealth services and additional capacity to host visiting allied health.
The PHCDS provide workspaces for allied health workers to deliver care closer to the community. There has been an increase in the number of outpatient clinics held. Palliative care services are working well for those that wish to pass away in their own homes or spend their last days in a hospital setting outside of Cunderdin and Pingelly towns. Cunderdin also has a purpose-built Palliative care unit and respite unit, where palliative care patients can be serviced by WACHS staff with support from family and friends. This facility has not yet been utilised because stakeholders and community members have been unsure how the unit works or how it would be staffed. The facility and service model will need to promotion to the community.

As of early 2022, there will be a palliative care bed available at Cunderdin PHCDS that can be set up in one of the consulting rooms when required for a period of 5-7 days. This facility will increase access to palliative patients and their families. The use of consulting space will have minimal impact at this stage, as there are other consulting rooms available for current users. This will need to be monitored if demand for consulting rooms increases.
6. Continue Commonwealth Home Support Program (CHSP) Services support to community members ageing in place.
CHSP services support is being delivered to community members ageing in place under slightly different models. In Cunderdin, WACHS have an informal brokerage with Juniper for delivery of most CHSP services. The informal agreement was in place at the hospital before moving to PHCDS. In Pingelly, WACHS staff deliver some CHSP service to community, but Silver Chain deliver the majority of support.

A copy of the report has been forwarded to all Councillors. It is intended to draft a repose to the Review for adoption at the October Council Meeting.

WALGA AGM

The WALGA Annual General Meeting is being conducted during Local Government Week on Monday 3rd October 2022.

The following items have been put up as Executive and Member Motions:

Road Traffic Issues - Support

Car Parking and Traffic Congestion Around Schools - Support

Proposal For Regional Road Maintenance Contracts with Main Roads WA - Support

Northern Australian Beef Roads Program - Support

3D House Printing Compliance

South West Native Title Settlement - Support

Land Offset Compensation to Local Governments - Support

Review of the Rating Methodology used by the Valuer General

WA Local Government Rating Model

Reform of the Cat Act 2011 - Support

WALGA Best Practice Governance Review - Principles - Support

The Agenda for the AGM is Attachment 1. It is suggested that Council support all the motions with the exception of 3D House Printing Compliance, Review of the Rating Methodology used by the Valuer General and WA Local Government Rating Model. It is recommended that the voting delegates listen to the discussion at the meeting and make a decision based on the debate.

Community Emergency Services Manager (CESM)

Mr Bell has resigned from his position as CESM. His last day will be on Thursday 29th September 2022. The role will be advertised as soon as possible to find a replacement before the upcoming fire season.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.10 OCM September 2022

That the Chief Executives Officers Report be received.

Moved: Cr S Stewart

Seconded: Cr T Harris

Vote – Simple majority

Carried: 6/0

10. Environmental Health and Building

Nil Items

11. Planning & Development

11.1 Development Application – Proposed New Outbuilding (Domestic Storage Shed)

Location:	Lot 4 (No.26) Lundy Avenue, Cunderdin
Applicant:	Ian Foxley & Stephanie Talay (Landowners)
Date:	12 September 2022
Author:	Mr Joe Douglas – Town Planner
Item Approved by :	Mr Stuart Hobley - CEO
File Reference:	
Attachment/s	Attachment 11.1 – Development Application Documentation & Plans

Proposal / Summary

This report recommends that a development application submitted by Ian Foxley & Stephanie Talay (Landowners) to construct a new 50m² steel framed and clad outbuilding (i.e. shed) on Lot 4 (No.26) Lundy Avenue, Cunderdin be approved subject to conditions.

Background

The applicants are seeking Council's development approval to construct a new 50m² steel framed and Colorbond clad outbuilding (i.e. shed) on Lot 4 (No.26) Lundy Avenue, Cunderdin for vehicle parking and domestic storage purposes.

Lot 4 is located centrally in the northern portion of the Cunderdin townsite in a well-established low density residential area. The subject land comprises a total area of approximately 1,012m² and has direct frontage and access to Lundy Avenue along its northern boundary which is a sealed and drained local road under the care, control and management of the Shire.



Location & Lot Configuration Plan (Source: Landgate)

Lot 4 has historically been developed and used for low density residential purposes. The property contains an older style single storey dwelling in good habitable condition in its front half and two (2) existing outbuildings at the rear comprising a total combined floor area of 50m².

Immediately adjoining and other nearby land uses include:

- The Lundy Avenue road reserve, active sports/recreation grounds and the Cunderdin Police Station to the north; and
- Low density residential development (i.e. single houses and domestic outbuildings) immediately east, south and west.

Full details of the development proposal, including correspondence and plans, are provided in Attachment 1.

Comment

Lot 4 is classified 'Residential' zone in the Shire of Cunderdin Local Planning Scheme No.4 (LPS4) with a density coding of R15/30.

Under the terms of LPS4 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the development of an outbuilding in association with a single house is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it satisfies clause 26(2) of LPS4 as it applies specifically to outbuildings on land coded R12.5 or higher and all other deemed-to-comply requirements and design principles for outbuildings prescribed in clause 5.4.3 of the Residential Design Codes of Western Australia (i.e. the 'R-Codes').

An assessment of the proposal for Lot 4 has confirmed it satisfies the requirements of clause 26(2) of LPS4 and the deemed-to-comply requirements of the R-Codes except for the following:

- i) Maximum permitted collective floor area for all outbuildings (75m² required by LPS4 / 100m² proposed).

In considering whether or not to approve this proposed variation to the deemed-to-comply floor area requirement of LPS4 as it applies to residential outbuildings Council must decide whether such variation is likely to have a detrimental impact upon the amenity, character, functionality and safety of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded, following a detailed assessment of the application, that the proposed variation is unlikely to have any adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) The total collective floor area for the existing and proposed outbuildings on the land is not considered to be excessively large in its local context;
- ii) The proposed outbuilding will be finished using visual appealing materials and colours;
- iii) The proposed outbuilding will be located at the rear of the land with fully compliant setbacks to all lot boundaries. As such, it is expected to have minimal impact on the visual amenity of the local streetscape or any neighboring properties and will not give rise to any overshadowing or access to natural sunlight for any dwellings on immediately adjoining or other nearby properties; and
- iv) Council has previously approved outbuildings on other 'Residential' zoned properties in the Cunderdin townsite with floor areas greater than that required by LPS4 and the R-Codes and will not therefore create an undesirable precedent for development of this type should it resolve to support the proposal.

In light of the above findings and conclusions it is recommended Council exercise its discretion and approve the application subject to a number of conditions to ensure the development proceeds in a proper and orderly manner.

Consultation

Not required or deemed necessary.

Statutory Environment

- *Planning and Development Act 2005 (as amended)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Cunderdin Local Planning Scheme No.4*

Policy Implications

- State Planning Policy 7.3 – *Residential Design Codes (Volume 1) 2021*

Financial Implications

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been partially offset by the development application fee paid by the applicants/landowners. All costs associated with the proposed development will be met by the applicants/landowners.

It is significant to note should the applicants/landowners be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

Strategic Implications

The development proposal for Lot 4 is generally consistent and does not conflict with the following strategic planning documents:

- i) Shire of Cunderdin Local Planning Strategy as it applies specifically to the provision of housing and associated improvements to suit the needs of all sectors of the community; and
- ii) Shire of Cunderdin Strategic Community Plan 2022-2032 and Corporate Business Plan 2021/22-2024/25 as they apply specifically to social and community, economic, built environment, natural environment and civic leadership objectives and outcomes.

Resolution 11.1 OCM September 2022

That Council resolve to approve the development application submitted by Ian Foxley & Stephanie Talay (Landowners) to construct a new 50m² steel framed and Colorbond clad outbuilding (i.e. shed) on Lot 4 (No.26) Lundy Avenue, Cunderdin for vehicle parking and domestic storage purposes subject to the following conditions and advice notes:

Conditions

1. The proposed outbuilding (i.e. shed) shall be constructed strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.

3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
4. All external surfaces of the proposed outbuilding shall be clad with new materials only.
5. All stormwater drainage from the proposed outbuilding shall be retained and managed on-site.
6. The proposed outbuilding shall only be used for vehicle parking and domestic storage, maintenance and hobby purposes unless otherwise approved by the local government.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Cunderdin under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicants/landowners to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a suitable building permit application must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any construction or earthworks on the land.
4. The proposed outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
5. No construction works shall commence on the land prior to 7am without the local government's written approval. No construction works are permitted on Sundays or Public Holidays.
6. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Cunderdin Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
8. If the applicants/landowners are 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 submitted within 28 days of the local government's determination.

Moved: Cr T Harris

Seconded: Cr N Jenzen

Vote – Simple majority

Carried: 6/0

12. Works & Services

12.1 Move Behind Closed Doors

Resolution 12.1 OCM September 2022

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr S Stewart

Seconded: Cr N Jenzen

Vote – Simple majority

Carried: 6/0

12.2 2022/23 Sealing Tender

12.3 RFT 02 2022/23 – Supply of Traffic Control Tender

12.4 Move from Behind Closed Doors

Resolution 12.4 OCM September 2022

That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr B Daly

Seconded: Cr S Stewart

Vote – Simple majority

Carried: 6/0

13. Urgent Items

Nil Items

14. Scheduling of Meeting

14.1 October 2022 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 20th October 2022 commencing at 5:00pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 06:39 pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 15th September 2022 as shown were confirmed at the ordinary meeting of Council held on 20th October 2022.

Signed: _____

Date: _____