



Shire of Cunderdin

Notice of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council will be held on **Wednesday 26th February 2025** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer

21st February 2025

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AGENDA

1 Declaration of Opening

The Shire President declared the meeting open at ____pm.

The Shire of Cunderdin disclaimer will be read aloud by Cr_____.

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 N (Natalie) Snooke	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr HN (Holly) Godfrey	

In Attendance

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

Guests of Council

Members of the Public

2.2 Apologies

2.3 Leave of Absence Previously Granted

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

Recommendation 5.1

That Council approve Leave of Absence for _____ from _____ to _____ inclusive.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

6 Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 18th December 2024

Recommendation 6.1

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 18th December 2024 be confirmed as a true and correct record.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

Note to this item:

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

7 Declaration of Members and Officers Interests

8 Announcements by President without Discussion

9 Finance and Administration

9.1 Financial Reports for December 2024 and January 2025

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	11 February 2025
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – December 2024 Monthly Financial Report Attachment 9.1.2 – January 2025 Monthly Financial Report Attachment 9.1.3 - Rates Details January 2025

Proposal/Summary

The financial reports as at 31st of December 2024 and 31st of January 2025 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.

Recommendation 9.1

That Council receives the monthly financial reports for the periods ending 31st of December 2024 and 31st of January 2025.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.2 Accounts Paid – 31st December 2024 and 31st January 2025

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	11 February 2025
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – December 2024 Creditors Listing Attachment 9.2.2 – January 2025 Creditors Listing Attachment 9.2.3 - Credit Card Statement December 2024 Attachment 9.2.4 - Credit Card Statement January 2025

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$493,535.38
Total for Trust -	\$0.00
TOTAL -	\$493,535.38

For December 2024 as listed in the Warrant of Payments for the period 1st to 31st December 2024.

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$432,133.76
Total for Trust -	\$0.00
TOTAL -	\$432,133.76

For January 2025 as listed in the Warrant of Payments for the period 1st to 31st January 2025.

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.

Recommendation 9.2

1. That Council's payments of accounts amounting to \$493,535.38 being from Municipal Account for December 2024, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 8938- 9035	\$438,292.41	
Direct Debit (Inc Bank Charges):	\$41,060.24	
Cheques: 11952 - 11960	\$14,182.73	
Trust Account		
	\$0.00	
TOTAL		\$493,535.38

2. That Council's receive reports for payments of corporate credit cards amounting to \$2,720.17 being from Municipal Account for period 18th November to 15th December 2024, as follows:

40030 - Westpac Banking Corporation Visa – Stuart Hobley				
Date	Job	Job Description	Comments	Line Total
22-Nov	11451100.521	Conference Expenses - Admin GEN	Uber Conference	26.74
22-Nov	11451100.521	Conference Expenses - Admin GEN	Uber Conference	26.14
25-Nov	P3019	2024 Everest SUV TREND 2.0L BiT DSL 10 SPD Auto	CEO Diesel	76.03
29-Nov	11451100.521	Conference Expenses - Admin GEN	CEO Lunch Meeting	39.50
29-Nov	11451000.521	Expenses relating to Administration GEN	CEO Lunch	24.80
1-Dec	11161030.521	Community Events Expenditure GEN	Survey Monkey subscription	349.09
3-Dec	11451000.520	Expenses relating to Administration GEN	Dinner After Council Meeting	144.79
5-Dec	11451100.521	Conference Expenses - Admin GEN	CEO Lunch Meeting	41.82
			TOTAL	728.91
40030 - Westpac Banking Corporation Visa – Robert Bell				
Date	Job	Job Description	Comments	Line Total
17-Nov	P3018	2023 Ranger Double Cab Chassis (CM00) - MoW Ute	WMAN Diesel	60.00
19-Nov	PKGC	Cunderdin Parks and Gardens	Trampoline Springs	98.40
28-Nov	PKGM	Meckering Parks and Gardens	Trail Cameras	421.95
11-Dec	DEPEX	Depot Expenses	Oil/Lubricant	176.84
			Total	757.19

40030 - Westpac Banking Corporation Visa – Hayley Byrnes				
Date	Job	Job Description	Comments	Line Total
17-Nov	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	20.00
18-Nov	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	60.01
20-Nov	11451000.520	Expenses relating to Administration GEN	Flowers for Michelle Surgery	148.00
23-Nov	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	33.59
26-Nov	11451070.521	Training Expenses - Admin GEN	CDO - Accom Expenses	207.36
25-Nov	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	40.01
26-Nov	YCOUT	Term 4 - Youth Council outing (Youth Council #1)	Movie Tickets	314.10
29-Nov	YCOUT	Term 4 - Youth Council outing (Youth Council #1)	Youth Council event	216.60
29-Nov	YCOUT	Term 4 - Youth Council outing (Youth Council #1)	Youth Council Food	21.55
2-Dec	11161030.521	Community Events Expenditure GEN	Youth Council EOY Gifts	107.85
2-Dec	11161030.521	Community Events Expenditure GEN	Youth Council EOY Cards	14.85
11-Dec	11451000.521	Expenses relating to Administration GEN	Supplies for EOY Christmas Event	50.15
			TOTAL	1,234.07
			TOTAL PAYMENTS	\$4,166.72
3. That Council's payments of accounts amounting to \$432,133.76 being from Municipal Account for January 2025, as follows:				
Municipal Account		\$		Total
Electronic Funds Transfer: EFT 7926- 8015		\$351,237.12		
Direct Debit (Inc Bank Charges):		\$26,584.93		
Cheques: 11894 - 11898		\$54,311.71		
Trust Account				
		\$0.00		
TOTAL				\$432,133.76

4. That Council's receive reports for payments of corporate credit cards amounting to \$4,423.72 being from Municipal Account for period 16th December to 15th January 2025, as follows:

40030 - Westpac Banking Corporation Visa- Hayley Byrnes

Date	Job	Job Description	Comments	Line Total
13-Dec	P3020	2023 Komatsu PC138US-11 Excavator (CM10095)	Excavator Parts	541.81
17-Dec	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Car Wash	20.20
21-Dec	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	122.41
22-Dec	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	213.97
				898.39

40030 - Westpac Banking Corporation Visa- Robert Bell

Date	Job	Job Description	Comments	Line Total
13-Dec	T016	Southern Brook Road	Road Paint	58.66
13-Dec	T016	Southern Brook Road	Line Marking Paint	258.00
21-Dec	P3018	2023 Ranger Double Cab Chassis (CM00) - MoW Ute	WMAN Diesel	160.38
8-Jan	PKGC	Cunderdin Parks and Gardens	Trampoline Parts	750.00
9-Jan	P3022	2024 Isuzu D-Max (CM10074) - Excavator Operator Ute	Excavator Change of plates	31.10
9-Jan	P3021	2024 Isuzu D-Max (CM10085) - Mechanic Ute	Mechanic Change of plates	31.10
				1,289.24

40030 - Westpac Banking Corporation Visa- Stuart Hobley

Date	Job	Job Description	Comments	Line Total
16-Dec	11451000.520	Expenses relating to Administration GEN	Prosecco & Beer for Xmas Party	161.99
18-Dec	11451000.520	Expenses relating to Administration GEN	Xmas Function	400.00
18-Dec	11451000.520	Expenses relating to Administration GEN	Xmas Function	1394.11
27-Dec	P3019	2024 Everest SUV TREND 2.0L BiT DSL 10 SPD Auto	CEO Diesel	100.70
29-Dec	P3019	2024 Everest SUV TREND 2.0L BiT DSL 10 SPD Auto	CEO Ad Blue	32.06
9-Jan	P3019	2024 Everest SUV TREND 2.0L BiT DSL 10 SPD Auto	CEO Diesel	122.14
11-Jan	11451000.520	Expenses relating to Administration GEN	Phone Accessories	25.09
				2,236.09
			TOTAL	4,423.72

5. That Council receives the monthly payment reports for the periods ending 31st of December 2024 and 31st of January 2025.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.3 Council Investments – At 31st January 2025

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	11th February 2025
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements December 2024 Attachment 9.3.2 - Bank Statements January 2025

Proposal/Summary

To inform Council of its investments as at 31st January 2025.

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 January 2025

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$849,832.13	Municipal- 0000030	\$849,832.13		
Bendigo Bank	\$3,368,275.73	Municipal- 155971377	\$3,368,275.73		
Westpac Bank	\$489.81	Business Cash Reserve 22-3647 0.50%		\$489.81	
Bendigo Bank	\$10,167.86	Bendigo Trust Account 164 488 686			10167.86
Westpac Bank	\$0.00	Trust Working Account 122981			\$0.00
Bendigo Bank	\$1,776,981.08	Term Deposit -5.05% Exp 23 Jun 2025		\$1,776,981.08	
TOTAL INVESTMENTS	\$6,005,746.61		\$4,218,107.86	\$1,777,470.89	\$10,167.86

In addition to the above Shire funds, the Shire administers following accounts for the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits & operating Ac#000073- \$0.00.

CUNDERDIN COMMUNITY TRUST DETAILS			
<u>INTEREST ACCOUNT</u>			
31st January 2025			
Opening Balance as per Bank Statement & Term Deposits			
Term Deposit# 4976214			
Maturing 4 June 2025 (5.05%)			
		239,962.77	
	TOTAL	239,962.77	
Credits		15,234.26	
Debits		0.00	
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	255,197.03	
INCOMING			
	INTEREST	15,234.26	
		0.00	
		0.00	
OUTGOING			
		0.00	
		0.00	
Balance as at end of month	TOTAL	255,197.03	

CUNDERDIN COMMUNITY TRUST DETAILS			
<u>CAPITAL ACCOUNT</u>			
31st January 2025			
Opening Balance as per Bank Statement & Term Deposits			
Term Deposit# 4976157			
Maturing 4 Jun 2025 (5.05%)			
		369,862.05	
	TOTAL	369,862.05	
Credits		0.00	
Debits		0.00	
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	369,862.05	
INCOMING			
		0.00	
		0.00	
OUTGOING			
		0.00	
		0.00	
Balance as at end of month	TOTAL	369,862.05	

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.

Recommendation 9.3

That the report on Council investments as at 31st January 2025 be received and noted.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.4 Releival of Annual Electors Meeting Minutes

Location:	Shire of Cunderdin
Applicant:	Governance & Administration
Date:	13 th February 2025
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.4.1 – Annual Electors Meeting Minutes

Proposal/Summary

For Council to receive and accept the minutes of the Annual Electors Meeting held at the Shire of Cunderdin Council Chambers on Tuesday 11th February 2025.

Background

Council held the Annual Electors Meeting in accordance with *Local Government Act 1995* s5.27(1) on 11th February 2025 at the Shire of Cunderdin Council Chambers, for the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

At this meeting, the community were invited to attend and given the opportunity to discuss the 2023/2024 Annual Report containing 2023/2024 Annual Financial Statements, Auditors Report, and all items as prescribed in s5.53 of the Act.

Any resolutions made at the Elector meeting are required to be presented to Council at its next Ordinary Council Meeting. There were no resolutions of this type made at the Annual Electors Meeting held 11th February 2025.

Comments

There were two (2) ratepayers (other than Councillors and staff) in attendance.

The Electors presents raised queries in relation to changes in asset revaluation surplus, the town dam and infrastructure, the waste transfer station, rate increases, and road construction. All queries were answered at the meeting. The minutes of the Meeting are attached for Councils consideration.

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer
Samantha Pimlott, Governance & Administration Officer
Cr AE (Alison) Harris, Shire President

Statutory Implications

Local Government Act 1995

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29. Convening electors' meetings

- 1) The CEO is to convene an electors' meeting by giving —
 - a) at least 14 days' local public notice; and
 - b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- 2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time the notice is first given and is to continue in the prescribed way until the meeting has been held.

5.30. Who presides at electors' meetings

- 1) The mayor or president is to preside at electors' meetings.

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

5.32. Minutes of electors' meetings

The CEO is to —

- a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- 1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - a) at the first ordinary council meeting after that meeting; or
 - b) at a special meeting called for that purpose, whichever happens first.
- 2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

5.53. Annual reports

- 1) The local government is to prepare an annual report for each financial year.
- 2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report for the financial year prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
 - (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55 Acceptance of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

*Absolute majority required

5.55A Publication of Annual Reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

Local Government (Administration) Regulations 1996

Part 3 — Electors' meetings

r15 Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

r17 Voting at meeting (Act s. 5.31)

r18 Procedure at meeting (Act s. 5.31)

Part 5 – Annual reports and planning

r19B Information to be included in annual report (Act s. 5.53(2)(g) and (i))

Policy Implications

Shire of Cunderdin Council Policy Manual

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Strategic Community Plan.

COMMUNITY AND SOCIAL

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

The Shire supports positive leisure, learning and recreation outcomes

1.2 A healthy and safe community is planned for

Volunteers and community groups feel supported and empowered

CIVIC LEADERSHIP

5.3 Implement systems and processes that meet legislative and audit obligations

Capability of our organization is continually improved

Recommendation 9.4

That Council:

1. Receive the minutes of the Annual General Electors Meeting held on 11th February 2025, for the purpose of presenting the 2023/2024 Annual Report including Annual Financial Statements.
2. Note there were no decisions of the meeting that require further consideration by Council.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____



9.5 Accepting Hut 1 – Cunderdin Airfield

Location:	Shire of Cunderdin
Applicant:	Executive Assistant
Date:	29 th January 2025
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley – Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A55343
Attachment/s:	Nil.

Proposal/Summary

That Council accept ownership of the property known as Hut 1 at the Cunderdin Airfield.

Background

Councils records show that Mr. Robert Milligan was the original owner of Hut 1 at the Cunderdin Airfield. In 2011, Mr. Milligan approached the Council with a proposal to sell the Hut, and the Council made an offer of \$5,500 on 29th September 2011. This offer was withdrawn on 6th October 2011.

It is understood that Mr. Milligan sold the Hut to Mr. Terry Fromont around 2015/2016, at which point the Shire of Cunderdin began charging an annual land lease for the land on which the Hut is located. Mr. Fromont has consistently paid this annual lease. In recent years, Mr. Fromont has leased the building to Mr. Graeme Clinton for storage purposes.

On the 15th January 2025 correspondence was sent to Mr Fromont and Mr Clinton stating that the Shire will not support any future transfer of the property, no further land lease agreements will be provided for this building, and that the Shire is willing to accept the hut; however, no monetary payment will be made for it.

The Chief Executive Officer has had phone discussions with Mr. Fromont and Mr. Clinton during which they have both expressed a desire to return the building to the Shire of Cunderdin.

Comments

The Hut is heritage listed with the Heritage Council of Western Australia. It does not meet current occupation standards, and substantial upgrades would be required to meet health and building code regulations. Any upgrades will need to follow guidelines set by the Heritage Council of Western Australia.

The hut also contains asbestos, which will need to be rectified at some point in time in the future. Council may consider securing the building ensuring it is not easily accessible to members of the public.

Consultation

Stuart Hobley, Chief Executive Officer

Brooke Davidson, Executive Assistant

Statutory Implications

Heritage Act

Policy Implications

Nil

Financial Implications

At this point in time there are no financial implications associated with the acquisition of the Hut, however that may change in the future. There is asbestos in the Hut and it is in a dilapidated condition. The Hut is listed on the State Heritage Inventory and may be able to receive funding in the future.

Strategic Implications

3. BUILT ENVIRONMENT

3.4 Protect and preserve heritage

Recommendation 9.5

That Council:

1. Accept ownership of Hut 1 located at the Cunderdin Airfield, from current owner Mr Terry Fromont.

Moved: Cr _____

Seconded: Cr _____

Vote – Absolute majority

Carried/Lost: _____

9.6 Corporate Business Plan Quarterly Review October 2024 – December 2024

Location:	Cunderdin
Applicant:	Governance & Administration
Date:	29 th January 2025
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.6.1 – CBP Quarterly Review Oct 2024 – Dec 2024

Proposal/Summary

For Council to receive and accept the Corporate Business Plan Quarterly Review Oct 2024 – Dec 2024 as presented.

Background

Local governments are required to produce a plan for the future under Sec. 5.56 (1) of the Local Government Act 1995. Regulations made under the Act outline the minimum requirements of a plan for the future namely:

- A Strategic Community Plan to cover a period of at least 10 financial years.
- A Corporate Business Plan to cover a period of at least 4 financial years

On the 15th June 2023, Council adopted the Corporate Business Plan. This plan is subject to a review by staff on a quarterly basis ensure the Shire is meeting Social and Community, Environmental, Housing and Facilities, Economic Development, Infrastructure and Transport and Civic Leadership strategies outlined in the Corporate Business Plan 2021 – 2024.

The traffic light based Quarterly Update to report progress against the priorities as detailed in the Corporate Business Plan driven by the outcomes of the Strategic Community Plan and actioned through the Annual Budget.

Comment

Attachment 9.6.1 – Quarterly Corporate Business Plan Report at 31 December 2024 identifies the strategies and an update on the actions for each Strategic Community Plan objective and the progress of implementation over the four-year life of the Corporate Business Plan.

Review of the required actions demonstrates that the Shire is achieving good overall results. A number of projects have been undertaken or are completed or in progress to be delivered on the strategic outcomes of the Plan.

Consultation

Shire of Cunderdin Staff

Statutory Implications

Local Government Act 1995

5.56. Planning for the future

- 1) A local government is to plan for the future of the district.
- 2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations - Division 3 – Planning for the future

r19DA Corporate business plans, requirements for (Act s. 5.56)

- 1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

- 2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- 3) A corporate business plan for a district is to —
 - a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
 - b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
 - c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

Policy Implications

Nil.

Financial Implications

2024/2025 Statutory Budget

Strategic Implications

Shire of Cunderdin Strategic Community Plan.
 CIVIC LEADERSHIP
 5.2 Forward planning and implementation of plans
 Accountable and transparent decision making

Recommendation 9.6

That Council receive and endorse the Corporate Business Plan Report for the quarter ending 31 December 2024.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.7 Speed Zone Changes – Baxter Road

Location:	Shire of Cunderdin
Applicant:	Governance & Administration Officer
Date:	10 th February 2025
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil.
Attachments:	Attachment 9.7.1 - Letter of Request for speed changes Attachment 9.7.2 - Letter of Support McIntosh

Proposal/Summary

For Council to consider request for a speed limit reduction on Baxter Road Cunderdin from 60km/hr to 50km/hr.

Background

Council received correspondence from Town Teams requesting Council consider a speed zone change on Baxter Road Cunderdin, from the Great Eastern Highway to the railway line, from 60km/hr to 50km/hr. Council is not the determining authority in respect to speed zones on roads however can make recommendations to Main Roads regarding speed zones.

Town Teams reasoning behind this strategy has taken into consideration:

- The foot traffic (16 employees) occurring between McIntosh's multiple workshops that are situated on either side of Baxter Road. This movement of employees is quite frequent and ongoing.
- To slow traffic down through this busy section and confusing intersection that includes Lundy Avenue, Baxter Road and the Sports Ground entrance
- Enhance the safety of pedestrians accessing the Cunderdin Community Sport and Recreation Facility for leisure and physical activities.
- Mortlock Timber, a large business located on Baxter Road also has employees that either walk to work or drive and park on the opposite side of Baxter Road requiring them to cross Baxter Road on foot to their workplace.
- Mortlock timber unload freight on the verge of Baxter Road. This often involves movements with a forklift and personnel crossing the road.

A letter of support received from McIntosh and Son Branch Manager, Russell Baxter, has sighted the following reasons for supporting the speed changes:

- The traffic flow has increased steadily over the years with a growing business at the end of the street.
- There are more trucks on the road using this avenue to access the northern towns.
- CBH truck traffic has increased due to Cunderdin being a main central site.
- Our Employee numbers will grow from 18 to 22 in the new year (we were at 12 less than 10 years ago) which will lead to more foot traffic across Baxter Road.

Comment

Baxter Road has a mixed use of Residential, Industrial and Recreational Zones.

The southern end of Baxter Rd intersects with both Lundy Ave and Main Road West. These are both busy intersections in the central business district. The machinery dealership McIntosh and Sons occupies land on the east and west side of Baxter Road and their employees are constantly crossing the road on both foot and in machines.

On the corner of Baxter St and Lundy Ave is the entrance to the Cunderdin Sport and Recreation Club. This intersection is very busy with both vehicle and pedestrian traffic and extremely dangerous due to the direction the sports club entrance.

The northern end of Baxter Rd is occupied by Mortlock Timber, which is a large industrial company that has multiple employees and numerous trucks entering and exiting every day.

Slowing the traffic on this road will make the road safer for both pedestrians and vehicles.

This matter was considered in the Chief Executive Officers Report in December 2024. Council supported this notion in principle. Mainroads require a resolution of Council prior to investigating the feasibility of the speed reduction.

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer
Town Teams Movement

Statutory Implications

Nil.

Policy Implications

Shire of Cunderdin Policy

Financial Implications

Nil.

Strategic Implications

2. ECONOMY

2.1 Facilitate local business retention and growth

Industry is diverse, supported and connected

3. BUILT ENVIRONMENT

3.1 Safe, efficient and well-maintained road infrastructure

3.2 Enhance connectivity between places

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive

Residents and community groups believe they are being listened to and fairly treated

Recommendation 9.7

That Council advises Main Roads that it supports the reduction of the speed zone from 60km/hr to 50km/hr on Baxter Road Cunderdin from the intersection of Great Eastern Highway to the south side of the rail crossing.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.8 Support route proposal to Wheatbelt Secondary Freight Network

Location:	Shire of Cunderdin
Applicant:	Governance & Administration Officer
Date:	10 th February 2025
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil.
Attachments:	Attachment 9.8.1 - Letter Seeking Support WSNF New route Proposal - Shire of Cunderdin Attachment 9.8.2 - Proposed Routes Attachment 9.8.3 - WSNF routes overlay Attachment 9.8.4 - Shire of York Council Minutes

Proposal/Summary

For Council to consider providing support to the Shire of York on their submission to the Wheatbelt Secondary Freight Network Steering Committee, proposing to add Quellington Rd and York-Tammin (Goldfields) to be considered for future WSNF funding.

Background

Received correspondence from the Shire of York asking that the Shire of Cunderdin support their proposal to the Wheatbelt Secondary Freight Network Steering Committee to add Quellington Rd and York-Tammin (Goldfields) Rd.

(WSNF) Program plays a key role in the movement of primarily agricultural freight in the Wheatbelt Region of Western Australia. It is overseen by a Steering Committee comprised of representatives from the Wheatbelt North and Wheatbelt South Regional Road Groups, Main Roads Western Australia, the WA Local Government Association, Wheatbelt Development Commission and Regional Development Australia Wheatbelt.

The WSNF is made up of the

- Steering Committee (SC) - providing strategic advice and direction to the WSNF program to ensuring alignment with government and stakeholder requirements.
- Technical Committee (TC) – working group consisting of nominated Local Government Authority (LGA) representatives from both the Wheatbelt South (WS) and Wheatbelt North (WN) Sub Regional Road Groups (SRRG) as well as the Program Management Team.
- Program management Team (PMT) - consists of the Program Director (PD), Program Manager (PM) and Executive Officer (EO) as well as other staff as required to undertake the delivery of the WSNF program.

Comment

As seen in Attachment 9.8.2 sections of the roads proposed by the Shire of York to be added to the WSNF routes, are located in and through the Shire of Cunderdin, thus the reason support from the Shire of Cunderdin is essential to WSNF considering the Shire of York's proposal.

WBSFN have previously funded construction of Goomalling Meckering Road in the Shire of Cunderdin. Cunderdin Wyalkatchem Road and Cunderdin Quairading Road are recognised as an essential freight routes requiring, and will be undergoing significant constructions works in the new financial year.

Consultation

Stuart Hobley, Chief Executive Officer
Chris Linnell, Shire of York – Chief Executive Officer

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

2. ECONOMY

2.1 Facilitate local business retention and growth

Industry is diverse, supported and connected

Support and advocacy for agriculture

3. BUILT ENVIRONMENT

3.1 Safe, efficient and well-maintained road infrastructure

3.2 Enhance connectivity between places

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive

Residents and community groups believe they are being listened to and fairly treated

Recommendation 9.8

That Council advise the Shire of York that the Shire of Cunderdin supports them in their application to have Quellington Road and Goldfeilds Road added to the list of routes to be considered for funding by the Wheatbelt Secondary Freight Network and will advise them of this.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.9 Move Behind Closed Doors

Recommendation 9.9

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

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.10 Private & Confidential - Contract Consideration

9.11 Move From Behind Closed Doors

Recommendation 9.11

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

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.12 Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	17 th November 2024
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.12.1 - Inquiry on Long-Term Parking for Dash 8-200 300 Aircraft at Cunderdin Airport Attachment 9.12.2 - Model aircraft operations at YCUN Attachment 9.12.3 – Lotterywest Attachment 9.12.4 - Active Transport Fund

Proposal/Summary

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

Background

Cunderdin Industrial Lot Development

The tender for the subdivision works has been awarded by Development WA and the successful tenderer will commence the works in March 2025.

The Shire have advertised for expression of interest in the lots and has forwarded the contact details of all interested parties to Development WA.

Watts Street Subdivision

The subdivision application for the seven lots facing Watts St was lodged with the Western Australian Planning Commission (WAPC) on the 3 December 2024. The WAPC will take up to 90 days to consider the application and place any conditions they deem necessary on the proposal.

Mitchell Street and Yilgarn Street Housing Update

Mitchell Street

The two dwellings are nearly at lock up stage. They will be delivered on site before June 2025.

Yilgarn Street

The final contract has been signed and ground works will be commenced in February 2025.

Community Emergency Services Manager (CESM)

Mr John Idland has been appointed to the position of CESM for the Shires of Cunderdin Meckering and Quairading and he will commence on the 1st April 2025. Mr Idland has previous experience in the military and has been a volunteer with the Kalamunda Bush Fire Brigade for over ten years in roles as Fire Control Officer, Lieutenant and training officer.

Growing Regions Program Round 2 – Cunderdin Memorial Aquatic and Wellness Hub

The Federal Minister for Infrastructure, Transport, Regional Development and Local Government, advised Council in January 2025 that it had approved funding of up to \$2,888,385 to the Shire of Cunderdin for the Cunderdin Memorial Aquatic and Wellness Hub project to proceed under the Growing Regions Program – Round 2.

The Cunderdin Memorial Aquatic and Wellness Hub includes the demolition of the changerooms and kiosk buildings and the construction of new ones at the Cunderdin Memorial Swimming Pool. The new buildings include a new kiosk, office, first aid room, storage, changerooms, toilets, gym and multipurpose wellness room. Subject to funding it is also intended to include a new disabled entrance to the main pool and to reconfigure the small pool to include a larger splash and play area with a beach entry.

The Shires contribution for this project is \$1,237,880. It is anticipated the project will be commenced in 25/26 and will take approximately 24 months.

A tour of a other swimming pools has been organised for the 2 April 2025. This will look at both pool configurations and buildings to determine the best outcome.

WA Bike Network Grants Program - Construction of Pathways

The Shire has received funding of \$788,005 ex GST over the next four years from the Department of Transport to construct footpaths in the Cunderdin Townsite. The program provides 50% of the funding and Council is required to match the funding.

The construction program is planned as follows:

- 2024/25, the project will commence with the development of pathways on Forrest Street and Mitchell Street,
- 2025/26 includes Lundy Avenue, Baxter Road, Bedford Street, and Kennedy Street.
- 2026/27 will focus on Togo Street and Cubbine Street.
- 2027/28 includes Baxter Road, Olympic Avenue, and Carter Drive.

Each years funding is reliant on the successful completion of the prior years program.

The new shared paths will serve a broad spectrum of users, including seniors, youth, families, runners, people with disabilities, and those using bicycles, wheeled recreational devices, and walking frames.

By improving accessibility and connectivity, these pathways will link key destinations such as school, health facility, park, sporting precinct, and shopping precinct, fostering a more connected and active community. Additionally, by encouraging foot traffic, the project is expected to have a positive impact on the local economy, benefiting small businesses and enhancing the vibrancy of our public spaces.

Tenders have been called and they will close on 25th February 2025. It is anticipated that a late Agneda item will be presented to the February Council Meeting to appoint a contractor in order to meet this years obligations.

Play Our Way Grant – Shelter over the Basketball Courts

The Shire was advised in December 2024 that it received \$685,387 from the Federal Governments Play Our Way Program for the construction of a cover and the reconstruction of the basketball courts at the Cunderdin Recreation Centre. The Grant agreement is due to be signed in the near future.

The Shires contribution for this project is up to \$250,00. It is anticipated the project will be commenced in 2025/2026 and will take approximately 16 months.

A tour of a similar project at the Shire of Kojonup has been organised for 5 March 2025. The Cunderdin Basketball Club, Cunderdin Football and Netball Club and Cunderdin Junior Football Club have been asked for delegates to assist in the design of the project.

Lotterywest – Community Bus

Lotterywest has advised Council they will provide up to \$100,000 for the purchase of a new community bus. Tenders have been called and they closed on the 25th February 2025. It is expected that the quotes will be presented to the February 2025 Council Meeting. The cost of the bus will be determined by the size of the bus selected but it is expected to be under \$250,000.

A small group including Councillors, staff and community members, including members of the seniors committee, will inspect a select number of buses and determine their suitability for use before selecting a preferred bus.

Disaster Ready Fund (DRF) Round Two – Emergency Power Meckering Sports Club

Council has received funding from the DRF to install a generator at the Meckering Sports Club for emergency power in the event of a disaster. The funding received was \$73,282 and the Shires contribution is 63,282 with the Meckering Sporting Club also contributing \$10,000.

The project is currently out for Request for Quotes which closes on the 18 March 2025.

The main part of the project is expected to be completed by 30 June 2026, however there are considerable delays with Western Power that are expected to hold up the completion of the project.

Community Sport and Recreation Fund – Cricket Nets

Funding has been received from the Department of Sport and Recreation for the construction of two cricket nets at the Cunderdin Oval. The amount of funding is \$39,877 and the Shires contribution is \$39,877.

Requests for quotes have been advertised and they closed on the 25th February 2025. The project will commence as soon as possible and should be completed before 30 June 2025.

All sporting clubs who reside at the Cunderdin Sports and Recreation Centre have been asked for comment on the proposal.

Airfield

Council has received two requests to use the airfield for different purposes.

The first is the storage of two larger planes. The bigger of the two planes is a 30 –50 seater. Both planes are permitted to land at the Cunderdin airfield, but the larger plane can be refused permission to land under the airfields current rating.

The second request is to operate from a model airplanes from the airfield. These are high powered model planes that have previously flown from the Cunderdin airfield.

In order for the club to be able to operate from the airfeild the club will require;

1. approval from the Aerodrome management.
2. evidence of engagement with other stakeholders at the airport.
3. the club to forward an application to CASA including a full risk assessment and operating procedures required to comply with Local, State and Federal law.

Both of these proposals are submitted for Councils thoughts.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Recommendation 9.12

That the Chief Executives Officers Report be received.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

10 Environmental Health and Building

Nil.

11 Planning & Development

11.1 Development Application – Proposed New Shop & Various Associated Improvements

Location:	Lot 15 (No.31) Bedford Street, Cunderdin
Applicant:	Akron Pty Ltd on behalf of Woodthorpe School – Eastern Campus Pty Ltd (Landowner)
Date:	18 February 2025
Author:	Mr Joe Douglas – Town Planner
Item Approved by :	Mr Stuart Hobleby - CEO
File Reference:	Nil
Attachment/s	Attachment 11.1.1 – Development Application Documentation & Plans Attachment 11.1.2 – Public Submissions

Proposal / Summary

This report recommends that a development application submitted by Akron Pty Ltd on behalf of Woodthorpe School – Eastern Campus Pty Ltd (Landowner) for the construction and use of a proposed new shop including various associated improvements on Lot 15 (No.31) Bedford Street, Cunderdin be approved subject to conditions.

Background

The applicant is seeking Council's development approval on behalf of the landowner for the construction and use of a proposed new shop comprising a total floor area of 360m² and all associated vehicle accessways, parking bays and landscaping on Lot 15 (No.31) Bedford Street, Cunderdin.

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 1.

Lot 15 is located centrally in the western part of the Cunderdin townsite in a designated, well established low density residential area. The property comprises a total area of approximately 2,023m², has been extensively cleared of all native vegetation and is relatively flat throughout.

Lot 15 has previously been developed in association with Lot 14 located immediately east for the purposes of a school which is no longer in use (i.e. the existing school buildings and associated improvements on both lots are not being used for any specific purpose/s known to the Shire). As such Lot 15 only contains a small, grassed sports oval and portion of a sealed car park in its south-eastern corner, both of which will be removed to accommodate the proposed development.

The subject land has direct frontage and access to Bedford Street along its southern front boundary which is a sealed and drained local access road under the care, control and management of the Shire. It is also served by key essential service infrastructure including underground power, reticulated water, reticulated sewerage and telecommunications.

Lot 15 has not been designated as being bushfire prone, flood prone or contaminated, and does not contain any buildings or places of cultural heritage significance.

Immediately adjoining and other nearby land uses are broadly described as follows:

- A panel beating shop, service station and motor museum immediately north with the Great Eastern Highway road reserve beyond;
- Low density residential development immediately west with a mix of commercial and low density residential development beyond;
- The former school site referred to previously above with low density residential development beyond; and
- Low density residential development to the south on the south side of Bedford Street with low density residential development beyond.



Location & Lot Configuration Plan (Source: Landgate 2025)

Comment

Lot 15 is classified 'Residential' zone in the Shire of Cunderdin Local Planning Scheme No.4 (LPS4) with an additional use right for 'shop' purposes which is a discretionary use that is not permitted without the local government's formal development approval.

The key objectives prescribed in LPS4 for the development of all land classified 'Residential' are as follows:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community;
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas; and
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

The application has been assessed with due regard for the relevant objectives, standards and requirements of LPS4, including those matters required to be considered pursuant to clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*, and the outcomes from consultation with all immediately adjoining and other nearby landowners who may potentially be affected.

This assessment has confirmed the proposal is compliant or capable of compliance with the following relevant standards and requirements:

- Land capability and suitability;
- Land use permissibility;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- Protection of the natural environment, water resources and cultural heritage significance;
- Vehicle access and parking including areas for loading/unloading;
- Pedestrian access and landscaping;
- The provision of key essential service infrastructure;
- Waste management and disposal; and
- Bushfire risk, flood risk and stormwater drainage management.

Notwithstanding the above conclusion, Council should note the following key points when considering and determining the application:

1. Submissions

A total of three (3) submissions were received during the community consultation process, copies of which are provided in Attachment 2.

Of the three submissions received one (1) raised no concerns with the proposed development and suggested it will be beneficial from a traffic safety perspective.

The two (2) other submissions received objected to the proposed development for the following reasons:

- Concerns regarding the continued discharge of stormwater from the proposed development on Lot 15 to adjoining Lot 8 (No.12852) and Lot 7 on Deposited Plan 222358 Great Eastern Highway located immediately north and north-west respectively; and
- Concerns regarding the desirability and suitability of a new shop in a residential area given the availability of other shops in the Cunderdin townsite's designated commercial precinct and the need to ensure they remain commercially viable, the potential inability for local people to access the proposed shop, and the potential negative impacts arising from noise and dust associated with vehicle movements to/from the proposed development.

The concerns raised regarding the continued discharge of stormwater from the proposed development on Lot 15 to the two (2) adjoining lots located immediately north and north-west are valid and have been addressed in point 2 below and the reporting officer's final recommendation.

The concerns raised regarding the desirability and suitability of a new shop in a residential area are not valid given the use right for shop purposes was assigned to Lot 15 by Amendment No.1 to LPS4 which included direct consultation in October 2023 with the landowners who made the submission (i.e. these concerns should have been raised with Council back in 2023 as part of the community consultation process which included direct consultation with all neighbouring and other nearby landowners).

In relation to the concerns raised regarding the potential inability for local people to access the proposed shop for their daily shopping needs, it should be noted the operator of the shop has a legal obligation to ensure compliance with the *Equal Opportunity Act 1984*. As such this concern is not valid from a town planning perspective as any potential issues that may arise can be dealt with under separate legislation by those who may be impacted.

Lastly, in relation to the concerns raised regarding the potential negative impacts arising from noise and dust associated with vehicle movements to/from the proposed development, Council should note the following key points:

- i) The proposed development is required to comply with the *Environmental Protection (Noise) Regulations 1997* to ensure any noise generated is kept to acceptable levels at all times each day;
- ii) All vehicle access and parking for customers will be on the eastern side of the proposed shop building to help mitigate any potential negative impacts on the existing dwelling located immediately west on Lot 16 (No.25) Bedford Street;
- iii) Delivery/service vehicle movements will be relatively infrequent and involve the use of a 3.5 tonne commercial vehicle that will only make three (3) trips to/from the development each week; and
- iv) The proposed development has been designed in a manner to mitigate any future potential dust impacts (i.e. sealing of all on-site vehicle accessways and parking areas) and will be required to be constructed in accordance with all finally approved plans.

2. Stormwater Drainage Management

The site development plan submitted in support of the application provides general details regarding all future proposed stormwater drainage management arrangements and confirms a more detailed stormwater drainage management plan will be submitted to the Shire for consideration and approval prior to the commencement of development.

In order to ensure this occurs and address the various concerns and objection raised by the owner of the two lots located immediately north during public advertising, a condition requiring the proponent to prepare and submit a detailed stormwater drainage management plan to the Shire for consideration of approval prior to the commencement of development is contained in the final recommendation for approval below.

3. Architectural Style & Visual Amenity

As stated previously above a key objective for the development of all land classified 'Residential' zone is to facilitate and encourage high quality design, built form and streetscapes throughout residential areas.

Following a preliminary assessment of the application the reporting officer raised some concerns with the applicant regarding the visual appearance of the proposed development when viewed from the subject land's Bedford Street frontage. The reporting officer formed the initial view the proposed new shop building will look like an industrial type shed that may not fit into the local streetscape and not therefore make a positive contribution to the visual amenity of the immediate locality which is a key objective of the land's current 'Residential' zoning classification and all commercial type development prescribed in Schedule 3 of LPS4.

Both the applicant and landowner disagreed with the reporting officer's initial concerns and have made the following assertions in response in additional information submitted in support of the application:

- *We contend that the proposed development will not be detrimental to the amenity of adjoining owners or residential properties in this part of Cunderdin;*
- *We would also contend that the proposed development is already compatible with the general streetscape of that part of Bedford Street, and in particular the existing development on Lot 14 (35) Bedford Street; and*
- *In our opinion, we believe the proposed design and style of building would present well on Bedford Street and contribute positively to the existing streetscape.*

Despite the applicant and landowner not providing any detailed information or justification supporting their view the proposed development is acceptable from a visual amenity perspective, the reporting officer has concluded, following further detailed assessment and consideration of the application, that the proposed development will be acceptable and does not therefore need to be amended or refused for the following reasons:

- i) The proposed shop building is a brand new structure that will be finished using new materials that are visually attractive and complementary to the general scale and external appearance of existing buildings in the immediate locality;
- ii) The proposed shop building will have a 17.2 metre setback to the subject land's Bedford Street frontage which is more than four (4) times greater than the minimum setback distance required by LPS4 (i.e. 4 metres) that will help to reduce the development's visual impact when viewed from the public realm;
- iii) A significant amount of landscaping is proposed to be provided in the front setback area of the proposed development which, if designed and installed professionally and maintained thereafter for the life of the development, will complement the external appearance of the proposed shop building and ensure the development makes a positive contribution to the local streetscape; and
- iv) No submissions were received from any immediately adjoining or other nearby landowners during public advertising objecting to the proposed development due to its visual appearance. As such it is concluded the local community has no concerns with the proposal in terms of any future potential negative impacts on the visual amenity of the immediate locality.

4. Advertising Signage

It was noted during assessment of the application that no information regarding the installation and display of any advertising signage has been provided. It is reasonable to expect the proponent may wish to install and display new advertising signage to promote the business activities on the land to attract customers.

In order to avoid any potential confusion regarding the approval requirements for advertising signage it is recommended an advice note be included in any development approval that may ultimately be granted by Council requiring the applicant to ensure compliance with the requirements of LPS4.

In light of all the above it is concluded the proposed development is unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to compliance with a number of conditions to ensure it proceeds in a proper and orderly manner. As such it is recommended Council exercise discretion and grant conditional development approval.

Consultation

Consultation was undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* in excess of the minimum required period of 14 days, the outcomes from which are documented above.

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

Nil.

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 landowner.

All costs associated with the proposed development will be met by the landowner.

It is significant to note should the applicant/landowner 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 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 the subject land 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 encouraging diversification of the local economy, the development of a wide range of new commerce and industry and associated employment opportunities, and providing a safe, efficient and effective movement network for people and freight that is integrated with land uses to provide for better accessibility and sustainability; and
- ii) Shire of Cunderdin Strategic Community Plan 2022-2032 and Corporate Business Plan 2021-2025 as they apply specifically to social and community, economic, built environment, natural environment and civic leadership objectives and outcomes.

Recommendation 11.1

That Council resolve to **approve** the development application submitted by Akron Pty Ltd on behalf of Woodthorpe School – Eastern Campus Pty Ltd (Landowner) for the construction and use of a proposed new shop including various associated improvements on Lot 15 (No.31) Bedford Street, Cunderdin subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken 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 it shall not be carried out without the further approval of the local government having first being sought and obtained.
4. A stormwater drainage management plan prepared by a suitably qualified person shall be submitted to the local government for consideration of approval prior to the commencement of development.
5. The stormwater drainage management plan required by Condition 4 above shall, if approved by the local government, be implemented for the life of the proposed development including all associated maintenance arrangements and must ensure all stormwater from the proposed development is contained on site and/or discharged to the Bedford Street road reserve area to the specifications and satisfaction of the local government. The discharge of any stormwater from the proposed development onto any immediately adjoining privately owned property is not permitted unless otherwise approved by the affected property owner and the local government.
6. All on-site vehicle accessways, parking areas and pedestrian pathways must be constructed, including draining, sealing and line marking, to the specifications and satisfaction of the local government prior to occupation and use of the proposed development.
7. A detailed landscaping plan prepared by a suitably qualified person shall be submitted to the local government for consideration of approval prior to the commencement of development.
8. All landscaping shown in the detailed landscaping plan required by Condition 7 above shall be planted prior to occupation and use of the proposed development and maintained thereafter for the life of the development to the satisfaction of the local government.

9. The proposed development shall be connected to an electricity supply service, reticulated sewerage disposal infrastructure, and a reticulated potable water supply service to the specifications and satisfaction of the relevant service providers prior to its occupation and use.
10. Suitable arrangements shall be made to the satisfaction of the local government to ensure the storage of any equipment, goods, machinery or waste associated with the proposed development is screened from public view.
11. A bin storage area, including washdown facilities and an appropriate number of rubbish bins, shall be provided on-site to the specifications and satisfaction of the local government prior to occupation and use of the proposed development.
12. All external lighting associated with the proposed development shall be designed, baffled and located to prevent any light spill onto adjoining properties and motorists on Bedford Street in accordance with Australian Standard AS4282-1997 entitled 'Control of the Obtrusive Effects of Outdoor Lighting' to the satisfaction of the local government.
13. All waste generated during the construction process shall be disposed or recycled at an approved/licensed waste disposal and/or recycling facility. No waste is permitted to be stored and disposed on the land.

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 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 landowner 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. All building works the subject of this approval are 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. Access and facilities for people with disabilities must be provided at all times to the proposed building and internally throughout the building in accordance with Australian Standard AS1428.1 2009 entitled 'Design for Access and Mobility General Requirements for Access - New Building Work'.
6. All public access areas are required to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911*, related regulations and guidelines and in particular Part VI entitled 'Public Buildings'.
7. All food handling, preparation and storage areas are required to be designed and constructed in accordance with the *Food Act 2008*, *Food Regulations 2009* and the Australian and New Zealand Food Authority (ANZFA) Food Safety Standards.
8. All solid and inorganic waste generated by the proposed development must be managed in accordance with the requirements of the *Shire of Cunderdin Health Local Law 2016*. The landowner is advised to contact the local government's Environmental Health Officer for further information and advice in this regard.

9. The landowner is reminded of their obligation to prepare and submit a suitable application pursuant to regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996* to reconstruct/upgrade the existing crossovers along the subject land's Bedford Street frontage for consideration and determination by the local government prior to the commencement of development.
10. 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.
11. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
12. All advertising signage associated with the proposed development shall comply with the specific requirements of the Shire of Cunderdin Local Planning Scheme No.4 and *Main Roads (Control of Advertisements) Regulations 1996* as applicable.
13. The landowner is responsible for ensuring the correct siting of all structures on the land the subject of this approval including all associated improvements. An identification survey demonstrating correct siting and setbacks of all structures and associated improvements, including fill, may be requested of the landowner by the local government to ensure compliance with this determination notice and all applicable provisions.
14. The landowner is reminded of their obligation to ensure compliance with the requirements of the Shire of Cunderdin Annual Fire Break Notice as it applies specifically to all townsite land to help guard against any potential bushfire risk.
15. 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.
16. If the applicant/landowner 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 submitted within 28 days of the local government's determination.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

11.2 Development Application – Existing Unauthorised Second-Hand Dwelling and Rural Pursuit/Hobby Farm including Various Associated Improvements and Two (2) Proposed New Outbuildings for Storage Purposes and a New Internal Driveway.

Location:	Lot 199 on Deposited Plan 222786 Mitchell Street, Meckering
Applicant:	Ms Joe-Janette Watts (Landowner)
Date:	20 February 2025
Author:	Mr Joe Douglas – Town Planner
Item Approved by :	Mr Stuart Hobley - CEO
File Reference:	
Attachment/s	Attachment 11.2.1 – Development Application Documentation & Plans; Attachment 11.2.2 – Copies of Non-Confidential Public Submissions; Attachment 11.2.3 – Copy of Confidential Public Submission Attachment 11.2.4 – Copy of Submission from Department of Primary Industries and Regional Development.

Proposal / Summary

This report recommends that Council grant conditional approval to a development application submitted by Ms Joe-Janette Watts (Landowner) for an existing unauthorised second-hand dwelling and rural pursuit/hobby farm including various associated improvements on Lot 199 on Deposited Plan 222786 Mitchell Street, Meckering as well as the construction of two (2) new outbuildings for storage purposes and a new internal driveway.

Background

The applicant is seeking Council's development approval to formalise an existing unauthorised second-hand dwelling and rural pursuit/hobby farm including various associated improvements on Lot 199 on Deposited Plan 222786 Mitchell Street, Meckering as well as the construction of two (2) new outbuildings for domestic and hobby farm storage purposes and a new internal driveway.

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 11.2.1

Lot 199 is located in the north-eastern part of the Meckering townsite, comprises a total area of approximately 2.0236 hectares and has direct frontage and access to Mitchell Street along its western boundary which is an unsealed local road also under the care, control and management of the Shire.

Lot 199 is gently sloping throughout, has been cleared of most native vegetation aside from a number of large trees that have been retained for general amenity and land management purposes, and does not contain any creek lines, water bodies or other features of environmental significance.

The property was vacant and not being used for any specific purpose/s when it was purchased by Ms Watts in October 2015. Since that time the property has been progressively developed by Ms Watts including the placement and storage of a second-hand dwelling, sea containers, water tanks and building materials to support the intended development and use of the land for rural living/hobby farm purposes. The property has also and continues to be used to accommodate approximately three (3) cows, three (3) horses, one (1) emu and numerous poultry including peacocks and chickens.

Council should note all works upon and use of the land by Ms Watts have never been formally approved by the Shire (i.e. they are all unauthorised) despite the need for a number of approvals under various legislation including the Shire's Local Planning Scheme No.4. These non-compliance issues have been the subject of ongoing communications with and directives to Ms Watts over many years regarding her legal obligation to comply which to this point have been ignored.

The subject land is not served by reticulated electricity or telecommunication services however there is scope to access/provide these services using alternative methods. Reticulated water and sewerage are also not available with all water supply and effluent disposal required to be provided/undertaken on-site.



Location & Lot Configuration Plan (Source: Landgate 2025)

The property is not designated as being bushfire prone, flood prone or contaminated and contains no buildings or places of cultural heritage significance. The proposed building works are also well removed from the Meckering fault line which traverses a small area in the north-western corner of the property.

Existing adjoining and other nearby land uses are broadly described as follows:

- North – Rural residential development (i.e. one lot only comprising an area of 2.0242 hectares) with the Wilson Street road reserve and extensive agriculture (i.e. broadacre cropping and grazing) beyond;
- South – Rural residential development on lots comprising an average area of 2 hectares;
- East – Rural residential development with the Dowerin-Meckering Road road reserve and extensive agriculture (i.e. broadacre cropping and grazing) beyond; and
- West – Rural residential development on lots comprising an average area of 2 hectares with the Bourke Street road reserve and more rural residential development beyond.

Comment

Lot 199 is classified 'Rural Residential RR4' zone in the Shire of Cunderdin Local Planning Scheme No.4 (LPS4), the stated objectives for which are as follows:

- To provide for lot sizes in the range of 1 to 4 hectares;
- To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land; and
- To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

Under the terms of the Zoning Table in LPS4 the development of any land classified 'Rural Residential' zone for the purposes of a 'second-hand dwelling' and 'rural pursuit/hobby farm', including various associated improvements such as outbuildings, water tanks, driveways and so on, are listed as discretionary (i.e. 'D') uses which means they are not permitted unless the local government has exercised its discretion by granting development approval.

The application has been assessed with due regard for the relevant objectives, standards and requirements of LPS4 as well as those matters required to be considered pursuant to clause 67 of the Deemed Provisions of the Planning and Development (Local Planning Scheme) Regulations 2015, including the outcomes from public advertising and agency referrals.

This assessment has confirmed the proposal is compliant or capable of compliance with the following requirements:

- Rural Residential zoning objectives;
- Land use permissibility and compatibility;
- Land capability and suitability;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- Protection of the natural environment, water resources and cultural heritage significance;
- Vehicle access and parking;
- The provision of key essential services;
- Waste management and disposal; and
- Bushfire risk, flood risk and stormwater drainage management.

Notwithstanding the above conclusion, Council should note the following key points when considering and determining the application:

1. Submissions

A total of seven (7) submissions were received during the community consultation process, copies of which are provided in Attachments 2 to 4.

Of the seven submissions received three (3) raised no issues or concerns with the proposed development and were generally supportive.

The four (4) other submissions received objected to the proposed development for the following reasons:

- The landowner's demonstrated inability since purchasing the property to use and manage it in a careful, considerate and responsible manner in accordance with all regulatory requirements to minimise any potential negative impacts on the occupiers of immediately adjoining and other nearby properties;
- The landowner's lack of regular care and attention to the animals and poultry being kept on the property to ensure their health and welfare are suitably maintained;
- The stockpiling of various materials and other items on the land that are not related to the proposed buildings works and use of the property which have created a health and safety risk to the occupier/s of the property as well as adjoining and other nearby landowners;
- The erection of inconsistent and poor quality boundary fencing;
- The various inaccuracies and incomplete information contained in the site development plan and supporting information submitted in support of the application;
- The excessive term within which all building works are proposed to be completed including the removal of temporary structures (i.e. sea containers) and surplus building materials (i.e. 48 months) and the landowner's possible inability ability to complete the proposed works for financial reasons; and
- The landowner's non-compliance with the maximum permitted livestock stocking rates for those portions of the property currently and proposed to be used to accommodate cows, horses, an emu and chickens including the requirement to ensure a minimum of 50% groundcover is maintained evenly across the property at all times of the year to prevent land degradation through soil erosion.

The various concerns raised above and suggestions to address them as part of the development approval process where legally possible are detailed in the key points below.

2. Land Management including the Keeping of Animals and Poultry

There is compelling evidence the landowner has not been managing the land in a careful, considerate and responsible manner in accordance with all regulatory requirements to minimise any potential negative impacts on the occupiers of immediately adjoining and other nearby properties. Despite the Shire's awareness of this issue and ongoing efforts to resolve them, the landowner has ignored all the Shire's communications and directives until now.

Council should note it has the ability to control the proposed development through conditions of development approval and its Health Local Laws 2016 and Animals, Environment and Nuisance Local Law 2016, the latter of which requires a license application to the Shire. Council also has ability to vary the conditions of or cancel any approval or license issued to the applicant due to mismanagement and prosecute them for any failure to comply, the fines for which can be significant.

In this particular case it is recommended Council impose conditions on any development approval that may ultimately be granted which:

- i. prohibits the keeping of any animals or poultry on the land until such time as the landowner prepares and submits a suitable management plan to the Shire for consideration of endorsement in consultation with the Department of Primary Industries and Regional Development;
- ii. requires all animals and poultry currently being kept on the land to be removed within twenty (28) days, unless otherwise approved by the Shire, until such time as the management plan recommended above has been formally approved;
- iii. requires all materials and other items not related to the proposed buildings works and use of the property to be removed within twenty (28) days of the issuance of development approval unless otherwise approved by the Shire;
- iv. requires all existing sea containers on the land to be removed within twenty (28) days of completion of construction of the second-hand dwelling unless otherwise approved by the Shire; and
- v. alerts the landowner of the Shire's ability and intention to take action to abate any adverse impacts associated with the proposed rural pursuit/hobby farm use of the land, including the removal of all animals and poultry and cancellation of the development approval at the landowner's cost, where the Shire forms the view the use is causing adverse impacts on the amenity of the immediate locality and/or the natural environment such as damage to natural vegetation, pollution such as noise, dust, offensive odours, soil erosion or any other form of land degradation.

In addition to the above, it is recommended suitable advice notes be included in any development approval granted to advise the landowner of all relevant legislative and regulatory obligations applicable and the Shire's ability to initiate formal prosecution action under the Planning and Development Act 2005 for any failure to comply with the terms of the approval.

3. Boundary Fencing

The Shire's local planning framework does not contain any standards or requirements for the erection of boundary fencing. Furthermore the Shire has not prepared and adopted a local law that governs the erection of boundary fencing and established minimum standards. As such the erection of boundary fencing on all privately owned land in the Shire is controlled by the Dividing Fences Act 1961.

Under the terms of the Dividing Fences Act 1961 any landowners who wish to install boundary fencing are required to install a sufficient fence that is ordinarily capable of resisting the trespass of cattle and sheep through agreement with any immediately adjoining landowner or as determined by the Magistrates Court of Western Australia.

In light of the above there is little the Shire can immediately do to address the concerns raised regarding the erection of inconsistent and poor quality boundary fencing. The onus is on any adjoining landowner who may be aggrieved by the existing boundary fencing to approach Ms Watts to try to resolve the matter or seek a formal ruling from the Magistrates Court of Western Australia by initiating appropriate legal proceedings.

4. Inaccurate Plans & Supporting Information

It is noted the site development plan appears to contain inaccurate information and does not provide details of:

- a) the location, dimensions and storage capacity of the 120,000 litre rainwater tank proposed to be installed for potable water supply purposes;
- b) the location and type of electricity supply system proposed to be installed;
- c) the correct type of on-site effluent disposal system required to be installed to manage all wastewater generated by the occupants of the proposed second-hand dwelling and its separation distance to the dwelling; and
- d) the location, dimension and materials used to construct the existing chicken coup and its separation distance to the dwelling.

Furthermore it is noted the floorplans and elevation drawings for the proposed buildings on the land do not provide details of where a laundry will be provided within or adjacent to the second-hand dwelling which is a mandatory requirement, the materials and colours to be used on the external surfaces of the dwelling, and the colours to be used on the external surfaces of the proposed outbuildings (i.e. storage sheds).

In light of these shortcomings it is recommended Council impose a condition on any development approval that may ultimately be granted requiring the landowner to prepare and submit revised plans to the Shire for consideration of approval prior to the commencement of development.

5. Timeframe for Completion of Works

The landowner has requested the Shire's approval to complete all the required works within 48 months (i.e. four years). Typically local governments require new works to be substantially commenced within a period of two (2) years as a condition of development approval however any timeframe specified for substantial commencement or completion of works is at the local government's discretion.

In cases involving second-hand structures which have the ability to give rise to a number of negative impacts and risks if works are not completed in a timely manner, local governments often require all works to be completed within a twelve (12) month period including payment of a refundable performance bond by the landowner to the local government as surety in the event of any non-compliance. If a landowner fails to complete the required works within the specified timeframe the local government may keep and use the performance bond to reinstate land to its original condition including the removal and disposal of all second-hand buildings and materials.

It is the reporting officer's view the landowner's request for all works to be completed within four (4) years is excessive and will perpetuate many of the existing issues raised by immediately adjoining and other nearby landowners. As such it is recommended Council impose a condition on any development approval that may ultimately be granted requiring all proposed works associated with the second-hand dwelling to be completed within a period of twelve (12) months including payment of a refundable performance bond of \$20,000 to the Shire prior to the commencement of development. The money received by the Shire must be held in trust and may be used to provide for the removal and disposal of the second-hand dwelling and all associated construction materials and reinstate the land to its original condition insofar as practicable in the event the landowner fails to comply with the timeframe requirements of this condition.

In light of all the above it is concluded the proposed development of Lot 199 is capable of being developed and used for the intended purposes and is unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions and other regulatory requirements to ensure it is undertaken in a proper and orderly manner. As such it is recommended Council exercise discretion and grant conditional development approval.

Lastly, Council should note formal prosecution action against the landowner pursuant to Part 13 of the *Planning and Development Act 2005* as it applies specifically to illegal development is not immediately recommended given, they have made a significant effort in recent months to try to address the Shire's concerns and resolve the various non-compliance issues. Notwithstanding this recommendation, should the landowner fail to comply with the terms of any development approval that may ultimately be granted by Council the option remains to proceed with prosecution action for unauthorised development and non-compliance with the terms of the approval if considered necessary and appropriate.

Consultation

Consultation was undertaken in accordance with the procedural requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 which included publication of public notices on the Shire's website and newsletter, correspondence to all immediately adjoining and other nearby landowners (i.e. 8 in total) inviting their feedback and comment, and referral of the application to the Department of Primary Industries and Regional Development for review and comment. The outcomes from this process are documented above and contained in Attachments 11.2.2 to 11.2.4.

The application has also been the subject of communications with the applicant, Shire staff and the Department of Primary Industries and Regional Development during the planning assessment process.

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

Shire of Cunderdin Health Local Laws 2016

Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016

Policy Implications

State Planning Policy 2.0 - Environment and Natural Resources;

State Planning Policy 2.5 - Rural Planning;

State Planning Policy 2.9 - Water Resources; and

State Planning Policy 3.0 - Urban growth and Settlement.

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 landowner.

All costs associated with the proposed development will be met by the landowner.

It is significant to note should the landowner 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 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 the subject land is generally consistent and does not conflict with the following strategic planning documents subject to compliance with a number of conditions:

Shire of Cunderdin Local Planning Strategy as it applies specifically to environmental protection and land use compatibility; and

Shire of Cunderdin Strategic Community Plan 2022-2032 and Corporate Business Plan 2021-2025 as they apply specifically to social and community, natural environment and civic leadership objectives and outcomes.

Recommendation 11.2

That Council resolve to **approve** the development application submitted by Ms Joe-Janette Watts (Landowner) for an existing unauthorised second-hand dwelling and rural pursuit/hobby farm including various associated improvements on Lot 199 on Deposited Plan 222786 Mitchell Street, Meckering as well as the construction of two (2) new outbuildings for storage purposes and a new internal driveway subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken 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. Prior to the commencement of development the landowner shall prepare and submit revised plans to the Shire for consideration of approval. The revised plans required by this condition must include the following information:
 - a. the location, dimensions and external materials and colours of the 120,000 litre rainwater tank proposed to be installed for potable water supply purposes;
 - b. the location and type of electricity supply system proposed to be installed;
 - c. the correct type of on-site effluent disposal system required to be installed to manage all wastewater generated by the occupants of the second-hand dwelling and its separation distance to the second-hand dwelling;
 - d. the location, dimension and materials used to construct the existing chicken coup and its separation distance to the second-hand dwelling; and
 - e. details of where a laundry will be provided within or adjacent to the second-hand dwelling, the materials and colours to be used on all external surfaces of the second-hand dwelling, and the colours to be used on all external surfaces of the proposed outbuildings (i.e. storage sheds).
4. Construction of the second-hand dwelling shall be completed within twelve (12) months of the date of issuance of this approval unless otherwise approved by the local government.
5. Prior to the commencement of development the landowner shall arrange payment of a \$20,000 refundable performance bond to the Shire as surety the second-hand dwelling will be completed in accordance with the timeframe requirements of Condition 4 above.
6. All materials and other items not related to the proposed buildings works and use of the property for the approved purposes must be removed within twenty (28) days of issuance of this approval unless otherwise approved by the local government.
7. All existing sea containers on the land must be removed within twenty (28) days of completion of construction of the second-hand dwelling unless otherwise approved by the local government.
8. All waste generated during the construction process shall be disposed or recycled at an approved/licensed waste disposal and/or recycling facility. No waste is permitted to be stored and disposed on the land.

9. An adequate on-site effluent disposal system, as determined by the local government's Environmental Health Officer or Executive Director of Public Health, shall be provided within the land's designated lot boundaries with a minimum setback of 10 metres to the nearest side boundary with all such work to be undertaken to the specifications and satisfaction of the local government's Chief Executive Officer or Executive Director of Public Health prior to occupation and use of the proposed second-hand dwelling.
10. A rainwater tank for domestic consumption purposes comprising a minimum storage capacity of 120,000 litres shall be installed prior to occupation and use of the second-hand dwelling with all water collected to be maintained at all times in accordance with the Australian Drinking Water Guidelines 2011 (as amended) published by the National Health and Medical Research Council of Australia (Australian Drinking Water Guidelines | NHMRC).
11. The second-hand dwelling shall be provided with a suitable electricity supply service prior to its occupation and use. The use of generators for this purpose is not permitted unless otherwise approved by the local government.
12. All storm water shall be directed away from the second-hand dwelling and retained and disposed of on-site to ensure its structural integrity is not compromised.
13. Any open sub-floor area around the periphery of the second-hand dwelling shall be enclosed with brick, stone, vermin proof battens or other means acceptable to the local government.
14. The uses hereby permitted shall be managed and maintained at all times to the specifications and satisfaction of the local government to minimise any negative impacts on the amenity of the immediate locality and the natural environment.
15. The keeping of any animals or poultry on the land is strictly prohibited until such time as the landowner prepares and submits a suitable management plan to the Shire for consideration of endorsement in consultation with the Department of Primary Industries and Regional Development.
16. All animals and poultry currently being kept on the land must be removed within twenty (28) days of issuance of this approval, unless otherwise approved by the local government, until such time as the management plan required by Condition 15 above has been formally approved.
17. The proposed development must comply at all times with the provisions of the management plan required by Condition 15 of this approval if approved by the local government including animal and poultry stocking rates and the provision and maintenance of suitable open pasture areas.
18. Where in the opinion of the local government the rural pursuit/hobby farm use hereby approved is causing adverse impacts on the amenity of the immediate locality and/or the natural environment such as damage to natural vegetation, pollution such as noise, dust, offensive odours, soil erosion or any other form of land degradation, the local government may take action to abate the adverse impacts, including the removal of all animals and poultry from the land and cancellation of this approval, with all costs incurred by the local government in this regard being recoverable from the landowner.

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 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 landowner 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 relation to Condition 5 the landowner should note the \$20,000 refundable performance bond payable to the local government will be held in trust until construction of the second-hand dwelling has been completed to the local government's satisfaction. If the works associated with the dwelling are not completed within the required timeframe the bond will be forfeited in its entirety and used by the local government to provide for the removal and disposal of the dwelling and all associated construction materials and reinstatement of the land to its original condition insofar as practicable.
4. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* must be prepared and submitted to the Shire of Cunderdin or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application for the second-hand dwelling.
5. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a suitable building permit application/s for all proposed structures the subject of this approval must be submitted to and approved by the local government's Building Surveyor prior to the commencement of development. It is recommended the landowner contact the local government's Building Surveyor Mr Tim Jurmann on 9635 2700 or tim.jurmann@cunderdin.wa.gov.au to confirm the relevant requirements in this regard.
6. All proposed structures the subject of this approval are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the local government with the required building permit application/s.
7. The landowner is reminded of their obligation to ensure compliance with the requirements of the following:
 - iii. *Shire of Cunderdin Health Local Laws 2016*;
 - iv. *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* including licensing requirements to keep farm animals;
 - v. *Shire of Cunderdin Dogs Local Law 2015*;
 - vi. *Shire of Cunderdin Pest Plants Local Law 2015*;
 - vii. *Shire of Cunderdin Annual Fire Break Notice* as it applies specifically to all townsite land to help guard against any potential bushfire risk;
 - viii. *Caravan Parks and Camping Grounds Act 1995* and the associated regulations; and
 - ix. *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* as they apply to the proposed clearing of existing native vegetation on the land.
8. The noise generated by any activities on-site including but not limited to any equipment, machinery, vehicles and animals shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
9. The landowner is responsible for ensuring the correct siting of all structures on the land the subject of this approval, including fill and final finished floor levels. An identification survey demonstrating correct siting and setbacks of structures, fill and final floor levels may be requested by the local government to ensure compliance with this determination notice and all applicable provisions.

10. In relation to Condition 15 it is recommended the landowner consult with the Department of Primary Industries and Regional Development to ensure the management plan required by this condition is compliant with the Stocking Rate Guidelines for Rural Small Holdings published by the Department's Agriculture and Food Division. It is also recommended the landowner review and consider the requirements of the Shire of Cunderdin *Health Local Laws 2016* and *Animals, Environment and Nuisance Local Law 2016* in consultation with the local government's Environmental Health Officer Mr Tim Jurmann when preparing the required management plan.
11. The landowner is advised that under the terms of the *Dividing Fences Act 1961* any landowner in the Shire of Cunderdin who wishes to install boundary fencing is required to install a sufficient fence that is ordinarily capable of resisting the trespass of cattle and sheep through agreement with any immediately adjoining landowner or as determined by the Magistrates Court of Western Australia.
12. Any 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.
13. If the landowner 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 submitted within 28 days of the local government's determination.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

12 Works & Services

13 Urgent Items

14 Scheduling of Meeting

14.1 March 2025 Ordinary Meeting

The next ordinary meeting of Council is scheduled to take place on Wednesday 26th March 2025 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 __: __pm.

16 Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 26th February 2025, as shown, were confirmed at the ordinary meeting of Council held on Wednesday 26th March 2025.

Signed: _____

Date: _____