



# Disclaimer

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**Disclaimer**

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# SHIRE OF QUAIRADING

The Ordinary Council Minutes of Meeting held on Thursday 25<sup>th</sup> October 2018 commencing at 2.00 pm.

## ITEM 1 OPENING & ANNOUNCEMENTS

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The Shire President opened the Meeting at 2.00 pm.

“Before we start our Meeting, I would like to acknowledge that we are meeting on Noongar land and we pay respect to the original custodians...past, present and future and welcome you all here today for this Meeting”.

Cr Davies welcomed the Councillors, Acting CEO Mr Allan Rourke, and newly appointed Executive Manager of Corporate Services Mr Nathan Gilfellon, Staff and Mr John Haythornthwaite to the meeting.

## ITEM 2 ATTENDANCE AND APOLOGIES

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### Councillors

Cr WMF Davies	Shire President
Cr B McGuinness	Deputy Shire President
Cr LR Brown	
Cr JN Haythornthwaite	
Cr J McRae	
Cr WE Shenton	
Cr PD Smith	
Cr TJ Stacey	

### Council Officers

Mr A Rourke	Acting Chief Executive Officer
Mr N Gilfellon	Executive Manager of Corporate Services
Mr RM Bleakley	IPR/Strategic Projects Officer (from 2.02pm)
Mrs A Strauss	Executive Officer

### Observers/Visitor

Mr John Haythornthwaite

### Apologies

Mr GA Fardon	Chief Executive Officer
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### Leave of Absence Previously Granted

## ITEM 3 PUBLIC QUESTION TIME

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### Mr John Haythornthwaite

#### Question

Page 56: Credit Card Statement. Why is there no signature on the Statement and only page 2/3 of presented, and not pages 1/3 & 3/3?

Response

The Shire President advised that the Question would be taken on notice and a written response provided.

Question

Page 104: General Ledger 4452 Maintenance – Saleyards. Why does this appear with nil values?

Response

The Shire President advised that the Question would be taken on notice and a written response provided.

Question

Page 106: General Ledger 5294 &5295 Parental Leave. Why is the income and expenditure identical?

Response

The Shire President advised that the Question would be taken on notice and a written response provided.

Question

Page 106: General Ledger 5002 Long Service Leave. Why is there no information provided?

Response

The Shire President advised that the Question would be taken on notice and a written response provided.

Question

Page 119: What was the Council's question on subdividing Lot 304, Edwards Way.

Response

The Chief Executive Officer and Town Planning Contractor provided information to Council on the feasibility and costing to subdivide Lot 304 and it was deemed not financially viable at this time.

Question

Page 135: The Strategic Planning Committee Minutes. Why are the Motions voted upon?

Response

The Shire President explained that the Committee were voting on the Officer's Recommendations on each Committee item and the Recommendations are then presented to Council for Consideration and Voting on.

Question

Page 128: Secondary Freight Route Project. What Project or Road in the Shire is the Funding for?

Response

The Chairperson referred the Question to Cr McGuinness.

Cr McGuinness explained that the Secondary Freight Route Project is being driven by local government authorities associated with the Regional Road Groups of the Wheatbelt Region. 42 Local Government authorities across the Wheatbelt region are planning to secure funding for an Application to the Federal Government for Infrastructure Australia Investment. The Council have collaborated to identify priority routes across the Secondary Freight Network in preparation of a business case and a cost benefit analysis of the work to be undertaken.

## ITEM 4 DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / PETITIONS

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Nil.

## ITEM 5 APPLICATIONS FOR LEAVE OF ABSENCE

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### 5.1 Application for Leave of Absence – Cr Shenton

Cr Shenton has approach the Chief Executive Officer and requested that a “Leave of Absence Request” for the 29<sup>th</sup> November 2018 Ordinary Council Meeting be included in the Council Agenda.

**RESOLUTION: 58-18/19**

**MOVED Cr Haythornthwaite SECONDED Cr Brown**

That Cr Shenton be granted Leave of Absence from the 29<sup>th</sup> November 2018 Council Meeting.

**CARRIED 8/0**

## ITEM 6 DECLARATIONS OF INTEREST

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Councillors to use pro forma declaration of interest handed to Chief Executive Officer prior to meeting or verbal declaration of interest.

Nil, at this time.

## ITEM 7 CONFIRMATION OF MINUTES AND BUSINESS ARISING

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### 7.1 Confirmation of Minutes – 27<sup>th</sup> September 2018

**RESOLUTION: 59-18/19**

**MOVED Cr Stacey SECONDED Cr Smith**

That the Minutes of the Ordinary Meeting of Council held on the 27<sup>th</sup> September 2018 be confirmed as a true and accurate record.

**CARRIED 8/0**

### 7.2 Business Arising

#### Culvert Cleaner Demonstration

Cr McGuinness queried why there was no report in the Council Agenda regarding the unsuccessful demonstration of the Culvert Cleaner and Cr McGuinness put forward a Motion to rescind Resolution 29-18/19.

#### Rescind Resolution 29-18/19 - Feasibility of Purchasing High Pressure Culvert Cleaner Pump Unit

**RESOLUTION: 60-18/19**

**MOVED Cr McGuinness SECONDED Cr McRae**

That Resolution 29-18/19 on the feasibility of Purchasing High Pressure Culvert Cleaner Pump Unit be rescinded.

**LOST 3/5**

### **Reason for Decision**

Council discussion indicated that Resolution 29-18/19 stated that

*“That subject to the successful completion of a Machine Demonstration Council authorise the purchase of the high pressure culvert cleaner pump unit as documented in Council’s Adopted Budget for 2018/19.”*

The demonstration of the machine was deemed unsuccessful and therefore the purchase of the Culvert Cleaner did not proceed.

Council then suggested that the subject of the Culvert Cleaner be addressed in Item 13 - Urgent Councillors Business.

## ITEM 8      MATTERS FOR CONSIDERATION – BUILDING AND TOWN PLANNING

### 8.1 Proposed Oversize Shed – Lot 288 (54) Murphy Street, Quairading

<b>Meeting Date</b>	25 <sup>th</sup> October 2018
<b>Responsible Officer</b>	CEO Graeme Fardon
<b>Reporting Officer</b>	Contract Town Planner Jacky Jurmann
<b>Attachments</b>	1 – Plans 2 - Submission
<b>Owner/Applicant</b>	L Eather
<b>Disclosure of Interest</b>	Nil.

#### MATTER FOR CONSIDERATION

A development application has been received to obtain approval to construct an oversized shed for the storage of a 5<sup>th</sup> wheel caravan and for use as a hobby workshop at Lot 288 (54) Murphy Street, Quairading.

The application was notified to adjoining landowners and one objection was received at the time of writing the report. The issues raised in the objection have been considered in the assessment of this application.

It is recommended that the application be refused for the reasons outlined in the Officer's Recommendation.

#### BACKGROUND

The subject property has an area of 1,662m<sup>2</sup>, is located on the corner of Murphy Street and Winmar Road and currently contains an older-style single dwelling.

The shed will have an overall area of 204m<sup>2</sup> and will consist of two components:

1. The main shed to be used for the storage of the owner's 5<sup>th</sup> wheeler caravan and to be used as a hobby workshop that will be 20 metres wide x 9 metres deep (180m<sup>2</sup>) with a wall height of 4 metres and overall height of 4.2 metres; and
2. Smaller attached tool storage shed on the eastern end of the main shed that will be 4 metres wide by 6 metres deep (24m<sup>2</sup>) with an overall height of 3 metres.

It is proposed to construct the shed in the south-eastern corner of the property along the rear boundary and use the existing vehicular access from Winmar Road.

#### STATUTORY ENVIRONMENT

##### Shire of Quairading Town Planning Scheme No. 2

The property is zoned Residential R10/20 and the construction of outbuildings are permitted as ancillary development to the residential use of the property.

Clause 4.9.1 sets out the objectives for the Residential zone, which aim to ensure that the predominant form of development is single houses; that a high standard of development is achieved; and to permit non-residential uses that are compatible and do not adversely affect local amenities.

Clause 4.9.3 applies to properties with dual density codes and permits the use of the higher density code if the property is connected to reticulated sewerage; is located close to services and facilities; and if the local government is satisfied that the development will not have an adverse impact on local amenities.

##### *Deemed Provisions*

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (known as the Deemed Provisions) are read as part of TPS2.



Clause 67 sets out the matters for consideration when determining an application for development approval. The relevant matters have been considered as part of this assessment as follows:

Sub- Clause	Provision	Assessment
(a)	Aims and provisions of Scheme	Residential zone objectives aim to have single dwellings as predominant form of development. Shed is twice the size of the dwelling and will be the predominant form of development on the site.
(b)	Provisions of planning instrument that the LG is seriously considering adopting.	Draft LPS3 does not proposed to change the zoning.
(c)	Any approved State Planning Policy	SPP3.1 – Residential Design Codes has been considered in this assessment. Variations are proposed.
(g)	Any local planning policy	LPP – Outbuildings has been considered in this assessment. Variations are proposed.
(i)	Any scheme review report	2017 Scheme Review Report does not affect this assessment.
(m)	Compatibility of development, including relationship to adjoining land, likely effect of height, bulk, scale, orientation and appearance.	The shed is twice the size of what is permitted under the LPP together with a higher wall height will result in a bulk and scale that is not generally expected in the Residential zone. When viewed from the southern neighbour the shed may be considered unacceptable from a bulk and scale viewpoint across the boundary.
(n)	Amenity of the locality, including character and social impacts.	The shed is proposed to be used for storage and as a hobby workshop, which may impact the locality. As indicated above, the bulk and scale may also impact the locality due to its location across the rear boundary.
(p)	Provision of landscaping	No details of landscaping have been provided, however if the proposal was approved, landscaping should be established along the southern boundary to reduce the visual impact of the shed.
(s)	Adequacy of access to and egress from the site, including manoeuvring and parking of vehicles.	It is proposed to use the existing vehicular access from Winmar Road to access the shed. This access is from a Primary Grain Freight Road and therefore road safety may be an issue when manoeuvring the caravan in and out of the site. If approved, a condition should be imposed to ensure that the caravan should leave the site in a forward direction.
(y)	Any submissions received	One objection has been received (at the time of writing the report) raising concerns regarding the impacts of the proposal. Refer to the Consultation Section of this Report for further details.
(zb)	Any other planning consideration.	An issue raised in the submission is for the potential for the shed to be used for activities associated with large trucks and machinery. The owner operates a water carting business and if the shed is approved, a condition should be imposed prohibiting the shed from being used for commercial or industrial purposes.

### SPP3.1 – Residential Design Codes

The R-Codes apply to all land zoned Residential in the State. The relevant provisions relating to the construction of an outbuilding have been considered as part of the assessment of the application as follows:

Clause	Provision	Proposed	Comment
6.10.1	Maximum collective area 60m <sup>2</sup> or 10% of site area, whichever is the lesser.	Total area 204m <sup>2</sup>	Does not comply
6.10.1	Wall height 2.4m	4m	Does not comply
6.10.1	Ridge height 4.2m	4.2m	Complies
6.10.1	Does not reduced required open space in Table 1. R10 – 60%; R20 – 50%	204m <sup>2</sup> (shed) & approx. 110m <sup>2</sup> (house) = 314m <sup>2</sup> . 1,348m <sup>2</sup> provided.	Complies
6.10.1	Complies with setback requirements of Table 1, except rear setback. Secondary street: R10 – 3m / R20 – 2 m. Side / rear: 1.8m	1.0m from southern boundary; 1.5m from eastern boundary; 18.35m from Winmar Rd.	Side boundary setbacks do not comply.

Where a proposal does not comply with the ‘deemed to comply’ provisions of the R-Codes, then the proposal can also be assessed against the performance provisions to determine if the variations are acceptable, which is “*Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.*”

### **POLICY IMPLICATIONS**

#### Local Planning Policy – Outbuildings

The Shire’s adopted policy provides acceptable local variations to the deemed to comply provisions relating to area and height of the R-Codes for the construction of outbuildings in the Residential zone. These standards are considered to meet the performance provision of the R-Codes for outbuildings (outlined above), which have been assessed as follows:

Provision	Proposed	Compliance/Comment
Maximum collected area 100m <sup>2</sup> for lots exceeding 1,000m <sup>2</sup> in area.	Total area 204m <sup>2</sup>	Does not comply
Wall height 3m	4m	Does not comply
Ridge height 4.2m	4.2m	Complies

### **FINANCIAL IMPLICATIONS**

There are no financial implications for the Shire associated with this Report unless the Applicant decides to exercise their right of appeal at the State Administrative Tribunal if he is dissatisfied with the determination of the application.

## STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

### Built Environment Objective: Planning and infrastructure to meet the needs of the community

ITEM	OUTCOMES AND STRATEGIES
B1	Responsive Land Use Planning
B1.1	Ensure land use planning services are responsive to community aspirations including increased availability of industrial, commercial and residential land.

The Local Planning Policy provides a framework for the approval of outbuildings in a local environment to meet the needs of the community.

### COMMUNITY CONSULTATION

The application was notified to adjoining landowners for a minimum period of 14 days. At the time of writing this Report, one submission had been received objecting to the proposal. The issues raised in the objection have been assessed as follows:

Summary of Issue	Planning Comment
Size of the structure is too large for a residential area.	Support. As indicated in the assessment of this proposal, the shed is twice the size of that permitted in the Shire's LPP.
Structure will block out light, breeze and views of backyard.	Partially support. The shed will be located along the objector's rear boundary and will block views and could cause overshadowing of her yard during various times.
Shed / workshop will have a negative impact on property value.	Dismiss. Property values are not a planning consideration.
Will be impacted by noise of large trucks and machinery being worked on day and night.	Partially support. It is proposed to use the shed for storage and hobby purposes, however due to its size there is potential for the emission of noise.

### RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial – Medium Risk. An Applicant has the right of appeal to the State Administrative Tribunal should they be dissatisfied with the determination of the application, which could result in the Shire requiring legal or other representation.

Health – Low Risk

Reputation – Low Risk. Council should apply provisions of policies consistently to ensure that good and proper planning decisions are made in the best interests of the community.

Operation – Low Risk

Natural Environment – Low Risk.

### COMMENT

It can be concluded from the assessment of this development proposal that the scale of the variations to the R-Codes and Local Planning Policy for Outbuildings are unacceptable and is inconsistent with the zone objectives as it will result in the shed becoming the predominant form of development on the site. Additionally, the visual impacts when viewed from the adjoining properties resulting from the bulk and scale will be detrimental and is unlikely to be reduced to a reasonable level through screening due to the proposed wall height.

## EXECUTIVE SUMMARY

The main issues identified in the assessment of this application are:

- Size – The proposed shed is 204m<sup>2</sup> in area, whereas the LPP permits 100m<sup>2</sup> and the R-Codes permits 60m<sup>2</sup>.
- Wall height – The proposed wall height of the main component of the shed is 4.0m, whereas the LPP permits 3.0m and the R-Codes permits 2.4m.
- Boundary setbacks – It is proposed to setback the shed 1.0m and 1.5m from the property boundaries, whereas the R-Codes require a 1.8m setback.
- The number and scale of variations proposed to the provisions of the R-Codes and LPP are considered unacceptable and may set an undesirable precedent.

## OFFICER RECOMMENDATION

### RESOLUTION: 61-18/19

#### **MOVED Cr Haythornthwaite SECONDED Cr McRae**

Council resolve to REFUSE the application for development approval to construct an oversized shed at Lot 258 (54) Murphy Street, Quairading as proposed in the plans submitted with the application dated 10<sup>th</sup> September 2018 in accordance with clause 7.5 of the Shire of Quairading Town Planning Scheme No. 2 for the following reasons: -

1. The proposed development is inconsistent with the aims and provisions of the Shire of Quairading Town Planning Scheme No. 2.
2. The proposed development does not comply with the provisions of the State Planning Policy 3.1 – Residential Design Codes.
3. The proposed development does not comply with the provisions of the Shire of Quairading's Local Planning Policy for Outbuildings.
4. The proposed development is incompatible with the amenity of the locality due to the bulk, scale and visual impacts.

**CARRIED 7/1**

## ITEM 9 MATTERS FOR CONSIDERATION – FINANCE & AUDIT

### 9.1 Accounts for Payment – September 2018

<b>Meeting Date</b>	25 <sup>th</sup> October 2018
<b>Responsible Officer</b>	EMCS Tony Merillo
<b>Reporting Officer</b>	EMCS Tony Merillo
<b>Attachments</b>	September 2018 Accounts
<b>Owner/Applicant</b>	Shire of Quairading
<b>Disclosure of Interest</b>	Nil.

#### MATTER FOR CONSIDERATION

Note the accounts paid during September 2018

#### BACKGROUND

Accounts paid are required to be submitted each month.

#### STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (Reg 13 (1)) requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Payment from Council's Municipal Fund. Expenditure as per delegated authority and included in the Adopted 2018/2019 Budget.

#### STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

**Governance Objective: Strong governance and community engagement**

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

#### COMMUNITY CONSULTATION

Nil

#### RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Low Risk – On Risk Matrix given Purchasing / Procedures followed, together with Management Separation of acceptance of duties and Processes in place.

Health – Low Risk

Reputation – Low Risk – Creditors reviewed weekly and paid in accordance to agreed terms.

Operation – Low Risk

Natural Environment – Low Risk.

#### EXECUTIVE SUMMARY/COMMENT

Payments are per attached schedules 9.1 1/2/3.

**OFFICER RECOMMENDATION**

**RESOLUTION: 62-18/19**

**MOVED Cr McRae SECONDED Cr Stacey**

That Council note the following:

1. That Schedule of Accounts covering Municipal Vouchers 23556 to 23565 & EFT5808 to EFT5892 & DD13151.1.1 to DD113151.11 & DD13152.1 to DD13152.10 totalling \$388,220.71 be received; and
2. That Police Licensing payments for the month of September 2018 totalling \$28,976.90 be received on the 25 October 2018 (Attachment 9.1.2); and
3. That fund transfers to Corporate Credit Card for August 2018 balance totalling \$1,623.95 be received (Attachment 9.1.3); and.
4. That Payroll payments for the month September 2018 totalling \$159,742.88 be received; and
5. That fund transfers from Trust account to Municipal account for September 2018 totalling \$378.65 be received; and.
6. That the Lease payment for the month of September on the CESM Vehicle totalling \$1,775.97.

**CARRIED 8/0**









































































