SHIRE OF QUAIRADING

The Special Council Minutes of Meeting held on Tuesday 13th August 2019 commencing at 5.02 pm.

ITEM 1 OPENING & ANNOUNCEMENTS

The Deputy Shire President opened the Meeting at 5.02 pm.

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

ITEM 2 ATTENDANCE AND APOLOGIES

Councillors

Cr B McGuinness	Deputy Shire President / Chairperson
Cr LR Brown	
Cr JN Haythornthwaite	
Cr J McRae	
Cr PD Smith	
Cr TJ Stacey	

Council Officers

Mr GA Fardon	Chief Executive Officer
Mr NL Gilfellon	Executive Manager Corporate Services
Mr A Rourke	Executive Manager Works & Services
Mr RM Bleakley	IPR and Strategic Projects Officer

Observers/Visitor

Nil

Apologies

Nil

Leave of Absence Previously Granted

Cr WMF Davies Shire President

ITEM 3 PUBLIC QUESTION TIME

No Public in attendance.

ITEM 4 DECLARATIONS OF INTEREST

Nil

5.1 Proposed Oversize Shed – Lot 288 (54) Murphy St, Quairading

Meeting Date	13th August 2019
Responsible Officer	Contract TP Jacky Jurmann
Reporting Officer	CEO Graeme Fardon
Attachments	8.1a Revised Plan 8.1b Solar/Shadow Drawing
Owner/Applicant	L Eather
Disclosure of Interest	Nil

RESOLUTION: 14-19/20
MOVED Cr Smith SECONDED Cr Stacey

That the application for an oversize shed on the property at Lot 258 (54) Murphy Street, Quairading be refused on the basis that the shed is not fit for the purpose specified in the application.

CARRIED 6/0

Reason for Variation to Officer's Recommendation

The CEO provided further information from the Applicant, who verbally advised the CEO that the revised Plans would not accommodate the 5th Wheeler trailer, which is 4.2 metres in height, without altering the floor level. This is not a preferred option for the Applicant, and was not in the Development Application. The Applicant advised that the 5th Wheeler would therefore remain parked in York.

The Application is refused, based on the proposed shed not being fit for purpose.

OFFICER'S RECOMMENDATION

That Council resolves to APPROVE the application to construct an oversize shed at Lot 258 (54) Murphy Street, Quairading as proposed in the revised plans submitted with the Application dated 18th June 2019, 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 consistent with the aims and provisions of the Shire of Quairading Town Planning Scheme No. 2;**
2. **The proposed development has merit and has been modified to be consistent with variations to the Shire of Quairading's Local Planning Policy for Outbuildings; and**
3. **The proposed development has been modified to have minimal impacts on the amenity of the locality, with the following conditions imposed:**
    a) **The development hereby permitted must substantially commence within two years from the date of determination;**
    b) **The development hereby permitted taking place in accordance with the approved plans;**
    c) **The shed shall not be used for habitable, commercial or industrial purposes;**
    d) **Stormwater shall be managed on-site to the satisfaction of the local government in accordance with the provisions of the Residential Design Codes;**

e) **Prior to occupation, the shed shall be screened from view from any public street/neighbouring property to the satisfaction of the local government; and**

f) **Access to Winmar Road from the site shall be in a forward direction.**

IN BRIEF

- A modified development application has been received to obtain approval to construct an oversize shed for the storage of a 5th wheeler caravan and for use as a hobby workshop at Lot 288 (54) Murphy Street, Quairading.
- Proposed Shed is 180m2 in area
- The application was notified in writing to adjoining landowners and no objections were received.
- The proposal has been modified to resolve the height of the shed and the structure set back well away from the property's boundary.
- A development approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works. The Applicant is to liaise with the Shire's Building Officer to ascertain the requirements to allow for a building permit to be issued.
- The premises shall be operated, and any necessary noise attenuation measures put in place, so as to ensure that noise emanating from the premises does not exceed assigned levels under the Environmental Protection (Noise) Regulations 1997.
- It is recommended that the application be approved for the reasons outlined in the Officer's Recommendation.

BACKGROUND

The subject property has an area of 1,662m^2, 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 180m^2 and will consist of:

1. The main shed to be used for the storage of the owner's 5th wheeler caravan and a hobby workshop measuring 20 metres wide x 9 metres deep with a wall height of 3.5 metres and overall height of 4.2 metres; and
2. It is proposed to construct the shed parallel to the southern boundary, with an increased 8m setback and use the existing vehicular access from Winmar Road to provide additional separation to minimise any impacts to adjoining properties.

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 aims 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. The proposed shed is just under twice the size of the dwelling, and although ancillary to the residential use of the property, due to its size, will be become the predominant built form of development on the site. The existing trees and required screening will shield a portion of the shed, reducing the bulk and visual impacts.
(b)	Provisions of planning instrument that the LG is seriously considering adopting.	Draft LPS3 does not propose 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. Although variations are proposed, the development is consistent with the objectives of the policy.
(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 and together with a higher wall height will result in a bulk and scale that is not generally expected in the Residential zone. The Applicant has made an effort to reduce the effects of this on the neighbours by reducing the height and bulk of the shed. The shed has also been moved further off the boundary from the previous application.
(n)	Amenity of the locality, including character and social impacts.	The shed is proposed to be used for storage and as a hobby workshop. Conditions have been recommended to minimise any potential impacts on the locality. A greater boundary setback has been provided to reduce visual impacts and overshadowing on the neighbouring properties.
(p)	Provision of landscaping	To be conditioned to include additional landscaping to improve visual amenity.
(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. The site is large enough to provide manoeuvring room for the caravan to enter and exit in a forward manner. If approved, a condition should be imposed to ensure that the caravan should leave the site in a forward direction.
(y)	Any submissions received	No submissions have been received.

Sub-Clause	Provision	Assessment
(z)	Any other planning consideration.	The shed has been positioned so that there will be no overshadowing impacts on neighbours. The application will be conditioned so that it may not be used for industrial or business purposes under this application.

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 60m² or 10% of site area, whichever is the lesser.	Total area 180m²	Does not comply
6.10.1	Wall height 2.4m	3.5m	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%	180m² (shed) & approx. 110m² (house) = 290m². 1,348m² 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	8m from southern boundary; 4 m from eastern boundary; 12m from Winmar Rd.	Complies

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."* Discussions with the Applicant during assessment of this application have resulted in reducing impacts on the streetscape and visual amenity, and is considered consistent with the performance provision of the R-Codes.

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 100m² for lots exceeding 1,000m² in area.	Total area 180m²	Large variation requested due to the large size of the 5th wheeler. This is deemed to be acceptable due to the large size and shape of the block.
Wall height 3m	3.5m	16% variation requested, deemed to be acceptable due to the increased setback from neighbouring properties.
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 unsatisfied 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.

Strategies

B1: Responsive Land Use Planning

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, **no submissions** have been received.

Previously there was one submission objecting to the proposal and these have been addressed by the applicant as follows:

Summary of Issue	Planning Comment
Size of the structure is too large for a residential area.	As indicated in the assessment of this proposal, the shed's wall height and bulk have been reduced.
Structure will block out light, breeze and views of backyard.	The shed has been moved sufficiently far from the boundary, and a shadowing diagram has been provided to show that there will be no negative impacts to neighbouring properties.
Will be impacted by noise of large trucks and machinery being worked on day and night.	The shed will be conditioned so that there will be no unreasonable noise, that all noise be within working hours and so that it may not be used for industrial purposes.

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

Financial – Medium. 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 acceptable. The proposed construction of the shed is consistent with the residential use of the property and the zone objectives. Construction of the shed as proposed will enable the landowner to meet his storage and hobby needs, and to continue living in Quairading. The applicant has worked with the Shire planner to amend his proposal to minimise impacts on the neighbouring properties.

5.2 Wheatbelt Secondary Freight Network Project – Pilot Project 2019/2020

Meeting Date	13th August 2019
Responsible Officer	CEO Graeme Fardon
Reporting Officer	CEO Graeme Fardon
Attachments	5.2a Secondary Freight $70M funding 'ROSI' Media Statement
Owner/Applicant	N/A
Disclosure of Interest	Nil

RESOLUTION: 15-19/20

MOVED Cr Smith SECONDED Cr Brown

1. **That Council advise the Wheatbelt South Regional Road Group of Council's Expression of Interest and Capability to undertake the Pilot Project under the Wheatbelt Secondary Freight Network Project on the reconstruction of section of the Quairading – Cunderdin Road in the 2019/20 Financial Year.**
2. **Subject to the successful outcome of Council's Expression of Interest, that the CEO prepare a Report to Council on the Pilot Project including the Project Scope, Confirmed Project Estimate of Costs, confirmed Grant Funding Sources and Council Funding requirements with the objective of Council undertaking a Budget Review to incorporate the Pilot Project Works into the 2019/2020 Budget.**
3. **That the Council invite Mr Garrick Yandle to attend a Council Meeting and make a presentation on the Wheatbelt Secondary Freight Network Project at his earliest convenience.**

CARRIED 6/0

Reason for Variation to Officer's Recommendation

Council requested the invitation to Mr Garrick Yandle be included in the Resolution.

OFFICER'S RECOMMENDATION

1. **That Council advise the Wheatbelt South Regional Road Group of Council's Expression of Interest and Capability to undertake the Pilot Project under the Wheatbelt Secondary Freight Network Project on the reconstruction of section of the Quairading – Cunderdin Road in the 2019/20 Financial Year.**
2. **Subject to the successful outcome of Council's Expression of Interest, that the CEO prepare a Report to Council on the Pilot Project including the Project Scope, Confirmed Project Estimate of Costs, confirmed Grant Funding Sources and Council Funding requirements with the objective of Council undertaking a Budget Review to incorporate the Pilot Project Works into the 2019/2020 Budget.**

IN BRIEF

- Council Representatives were invited to meet with Representatives from the Wheatbelt South Regional Road Group during the Local Government Convention.
- The Federal Government have committed $70M towards the Wheatbelt Secondary Freight Network Project and the State Government has subsequently committed $16M to the Project. Additional State Funding has been secured for the Coordination of the Project, with this Project Coordination funding being secured and warehoused through the Shire of Koorda.

- Under the WSFN project, WBS RRG are looking to deliver a Pilot Project for Wheatbelt South in the 2019/20 Year. At this stage, the indicative cost of such a project is $1M with $800K of Federal funding, $130K of State funding and $70K of funding from the relevant local government.
- The Quairading – Cunderdin Road is one of four Priority 1 Routes identified in the Secondary Freight Strategy and Council has been offered to consider its interest and capability of undertaking this Pilot Project in the current Financial Year.
- The Proposed Pilot Project would provide for the reconstruction of an estimated 4 to 5 kilometres of the Quairading – Cunderdin Road which previously only received "Strip Widening on one lane" under the Grain Freight Project Funding. This section from the Townsite Boundary to the approach to the Wackett Road Corner realignment is in poor condition and is currently incurring high maintenance costs with continual pavement failure and pot hole repairs.
- Based on the original information provided by Council's management to the WSFN Project, the cost of the upgrade works would be in the order of $500,000. The Regional Road Group representatives have requested that the original information and estimates be reviewed, particularly a Road Condition Assessment be undertaken by the EMWS to reflect the further deterioration of the road since Council's original submission. This will then determine the correct scope and cost estimate for the Pilot Project.
- If this project is undertaken, it will need to be delivered utilising project management and external contractors to complete the work as the Shire's staff and plant are fully committed to Council's approved Road Construction Program and Road Maintenance Program in the 2019/2020 Budget.
- Council has been offered the opportunity given the importance of the Route and also Council's recent history and performance with Grain Freight and WANDRRA Project Management.
- The Pilot Project will have the support of the Wheatbelt South organisation and the WSFR Project Team as it tests its Project Governance Model for the future "rollout" of the Federal and State Government Road Funding to the Wheatbelt Region.
- A second Pilot Project is listed for the Wheatbelt North Region, which is targeting Upgrade Roadworks to an Ag Lime Route.

MATTER FOR CONSIDERATION

Council to consider the invitation from the Wheatbelt South Regional Road Group to undertake the Pilot Project under the Secondary Freight Network Project in the 2019/2020 Year.

BACKGROUND

Council's EMWS Mr Rourke, prepared and submitted local road network information and cost estimates for identified routes as part of the collation of Road Data across the 42 Wheatbelt Councils in the preparation of the Wheatbelt Secondary Freight Network Strategy and Funding Submission to Government.

The Quairading – Cunderdin Road (as part of a longer regional Route) has been identified as one of four Priority 1 Routes within the Wheatbelt South Regional Road Group area.

The Federal Government has requested that Pilot Projects be undertaken in the 2019/2020 Year in both Wheatbelt North and Wheatbelt South Regions to test the Project Team's Governance processes and Guidelines in place under the Grant Funding Agreement with the Federal Government.

An invitation is extended to Council to express its interest and capabilities to deliver Road Upgrade Works on the Quairading – Cunderdin Road as a Pilot Project for the Wheatbelt South Regional Road.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Tender) Regulations 1996

POLICY IMPLICATIONS

Council Purchasing Policy

FINANCIAL IMPLICATIONS

The Pilot Project would be delivered on the Project Management and Contractor Model used successfully for the on-ground roadworks during the Grain Freight Project and the major road and drainage repairs under the WANDRRA Funding Program.

If Council's Expression of Interest is accepted and the Pilot Project Scope and Funding is confirmed, Council would need to review its Adopted Budget to include increased Capital Expenditure, Increased Capital (Non Operational) Grant Funding and to also identify the source of Council's required Financial Contribution (provisionally a maximum of $70,000, if the Pilot Project was $1M Project Cost).

The Opening Balance of Council's Road Infrastructure Reserve Fund at the 1/7/2019 was $284,169, with another budgeted Transfer to the Reserve Fund of $154,886 in the 2019/2020 year. It is therefore feasible for Council's Financial Contribution to be fully funded from Council's Reserve Fund without any adverse effect on Council's Operating Surplus Ratio or Budget.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 – 2027

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

ITEM	OUTCOMES AND STRATEGIES	WORKING WITH
B2	Enhanced and Sustainably Managed Assets and Infrastructure	
B2.1	Ensure the provision of roads, footpaths and drainage takes into account the needs of the community, including the needs of the agriculture industry	-
B2.2	Ensure the provision of community facilities and other built assets takes into account the needs of the community	-

COMMUNITY CONSULTATION

Council Administration has had ongoing client requests about potholing and the deteriorating condition of the Quairading – Cunderdin Road.

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

Financial - Risk Matrix Rating is considered Low

The Pilot Project will be primarily funded by the Wheatbelt Secondary Freight Network Project Funds with Grant Funds being provided to Council. However, Council is required to make a financial contribution as part of Council's Expression of Interest and capability to undertake the work and fund the Council commitment.

Details on the manner of how the Pilot Project Funding would be provided to Council have not yet been provided, to enable an assessment whether there could be an adverse effect on Council's cash flow or financial position during the financial year.

For the purposes of this Report, it has been assumed that Grant Funding will be administered on a similar basis to the RRG Funds where 40% of the Grant is claimed and paid at the commencement

of the project, 40% claimed when 40% of Expenditure has been incurred and 20% claimed and paid to Council upon completion of the Project.

It is highlighted that there is already increased Road Maintenance Costs being incurred on this section of the Quairading – Cunderdin Road while awaiting external funding.

Health – Risk Matrix Rating is considered Low

Reputation – Risk Matrix Rating is considered Low

Council has been invited to express its interest in undertaking the Pilot Project for the Wheatbelt South Region. Council's Executive Management Team consider that the Pilot Project can be successfully incorporated into Council's activities for the year by using the External Project Supervision and Contractor Model utilised in the Grain Freight and WANDRRA Projects. Reputational risk would escalate especially within the community, if the opportunity was not taken up by Council. It is considered that there would be significant local and regional economic benefit from the Pilot Project proceeding in the district.

Operation – Risk Matrix Rating is considered Low

As stated above, the Pilot Project will be incorporated into Council's Management and Budget (subject to Council Approval). Proven ability and capability within Council's EMT, along with technical and logistical support provided through the Secondary Freight Route Network Project Team and the Regional Road Group.

The Pilot Project will not increase risk to Council's planned and budgeted Road Construction Program

Natural Environment – Risk Matrix Rating is considered Low.

The identified section of the Quairading – Cunderdin Road was previously the subject of a Roadside Vegetation Clearing Permit and no further clearing, fence or road realignments are planned.

Offset Tree Planting has recently occurred as a Condition of the previous Permits.

ITEM 6 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)

The Meeting will be closed by Council Resolution to the Public under Part 5 Division 2 Section 5.23 (2)(b) and (c) of the *Local Government Act 1995* as the Item relates to "the personal affairs of any person" and "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

RESOLUTION: 16-19/20

MOVED Cr Smith SECONDED Cr McRae

That Council close the Meeting to the Public at 5.27 pm pursuant to Section 5.23 (2)(a), (b) & (c) of the *Local Government Act 1995* for Item 6.1.

CARRIED 6/0

6.1 Medical Services Agreement (Confidential Item)

OFFICER'S RECOMMENDATION

RESOLUTION: 17-19/20

MOVED Cr Smith SECONDED Cr Brown

1. **That Council approve the Draft Medical Services Agreement between Council and the Medical Services Provider, Noble Medical Investments Pty Ltd (Dr. Adenola Adeleye) for a Term of 5 Years (with an Extension Option for both Parties to enter into negotiations for a further Period of 3 Years).**
2. **That Subject to 1, that the Medical Services Agreement be forwarded to Dr Adeleye for his Execution of the Agreement.**
3. **That the Shire President (or Pursuant to Sections 2.9 and 5.34 of the *Local Government Act 1995*, the Deputy Shire President while Acting in the Shire President's absence) and the CEO be authorised to Execute the Medical Practice Agreement and to affix the Council Seal.**

CARRIED 6/0

RESOLUTION: 18-19/20

MOVED Cr Smith SECONDED Cr Brown

That the Meeting be opened at 5.46 pm to members of the public.

CARRIED 6/0

No members of the public were present.

The Resolution passed during the "Meeting Closed to the Public" (Resolution 17-19/20) was read aloud by the Chairperson to the Meeting.

ITEM 8 CLOSURE

There being no further business, the Chairperson closed the Special Council Meeting at 5.47 pm.

I certify the Minutes of the Special Council Meeting held on the 13th August 2019 were confirmed on 29th August 2019 as recorded on Resolution No. _____

Confirmed 29/08/2019