



Shire of Cunderdin

Minutes of a Special Council Meeting

Dear Council Member,

A Special Meeting of the Cunderdin Shire Council was held on **Wednesday 29th January 2014** in the Council Chambers, Lundy Avenue Cunderdin commencing **at 4:08pm**, for the purpose of:

1. South East Avon Regional Transition Group – Local Government Advisory Board Report
2. Primary Health Care Demonstration Site Project User Group Community Nominations
3. Planning Application – Temporary Storage Sand Lot 105 Carter Road, Cunderdin
4. Planning Application – Cooperative Bulk Handling Redevelopment

Peter Naylor
Chief Executive Officer

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AGENDA

1. Declaration of opening

The President declared the meeting open at 4:08pm

The Shire of Cunderdin disclaimer was read aloud.

The Local Government Act 1995 Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

2. Suspension of Clause 3.2 - Standing Orders

Location:	Cunderdin
Applicant:	Not applicable
Date:	24 th January 2014
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer

Resolution 2.0:

Council suspends clause 3.2 – Order of Business – of the Shire of Cunderdin Standing Orders Local Law 2001

Moved: Cr Dianne Kelly

Seconded: Cr Terri Jasper

Vote – Simple majority

Carried: 7/0

3. Public Question Time

Response to previous public questions taken on notice

Declaration of public question time opened at

Declaration of public question time closed at

4. Record of Attendance, Apologies and Approved Leave of Absence

Record of attendances

Councillors

Cr RL (Rod) Carter	Shire President
Cr RC (Clive) Gibsone	Deputy Shire President
Cr TA (Terri) Jasper	
Cr NW (Norm) Jenzen	
Cr DB (Doug) Kelly	
Cr DG (Di) Kelly	
Cr DA (Dennis) Whisson	

Apologies

Cr TE (Todd) Harris	
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services

On Leave of Absence

Staff

Peter Naylor	Chief Executive Officer
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Guests of Council

Members of the Public

Applications for leave of absence

Declaration of Members and Officers Financial Interests

5. Petitions, Deputations, Presentations

Deputations

Presentations

6. Announcements by President without discussion

The President commented on the recent sad passing of former Shire Councillor Mr Max Kelly who served on the Cunderdin Shire for 15 year period from 1961 to 1976. Mr Kelly is also the Father in Law of current Councillor Dianne Kelly. Mr Kelly's funeral will be held in Meckering on Monday 3rd February 2014.

Council extends its condolences to the Kelly family.

7. Confirmation of the Minutes of Previous Meetings

Nil

8. Finance & Administration

8.1 South East Avon Transition Group (SEARTG) – Amalgamation Proposal

Location:	Shire of Cunderdin and South East Avon
Applicant:	Chief Executive Officer
Date:	24 th January 2014
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	31208
Attachment/s:	95 Pages

Proposal/Summary

For Council to consider the Local Government Advisory Board's Report and Recommendation to the Minister for Local Government, and the Ministers subsequent decision to accept the Board's recommendation and reject the SEARG Amalgamation proposal.

Background

The SEARTG Local Governments have been pursuing the State Government's Voluntary Structural Reform agenda for a number of years under an agreement with the State which culminated in an application being submitted to the Local Government Advisory Board (LGAB).

The Local Government Advisory Board, on Tuesday 14th January 2014, presented its Report and Recommendation to the Minister. The Board's Recommendation is as follows:

"In accordance with clause 6 of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that the proposal for the Shires of Cunderdin, Quairading, Tammin and York to amalgamate, be rejected."

The Minister for Local Government; Community Services; Seniors & Volunteering; Youth advised in correspondence received on Wednesday 22nd January 2014, that he has accepted the Board's recommendation that the application to amalgamate the four local governments be rejected.

Comment

The conclusions of the Local Government Advisory Board Report (pages 90-92) brings into question whether voluntary reform in rural local governments will ever be considered viable if concerns about consultation processes, capacity to drive change management and the cost of transitioning to a single entity are the determining factors rather than the advantages of financial savings, improved services, protection of identity and other factors incorporated into the SEARTG Business and Service Delivery Plans.

Comments on the commonality of goals and objectives and the capacity to drive change management are not quantified and as such they are not open to challenge or assessment.

The structural reform process in the region was based on selection of partners, history of working collaboratively (SEAVROC), proximity and commonality of interests, protection of identity and the certainty that structural reform will be forced on rural local governments, and new and better service delivery.

Now that the decision has been made the Shire of Cunderdin will need to determine its position on resource sharing and regional collaboration while continually improving service delivery to ratepayers and residents as a single entity controlling its own future.

The status quo for the four SEARTG local governments will now remain in place until and unless the State Government mandates structural reform in rural areas similar to the process being applied in the metropolitan area.

Also the balance of the allocated transitional funding, being \$2,655,000 (of \$2,950,000) will no longer be available.

Consultation

Not applicable in relation to the LGAB Recommendation and Ministers decision as it is final and binding on all parties.

Statutory Implications

Local Government Act 1995

2.1. State divided into districts

- (1) The Governor, on the recommendation of the Minister, may make an order —
 - (a) declaring an area of the State to be a district; or
 - (b) changing the boundaries of a district; or
 - (c) abolishing a district; or
 - (d) as to a combination of any of those matters.
- (2) Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.
- (3) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.

Schedule 2.1 - clause 6. Recommendation by Advisory Board

- (1) After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend* —
 - (a) that the Minister reject the proposal; or
 - (b) that an order be made in accordance with the proposal; or
 - (c) if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.

* Absolute majority required.

Policy Implications

Nil

Financial Implications

Nil as funding arrangements in place for the structural reform process will now be finalised and acquitted.

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

Resolution 8.1

That Council:

- 1. Receives the Minister for Local Government decision and the Local Government Advisory Board Report and make these documents available to the public via the Shire of Cunderdin Website and the Shire office.**
- 2. Authorises the Chief Executive Officer to continue to work in a regional collaborative capacity with the Shires of Quairading, Tammin and York.**

Moved: Cr Dennis Whisson

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

9 Environmental Health & Building Services

Nil

10 Works & Services

Nil

11 Planning & Development

11.1 Primary Health Care Demonstration Site Pilot Project – Project User Group

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	24 th January 2014
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	11 Pages – to be tabled

Proposal/Summary

For Council to formally consider the community nominations submitted for the Primary Health Care Demonstration Site Project User Group.

Background

At the Ordinary Meeting of Council held on Thursday 21st November 2013, Council considered the PHCDS Project User Group (PUG) Terms of Reference and associated supporting documentation. At the meeting Council resolved as follows:

That Council:

- 1. Endorses the revised draft Primary Health Care Demonstration Site Project User Group Terms of Reference as prepared and tabled at the Council meeting.*
- 2. Endorses the Community Membership Nomination Form and Selection Criteria as part of the Project User Group Terms of Reference (PUG TOR) and authorises the Chief Executive Officer action this process as soon as possible.*
- 3. Authorises the Chief Executive Officer, in consultation with WA Country Health Service, to short list the Community Membership applications and present to Special Meeting of Council to be held in late January or early February 2014. This is in accordance with clause 5 of the PUG TOR.*
- 4. Nominates Cr's Rod Carter and Dianne Kelly to be the Shire of Cunderdin Representatives on the Primary Health Care Demonstration Site Project User Group. Cr Todd Harris be nominated as the Proxy Representative.*

Comment

An advertisement was placed in the Avon Advocate on Wednesday 27th November 2013, the Bandicoot on Thursday 28th November 2013, and on the Shire Website and local notice boards. In addition to this the former Project User Group (Local Health Advisory Group) members were informed via email from the WA Country Health Service (Emma Birch) of the process to submit a nomination for the PUG.

Following the submission period four nominations have been received for the Cunderdin, Meckering and Tammin community representative position on the PUG.

Details of the nominations will be tabled at the Special Council Meeting for Councillor perusal and consideration.

The finalisation of the Project User Group will enable meetings of the Group to be initiated and for the formal planning of the Primary Health Care Centre to begin in earnest.

Consultation

WA Country Health Service

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

Resolution 11.1

That:

- 1. Council accepts the four nominations, from Cr Michael Greenwood (Shire of Tammin), Mrs Donna Jasper, Mr Michael Barker and Mrs Carmen Reynolds, and appoints them as the community members to the Cunderdin Primary Health Care Demonstration Site Project User Group.**

- 2. As the formation of the Project User Group (PUG) and the Primary Health Care Demonstration Site project progresses Council will further determine whether an additional community member for the PUG is required and if so call for nominations at the appropriate time.**

Moved: Cr Dianne Kelly

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 7/0

11.2 Proposed Temporary Storage of Sand – 105 Carter Road, Cunderdin

Location:	105 Carter Rd, Cunderdin
Applicant:	M Trewarn
Date:	24 th January 2014
Author:	J Jurmann, Manager Planning Services (Shire of York)
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	31179
Attachment/s:	2 Pages

Proposal/Summary

Complaints were received from nearby landowners regarding the stockpiling of sand on 105 Carter Road, Cunderdin as a result of impacts experienced from windblown sand.

Discussions with the landowner have resulted in a written request being received to temporarily stockpile sand for construction of a future dwelling and shed.

It is recommended that temporary approval be granted for the stockpiling of sand for a maximum period of 12 months and that a condition be imposed that the sand be contained within the site by appropriate measures.

Background

The subject site is vacant, located on Carter Rd near the intersection of Togo Road and is zoned Rural Residential.

On 14 January 2014, a complaint was lodged at the Shire Office alleging that large amounts of sand was being deposited and stockpiled and that during the windy weather of the previous weekend sand blew onto the complainant's property.

Discussions with the landowner by the Chief Executive Officer have resulted in a written request for approval to temporarily stockpile sand on the site until such time a dwelling and shed are constructed, which is anticipated to commence in 6 to 12 months.

Comment

It is not uncommon for landowners to import materials for the construction of future buildings, particularly if a convenient and cost-effective opportunity arises. Stallion Homes have confirmed that they are in discussions with the landowner for the construction of the dwelling in the next 6-12 months.

Granting temporary approval, and advising the landowner that the stockpiled sand will require removal if construction does not proceed, is considered the most appropriate way of resolving the matter. The situation should be monitored to ensure suppression measures are employed during windy periods and that there are no impacts on neighbouring properties.

The construction of a dwelling and shed on the site in the near future will have positive economic implications for Cunderdin during the construction phase and when occupied by new residents.

The construction of a dwelling and shed will have positive social implications as a result in an increase in population.

There are no environmental implications if dust suppression measures are employed when required.

Consultation

Discussions have been held with the complainant and landowner.

Statutory Implications

Cunderdin Local Planning Scheme No. 3

The subject site is zoned Rural Residential under the provisions of the Scheme and the construction of a dwelling and shed are permitted uses, that is if the proposal complies with the provisions of the Scheme then planning approval is not required. A building permit will be required for the dwelling, including establishment of a sandpad. The shed will not require a building permit as the site is located outside the town site boundary.

Permitted development in accordance with the provisions of Clause 8.2(f) also includes works that are temporary and in existence for less than 48 hours or such longer time as the local government agrees.

Alternatively, Clause 10.6 enables the local government to impose conditions limiting the period of time for which the approval is granted.

Policy Implications

Nil

Financial Implications

The applicant has explained that the sand has been brought to the site earlier than required to capitalise on an opportunity of earthmoving equipment in town, and therefore saving money in earthmoving costs.

There are no financial implications for the Shire of Cunderdin other than the preparation of this report, particularly if the provisions of Clause 8.2(f) are utilised.

Strategic Implications

Cunderdin Community Strategic Plan

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- Improve community spirit, collectively caring for each other.
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Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.

- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

The construction of a dwelling and shed in the near future is consistent with the goals of the Plan, particularly socially and economically.

Resolution 11.2

That Council approve the stockpiling of sand associated with the future construction of a dwelling and shed on Lot 105 Carter Road, Cunderdin for a period of 12 months from the date of determination, subject to the following conditions:

- 1. All sand shall be removed at the expiry of this approval if construction of the dwelling and/or shed does not proceed.**
- 2. Suppression measures shall be employed during the 12 month period to contain the sand within the site and to minimise impacts on neighbouring properties.**
- 3. All sand in excess of the requirements of the sandpads for the dwelling and shed shall be removed from the site.**

Moved: Cr Terri Jasper

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 7/0

11.3 Proposed Subdivision – CBH Cunderdin

Location:	Lots 93, 94 & 9000 Railway Road East, Cunderdin
Applicant:	Co-operative Bulk Handling
Date:	24 th January 2014
Author:	J Jurmann, Manager Planning Services (Shire of York)
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	31146
Attachment/s:	2 Pages

Proposal/Summary

Correspondence has been received from the CBH Group requesting the Shire of Cunderdin co-sign the application form for the subdivision of Lots 93, 94 and 9000 Railway Road East, Cunderdin.

The proposed subdivision and redevelopment of the area by CBH has been considered by Council on a number of occasions and endorsed concept plans and associated information provided by CBH at its Ordinary Meeting held on 15 March 2012.

It is recommended that Council provide owner's consent to the subdivision application and that the Chief Executive Officer be authorised to sign the application forms on behalf of Council.

Background

It is proposed to subdivide a portion of Lot 9000 in the ownership of the Shire of Cunderdin and amalgamate the portion in to Lots 93 and 94 owned by CBH to facilitate further development of the CBH site.

Council at its Ordinary Meeting held on 15 March 2012 resolved:

"That Council:

1. *Endorses the concept plans and associated information presented by Cooperative Bulk Handling (CBH) for the redevelopment and expansion of the Cunderdin Grain Receiving Point, including but not limited to land transfers, road closures, and rezonings.*
2. *Advises it is prepared to work with CBH, Landcorp and other State agencies to enable the project to proceed.*
3. *Requests CBH to confirm that they will be responsible for all costs associated with the redevelopment and expansion.*
4. *Requests CBH to acknowledge that all land transfers between the Shire of Cunderdin and CBH will be subject to independent valuations and the purchase/sale prices recommended therein."*

Further to the resolution of 15 March 2012, Council resolved:

"That Council:

1. *Consents to the closure of the public pedestrian access way to the Cunderdin Railway Station off Eaton Street and advertises for public comment.*
2. *Consents to the closure of portion of Eaton Street, from the proposed realignment of Carter Drive with Centenary Place north to the CBH boundary and advertises in accordance with legislative requirements.*

3. *Informs CBH that it is prepared to process the sale of portion of Lot 2223 as indicated on the preliminary development plan.*
4. *Authorises the Chief Executive Officer to investigate (with CBH) a possible alternative access point for pedestrian passengers to the railway station."*

CBH are now ready to apply for subdivision and have employed Crossland and Hardy to facilitate the process. Owner's consent from all landowners is required to apply for subdivision approval to the Western Australian Planning Commission for approval.

Comment

This report is considering only the provision of owner's consent to enable Crossland and Hardy to apply to the Western Australian Planning Commission (WAPC) on behalf of CBH for approval to subdivide the subject lots.

As a matter of process, the WAPC will refer the subdivision application to the Shire's planners for assessment and at such time a detailed assessment of the proposal will occur. Provision of owner's consent will not affect or influence this assessment.

The economic implications associated with this proposal will be positive for the Shire of Cunderdin and its community through the expansion of CBH's activities in Cunderdin.

The expansion of CBH's activities will have positive implications for the community facilitated by the proposed subdivision and sale of land.

No environmental implications have been identified as a result of this proposal.

Consultation

There are no consultation requirements. Conversations have been held with CBH regarding this matter.

Statutory Implications

Cunderdin Local Planning Scheme No. 3

The Shire land is zoned Industrial and the CBH land is zoned for General Agriculture. It is proposed to create two (2) lots from three (3) lots as a result of the excision of the portion of Shire land and the amalgamation of the CBH lots and the portion of excised Shire land.

The objectives of the General Agriculture zone are to protect and ensure the continuation of broad-hectare agriculture and primary production. The proposed subdivision will enable the continued development and expansion of CBH's Cunderdin site.

The objectives of the industrial zone include the provision of locations for general, light and service industries. The subdivision is consistent with the objectives of the zone and will not impact on development of the Shire lot for industrial purposes.

Policy Implications

Cunderdin Local Planning Strategy

Lot 9000 is identified in the Strategy for future industrial use and was rezoned in accordance with the actions in the Strategy. The proposed subdivision is considered in accordance with the goals of the Strategic, including identification and use of industrial land and economic growth.

Financial Implications

The portion of Lot 9000 will be sold to CBH at an agreed cost following subdivision. Council has previously resolved that all costs relating to the subdivision, sale and development will be borne by CBH.

Strategic Implications

Cunderdin Community Strategic Plan

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Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

CBH is an important industry and employer in Cunderdin and appropriate development should be supported to achieve the goals of the Plan.

Resolution 11.3

That Council:

- 1. Agree to provide owner's consent for the submission of Form 1A for subdivision of Lots 93 and 94 Railway Road East, Cunderdin.**
- 2. Authorise the Chief Executive Officer to sign Form 1A on behalf of the Shire of Cunderdin.**
- 3. Advise CBH that the provision of owner's consent for the submission of the subdivision application does not affect or influence discussions with regards to the sale of the land and agreed value.**
- 4. Advises CBH that the sale of land must proceed prior to Council signing off on any conditions of subdivision as determined by the WAPC on issue of planning approval.**

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Absolute majority

Carried: 7/0

12 Urgent Items

Not applicable.

13 Matters for which the meeting may be closed

Nil

14 Closure of meeting

There being no further business the Shire President declared the meeting closed at 5:08pm.