



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 15th May 2014** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5:00pm**.

A handwritten signature in black ink, appearing to read 'Peter Naylor', is positioned above the printed name.

Peter Naylor
Chief Executive Officer

Table of Contents

1.	Declaration of opening	3
2.	Suspension of Clause 3.2 - Standing Orders	3
3.	Public Question Time	3
3.1	Betty Keown & Dale Craven – Storage of Sand Lot 105 Carter Road, Cunderdin.....	3
3.2	Alison Harris – Future Delivery of Palliative Care.....	4
4.	Record of Attendance, Apologies and Approved Leave of Absence	5
5.	Petitions, Deputations, Presentations	5
6.	Announcements by President without discussion	5
7.	Confirmation of the Minutes of Previous Meetings	6
7.1	Ordinary and Special Meetings of Council held on Wednesday 16 th April 2014.....	6
8.	Finance & Administration	8
8.1.	Financial Report for April 2014.....	8
8.2	Accounts Paid – April 2014.....	10
8.3	Council Investments – At 30 th April 2014.....	14
8.4	Western Australian Local Government Association – Annual General Meeting and Annual 2014 Local Government Convention.....	16
9.	Environmental Health & Building Services	19
10.	Works & Services	20
10.1	Works & Services Report.....	20
11	Planning & Development	22
11.1	Creation and Dedication of Road Reserve (for Proposed Vehicle Access) over Unallocated Crown Land Lot 29148 Olympic Avenue, Cunderdin townsite.....	22
11.2	Proposed Construction of a Dwelling – Lot 412 (20) Bedford Street, Cunderdin.....	26
12.	Urgent Items	31
12.1	Sale of Land to Co-operative Bulk Handling.....	31
12.2	Betty Keown & Dale Craven – Storage of Sand Lot 105 Carter Road, Cunderdin.....	31
12.3	Alison Harris – Future Delivery of Palliative Care.....	32
13.	Matters for which the meeting may be closed	32
14.	Closure of meeting	32

AGENDA

1. Declaration of opening

The President declared the meeting open at 5.00pm

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:	5 th May 2014
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer

Resolution 2.1:

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

Moved: Cr Clive Gibsone

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

3. Public Question Time

Response to previous public questions taken on notice

Declaration of public question time opened at 5.00pm

3.1 Betty Keown & Dale Craven – Storage of Sand Lot 105 Carter Road, Cunderdin

Betty & Dale raised the issue of quantity of yellow sand being stored on their neighbouring property at Lot 105 Carter Road, Cunderdin.

The matter was considered by Council at a Special Meeting held on 29th January 2014 at which Council resolved to allow the sand to be stored on the property for a period of 12 months subject to certain conditions.

Betty & Dale are disappointed by Council decision and believe the sand should be removed from site as it is a health hazard especially during period of heavy winds when creates a dust storm.

They also expressed their disappointment of not being immediately informed of Council's decision, although they have now received a letter from the Shire Chief Executive Officer dated 5th May 2014.

Many other matters pertaining to the cartage of the sand were raised, however these are outside of the Control of Council.

The Shire President, Cr Rod Carter, thanked Betty & Dale for presenting their issue to Council and that the matter will be further considered at appropriate time later in the meeting.

5:16pm Betty Keown and Dale Craven departed the meeting.

3.2 Alison Harris – Future Delivery of Palliative Care

Alison Harris addressed Council on the need for future delivery of Palliative Care for the Cunderdin District and recent events which have highlighted this need.

Mrs Harris tabled a comprehensive report for Council information however this has not been included in the minutes as it seemingly contains information that may be of a private and confidential nature.

The Shire President, Cr Rod Carter, thanked Alison for her address and advised that the comments raised pretty much sums up Council's concerns and the importance of Palliative Care to the local community. Hence the Memorandum of Understanding that was signed in partnership with the WA Country Health Service prior to Council agreeing to proceed with the Primary Health Care Pilot Project.

5:31pm Alison Harris departed the meeting.

Declaration of public question time closed at 5.31pm

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

Record of attendances

Councillors

Cr RL (Rod) Carter
Cr RC (Clive) Gibsone
Cr TE (Todd) Harris
Cr TA (Terri) Jasper
Cr NW (Norm) Jenzen
Cr DG (Dianne) Kelly
Cr DB (Doug) Kelly
Cr DA (Dennis) Whisson

Apologies

On Leave of Absence

Staff

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services (from 5:47pm)

Guests of Council

Members of the Public

Betty Keown (to 5:16pm)
Dale Craven (to 5:16pm)
Alison Harris (to 5:31pm)

Applications for leave of absence

Declaration of Members and Officers Financial Interests

5. Petitions, Deputations, Presentations

Deputations

Presentations

6. Announcements by President without discussion

7. Confirmation of the Minutes of Previous Meetings

7.1 Ordinary and Special Meetings of Council held on Wednesday 16th April 2014

Location:	Cunderdin
Applicant:	Administration
Date:	5 th May 2014
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council to confirm the minutes of the Ordinary and Special Council Meetings held on Wednesday 16th April 2014.

Background

The minutes of the meetings have been circulated to all Councillors and have been made available to the public.

Comment

No business arising.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2)

The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Nil

Resolution 7.1

That:

- 1. The minutes of the Ordinary Council Meeting held on Wednesday 16th April 2014, be confirmed as a true and correct record.**
- 2. The minutes of the Special Council Meeting held on Wednesday 16th April 2014, be confirmed as a true and correct record.**

Moved: Cr Dennis Whisson

Seconded: Cr Terri Jasper

Vote – Simple majority

Carried: 8/0

Note to this item:

The President will sign the minute declaration.

8. Finance & Administration

8.1. Financial Report for April 2014

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	12 th May 2014
Author:	Paul Godfrey/Darren Long
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	71 Pages

Proposal/Summary

The financial position as at 30th April 2014 is presented for consideration.

Appendices - Financial Statements

- Statement of Financial Activity
- Councillor EOY Estimate
- Operating Statement
- Statement of Surplus or Deficit
- Statement of Financial Position
- Statement of Cash Flows
- Details by Function & Activity
- Reserves Account Summary
- Loan Repayment Schedule
- Financial Activity Statement
- Municipal Bank Account Statement & Reconciliation 036-102 00-0030
- Municipal Business Cash Reserve Statement & Reconciliation 036-107 22-3647
- Municipal Term Deposit Statement & Reconciliation 036-107 22-6418
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8704
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8712
- Reserves Business Cash Reserve Statement & Reconciliation 036-107 22-3639
- Reserves Term Deposit Statement & Reconciliation 036-107 23-6827
- Working Trust Account Statements & Reconciliations 036-172 12-2981
- REBA Trust Account Statements & Reconciliations 036-172 12-3001

Statutory Environment

The Local Government Act 1995 Part 6 Division 3 requires that a monthly financial report be presented to Council.

Commentary

Nil

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 8.1

That council receive the financial reports to 30th April 2014.

Moved: Cr Doug Kelly

Seconded: Cr Di Kelly

Vote – Simple majority

Carried: 8/0

8.2 Accounts Paid – April 2014

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12th May 2014
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	3 Pages

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$925,280.49 listed in the Warrant of Payments for the period 1st April to 30th April 2014.

Attachments

Warrant of Payments for 1st April – 30th April 2014.

Statutory Environment

Financial Management Regulations 12 & 13

Commentary on 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).

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 8.2

(a) That Council's payment of accounts amounting to \$ 925,280.49 for the month of April 2014 from the Municipal Fund be confirmed and noted.

(b) The Payments List as presented where incorporated in the Minutes of the Meeting.

Moved: Cr Clive Gibsone

Seconded: Cr Norm Jenzen

Vote – simple majority

Carried: 8/0

Paid Creditor Transactions - April 2014

Date	Reference	Narration	Amount
1/04/2014	Bank Fee	Commonwealth Bank Australia	-\$ 71.25
1/04/2014	EFT-2068	Westpac Credit Card Payments	-\$ 3,732.93
1/04/2014	Bank Fee	Westpac Banking Corporation	-\$ 529.14
3/04/2014	EFT-2009	Robinson Build-Tech	-\$ 349,524.78
9/04/2014	EFT-2013	White, Paul	-\$ 500.00
9/04/2014	Staff Pays	Staff Pays	-\$ 40,786.19
11/04/2014	10422 To 10447 inclusive	Cancelled Cheques Software Fault	
11/04/2014	10448	Telstra (Bigpond)	-\$ 10.00
11/04/2014	10449	JASON SIGNMAKERS	-\$ 811.80
11/04/2014	10450	Baxters Rural Centre	-\$ 596.23
11/04/2014	10451	OnePath Superannuation	-\$ 293.46
11/04/2014	10452	Telstra Corporation Limited	-\$ 1,777.08
11/04/2014	10453	Department Of Transport	-\$ 50.05
11/04/2014	10454	Cunderdin Newsagency	-\$ 285.80
11/04/2014	10455	Gibson, Cr Clive	-\$ 225.00
11/04/2014	10456	Stewart & Heaton Clothing Co Pty Ltd	-\$ 123.40
11/04/2014	10457	Westscheme Superannuation	-\$ 563.17
11/04/2014	10458	MLC Nominees Pty Ltd	-\$ 404.94
11/04/2014	10459	BT Super for Life	-\$ 442.68
11/04/2014	10460	Wayne Davies	-\$ 4,900.00
11/04/2014	EFT-2014	Colonial First State	-\$ 282.17
11/04/2014	EFT-2015	Hostplus	-\$ 115.63
11/04/2014	EFT-2016	The Cunderdin Mob	-\$ 2,227.10
11/04/2014	EFT-2017	WA Super	-\$ 10,610.42
11/04/2014	EFT-2018	Carter, Cr Rod	-\$ 463.00
11/04/2014	EFT-2019	Cunderdin Co-Op Fuel	-\$ 10,690.00
11/04/2014	EFT-2020	Godfrey, Paul	-\$ 600.00
11/04/2014	EFT-2021	Kelly, cr. Doug	-\$ 225.00
11/04/2014	EFT-2022	Earthstyle Contracting	-\$ 30,163.14
11/04/2014	EFT-2023	Australia Post	-\$ 107.15
11/04/2014	EFT-2024	UHY Haines Norton	-\$ 1,430.00
11/04/2014	EFT-2025	Boral Construction Materials Group	-\$ 47,893.64
11/04/2014	EFT-2026	LGIS Risk Management	-\$ 3,600.00
11/04/2014	EFT-2027	Whisson, Cr Dennis	-\$ 225.00
11/04/2014	EFT-2028	Freelance Handyman	-\$ 70.00
11/04/2014	EFT-2029	Hutton & Northey Sales	-\$ 1,061.15
11/04/2014	EFT-2030	Contract Aquatic Services	-\$ 13,200.00
11/04/2014	EFT-2031	Fast Finishing Services	-\$ 280.50
11/04/2014	EFT-2032	Hitachi Construction Machinery (Australia)	-\$ 416.26
11/04/2014	EFT-2033	Donovans Engineering	-\$ 38.50
11/04/2014	EFT-2034	Av-Sec Security	-\$ 180.20
11/04/2014	EFT-2035	Country Ford	-\$ 1,320.00
11/04/2014	EFT-2036	Harris, Cr Todd	-\$ 225.00

11/04/2014	EFT-2037	Startrack Express	-\$ 69.65
11/04/2014	EFT-2038	Bob Davey Real Estate	-\$ 60.50
11/04/2014	EFT-2039	Avdata Australia	-\$ 689.97
11/04/2014	EFT-2040	COLAS WA PTY LTD	-\$ 4,950.00
11/04/2014	EFT-2041	WA Local Government Association	-\$ 159.85
11/04/2014	EFT-2042	Dunnings Investments Pty Ltd	-\$ 8,646.78
11/04/2014	EFT-2043	C & D Planke & Son PTY LTD	-\$ 23,045.00
11/04/2014	EFT-2044	Shire of Tammin	-\$ 1,351.20
11/04/2014	EFT-2045	Orica Australia Pty Ltd	-\$ 126.85
11/04/2014	EFT-2046	Shire of Quairading	-\$ 2,291.85
11/04/2014	EFT-2047	Jenzen, Norm	-\$ 225.00
15/04/2014	EFT-2065	sgfleet	-\$ 1,181.68
15/04/2014	Bank Fee	Westpac Banking Corporation	-\$ 33.36
17/04/2014	10461	Synergy	-\$ 14,247.75
17/04/2014	10462	COVs Parts	-\$ 139.88
17/04/2014	10463	The National Trust of Australia (WA)	-\$ 105.97
17/04/2014	10464	Australian Communications & Media Authority	-\$ 101.00
17/04/2014	10465	Gibsone, Cr Clive	-\$ 225.00
17/04/2014	10466	Kelly, cr. Dianne	-\$ 225.00
17/04/2014	10467	Water Corporation	-\$ 11,713.53
17/04/2014	10468	Cunderdin Newsagency	-\$ 169.60
17/04/2014	10469	Meckering Action Group	-\$ 120.00
17/04/2014	EFT-2048	Courier Australia	-\$ 37.70
17/04/2014	EFT-2049	Carter, Cr Rod	-\$ 463.00
17/04/2014	EFT-2050	Loui's Plant Hire	-\$ 21,367.00
17/04/2014	EFT-2051	Snap Printing	-\$ 530.00
17/04/2014	EFT-2052	Kelly, cr. Doug	-\$ 225.00
17/04/2014	EFT-2053	Cunderdin Co-op	-\$ 471.68
17/04/2014	EFT-2054	Leeson Haulage	-\$ 5,463.57
17/04/2014	EFT-2055	Whisson, Cr Dennis	-\$ 225.00
17/04/2014	EFT-2056	Goodfield Quality Meats	-\$ 33.00
17/04/2014	EFT-2057	Cunderdin Community Resource Centre	-\$ 10,600.00
17/04/2014	EFT-2058	Jasper, Ms. Terri Anne	-\$ 225.00
17/04/2014	EFT-2059	Museums Australia Inc (Wa)	-\$ 40.00
17/04/2014	EFT-2060	Harris, Cr Todd	-\$ 225.00
17/04/2014	EFT-2061	AMPAC Debt Recovery (WA) Pty Ltd	-\$ 70.00
17/04/2014	EFT-2062	Skipper Truck Parts	-\$ 1,533.27
17/04/2014	EFT-2063	Jenzen, Norm	-\$ 225.00
17/04/2014	EFT-2064	Landgate	-\$ 60.85
23/04/2014	EFT-2066	White, Paul	-\$ 500.00
23/04/2014	Staff Pays	Staff Pays	-\$ 41,524.17
29/04/2014	EFT-2067	Robinson Build-Tech	-\$ 240,530.07

Total Amount: -\$925,280.49

EFT -\$887,749.15

CHQ -\$37,531.34

TOTAL -\$925,280.49

8.3 Council Investments – At 30th April 2014

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12 th May 2014
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 30th April 2014.

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
- 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.

Commentary

COUNCIL INVESTMENTS				
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds
Westpac Banking Corporation	\$96.43	Business Cash Reserve Bonus 22-3639 2.40%	\$0.00	\$96.43
Westpac Banking Corporation	\$1,157,661.37	Reserves Term Deposit 23-6827 3.25%	\$0.00	\$1,157,661.37
Westpac Banking Corporation	\$2,158,440.00	Business Cash Reserve Bonus 22-3647 2.4%	\$2,158,440.00	\$0.00
Westpac Banking Corporation	\$0.00	Muni Term Deposit 22-8712 3.2%	\$0.00	\$0.00
TOTAL INVESTMENTS	\$3,316,197.80		\$2,158,440.00	\$1,157,757.80

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Delegation #18 – Investments.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 8.3

That the report on Council investments as at 30th April 2014 be received and noted.

Moved: Cr Todd Harris

Seconded: Cr Dennis Whisson

Vote – Simple Majority

Carried: 8/0

8.4 Western Australian Local Government Association – Annual General Meeting and Annual 2014 Local Government Convention

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	5 th May 2014
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	31560
Attachment/s:	13 Pages (2 attachments)

Proposal/Summary

Invitation extended to Council to formally nominate its voting delegates (2) for the Western Australian Association (WALGA) Annual General Meeting to be held on Wednesday 6th August 2014, during the 2014 Annual WA Local Government Convention.

Background

The 2014 Annual WA Local Government Convention is to be held at the Perth Convention & Exhibition Centre commencing on Wednesday 6th August 2014 to Friday 8th August 2014 (inclusive).

The Annual General Meeting (AGM) will be held on Wednesday 6th August commencing at 1:30pm.

Comment

Pursuant to the WALGA Constitution, Council is entitled to register two (2) voting delegates for the AGM. Voting delegates may be either elected members or serving officers. Council can also register proxy delegates in the event that a voting delegate is unable to attend the AGM.

In 2013 Council resolved to register Cr's Carter and Gibsone as the Voting Delegates and Cr's Cooper and Whisson as the Proxy Voting Delegates.

A copy of the 2014 Annual WA Local Government Convention Information & Registration Brochure will be provided to all Councillors as soon as received.

As in previous years an invitation is extended to all Councillors and their partners to attend the Convention.

Council has also been invited to submit agenda items for consideration at the Annual General Meeting. The closing date for agenda items is Friday 9th June 2014 (close of business).

A tentative accommodation booking for nine (9) rooms has been made for the Shire of Cunderdin at the Medina Grand which is adjacent to the Perth Convention & Exhibition Centre.

In addition to the Convention the Shire President and Chief Executive Officer have registered to attend the Special State and Local Government Forum to be held at 8:30am on Wednesday 6th August 2014, prior to the Annual General Meeting.

Consultation

Nil

Statutory Implications

Local Government Act 1995 Part 5 Division 8

Section 5.98 (extract) Fees etc. for council members

- (2) A council member who incurs an expense of a kind prescribed as being an expense
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with subsection (3).**
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent**

Local Government (Administration) Regulations 1996

Regulation 32 Expenses that may be approved for reimbursement

- (1) For the purposes of section 5.98(2) (b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government;*
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.**
- (2) The extent to which an expense referred to in subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.*

Council can resolve to reimburse Councillors for reasonable expenses associated with Local Government week. These expenses may include travel and meals.

Policy Implications

Nil

Financial Implications

Council makes provision on the annual budget for Councillors to attend the Local Government Convention.

Strategic Implications

Nil

Resolution 8.4

That Council:

- 1. Attends the 2014 Annual WA Local Government Convention from Wednesday 6th August 2014 to Friday 8th August 2014, inclusive.**
- 2. Registers Cr Rod Carter and Cr Norm Jenzen as the Voting Delegates for the Shire of Cunderdin at the Western Australian Local Government Association Annual General Meeting on Wednesday 6th August 2014.**
- 3. Registers Cr Todd Harris and Cr Dianne Kelly as the Proxy Voting Delegates to the WALGA AGM.**
- 4. Reimburse Councillors for reasonable out of pocket expenses relating to travel and meals associated with attending the Local Government Convention.**

Moved: Cr Dennis Whisson

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 8/0

9. Environmental Health & Building Services

Nil

5:47pm Mr Ian Bartlett, Manager Works & Services, entered the meeting.

10. Works & Services

10.1 Works & Services Report

Location:	Cunderdin
Applicant:	Manager Works & Services
Date:	7 th May 2014
Author:	Ian Bartlett
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is to receive the Works and Services Report.

Construction

- Commenced roadside clearing and shoulder upgrade on Quelagetting Road.

General

Routine maintenance works being carried out throughout the Shire and on a as needs basis.

- Due to receiving 54mm of rain three graders have commenced winter grading on School Bus routes.
- Patched drive ways on Donovan Street.
- Cleared overhanging branches on a section of Southern Brook Road.
- Pushed up 24,000m³ of gravel for future works.

Parks and Gardens Cunderdin & Meckering

- General mowing, whipper snipping and clean-up of all parks, gardens and public open space.

Building and other Maintenance

- General upkeep and odd jobs carried out.
- Started internal maintenance work at the Doctors House.
- Replaced and painted missing slats on tables and benches at O'Connor Park.
- The Lions Club of Cunderdin have installed new BBQ in O'Connor Park.

Airfield Maintenance

- Routine inspections carried out, no other problems to report.

Plant Maintenance

- Carried out general servicing and minor repairs to all plant and equipment.
- As reported last month the John Deere tractor cab caught fire and still waiting quotation for repairs.

Waste Services

- General upkeep of the Cunderdin and Meckering Transfer Stations, everything running okay.
- Waste Transfer Station employee(s) also assist with general maintenance to Meckering Golf, Bowls & Tennis Clubs.

Works & Services Staff

- Mr Peter Eaton has resigned effective from 23rd April 2014.

Other Matters

- Traffic counts on all roads within the Shire is continuing; the following roads have recently been completed.

Road	Date Range	Average Vehicles Per Day
Meckering-Goomalling	19/3/14 – 18/4/14	128.00
Meckering-Dowerin		45.80
Cunderdin-Wyalkatchem		76.70
Leeson		9.90

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Strategic Implications

Nil

Resolution 10.1

That Council:

- 1. Receives the Works and Services Report.**

Moved: Cr Doug Kelly

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 8/0

11 Planning & Development

11.1 Creation and Dedication of Road Reserve (for Proposed Vehicle Access) over Unallocated Crown Land Lot 29148 Olympic Avenue, Cunderdin townsite.

Location:	UCL Lot 29148 Olympic Avenue, Cunderdin
Applicant:	Chief Executive Officer
Date:	6 th May 2014
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	5 Pages

Proposal/Summary

For Council to consider proceeding with an application to the Department of Lands for creation and dedication of a 20 metre road reserve over Unallocated Crown Land (UCL) Lot 29148 for purpose of vehicular and pedestrian access to proposed new Railway Platform site on south side of the railway.

This report recommends that Council continues the formal process in accordance with the provisions of the Land Administration Act 1997, clause 56.

Background

With the proposed redevelopment of the Cunderdin Cooperative Bulk Handling (CBH) facility, the existing pedestrian access to the railway passenger terminal on the north side of the railway will be closed.

The CBH proposal includes the closure of Eaton Street, of which Council has already endorsed and formalities have commenced, and construction of additional storage on the eastern side of the current facilities with conveyor belt to existing gantry load out area.

This will result in the current pedestrian access being discontinued and necessitating people to travel an additional 2 km's via Baxter Road and the access road on north side of the rail and CBH to the passenger terminal.

At the Ordinary Council Meeting held on 18th October 2013, Council authorised the Chief Executive Officer to continue discussions with Cooperative Bulk Handling and TransWA to investigate possible alternative access point(s) and /or passenger terminal for the Cunderdin Railway Station.

At on-site meetings with CBH and TransWA the proposed site as indicated on the attachment has been identified as the most suitable site for a new rail passenger terminal.

Access across UCL Lot 29148 has been identified as the most appropriate means of gaining entry to the proposed site.

In order for this to be achieved Council needs to have some ownership and control of the land and in discussions with the Department of Lands the simplest way of achieving this is for Council to seek dedication of a portion of the land (20 metres on the eastern side) as a road reserve.

For this to happen there are processes that need to be carried out in accordance with the Land Administration Act 1997. It is quite a thorough and bureaucratic process and therefore is important to commence proceedings as soon as possible.

Funding of associated works and a new passenger terminal to be further investigated.

The proposed dedication of portion of UCL Lot 29148 was presented to the Ordinary Meeting of Council held on Thursday 20th February 2014, at which Council resolved as follows:

That Council:

- 1. Requests the Department of Lands to dedicate 20 metre portion on eastern side of Unallocated Crown Land Lot 29148 Olympic Avenue, Cunderdin, as road reserve to provide access to proposed new rail passenger platform.*
- 2. Authorises the Chief Executive Officer to commence the consultation process in accordance with the provisions of the Land Administration Act 1997 (section 56).*
- 3. Indemnifies in favour of the Minister for Lands against any claims for compensation and / or costs associated with the dedication process.*

Comment

In accordance with Council resolution of 20th February, in particular clause 2, the CEO carried out the consultation process in accordance with the provisions of the Land Administration Act 1997 (section 56).

At the close of the submission period on 30th April 2014, only three responses were received, as follows:

Western Power:

"Western Power wishes to advise the following in respect to the above mentioned proposal.

- 1. Western Power generally only objects if alignments, easements or clearances are encroached or breached.*
- 2. But note, that if any existing infrastructure needs to be relocated due to any requirement (condition) of any proposed amalgamation.*
Then please refer to the attached link. Upon receipt of any application Western Power will then advise what cost's will apply.
<http://www.westernpower.com.au/residents/connections/movingequipment.html>
- 3. In the event WP has to install an asset on this property to supply the lot Western Power staff will require 24 hour unencumbered access.*
The position and type of locks used on any fencing are to be accessible to Western Power employees and a standard key be provided along with a separate padlock to allow 24 hour access for routine and emergency maintenance."

Water Corporation:

"The Water Corporation has no objection to the abovementioned proposal.
A plan delineating assets in the vicinity is attached for your information."

Department of Mines and Petroleum:

"The Geological Survey of Western Australia (GSWA), on behalf of the Department of Mines and Petroleum (DMP), has reviewed the proposed Road Dedication - Olympic Avenue, Cunderdin with respect to the access and development of minerals and petroleum resources, geothermal energy and basic raw materials, and has no comment to make in this regard."

No submissions were received from a number of State Government Agencies and / or any of the neighbouring property owners / occupiers.

None of the submissions received objected to the road dedication proposal.

Consultation

Cooperative Bulk Handling (Ian Gordon & Lee Nilan)

TransWA (Kym Marriott)

Surrounding property owners and State Government Agencies in accordance with legislative requirements.

Statutory Implications

Land Administration Act 1995

56. Dedication of land as road

- (1) If in the district of a local government —***
 - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or***
 - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —***
 - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or***
 - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or***
 - (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.***
- (2) If a local government resolves to make a request under subsection (1), it must —***
 - (a) in accordance with the regulations prepare and deliver the request to the Minister; and***
 - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.***
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —***
 - (a) subject to subsection (5), by order grant the request; or***
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or***
 - (c) refuse the request.***
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.***
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —***
 - (a) unallocated Crown land or, in the case of a private road, alienated land; and***
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.***
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.***

Policy Implications

Nil

Financial Implications

Costs associated with the dedication of the road will relate to administration, staff time and advertising fees.

Costs relating to the development of road and parking area will be presented for 2014/15 budget deliberations.

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.

This proposal is not inconsistent with the aims and goals of the Community Plan.

Resolution 11.1

That Council:

- 1. Receives the three submissions presented and acknowledges the comments contained therein.**
- 2. Requests the Minister for Lands to accede dedication of a portion of Unallocated Crown Land Lot 29148 Olympic Avenue, Cunderdin, in accordance with the provisions of the Land Administration Act 1997.**

Moved: Cr Doug Kelly

Seconded: Cr Todd Harris

Vote: Simple majority

Carried: 8/0

11.2 Proposed Construction of a Dwelling – Lot 412 (20) Bedford Street, Cunderdin

Location:	Lot 412 (20) Bedford Street, Cunderdin
Applicant:	Stallion Building Company
Date:	9 th May 2014
Author:	Kira Strange, Planning Officer, Shire of York
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	6 Pages

Proposal/Summary

The Shire of Cunderdin has received an application for planning approval for the construction of a dwelling with variations to the Residential Design Codes at Lot 412 (20) Bedford Street, Cunderdin.

It is recommended that the application be approved, subject to the conditions recommended at the end of this report.

Background

The subject property is located just south of Great Eastern Highway at Lot 412 on the south-west corner of Bedford and Spear Street, Cunderdin. The property is zoned Residential R30 under the Cunderdin Town Planning Scheme No 3.

The site is 2,095m² and is currently vacant following demolition of the dwelling and outbuilding in 2013.

It is proposed to construct a new 4 bedroom dwelling with an attached garage that has a total floor area of 667.1m².

Comment

The proposed development is for the construction of a dwelling with an attached garage that requires variation to the secondary street setback under the Residential Design Codes. The variation has been assessed considering the impact to the streetscape as well as pedestrian safety and sight lines.

It is considered that the impact will not be significant and will not impact the amenity of the locality.

There are no adverse economic, social or environmental implications associated with this proposal. Construction of a dwelling will create employment for a finite period.

Consultation

In accordance with the provisions of Clause 5.5 of the Cunderdin Town Planning Scheme No 3, where development that requires variation to the Residential Design Codes is considered to affect any owners or occupiers in the general locality or adjoining the site, the Local Government is to –

- (a) Consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- (b) Have regard to any expressed views prior to making is determination to grant the variation.

The variations proposed in this application will not impact any owners or occupiers in the general locality and therefore does not require notice or consultation.

Statutory Implications

The Cunderdin Local Planning Scheme No 3.

The subject property is zoned Residential R30 under the Scheme and in accordance with Clause 8.2 of the Scheme, the erection of a single house including ancillary outbuildings is considered a permitted development "except where the proposal requires the exercise of a discretion by the Local Government under the Scheme to vary the provisions of the Residential Design Codes."

Clause 10.2 of the Scheme outlines the matters for consideration that must be measured by the local government. These matters have been considered as follows:

- (a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area. Comment: Cunderdin Local Planning Scheme No. 3 applies to the site. The provisions have been considered in this report and it has been determined that the application is consistent with the aims and provisions of the Scheme.
- (b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought. Comment: There are no new schemes or amendments applicable to the proposal or site.
- (c) Any approved statement of planning policy of the Commission. Comment: There are no approved statements applicable to the proposal or site.
- (d) Any approved environmental protection policy under the *Environmental Protection Act 1986*. Comment: There are no policies applicable.
- (e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State. Comment: There are no policies applicable.
- (f) Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme. Comment: There are no policies applicable.
- (g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve. Comment: The land is not reserved under the Scheme.
- (h) The conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage precinct. Comment: The property is not heritage listed nor is it within a heritage precinct.
- (i) The compatibility or a use or development with its setting. Comment: A single dwelling is permitted within the residential zone. The required variation to the dwelling setback does not impact the compatibility of this dwelling within this residential area.
- (j) Any social issues that have an effect on the amenity of the locality. Comment: There are no major social issues associated with the proposal.

- (k) The cultural significance of any place or area affected by the development. Comment: There is no specific cultural significance to the area.
- (l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment. Comment: No environmental impacts have been identified.
- (m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk. Comment: There are no natural constraints that will affect the proposal.
- (n) The preservation of the amenity of the locality. Comment: The proposal will not significantly impact the amenity of the locality.
- (o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal. Comment: The proposed dwelling complies with the height requirements under the R-Codes. Whilst the house is relatively large, it is compliant with the relevant requirements and will not significantly impact the locality.
- (p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles. Comment: The vehicular access for the former dwelling was from Spear Street and it is proposed to continue with this arrangement. There are concerns regarding the inability for casual parking in front of the garage due to the proposed reduced setback, however there is rear yard access adjacent to the garage and it is recommended that a gate be installed for this purpose. An Advice Note should also be placed on the approval prohibiting obstruction of the verge as a result of casual parking in front of the garage. A crossover may be required on Spear Street. The applicant will be required to consult with the Local Government to construct a crossover to the satisfaction of the Local Government.
- (q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety. Comment: The proposal will not generate additional traffic likely to impact on traffic flows in Spear or Bedford Streets.
- (r) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal. Comment: Not applicable.
- (s) Whether public utility services are available and adequate for the proposal. Comment: The proposal will not generate the need for additional public utility services.
- (t) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities). Comment: Not applicable.
- (u) Whether adequate provision has been made for access by disabled persons. Comment: Not applicable to this development.
- (v) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved. Comment: Not applicable to this development.

- (w) Whether the proposal is likely to cause soil erosion and degradation. Comment: The proposal is unlikely to cause erosion or degradation of soils. Control measures may be required during construction.
- (x) The potential loss of any community service or benefit resulting from the planning consent. Comment: Not applicable. The proposal does not relate to or affect any community service.
- (y) Any relevant submissions received on the application. Comment: Notice was not required.
- (z) The comments or submissions received from any authority consulted under clause 10.1.1. Comment: No authorities are required for consultation.
- (za) Any other planning consideration the local government considers relevant. Comment: Nil.

The proposal is consistent with the purpose of the zone and provisions of the Scheme.

State Planning Policy 3.1 – Residential Design Codes

The property has a density coding of R30. Applicable development requirements have been calculated and are detailed in Appendix 4.

Retaining wall - the proposed retaining wall on the Spear Street frontage is required as a result of site works to enable the construction of the dwelling. The proposed wall will not result in the height of dwelling exceeding permitted heights, nor will it impact on visual privacy for neighbours. To reduce potential for impacts, it is recommended that a condition be imposed to ensure that the height of the retaining wall does not exceed 500mm.

Garage – the location of the proposed attached garage will require a variation to the secondary street setback requirements. The proposed variation has been assessed, particularly with regards to visual impacts, pedestrian safety and on-site parking provisions.

The impact of this setback variation has been considered for potential pedestrian safety issues arising from reversing vehicles with limited vision. Taking into consideration that the distance between the constructed road and the property boundary is approximately five metres and there is with no formalised pedestrian footpath with low use rates, it is considered that the variation is acceptable.

Policy Implications

There are no policy implications for the Shire of Cunderdin. The variation to the required secondary setback is considered acceptable and will not result in adverse impacts.

Financial Implications

There are no financial implications for the Shire of Cunderdin. The applicant and landowner/s are responsible for the costs associated with the development.

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.

This proposal is consistent with the aims and goals of the Community Plan and will support the growth in the population base of Cunderdin.

Resolution 11.2

That Council approve the construction of a dwelling on Lot 412 (20) Bedford Street, Cunderdin subject to the imposition of the following conditions:

- 1. Development must substantially commence within two (2) years from the date of determination.**
- 2. Development shall take place in accordance with the stamped approved plans.**
- 3. Stormwater shall be managed on-site to the satisfaction of the local government.**
- 4. Cut and fill shall not exceed 500mm without prior approval from the local government.**

ADVICE NOTES:

Note 1: If the development the subject of this approval is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.

Note 4: In accordance with the provisions of the Building Act 2011, an application for a building and/or demolition permit must be submitted to, and approval granted by the local government prior to the commencement of the development hereby permitted.

Note 5: Car parking in front of the garage that will result in obstruction of the verge/ footpath is not permitted.

Note 6: An application for a crossover shall be approved by the local government prior to construction.

Moved: Cr Norm Jenzen

Seconded: Cr Clive Gibsone

Vote: Simple majority

Carried: 8/0

12. Urgent Items

12.1 Sale of Land to Co-operative Bulk Handling

Council is in receipt of an offer from Co-operative Bulk Handling (CBH) for purchase of portion of Lot 9000 Centenary Place, Cunderdin. The land parcel forms part of the redevelopment plans for the Cunderdin CBH site and Council has on two previous occasions, 7th March 2012 and 22nd August 2013, agreed to the sale of land to CBH subject to an independent valuation being provided and the costs for such valuation being met by CBH.

CBH engaged the services of Paterson Property Valuers WA Pty Ltd who have provided a valuation for the property of \$150,000 (GST ex) dated 15th March 2014.

In addition to this a planning application was lodged by CBH to the WA Planning Commission (WAPC) for portion of Lot 9000 being amalgamated with neighbouring properties owned by CBH, subject to final land sale agreement being reached. The planning application has been endorsed by the WAPC.

Resolution 12.1

That Council:

- 1. Accepts the offer from Co-operative Bulk Handling for amount of \$150,000 (GST ex) for the purchase of portion (1.7575Ha) of Lot 9000 Centenary Place, Cunderdin.**
- 2. Advertises the intent to dispose of property (being portion of Lot 9000) by private treaty in accordance with S3.58 of the Local Government Act 1995.**
- 3. Subject to not receiving any submissions from the advertising process, delegates authority to the Shire President and Chief Executive Officer to execute the sale documents and affix the Common Seal on behalf of the Shire of Cunderdin.**

Moved: Cr Doug Kelly

Seconded: Cr Clive Gibsone

Vote: Simple Majority

Carried: 8/0

12.2 Betty Keown & Dale Craven – Storage of Sand Lot 105 Carter Road, Cunderdin

Council considered the matter raised and comments presented by Betty Keown and Dale Craven during Public Question time.

Council resolved that its previous resolution of 29th January 2014 to remain.

That recommendation be made to the property owner of Lot 105 Carter Road, that a mixture of Ammonium Sulphate (50kg) and water (1,000L) be sprayed over the stockpiled sand to help create a crust to minimise wind blow.

12.3 Alison Harris – Future Delivery of Palliative Care

Council considers the matter raised and comments presented by Alison Harris during Public Question time to have been adequately addressed by Council during the preparation and signing of the Memorandum of Understanding with the WA Country Health Service prior to agreeing to proceed with the Primary Health Care Pilot Project.

It is important however for Council to continue dialogue with the WA Country Health Service, Southern Inland Health Initiative, and Politicians to ensure the future delivery of Palliative Care and other key Aged Care services remain in focus during the establishment of future health services in Cunderdin.

13. Matters for which the meeting may be closed

14. Closure of meeting

There being no further business the Shire President declared the meeting closed at 6.36pm.