



## **Shire of Cunderdin**

### **UNCONFIRMED Minutes of an Ordinary Council Meeting**

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 20<sup>th</sup> September 2012** in the Council Chambers, Lundy Avenue Cunderdin commencing at 5:00 pm.

Peter Naylor  
**Chief Executive Officer**

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## 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

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Not applicable
<b>Date:</b>	6 <sup>th</sup> September 2012
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	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 Harris**

**Seconded: Cr Cooper**

**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 5:00pm**

**Declaration of public question time closed at 5:00pm**

#### 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 DT (David) Beard	
Cr GJ (Graham) Cooper	
Cr TE (Todd) Harris	
Cr DB (Doug) Kelly	
Cr DA (Dennis) Whisson	

##### Apologies

Peter Naylor	Chief Executive Officer
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##### On Leave of Absence

Cr DG (Dianne) Kelly

##### Staff

Loren Clifford	Manager of Finance & Administration
Mark Burgess	Manager of Works & Services

##### Guests of Council

##### Members of the Public

##### Applications for leave of absence

##### Declaration of Members and Officers Financial Interests

Item 8.6	Cr Dennis Whisson
Item 9.2	Cr David Beard
Item 9.2	Cr Clive Gibsone

#### 5. Petitions, Deputations, Presentations

Nil

#### 6. Announcements by President without discussion

Cr David Beard presented letter of resignation from Council.

The Shire President, Cr Rod Carter, accepted the letter of resignation with regret.

##### **Resolution 6.1**

**That due to scheduled local event Council reschedules the October Ordinary Council Meeting from 18 October 2012 to Thursday 25 October 2012, commencing at 5:00pm. Public notice to be displayed in accordance with the legislative requirements (Local Government Act 1995).**

**Moved: Cr Gibsone**

**Seconded: Cr Cooper**

**Vote – simple majority**

**Carried: 7/0**

## 7. Confirmation of the Minutes of Previous Meetings

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	10 September 2012
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	N/A
<b>File Reference:</b>	

### **Proposal/Summary**

Council to confirm the minutes of the Ordinary Council meeting held on 23 August 2012.

### **Background**

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

### **Comment**

No business arising.

### **Statutory Environment**

*Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2)* Regulations requires minutes of all meetings to be kept and submitted to the next full council meeting for confirmation.

### **Financial Implications**

There are no financial implications in considering this item.

### **Resolution 7.1**

**That the minutes of the;**

**Ordinary Council meeting held on 23 August 2012, be confirmed as a true and correct record.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Whisson**

**Vote – Simple majority**

**Carried: 7/0**

### **Note to this item:**

The President will sign the minute declaration.

## 8. Finance & Administration

### 8.1. Financial Report for August 2012

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Finance & Administration
<b>Date:</b>	7 <sup>th</sup> September 2012
<b>Author:</b>	Loren Clifford
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	

#### Proposal/Summary

Due to Software and IT issues the financial report for July 2012 and August 2012 have been delayed. If not tabled at the meeting on Thursday 20<sup>th</sup> September 2012 an Audit Committee meeting will be called to present the financial reports for July 2012 and August 2012 as soon as completed.

#### Appendices – 31<sup>st</sup> August 2012 – Bank Statements & Reconciliations

- 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 22-6303
- Municipal Term Deposit Statement & Reconciliation 036-107 22-6418
- Reserves Business Cash Reserve Statement & Reconciliation 036-107 22-3639
- Reserves Term Deposit Statement & Reconciliation 036-107 22-6311
- Licensing Trust Account Statements & Reconciliations 036-102 00-0049
- 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

**Recommendation 8.1**

That council receive the Bank Statements & Reconciliations for the period ending 31<sup>st</sup> August 2012.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/lost \_\_\_/\_\_\_

**Resolution 8.1**

**That council notes and receives the financial information provided in the agenda, and the reason provided by staff that due to Information Technology (IT) software problems it has not been possible to provide the statutory financial reports.**

**Moved: Cr Cooper**

**Seconded: Cr Gibsone**

**Vote – Simple majority**

**Carried: 7/0**

Council noted with concern the non-provision of the bank reconciliations and the statutory financial reports, and the finalisation of the 2011/12 carried forward figure, and requested staff to undertake appropriate action to rectify as soon as possible.



## 8.2. Accounts Paid – August 2012

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Finance & Administration
<b>Author:</b>	Loren Clifford
<b>Report Date:</b>	7 <sup>th</sup> September 2012
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling \$ 1,138,016.29 listed in the Warrant of Payments for the period 1<sup>st</sup> August 2012 – 31<sup>st</sup> August 2012.

### **Attachments**

Warrant of Payments for 1<sup>st</sup> August 2012 – 31<sup>st</sup> August 2012.

### **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

The accounts paid and payable are summarised as follows for 1<sup>st</sup> August 2012 – 31<sup>st</sup> August 2012.

1.0 Accounts Already Paid

1.1 Municipal Fund –

CHEQUE NUMBERS	AMOUNT
009771 - 009822	\$ 108,116.64
Electronic Payments – Various	\$ 729,899.65
Internal Transfers	\$ 300,000.00

1.2 Other Funds – Recoup of Municipal Fund Expenditure and Term Investment	
Nil.	

CHEQUE NUMBERS	AMOUNT \$
2.0 Accounts to be passed for payment	
2.1 Municipal Fund -	
Nil	
<b>TOTAL MUNICIPAL FUNDS</b>	<b>\$ 1,138,016.29</b>

3. Trust Fund – Accounts Already Paid

DATE	CHEQUE NUMBER	DETAILS	AMOUNT \$
Nil			0.00

**Resolution 8.2**

**(a) That Council's payment of accounts amounting to \$ 1, 138,016.29 for the period of 1<sup>st</sup> August 2012 – 31<sup>st</sup> August 2012 from the Municipal Fund be confirmed and noted.**

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

**Moved: Cr Whisson**

**Seconded: Cr Beard**

**Vote – simple majority**

**Carried: 7/0**

Payments List -August 2012			
Date	Reference	Creditor	Amount
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 84.88
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 78.08
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 22.00
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 20.00
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 14.40
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 13.00
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 13.00
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 10.46
1/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 9.00
1/08/2012	EFT Pays	Staff Salaries & Wages	-\$ 46,090.19
1/08/2012	EFT-659	Plastic Card Customization	-\$ 1,549.20
1/08/2012	Funds Tfr	Transfer to new Muni Term Deposit - A/C 22-6418	-\$ 300,000.00
2/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 13.50
2/08/2012	Bank Fees	Westpac Banking Corporation	-\$ 5.50
14/08/2012	Loan 73	West Australian Treasury Corporation	-\$ 11,061.72
14/08/2012	Loan 74	West Australian Treasury Corporation	-\$ 7,706.13
15/08/2012	9771	Cook, Ms. Gabrielle	-\$ 120.00
15/08/2012	Bank Fees	Commonwealth Bank of Australia	-\$ 29.50
15/08/2012	EFT Pays	Staff Salaries & Wages	-\$ 42,180.71
15/08/2012	EFT-663	SGFleet	-\$ 1,747.55
17/08/2012	9772	Hanson Construction Materials	-\$ 9,378.13
17/08/2012	9773	Suncorp WealthSmart	-\$ 336.92
17/08/2012	9774	OnePath Superannuation	-\$ 47.71
17/08/2012	9775	Cunderdin Newsagency	-\$ 1,049.50
17/08/2012	9776	Abbott & Co Printers	-\$ 526.90
17/08/2012	9777	Gray, Dr. Ken	-\$ 176.00
17/08/2012	9778	Shire of Moora	-\$ 132.00
17/08/2012	9779	Country Ford	-\$ 166.65
17/08/2012	9780	MLC Nominees Pty Ltd	-\$ 386.86
17/08/2012	9781	DKT Rural Agencies	-\$ 528.00
17/08/2012	9782	Bunning's Group Limited	-\$ 590.18
17/08/2012	9783	Goodfield Quality Meats	-\$ 64.00
17/08/2012	9784	Synergy	-\$ 8,217.80
17/08/2012	9785	Water Corporation	-\$ 216.65
17/08/2012	9786	Don, Geoffrey	-\$ 87.41
17/08/2012	9787	Combined Tyrepower	-\$ 4,203.00
17/08/2012	9788	Australian Taxation Office (Bas)	-\$ 220.00
17/08/2012	9789	Baxters Rural Centre	-\$ 1,899.25
17/08/2012	9790	Westscheme Superannuation	-\$ 697.31
17/08/2012	9791	Child Care Super	-\$ 176.82
17/08/2012	9792	Telstra Corporation Limited	-\$ 1,519.40

<b>Payments List -August 2012</b>			
<b>Date</b>	<b>Reference</b>	<b>Creditor</b>	<b>Amount</b>
17/08/2012	9793	Gibsone, Cr Clive	-\$ 349.00
17/08/2012	9794	Australian Communications and Media Authority	-\$ 40.00
17/08/2012	9795	BT Super for Life	-\$ 24.00
17/08/2012	EFT-664	Landgate	-\$ 73.60
17/08/2012	EFT-665	Cunderdin Co-Op Fuel	-\$ 7,865.00
17/08/2012	EFT-666	Cunderdin Co-op Museum	-\$ 63.23
17/08/2012	EFT-667	Frear, Dianne	-\$ 723.37
17/08/2012	EFT-668	Mack Cheno Earthmoving	-\$ 51,535.00
17/08/2012	EFT-669	Australia Post	-\$ 122.20
17/08/2012	EFT-670	Shire of York	-\$ 868.20
17/08/2012	EFT-671	Rural Traffic Services	-\$ 51,063.62
17/08/2012	EFT-672	Tom Fullerton Trucking	-\$ 12,251.25
17/08/2012	EFT-673	Toodyay Home Traders	-\$ 66.45
17/08/2012	EFT-674	Avdata Australia	-\$ 462.88
17/08/2012	EFT-675	Western Stabilisers Pty Ltd	-\$ 52,349.00
17/08/2012	EFT-676	Cutting Edges	-\$ 688.86
17/08/2012	EFT-677	Fulton Hogan Industries Pty Ltd	-\$ 2,006.40
17/08/2012	EFT-678	Bandicoot Express	-\$ 70.00
17/08/2012	EFT-679	JR & A Hersey	-\$ 374.00
17/08/2012	EFT-680	Hutton & Northey Sales	-\$ 3,755.40
17/08/2012	EFT-681	Wattleup Tractors	-\$ 127.05
17/08/2012	EFT-682	A P Concreting Pty Ltd	-\$ 550.00
17/08/2012	EFT-683	Avon Waste	-\$ 6,159.58
17/08/2012	EFT-684	Hitachi Construction Machinery (Australia) Pty Ltd	-\$ 1,489.95
17/08/2012	EFT-685	Courier Australia	-\$ 61.14
17/08/2012	EFT-686	Mick Walker Transport	-\$ 13,156.00
17/08/2012	EFT-687	Donovan's Engineering	-\$ 374.00
17/08/2012	EFT-688	QK Technologies	-\$ 1,083.33
17/08/2012	EFT-689	WA Local Government Superannuation Plan	-\$ 9,408.65
17/08/2012	EFT-690	Thorn Airfield Lighting	-\$ 7,811.10
17/08/2012	EFT-691	Hostplus	-\$ 363.74
17/08/2012	EFT-692	Air Liquid Pty Ltd	-\$ 128.73
17/08/2012	EFT-693	Roulston, Garry William	-\$ 114.00
17/08/2012	EFT-694	Startrack Express	-\$ 107.10
17/08/2012	EFT-695	CDA Air Conditioning & Refrigeration	-\$ 572.50
17/08/2012	EFT-696	Elders Limited	-\$ 88.00
17/08/2012	EFT-697	Shire of Tammin	-\$ 2,335.55
17/08/2012	EFT-698	Cunderdin Co-op	-\$ 4,474.99
20/08/2012	EFT-699	Vicki Philipoff Settlements	-\$ 113,964.73
20/08/2012	EFT-700	Mack Cheno Earthmoving	-\$ 39,297.50
21/08/2012	9796	Australian Taxation Office (BAS)	-\$ 12,867.00

Payments List -August 2012			
Date	Reference	Creditor	Amount
29/08/2012	EFT Pays	Staff Salaries & Wages	-\$ 43,072.44
30/08/2012	9797	Hanson Construction Materials	-\$ 4,843.85
30/08/2012	9798	Suncorp WealthSmart	-\$ 161.77
30/08/2012	9799	Cunderdin Bowling & Tennis Club	-\$ 302.40
30/08/2012	9800	OnePath Superannuation	-\$ 159.03
30/08/2012	9801	LG System Incorporated	-\$ 6,094.55
30/08/2012	9802	Telstra (Bigpond)	-\$ 19.95
30/08/2012	9803	The National Trust of Australia (WA)	-\$ 235.59
30/08/2012	9804	Carter, Cr Rod	-\$ 280.00
30/08/2012	9805	Gray, Dr. Ken	-\$ 308.00
30/08/2012	9806	Lowes Churchill & Associates Pty Ltd	-\$ 16,500.00
30/08/2012	9807	Department of Communities	-\$ 185.00
30/08/2012	9808	Dougie's Roadhouse	-\$ 265.00
30/08/2012	9809	Country Ford	-\$ 331.10
30/08/2012	9810	MLC Nominees Pty Ltd	-\$ 191.18
30/08/2012	9811	Kelly, cr. Dianne	-\$ 140.00
30/08/2012	9812	Synergy	-\$ 3,206.70
30/08/2012	9813	Water Corporation	-\$ 7,935.95
30/08/2012	9815	Major Motors Pty Ltd	-\$ 58.87
30/08/2012	9816	Australian Taxation Office (Bas)	-\$ 21,834.00
30/08/2012	9817	Commissioner of State Revenue	-\$ 123.00
30/08/2012	9818	Westnet	-\$ 44.95
30/08/2012	9819	Westscheme Superannuation	-\$ 320.80
30/08/2012	9820	Child Care Super	-\$ 100.44
30/08/2012	9821	Telstra Corporation Limited	-\$ 64.02
30/08/2012	9822	Gibsons, Cr Clive	-\$ 390.00
30/08/2012	EFT-701	Landgate	-\$ 140.00
30/08/2012	EFT-702	Jasol Australia	-\$ 427.97
30/08/2012	EFT-703	Shire of York	-\$ 2,613.04
30/08/2012	EFT-704	Darren Long Consulting	-\$ 3,291.75
30/08/2012	EFT-705	Rural Traffic Services	-\$ 18,136.07
30/08/2012	EFT-706	Harris, Cr Todd	-\$ 140.00
30/08/2012	EFT-707	Tom Fullerton Trucking	-\$ 1,336.50
30/08/2012	EFT-708	Cooper, Cr Graham	-\$ 140.00
30/08/2012	EFT-709	Western Power	-\$ 3,057.00
30/08/2012	EFT-710	The Cunderdin Mob	-\$ 348.85
30/08/2012	EFT-711	Kings Services	-\$ 50.00
30/08/2012	EFT-712	Onsite Rental Group Operations Pty Ltd	-\$ 19,021.20
30/08/2012	EFT-713	Bibby Financial Services Australia Pty Ltd	-\$ 66.00
30/08/2012	EFT-714	JR & A Hersey	-\$ 588.94
30/08/2012	EFT-715	Bitutek Pty Ltd	-\$ 94,816.7

<b>Payments List -August 2012</b>			
<b>Date</b>	<b>Reference</b>	<b>Creditor</b>	<b>Amount</b>
30/08/2012	EFT-716	Northam Garden Centre	-\$ 316.60
30/08/2012	EFT-717	RBE Internet Services	-\$ 20.00
30/08/2012	EFT-718	CJD Equipment Pty Ltd	-\$ 920.32
30/08/2012	EFT-719	Courier Australia	-\$ 55.86
30/08/2012	EFT-720	Mick Walker Transport	-\$ 8,437.00
30/08/2012	EFT-721	Oteyza, Charito	-\$ 62.75
30/08/2012	EFT-722	Shire of Northam	-\$ 3,494.48
30/08/2012	EFT-723	Jumbo Vision Internation Pty Ltd	-\$ 1,254.00
30/08/2012	EFT-724	WA Local Government Superannuation Plan	-\$ 4,646.68
30/08/2012	EFT-725	Cunderdin Community Resource Centre	-\$ 44.80
30/08/2012	EFT-726	Hostplus	-\$ 156.94
30/08/2012	EFT-727	Kelly, cr. Doug	-\$ 140.00
30/08/2012	EFT-728	Macs Agencies	-\$ 264.00
30/08/2012	EFT-729	Startrack Express	-\$ 152.62
30/08/2012	EFT-730	Fast Finishing Services	-\$ 330.00
30/08/2012	EFT-731	Takacs, Adam	-\$ 156.00
30/08/2012	EFT-732	Whisson, Cr Dennis	-\$ 140.00
30/08/2012	EFT-733	Elders Limited	-\$ 88.00
30/08/2012	EFT-734	Fire & Emergency Services Authority	-\$ 13,254.30
30/08/2012	EFT-735	Shire of Tammin	-\$ 9,074.30
31/08/2012	Credit Card	Westpac Banking Corporation	-\$ 2,989.56
		<b>Total</b>	<b>-\$ 1,138,016.29</b>

### 8.3. Council Investments – At 31<sup>st</sup> August 2012

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Finance & Administration
<b>Author:</b>	Loren Clifford
<b>Report Date:</b>	6 <sup>th</sup> September 2012
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### Proposal/Summary

To inform Council of its investments as at 31<sup>st</sup> August 2012.

#### 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

<b>COUNCIL INVESTMENTS AS AT 31<sup>ST</sup> AUGUST 2012</b>				
<b>Institution</b>	<b>Amount Invested</b>	<b>Investment type</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>
Westpac Banking Corporation	\$ 4,696.37	Business Cash Reserve Bonus 22-3639 0.01%	\$0.00	\$ 4,696.37
Westpac Banking Corporation	\$ 2,175,360.00	Reserves Term Deposit 22-6311 4.80%	\$0.00	\$ 2,175,360.00
Westpac Banking Corporation	\$ 2,323.18	Business Cash Reserve Bonus 22-3647 3.50%	\$ 2,323.18	\$0.00
Westpac Banking Corporation	\$ 173,044.00	Muni Term Deposit 22-6303 4.80%	\$ 173,044.00	\$0.00
Westpac Banking Corporation	\$300,000.00	Muni Term Deposit 22-6418 4.80%	\$300,000.00	\$0.00
<b>TOTAL INVESTMENTS</b>	<b>\$ 2,655,423.55</b>		<b>\$ 475,367.18</b>	<b>\$2,180,156.37</b>

#### 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 31<sup>st</sup> August 2012 be received and noted.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Harris**

**Vote – Simple Majority**

**Carried: 7/0**



#### 8.4. Shire of Cunderdin Common Seal

<b>Location:</b>	Proposed Lot 9000 Yilgarn Street, Cunderdin Proposed Lot 9001 Centenary Place, Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	11 September 2012
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	
<b>Attachment/s:</b>	7 Pages

#### Proposal/Summary

Seeking Council endorsement for the affixing of the Shire of Cunderdin Common Seal on various documents in accordance with Council Policy #12 adopted 19 April 2007.

#### Background

Shire of Cunderdin Policy #12 authorises the Chief Executive Officer to affix the Common Seal to documents to be executed by the Shire where such documents are consistent and in accord with Council resolution.

Council is then to be notified of executed documents via a report to be submitted to a Council meeting.

#### Comments

During the previous month the Shire President and/or Chief Executive Officer witnessed the affixing of the Shire of Cunderdin Common Seal to the following document(s):

- 24 August 2012 – Contract for the Transfer of Land Documents between the Shire of Cunderdin and LandCorp, for Proposed Lot 9000 Yilgarn Street, Cunderdin, on Deposited Plan 73292, being part of the land comprised within Certificate of Title Volume 2793 Folio 112, and being for residential subdivision. The land was formerly known as Lots 44 & 49 Yilgarn Street.
- 24 August 2012 – Contract for the Transfer of Land Documents between the Shire of Cunderdin and LandCorp, for Proposed Lot 9001 Centenary Place, Cunderdin, on Deposited Plan 73290, being part of the land comprised within Certificate of Title Volume 2135 Folio 504, and being for light industrial area subdivision. The land was formerly known as Lot 2223 Centenary Place.

#### Consultation

Nil

#### Statutory Implications

*Local Government Act 1995* – Section 9.49A

#### Policy Implications

Finance Policy #12

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Resolution 8.4**

That Council endorses the affixing of the Shire of Cunderdin Common Seal to the following documents:

- a) 24 August 2012 – Contract for the Transfer of Land Documents between the Shire of Cunderdin and LandCorp, for Proposed Lot 9000 Yilgarn Street, Cunderdin, on Deposited Plan 73292, being part of the land comprised within Certificate of Title Volume 2793 Folio 112, and being for residential subdivision. The land was formerly known as Lots 44 & 49 Yilgarn Street.
- b) 24 August 2012 – Contract for the Transfer of Land Documents between the Shire of Cunderdin and LandCorp, for Proposed Lot 9001 Centenary Place, Cunderdin, on Deposited Plan 73290, being part of the land comprised within Certificate of Title Volume 2135 Folio 504, and being for light industrial area subdivision. The land was formerly known as Lot 2223 Centenary Place.

Moved: Cr Beard

Seconded: Cr Cooper

Vote – Simple Majority

Carried: 7/0

## 8.5. Country Local Government Fund Review

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Administration
<b>Date:</b>	12 September 2012
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	28316
<b>Attachment/s:</b>	18 Pages

### Proposal/Summary

For Council to receive and note the review of the Country Local Government Fund and the State Governments response pertaining thereto.

### Background

In June 2011, the Minister for Regional Development, Hon Brendon Grylls MLA, referred a Review of the Royalties for Regions Country Local Government Fund (CLGF) to the Western Australian Regional Development Trust ("The Trust").

The Trust released an Issues Paper in October 2011 and sought submissions. The WA Local Government Association (WALGA) put forward a submission on behalf of the local government sector that was endorsed by State Council in December 2011. The Shire of Cunderdin also lodged an individual submission. The Trust released a report in January 2012 with 26 recommendations. The Trust's Report envisaged a more strategic and outcomes-based Country Local Government Fund. WALGA then submitted a more comprehensive submission on the Trust's report, endorsed by State Council in July 2012.

WALGA's submission was broadly supportive of the Trust's recommendations but expressed concern regarding a number of the Trust's recommendations.

The State Government released their response to the Review of the Country Local Government Fund on 31 August 2012. The State Government accepted 23 of the Trust's recommendations and partially accepted the remaining three.

### Comments

The implementation date of changes to the CLGF has been deferred by one year until 1 July 2014. This will allow Local Governments to complete the Integrated Strategic Planning process and it is envisaged that the completed plans will assist in guiding future CLGF projects.

As a result of the deferred implementation, the CLGF will be allocated on 50/50 basis between individual Local Governments and regional groups of Local Governments for the 2013-14 funding year.

From 1 July 2014, for the 2014-15 round of funding, the CLGF will be split between contestable and non-contestable pools. The split between contestable and non-contestable has not yet been determined. WALGA argued in its submission that the majority of the CLGF should be non-contestable and formula based.

There is also no detail regarding the split between individual Local Governments and regional groups of Local Governments under the new CLGF system.

WALGA will be seeking consultation on the composition of the CLGF – in terms of contestable/non-contestable and individual/groups – prior to the July 2014 implementation date.

The biggest concern with the Trust's report was a recommendation that all Local Governments should be rated in terms of their prospects, capacity, capability and risk.

The State Government has rejected the recommendation for Local Governments to be rated on risk; Local Governments will still be rated on prospects, capacity and capability.

WALGA argued in its submission that Local Governments that rated poorly should not be excluded from future CLGF funding as proposed by the Trust, but rather should be provided with additional support. The State Government, in its response, stated that "it is important that those deemed to have a low capability and capacity be afforded the opportunity to improve its rating".

WALGA and Local Government Managers Australia (WA) will be represented on the committee that develops the rating methodology.

The CLGF will continue to have a capacity building component and its allocation and methodology will be reviewed in consultation with the Department of Local Government.

WALGA has been advocating for all Local Governments to have access to capacity building funding rather than funding being linked to the Minister for Local Government's structural reform agenda. There are indications that this policy may be reviewed and the Association will continue its advocacy for all Local Governments to have access to capacity building funding and programs.

#### **Consultation**

Nil

#### **Statutory Implications**

*Royalties for Regions Act 2009*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

**Resolution 8.5**

**That Council:**

- 1. Receives the Royalties for Regions Country Local Government Fund Review.**
- 2. Notes the 26 recommendations contained within the Review.**
- 3. Notes the State Governments responses to the 26 recommendations.**

**Moved: Cr Beard**

**Seconded: Cr Gibsone**

**Vote: Simple Majority**

**Carried: 7/0**

## 8.6. Cunderdin Community Resource Centre Council Donation Application

Location:	Cunderdin
Applicant:	Faye Christison, Assistance Co-ordinator - Cunderdin Community Resource Centre
Date:	14 September 2012
Author:	Community Development Officer
Item Approved by:	Chief Executive Officer
File Reference:	ADM0038
Attachments:	5 Pages

**Cr Dennis Whisson declared a Financial Interest in this item and departed the Council Chamber at 5:27pm**

### **Proposal/Summary**

The Cunderdin Community Resource Centre has requested a Council Donation of \$213

This report recommends Council support the request.

### **Background**

Council includes in the annual budget provision to support local community groups and events

### **Comment**

The Cunderdin Community Resource Centre (CCRC) has requested Council Donation of \$213 to fund school holiday activities during the October School Holidays for primary age children. The activities include cake decorating, jewellery making with experienced tutors to be held at the Cunderdin Community Resource Centre.

The requested funds will cover the costs of engaging suitable tutors and the purchase of materials for 3 x 2 hour classes in cake decorating and 2 hours classes in jewellery making and making placemats.

<b>INCOME</b>	
Community Grant	\$ 213
Group/ Organisation Contribution	\$ 0
Other Fees \$2 per child per session	\$ 100
<b>Total Income</b>	<b>\$ 313</b>
<b>EXPENDITURE</b>	
Item A - Tutor Cake Decorating 4x \$30	120
Item B – Materials Cake Decorating \$5 per child per session	100
Item C Materials, beads paint and brushes	93
<b>Total Expenditure</b>	<b>\$313</b>

### **Previous Council Funding**

In June 2012 the Cunderdin CRC applied for Council Donation funding of \$490 to host July School Holiday activities.

Cunderdin CRC also received \$390 in November 2011 to assist in covering the costs of running a Seniors Week Celebration. This funding was fully acquitted.

Cunderdin CRC received \$500 in Council managed Dry Season Funding in April 2011 to assist in the running costs of hosting a Water Wise Gardening Forum.

### **Consultation**

Faye Christison, Assistant Coordinator of the Cunderdin Community Resource Centre contacted the Shire's Community Development Officer to discuss the application process for Council funding. CDO provided information and council donation application form to Mrs Christison.

### **Statutory Implications**

Nil

### **Policy Implications**

#### 4.0 Assessment Criteria

Applications for projects, events or facilities will be assessed under the following categories:

- *Applicant's demonstrated proven record in providing quality community, sporting or cultural events or programs;*
- *Cultural, community, sporting or artistic merit of the proposed program, event or facility;*
- *Originality of the program, event or facility;*
- *Demonstrated relevance of the proposed project or event to the target audience;*
- *The project increases opportunities to extend community capacity for cultural and or artistic activity;*
- *The program encourages links between cultural, sporting, business, and tourism;*
- *The program increases returns on cultural, sporting or community infrastructure in the town;*
- *The project improves economic viability and demonstrates capacity to increase and diversify financial resources for community, sporting or cultural services and programs;*
- *The funds provided by Council must not lead to an applicant becoming dependent on Council for ongoing financial support; and*
- *The applicant has a demonstrated capacity for program development and management;*

### **Financial Implications**

If approved, \$213 will be allocated from the Council Donation Account from the 2012-13 Annual Budget.

### **Strategic Implications**

Nil

#### **Resolution 8.6**

**That Council provides \$213 under the Council Donations Scheme from the 2012- 13 Annual Budget to the Cunderdin Community Resource Centre**

**Moved: Cr Cooper**

**Seconded: Cr Gibsone**

**Vote: Simple majority**

**Carried: 5/1**

**Cr Whisson returned to the Council Chamber at 5:31pm**

## 9. Environmental Health & Building Services

### 9.1. Appointment of Authorised Person – Private Swimming Pool Inspector

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Administration
<b>Date:</b>	11 September 2012
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	
<b>Attachment/s:</b>	Nil

#### **Proposal/Summary**

Council is requested to consider appointing Mr George Johnson as a Private Swimming Pool Inspector to inspect all private swimming pools in the Shire of Cunderdin.

#### **Background**

State legislation (Building Regulations 2012) requires local authorities to inspect private swimming pools in their district at least once every four (4) years.

The previous inspections were undertaken by the Royal Life Saving Society of WA in 2008.

#### **Comments**

It is recommended that Council appoint Mr George Johnson as an Authorised Person (Private Swimming Pool Inspector) to undertake the required statutory inspections of all private swimming pools within the Shire of Cunderdin.

Mr Johnson is employed by the Shire of York as an Environmental Health Officer and is also employed by the Shire of Cunderdin to carry out meat inspection duties at the Cunderdin Agricultural College abattoir. Therefore meets the requirement of being a Shire of Cunderdin employee.

#### **Consultation**

All private swimming pool owners will be contacted in writing and advised that Council intends to have all private swimming pools in the Shire of Cunderdin inspected by an Authorised Officer.

The owners of private swimming pools will be informed that they may contact Council and arrange for a mutually agreeable time and date for the inspection or the inspections will be undertaken as scheduled by the authorised person.

#### **Statutory Implications**

##### **Building Regulations 2012**

##### **53. *Inspections of pool enclosures***

- (1) *The local government for the district in which a private swimming pool containing water that is more than 300 mm deep is located must arrange for an authorised person to inspect the pool*



enclosure at intervals of no more than 4 years for the purpose of monitoring whether the provisions in regulations 50 and 52 are being complied with.

- (2) A local government may, for a financial year, fix the charge to be imposed on each owner or occupier of land on which there is a private swimming pool containing water that is more than 300 mm deep, to meet the estimated cost in that financial year of carrying out the inspections mentioned in subregulation (1), but the charge fixed —
- (a) must not exceed the estimated average cost to the local government of carrying out inspections in that year; and
  - (b) must not exceed \$55.

**54. Transitional provisions — persons authorised to carry out inspections of private swimming pools**

- (1) In this regulation —

**repeal day** means the day on which section 153 comes into operation;

**repealed provisions** means the Local Government (Miscellaneous Provisions) Act 1960 as in force immediately before repeal day.

- (2) For the purposes of section 93(2)(d) any of the following persons is to be taken to be an authorised person in relation to the inspection of private swimming pool enclosures for the period commencing on repeal day and ending on the day that is 5 years after that day —
- (a) a person who was an authorised person for the purposes of section 245A of the repealed provisions immediately before repeal day;
  - (b) a person with appropriate experience or qualifications authorised by the local government for the purposes of this regulation.

**Building Act 2011, Division 2 – Authorised Persons, Section 96, and Subsection 3.**

A Local Government may by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located or proposed to be located, in the district of the local government.

A private swimming pool is defined as an incidental structure under the provisions of the *Building Act 2011*.

**Policy Implications**

Nil

**Financial Implications**

Private swimming pool owners are charged for the cost of the inspections. Council has adopted a fee of \$40 for this service in the Schedule of Fees and Charges for 2012/2013.

**Strategic Implications**

Nil

**Recommendation 9.1**

That Council:

By instrument in writing designate Mr George Johnson employed by the Shire of Cunderdin under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of the Building Act 2011 in relation to incidental structures (private swimming pools) located or proposed to be located in the district of the Shire of Cunderdin.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote: Simple Majority

Carried/Lost: \_\_\_\_/\_\_\_\_

**Resolution 9.1**

That Council:

1. **By instrument in writing designate Mr George Johnson employed by the Shire of Cunderdin under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of the Building Act 2011 in relation to incidental structures (private swimming pools) located or proposed to be located in the district of the Shire of Cunderdin.**
2. **Requires that an information notice pertaining to the swimming pool inspections be circulated to all community members prior to the inspections proceeding.**

Moved: Cr Gibsone

Seconded: Cr Whisson

Vote: Simple Majority

Carried: 7/0

## 9.2 Application to keep three (3) dogs

<b>Location:</b>	98 Mitchell Street, Cunderdin
<b>Applicant:</b>	Mrs Penny Bloodworth
<b>Date:</b>	19 September 2012
<b>Author:</b>	Ranger Services, Shire of York
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Attachment/s:</b>	1 Page/s

Cr's David Beard & Clive Gibsone declared an Interest in this item as "Closely Associated Persons".

### **Resolution 9.2.1**

That Cr's Beard and Gibsone be allowed to participate in discussions and the decision making procedures relating to this matter as their Interest is so trivial or insignificant as to be unlikely to influence their conduct in relation to the matter.

**Moved: Cr Cooper**

**Seconded: Cr Whisson**

**Vote – Simple majority**

**Carried: 5/0**

### **Proposal/Summary**

An application has been received from Mrs Penny Bloodworth requesting permission to keep three (3) dogs on their property at 98 Mitchell Street, Cunderdin.

### **Background**

It is a requirement of the Shire of Cunderdin Dogs Local Law 2008 that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other authorised Council Officer has considered that there are no valid reasons for withholding such approval.

### **Comment**

The Shire Ranger has inspected the property of 98 Mitchell St Cunderdin and has found the fences substandard for containing a 3<sup>rd</sup> dog of the size that Mrs Bloodworth wishes to keep there. Let alone the other 2 dogs she has at the property already.

Keeping of dogs in a townsite may impact on the social cohesion of a community if the dogs create a nuisance. This has already occurred. The granting of this third dog application could have negative effects on the community, including but not limiting such things as:

- Dogs wandering
- Dogs causing a nuisance
- Dog attacks

It could also have social implications in regards to the Council being seen as granting exemptions with no cause, against the local laws.

It is recommended that Council do not grant approval for the keeping of a third dog at 98 Mitchell St Cunderdin.

This is due to the following:

- Several complaints have been made about Mrs Bloodworth's other dogs, these involve aggressive behaviour, escaping and unsubstantiated 'nipping and biting'. In relation to this Mrs Bloodworth has been sent a fencing complying notice which has seen the dogs moved from the fence line and placed on a run. Be this as it may – the fences have still not been made more secure.

The Ranger has spoken to Mrs Bloodworth and the reason she wishes to keep the third dog is her daughter has moved and cannot keep the dog at her property, this is temporary. Once her daughter has settled in a new location she would take the dog with her.

### **Consultation**

The Shire Ranger has liaised with Mrs Penny Bloodworth, owner of the property 98 Mitchell Street, Cunderdin. The Shire Ranger has also spoken to Mrs Joanne Beard of 96 Mitchell Street, Cunderdin, who has given her permission for 98 Mitchell Street to have three (3) dogs.

### **Statutory Implications**

*Dog Act 1976 (as amended)*

Shire of Cunderdin Dogs Local Law 2008

### ***PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS***

#### ***3.1 Dogs to be confined***

- (1) *An occupier of premises on which a dog is kept must -*
  - (a) *cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;*
  - (b) *ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;*
  - (c) *ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;*
  - (d) *maintain the fence and all gates and doors in the fence in good order and condition; and*
  - (e) *where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.*
- (2) *Where an occupier fails to comply with subclause (1), he or she commits an offence.*

**Penalty:** *Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.*

#### ***3.2 Limitation on the number of dogs***

- (1) *This clause does not apply to premises which have been -*
  - (a) *licensed under Part 4 as an approved kennel establishment; or*

*(b) granted an exemption under section 26(3) of the Act.*

*(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -*

*(a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or*

*(b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Resolution 9.2.2**

**That Council:**

- 1. Does not support the application for the keeping of three (3) dogs at 98 Mitchell Street, Cunderdin, due to the lack of suitable fencing.**
- 2. Agrees to reconsider the application on receipt of evidence that the fencing has been improved to a satisfactory level.**

**Moved: Cr Cooper**

**Seconded: Cr Whisson**

**Vote - Absolute majority**

**Carried: 6/1**

## 10. Works & Services

### 10.1. Manager of Works & Services Report

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager Works and Services
<b>Date:</b>	17 <sup>th</sup> September 2012
<b>Author:</b>	Mark Burgess
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Attachment/s:</b>	1 Page

#### **Proposal/Summary**

Council is to receive the Manager of Works and Services Report for September 2012.

#### **Construction**

The programmed construction works for the Cunderdin Quairading Rd is completed. The 3.5km section of the road which joins the Cunderdin town boundary is to be revisited with a view to sealing the gravel shoulders.

The Grain Freight Network works within the Shire of Bruce Rock are proceeding on schedule and within budget provisions.

Regional Road Group works has commenced on the Cunderdin Wyalkatchem Road with the widening of the shoulders north of the Matthews Road intersection.

Plans are being finalised for the Cunderdin Main Street project Stage 2, it is anticipated works will commence early October 2012.

#### **Maintenance Grading**

Maintenance grading has ceased due to dry conditions. Roads will be graded for corrugations as community contact is made with the Shire.

#### **General**

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

#### **Footpath/s Construction**

Footpath construction program is being prepared in accordance with Council resolution.

#### **Manager Works & Services Position**

The Manager Works & Services has tendered his resignation from Council employment effective from 31 October 2012. Mark has accepted a position with a private sector company that provides contract services to a whole range of road building/equipment/service, including the local government industry.

The Chief Executive Officer has accepted the resignation and is negotiating with Mark for the completion of the Shire's Road Construction Program for 2012/13.

The Manager Works & Services position will be advertised.

**Statutory Implications**

*Local Government Act 1995*

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Resolution 10.1**

**That Council:**

- 1. Receives the Manager of Works and Services Report for September 2012**
- 2. Acknowledges the letter of resignation by the Manager Works & Services.**

**Moved : Cr Gibsone**

**Seconded: Cr Doug Kelly**

**Vote – Simple majority**

**Carried: 7/0**

Council expressed their vote of thanks to Mark Burgess for his work and commitment to the Shire of Cunderdin and wished him well in the future.

## 10.2 Memorial Rose Garden

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Neil Mills
<b>Date:</b>	12 September 2012
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Attachment/s:</b>	1 Page

### **Proposal/Summary**

Council to consider an application submitted by Mr Neil Mills for a Memorial Rose Garden plaque.

This report recommends Council approval.

### **Background**

Application has been received to install a plaque in the Cunderdin Memorial Rose Garden in memory of Erwin (Pat) and Myra Mills.

The family has farmed at "Sunrise Farm", Youndegin, since 1910 and is still farmed by a member of the family.

It is a requirement that all applications must be presented for Council consideration.

### **Comment**

The application appears to meet the pioneer criteria for Council assessment.

### **Consultation**

Nil

### **Statutory Implications**

Nil

### **Policy Implications**

Policy adopted 17 May 2007 - *All applications for inclusion in the Rose Memorial Garden are to be submitted to council for individual consideration. The application must be accompanied by a brief submission demonstrating the close association of the family, or individual, with the district. The initial cost of the plaque and rosebush will be borne by the applicant. Council will thereafter maintain the garden, including replacing plants and plaques as deemed necessary.*

### **Financial Implications**

Nil - full cost recovery for providing rose bush and plaque.

### **Strategic Implications**

Nil



**Resolution 10.2**

**That Council:**

- 1. Approves the application submitted by Mr Neil Mills, subject to full cost recovery of providing the rose bush and plaque in accordance with Council policy.**

**Moved: Cr Harris**

**Seconded: Cr Whisson**

**Vote: Simple majority**

**Carried: 7/0**

## 11. Planning & Development

### 11.1 Applications for Exploration Licences 70/4409 and 70/4410

<b>Location:</b>	Shire of Cunderdin
<b>Applicant/s:</b>	M&M Walter Consulting on behalf of Kaolin Resources Pty Ltd
<b>Date:</b>	12 September 2012
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Ref:</b>	28300
<b>Attachment/s:</b>	5 Pages

#### **Proposal/Summary**

Correspondence advising Council of new applications for Mining Exploration Licences submitted to the Department of Mines and Petroleum (DMP).

This report recommends that Council acknowledges the applications and recommends to the DMP that certain conditions be imposed.

#### **Background**

Correspondence from M&M Walter Consulting advising that on behalf of their clients, Kaolin Resources Pty Ltd, applications have been submitted to the Department of Mines and Petroleum for the abovementioned exploration licences.

The applications have the capacity to impact on areas of land within the Shire.

#### **Comment**

Whilst Council has minimal power over whether the exploration licences are approved or not it is recommended that certain conditions be presented to the DMP for consideration during the approval process.

#### **Consultation**

Nil

#### **Statutory Implications**

*Mining Act 1978*

### **33. Application for mining tenement by permit holder**

- 1) *Subject to subsection (1a), where an application is made in accordance with this Act for a mining tenement that relates to private land notice of the application shall be given in the prescribed manner by the applicant to —*
  - a) *the chief executive officer of the local government;*
  - b) *the owner and occupier of the private land; and*

- c) *each mortgagee of the land under a mortgage endorsed or noted on the title or land register or record relating to that land, but if there is no occupier of the land, or no such occupier can be found, the notice of the application shall be affixed in some conspicuous manner on the land.*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Resolution 1.1**

That Council acknowledges the applications for Exploration Licences 70/4409 and 70/4410, and requests the following conditions be imposed by the Department of Mines and Petroleum if the exploration licences are to be issued:

- All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.
- All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six (6) months after excavation unless otherwise approved in writing by the district mining engineer.
- Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.
- No activities taking place to the detriment of any roads, streets or verges.
- Minimum disturbance being made to natural vegetation.
- Adequate dust suppression control methods and practices being used.
- Except with the approval of the Shire of Cunderdin, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Cunderdin.
- All works comply with the Environmental Protection (Noise) Regulations 1997.
- All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.

Moved: Cr Beard

Seconded: Cr Cooper

Vote: Simple majority

Carried: 7/0

## 11.2 WA Planning Commission Planning Application 146633 - Proposed Residential Subdivision

<b>Location:</b>	Lots 40 & 41 Yilgarn Street, Cunderdin
<b>Applicant/s:</b>	Paul Kraft & Associates on behalf of Trevor Fawkes
<b>Date:</b>	12 September 2012
<b>Author:</b>	Dan Ho, Town Planning Consultant
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Ref:</b>	28223
<b>Attachment/s:</b>	6 Pages

### **Proposal/Summary**

Advice from the WA Planning Commission of planning application lodged by Paul Kraft & Associates on behalf of T R Fawkes.

This report recommends that the application be supported subject to certain conditions.

### **Background**

The Planning Application proposes to amalgamate Lots 40 & 41 Yilgarn Street, Cunderdin, into one single residential allotment (Lot A).

Zoning: Residential R20.

### **Comment**

The application proposes the amalgamation of two lots into one lot. All existing buildings, structures and other improvements are to be retained.

The proposal complies with the provisions of the Shire of Cunderdin Town Planning Scheme No 3, Residential Design Codes and Western Australian Planning Commission DC Policy 2.2.

### **Consultation**

Nil

### **Statutory Implications**

*Planning and Development Act 2005*  
Shire of Cunderdin Town Planning Scheme No 3

### **Policy Implications**

WAPC DC Policy 2.2 – Residential Subdivision

### **Financial Implications**

Nil

### **Strategic Implications**

The proposed subdivision meets the strategic objectives of the Shire of Cunderdin Local Planning Strategy. The subject site is set aside as a future development area under the Local Planning Strategy.

**Resolution 11.2**

**That Council advises the WA Planning Commission that Planning Application 146633 is supported subject to the following conditions:**

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.**
- 2. The land being graded and stabilised.**
- 3. The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works.**
- 4. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted to the satisfaction of the Local Authority.**

**Moved: Cr Gibsone**

**Seconded: Cr Harris**

**Vote: Simple majority**

**Carried: 7/0**

### 11.3 Application for Planning Approval – Proposed Outbuilding

<b>Location:</b>	Lot 59 Hodgson Street, Cunderdin
<b>Applicant/s:</b>	J & G Fissioli
<b>Date:</b>	12 September 2012
<b>Author:</b>	Dan Ho, Town Planning Consultant
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Ref:</b>	
<b>Attachment/s:</b>	7 Pages

#### **Proposal/Summary**

For Council to consider the construction of an outbuilding at Lot 59 Hodgson Street, Cunderdin. The proposed outbuilding has a wall height of 3.05m and a total floor area of 120m<sup>2</sup>.

This report recommends that Council support the application.

#### **Background**

Zoning: Residential R5  
Lot area: 1800m<sup>2</sup>

The following report has been prepared in response to the application for development approval lodged with the Shire of Cunderdin. The site currently has an existing single house and an existing outbuilding.

An assessment of the application in the context of the current statutory planning framework and a final recommendation regarding the general suitability of the proposed development is provided to assist in the decision making process.

#### **Comment**

The proposal meets the requirements of the Shire of Cunderdin Town Planning Scheme No 3, planning policies and Residential Design Codes with the exception of the following reasons:

#### **Outbuilding wall height**

Clause 2.1 of the Shire's Planning Policy No 2 provides for outbuildings with a wall height of up to 3m. The proposal provides for wall heights of up to 3.05m. This alternative wall height can be supported in this instance for the following reasons:

1. The proposed outbuilding is sufficiently setback from the street boundary to not have any adverse impacts on the streetscape;
2. The proposed variation is minor in nature and will not adversely impact the amenity of the adjoining properties; and
3. The proposed outbuilding is sufficiently setback from the side and rear boundaries to not adversely impact upon the adjacent properties.

#### **Outbuilding area**

Clause 6.10.1 of the Residential Design Codes provides for outbuildings with a maximum collective area of 60m<sup>2</sup> or 10 per cent in aggregate of the site area, whichever is the lesser. The proposed outbuilding is

120m2, furthermore the site currently has an existing outbuilding with floor areas of 24m2 leading to an aggregate area of 144m2. The proposed outbuilding area can be supported in this instance for the following reasons:

1. The proposed outbuilding is sufficiently setback from the street boundary to not have any adverse impacts on the streetscape;
2. The proposed variation will not adversely impact the amenity of the adjoining properties; and
3. The proposal complies with open space requirements of the Residential Design Codes.

The application meets all other planning requirements as set out under the Shire's Town Planning Scheme No 3 and the Residential Design Codes.

### **Consultation**

Nil

### **Statutory Implications**

*Planning and Development Act 2005*  
Shire of Cunderdin Town Planning Scheme No 3  
*Building Act 2011*

### **Policy Implications**

Shire of Cunderdin Planning Policy No 2 – Houses & Sheds

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Cunderdin Local Planning Strategy (LPS) – The proposed development maintains the aims and objectives of the Local Planning Strategy.

### **Resolution 11.3**

**That Council approve the application for an outbuilding at Lot 59 Hodgson Street, Cunderdin, subject to the following condition:**

- 1. The proposed development is to comply in all respects with the submitted building plans approved and stamped accordingly.**

**Moved: Cr Cooper**

**Seconded: Cr Beard**

**Vote: Simple majority**

**Carried: 7/0**

## 11.4 Application for Planning Approval – Proposed Outbuilding

<b>Location:</b>	Lot 60 Hodgson Street, Cunderdin
<b>Applicant/s:</b>	P M Bloodworth
<b>Date:</b>	12 September 2012
<b>Author:</b>	Dan Ho, Town Planning Consultant
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Ref:</b>	
<b>Attachment/s:</b>	3 Pages

### **Proposal/Summary**

For Council to consider the construction of an outbuilding at Lot 60 Hodgson Street, Cunderdin. The proposed outbuilding has a wall height of 3.6m and a total floor area of 162m<sup>2</sup>.

This report recommends that Council support the application.

### **Background**

Zoning: Residential R5  
Lot area: 18539m<sup>2</sup>

The following report has been prepared in response to the application for development approval lodged with the Shire of Cunderdin.

An assessment of the application in the context of the current statutory planning framework and a final recommendation regarding the general suitability of the proposed development is provided to assist in the decision making process.

### **Comment**

The proposal meets the requirements of the Shire of Cunderdin Town Planning Scheme No 3, planning policies and Residential Design Codes with the exception of the following reasons:

#### **Outbuilding wall height**

Clause 6.10.1 of the Residential Design Codes provides for outbuildings with a ridge height of up to 4.2m. Clause 2.1 of the Shire's Planning Policy No 2 provides for outbuildings with a wall height of up to 3.0m. The proposal provides for wall heights of up to 3.6m and a ridge height of up to 4.8m. This alternative wall height and ridge height can be supported in this instance for the following reasons:

1. The proposed outbuilding is sufficiently setback from the street boundary to not have any adverse impacts on the streetscape; and
2. The proposed outbuilding is sufficiently setback from the side and rear boundaries to not adversely impact upon the adjacent properties.

#### **Outbuilding area**

Clause 6.10.1 of the Residential Design Codes provides for outbuildings with a maximum collective area of 60m<sup>2</sup> or 10 per cent in aggregate of the site area, whichever is the lesser. The proposed outbuilding is 162m<sup>2</sup>. The proposed outbuilding area can be supported in this instance for the following reasons:



1. The proposed outbuilding is sufficiently setback from the street boundary to not have any adverse impacts on the streetscape;
2. The proposed variation will not adversely impact the amenity of the adjoining properties; and
3. The proposal complies with open space requirements of the Residential Design Codes.

The application meets all other planning requirements as set out under the Shire's Town Planning Scheme No 3 and the Residential Design Codes.

### **Consultation**

Nil

### **Statutory Implications**

*Planning and Development Act 2005*  
Shire of Cunderdin Town Planning Scheme No 3  
*Building Act 2011*

### **Policy Implications**

Shire of Cunderdin Planning Policy No 2 – Houses & Sheds

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Cunderdin Local Planning Strategy (LPS) – The proposed development maintains the aims and objectives of the Local Planning Strategy.

### **Recommendation 11.4**

That Council approve the application for an outbuilding at Lot 60 Hodgson Street, Cunderdin, subject to the following condition:

1. The proposed development is to comply in all respects with the submitted building plans approved and stamped accordingly.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote: Simple majority

Carried/Lost: \_\_\_/\_\_\_

**Resolution 11.4**

That Council approve the application for an outbuilding at Lot 60 Hodgson Street, Cunderdin, subject to the following condition:

1. The proposed development is to comply in all respects with the submitted building plans approved and stamped accordingly.
2. The Building Inspector to ensure building materials used comply with the relevant building legislation and local laws.

Moved: Cr Harris

Seconded: Cr Gibsone

Vote: Simple majority

Carried: 6/1

## 11.5 Cunderdin Sports Ground Community Recreation Centre Project

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	17 <sup>th</sup> September 2012
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	5 Pages – Tabled

### Proposal/Summary

For Council to formally consider the floor plans, exterior designs and site layout for the new buildings (change-rooms and community centre) for the Cunderdin Recreation Grounds.

This report recommends Council adopts the various plans as tabled and authorises the Architect to prepare architectural documents for the project to proceed to tender.

### Background

In October 2011 Council engaged the services of Peter Hunt Architects for the Full Architectural Consultancy Services for the Cunderdin Sports Ground Community Centre Project.

It is proposed the Architect will also provide the Project Management Services for the project.

A local community committee, the Sporting Facilities Design Working Group, was established to represent the community and various sporting groups/clubs on the design of the buildings.

Consultation between Council, the Architect, Design Working Group, and the community has gone on for some time.

Recent meetings have been held between Council representatives, the Architect, and the Design Working Group to progress the project.

- The Chief Executive Officer and Cr Todd Harris met with the Architect at their offices in West Perth on Friday 8 June 2012 to progress the change-room plan.
- Whilst in Perth for the Local Government Week Convention on Friday 3 August 2012, Councillors Carter, Gibsone, Cooper & Whisson, and the CEO met with the Architect in West Perth to progress the community centre building plan.

Both of the preferred plans, and a proposed site layout plan, were presented to a meeting of the Sporting Facilities Design Working Group at a meeting in the Council Chambers on Monday 3 September 2012, commencing at 5:45pm.

Following the aforementioned meeting of the Design Working Group, the Chief Executive Officer and Cr Todd Harris met with the Architect at their offices in West Perth on Friday 7 September 2012 to discuss final changes to the community centre draft plans.

## **Comments**

The final building designs need to be finalised as soon as possible for the project to proceed within a reasonable time frame and to allow the buildings to be sufficiently progressed to enable use of the change-rooms for at least the later part of the 2013 winter sporting period.

There is also some urgency to progress the matter as soon as possible to enable the project to be completed or substantially completed within the grant funding guidelines.

The LotteryWest and Department of Sport and Recreation grants have funding deadlines of June 2013. The Country Local Government Fund allocations can be carried over and extended for period of up to two years but Council is not able to claim any further funding until the amounts have been acquitted.

There is still substantial work to do before the project can actually commence, all of which can take up to least 2 - 3 months, eg:

- Complete architectural documents
- Advertise for tender
- Award Tender
- Sign Contracts

The current plans can be fitted within the Council budget and funding avenues, subject to tender prices submitted.

Grant funding has been received for Stage 1 of the project, the Change-rooms and Community Centre Buildings, as follows:

	<b>Amount</b>	<b>Expiry Date</b>
Country Local Government Fund – Individual Component	\$ 345,656	2 years
Country Local Government Fund – Regional	\$ 905,977	2 years
Department of Sport and Recreation	\$ 585,000	15 June 2013
LotteryWest	\$ 800,000	30 June 2013
<b>TOTAL</b>	<b>\$2,636,633</b>	

## **Consultation**

Community and Sporting Clubs.  
Design Working Group.  
Peter Hunt Architects.

## **Statutory Environment**

*Local Government Act 1995*

Part 3; Division 3; Section 3.57 Tenders for providing goods or services

*Local Government (Functions and General) Regulations 1996*

Part 4; Division 2 Tenders for providing goods or services; Regulations 11 - 21

## **Policy Implications**

Nil

**Financial Implications**

Provision for the project has been included in the Shire of Cunderdin Budget for 2012/2013.

**Strategic Implications**

Improve meeting places for all ages, including aged and youth by providing a multi-purpose facility (Cunderdin Sports and Community Amenity Project).

**Resolution 11.5**

**That Council;**

- 1. Endorse the draft plans for the Cunderdin Sports Ground Community Recreation Project (inclusive of Change-rooms, Community Centre – Interior & Exterior Design, and Sports Ground Lay Out) dated 17<sup>th</sup> September 2012, and as tabled at the Council meeting.**
- 2. Authorises the Architect to prepare the full architectural documents for the project to enable the project to progress to the tender stage.**
- 3. Appoints Peter Hunt Architect to project manage the project.**

**Moved: Cr Gibsone**

**Seconded: Cr Cooper**

**Vote: Simple majority**

**Carried: 7/0**

**In conjunction with resolution 11.5, Cr Rod Carter to discuss minor changes to the draft plans with the Chief Executive Officer and also seek clarification from the Architect in relation to: Management cost structure; demolition timeframe; and the requirement for Council to view all specifications prior to the project going to tender.**

## **12. Urgent Items**

### **12.1 Rating of Lot 73 Cunderdin-Quairading Road – Mr Rex Kennedy**

The aforementioned property in the name of Clovelly Nominees Pty Ltd, Mr Rex Kennedy, has had a Restrictive Covenant placed over it pursuant to section 129BA of the Transfer of Land Act 1893, benefiting a public authority, at the owners request.

The Covenant has been registered on the certificate of title and restricts the activities that can be undertaken on the property to nature conservation.

Given the restrictive nature for which the property can now be used Council consider providing a rates discount to the property owner.

#### **Resolution 12.1**

**That Council provides a rates discount of 50% to Clovelly Nominees Pty Ltd for Lot 73 on Deposited Plan 32117 Cunderdin- Quairading Road.**

**Moved: Cr Cooper**

**Seconded: Cr Gibsone**

**Vote – Simple majority**

**Carried: 7/0**

## **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 6:41pm.