



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 18th September 2014** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5:00pm**.

A handwritten signature in black ink, appearing to read 'Peter Naylor'.

Peter Naylor
Chief Executive Officer

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AGENDA

1. Declaration of opening

The President declared the meeting open at 5.00 pm

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: | 10 th September 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 Terri Jasper

Vote – Simple majority

Carried: 6/0

3. Public Question Time

Response to previous public questions taken on notice

Declaration of public question time opened at

Declaration of public question time closed at

7. Confirmation of the Minutes of Previous Meetings

7.1 Ordinary Meeting of Council held on Thursday 21st August 2014

| | |
|--------------------------------|---------------------------------|
| Location: | Cunderdin |
| Applicant: | Administration |
| Date: | 10 th September 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 Council Meeting held on Thursday 21st August 2014.

Background

The minutes of the meeting 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 Thursday 21st August 2014, be confirmed as a true and correct record.**

Moved: Cr Todd Harris

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried : 6/0

Note to this item:

The President will sign the minute declaration.

8. Finance & Administration

8.1. Financial Reports for July & August 2014

| | |
|--------------------------|---------------------------------|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Date: | 11 th September 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 31st July and 31st August 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
- 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 monthly financial reports to 31st July and 31st August 2014.

Moved: Cr CliveGibsone

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 6/0

UWA University students entered the meeting at 5.12pm, to discuss with Council some of the concepts they have developed for the proposed Lundy Avenue Health Precinct and then left the meeting at 5.30pm at the closure of those discussions.

8.2 Accounts Paid – August 2014

| | |
|--------------------------------|---------------------------------|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Author: | Paul Godfrey |
| Report Date: | 11 th September 2014 |
| Item Approved By: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 5 Pages |

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$833,640.06 listed in the Warrant of Payments for the period 1st to 31st August 2014.

Attachments

Warrant of Payments for 1st – 31st August 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 \$ 833,640.06 for the month of August 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 Todd Harris

Seconded: Cr Dianne Kelly

Vote – simple majority

Carried: 6/0

Paid Creditor Listing August 2014

| Date | Reference | Narration | Amount |
|------------|-----------|--|---------------|
| 1/08/2014 | Bank Fees | Commonwealth Bank of Australia - Bank Charges | -\$ 20.00 |
| 1/08/2014 | Bank Fees | Westpac Banking Corporation - Bank Charges | -\$ 256.55 |
| 1/08/2014 | EFT-2312 | Westnet | -\$ 44.95 |
| 1/08/2014 | EFT-2273 | LGIS Insurance Broking | -\$ 44,752.13 |
| 1/08/2014 | EFT-2274 | LGISWA | -\$ 76,811.00 |
| 4/08/2014 | Bank Fees | Westpac Banking Corporation - Bank Charges | -\$ 31.00 |
| 12/08/2014 | EFT-2313 | Westnet | -\$ 49.95 |
| 13/08/2014 | Payroll | Staff Wages 13-8-14 | -\$ 42,002.96 |
| 13/08/2014 | EFT-2314 | White, Paul | -\$ 500.00 |
| 14/08/2014 | EFT-2315 | West Australian Treasury Corporation | -\$ 11,061.72 |
| 14/08/2014 | EFT-2316 | West Australian Treasury Corporation | -\$ 7,706.13 |
| 14/08/2014 | 10537 | COV's | -\$ 927.07 |
| 14/08/2014 | 10538 | Telstra Corporation Limited | -\$ 2,097.85 |
| 14/08/2014 | 10539 | Synergy | -\$ 10,444.65 |
| 14/08/2014 | 10540 | Water Corporation | -\$ 2,615.40 |
| 14/08/2014 | EFT-2278 | Courier Australia | -\$ 340.63 |
| 14/08/2014 | EFT-2279 | Cunderdin Co-Op Fuel | -\$ 8,000.00 |
| 14/08/2014 | EFT-2280 | Cunderdin Co-op | -\$ 1,255.75 |
| 14/08/2014 | EFT-2281 | Quairading Earthmoving | -\$ 4,004.00 |
| 14/08/2014 | EFT-2282 | Avon Waste | -\$ 7,568.00 |
| 14/08/2014 | EFT-2283 | Advanced Autologic Pty Ltd | -\$ 674.00 |
| 14/08/2014 | EFT-2284 | Thompson Signs | -\$ 88.00 |
| 14/08/2014 | EFT-2285 | Hitachi Construction Machinery (Australia) Pty Ltd | -\$ 556.30 |
| 14/08/2014 | EFT-2286 | HCT Rural Agencies | -\$ 36.74 |
| 14/08/2014 | EFT-2287 | Farmways Cunderdin | -\$ 6,184.20 |

| | | | |
|------------|-----------|---|---------------|
| 14/08/2014 | EFT-2288 | Immacu Sweep | -\$ 2,420.00 |
| 14/08/2014 | EFT-2289 | Westrac Equipment | -\$ 1,318.63 |
| 14/08/2014 | EFT-2290 | F-111 Engineering Pty Ltd | -\$ 471.90 |
| 14/08/2014 | EFT-2291 | A P Concreting Pty Ltd | -\$ 2,130.00 |
| 14/08/2014 | EFT-2292 | Startrack Express | -\$ 69.58 |
| 14/08/2014 | EFT-2293 | Shire of Tammin | -\$ 796.40 |
| 14/08/2014 | EFT-2294 | Shire of Quairading | -\$ 463.65 |
| 14/08/2014 | EFT-2295 | JR & A Hersey | -\$ 5,043.37 |
| 14/08/2014 | EFT-2296 | JASON SIGNMAKERS | -\$ 1,169.30 |
| 15/08/2014 | Bank Fees | Commonwealth Bank of Australia - Bpoint Charges | -\$ 29.50 |
| 15/08/2014 | EFT-2317 | sgfleet | -\$ 1,562.44 |
| 19/08/2014 | 10541 | Department racing, gaming and liquor | -\$ 377.00 |
| 25/08/2014 | 10542 | Synergy | -\$ 1,061.00 |
| 25/08/2014 | 10543 | MLC Nominees Pty Ltd | -\$ 851.20 |
| 25/08/2014 | 10544 | Barker, Michael John | -\$ 22.50 |
| 25/08/2014 | 10545 | Telstra Corporation Limited | -\$ 67.86 |
| 25/08/2014 | 10546 | Westscheme Superannuation | -\$ 1,212.63 |
| 25/08/2014 | 10547 | AMP Life Limited | -\$ 134.60 |
| 25/08/2014 | 10548 | Statewide Super | -\$ 163.29 |
| 25/08/2014 | 10549 | BT Super for Life | -\$ 908.52 |
| 25/08/2014 | 10550 | Australian Super | -\$ 657.46 |
| 25/08/2014 | 10551 | Lynnies Highway 1 Cafe | -\$ 225.00 |
| 25/08/2014 | 10552 | OnePath Superannuation | -\$ 616.35 |
| 25/08/2014 | 10553 | Telstra (Bigpond) | -\$ 59.90 |
| 25/08/2014 | EFT-2297 | Colonial First State | -\$ 610.56 |
| 25/08/2014 | EFT-2298 | Hostplus | -\$ 340.77 |
| 25/08/2014 | EFT-2299 | The Cunderdin Mob | -\$ 420.00 |
| 25/08/2014 | EFT-2300 | WA Local Government Superannuation Plan | -\$ 21,682.20 |
| 25/08/2014 | EFT-2301 | Courier Australia | -\$ 18.54 |
| 25/08/2014 | EFT-2302 | Cunderdin Community Resource Centre | -\$ 3,500.00 |
| 25/08/2014 | EFT-2303 | Shire of York | -\$ 1,170.19 |
| 25/08/2014 | EFT-2304 | Contract Aquatic Services | -\$ 5,104.00 |
| 25/08/2014 | EFT-2305 | Major Motors Pty Ltd | -\$ 133.87 |
| 25/08/2014 | EFT-2306 | WA Local Government Association | -\$ 323.85 |
| 25/08/2014 | EFT-2307 | Debken Pty Ltd | -\$ 3,850.00 |
| 25/08/2014 | EFT-2308 | Shire of Tammin | -\$ 1,043.20 |
| 25/08/2014 | EFT-2309 | Johnson, George | -\$ 990.00 |
| 25/08/2014 | EFT-2310 | Combined Tyrepower | -\$ 692.60 |
| 25/08/2014 | EFT-2311 | Australian Taxation Office (Bas) | -\$ 19,040.00 |
| 27/08/2014 | Payroll | Staff Wages 27-8-14 | -\$ 39,711.57 |
| 27/08/2014 | EFT-2318 | White, Paul | -\$ 500.00 |
| 29/08/2014 | 10554 | COV's | -\$ 353.51 |
| 29/08/2014 | 10555 | Bunnings | -\$ 214.61 |
| 29/08/2014 | EFT-2319 | Crommelins Machinery | -\$ 329.56 |
| 29/08/2014 | EFT-2320 | Courier Australia | -\$ 88.22 |

| | | | |
|------------|----------|--|----------------------|
| 29/08/2014 | EFT-2321 | Mick Walker Transport | -\$ 3,927.00 |
| 29/08/2014 | EFT-2322 | Cunderdin Co-op | -\$ 410.79 |
| 29/08/2014 | EFT-2323 | Avon Waste | -\$ 5,485.32 |
| 29/08/2014 | EFT-2324 | Hitachi Construction Machinery (Australia) Pty Ltd | -\$ 24.09 |
| 29/08/2014 | EFT-2325 | Andy's Plumbing Service | -\$ 1,056.00 |
| 29/08/2014 | EFT-2326 | Farmways Cunderdin | -\$ 217.80 |
| 29/08/2014 | EFT-2327 | Wayne Davies | -\$ 8,900.00 |
| 29/08/2014 | EFT-2328 | Wongan Concrete Services | -\$ 2,079.44 |
| 29/08/2014 | EFT-2329 | Specialised Tree Service | -\$ 2,990.00 |
| 29/08/2014 | EFT-2330 | Local Government Managers Australia (WA DIV) | -\$ 912.00 |
| 29/08/2014 | EFT-2331 | Luptons Liquid Waste | -\$ 770.00 |
| 29/08/2014 | EFT-2332 | Cunderdin Co-op Museum | -\$ 106.14 |
| 29/08/2014 | EFT-2333 | Northam Garden Centre | -\$ 283.65 |
| 29/08/2014 | EFT-2334 | Shire of Tammin | -\$ 353.70 |
| 29/08/2014 | EFT-2335 | Robinson Build-Tech | -\$ 456,145.82 |
| | | Total Amount: | -\$833,640.06 |

| | |
|--------------|---------------------|
| CHQ | \$ 3,010.40 |
| EFT | \$810,629.66 |
| TOTAL | \$833,640.06 |

8.3 Council Investments – At 31st August 2014

| | |
|--------------------------------|---------------------------------|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Author: | Paul Godfrey |
| Report Date: | 11 th September 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 31st August 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 | \$1,176,099.79 | Reserves Term Deposit 23-6827 3.15% Expires : 24/08/2014 | \$0.00 | \$1,176,099.79 |
| Westpac Banking Corporation | \$551,995.50 | Business Cash Reserve Bonus 22-3647 2.35% | \$ 551,995.50 | \$0.00 |
| Westpac Banking Corporation | \$0.00 | Muni Term Deposit 22-8712 3.0% | \$0.00 | \$0.00 |
| | | | | |
| | | | | |
| TOTAL INVESTMENTS | \$ 1,728,191.72 | | \$ 551,995.50 | \$1,176,196.22 |

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 31st August 2014 be received and noted.

Moved: Cr Dianne Kelly

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 6/0

8.4 Shire of Cunderdin Administration Office Closure over the Christmas / New Year Period

| | |
|--------------------------------|---------------------------------|
| Location: | Shire of Cunderdin |
| Applicant: | Chief Executive Officer |
| Date: | 10 th September 2014 |
| Author: | Peter Naylor |
| Item Approved by: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | Nil |

Proposal/Summary

For Council to consider the closure of the Shire Administration Office over the Christmas / New Year period.

This report recommends Council endorsement of the proposal as in recent years.

Background

In the past four (4) years Council has authorised the closure of the Administration Office as follows:

| | |
|---------|---|
| 2010/11 | 23 rd December 2010, returning on Tuesday 4 th January 2011 |
| 2011/12 | 24 th December 2011, returning on Tuesday 3 rd January 2012 |
| 2012/13 | 24 th December 2012, returning on Wednesday 2 nd January 2013 |
| 2013/14 | 24 th December 2013, returning on Thursday 2 nd January 2014 |

No complaints and / or adverse comments have been received in relation to the office closure over the periods mentioned.

Comments

As a general rule no significant business is conducted between the Christmas and New Year period, therefore it is considered an ideal time to close the office and allow staff to clear some of their accrued leave entitlements, and enjoy a relaxed festive period with their families.

It is proposed the office be closed from the close of business on Wednesday 24th December 2014 to Friday 2nd January 2015 inclusive, reopening on Monday 5th January 2015.

During the proposed seven (7) business day closure period staff time will be allocated to public holidays (4 days) and annual leave entitlements (3 days).

Notification of the office closure will be displayed in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 8.4

That Council resolves to:

- 1. Approve the closure of the Shire of Cunderdin Administration Office during the Christmas / New Year period from close of business on Wednesday 24th December 2014 to Friday 2nd January 2015, inclusive, reopening on Monday 5th January 2015.**
- 2. Advertise the Administration Office closure in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.**

Moved: Cr Terri Jasper

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 6/0

9. Environmental Health & Building Services

Nil

10. Works & Services

10.1 Works & Services Report

| | |
|--------------------------------|---------------------------------|
| Location: | Cunderdin |
| Applicant: | Manager Works & Services |
| Date: | 10 th September 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

- Completed re-sheeting works on Moore Road.
- Started clearing and re-sheeting works on Beebering Road.

General

- Routine maintenance works being carried out throughout the Shire and on a as needs basis.
- Gravelled, watered and rolled car park at Meckering Cemetery.
- Cleaned out culvert on verge at entrance to Cunderdin Agricultural College.
- Re-sheeted sections of Kitto and Fiegert Roads.
- Planted tree seedlings on Shire land at rear of swimming pool and light industrial estate.
- Gravelled pot holes in laneway between Pemberton and Kennedy Streets.
- Sand deliveries to Meckering and Cunderdin.
- Winter grading has been completed on Mussared, Stokes, Dempster, Shorter, Wyola North, Doodenanning, Greens, Carter and Bulgin Roads.
- Replaced signs for the Cemetery and Cubbine Street.

Parks and Gardens Cunderdin & Meckering

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

Airfield Maintenance

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

Plant Maintenance

- Carried out general servicing and minor repairs to all plant and equipment.
- The rear transfer gear box on the Volvo Loader has shattered and needs to be repaired prior to trading on new tractor, having trouble in obtaining parts.
- The Iveco Truck requires a new clutch.

Waste Services

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

Works & Services Staff

- Nil

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 |
|-------------|-------------------|---------------------------------|
| Burges | 8/8/14 to 15/8/14 | 11.70 |
| Fleay | | 6.50 |
| Bulgin | | 8.00 |
| Collins | | 4.80 |

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Strategic Implications

Nil

At 5.53pm The new doctor Joseph and the Cunderdin medical Practice owner, Madoopaa met with council to discuss PHCC and the role of the local doctor in the new centre and left at 6.10pm

Resolution 10.1

That Council:

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

Moved: Cr Doug Kelly

Seconded: Cr Terri Jasper

Vote – Simple majority

Carried: 6/0

10.2 Road Names Allocation

| | |
|--------------------------------|---------------------------------|
| Location: | Shire of Cunderdin |
| Applicant: | Rebecca Marsh |
| Date: | 11 th September 2014 |
| Author: | Peter Naylor |
| Item Approved by: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | 31934 |
| Attachment/s: | 3 Pages |

Proposal/Summary

For Council to consider the future naming of a Road or Street in the Shire of Cunderdin after George & Kathleen King.

Background

At the Ordinary Meeting of Council on 16th April 2014 Council resolved in part (resolution 10.2) as follows:

That Council:

1.
2.
3. *Requests the Geographical Names Committee to commence a register for future road / street names within the Shire of Cunderdin.*
4. *Places an advertisement in the Bandicoot inviting community to submit names of historical significance to the Shire of Cunderdin to be presented to the Geographical Names Committee for consideration and to be placed on a register for future road / street names.*

Comment

In relation to dot point 3 of the Aforementioned resolution the Geographical Names Committee have commenced a register at Landgate for the future naming of roads / streets within the Shire.

The request presented from Rebecca Marsh is as a result of the local advertising carried out in accordance with dot point 4 of the resolution.

A brief history pertaining to George & Kathleen Kings association with Cunderdin is explained in the attachment.

Consultation

Nil

Statutory Implications

Land Administration Act 1997

Geographical Names Committee Policies and Guidelines.

Policy Implications

Nil

Financial Implications

Nil

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 population base.

Resolution 10.2

That Council:

- 1. Supports the proposal from Rebecca Marsh for the future naming of a road / street within the Shire of Cunderdin after George & Kathleen King.**
- 2. Forwards the proposal to the Geographical Names Committee (Landgate) for their assessment in accordance with Landgate policies and guidelines.**

Moved: Cr Todd Harris

Seconded: Cr Doug Kelly

Vote: Simple majority

Carried: 6/0

11 Planning & Development

11.1 Proposed Disposal of Land – Lot 7 Main Street, Cunderdin

| | |
|--------------------------------|-----------------------------------|
| Location: | Lots 7 & 8 Main Street, Cunderdin |
| Applicant: | G Cooper, Elders Farm Supplies |
| Date: | 11 th September 2014 |
| Author: | Jacky Jurmann (Planner) |
| Item Approved by: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | |
| Attachment/s: | |

Cr Clive Gibsone declared a Proximity Interest as he neighbouring property owner to Lot 8 Main Street.

Proposal/Summary

The Shire of Cunderdin has been approached by Mr Graham Cooper, owner of Elders Farm Supplies, to purchase a portion of Lot 7 Main Street, Cunderdin for amalgamation into Lot 8 to formalise the use of this portion of the Lot.

The purpose of this Report is to provide in principle support to the subdivision and sale of the subject portion of Lot 7 Main Street.

Background

The subject portion of Lot 7 Main Street has been utilised as part of Mr Cooper's business for an extended period of time to the extent that the land has been fenced and bitumised. The portion of land provides valuable rear access to Mr Cooper's farm supplies business and external storage and display of products.

Both lots are currently 1012m² in area, have frontage and access to Main Street and Lundy Avenue, and are narrow long lots. The front portion of Lot 7, which is owned freehold by the Shire of Cunderdin, contains a playground and a community kiosk and is fenced to provide safety and separation from the neighbouring business. Lot 8, and the rear portion of Lot 7, contain buildings and storage areas associated with the farm supply business.

A site plan is attached to this Report depicting the current situation and proposed subdivision and amalgamation.

Comment

The proposed subdivision and sale of the rear portion of Lot 7 will formalise the use of the subject portion of land and remove any Shire liability from the use.

Consultation

The sale of the land will be subject to the legislative requirements of the Local Government Act 1995 and will require a public notice advising of the proposed disposition to the community for a period of not less than 2 weeks inviting submissions on the proposal. Any comments received must be considered in Council's decision to progress this matter.

Statutory Implications

Local Government Act 1995

Section 3.58 of the LGA outlines the process for the disposal of land and includes giving notice of the disposition and inviting submissions and providing details of the market value obtained from a sworn valuation not greater than 6 months old.

Planning and Development Act 2005

Under the provisions of the Act, the Western Australian Planning Commission are the approval authority for all subdivisions (and amalgamations) in Western Australia. Therefore, the proposed subdivision will require WAPC approval.

Preliminary advice from the WAPC has been obtained by a Surveyor acting on behalf of the applicant as follows:

“As discussed, your proposal to realign the boundaries of Lots 7 & 8 Main St, Cunderdin, excising a portion of land currently used as a playground on Lot 7, and amalgamating the rear balance portion of land with adjoining Lot 8, would create two new lots of 1,658 and 364 square metres. The purpose of the proposal is to rationalise lot boundaries to more accurately reflect the current use of Lots 7 & 8.

Reiterating our telephone discussion from last week, it is a requirement of the Shire of Cunderdin Town Planning Scheme No. 3 that the creation of new lots in the Town centre zone comply with a minimum lot size requirement of 1,000 square metres. Whilst the proposal to create a new lot of 364 square metres is a significant variation to the minimum lot size requirement, the Scheme provides for variations to be permitted.

I suggested to you that an amendment to the Town Planning Scheme to rezone the 364sqm lot to Public Purpose might need to occur before your subdivision proposal could be supported. However, based on a preliminary assessment, the proposal appears to be broadly consistent with the objectives of the Town centre zone and the Shire’s Local Planning Strategy. A Town Planning Scheme amendment would not therefore be a prerequisite.

Please note however that the views of the Shire regarding the proposal will be an important factor in the determination of an application for subdivision. For example, it would be useful to understand from the Shire whether it considers the objectives of the Town centre zone would be compromised and whether it would intend to pursue the rezoning of the 364 sqm lot.”

The applicant would be responsible for the costs associated with the subdivision application, including required surveys.

Cunderdin Local Planning Scheme No. 3

The lots are zoned Town Centre under the provisions of the Scheme, with both current uses considered as non-conforming uses, that is the uses were in existence prior to its gazettal in 2007.

As indicated in the advice above, the subdivision would result in the creation of a lot with an area less than 1000m², which is specified in Table 2 of the Scheme. Clause 5.5 of the Scheme permits variations to site and development standards if the variation is not inconsistent with the zone objectives and is not detrimental to the locality. The preliminary advice from the WAPC is that it considers that the subdivision is broadly consistent with the zone objectives for the Town Centre, which is concurred by the author of this Report. Notwithstanding this, in the view of orderly and proper planning, a scheme amendment to rezone

the new Lot 7 containing the playground and community kiosk to Public Purposes is recommended in the near future.

Any other applicable provisions of the Scheme will be assessed following receipt of the subdivision application, including access, egress and manoeuvring within the new lot to ensure that traffic, particularly in Main Street, is not adversely affected.

Policy Implications

The disposal of the subject portion of Lot 7 will reduce the risk of the Shire and is therefore considered to have positive policy implications, although the minimum lot area requires variation. The variation is unlikely to create an undesirable precedent of smaller lot areas in the Town Centre due to the unique and historical circumstances of the lot.

Financial Implications

The applicant will be responsible for the cost of the subdivision and associated survey requirements. The sworn valuation obtained as part of the disposal requirements will provide Council a market value to determine the sale price of the subject land. It is unlikely that there will be any adverse financial implications for the Shire as a result of this proposal.

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 strengthen and support a local business.

Resolution 11.1

That Council:

- 1. Provide in principle support to the subdivision and sale of the subject portion of Lot 7 Main Street for amalgamation into Lot 8 Main Street.**
- 2. Give notice to the community in accordance with Clause 3.58 of the Local Government Act 1995 of the proposed disposal of the subject land.**
- 3. Following expiration of the public notice period, Council receive a further report to finally consider any submissions and the sale of the land.**
- 4. Obtain a Sworn Valuation for the purposes of disposal of the subject land.**
- 5. Advise the applicant of Council's in principle support and that he is responsible for all costs associated with the subdivision and amalgamation of the subject land.**
- 6. Following subdivision and sale of the subject land, initiate a scheme amendment to rezone the remainder of Lot 7 Main Street to Public Purposes.**

Moved: Cr Doug Kelly

Seconded: Cr Terri Jasper

Vote: Simple majority

Carried: 6/0

ATTACHMENT 1 – SITE PLAN



ATTACHMENT 2 – PROPOSED SUBDIVISION & AMALGAMATION



12. Urgent Items

12.1 Primary Health Care Demonstration Site Project User Group

The Chief Executive Officer tabled a letter of application from Mrs Carol Crane requesting to be appointed as a Community Member of the Project User Group Committee.

Mrs Crane is a Tammin resident and member of the Tammin Shire Council she is also the local Community Care Coordinator for the WA Country Health Service.

Council agreed that Mrs Cranes expertise from both a community and health perspective would be a valuable resource to the Project User Group.

Resolution 12.1

That Council endorses the application from Mrs Carol Crane to be appointed as a community representative on to the Primary Health Care Demonstration Site Project User Group.

Moved: Cr Dianne Kelly

Seconded: Cr Clive Gibsone

Vote: Simple majority

Carried: 6/0

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 6.32pm.