



## Shire of Cunderdin

### Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 21<sup>st</sup> November 2013** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5:07pm**.

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 will declare the meeting open at 5.07pm**

**The Shire of Cunderdin disclaimer will be 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>	9 <sup>th</sup> November 2013
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer

#### **Resolution 2.0:**

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

**Moved: Cr Clive Gibsone**

**Seconded: Cr Dennis Whisson**

**Vote – Simple majority**

**Carried: 8 /0**

### 3. Public Question Time

**Response to previous public questions taken on notice**

**Declaration of public question time opened at**

**Declaration of public question time closed at**

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

##### **Record of attendances**

###### **Councillors**

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

##### **Apologies**

##### **On Leave of Absence**

##### **Staff**

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services (from 5:28pm to 6:34pm)

##### **Guests of Council**

Karis Medical Group (From 7:05pm to 7:25pm)

##### **Members of the Public**

##### **Applications for leave of absence**

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

Item 13.2	Chief Executive Officer, Financial Interest
Item 13.3	Cr Todd Harris, Impartiality Interest

#### **5. Petitions, Deputations, Presentations**

##### **Deputations**

##### **Presentations**

#### **6. Announcements by President without discussion**

## 7. Confirmation of the Minutes of Previous Meetings

### 7.1 Ordinary Meeting of Council held on Wednesday 18<sup>th</sup> October 2013

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	9 <sup>th</sup> November 2013
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	N/A
<b>File Reference:</b>	
<b>Attachment/s:</b>	Nil

#### **Proposal/Summary**

Council to confirm the minutes of the Ordinary Council meeting held on Friday 18<sup>th</sup> October 2013.

#### **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 Friday 18<sup>th</sup> October 2013, be confirmed as a true and correct record.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Dennis Whisson**

**Vote – Simple majority**

**Carried: 8/0**

**Note to this item:**

The President will sign the minute declaration.

## 8. Finance & Administration

### 8.1. Financial Report for October 2013

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	12 <sup>th</sup> November 2013
<b>Author:</b>	Paul Godfrey/Darren Long
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	

#### Proposal/Summary

The financial position as at 31st October 2013 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 to 31st October 2013
- Municipal Bank Account Statement & Reconciliation 036-102 00-0030
- Municipal Business Cash Reserve Statement & Reconciliation 036-107 22-3647
- Municipal Term Deposit Statement & Reconciliation 036-107 22-6418
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8704
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8712
- Reserves Business Cash Reserve Statement & Reconciliation 036-107 22-3639
- Reserves Term Deposit Statement & Reconciliation 036-107 22-6311
- Working Trust Account Statements & Reconciliations 036-172 12-2981
- REBA Trust Account Statements & Reconciliations 036-172 12-3001

#### Statutory Environment

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

#### Commentary

Nil

#### Policy Implications

Nil

**Financial Implications**

All financial implications are contained within the reports

**Strategic Implications**

Nil

**Resolution 8.1**

**That council receive the financial reports to 31st October 2013.**

**Moved: Cr Norm Jenzen**

**Seconded: Cr Dianne Kelly**

**Vote – Simple majority**

**Carried: 8/0**



## 8.2 Accounts Paid – October 2013

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	12 <sup>th</sup> November 2013
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	3 Pages

### Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$458,101.70 listed in the Warrant of Payments for the period 1st October to 31st October 2013.

### Attachments

Warrant of Payments for 1st October – 31st October 2013.

### 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 \$458,101.70, for the period of 1<sup>st</sup> October – 31st October 2013 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 Terri Jasper**

**Vote – simple majority**

**Carried: 8/ 0**

**Creditor Payment Listing October 2013**

<b>Date</b>	<b>Reference</b>	<b>Narration</b>	<b>Amount</b>
1/10/2013	EFT-1629	Westpac Credit Card	-\$ 409.49
1/10/2013	Bank Fees	Westpac Banking Corporation	-\$ 1,930.45
2/10/2013	Bank Fees	Westpac Banking Corporation	-\$ 29.75
2/10/2013	10266	HESTA Super Fund	-\$ 83.75
2/10/2013	10267	MLC Nominees Pty Ltd	-\$ 202.47
2/10/2013	10268	Telstra Corporation Limited	-\$ 68.20
2/10/2013	10269	Westscheme Superannuation	-\$ 241.02
2/10/2013	10270	Institute of Automotive Mechanical Engineers	-\$ 900.00
2/10/2013	10271	Wayne Davies	-\$ 7,000.00
2/10/2013	10272	Gibsone, Cr Clive	-\$ 225.00
2/10/2013	10273	BT Super for Life	-\$ 267.76
2/10/2013	10274	Kelly, cr. Dianne	-\$ 225.00
2/10/2013	10275	Water Corporation	-\$ 180.58
2/10/2013	10276	One Path Superannuation	-\$ 174.24
2/10/2013	10277	Rogers, Allan	-\$ 282.15
2/10/2013	10278	JASON SIGNMAKERS	-\$ 1,844.70
2/10/2013	EFT-1605	Hostplus	-\$ 11.33
2/10/2013	EFT-1606	Dougie's Roadhouse	-\$ 94.50
2/10/2013	EFT-1607	The Cunderdin Mob	-\$ 252.20
2/10/2013	EFT-1608	WA Local Government Superannuation Plan	-\$ 5,570.80

2/10/2013	EFT-1609	Courier Australia	-\$	98.68
2/10/2013	EFT-1610	Carter, Cr Rod	-\$	463.00
2/10/2013	EFT-1611	Snap Printing	-\$	515.50
2/10/2013	EFT-1612	Kelly, cr. Doug	-\$	225.00
2/10/2013	EFT-1613	Dy Mark	-\$	1,395.50
2/10/2013	EFT-1614	Meckering Sporting Club	-\$	700.00
2/10/2013	EFT-1615	Whisson, Cr Dennis	-\$	225.00
2/10/2013	EFT-1616	Cunderdin Community Resource Centre	-\$	41.40
2/10/2013	EFT-1617	Meckering Roadhouse	-\$	1,200.00
2/10/2013	EFT-1618	Perfect Computer Solutions Pty Ltd	-\$	13,290.00
2/10/2013	EFT-1619	Cooper, Cr Graham	-\$	225.00
2/10/2013	EFT-1620	Immacu Sweep	-\$	3,960.00
2/10/2013	EFT-1621	Western Australian Electoral Commission	-\$	40.00
2/10/2013	EFT-1622	C.Y. O'Connor Institute	-\$	840.00
2/10/2013	EFT-1623	Harris, Cr Todd	-\$	225.00
2/10/2013	EFT-1624	Public Libraries Western Australia	-\$	153.75
2/10/2013	EFT-1625	Specialised Tree Service	-\$	2,520.00
2/10/2013	EFT-1626	Local Government Managers Australia (WA DIV)	-\$	1,673.00
2/10/2013	EFT-1627	Cardiactive Pty Ltd	-\$	1,118.15
9/10/2013	Payroll	Staff Pays	-\$	39,385.45
15/10/2013	10279	Synergy	-\$	10,279.85
15/10/2013	10280	COVS Parts	-\$	822.78

15/10/2013	10281	MLC Nominees Pty Ltd	-\$	207.10
15/10/2013	10282	Telstra Corporation Limited	-\$	1,621.72
15/10/2013	10283	Pentacle Holdings	-\$	60.00
15/10/2013	10284	Westscheme Superannuation	-\$	264.82
15/10/2013	10285	BT Super for Life	-\$	268.67
15/10/2013	10286	Water Corporation	-\$	345.94
15/10/2013	10287	Cunderdin Newsagency	-\$	155.90
15/10/2013	10288	Baxters Rural Centre	-\$	38.73
15/10/2013	10289	OnePath Superannuation	-\$	156.82
15/10/2013	10290	JASON SIGNMAKERS	-\$	1,954.70
15/10/2013	EFT-1630	Hills Concrete Products	-\$	640.00
15/10/2013	EFT-1631	Instant Weighing Pty Ltd	-\$	1,380.00
15/10/2013	EFT-1632	Hostplus	-\$	10.52
15/10/2013	EFT-1633	WA Local Government Superannuation Plan	-\$	5,669.73
15/10/2013	EFT-1634	Courier Australia	-\$	245.79
15/10/2013	EFT-1635	Wattleup Tractors	-\$	955.90
15/10/2013	EFT-1636	Air Liquide Pty Ltd	-\$	131.31
15/10/2013	EFT-1637	Horsfield, Garry	-\$	1,350.00
15/10/2013	EFT-1638	Godfrey, Paul	-\$	110.00
15/10/2013	EFT-1639	Cunderdin Co-op	-\$	1,174.95
15/10/2013	EFT-1640	Australia Post	-\$	119.98
15/10/2013	EFT-1641	Avon Precision Engine Services	-\$	757.05

15/10/2013	EFT-1642	Avon Waste	-\$	7,491.87
15/10/2013	EFT-1643	LGIS Risk Management	-\$	3,600.30
15/10/2013	EFT-1644	Advanced Autologic Pty Ltd	-\$	30.00
15/10/2013	EFT-1645	Shire of York	-\$	2,596.95
15/10/2013	EFT-1646	Hutton & Northey Sales	-\$	380.70
15/10/2013	EFT-1647	Thompson Signs	-\$	27.50
15/10/2013	EFT-1648	Donovans Engineering	-\$	165.00
15/10/2013	EFT-1649	Av-Sec Security	-\$	180.20
15/10/2013	EFT-1650	Country Ford	-\$	2,259.40
15/10/2013	EFT-1651	Local Government Managers Australia (WA DIV)	-\$	1,346.00
15/10/2013	EFT-1652	Avdata Australia	-\$	567.70
15/10/2013	EFT-1653	Claw Environmental	-\$	3,061.86
15/10/2013	EFT-1654	Cunderdin Co-op Museum	-\$	43.15
15/10/2013	EFT-1655	WA Local Government Association	-\$	456.50
15/10/2013	EFT-1656	Dunnings Investments Pty Ltd	-\$	10,837.72
15/10/2013	EFT-1657	Shire of Tammin	-\$	911.40
15/10/2013	EFT-1658	Skipper Truck Parts	-\$	109.78
15/10/2013	EFT-1659	CDA Air Conditioning & Refrigeration	-\$	605.00
15/10/2013	EFT-1662	sgfleet	-\$	1,701.25
15/10/2013	Bank Fees	Commonwealth Bank of Australia	-\$	34.07
22/10/2013	EFT-1666	Australian Taxation Office (Bas)	-\$	4,730.22
23/10/2013	Payroll	Staff Pays	-\$	39,853.99



### 8.3 Council Investments – At 31<sup>st</sup> October 2013

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	12 <sup>th</sup> November 2013
<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> October 2013.

#### 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</b>				
<b>Institution</b>	<b>Amount Invested</b>	<b>Investment type</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>
Westpac Banking Corporation	\$96.43	Business Cash Reserve Bonus 22-3639 0.01%	\$0.00	\$96.43
Westpac Banking Corporation	\$2,131,738.23	Reserves Term Deposit 22-6311 3.7%	\$0.00	\$2,131,738.23
Westpac Banking Corporation	\$704,538.56	Business Cash Reserve Bonus 22-3647 2.5%	\$704,538.56	\$0.00
Westpac Banking Corporation	\$517,479.34	Muni Term Deposit 22-8712 3.7%	\$517,479.34	\$0.00
<b>TOTAL INVESTMENTS</b>	<b>\$3,353,852.56</b>		<b>\$1,222,017.90</b>	<b>\$2,131,834.66</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> October 2013 be received and noted.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Dianne Kelly**

**Vote – Simple Majority**

**Carried: 8/0**



## 8.4 Appointments to Committees, Working Groups and Portfolios

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	9 <sup>th</sup> November 2013
<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>	Nil

### Proposal/Summary

Council to review appointments to committees, working groups and portfolios.

### Background

At the Ordinary Council meeting held on Thursday 19<sup>th</sup> November 2009, Council adopted the following resolution in relation to the various appointments:

- (a) *That all appointments to Committees of Council remain the same.*
- (b) *That all appointments to Other Committees and groups & portfolios remain the same, accept;*  
*Cr Rod Carter be appointed to the following;*  
*- Local Emergency Management Action Committee (LEMAC)*  
*- Kellerberrin Regional Road Group*  
*- Education*
- Cr Todd Harris be appointed to the CCT Farm committee*
- (c) *That Cr David Beard be appointed to the following portfolios*  
*- Building*  
*- Landcare*

Note: full details of the appointments are below.

### Comment

The following committee, working group and portfolio appointments have been in place since 2009 and are for Council consideration and endorsement as required. Note former Councillors Graham Cooper and David Beard have been appointed to a number of positions and these will need to be filled by other persons.

Any Councillor wishing to nominate themselves or another Councillor for a particular appointment may do so.

Please also note that some of the committees that have previously had councillor appointments may no longer be relevant and therefore can be excluded (or deleted) from the process.

### **Committees of Council**

#### Audit Committee

Cr Rod Carter, **Cr Graham Cooper** & Cr Clive Gibsone

#### Bulgin Bush Races Committee

Cr Clive Gibsone

#### Cunderdin Airshow Committee

Cr Rod Carter, **Cr Graham Cooper** & Cr Dennis Whisson

#### Local Emergency Management Committee (LEMC)

Cr Rod Carter, **Cr Graham Cooper**, Cr Todd Harris, Cr Doug Kelly & Cr Dennis Whisson

#### Museum Management Committee

Cr Clive Gibsone

### **Other Committees and Groups**

#### Department of Fire and Emergency Services Committee (DFES)

Cr Todd Harris & Cr Doug Kelly

#### Regional Road Group Kellerberrin Sub Group

Cr Rod Carter & **Cr Graham Cooper**, and Chief Executive Officer

#### South East Avon Regional Transition Group (SEARTG)

Cr Rod Carter & **Cr Graham Cooper**, and Chief Executive Officer

#### South East Avon Voluntary Regional Organisation of Councils (SEAVROC)

Cr Rod Carter & **Cr Graham Cooper**, and Chief Executive Officer

#### WALGA Great Eastern Country Zone (GECZ)

Cr Rod Carter, **Cr Graham Cooper** & Cr Todd Harris, and Chief Executive Officer

### **Portfolios**

#### Agriculture and Food Zone Council Authority

Cr Dennis Whisson

#### Airfield Issues

Cr Rod Carter

#### Avon Catchment Council

Cr Dianne Kelly

#### Buildings

**Cr David Beard** & Cr Dianne Kelly

#### Cunderdin Community Resource Centre

Cr Dennis Whisson

#### Cunderdin Community Trust Farm Committee

Cr Todd Harris

#### Education Issues

Cr Rod Carter & **Cr Graham Cooper**

Health Issues

Cr Clive Gibsone & Cr Dianne Kelly

Law, Order & Police Issues

Cr Clive Gibsone

Meckering Action Group

Cr Dianne Kelly & Cr Doug Kelly

Natural Resource Management

**Cr David Beard** (note on resignation of Cr David Beard, Cr Dennis Whisson assumed this role)

Plant & Equipment

Cr Doug Kelly

Seniors Issues

Cr Clive Gibsone

Tourism Issues

Cr Dianne Kelly

Youth Committee

Cr Dennis Whisson

Department for Planning Development Assessment Panels

In addition to the above, Council also nominates four (4) Councillors to sit on the Local Development Assessment Panel, in accordance with the provisions of the *Planning and Development (Development Assessment Panels) Regulations 2011*, two (2) as Local Members and two (2) as Alternate Local Members. The nominations are considered and appointed by the Minister for Planning for up to a two-year period.

The Shire of Cunderdin current appointments to the Local Development Assessment Panel are: Cr's Clive Gibsone & Graham Cooper as Local DAP Members, and Cr's Todd Harris & Dennis Whisson as Alternate Local DAP Members. These appointments expire on 26<sup>th</sup> April 2015, however as Graham Cooper is no longer a Councillor Council will need to nominate a replacement for the Ministers consideration. Dennis is a local DAP and Terri as an alternate

Primary Health Care Demonstration Site Project User Group

A report on the PHCDS Project User Group Terms of Reference is being presented to Council as a Confidential Item later in the meeting and Council representatives on the PUG can be determined at that time.

**Consultation**

Nil

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**5:28pm** Mr Ian Bartlett, Manager Works & Services, entered the meeting.

**Resolution 8.4**

**That Council makes the following appointments to Committees Working Groups and Portfolios:**

**Committees of Council**

**Audit Committee**

**Cr Rod Carter, Cr Clive Gibsone & Cr Doug Kelly**

**Bulgin Bush Races Committee**

**Cr Norm Jenzen**

**Cunderdin Airfield Committee**

**Cr Rod Carter, Cr Clive Gibsone & Cr Dennis Whisson**

**Local Emergency Management Committee (LEMC)**

**Cr Rod Carter, Cr Clive Gibsone, Cr Todd Harris, Cr Doug Kelly & Cr Dennis Whisson**

**Museum Management Committee**

**Cr Clive Gibsone**

**Other Committees and Groups**

**Department of Fire and Emergency Services Committee (DFES)**

**Cr Todd Harris & Cr Doug Kelly**

**Regional Road Group Kellerberrin Sub Group**

**Cr Rod Carter & Cr Doug Kelly, and Chief Executive Officer**

**South East Avon Regional Transition Group (SEARTG)**

**Cr Rod Carter & Cr Clive Gibsone, and Chief Executive Officer**

**South East Avon Voluntary Regional Organisation of Councils (SEAVROC)**

**Cr Rod Carter & Cr Clive Gibsone, and Chief Executive Officer**

**WALGA Great Eastern Country Zone (GECZ)**

**Cr Rod Carter & Cr Todd Harris, and Chief Executive Officer**

**Resolution 8.4 (Cont)**

**Porfolios**

**Agriculture and Food Zone Council Authority**

Cr Terri Jasper

**Avon Catchment Council & Natural Resource Management**

Cr Terri Jasper & Cr Dennis Whisson

**Buildings**

Cr Norm Jenzen & Cr Dianne Kelly

**Cunderdin Community Resource Centre**

Cr Dennis Whisson

**Cunderdin Community Trust Farm Committee**

Cr Todd Harris

**Education Issues**

Cr Rod Carter, Cr Todd Harris & Cr Norm Jenzen

**Health Issues**

Cr Rod Carter & Cr Dianne Kelly

**Law, Order & Police Issues**

Cr Clive Gibsone

**Meckering Action Group**

Cr Dianne Kelly & Cr Doug Kelly

**Plant & Equipment**

Cr Norm Jenzen

**Seniors Issues**

Cr Clive Gibsone

**Tourism Issues**

Cr Dianne Kelly

**Department for Planning Development Assessment Panels**

Nominates Cr Clive Gibsone & Cr Dennis Whisson to be the Shire of Cunderdin Local Members to sit on the local Development Assessment Panel.

Nominates Cr Todd Harris & Cr Terri Jasper to be the Shire of Cunderdin Alternate Local Members to sit on the local Development Assessment Panel.

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

## 9. Environmental Health & Building Services

### 9.1 Application for use of former Library room in Cunderdin Town Hall

<b>Location:</b>	Cunderdin Town Hall
<b>Applicant:</b>	Adam Takacs
<b>Date:</b>	9 <sup>th</sup> November 2013
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	30906
<b>Attachment/s:</b>	1 Page + 6 photos

#### Proposal/Summary

Mr Adam Takacs on behalf of his wife Charito G Oteyza, seeking approval to rent the former library room at the Cunderdin Town Hall to operate small business.

This report recommends that approval be granted.

#### Background

Ms Oteyza is wanting to commence a small business in Cunderdin, selling small craft and clothing, and is seeking a premises to rent.

The two meeting / community rooms at the entrance to the Cunderdin Hall are currently vacant and is available for rental, however both are in a somewhat state of disrepair and could do with some much needed maintenance.

Council has previously rented the rooms for small private business ventures.

#### Comment

In discussions with Mr Takacs he has indicated a willingness to undertake necessary repairs to the building to enable the proposed business to comfortably function.

It is proposed that Council approve the application on the understanding that the proponents would need to pay / reimburse Council for utility costs associated with the business, ie water, power and telephone, however in lieu of rental payment for a short period of time (6-7 months) Mr Takacs to undertake necessary works in the building to bring the rooms (2) to an acceptable standard.

If Council supports such an arrangement it could be reviewed at 30 June 2014, prior to deliberating on the 2014/2015 Budget.

#### Consultation

Mr Adam Takacs.

#### Statutory Implications

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil, the proponent will reimburse Council for utility costs associated with the business and carry out repairs and maintenance to the building.

**Strategic Implications**

Nil

**5:50pm** Cr Todd Harris left the meeting

**Resolution 9.1**

**That Council:**

- 1. Endorse the application from Mr Adam Takacs and Ms Charito G Oteyza and grants approval for them to rent the former Library room at the Cunderdin Town Hall to commence a small business. Rental of the property to be effective from 1<sup>st</sup> December 2013.**
- 2. Informs Mr Takacs and Ms Oteyza that they will be responsible for reimbursing Council for utility costs and other outgoings associated with operating the small business. These costs to include, but not restricted to, water, power and Telstra.**
- 3. Informs Mr Takacs and Ms Oteyza that in lieu of a weekly rent payment they will be responsible for undertaking maintenance and repairs to the building (the two rooms at entrance to the hall). Such arrangement is in place until 30<sup>th</sup> June 2014 at which time it will be reviewed.**

**Moved: Cr Clive Gibsone**

**Seconded: Cr Dennis Whisson**

**Vote – Simple majority**

**Carried: 7/0**

## 10. Works & Services

### 10.1 Works & Services Report

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager Works & Services
<b>Date:</b>	13 <sup>th</sup> November 2013
<b>Author:</b>	Ian Bartlett
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

5:52pm Cr Todd Harris returned to the meeting

#### Proposal/Summary

Council is to receive the Works and Services Report.

#### Construction

- Shoulder work on Cunderdin-Wyalkatchem Road in preparation for reseal.
- Started works on Meckering-Dowerin Road in preparation for reseal.

#### General

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

- Removal of 550m<sup>3</sup> of excess fill from the Cunderdin Sports Ground project.
- Painting of guide posts on various roads.
- Installed new rural number on Pascoe Road and new Wilding Road sign.
- Repaired wash out on Main street West.
- Pothole patching on various bitumen roads.
- Repaired and corrected street signs in Cunderdin and Meckering.
- Delivered several loads of sand as private works, also attended to five rate payer contact requests ranging from potholes , tree branches and guide posts.
- "Stinky Gully" floodway potholes patched due to water damage.
- Extended culvert on Cunderdin-Wyalkatchem Road due to roadworks.
- Cleared vegetation at intersection of Leeming and Burges Roads in preparation for new signage.
- Carried out maintenance grading to the following roads: Mussared, Sermon, Boland, Carter, Fiegert, Kitto, Quick, Sheehan, Mills, Thompson, Taylor, Youdegin-Kelkering, Gimbel, Halbert, Jasper, Pascoe, 8 Mile Gate, Stokes, Main Street West and Rabbit Proof Fence South.

#### ***Parks and Gardens Cunderdin & Meckering***

- General mowing, whipper snipping and clean-up of all parks, gardens and public open space.
- Cleaned verge of Togo Street, dead trees and rubbish.
- Removed dead tree on Hastie Street verge.
- Tennis club have reported that the courts are playing well.

#### ***Building and other Maintenance***

- General upkeep and odd jobs carried out.
- No problems reported last month in relation to cleaning of Council buildings and public toilets.



**Airfield Maintenance**

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

**Plant Maintenance**

- Carried out general servicing and minor repairs to all plant and equipment.
- No major breakdowns to report.

**Waste Services**

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

**Works & Services Staff**

- Three staff have completed chemical safety and spraying course.

**Other Matters**

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

Road	Days	Average Vehicles Per Day
Goldfields	7	64.70
Pascoe	7	9.80
Parrawilla	7	9.00
Youndegin-Kelkering	7	4.80
Devenish	10	21.40
Burges East	7	19.70
Burges West	7	10.50
Leeming North	7	10.70
Leeming South	7	11.40

- Have contacted Main Roads in relation to the give way signs proposed for the intersection of Leeming and Burges Roads. The Main Roads Officer has advised that Council can place the give way sign on whichever road it considers more appropriate. The reason they have suggested the give way sign be placed on Burges Road is that it looked as though Leeming Road carried the most traffic. Traffic counts have been carried out on both roads at the intersection and found that both roads carry about similar amount of traffic. Council direction is sought as to which road to make as the through road.

**Statutory Implications**

*Local Government Act 1995*

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Resolution 10.1**

**That Council:**

- 1. Receives the Works and Services Report.**
- 2. Authorises the Chief Executive Officer, in consultation with Main Roads WA, to place Give Way Signs at the intersection of Burges and Leeming Road on Leeming Road, thus making Burges Road the through road.**

**Moved: Cr Dennis Whisson**

**Seconded: Cr Doug Kelly**

**Vote – Simple majority**

**Carried: 8/0**

## 11 Planning & Development

### 11.1 Proposed New Dwelling – 1 Martin Street, Meckering

<b>Location:</b>	Lot 150 (1) Martin Street, Meckering
<b>Applicant:</b>	SA & LM Wade
<b>Date:</b>	9 <sup>th</sup> November 2013
<b>Author:</b>	Jacky Jurmann, Manager Planning Services
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	30864
<b>Attachment/s:</b>	6 Pages

#### **Proposal/Summary**

A planning application has been received to construct a new dwelling to replace the existing dwelling at Lot 150 (1) Martin Street, Meckering.

The zoning of the property is Mixed Business under the provisions of the Shire of Cunderdin Local Planning Scheme No. 3. Single houses are a prohibited use, however as there is a house that was in existence prior to the gazettal of the Scheme, the proposal can be considered as an extension to a non-conforming use.

It is recommended that Council conditionally approval the application.

#### **Background**

The Shire of Cunderdin Local Planning Scheme No. 3 was gazetted on 14 May 2007 and rezoned the subject property to Mixed Business from Residential R10, which was in accordance with the objectives of the Cunderdin Local Planning Strategy and the Meckering Townsite Strategy to provide for development of a small range of commercial and light/service industry uses with highway frontage.

Development on the site currently consists of an older dwelling, sheds and other ancillary buildings. It is proposed to demolish the existing dwelling and replace it with a new larger dwelling to be constructed in the same location.

#### **Comment**

There are no economic and / or social implications associated with this proposal, also there are no environmental implications associated with this proposal as the lot is fully serviced.

It is positive that new development occurs in local townsites.

The applicant has advised that it is intended to demolish the existing dwelling and to replace it with a modular dwelling to be constructed by TR Homes.

#### **Consultation**

There are no consultation requirements in the Scheme applicable to this proposal.

#### **Statutory Implications**

Cunderdin Local Planning Scheme No. 3

The objectives of the Mixed Business zone are:

- To provide for a range of uses which complement the Town Centre zone.
- To accommodate a range of light and service industrial, wholesaling, retail warehouses, showrooms, trade and professional services that provide for the needs of the community but due to their scale, character and operational land requirements are generally not appropriate and cannot conveniently or economically be accommodated within the Town Centre or industrial zones.
- To achieve a high standard of development and presentation including buildings, landscaping and vehicle parking.

The proposal to construct a new dwelling is not inconsistent with the zone objectives and will result in a high standard of development and presentation. The construction of the dwelling on a portion of the site will not exclude the remainder for being utilised for commercial, light or service industrial uses. It should be noted that caretaker's dwellings are permitted in the zone.

Clause 4.3 contains the zoning table that lists uses permitted in the zones. Single houses are an 'X' use in the Mixed Business zone, and are therefore not permitted.

Clause 4.8 relates to non-conforming uses and permits the continuation of uses of land for the purpose for which it was being lawfully used immediately prior to the gazettal date of the Scheme. In accordance with this clause, the use of the subject property for residential purposes, including use of a single dwelling, is defined as a non-conforming use under the Scheme.

Clause 4.9 permits extensions and changes to a non-conforming use with planning approval under the Scheme. Specifically Clause 4.9.1(b) enables erection, alteration and extension of a building used in conjunction with or in furtherance of a non-conforming use.

Table 2 of the Scheme sets out the site and development requirements and requires buildings in a Mixed Business zone to be setback 5 metres from the front and rear boundaries and 3 metres from one side boundary. The preliminary plans submitted (see Appendix 2) indicate compliance with this requirement, however it is recommended that it is ensured through a condition of approval.

### **Policy Implications**

Nil

### **Financial Implications**

In accordance with Clause 52 of the *Planning and Development Regulation 2009*, a local government may waive or refund, in whole or in part, payment of a fee for a planning service.

It is recommended that as a result of the implications of the rezoning that the fees associated with obtaining planning approval be waived. The application fee is a regulated fee and is calculated at \$960.00.

### **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.

The proposal is consistent with the aims of the Plan and will result in an improved aesthetic environment within the locality.

#### **Resolution 11.1**

**That Council:**

- 1. APPROVE the planning application for the construction of a new dwelling to replace the existing dwelling at Lot 150 (1) Martin Street, Meckering, subject to the following conditions:***
  - a. Condition 1: Development must substantially commence within two (2) years from the date of determination.***
  - b. Condition 2: Development must take place in accordance with the stamped approved plans.***
  - c. Condition 3: The new dwelling shall be setback a minimum of 5 metres from the front and rear boundaries and a minimum of 3 metres from one side boundary.***
  - d. Advice Note 1: If the development, the subject of this approval is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.***
  - e. Advice Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.***
  - f. Advice Note 3: If an applicant is aggrieved by this determination there is a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.***
  - g. Advice Note 4: In accordance with the provisions of the Building Act 2011, an application for a building and/or demolition permit must be submitted to, and approval granted by the local government prior to the commencement of the development hereby permitted.***
- 2. Waive the application fees associated with obtaining planning approval."***

Moved: Cr Doug Kelly

Seconded: Cr Terri Jasper

Vote – Simple majority

Carried : 8/0

## 11.2 Proposed Rezoning – Scheme Amendment No 2

<b>Location:</b>	Lots 6110 & 8901 Great Eastern Highway, Cunderdin
<b>Applicant:</b>	Gray & Lewis on behalf of LandCorp
<b>Date:</b>	9 <sup>th</sup> November 2013
<b>Author:</b>	Jacky Jurmann, Manager Planning Services
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	30764
<b>Attachment/s:</b>	10 Pages

### Proposal/Summary

The Shire of Cunderdin is in receipt of an application requesting initiation of a scheme amendment to the Cunderdin Local Planning Scheme No. 3 to rezone the following adjoining properties:

1. Lot 8901 (Reserve 10106) Great Eastern Highway, Cunderdin; and
2. Lot 6110 (Reserve 9224) Great Eastern Highway, Cunderdin.

The application has been submitted on behalf of LandCorp who are acting on behalf of the State of Western Australia who have identified the land for future disposal as it is surplus to government requirements.

### Background

Lots 8901 and 6110 are both crown reserves under the management and control of the Department of Agriculture and Food Western Australia (DAFWA). The lots have been identified as surplus to government requirements.

This Amendment proposes to change the current local scheme reserves for 'Public Purpose' and 'Conservation' applicable to Reserve 10106 and 9224 respectively to 'General Agriculture' zone, which will allow for continued agricultural use and is consistent with surrounding lots in the locality.

The lots are approximately 4 kilometres to the east of Cunderdin townsite and are immediately adjacent to the intersection of Great Eastern Highway and Rabbit Proof Fence Road (north). Refer to the locality plan attached at Appendix 1.

The majority of Lot 8901 is vacant with the exception of buildings and an informal car parking area located in the south west portion, historically used by the Department of Agriculture and Food WA as a small depot. The Cunderdin Depot is located on a 3400m<sup>2</sup> portion of Lot 8901 and includes a transportable office and four sheds. The depot was mainly used by local staff and the sheds were used to store machinery and tools.

Lot 6110 is vacant, has a lot area of 64.002 hectares and contains some waterway.

With the exception of the depot area, the balance portion of Lot 8901 of approximately 63 hectares was leased to a nearby farmer for grazing purposes along with adjacent Lot 6110. The land was leased until 2011 and the lease extended to August 2013.

Land to the west, east, north and south are zoned 'General Agriculture' under the Cunderdin TPS 3 and are generally utilised for general farming purposes.

## **Comment**

Prior to submitting the report for Council consideration, the town planning consultant has undertaken a site inspection of the property.

There are no economic implications associated with this proposal. The land has highway frontage and it is likely that it will continue to be used for agricultural purposes.

There are no adverse social implications associated with this proposal.

Mortlock River tributaries are located on portions of Lots 8901 and 6110.

The Mortlock River East catchment drains the majority of the Shire of Cunderdin local government area. Sections of the Mortlock River East are degraded and there are a range of management issues. Historically areas around the river valleys have been extensively cleared for farming, as has been the case for the Lots.

There are a mixture of agricultural uses within the Mortlock River East catchment however it is dominated by traditional broad acre farming. The majority of the catchment is privately owned with the exception that some sections lie within crown reserves, as is the case for Reserve 10106 and 9224 subject of this amendment.

Due to multiple ownership catchment management by landowners varies throughout the Mortlock River East area. Management strategies can be employed by landowners including measures such as fencing, revegetation of river banks, undertaking appropriate fire and weed management, erosion control and limiting vehicle access to or across the river.

Historically the lots have been used for grazing and until recently were subject of a farm lease. Whilst they contain waterways so do all surrounding lots to the north west and north east.

The amendment will ensure that the land is appropriately zoned consistent with the zoning of all surrounding lots prior to disposal.

The proposed 'General Agriculture' zone is a logical and practical zoning option for these reserves, and will ensure that any future land uses are compatible with existing surrounding farming units.

## **Consultation**

In accordance with the *Town Planning Regulations 1967*, the scheme amendment will be publicly advertised for a minimum period of 42 days. Comments received during the exhibition period will be considered prior to finalising the Scheme Amendment.

## **Statutory Implications**

### **Planning and Development Act 2005**

Under Section 75 of the *Planning and Development Act 2005*, a Local Government may amend a Local Planning Scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment:

- a) Prepared by the Local Government, approved by the Minister and published in the Gazette; or

- b) Proposed by all or any of the land owners of any land in the Scheme area, adopted with or without modifications, by the Local Government, approved by the Minister and published in the Gazette.

#### Town Planning Regulations 1967

A Scheme Amendment must be prepared, advertised and adopted in accordance with the provisions of the Regulations.

#### Wheatbelt Landuse Planning Strategy

The Draft Wheatbelt Landuse Planning Strategy ('Draft Strategy') is a guidance document for the Wheatbelt region which includes the Shire of Cunderdin.

The Shire of Cunderdin ('the Shire') is identified in the Strategy as part of the Outer Arc Region.

The Draft Strategy predicts that growth in the Outer Arc subregion will be steady, and likely to accommodate 10 per cent of the total growth predicted for the Wheatbelt, with activity shared across the towns of Moora, Wongan Hills, Goomalling, Cunderdin and Dowerin.

The Draft Strategy makes comment that there are significant existing residential approvals in Cunderdin, which requires further investigation and monitoring. It focuses on approvals for residential and rural living lots.

#### Development Control Policy 3.4

The Western Australian Planning Commission utilises Development Control Policy 3.4 to assess subdivision of rural land.

There is a general presumption against subdivision of rural land with the exception of specific circumstances such as homestead lots and boundary realignments for farm management purposes.

The WAPC adopted a new version of Development Control Policy 3.4 in 2012 however it is not publicly available. Until the new Policy is released WAPC decision making is being guided by both policies.

The lots will not have any subdivision potential under the proposed General Agriculture zone with the exception of homestead lots in the event that future dwellings are constructed.

#### Cunderdin Local Planning Strategy

The Cunderdin Local Planning Strategy identifies the following objectives;

- To manage existing services and facilities and provide for the future replacement of infrastructure and assets to community needs.
- To promote and provide protection and improvement of the natural environment.
- To provide community, cultural, recreation and welfare services, facilities and programs which meet the needs of the community.
- To strengthen the economic base of the municipality and promote the development of a viable, sustainable and diversified local economy.
- To provide direction and consistency of purpose and be responsive to change.
- To maintain and promote open, accountable and representative local government.



- To plan, develop and advocate for the provision of a safe, efficient, accessible and affordable road and public transport network servicing business, community and leisure needs.

This Scheme Amendment is considered to be consistent with the objectives of the Strategy and in particular Clause 5.2.5 – General Agriculture.

### Cunderdin Local Planning Scheme No. 3

Under the Cunderdin Local Planning Scheme No 3, Reserve 10106 is reserved for ‘Public Purpose’ and denoted for use by the Water Corporation and Reserve 9224 is currently reserved for ‘Conservation’. The ‘Conservation’ zone was allocated to all Crown Reserves as part of the development of the Scheme that comprised areas of wetlands and/or remnant vegetation, and in this particular case, areas of the Mortlock River.

### **Policy Implications**

There are no policy implications. The proposed rezoning is consistent with the Cunderdin Local Planning Scheme and Strategy.

### **Financial Implications**

The costs associated with the preparation, advertising and gazettal of the Scheme amendment will be borne by the applicant. There are no financial implications for the Shire of Cunderdin.

### **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.

The proposed amendment is considered consistent with the of the Plan.

**Resolution 11.2**

That Council resolve pursuant to Section 75 of the *Planning and Development Act 2005* to:

1. Initiate Scheme Amendment No. 2 to the Cunderdin Local Planning Scheme No. 3 in accordance with the Scheme Amendment documentation and mapping by:
  - a. Rezoning Rezoning Lot 8901 (Reserve 10106) Great Eastern Highway, Cunderdin, from 'Public Purpose' reservation to 'General Agriculture' zone; and
  - b. Rezoning Lot 6110 (Reserve 9224) Great Eastern Highway, Cunderdin, from 'Conservation' reservation to 'General Agriculture' zone.
2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;
3. Forward the Scheme Amendment to the Environmental Protection Authority and request permission to advertise;
4. Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the Scheme amendment for public comment for a period of 42 days in accordance with the Town Planning Regulations 1967."

Moved: Cr Todd Harris

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 8/0

**12. Urgent Items**

Nil

**13. Matters for which the meeting may be closed**

**Resolution**

That the meeting move behind closed doors at 6:10pm.

Moved: Cr Clive Gibsone

Seconded: Cr Dennis Whisson

Vote: Simple majority

Carried: 8/0

**13.1 Primary Health Care Demonstration Site Project User Group Terms of Reference –  
CONFIDENTIAL REPORT**

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	WA Country Health Service
<b>Date:</b>	9 <sup>th</sup> November 2013
<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 - <b>CONFIDENTIAL</b>

**CONFIDENTIAL matter to be considered behind closed doors.**

**Resolution 13.1**

**That Council:**

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

Moved: Cr Clive Gibsone

Seconded: Cr Norm Jenzen

Vote: Simple majority

Carried : 8/0

### 13.2 Chief Executive Officer – Annual Performance Review

<b>Location:</b>	Shire of Cunderdin
<b>Applicant/s:</b>	Shire President
<b>Date:</b>	9 <sup>th</sup> November 2013
<b>Author:</b>	Cr Rod Carter
<b>Item Approved by:</b>	Shire President
<b>Disclosure of Interest:</b>	Peter Naylor, Chief Executive Officer
<b>File Ref:</b>	Nil
<b>Attachment/s:</b>	10 Pages - <b>CONFIDENTIAL</b>

**CONFIDENTIAL matter to be considered behind closed doors.**

#### Disclosure of Interest:

Mr Peter Naylor, Chief Executive Officer, declared a Financial Interest in this item.

**6:34pm** Peter Naylor (Chief Executive Officer), Paul Godfrey (Deputy CEO) and Ian Bartlett (Manager Works & Services) left the meeting.

Council discussed the Chief Executive Officers performance over the past twelve month period.

**6:58pm** Peter Naylor returned to the meeting.

The Shire President informed the Chief Executive Officer of Councillor comments during the review process and advised that the Shire President and Deputy Shire President will meet with the CEO in the near future to discuss matters raised and remuneration.

**7:05pm** Paul Godfrey returned to the meeting.  
Dr Modupe Olanrewaju and Mr Joshua Olanrewaju were invited to meet with Council.

### 13.3 Cunderdin Medical Practice – CONFIDENTIAL REPORT

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Karis Medical Group (Cunderdin Medical Practice)
<b>Date:</b>	13 <sup>th</sup> November 2013
<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>	** Pages - <b>CONFIDENTIAL</b>

**CONFIDENTIAL matter to be considered behind closed doors.**

#### Disclosure of Interest:

Cr Todd Harris declared an Impartiality Interest in this item as his wife is an employee at the Cunderdin Medical Practice.

**Resolution 13.3.1**

**That Cr Harris be allowed to remain in the meeting and participate in discussions relating to this matter but is not entitled to vote.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Clive Gibsone**

**Vote – Simple majority**

**Carried: 7/0**

**7:25pm**

Dr Modupe Olanrewaju and Mr Joshua Olanrewaju left the meeting.

**Resolution 13.3.2**

**That Council, in order to assist in the provision of a medical service in Cunderdin and Meckering the Shire will provide The Doctor with certain facilities for use whilst providing the medical services.**

- 1. The Shire acknowledges that the Doctor owns and operates the medical practice. The Practice shall be deemed to include patient and medical records.**
  - It is acknowledged by the Shire that the medical records may be required for further access by the authors and that they (authors) will require access to them for the next 7 years for adults or 25 years for children from the date the doctor(s) cease to practice at Cunderdin.**
- 2. The Shire is to provide residential premises to the Doctor at 2 First Street, Cunderdin WA 6407, at no rental cost. A residential Tenancies Agreement (in terms of the Residential Tenancies Act 1985) shall be signed by the Shire and the Doctor. The Residential Tenancy Agreement shall comprise part of this agreement.**
- 3. The Shire shall provide an office and surgery at 2 Cubbine Street, Cunderdin WA 6407 to The Doctor, at no rental cost.**
- 4. In respect of the premises / properties at 2 First Street and 2 Cubbine Street, Cunderdin WA 6407, the Shire shall:**
  - Maintain the premises in good order outside the building.**
  - The Shire shall provide the services of a gardener to maintain the lawns and gardens surrounding the office, surgery and residence (watering excluded).**
  - Reticulation maintenance shall be at the Shire's cost.**
  - The Chief Executive Officer, and / or his or her representative, shall inspect the premises on a regular (at least annual) basis to determine maintenance requirements of an urgent and recurrent nature and budget for accordingly.**

**Resolution 13.3.2 (Cont)**

5. The Shire shall provide the Doctor a fully maintained Executive Vehicle (or equivalent which may be two smaller vehicles, ie Ford Focus Hatchback) for the exclusive and unlimited use of the Doctor within WA. The vehicle(s) will be replaced at Council's discretion, preferably within two (2) years.
  - The Shire shall provide the Doctor with fuel for the above mentioned vehicle(s), on the condition the fuel is to be obtained from the Shire Depot in Cunderdin and is to be recorded in the fuel register at the pumping station (Register details to include date, vehicle registration, amount of fuel taken & signature of driver).
6. The Doctor will provide the shire with two months notice in writing of his / her intention to sell or to wind-up the business.
7. The Shire is prepared to offer a salary guarantee amount of \$180,000 per annum for a new doctor for a period of two (2) years. The guaranteed amount will be assessed based on the combination of net income from Dr Freeman and Dr Modupe (when she works at the surgery), and taking into account deductible expenses and assessable income as below.

**Agreed Deductible Expenses:**

- \*Staff wages and associated costs, such as superannuation guarantee levy.
- Insurances, applicable to the Practice (excluding personal insurance).
- Disposable items.
- Surgery cleaning costs, cleaning materials.
- Office expenses, stationery.

**\*Note: staff expenses do not include the costs to employ Doctors to work in the Practice in addition to or in lieu of the Practice owner.**

**Assessable Income:**

- Actual surgery receipts to \*, plus Hospital receipts, plus that amount of outstanding accounts received by \* be declared assessable income for the twelve month period.  
\*Dates as per Agreement.

Remaining outstanding accounts from the first year received in the second year to be included as income for that year.

Gross Income to be declared.

**Verification:**

- Taxation Records from a nominated Accountant / Tax Agent.

**Net Income:**

- Should net income exceed the salary guarantee level (\$180,000) a statement to that effect without disclosure of the foregoing detail shall be sufficient.

8. That Dr Freeman and / or Dr Modupe need to be in attendance at the Cunderdin Medical Practice for a minimum of 4 days per week.

**Moved: Cr Clive Gibsone**

**Seconded: Cr Dennis Whisson**

**Vote: Simple majority**

**Carried: 7/0**

**Resolution**

**That the meeting move from behind closed doors at 7:35pm.**

**Moved: Cr Todd Harris**

**Seconded: Cr Doug Kelly**

**Vote: Simple majority**

**Carried: 8/0**

**14. Closure of meeting**

There being no further business the Shire President declared the meeting closed at 7.36pm.