



## **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 17<sup>th</sup> September 2015** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5:00pm**.

Paul Godfrey  
**Acting 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. Public Question Time**

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

**Declaration of public question time opened at 5.01pm**

The President invited the public to ask any questions

Kaye Maxwell asked ‘What are you doing with our hospital?’

The President responded that he would take the question on notice and respond to the question in due course.

Kaye then presented the President with a petition ‘To Retain Cunderdin Health Service as a Hospital with Emergency Department Staffed by a registered Nurse’, this was addressed to the Legislative Assembly of the Parliament of WA.

There being no further questions, the President closed the public question time.

**Declaration of public question time closed at 5.24pm**

Cr Harris left the meeting at 5.32pm and returned at 5.41pm.

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

#### **Record of attendances**

##### **Councillors**

Cr RC (Clive) Gibsone	Shire President
Cr DA (Dennis) Whisson	Deputy President
Cr TE (Todd) Harris	
Cr TA (Terri) Jasper	
Cr DB (Doug) Kelly	
Cr DG (Dianne) Kelly	

#### **Apologies**

Peter Naylor	Chief Executive Officer
Ian Bartlett	Manager Works & Services
Cr NW (Norm) Jenzen	

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

#### **Staff**

Paul Godfrey	Acting Chief Executive Officer
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#### **Guests of Council**

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

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

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

Item 10.2	Cr Dennis Whisson
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### **4. Petitions, Deputations, Presentations**

#### **Deputations**

#### **Presentations**

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

## 6. Confirmation of the Minutes of Previous Meetings

### 6.1 Ordinary Meeting of Council held on Thursday 13<sup>th</sup> August 2015

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	10 <sup>th</sup> September 2015
<b>Author:</b>	Paul Godfrey
<b>Item Approved by:</b>	Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	N/A
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### **Proposal/Summary**

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 13<sup>th</sup> August 2015.

#### **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 6.1**

**That:**

- 1. The minutes of the Ordinary Council Meeting held on Thursday 13<sup>th</sup> August 2015, be confirmed as a true and correct record.**

**Moved: Cr Dennis Whisson**

**Seconded: Cr Doug Kelly**

**Vote – Simple majority**

**Carried : 6/0**

**Note to this item:**

The President will sign the minute declaration.

## 7. Finance & Administration

### 7.1. Financial Reports for August 2015

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Acting Chief Executive Officer
<b>Date:</b>	10 <sup>th</sup> September 2015
<b>Author:</b>	Paul Godfrey
<b>Item Approved by:</b>	Acting Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	21 Pages

#### Proposal/Summary

The financial position as at 31st August 2015 is presented for consideration.

#### Appendices - Financial Statements

- Statement of Financial Activity
- Reserves Account Summary
- 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 24-1837
- 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 7.1**

**That Council receives the monthly financial reports to 31<sup>st</sup> August 2015.**

**Moved: Cr Dennis Whisson**

**Seconded: Cr Dianne Kelly**

**Vote – Simple majority**

**Carried : 6/0**



## 7.2 Accounts Paid – August 2015

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Acting Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	10 <sup>th</sup> September 2015
<b>Item Approved By:</b>	Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 Pages

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling \$ 236,215.69 for August 2015 as listed in the Warrant of Payments for the period 1<sup>st</sup> August to 31<sup>st</sup> August 2015.

### **Attachments**

Warrant of Payments for 1<sup>st</sup> August – 31<sup>st</sup> August 2015.

### **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 7.2**

**(a) That Council's payment of accounts amounting to \$ 236,215.69 for the month of August 2015, from the Municipal Fund be confirmed and noted.**

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

**Moved: Cr Doug Kelly**

**Seconded: Cr Dianne Kelly**

**Vote – Simple majority**

**Carried : 6/0**

Shire of Cunderdin  
Creditor Listing for the Month of August 2015

Cheque /EFT No	Date	Creditor	Description	Amount
EFT97	05/08/2015	Cunderdin Co-Op	Dulux W/Shield I/Sheen vivid white 15Lt	1,701.08
EFT98	05/08/2015	Cunderdin Elders Limited	wetspray 1000 20 L adama	242.00
EFT99	05/08/2015	Cr Dennis Whisson	Sitting Fee	225.00
EFT100	05/08/2015	Cr Todd Harris	Sitting Fee	225.00
EFT101	05/08/2015	Cr Terri Anne Jasper	Sitting Fee	225.00
EFT102	05/08/2015	Cr Norm Jenzen	Sitting Fee	225.00
EFT103	05/08/2015	LGIS	LGIS Property Insurance	75,125.37
EFT104	05/08/2015	JR & A Hersey	1 x 5 ltr ali brightner	61.46
EFT105	05/08/2015	WALGA	WALGA memberhsip Subscription 15/16	22,103.06
EFT106	05/08/2015	LGMA	15/16 council corprate membership subscription	1,920.00
EFT107	05/08/2015	Zurich Australian Insurance LTD	Claim excess for Bitumen Sprayed on Car	300.00
EFT108	05/08/2015	Rubek Automatic Doors	Supply and Install Automatic Doors	11,710.00
EFT109	05/08/2015	Av-Sec Security	Monitoring qtr fee	180.20
EFT110	05/08/2015	Triset Boss	envelopes	385.00
EFT111	05/08/2015	APRA AMCOS	Halls and Function Centre	68.54
EFT112	05/08/2015	EASTWAYS	urinal blocks, hand towels bin liners, toilet roll	978.67
EFT113	17/08/2015	Goodfield Quality Meats	bottled water	27.00
EFT114	17/08/2015	Av-Sec Security	Maintenance July 2015- Supplied and fitted new alarm battery to system	165.00
EFT115	17/08/2015	Thompsons Signs	design and supply metal sign "proposed site new PHC&AC site	715.00
EFT116	27/08/2015	Cunderdin Co-Op	Fuel	10,890.00
EFT117	27/08/2015	Hayley Kristin Byrnes	Reimbursement for travel and food for training course in perth	342.17
EFT118	27/08/2015	Western Australian	Loan 73	18,912.47

Treasury Corporation

EFT119	27/08/2015	LGIS	personal accidental sickness	35,337.22
EFT120	31/08/2015	Cunderdin Community Resource Centre	Shire Contribution Kayla Wages 1/4/15 to 30/6/15	2,905.00
10790	05/08/2015	Water Corporation	aiport water	2,272.88
10791	05/08/2015	Covs Parts Pty Ltd	Various parts for servicing	744.39
10792	05/08/2015	Telstra	Day Care Phone	61.31
10793	05/08/2015	Cr Ronald Clive Gibsone	Sitting Fee Council Meeting 16th July	463.00
10794	05/08/2015	Cr Douglas Brian Kelly	Sitting Fee	225.00
10795	05/08/2015	AMJ Industries	Sports Ground electrical work	3,207.58
10796	05/08/2015	Local Government and Communities	ELC Annual Service Fee15/16	196.00
10797	05/08/2015	Country Copiers	Copier service and reading	452.94
10798	05/08/2015	Courier Australia	WALGA	10.53
10799	17/08/2015	Water Corporation	TRade waste permit	474.94
10800	17/08/2015	Telstra	phone bills	1,686.50
10801	21/08/2015	Australian Tax Office	BAS JULY 15	37,824.00
10802	27/08/2015	State Law Publisher	State Law publisher gazette local laws	3,423.00
10803	27/08/2015	McLeods Barrister and Solicitors	Damage to local roads by grain freight trucks	204.38
TOTAL				<u><u>236,215.69</u></u>

### 7.3 Council Investments – As at 31st August 2015

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Acting Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	10 <sup>th</sup> September 2015
<b>Item Approved By:</b>	Acting 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 31st August 2015.

#### 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	\$0.00	Business Cash Reserve Bonus	\$0.00	\$0.00
Westpac Banking Corporation	\$562,048.63	Reserves Term Deposit 24-1837 2.80% Expires : 24/12/2015	\$0.00	\$562,048.63
Westpac Banking Corporation	\$1,310,148.09	Business Cash Reserve Bonus 22-3647 2.10%	\$ 1,310,148.09	\$0.00
<b>TOTAL INVESTMENTS</b>	<b>\$ 1,872,196.72</b>		<b>\$ 1,310,148.09</b>	<b>\$562,048.63</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 7.3**

**That the report on Council investments as at 31st August 2015 be received and noted.**

**Moved: Cr Terri Jasper**

**Seconded: Cr Dennis Whisson**

**Vote – Simple Majority**

**Carried : 6/0**

## 8. Environmental Health and Building Services

Nil

## 9. Works & Services

### 9.1 Works & Services Report

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager Works & Services
<b>Date:</b>	10 <sup>th</sup> September 2015
<b>Author:</b>	Ian Bartlett
<b>Item Approved by:</b>	Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### PROPOSAL/SUMMARY

Council is to receive the Works and Services Report for August 2015.

#### CONSTRUCTION

- Nil

#### GENERAL MAINTENANCE

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

Winter grading has been completed on the following roads: Hillam, Coaling, Donovan, Woonwooring, Baxter, Dennis, Mount Anne, Leeson, Beebearing, Watercarrin, Nornadee, Inverness, Fiegert, Kitto, 8Mile Gate, RPF South, Pasco, Jasper, Parawilla, Gimble, Mills, Thomas, Taylor South, Halbert, Mt Anne, Leeson, Woonwooring, part of Watercarrin, Henderson, and Hudson roads

- Also started shoulder grading on the following roads 5 Mile Gate.Cubbine, and Goldfields

#### PARKS AND GARDENS MECKERING

- Carried out general mowing, slashing, whipper snipping and clean-up of all parks gardens and public open space.

#### PARKS AND GARDENS CUNDERDIN

- Carried out general mowing, slashing, whipper snipping and general clean-up of public open space.
- Started construction of playground at Recreation Centre

#### BUILDING AND OTHER MAINTENANCE

- General maintenance carried out to Shire buildings.

#### CEMETERIES

- Nil

#### **AIRFIELD MAINTENANCE**

- Routine inspections carried out no 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 Waste Transfer Stations, everything running okay.

#### **WORKS AND SERVICES STAFF**

- Nil

#### **TRAFFIC COUNTERS**

<b>Road</b>	<b>Dates</b>	<b>VPD</b>
Nambling	31/7/15 – 6/8/15	14.00
Wilding		14.80
Hagboom		13.00
Antonio		12.8
McWaters	13/8/15 - 21/8/15	7.03
Pearse		12.40
Short		7.00
3 Mile Gate		11.20

#### **OTHER MATTERS**

Nil

#### **Statutory Implications**

*Local Government Act 1995*

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Resolution 9.1**

**That Council receives the Works and Services Report for August 2015.**

**Moved: Cr Terri Jasper**

**Seconded: Cr Todd Harris**

**Vote – Simple majority**

**Carried : 6/0**



## 9.2 Cunderdin Memorial Rose Garden

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Sandra Collins
<b>Date:</b>	14 September 2015
<b>Author:</b>	Paul Godfrey
<b>Item Approved by:</b>	Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	32924
<b>Attachment/s:</b>	2 Pages

### **Proposal/Summary**

Council to consider an application submitted by Ms Sandra Collins for Memorial Rose Garden plaques.

This report recommends Council approval.

### **Background**

Application has been received to install a plaque in the Cunderdin Memorial Rose Garden in memory of Dudley and Lorna Collins.

All information and relevant background details pertaining to the application are contained within the attachment.

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 provision of rose bush and plaque.

### **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.

### **Motion lapsed due to lack of mover**

**( Actual application for Meckering Rose Garden, forwarded to Meckering Action Group for approval)**

#### **Recommendation 9.2**

That Council approves the application submitted by Ms Sandra Collins, subject to full cost recovery of providing the rose bush and plaque in accordance with Council Policy.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: \_/\_

## 10. Planning & Development

### 10.1 Future Provision of Aged Care in Cunderdin

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	WA Country Health Service
<b>Date:</b>	21 <sup>st</sup> August 2015
<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>	19 Pages (2 documents)

#### **Proposal/Summary**

For Council to endorse the response provided to the WA Country Health Service (WACHS) on Friday 21<sup>st</sup> August 2015 by the Chief Executive Officer.

#### **Background**

The future provision of Aged Care and Accommodation in Cunderdin is being proposed by the WA Country Health Service as part of the overall change in delivery of Health Services within Cunderdin.

A “Confidential” Report on the future delivery of Aged Services was prepared by WACHS, which appeared very adequate and would have been most suitable. Unfortunately there has been a recent change to Commonwealth legislation on the delivery of Aged Services and the payment of Aged Care Funded Packages which will come into effect on 1 July 2017.

This has meant quite a change to prospective service delivery as the funds will then be paid direct to the person to source their preferred service provider rather than to a single entity to provide the service.

This change has created quite a bit of confusion and leaves the community in somewhat of quandary over the future provision of aged care.

Following the Ordinary Meeting of Council held on 13<sup>th</sup> August 2015, the Chief Executive Officer, as directed by Council, commenced working with WACHS staff on a Transitional Plan Presentation for the future delivery of Aged Care Services.

The plan to incorporate Past, Current and Future service delivery arrangements, and the next steps required by Council to progress this matter.

The Plan / Presentation was to be circulated to Councillors and a general consensus received to endorse the Next Steps to enable a response to be forwarded to WACHS and then present to the September OCM for endorsement.

#### **Comment**

In general terms the Plan / Presentation was well accepted by Council, however there were concerns expressed around the future delivery of Palliative, Respite and Rehabilitative Care. Whilst these matters were included on pages 10 & 11 of the Plan Councillors felt that further detailed information is required.

In response to the feedback received the Chief Executive Officer, on Friday 21<sup>st</sup> August 2015, informed WACHS as follows:

*“This email provides confirmation of the Shire of Cunderdin’s in principle agreement to:*

- *Support the concept of “ageing in place” by progressing the plan to develop age appropriate accommodation in Cunderdin using universal design principles.*
- *Undertake the next steps of the project, as specified on page 12 of the WACHS Presentation dated 20th August 2015:*
  1. *Shire agreement with proposal*
  2. *Revisit and update the Memorandum of Understanding between Shire of Cunderdin and WA Country Health to include the age appropriate housing project*
  3. *Progress the development of the Primary Health Centre on the new site*
  4. *Shire responds to the restricted tender for funding for aged housing from Southern Inland Health Initiative Stream 6 (Residential Aged and Dementia Care Investment Program)*
  5. *Develop proposed plan for supporting aged appropriate accommodation and care in Cunderdin using universal design principles.*

*However in providing the aforementioned In-Principle support, Council advises the WA Country Health Services that the future delivery of Palliative, Respite and Rehabilitative Care remain a major source of concern for the local community and this must be adequately addressed as part of the future provision of Aged Care Services.*

*Please note that official endorsement and notification will be provided to WACHS following Ordinary Meeting of Council scheduled to be held on Thursday 17th September 2015.”*

This Report is requesting Council endorsement of the Chief Executive Officers actions.

The Aged care Plan / Presentation, and response to WACHS, also includes a review of the Memorandum of Understanding (MOU) between the Shire of Cunderdin and the WA Country Health Service for the Primary Health Care Demonstration Site Project which was signed in October 2013. Clause 8(b) of the MOU states that the parties agree to review the operations of the MOU no less than annually to ensure its ongoing effectiveness and address any matters of concern.

The MOU in clauses 5, 6, 7 & 8 refers to future delivery of Aged Care however perhaps these clause now need to be reviewed to ascertain their continued relevance to the current proposals.

### **Consultation**

Council  
WA Country Health Service  
Local Community Group

### **Statutory Implications**

*Aged care Act 1997*

### **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.

### **Resolution 10.1**

That Council endorses the Chief Executive Officers actions and advice to the WA Country Health Service on Friday 21<sup>st</sup> August 2015, as follows:

*"This email provides confirmation of the Shire of Cunderdin's in principle agreement to:*

- *Support the concept of "ageing in place" by progressing the plan to develop age appropriate accommodation in Cunderdin using universal design principles.*
- *Undertake the next steps of the project, as specified on page 12 of the WACHS Presentation dated 20th August 2015:*

- 1. Shire agreement with proposal*
- 2. Revisit and update the Memorandum of Understanding between Shire of Cunderdin and WA Country Health to include the age appropriate housing project*
- 3. Progress the development of the Primary Health Centre on the new site*
- 4. Shire responds to the restricted tender for funding for aged housing from Southern Inland Health Initiative Stream 6 (Residential Aged and Dementia Care Investment Program)*
- 5. Develop proposed plan for supporting aged appropriate accommodation and care in Cunderdin using universal design principles.*

*However in providing the aforementioned In-Principle support, Council advises the WA Country Health Services that the future delivery of Palliative, Respite and Rehabilitative Care remain a major source of concern for the local community and this must be adequately addressed as part of the future provision of Aged Care Services.*

*Please note that official endorsement and notification will be provided to WACHS following Ordinary Meeting of Council scheduled to be held on Thursday 17th September 2015."*

Moved: Cr Dianne Kelly

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 5/1

*Cr Todd Harris requested his name be recorded as voting against the motion.*

## 10.2 New Road Name – Future Railway Carpark Access Road (off Olympic Avenue), Cunderdin

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Shire of Cunderdin
<b>Date:</b>	27 <sup>th</sup> August 2015
<b>Author:</b>	Jacky Jurmann – Planner
<b>Item Approved by:</b>	Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	
<b>Attachment/s:</b>	1 Page

**Cr DA Whisson declared an Impartiality Interest in this item.**

**Cr Whisson remained in the meeting but abstained from voting.**

### **Proposal/Summary**

Council at its Ordinary Meeting held on 15<sup>th</sup> May 2014 resolved to proceed with an application to the Department of Lands for creation and dedication of a 20 metre road reserve over Unallocated Crown Land (UCL) Lot 29148 for purpose of vehicular and pedestrian access to proposed new Railway Platform site on south side of the railway.

The application has now progressed to survey and the Shire now needs to recommend a road name from the approved names list held by the Geographic Names Committee.

### **Background**

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

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

Completion of the redevelopment will result in the current pedestrian access being inaccessible and resulting in people travelling an additional 2 km's via Baxter Road and the access road on north side of the rail and CBH to the passenger terminal.

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

As previously reported, on-site meetings with CBH and TransWA have resulted in a new site being identified as the most suitable site for a new rail passenger terminal and accordingly, access across UCL Lot 29148 was identified as the most appropriate means of gaining entry to the new platform.

To ensure pedestrian and vehicular access to the new platform, ownership and control of the land required formalisation. The Department of Lands advised that the simplest way of achieving this was for Council to seek dedication of a portion of the land (20 metres on the eastern side) as a road reserve.

The processes required under the Land Administration Act were commenced following formal Council resolution on 15 May 2014 and have progressed to the survey and road naming stage.

## **Comment**

The Geographic Names Committee holds a list of approved road names for the Shire. At present, Bycroft is the sole name on the list approved. However, King and Whisson have also been approved by Council (2014 and 2015 respectively) and are with the Committee for approval.

The resolution has been worded for Council to select one of the three approved names.

## **Consultation**

Consultation has occurred throughout the process in accordance with the requirements of the Land Administration Act.

## **Statutory Implications**

Land Administration Act 1995 and Geographical Names Committee Policies and Guidelines apply.

## **Policy Implications**

Nil

## **Financial Implications**

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

## **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.

Naming roads in the honour of local families improves community spirit and ownership, which are key objectives of the CSP.

**Resolution 10.2**

**THAT Council resolves to:**

- 1. Name the proposed road identified as Lot 501 on proposed Deposited Plan 407036, Bycroft road is preferred and Whisson Road as second .**
- 2. Advise Landgate, its appointed Surveyor (Horizon Surveys) and the Geographic Names Committee of Council's resolution.**
- 3. Notify the descendants of Council's resolution.**

**Moved: Cr Todd Harris**

**Seconded: Cr Dianne Kelly**

**Vote – Simple majority**

**Carried : 5/0**



### 10.3 Proposed Lease – Lot 7 Main Street, Cunderdin

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Graham Cooper (Elders)
<b>Date:</b>	3 <sup>rd</sup> September 2015
<b>Author:</b>	Jacky Jurmann – Planner
<b>Item Approved by:</b>	Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	
<b>Attachment/s:</b>	1 Page

#### **Proposal/Summary**

It is proposed to lease a portion of Lot 7 Main Street, Cunderdin to the Applicant to formalise the use of the land to provide certainty to the Applicant and to reduce the risk for the Shire.

Subdivision and sale of the land has also been investigated however due to a number of issues (as described in the Background section of this Report), a long-term ‘peppercorn’ lease is the most appropriate option.

The purpose of this Report is for Council to resolve to commence the processes required, including community consultation, under the provisions of the Local Government Act.

#### **Background**

Lot 7 Main Street, the subject site, contains the Lions BBQ shelter and children’s playground on the front portion. The rear portion has been utilised for an extended period of time in conjunction with the operations of Elders for storage of goods and to provide rear/through access for customer and service vehicles.

To provide certainty of occupancy to enable his business to operate efficiently and effectively, Mr Cooper late last year, approached the CEO to request formalisation of the use of the rear portion of Lot 7 Main Street, Cunderdin.

A number of options have been investigated with the initial preferred option being subdivision of the lot and amalgamation. A survey was carried out and a number of existing building encroachments were identified. These encroachments affected the potential boundary alignments and thereby reducing the size of the proposed lot due to required setbacks. To reduce the setbacks costly building upgrades would be required. Both options proved to be unviable and therefore, a lease became the preferred option.

The portion of land is not considered useful for any Shire purpose or as a stand-alone lot due to its width and no access from Main Street. Accordingly, it is proposed to lease the land for a ‘peppercorn’ amount with the sole purpose of formalising the use by Elders and eliminating the risk of liability for the Shire.

#### **Comment**

During the period of occupancy the land has been maintained and improved to meet the business requirements thereby reducing the maintenance liability for the Shire. However, there is a risk for the Shire to allow the land to be used informally.

### **Consultation**

Consultation has been conducted with the Applicant regarding land tenure and the lease amount.

Community consultation will be required in accordance with the requirements of the Local Government Act.

### **Statutory Implications**

Local Government Act 1995 applies.

### **Policy Implications**

Nil

### **Financial Implications**

Costs associated with the required consultation and preparation of the lease will be borne by the Applicant.

### **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 formalisation of the use of the land will support the operations of a local business, which is a key objective of the CSP.

**Resolution 10.3**

**THAT Council resolves to:**

- 1. Approve, in principle, to lease the rear portion of Lot 7 Main Street to Graham Cooper for the purpose of use in conjunction with the operation of Elders located on Lot 8 Main Street for the maximum period permitted for a 'peppercorn' amount of \$1,000 per annum for a period of 5yrs without indexation.**
- 2. Commence the advertising process and preparation of the lease documents in accordance with the provisions of the Local Government Act 1995.**
- 3. Advise the Applicant of the responsibility to bear the costs association with the preparation of the lease, including any advertising costs.**
- 4. Receive a further report following close of the advertising period to consider any submissions and to make a final resolution.**

**Moved: Cr Dennis Whisson**

**Seconded: Cr Terri Jasper**

**Vote – Simple majority**

**Carried : 6/0**

## 10.4 Proposed 2UP Games – Meckering Hall

<b>Location:</b>	Meckering Hall
<b>Applicant:</b>	Daniel Sheehan
<b>Date:</b>	10 <sup>th</sup> September 2015
<b>Author:</b>	Jacky Jurmann – Planner
<b>Item Approved by:</b>	Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	2015/16 - 6
<b>Attachment/s:</b>	4 Pages

### Proposal/Summary

An application has been received by the Shire to obtain planning approval to use the Meckering Hall initially once a month to conduct 2UP games for community fundraising.

The purpose of this Report is for Council to consider the application and the relevant provisions of the Shire of Cunderdin Local Planning Scheme No. 3.

### Background

The Meckering (Town) Hall is located at 2-4 Snooke Street, Meckering and is accessed from Kelly Street off the Great Eastern Highway.

The application for planning approval proposes to conduct 2UP games as a community fundraising activity once a month on a Friday night from 7.00 pm to 1.00 am catering for approximately 30 persons and if successful would be conducting every Friday night.

The Applicant has advised that no alcohol would be available during the games and that no amplified music or similar would be played.

Following receipt of the initial application, additional information was requested from the Applicant regarding the purpose of the games; the community benefit; and clarification of details of patrons, hours of operation, noise and traffic management, and crime prevention.

The response from the Applicant has not provided any further tangible information.

Copies of the correspondence are attached to this Report.

### Comment

The Meckering Hall is reserved for 'Public Purposes' under the provisions of the Shire of Cunderdin Local Planning Scheme No. 3. Clause 3.4 of LPS3 does not permit the use of reserved land without first obtaining planning approval and the local government must consider the matters set out in Clause 10.2 and the ultimate purpose intended for the Reserve (i.e. Public Purposes).

Public purposes is not defined in LPS3, though the recently gazetted *Planning and Development (Local Planning Schemes) Regulations 2015* defines the purpose of a reserve for public purposes as: "To provide for a range of essential physical and community infrastructure". The Regulations will come into force on 19 October 2015 and will automatically introduce the purposes for all reservations, and therefore it is best practice to use this purpose when considering this application.

The primary purpose of the Meckering Town Hall, when constructed originally in 1892 and then reconstructed following the earthquake, was to provide a meeting place for the community. It has continued to be used as a meeting place for the community and also as a place for local celebrations.

As the community grew and the needs diversified, the Country Club became the primary social venue and a venue for sporting activities. As indicated from the discussions with the Department of Racing, Waging and Liquor, premises such as the Country Club are generally utilised as the venue for gaming events.

In this case, from a premises suitability point of view, it would be preferable to use the Country Club. The use of the Meckering Hall could be seen by the community as competition, which would not be acceptable in such a small community.

### **Consultation**

The Applicant has advised that community groups in the area have been contacted and that no responses had been received and suggests that he can start initially with community groups from outside the area.

Discussions with an Officer from the Department of Racing, Gaming and Liquor with Council's Planner provided clarification on the process as follows:

- Premises approval from the local government is required under Section 55 of the *Gaming and Wagering Commission Act 1987* prior to a permit being issued. The premises approval states that the premise is fit to be used as a gaming venue, including suitable toilet facilities.
- Usually licensed premises, such as bowling clubs, are used in regional and rural areas for gaming activities.
- Premises must be a minimum of 100km from the Crown Casino in Perth.
- Gaming activities can only be organised by community groups and conducted by an approved person, such as the Applicant.
- Generally the community group that will benefit from the fundraising will drive the application process.

Community consultation has not been conducted at this point due to the lack of tangible information provided by the Applicant.

### **Statutory Implications**

The Shire of Cunderdin Local Planning Scheme No. 3 and the *Gaming and Wagering Commission Act 1987* apply.

#### *Shire of Cunderdin Local Planning Scheme No. 3*

The purpose of the Reserve is discussed in the Comments section of this Report and in accordance with Clause 3.4 of LPS3, the relevant matters in Clause 10.2 have been considered as follows:

- (a) The aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area. *Comment* – the aims of LPS3 include securing the amenity, health and convenience of the Shire's inhabitants. There are too many unknown aspects of this proposal to determine whether it is consistent with the aims and provisions of the Scheme.

- (b) The requirements of orderly and proper planning .... *Comment* – as indicated in this Report, the lack of tangible information raises concerns regarding the intent of the proposal and therefore approval of the application could not be considered orderly or proper planning.
- (e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State. *Comment* – The Gaming and Wagering Commission have adopted a Two-Up Policy to assist in the interpretation of the provisions of the *Gaming and Wagering Commission Act 1987*. The Act and Policy only permits 2UP games to be conducted for the purposes of raising money for the active promotion, support or conduct of any sporting, social, political, literary, artistic, scientific, benevolent, charitable or other like activity. The funds cannot be used for commercial or private gain. Private gain is defined as anything that will benefit an individual rather than the community. The Applicant has not provided any evidence that the activity will be conducted for the community and therefore the proposal is inconsistent with the provisions of the Policy.
- (g) In the case of reserved land under the Scheme, the ultimate purpose intended for the reserve. *Comment* – as discussed earlier in this Report, it is considered that the proposal is inconsistent with the purpose of the reserve (i.e. Public Purpose).
- (i) The compatibility of a use or development with its setting. *Comment* – it is considered that the proposed use could be incompatible with the Meckering townsite, primarily residential with a small town centre.
- (j) Any social issues that have an effect on the amenity of the locality. *Comment* – there are possible adverse social impacts due to potential for consumption of alcohol, increase in crime, noise and traffic. The Applicant was given the opportunity to provide additional details regarding these issues, but again did not provide sufficient detail to enable a comprehensive assessment.
- (n) The preservation of the amenity of the locality. *Comment* – there is potential for the activity to adversely affect the amenity of the locality due to the type of activity and the hours proposed.
- (q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety. *Comment* – there are no details of traffic generation included in the application. Due to the hours of operation proposed, the traffic could adversely affect the amenity of the locality.
- (r) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal. *Comment* – there are no public transport services available to the participants.
- (u) Whether adequate provision has been made for access by disabled persons. *Comment* – no information provided. Access is required.
- (x) The potential loss of any community service or benefit resulting from the planning approval. *Comment* – the proposal has been submitted on the pretence of benefitting the community, however, it is possible that the activity could impact on the activities of the Country Club, which would be an unacceptable impact on the Meckering community.
- (y) Any relevant submissions received on the application. *Comment* – it was considered that there is insufficient information provided to consult the community on the application.
- (z) The comments or submissions received from any authority consulted under clause 10.1.1. *Comment* – as indicated earlier in this Report, consultation with an Officer from the Department of Racing, Wagering and Liquor has occurred.

Clauses 10.5 and 10.6 of LPS3 enable Council to issue a planning approval on a time limited or temporary basis, respectively and if Council were of the mind to approve the application, then it would

be recommended that the approval be granted on a trial basis to enable a better assessment of any potential adverse impacts and positive outcomes.

#### *Gaming and Wagering Commission Act 1987*

The Act provides for the issue of a two-up permit to country race clubs and other organisations, which are located outside a 100km radius of Crown Perth, provided it is not promoted or conducted for private gain or commercial undertaking. The application for a permit under the Act must be made on behalf of a community organisation.

The Applicant is not making the application on behalf of a community organisation and has not demonstrated the proposal is not for private gain or commercial undertaking, and has indicated in his application that he will collect an undefined percentage of the takings (a maximum of 10% under the Act).

#### **Policy Implications**

The proposal is inconsistent with the Shire of Cunderdin Local Planning Scheme No. 3 and the *Gaming and Wagering Commission Act 1987*.

#### **Financial Implications**

Not applicable.

#### **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 considered inconsistent with the aims of the Plan, particularly as a local community beneficiary has not been obtained.

## Motion to lay on the table awaiting further public consultation

### **Recommendation 10.4**

THAT Council resolves to:

1. Refuse the application for planning approval to conduct two-up games as a community fundraising activities at the Meckering Hall.
2. Advise the Applicant that Council may reconsider the application if the games are conducted at a more suitable venue, such as the Meckering Country Club (with their approval), and a community group within the Shire of Cunderdin confirm their involvement, in writing.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: \_/\_



**11. Urgent Items**

The president thanked Cr Terri Jasper for her efforts

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

Nil

**13. Closure of meeting**

There being no further business the Shire President will declare the meeting closed at 6.24pm.