



Shire of Cunderdin

Notice of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council will be held on **Thursday 16th July 2020** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm**

Stuart Hobley
Chief Executive Officer
10th July 2020

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AGENDA

1. Declaration of Opening

The President declared the meeting open at ____pm

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. Record of Attendance, Apologies and Approved Leave of Absence

2.1 Record of attendances

Councillors

Cr DA (Dennis) Whisson	Shire President
Cr AE (Alison) Harris	Deputy President
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr B (Bernie) Daly	
Cr J (Jayson) Goldson	
Cr W (William) Stewart	
Cr A (Anthony) Smith	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Lauren Cole	Governance and Compliance Officer

Guests of Council

Members of the Public

2.2 Apologies

2.3 Leave of Absence Previously Granted

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

5. Applications for Leave of Absence

Recommendation 5.1

That Council approve Leave of Absence for Cr _____ from _____ to _____ inclusive

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 18th June 2020

Recommendation 6.1

That the Minutes of the Ordinary Council Meeting held on Thursday 18th June 2020 be confirmed as a true and correct record.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

Note to this item:

The President will sign the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

8. Announcements by President without Discussion

9. Finance & Administration

9.1 Financial Reports for June 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	8 th July 2020
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 attachment – Monthly Report

Proposal/Summary

The financial reports as at 30 June 2020 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil.

Consultation

Nil.

Statutory Environment

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

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Recommendation 9.1

That Council receives the monthly financial reports for the period ending 30 June 2020.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

9.2 Accounts Paid –June 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	8 th July 2020
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 attachment – Creditors list of payments June 2020

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$601,807.36
Total for Trust -	\$0.00
TOTAL -	\$601,807.36

For June 2020 as listed in the Warrant of Payments for the period 1st to 30th June 2020.

Background

Nil.

Comment

Nil.

Consultation

Nil.

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).

Financial Management Regulations 12 & 13.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Recommendation 9.2

1. That Council's payment of accounts amounting to \$601,807.36 being from Municipal Account for June 2020, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 4081 – 4144	\$554,665.52	
Direct Debit (Inc Bank Charges): DD1838.1- DD1869.11	\$18,242.29	
Cheques: 11628-11638	\$28,899.55	
TOTAL		\$601,807.36

be confirmed and noted; and,

2. That the Payments List as presented be incorporated in the Minutes of the Meeting.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

9.3 Council Investments – As at 30th June 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	8 th July 2020
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachment- Bank Statements

Proposal/Summary

To inform Council of its investments as at 30th June 2020.

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; and
- 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.

Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 30th June 2020.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$801,892.37	Municipal- 0000030	\$801,892.37		
Bendigo Bank	\$1,954,378.07	Municipal- 155971377	\$504,171.04	\$998,299.45	\$458,878.41
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Bendigo Bank	\$1,098.37	Bendigo Trust Account 164 488 686			\$1,098.37
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Westpac Bank	\$251,320.00	Westpac Term Deposit 0.65% Expires:31/10/2020	\$251,320.00		
TOTAL INVESTMENTS	\$3,008,835.59		\$1,557,530.19	\$99,299.45	\$453,005.95

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 96,970.83 and Bendigo Term Deposit Ref: 3030072 – \$ 451,547.58.

CUNDERDIN COMMUNITY TRUST DETAILS		
30 June 2020		
Opening Balance as per Bank Statement & Term Deposits	INVESTMENT ACC	95,721.29
	TERM DEPOSIT	448,062.49
	TOTAL	543,783.02
		5094.63
Credits		0.00
Debits		
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	543,783.78
INCOMING		
<i>Interest (Investment account)</i>		0.83
<i>Interest (Term Deposit)</i>		3,845.09
<i>Funds deposited from closure of Bulgin Accounts.</i>		1,248.71
		5094.63
OUTGOING		
		0.00
Balance as at end of month	TOTAL	548,878.41

Consultation

Nil.

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long Term Financial Plan when determining annual Council Budgets.

Recommendation 9.3

That the report on Council investments as at 30th June 2020 be received and noted.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

9.4 CSRFF Small Grants Application

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	30 th June 2020
Author:	Lauren Cole, Liezl De Beer
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachments

Proposal/Summary

For council to consider supporting the Community Sports and Recreation Facility Funding Small Grants (CSRFF) Application for the Floodlighting Project at the Cunderdin Oval and Basketball/Netball courts.

Background

Upgrading the lighting at both the Cunderdin Oval and Cunderdin Basketball/Netball courts has been a high priority for the Clubs over the past few years. The lighting at the oval is insufficient for training purposes for the football and hockey clubs, with both clubs having to limit their training to the area directly under the lights. This causes many restrictions when both clubs especially when training simultaneously. If no repair/upgrade is carried out in the near future, the lights will potentially become unusable.

Council has recently received some additional unexpected funding from the Federal Governments Local Roads and Community Infrastructure Project and are proposing to utilise up to \$150,000 out of the funding received as the Shires contribution towards this project.

Total cost of the project is estimated to be between \$250,000 and \$300,000.

Comment

The proposed floodlighting project aim to install new lights and brackets on the existing light poles at the Cunderdin Basketball/Netball Courts, as well as replace the current three light towers on the Cunderdin oval with six new poles and lights.

In order to receive a CSRFF grant the project must meet minimum lighting standards. The lighting standards for the sports are as follows;

Football Training	50 Lux
Hockey	250 Lux
Basketball	100 Lux

The new design will meet the minimum standard for football and basketball but it will be unable to meet the minimum standard of 250 Lux for hockey. In order to meet the minimum standard for hockey the total project cost would increase by around \$250,000.

Therefore it is intended to call the initial project stage 1 with a view to meet the minimum standard for hockey in future with stage 2.

Normally the oval is utilised for senior and junior competitions for both Hockey and Football every week during their winter season. The basketball courts lights are utilised for senior and junior competitions of basketball and social netball during the summer months.

The CSRFF Grants deadline has been brought forward a month due to the recent events with COVID. This decreases the time we have available to obtain quotes to have a clear indication on pricing before presenting the project to Council.

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer
Liezl De Beer, Community Development Officer
Cunderdin Football Club
Cunderdin Basketball Club
Department of Sports and Recreation Regional Manager – Jenifer Collins

A meeting was held on the Monday 29th June with the Cunderdin football, netball and hockey clubs in attendance. The proposal was discussed and agreed to by all of the clubs.

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Council consideration during 2020/21 budget deliberations.

It is estimated that the cost of the project could be between \$250,000 and \$300,000. The funding from CSRFF is a maximum of 1/3 of the total project cost, with the Shire and the community groups to contribute the remaining two thirds.

The shire and community contribution can be cash or in kind, however due to the technical restraints of this project there will be limited availability for kind contribution.

The sporting clubs have indicated that they are willing to contribute to the project however some of the shortfall may have to be made up from the other sources. This could include extra contribution from Council, or the community trust.

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.

Recommendation 9.4

That Council:

1. Endorses the Grant Application for the Floodlighting for the Cunderdin Football Oval and Basketball/Netball Courts as a part of stage 1 of the Sporting Ground Redevelopment.
2. Submits the grant application to the Department of Sport and Recreation Community Sports and Recreation Facility Funding Small Grants Program for consideration.
3. And the community groups commit to funding two thirds of the total project costs.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried/Lost: _____

9.5 Minor Boundary Adjustment – Shire of Cunderdin and Quairading

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	29 th June 2020
Author:	Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	3 Attachments

Proposal/Summary

The landholder on the corner of Goldfields Road and Thompson Road successfully applied to the WA Planning Commission for the re-alignment of the property boundaries which has resulted in the current Shire Boundary traversing the newly created Lot 802.

It is recommended for ease of administration and clarity for the future that a minor amendment to the Common Boundary with the Shire of Quairading be modified to reflect the new boundaries of Lot 800, 801 and 802.

Background

The Landholder owns property in both the Shires of Cunderdin and Quairading and applied to the WA Planning Commission (WAPC) in October 2019 for a re-alignment of the Parcels of land. The WACP considered the Subdivisional Application and approved the proposed 3 lots in January 2020. The title of the three (3) newly created lots have been created.

The CEO and staff have been in liaison with the Shire of Quairading for several months on a proposed adjustment to the Shires' common boundary.

The boundary proposal is to be placed before both Councils for their consideration and subject to agreement, a joint proposal for the minor boundary adjustment will be prepared for the Local Government Advisory Boards for consideration.

Comment

It is considered prudent that the Boundary Adjustment be proceeded with given the implications of each Council having to obtain an Unimproved Valuation for portion of the parcels of land in their District and the landholder receiving two Rate Notices for the divided lots.

The subdivision would result in the issuing of separate Rate Notices from both Shires for their respective portions of the newly aligned lots.

In addition, the CEO is aware that Lot 802 has recently been sold which will necessitate a Settlement on the Council Rates.

The 3 newly created Lots are made up from the following old Lots: -

800 (New) is made up from lots 2 (Quairading Shire) and lot 8388 (Cunderdin Shire)

801 (New) is made up from lots 7234, 7233 (Cunderdin Shire)

802 (New) is made up from lots 2 (Quairading Shire) and lots 7234, 7233 (Cunderdin Shire)

Nett result is that Council would receive an estimated 33 Hectares of the Eastern portion of Lot 2 (now in lot 800) located east of Thompson Road from the Quairading Shire and would grant over an estimated 33 Hectares of ex Lots 7233 and 7234 to the Quairading Shire.

Consultation

Shire of Quairading
Local Government Advisory Board

The Shire of Quairading considered and approved the Minor shire boundary adjustment application at its June 2020 Council Meeting.

Statutory Implications

Local Government Act 1995

A submission, in accordance with Schedule 2.1 of the Local Government Act 1995 will need to be made to the Local Government Advisory Board.

VOTING - absolute vote is required in accordance with Schedule 2.1 of the Local Government Act 1995.

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

2. *Making a proposal*

- (1) *A proposal may be made to the Advisory Board by —*
- (a) the Minister; or*
 - (b) an affected local government; or*
 - (c) 2 or more affected local governments, jointly; or*
 - (d) affected electors who —*
 - (i) are at least 250 in number; or*
 - (ii) are at least 10% of the total number of affected electors.*

(2) A proposal is to —

- (a) set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and*
- (b) be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) comply with any regulations about proposals.*

3. *Dealing with proposals*

- (1) *The Advisory Board is to consider any proposal.*
- (2) *The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion —*
- (a) the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*
 - (aa) where the proposal was made by affected electors under clause 2(1)(d), that the majority of those electors no longer support the proposal; or*
 - (b) the proposal is frivolous or otherwise not in the interests of good government.*

** Absolute majority required.*

- (3) *If, in the Advisory Board's opinion, the proposal is —*
- (a) one of a minor nature; and*
 - (b) not one about which public submissions need be invited,*
- the Board may, in a written report to the Minister, recommend* that the Minister reject the proposal or that an order be made in accordance with the proposal.*

** Absolute majority required.*

- (4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

Policy Implications

Nil.

Financial Implications

The Proposal provides for the transfer of equivalent areas of land to / from both Shires, so there is no identified gain or loss to both Councils.

Strategic Implications

Economic Development

Our local economy will continue to thrive and prosper as we support and foster industry, initiative and innovation in seeking new opportunities to enhance our Shire's economic health.

Recommendation 9.5

That:

1. The Shire of Cunderdin being an affected local government within the meaning of Schedule 2.1 of the Local Government Act 1995, resolve to submit, jointly with the Shire of Quairading, a proposal to the Local Government Advisory Board, pursuant to clause 2(1)(c) of Schedule 2.1 of the Act, which would vary the boundary of the district of the Shire of Cunderdin to be South of Lot 801 and West of Lot 800 (Thompson Road) in accordance with the plan included in this report illustrating the proposed change.
2. The Chief Executive officer be authorised to prepare and submit a joint proposal with the Shire of Quairading to the Local Government Advisory Body as detailed above.

Moved: Cr

Seconded: Cr

Vote – Absolute Majority

Carried/Lost: _____

9.6 Shire of Cunderdin Payroll Processing Policy

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	30 th June 2020
Author:	Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachments

Proposal/Summary

It is proposed that Council consider and endorse adopting the attached Shire of Cunderdin Payroll Processing Policy. This policy will provide further guidance and consistency for all payroll activities and authorisation.

Background

Although the Shire currently has a Payroll procedure in place, no formal policy has existed in relation to Payroll processing. It has been brought to our attention at the latest Interim audit that the Shire does not have a Payroll Policy and to clarify several aspects of this process and ensure compliance a formal Payroll Processing Policy is recommended.

Comment

To ensure the Shire remains compliant with *the Local Government Act 1995* (as amended) and the *Local Government (Financial Management) Regulations 1996* (as amended) we have created a Payroll Processing Policy to ensure consistency and guidance for all staff on the steps of authorisation required for payroll.

Policy may be made, amended or revoked at any time by simple majority.

The general hierarchy of authority is –

1. Legislation – including regulations and local planning scheme
2. Local laws
3. Delegations – being under direct authority of legislation or local laws, and being made by absolute majority
4. Policy – as it outlines how the above three authorities are to be implemented and being made by simple majority

Although every policy is at Council's discretion, they are essential for the effective and efficient operation of the Shire.

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer
Brooke Davidson, Finance Officer

Statutory Implications

Local Government Act 1995 –

- S. 6.7 *Municipal Fund.*
- S.6.8 *Expenditure from Municipal Fund*

Local Government (Financial Management) Regulations 1996 –

- R.5 CEO’s duties as to financial management
- R.11 Payments, procedures for making etc.
- R.12 Payments from municipal fund or trust fund, restrictions on making.
- R.13 Duties of CEO

Shire of Cunderdin Delegations Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 3.2 – Municipal Fund and Trust Fund – Payment from Bank Accounts

Policy Implications

This policy is intended to ensure that the Shire offers consistent and accountable process for the authorisation and processing of payroll.

Financial Implications

Nil

Strategic Implications

The Policy Manual is to enable the effective and efficient implementation of Council’s instructions, adopted annual budget, and legislative and local law obligations.

Recommendation 9.6

That Council adopted the attached Policy – Shire of Cunderdin Payroll Processing Policy as amended; and include the policy within the Policy Manual.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried/Lost: _____

9.7 WALGA State Conference and Annual General Meeting

Location:	Crown Perth
Applicant:	Administration
Date:	3 rd July 2020
Author:	Lauren Cole
Item Approved by:	Stuart Hopley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	ADM245
Attachment/s:	Attachment – Notice of AGM 2020

Proposal/Summary

For Council to appoint its delegates and proxy delegates to the 2020 WALGA Annual General Meeting (AGM) on Friday the 25th September 2020 at Crown Perth.

Background

WA Local Government Association is holding its Annual General Meeting on Friday, 25th September 2020 at Crown Perth, commencing at 1.30pm.

As a Member of the Association the Shire has been asked to register the attendance and voting entitlements of Council's delegates to the AGM.

Council has been requested to register two Voting Delegates and two Proxy Voting Delegates.

Comment

It is usual practice for the Shire President and Shire Deputy President to be the Shire's Voting Delegates. However, should one not be available another Councillor will need to be nominated together with the required Proxy Voting Delegates.

The 2019 Council's Voting Delegates were Cr Dennis Whisson and Cr Alison Harris, with Cr Todd Harris and Cr Doug Kelly as the Proxy Voting Delegate.

Due to recent restriction with COVID-19 pandemic and the significant uncertainty around the ability to host large events, the Local Government Convention was cancelled. WALGA delayed the AGM until late September to provide as much time as possible for the meeting to be held in-person. If the AGM is not able to be held in-person due to social distancing restrictions, the meeting will be conducted virtually.

Council is also invited to submit any motions for inclusion on the Agenda for consideration to the 2020 Annual General Meeting by 5.00pm 31st July 2020.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

1.8 – Elected Members – Conference & Training Expenses

Financial Implications

The AGM is free of charge.

However there may be cost associated with meals and accommodation for attending Councillors.

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.

Recommendation 9.7

That Council appoints its Delegates to the 2020 Annual General Meeting of the WA Local Government Association as follows:

Voting Delegates	Proxy Voting Delegates
<i>Name of Voting Delegates (2)</i>	<i>Name of Proxy Voting Delegates (2)</i>

Moved: Cr

Seconded: Cr

Vote – Absolute Majority

Carried/Lost: _____

9.8 Receiving Minutes of Local Emergency Management Committee

Location:	Cunderdin
Applicant:	Administration
Date:	29 June 2020
Author:	Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to receive the minutes for the Local Emergency Management Committee held on the 9th June 2020.

Background

The Minutes listed above have been attached for Councillor Review and they have been made available to the public.

Comment

There are no recommendation to Council from the Local Emergency Management Committee Meeting.

Consultation

Mr Simon Bell – CESM

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Recommendation 9.8

That the Minutes of the Local Emergency Management Committee Meeting held on the 9th June 2020 be received.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

9.9 Chief Executive Officers Report

Location:	Cunderdin
Applicant:	Chief Executive Officer
Date:	10 June 2020
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To provide an update on the matters the Chief Executive Officer has been addressing over the past month.

Background

Community Trust Legal Advice

Council has received advice from McLeods on the workings of the Community Trust (See Attachment 1). It is intended to have a Community Trust Meeting in the near future to discuss how to proceed on the advice received.

Provision of Medical Services

The President, Cr Daly and the CEO met with Karis Medical Group to discuss the Contract for the Provision of Medical Services in Cunderdin. The new contract is based on the existing contract with the relocation of the Doctors surgery to the new Cunderdin Primary Health Centre. After a mutually agreeable negotiation a small change has been made to the contract and it has been forwarded to the Karis Group for signing.

The WA Country Health Service (WACHS) has advised Council that it is in the process of developing a new Facility Agreement for the lease of the Doctors Surgery located within the Cunderdin Primary Health Centre. It has been advised that the Agreement will be completed in the near future.

Doctors House and Surgery Land

The Department of Planning, Lands and Heritage has advised that the sale of Lots 159, 160 and 161 Cubbine Street has been approved. As the house and surgery are built over the boundary of two of the lots they will need to be subdivided in order to be able to sell the Doctor house in the future.

Lot 25 (17) Byfield Street Meckering

Council now has possession of 17 Byfield Street Meckering. The house was burnt down several years ago and the owner was not in a position to demolish and remove the burnt out remains of the building. Provision has been made in the budget to demolish the building.

Currently Council is advertising a Tender from the Shed located at the rear of the premises.

Regional Airport Development Scheme

The Federal Minister of Transport has announced the opening of the 2021 -23 Regional Airport Development Scheme (RADS).

RADS ensures that regional aviation infrastructure is developed to a standard that facilitates safe, efficient, affordable and fit for purpose aviation services in WA. Applications are requested for grants of up to \$500,000.

To be eligible to apply for funding up to 75 per cent, applicants must meet the following criteria:

- Complete the project by 31 December 2021;
- Show that at least 50 per cent of the total labour costs are sourced from WA regional businesses.
- require or need to commit to developing a Strategic Airport Assets and Financial Management Framework (Framework).

Councillor Training Report

The new provisions contained within the Local Government Legislation Amendment Act 2019, local governments must prepare a report for each financial year on the training completed by elected members in that financial year.

Section 5.127 of the Act states the following:

5.127. Report on training

- (1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

All local governments will be undertaking their first reports since the new provisions come into effect.

The intent is for the local government to report back to the community on what training councillors have undertaken so local governments are encouraged to include all training rather than just the Council Member Essentials course.

The Act is not prescriptive on the level of details required; each local government is to determine the appropriate level of information required for the public. The advice from the DLGSC is that a simple matrix table is sufficient for this purpose with the following details:

- Title of the training programs
- Date(s) of the program
- Training provider
- Cost
- Location

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Recommendation 9.9

That the Chief Executives Officers Report be received.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

9.10 Move Behind Closed Doors

Recommendation 9.10

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried/Lost: 0/0

9.11 Variation of Lease – Cunderdin Airfield

Location:	Cunderdin Airfield
Applicant:	Ascent Aviation
Date:	6 th July 2020
Author:	Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 Attachments

Proposal/Summary

Council have received a request from Benjamin Reid, Managing Director of Ascent Aviation to extend the Agreement for Lease Variation & Land Expansion Deed of the Cunderdin Airfield for an additional 12 months.

An assessment of the proposal indicates that the variations are minor in nature and therefore it is recommended that Council endorse the amended Agreement for Lease.

Background

This Item was first presented to Council on the 25th September 2014 and again on the 19th May 2016 where council resolved the following:

That Council:

- 1. Endorses the proposed variation to the Agreement for Lease between the Shire of Cunderdin and Cunderdin Aerodrome Property Pty Ltd.*
- 2. Authorises the Shire President and Chief Executive Officer to execute the amended Lease.*

Council attended a meeting with Mr Benjamin Reid on Friday 26th June 2020 at the Shire of Cunderdin Council Chambers. At the meeting Mr Reid gave an update on the developments at the airfield.

He explained that the Alternate Landing Site (ALS) proposal is no longer viable due to the State Governments recent investment in the Busselton Airport upgrade. The major airlines that were interested in an ALS at Cunderdin now favour the Busselton site.

He advised he is in negotiations with a major airline to establish a pilot and mechanical engineering training centre at the Cunderdin airfield. The discussions are past the initial stages and Ascent Aviation have contracted a person over the next 12 months to assist in the ongoing negotiations. Mr Reid report that if the project is not secured within the next 12 months it would probably not be viable.

Comment

At present the Agreement for lease between the Shire of Cunderdin and Cunderdin Aerodrome Property Pty Ltd expired on the 30th June 2020. The variations requested are to extent the lease for an additional 12 months to allow further momentum on the project and time to execution of the project.

The other minor changes to the document is to amend some definitions in the contract, these being;

1. The Definition of 'Tenant Condition Deadline' is deleted and replaced with:

"Tenant Condition Deadline means 30 June 2021"

2. The Definition of 'Development' is deleted and replaced with:

"Development means the development on the Land of any one or more (or all) of the following:

- (a) a flight training school;
- (b) an aircraft maintenance training school; and
- (c) a "touch and go" or "approach and go" facility for aeroplane flights, and ancillary infrastructure.

There is no interest in the airfield from other parties and Ascent Aviation have invested considered time and effort into this project over the past few years. There is no obvious reason why Council should not agree to the term extension.

Statutory Implications

Local Government Act 1993, Section 3.59 relates to commercial transactions by local governments and it is considered that the variations do not substantially alter the proposal to require readvertising of the property.

Section 3.58 may apply when the Shire leases Areas A, B and C (refer to map in Attachments) following acquisition by the Applicant.

Financial Implications

There are no financial implications for the Shire associated with this proposal. The Applicant is bearing all costs associated with the document amendment.

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 development of the Cunderdin Airfield, including variation to the Agreement for Lease is consistent with the objectives of the Community Strategic Plan and in particular, the Economic objective to strengthen local business and employment capacity.

Recommendation 12.1

That Council:

1. Endorses the proposed variations to extend the Agreement for Lease between the Shire of Cunderdin and Cunderdin Aerodrome Property Pty Ltd.
2. Authorises the Shire President and Chief Executive Officer to execute the amended Lease.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: __/__

9.12 Annual Performance Review – Chief Executive Officer

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	10 th July 2020
Author:	Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to give consideration to the annual performance of Chief Executive Officer as required under the terms of his contract of employment and approve any changes to his Key Performance Indicators.

Background

Commencing 1st July 2019, Mr Stuart Hobley took up the position of Chief Executive Officer with a contract of five years expiring on the 30th June 2024.

Council at its Ordinary Council Meeting on the 20th June 2019 resolved:

Resolution 15.2 June 2019

That Council:

- 1. approve the attached Contract of Employment inclusive of a remuneration package of \$176,467 in accordance with Salaries and Tribunal Determination 2019; and,*
- 2. authorise the Deputy President and Chief Executive Officer to affix the Common Seal of the Shire of Cunderdin to the Contract of Employment, Chief Executive Officer, Stuart Hobley.*

Council at its Ordinary Council Meeting on the 19th March 2020 resolved:

Resolution 13.2 March 2020

That Council confirm that Mr Hobley has successfully completed his six month probation period.

And

Resolution 13.4 March 2020

That Council accepts the Key Performance Indicators in Attachment 1 be approved as the Chief Executive Officers contract.

Comment

The Local Government Act 5.38 and the Chief Executive Officer's contract require that an annual review be undertaken of his performance.

A CEO performance review survey will be disbursed to all Councillors via email for their completion before his review. Key Performance Indicators that were nominated by Council in the March 2020 Ordinary Council Meeting and these have been used as a base for the CEO Performance Review survey.

It is suggested Council select panel members who will complete Mr Hobley review and present back to Council at the August 2020 Ordinary Council Meeting. Generally the President and Deputy President complete this review.

Consultation

Mr Stuart Hobley, Chief Executive Officer

Statutory Implications

The Local Government Act 5.38 and the Chief Executive Officer's contract require that an annual review be undertaken of his performance in accordance with section 4.2 (b).

Policy Implications

Nil.

Financial Implications

Continued employment is within the budget provisions for 2020/2021

Strategic Implications

6. Civic Leadership

Our Councillors and community leaders have vision, are accessible, act with transparency and integrity, and act in good faith on behalf of their constituents.

CL6.1 Deliver sustainable governance through transparent and robust policy and processes.

CL6.2 Undertake the civic duties of Council with the highest degree of ethics.

CL6.3 Provide community leadership and lobby Federal and State Government to strengthen service provision within the Shire. Explore diverse income streams, including grants.

CL6.4 Ensure sound long term financial management and deliver value for money

Recommendation 9.12

That Council:

1. Select Cr XXX and Cr YYY to complete the Chief Executive Officer Annual Performance review and present to Council at the 20th August 2020 Ordinary Council Meeting.

Moved: Cr

Seconded: Cr

Vote – majority

Carried/Lost: /

9.13 Move from behind closed doors

Recommendation 9.13

That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried/Lost: 0/0

10. Environmental Health and Building

Nil

11. Planning & Development

11.1 Proposed Oversize Shed- Lot 7 (39) Byfield Street, Meckering

Location:	Cunderdin
Applicant:	Patricia Wessman
Date:	25 th June 2020
Author:	Natasha Jurmann, Planning Officer
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	3 Attachments

Proposal/Summary

A development application has been received to obtain approval to construct an outbuilding at Lot 7 (39) Byfield St, Meckering. The property is zoned Residential R20 under the provisions of the Cunderdin Local Planning Scheme No. 3 and currently contains a house and several small sheds. The application is referred to Council as the proposal is inconsistent with the provisions of the Shire of Cunderdin Local Planning Policy – Outbuildings.

The applicant proposes the shed to be 9m by 13m, with a wall height of 3.5m and a ridge height of 4.2m. The proposed shed will have a total floor area of 117m², the applicant is proposing to remove two of the existing minor sheds, with two 3x3m and one 3x4 meter sheds to be retained along the southern boundary.

The key issues with the proposal are;

1. Wall height (Over by 0.5m)
2. Proximity to front boundary (3m encroachment)
3. Total shed area (Over by 47m²)

Background

An application has been received, proposing to build an outbuilding at Lot 7 (39) Byfield Street, Meckering. The subject property has an area of 2,106m² and is zoned R20. Lot 7 currently contains a single dwelling and several small sheds. The proposed outbuilding will be located on the current front boundary and will be 117m² in area. The wall height is 3.5m, an overall height of 4.2m and be constructed of a classic cream colour bond material.

The property was originally constructed to face Knight Street, which has since been closed making the only access via Byfield St. This means that Byfield Street is the primary street for the purpose of this application.

The applicant proposes to remove 2 of the smaller sheds located on the property where the proposed shed is to be located and intends to retain all other sheds.

The applicant proposes to use the shed for storage, but was reluctant to provide any further information as to why she needed the extra height and scale.

Comment

Shire of Cunderdin Town Planning Scheme No. 3

The property is zoned Residential R20 and the construction of outbuildings are permitted as ancillary development to the residential use of the property.

Clause 4.5.2 states that Council may approve an application with variations, if it is deemed to have merit and is consistent with the objectives of the zone.

Clause 4.7.3 setbacks are **inconsistent** with the R-codes. The R-codes require 1.5m from the side boundary and 6m from the primary street. The development proposes 1.12 from the side boundary and 3m from the secondary street. Given that the property was originally intended to face Knight Street a variation of the front boundary would be acceptable, but with the intended height of the shed and the orientation of the neighbouring properties facing Byfield St, it would be best if the shed were moved back another meter to reduce the bulk to the street frontage. **See condition 1.**

Deemed Provisions

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (known as the Deemed Provisions) are read as part of TPS2.

Clause 67 sets out the matters for consideration when determining an application for development approval. The relevant matters have been considered as part of this assessment as follows:

Table 1

Sub-Clause	Provision	Assessment
(a)	Aims and provisions of Scheme	Residential zone objectives aim to have single dwellings as the predominant form of development. In this case the shed would be the dominant form of development which would be seen from the street due to its size and scale. As this is INCONSISTANT 2 conditions are recommended to reduce the appearance of bulk from the street. (See condition 1)
(b)	Provisions of planning instrument that the LG is seriously considering adopting.	Draft LPS4 does not propose a change the zoning.
(c)	Any approved State Planning Policy	SPP7.3 – Residential Design Codes has been considered in this assessment, but are varied by the Shire’s LPP – Outbuildings (See Table 2).
(g)	Any local planning policy	LPP – Outbuildings has been considered in this assessment. Variations are proposed to the height of the shed, see table 2.
(i)	Any scheme review report	2017 Scheme Review Report does not affect this assessment.
(m)	Compatibility of development, including relationship to adjoining land, likely effect of height, bulk, scale, orientation and appearance.	The shed is twice the size of what is permitted under the R-codes, it is also larger than what our LPP Outbuildings allows. This together with a higher wall height will result in a bulk and scale that is not generally expected in the residential zone. To reduce the appearance from the road it is recommended that the shed is setback a further meter from the street (see condition 1).
(n)	Amenity of the locality, including character and social impacts.	The shed is proposed to be used for storage, which unlikely to affect the amenity of the locality.
(p)	Provision of landscaping	The shed is located behind a fence as such no landscaping will be required.
(s)	Adequacy of access to and egress from the site, including manoeuvring and parking of vehicles.	Access to the shed would need to be off the existing driveway adjacent to the carport (see condition 2)

(y)	Any submissions received	No submissions have been received during the consultation period.
(zb)	Any other planning consideration.	Nil

SPP3.1 – Residential Design Codes

Where a proposal does not comply with the ‘deemed to comply’ provisions of the R-Codes, then the proposal can also be assessed against the performance provisions to determine if the variations are acceptable, which is *“Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.”*

Consultation

The neighbours of 39 Byfield St were notified, with a consultation period of 14 days and no submissions have been received.

Statutory Implications

Nil.

Policy Implications

Local Planning Policy – Outbuildings

The Shire’s adopted policy provides acceptable local variations to the deemed to comply provisions of the R-Codes for the construction of outbuildings in the Residential zone. These standards are considered to meet the performance provision of the R-Codes for outbuildings (outlined above), which have been assessed as follows:

Table 2

Provision	Proposed	Compliance/Comment
Maximum collective area 100m ² for lots exceeding 1,000m ² in area.	Total area 147m ² with the proposed removal of 2 minor sheds.	Large variation requested, when the applicant was asked why she just stated that she needed it for storage. Given the size of the property the variation is deemed acceptable.
Wall height 3.0m	3.5m	0.5m variation requested
Ridge height 4.2m	4.2m	Complies

Financial Implications

Nil.

Strategic Implications

Nil

Recommendation

That Council approve the application for Lot 7 (39) Byfield St, Meckering subject to the following conditions:

1. The shed is to be setback 4m from Byfield St;
2. The shed is only to be accessed from the existing driveway on Byfield St;
3. The shed is not to be used for habitable purposes;
4. The shed is not to be used for industrial purposes;
5. The shed is to be constructed in accordance with the stamped approved plans;
6. Stormwater from the development is to be connected to a tank or directed to an appropriate location to the satisfaction of the local government;
7. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect;

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried: 0/0

11.2 Proposed Oversize Shed - Lot 92 (55) Bedford St, Cunderdin

Location:	Cunderdin
Applicant:	Jeremy King
Date:	2 nd July 2020
Author:	Natasha Jurmann, Planning Officer
Item Approved by:	Stuart Hogley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	2 Attachments

Proposal/Summary

A development application has been received to obtain approval to construct an outbuilding at Lot 92 (55) Bedford St, Cunderdin. The property is zoned Residential R20 under the provisions of the Cunderdin Local Planning Scheme No. 3 and currently contains a house and a small shed (3mx3m). The application is referred to Council as the proposal is inconsistent with the provisions of the Shire of Cunderdin Local Planning Policy – Outbuildings.

The applicant proposes the shed to be 8m by 12m, with a wall height of 3.5m and a ridge height of 4.28m. The proposed shed will have a total floor area of 96m², the applicant is proposing to remove the existing 3x3m shed.

The key issues with the proposal are;

4. Wall height (Over by 0.5m)
5. Ridge Height (Over by 8cm)

Background

Lot 92 (55) Bedford Street, Cunderdin has an area of 1,057m² and is located in the town site. The proposed outbuilding will be located at the rear of the lot and will be 96m² in area. The wall height is 3.5m, an overall height of 4.28m and be constructed of cream colour bond material.

In the applicants paperwork he has stated that he wishes to use the shed to park his 4WD and workshop.

Comment

Shire of Cunderdin Town Planning Scheme No. 3

The property is zoned Residential R20 and the construction of outbuildings are permitted as ancillary development to the residential use of the property.

The proposed application requires Council approval as it does not meet the R codes for the following reasons;

- a) wall height
- b) ridge height

Clause 4.5.2 states that Council may approve an application with variations, if it is deemed to have merit and is consistent with the objectives of the zone.

Clause 4.7.3 setbacks are consistent with the R-codes. The R-codes require 1.5 from both the rear land and Secondary Street. The development proposes 1.5 from the rear lane and 3 from the secondary street.

Deemed Provisions

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (known as the Deemed Provisions) are read as part of TPS2.

Clause 67 sets out the matters for consideration when determining an application for development approval. The relevant matters have been considered as part of this assessment as follows:

Table 1

Sub-Clause	Provision	Assessment
(a)	Aims and provisions of Scheme	Residential zone objectives aim to have single dwellings as predominant form of development. In this case the shed is located to the rear of the lot and behind a fence so would not dominate the streetscape.
(b)	Provisions of planning instrument that the LG is seriously considering adopting.	Draft LPS4 does not propose a change the zoning.
(c)	Any approved State Planning Policy	SPP7.3 – Residential Design Codes has been considered in this assessment, but are varied by the Shire’s LPP – Outbuildings (See Table 2).
(g)	Any local planning policy	LPP – Outbuildings has been considered in this assessment. Variations are proposed to the height of the shed (See Table 2).
(i)	Any scheme review report	2017 Scheme Review Report does not affect this assessment.
(m)	Compatibility of development, including relationship to adjoining land, likely effect of height, bulk, scale, orientation and appearance.	The shed is smaller than the area our LPP Outbuildings allows. The development is only proposing an increase in height, which is unlikely to have a negative impact on the amenity of the locality.
(n)	Amenity of the locality, including character and social impacts.	The shed is proposed to be used for the storage of a 4WD and workshop. This is unlikely to effect the amenity of the locality.
(p)	Provision of landscaping	The shed is located behind a fence with no footpath on it or houses directly facing the shed, so no landscaping would be required.
(s)	Adequacy of access to and egress from the site, including manoeuvring and parking of vehicles.	Access to the shed would be off the rear lane way, which is common for sheds in this area.
(y)	Any submissions received	No submissions have been received during the consultation period.
(zb)	Any other planning consideration.	Nil

SPP3.1 – Residential Design Codes

Where a proposal does not comply with the ‘deemed to comply’ provisions of the R-Codes, then the proposal can also be assessed against the performance provisions to determine if the variations are acceptable, which is *“Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties.”*

Consultation

The neighbours of 55 Bedford St were notified, with a consultation period of 14 days and no submissions have been received.

Statutory Implications

Nil

Policy Implications

Local Planning Policy – Outbuildings

The Shire's adopted policy provides acceptable local variations to the deemed to comply provisions of the R-Codes for the construction of outbuildings in the Residential zone. These standards are considered to meet the performance provision of the R-Codes for outbuildings (outlined above), which have been assessed as follows:

Table 2

Provision	Proposed	Compliance/Comment
Maximum collective area 100m ² for lots exceeding 1,000m ² in area.	Total area 96m ² with the proposed removal of the minor shed.	Complies
Wall height 3.0m	3.5m	0.5m variation requested, which is deemed to be acceptable as due to the location of the shed there would be no impact on the amenity of the neighbouring properties.
Ridge height 4.2m	4.28m	8cm variation requested, which is deemed to be acceptable as it is only a tiny variation.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation 11.2

That Council approve the application for lot 92 (55) Bedford St, Cunderdin subject to the following conditions:

1. The shed is not to be used for habitable purposes;
2. The shed is not to be used for industrial purposes;
3. The minor garden shed is to be removed after the completion of the new shed;
4. The shed is to be constructed in accordance with the stamped approved plans;
5. Stormwater from the development is to be connected to a tank or directed to an appropriate location to the satisfaction of the local government;
6. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect;

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: /

12. Works & Services

Nil

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 August 2020 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 20th August 2020 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at __: __pm.

16. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 18th June 2020 as shown were confirmed at the ordinary meeting of Council held on 16th July 2020.

Signed: _____

Date: _____