



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 17th December 2020** in the Council Chambers, Lundy Avenue, Cunderdin WA, 6407 **commencing at 4.00pm**

Stuart Hobley
Chief Executive Officer
17th December 2020

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MINUTES

1. Declaration of Opening

The President declared the meeting open at 4.02 pm.

The Shire of Cunderdin disclaimer was read aloud.

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

Read by Cr Dennis Whisson

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 B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr W (Sam) Stewart	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Lauren Cole	Governance and Compliance Officer
Craig Robertson	Manager of Works and Services (Existed at 5.02pm)

Guests of Council

Nil

Members of the Public

Nil

2.2 Apologies

Cr A (Tony) Smith
Cr J (Jayson) Goldson

2.3 Leave of Absence Previously Granted

Nil

3. Public Question Time

Nil

4. Petitions, Deputations & Presentations

Nil

5. Applications for Leave of Absence

Nil

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 19th November 2020

Resolution 6.1 OCM December 2020

That the Minutes of the Ordinary Council Meeting held on Thursday 19th November 2020 be confirmed as a true and correct record.

Moved: Cr Bernie

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 6/0

Note to this item:

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

7. Declaration of Members and Officers Interests

- Cr Dennis Whisson declared an impartiality interest on Item 9.11 Request for family recognition within the Shire of Cunderdin.
- Cr Bernie Daly declared an impartiality interest on Item 9.9 Adoption of the Memorandum of understanding between the Shire of Cunderdin and Cunderdin Men's Shed Inc.
- Cr Dennis Whisson declared a financial interest (Interest in Common) on Item 11.1 Development Application – Lot 254 (21) Margaret St, Cunderdin.
- Cr Alison Harris declared a financial interest (Interest in Common) on Item 11.1 Development Application – Lot 254 (21) Margaret St, Cunderdin.
- Cr Todd Harris declared a financial interest on Item (Interest in Common) 11.1 Development Application – Lot 254 (21) Margaret St, Cunderdin.
- Cr Norm Jenzen declared a financial interest on Item (Interest in Common) 11.1 Development Application – Lot 254 (21) Margaret St, Cunderdin.

Note: As a number of people within the Cunderdin Shire hold shares in the Cunderdin Co-op, the financial interest was considered as an interest in common.

8. Announcements by President without Discussion

The President thanked all Shire employees and Councillors for their dedication and efforts throughout the year.

Wished everyone a safe and Merry Christmas.

Mr Stuart Hobley exited the meeting at 4.07pm
Mr Stuart Hobley re-entered the meeting at 4.11 pm

9 Finance & Administration

9.1 Financial Reports for November 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	10th December 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 November 2020 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Due to the OAG making significant changes to the financial management regulations, in November there has been some change to the Shires asset register. Due to these changes being retrospect these updates are needing to be applied to the 2019/2020 Annual Finance Statement.

We are currently working through this the auditors and the OAG, therefore the annual financial report will be delayed and is expected to be complete early February 2021.

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.

Resolution 9.1 OCM December 2020

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

Moved: Cr AE (Alison) Harris

Seconded: Cr W (Sam) Stewart

Vote – Simple Majority

Carried: 6/0

9.2 Accounts Paid – November 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	10 th December 2020
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 attachment
	- Creditors list of payments November 2020
	- Credit Card Statements for November 2020

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$226,787.26
Total for Trust -	\$0.00
TOTAL -	\$226,787.26

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

Resolution 9.2 OCM December 2020

1. That Council's payment of accounts amounting to \$226,787.26 being from Municipal Account for November 2020, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 4621 – 4670	\$211,642.00	
Direct Debit (Inc Bank Charges): DD1972.1.1-DD1978.9	\$7,476.60	
Cheques: 11674-11677	\$7,668.66	
TOTAL		\$226,787.26

be confirmed and noted; and,

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

Moved: Cr B (Bernie) Daly

Seconded: Cr AE (Alison) Harris

Vote – Simple Majority

Carried: 6/0

9.3 Council Investments – As at 31st November 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	10 th December 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 November 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 November 2020.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$697,475.08	Municipal- 0000030	\$697,475.08		
Bendigo Bank	\$2,806,633.05	Municipal- 155971377	\$1,526,786.46	\$828,299.01	\$451,547.58
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Bendigo Bank	\$0.00	Bendigo Trust Account 164 488 686			\$0.00
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Westpac Bank	\$251,915.25	Westpac Term Deposit 0.40% Expires:28/02/2021	\$251,915.25		
TOTAL INVESTMENTS	\$3,756,170.16		\$2,476,323.57	\$828,299.01	\$451,547.58

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 96,974.42 and Bendigo Muni - \$451,547.58.

CUNDERDIN COMMUNITY TRUST DETAILS		
31 November 2020		
Opening Balance as per Bank Statement & Term Deposits	INVESTMENT ACC	96,974.05
	MUNI ACC	451,547.58
	TOTAL	548,521.63
Credits		0.37
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	548,522.00
INCOMING		
<i>Interest (Investment account)</i>		0.37
		0.37
OUTGOING		
		0.00
Balance as at end of month	TOTAL	548,522.00

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.

Resolution 9.3 OCM December 2020

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

Moved: Cr TE (Todd) Harris

Seconded: Cr W (Sam) Stewart

Vote – Simple Majority

Carried: 6/0

9.4 Return of Land to Shire in Lieu of Rates and Charges – Lot 289 on P222787

Location:	Cunderdin
Applicant:	Finance Officer
Date:	23 rd November 2020
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A53617
Attachment/s:	1 Attachment

Proposal/Summary

For Council to review the proposal to accept the land parcels in return for outstanding rates and service charges.

Orphan Aid

A53617

Lots 289 on P222787

Collins Street, Meckering

Background

Lot 289 was gifted to Orphan Aid in 2012, by the previous owner. Orphan Aid is registered as a charity with the Australian Charities and Not-for-Profits Commission, as outlined on the Australian Securities & Investments Commission (ASIC) Report.

A company registered as a charity is exempt from being rated under section 6.26(2)(g) of the *Local Government Act 1995*. The land is however still subject to the annual Emergency Services Levy that Local Governments collect on behalf of the Department of Fire & Emergency Services.

The Shire of Cunderdin has made previous attempts to locate the owners of the land, however due to the property not having outstanding rates, no legal action was taken.

Comment

The Shire has recently ordered an online ASIC search which provided the name and postal addresses for all the Directors of Orphan Aid. All Directors and the Secretary were sent a letter to contact the Shire of Cunderdin to advise their intention with the land.

Both the secretary and a director of Orphan Aid contacted the Shire and spoke with the CEO. It was explained that the block is of minimal value, unable to be developed and at certain times of the year unable to be accessed due to flooding as it lies directly in the flood plain of the Mortlock River.

Orphan Aid has agreed to relinquish the land and transfer to the Shire of Cunderdin. They have requested that all outstanding charges be written off. The outstanding charges are currently \$459.72 as outlined below:

\$4.24	Interest
\$66.48	ESL Penalty Interest
\$389.00	Emergency Services Levy

Consultation

Australian Securities & Investments Commission (ASIC).

Statutory Implications

The Local Government Act 1995.

Policy Implications

Nil.

Financial Implications

Council would be required to write off the outstanding debt, currently at \$459.72 and absorb the associated settlement fees of approximately \$1,300.

Strategic Implications**Community Leadership**

CL5-Objective 4 - Ensure sound long term financial management and deliver value for money.

Resolution 9.4 OCM December 2020

That Council authorises the Chief Executive Officer:

1. Accept the land offer from Orphan Aid being Assessment A53617, Lot 289 on Plan 222787, and in return agree to write off all charges associated with the property; and,
2. Agree to pay all fees and associated with the settlement of the property; and
3. That the President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Transfer of Land documents.

Moved: Cr B (Bernie) Daly

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 6/0

9.5 Write off Request for Lot 5 Centenary Place

Location:	Cunderdin
Applicant:	Finance Officer
Date:	4 th December 2020
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A53527
Attachment/s:	NIL

Proposal/Summary

That Council consider the payment request from Mr Eric Meehan, and write off the remaining rates and charges for assessment A53527 being Lot 5 on Diagram 87473, Centenary Place, Cunderdin.

Background

Mr Eric Meehan and Ms Vicky Mathews own Lot 5 Centenary Place, located in the industrial area in Cunderdin.

At rates billing 2016/17, the rates had been outstanding in excess of 3 years, with a debt of \$3,252.25. Over the following year, Mr Meehan paid \$1,400.00 off of the outstanding balance.

No further repayments were made and legal action commenced in 2018, with skip trace being carried out to try and locate where the ratepayers were residing. It wasn't until April 2019 that the ratepayers were located and a General Procedure Claim was served. Judgement for the debt was awarded 31st May 2019.

At OCM June 2019, it was resolved;

That Council:

- 1. Utilise AMPAC Collection Services to proceed with a Property Seizure and Sale Order (PSSO) to sell the parcels of land attached to Assessment A53527 and A53592 due to non-payment rates and services, under the Civil Judgements Enforcement Act 2004, section 74.*

AMPAC were given approved 26th June 2019 to proceed with the Property Seizure and Sale Order.

Contact was made by way of a phone conversation on the 16th July 2019 with Mr Meehan, where he verbally committed to a payment plan of \$1,500.00 per month. Mr Meehan also made a \$1,000.00 payment that day.

A Payment Agreement form was sent to Mr Meehan on the 17th July 2019, to be signed and returned. It was explained to Mr Meehan the agreement was made in good faith and legal action would be paused, however should there be any slip in the agreement, the Shire would take the legal action off hold and proceed to sell the block of land at auction.

On the 22nd July 2019 the Shire was contacted by Mr Meehan's lawyer, Lachlan Pamos of Pamos Legal. Following several emails and phone calls between the Shire, AMPAC and Pamos Legal, the Shire did not receive any further payments or payment arrangement intentions. AMPAC were instructed to proceed with the PSSO 13th August 2019.

On the 28th January 2020, Pamos Legal, on behalf of Mr Meehan, contacted AMPAC's lawyers, Price Sierakowski, accepting to pay the amount on the PSSO being \$8,081.18 by the 28 March 2020, to stop any further proceedings.

The Shire emailed Mr Meehan's lawyers on the 5th February 2020 accepting the payment agreement for the \$8,081.18 to cease proceeding with the PSSO, however reserved the Shires right to initiate the collection process which may include another PSSO being served for the remaining \$5,741.41.

Payment of the \$8,081.18 was received by the 26th March 2020 and the PSSO proceeding ceased.

	CR	DR	
16/17 Billing		\$ 713.00	\$ 3,252.25
Interest for 16/17		\$ 284.01	
Payments for 16/17	\$ 1,400.00		
Legal Charges for 16/17		\$ 658.20	
Balance as of End of Financial Year 16/17			\$ 2,794.46
17/18 Billing		\$ 815.00	
Interest for 17/18		\$ 302.80	
Payments for 17/18	\$ -		
Legal Charges for 17/18		\$ 785.40	
Balance as of End of Financial Year 17/18			\$ 4,697.66
18/19 Billing		\$ 851.00	
Interest for 18/19		\$ 710.15	
Payments for 18/19	\$ -		
Legal Charges for 18/19		\$ 890.20	
Balance as of End of Financial Year 18/19			\$ 7,149.01
19/20 Billing		\$ 876.00	
Interest for 19/20		\$ 1,004.09	
Payments for 19/20	\$ 9,081.18		
Legal Charges for 19/20		\$ 8,081.82	
Balance as of End of Financial Year 19/20			\$ 8,029.74
20/21 Billing		\$ 877.53	
Interest for 20/21		\$ 277.82	
Legal Charges for 20/21		\$ 1,113.00	
Payments for 20/21	\$ -		
Current Outstanding Balance			\$ 10,298.09

Comment

On the 16th September 2020, new legal proceedings were started against the ratepayers for the arrears from the previous claim and the new 20/21 billing. Palmos Legal contacted the Shire, on Mr Meehan's behalf, on the 7th October 2020 following a General Procedure Claim being issued to Mr Meehan, disputing the arrears from the previous claim.

Mr Meehan's lawyers lodged a Notice of Intention to Defend the General Procedure Claim. The Shire responded by lodging a Statement of General Procedure Claim.

Mr Meehan's lawyers put through an offer of \$2,898.76 to the outstanding amount of \$10,298.09, to which the Shire rejected. Following legal advice from AMPACs lawyers, the Shire counter offered \$7,000.00, to be paid in monthly instalments, and all remaining outstanding charges would be written off. Mr Meehan's lawyers accepted this settlement offer on the 4th December 2020.

The offer was made to keep the matter out of court to avoid additional legal fees that may not be recoverable. Taking the matter to court could see legal fees for \$10,000 or more.

Consultation

AMPAC Debt Recovery
Price Sierakowski Lawyers

Statutory Implications

The Local Government Act 1995

Policy Implications

Nil.

Financial Implications

The current outstanding charges at the 4th December 2020 are \$10,324.04. Council would be required to write off the remaining debt on the assessment, being \$3,324.04, any future accrued interest and any future legal fee invoices not yet received.

Strategic Implications

Community Leadership

CL5-Objective 4 - Ensure sound long term financial management and deliver value for money.

Resolution 9.5 OCM December 2020

That Council authorises the Chief Executive Officer:

1. Accept the payment arrangement from Mr Meehan for assessment A53527, being Lot 5 on Diagram 87473, Centenary Place Cunderdin, of \$7,000 in monthly instalments of \$1,000, to commence January 2021; and
2. Agree to write off all remaining outstanding charges to date.

Moved: Cr AE (Alison) Harris

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.6 Move Behind Closed Doors

Resolution 9.6 OCM December 2020

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

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple Majority

Carried :6/0

9.7 Financial Hardship Application – 82 Mitchell Street, Meckering

Resolution 9.7 OCM December 2020

That Council authorises the Chief Executive Officer:

1. Accept the Financial Hardship Application submitted by Ms Joe-Janette Watts for Assessment A53180 being 82 Mitchell Street, Meckering freezing accruing interest until the 1st March 2021 and suspending payments until the 2nd March 2021; and
2. Re-assess Ms Joe-Janette Watts circumstances on the 1st March 2021.

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried/Lost: _____

9.8 Move from behind closed doors

Resolution 9.8 OCM December 2020

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

Moved: Cr N (Norm) Jenzen

Seconded: Cr W (Sam) Stewart

Vote – Simple Majority

Carried :6/0

Cr Bernie Daly declared an impartiality interest on Item 9.9 and existed the meeting at 4.30pm

9.9 Adoption of the Memorandum of Understanding between the Shire of Cunderdin and Cunderdin Men Shed Inc

Location:	Shire of Cunderdin
Applicant:	Governance and Compliance Officer
Date:	24 th November 2020
Author:	Lauren Cole
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachment – Draft MOU

Proposal/Summary

For Council to consider the adoption of the Memorandum of Understanding between the Shire of Cunderdin and Cunderdin Men's Shed Inc.

Background

Council signed a Memorandum of Understanding with the Cunderdin Men's Shed Inc. on the 21st October 2014 for the term of five years. This Memorandum of Understanding has now expired.

Council have sent a draft Memorandum of Understanding to the Cunderdin Men's Shed Inc. for them to review and provide any comments prior to being presented to Council.

Council is in the process of completing a grant application with the National Shed Development program on behalf of the Cunderdin Men's Shed Inc. for the purchase of small equipment up to the value of \$5,000.00.

Comment

If the grant application with the National Shed Development Program is successful then a current Memorandum of Understanding is required.

No changes have been recommended to the existing Memorandum of Understanding.

Consultation

Bernie Daly – President Cunderdin Men's Shed
Tony Smith – Secretary Cunderdin Men's Shed

Statutory Implications

Nil.

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 9.9 OCM December 2020

That Council:

1. Renew the Memorandum of Understanding between the Shire of Cunderdin and the Cunderdin Men's Shed for an additional five (5) years.

Moved: Cr N (Norm) Jenzen

Seconded: Cr W (Sam) Stewart

Vote – Simply Majority

Carried: 5/0

Cr Bernie Daly re-entered the meeting at 4.33pm

9.10 Corporate Business Plan Desktop Review

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	26 th November 2020
Author:	Lauren Cole
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 attachment.

Proposal/Summary

To receive the Corporate Business Plan Desktop Review as attached.

Background

All local governments are currently required to produce a plan for the future under Sec. 5.56 (1) of the *Local Government Act 1995*.

Regulations made under the Act outline the minimum requirements of a plan for the future namely:-

- A **Strategic Community Plan** to cover a period of at least 10 financial years.
- A **Corporate Business Plan** to cover a period of at least 4 financial years.

The Corporate Business Plan is designed to activate items identified in the Strategic Community Plan by responding to Council's broad objectives and prioritisation of the community's short, medium and long term goals.

The process by which the Corporate Business Plan is developed incorporates:

- Activating the Strategic Community Plan
- Operations Planning
- Annual reviews and reprioritisation of the Corporate Business Plan.

A critical accountability and transparency element is the reporting process which the local government is to inform the community and statutory bodies on its progress in delivering services, projects and other operations to meet the goals of the Strategic Community Plan.

Comment

The spreadsheet attached identifies the strategies and actions for each Community Strategic Plan objective and the year/s of implementation for the four-year life of the Corporate Business Plan.

Red means: No Budget, No Schedule, No Resource or No Project Standing

Yellow means: Minimal Budget, Not on Schedule, Minimal Resource, and average overall Project Standing

Green Means: Adequate Budget, On Schedule, Enough Resource and good overall Project Standing

On review of the strategic directions, it was noted that;

- The Municipal Heritage Inventory is currently under review by the Planning Consultant.
- The Age Appropriate Accommodation Project has now be completed.
- The Shire have employed a Community Development Officer which is achieving outcomes we did not previously have outcomes for.
- The Long Term Financial Plan and Asset Management Plan require urgent review
(Quotes are currently being obtained and the works will be obtained before the end of the financial year.)

- The Cunderdin Town Dam project has now be completed.
- Construction of the Cunderdin Health Centre has been finalised, with ongoing discussion regarding services provided to the community.

Consultation

Staff

Statutory Implications

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Community Strategic Plan 2018

Strategic Priority 5: 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.

Civil Leadership

- CL5.1 Deliver sustainable governance through transparent and robust policy and processes.
- CL5.2 Undertake the civic duties of Council with the highest degree of ethics.
- CL5.3 Provide community leadership and lobby Federal and State Governments to strengthen services provisions within the Shire.
- CL5.4 Ensure sound long term financial management and deliver value for money.
- CL5.5 Improve organisational planning, processes and systems.

Resolution 9.10 OCM December 2020

That Council receive and endorse the Corporate Business Plan Desktop Review.

Moved : Cr AE (Alison) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

Cr Dennis Whisson declared an impartiality interest on Item 9.11 and exited the meeting at 4.37pm

Cr Alison Harris took over the Chair of the meeting.

9.11 Request for family recognition within the Shire of Cunderdin

Location:	Cunderdin
Applicant:	Mrs Rosalie Sexton (nee Whisson)
Author:	Lauren Cole
Report Date:	4th December 2020
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 x attachments

Proposal/Summary

For Council to consider the request received from Mrs Rosalie Sexton in regards to recognising the Whisson family for their contribution to the Cunderdin and Meckering district.

Background

Council received correspondence from Mrs Rosalie Sexton on the 21st October 2020 requesting Council to review the application and consideration be given to the naming of a section of the Mt Anne Rd.

*“Such as;
Whisson Crossing at the railway line, or
Whisson Causeway from the railway to the bridge over the Mortlock River, or
Whisson Bridge ”*

Comment

Council in 2014 received a similar application from Mrs Eva Beard to consider the future naming of a Road or Street in the Shire of Cunderdin after the Bycroft family.

On the 16th April 2014, at the OCM Council Resolved;

That Council:

- 1. Supports the proposal from Mrs Eva Beard for the future naming of a road / street within the Shire of Cunderdin after the Bycroft family.*
- 2. Forwards the proposal to the Geographical Names Committee (Landgate) for their assessment in accordance with Landgate policies and guidelines.*
- 3. Requests the Geographical Names Committee to commence a register for future road / street names within the Shire of Cunderdin.*
- 4. Places an advertisement in the Bandicoot inviting community to submit names of historical significance to the Shire of Cunderdin to be presented to the Geographical Names Committee for consideration and to be placed on a register for future road / street names.*

Council had this application accepted by the Minister of Land on 13th May 2014.

Since then changes have been made to the Policy and Standards for Geographical Naming in Western Australia. One of these changes was in relation to reserve registers. Landgate no longer record names to reserve register, and existing reserved road names will automatically lapse five years from original approval date.

Council currently manages its own reserve register and the only name proposed is Bycroft. Since 2014 there has not been any new roads constructed and does not have any developments that require new roads planned.

It is strongly discouraged to change an existing approved name, and the only exemption is when a compelling application with supporting evidence is presented, for example the proposal is deemed to be in the public interest for safety reasons.

It is also recommended from Geographic Names Team that if an application is made to name something that it be after a particular person or couple, such as Arthur and Elsie Whisson.

If Council was to go down the path of naming a bridge along Mt Anne Rd, the application process is to complete a write up on the person background and why they should be considered to be recognised. They recommend that Council and the family approved this application prior to sending it to the Geographic Names Team.

Background information on Arthur and Elsie Whisson:

In 1926 almost 100 years ago Arthur and Elsie Whisson with 6 Children, came to Cunderdin, migrating from Nhill in Victoria having purchased from Bill Draffin the property known as Mt Anne north of Waeel. They had 3 more children and all attended the various schools in the district. They were involved in community affairs – Arthur as President then Secretary of the Meckering Agricultural Society and a director of the Coop. In 1946 they retired to Meckering having divided the property into 3 farms and sold them to their sons Ray, Ned and Jack

Records from the Old Mandurah Cemetery show;

Whisson, Arthur Edwin passed away 29th August 1969, age 79

Whisson, Elsie Merle passed away 4th August 1975, age 80

Consultation

Landgate

Geographic Names Team

Mrs Rosalie Sexton – Nee Whisson

Mr Stuart Hobley, Chief Executive Officer

Statutory Implications

Land Administration Act 1997

These policies and standards are provided for under the *Land Administration Act 1997, Part 2 – General administration, Division 3 – General; 26. Constitution, etc. of land districts and townsites; 26A Names of roads and areas in new subdivisions.*

Land Information Authority Regulations 2007

These policies and standards are also provided for under the *Land Information Authority Regulations 2007; 3 – Information prescribed as fundamental land information*

Australian/New Zealand Standard AS/NZS 4819:2011

Rural and urban addressing All Western Australian rural and urban address allocations are recorded by Landgate in accordance with AS/NZS 4819:2011. This Standard was prepared by the Street Address Working Group of the Intergovernmental Committee on Surveying and Mapping (ICSM).

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.

Resolution 9.11 OCM December 2020

That Council,

- a) Place the name Whisson on the Shire of Cunderdin Reserve Register for future use.
- b) That the Shire of Cunderdin apply to the Geographic Names Team to name the unnamed bridge on Mt Anne Rd, "*Whisson Bridge*" on behalf of Arthur and Elsie Whisson.

Moved: Cr N (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Absolute majority

Carried: 5/0

Cr Dennis Whisson re-entered and resumed Chair of the meeting at 4.41pm

9.12 Chief Executive Officers Report

Location:	Cunderdin
Applicant:	Chief Executive Officer
Date:	10 December 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

Doctor

The CEO advised that Council have received a request from the Karis medical services to financial support the new second doctor in town. If Council decided to support the request a Special Council meeting would need to be held to discuss the matter.

Mobile Black Spot Funding

The Federal Government has announced another round of mobile black spot funding. It is intended to submit an application to increase the mobile coverage in Meckering and to the north of the Meckering townsite.

Regional Airstrip Development Scheme (RADS)

A further round of RADS funding has been announced. Previously Council has completed upgrades to the Cunderdin Airstrip under this scheme but recently the Shire has not applied because the scheme required a 50% contribution towards the project.

This round of funding does not require a Council contribution for projects under \$300,000. It is intended that the Shire will submit an application to upgrade the lighting at the airstrip. It is roughly estimated the cost will be approximately \$300,000.

COVID 19 - Contact Registers

In line with the advice provided by the State Government the Shire has introduced Contact Registers at all of its facilities. The Shire will also have to complete a Contact Plan for all upcoming events. The Shire has both sign-in sheets and the WA Safe App scanner at all of its facilities and events.

Regional Road Group Funding

Main Roads and WALGA have recently completed a review of the criteria required for a road to be listed on the Roads 2040 Program. For a road to be eligible for Regional Road Group (RRG) funding to the road must be on the Roads 2040 Program.

The changes that were suggested in the draft guidelines would have meant that approximately 50% of the Shires roads would not have been eligible for funding. Some Shires would not have any roads at all eligible for funding.

The Kellerberrin Sub-Group of which Cunderdin is a member has provide a submission to the Final Draft Policy and Criteria – Significant Local Government Roads on the following basis:

1. That the criteria being adopted isn't retrospective, it is to only account for new applications.
2. Traffic PCU's are adjusted to allow seasonal (harvest) counts instead of the average
3. The Wheatbelt Secondary Freight Network Funding doesn't capture all major CBH routes to strategic bins.

4. Sub-Groups have the capacity to permit a road to be included should they agree its significance.
5. Clarification on when a town breaks up a route to a town with >500 people ie Bruce Rock to Kellerberrin you can't go direct and it is via Doodlakine on the Bruce Rock Doodlakine Road.
6. Definition of Regional Hospital needs to be reviewed as all hospitals in the Regions should be defined as Regional.
7. School Bus routes should still have weight in the assessment.

It is suggested that the Shire of Cunderdin submit a similar submission to Main Roads.

Community Emergency Services Manager (CESM) Secondment

On the 2 December 2020 the CESM requested permission to go on secondment with DFES for a 2 week period beginning 31st December and concluding on the 15th January, with a response required on the day.

The Shires of Kellerberrin, Tammin and Quairading have all agreed to the secondment. The Chief Fire Control Officer (CFCO) was consulted on the request and he advised that he did not have problem with it.

This is provided for information purposes only.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.12 OCM December 2020

That the Chief Executives Officers Report be received.

Moved: Cr AE (Alison) Harris

Seconded: Cr N (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

10. Environmental Health and Building

Nil

11. Planning & Development

Cr Dennis Whisson, Cr Alison Harris, CR Todd Harris and Cr Norm Jenzen all declared a financial interest on Item 11.1. As a number of people within the Cunderdin Shire hold shares in the Cunderdin Co-op, the financial interest was considered an interest in common.

11.1 Development Application – Lot 254 (21) Margaret St, Cunderdin

Location:	Lot 254 (21) Margaret St, Cunderdin
Applicant:	Anne Hitch
Date:	9 December 2020
Author:	Natasha Jurmann
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	DA2020/21-3
Attachment/s:	5 Attachments
	Please keep attachments Private and Confidential

Proposal/Summary

A development application has been received to obtain approval to construct a new dwelling at Lot 254 (21) Margaret St, Cunderdin. Lot 254 is currently zoned 'Residential 10'.

Dwellings are a 'Permitted' use in the Residential zone, which is governed by State Planning Policy 7.3 Residential Design Codes. Due to the height of the sand pad required to make the block level privacy was flagged as a concern during the R-Codes assessment as the house is less than 4.5m from the West boundary and less than 6m from the east boundary as required by the R-Codes.

In addition to this the applicant is also seeking a front boundary setback variation of 370mm, with the garage situated in front of the house by 2.52m, and in front of the veranda by 1.02m.

These variations are allowed if they are deemed to be consistent with the design principles as written in the R-Codes, which is decided by council.

Background

The subject site has an area of 1,012 meters squared and is currently vacant. The applicant has previously applied for approval to complete the required earthworks for the sand pad. This was approved by the Building Surveyor on the 24th November 2020.

The sand pad is required to level the site and the builder will be cutting in 0.9m at the front of the block and filling 1.1m at the rear (Attachment 11.1.1).

Upon receiving the application for the house, an R-Codes assessment was completed (attachment 11.1.2).

The application, did not pass the deemed to comply measures on several points including;

- Visual Privacy Setbacks
- Street Setback
- Garage

Comment

Shire of Cunderdin Town Planning Scheme No. 3

The property is zoned Residential R10 and the construction of a Dwelling is permitted in this zone.

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 setback are **inconsistent** with the R-codes.

Visual Privacy:

Due to the height of the building, the building is required to be setback more than 4.5m from the West boundary and 6m from the East boundary. The dwelling is proposed to be only 2.5m from the West boundary and 3.7m from the East boundary.

The applicant proposes to provide a retaining wall and 1.8m colourbond fence along the boundary, although there is concerns that this may end up looking like a giant wall from the adjoining property's side.

Street Setback:

The R-codes require 7.5m setback from the primary street. The development proposes 7.13 from the primary street which is being encroached on by the garage. This is an acceptable variation as long as the remainder of the building is setback more than 8.2m from the primary street. The remainder of the building (excluding the verandah) is setback 9.65m from the primary street so this is a permitted variation under the R-Codes.

Garage:

The R-codes deemed provisions requires garages to be 0.5m behind or in line with the front façade of the building. The applicant proposes the garage to be 1m in front of the front façade of the building, which is an allowable variation as long as the garage is setback more than 4.5m from the street and is not obstructing the line of sight of the dwelling to the 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 TPS3.

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 instance the application is consistent with the scheme.
(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, please see below.
(g)	Any local planning policy	No LPPs apply.
(i)	Any scheme review report	2017 Scheme Review Report does not affect this assessment.
(m)	Compatibility of development, including relationship to	The height of the sand pad is likely to cause major impacts to the visual privacy and amenity of the

	adjoining land, likely effect of height, bulk, scale, orientation and appearance.	neighbouring properties. The scale of the screening required to maintain visual privacy is likely to be an eyesore. In Cunderdin the main type of development is single storey dwellings and for this reason the height at the rear end of the dwelling is out of place, although the dwelling will fit in quite nicely at the front of the property.
(n)	Amenity of the locality, including character and social impacts.	Other than the height of the fence and privacy issues, the height of the fence. There are no foreseeable impacts on the amenity, character or social.
(p)	Provision of landscaping	No specific landscaping requirements for the front of the property.
(s)	Adequacy of access to and egress from the site, including manoeuvring and parking of vehicles.	Access to the property is located off Margaret St and there is adequate manoeuvring room in front of the garage.
(y)	Any submissions received	Submissions have been received with regards to the impacts on visual privacy.
(zb)	Any other planning consideration.	Nil

SPP7.3 – 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. In this instance a R-Codes assessment was completed (see attachment 11.1.2) and it was found that the application did not comply with the deemed provisions for provision 5.4.1 Visual Privacy.

The applicant has proposed a 2.5m setback from major windows instead of the required 4.5m on the West Boundary and 3.7m instead of the required 6m from major openings on the East Boundary.

The applicant proposes to resolve the privacy issue with a retaining wall to the height of the sand pad and a 1.8m fence on top of that. This would result in a 2.9m fence at the highest point of the sandpad.

Another option could be a standard fence to 1.8m and some semi permeable screening for the length of the patio area to 2.4m high.

Consultation

The neighbours of Lot 254 (21) Margaret St were notified, with a consultation period of 14 days, ending on the 15th of December. So far one letter of objection was received expressing concerns over privacy, dust and noise (during construction). This submission was withdrawn after the applicant proposed the new fence.

With regards to privacy the applicant has proposed a retaining wall to the height of the sand pad and a 1.8m colourbond fence on top of that. This would resolve any privacy concerns, but could give the appearance of a giant 2.9m wall from the neighbour's side.

Statutory Implications

Planning and Development Act 2005

- Part 5 of the Act provides a statutory head of power for the Shire of Cunderdin to prepare, adopt and implement a local planning scheme.

- Part 14 of the Act provides a right of review by the State Administrative Tribunal If an applicant or owner is aggrieved by the determination of their development application. An application for review must be made within 28 days of the determination.

Planning and Development Regulations 2009

- Part 7 of the Regulations enables local government to charge specified fees for planning services, including development applications. Fees have been paid in accordance with the Regulations.

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 of the Regulations contained the 'deemed provisions', including Parts 7, 8 and 9 that apply to applications for development approval, which have been considered in the assessment of this application as detailed in the Assessment section of this Report.

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

There are no financial implications associated with this proposal.

Strategic Implications

Cunderdin Strategic Community Plan

The Goals of the SCP 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

- Nurture and enhance our natural environment and prioritise the protection of our natural resources;
- Manage resource consumption and reduce waste, preserve and protect buildings and places of heritage and indigenous significance;

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 is not inconsistent with the goals of the SCP.

Resolution 11.1 OCM December 2020

That council:

1. Request a retaining wall to the height of the sand pad and a 1.8m fence on top of the wall.
2. Approve the construction of a single dwelling on Lot 254 (21) Margaret St Cunderdin proposed in the Development Application reference DA2020/21-3 and accompanying plans in accordance with Schedule 2, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions as follows:

Conditions

- a. The development shall be in accordance with the approved development plans (attached) which form part of this development approval.
- b. If the development is not substantially commenced within a period of two (2) years from the date of approval, the approval shall lapse and be of no further effect.

Advice Notes

- c. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- d. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- e. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
- f. The approval of a second dwelling on the subject lot shall not be construed as a basis for the Shire of Cunderdin's support to the subdivision of the lot.

Moved: Cr N (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

Mr Craig Robertson exited the meeting at 5.02pm and did not return

12. Works & Services

Nil

13. Urgent Items

13.21 Accept Urgent Item's

Resolution 13.1 OCM December 2020

That Council accepts Urgent item's as per the following:

- 13.3 Tender 3 -20/21 – Supply and Installation of Sports Lighting on the AFL Oval at the Cunderdin Sport and Recreation Centre.

Moved: NW (Norm) Jenzen

Seconded: Cr AE (Alison) Harris

Vote – Simple Majority

Carried: 6/0

13.2 Move Behind Closed Doors

Resolution 13.2 OCM December 2020

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

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple Majority

Carried: 6/0

13.3 Tender 3 – 20/21 – Supply and Installation of Sports Lighting on the AFL Oval at the Cunderdin Sport and Recreation Centre.

Resolution 13.3 OCM December 2020

That Council;

- 1 accepts the Tender submitted by GreenLite Electrical Contractors Pty Ltd for the amount of \$244,452.43 as per the attached schedule.
- 2 That the President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Contract Agreement for Tender 3 – 20/21 Supply and Installation of Sports lighting on the AFL Oval and Basketball Courts at the Cunderdin Sport and Recreation Centre.
- 3 That all other tenderers be advised of (1) above.

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple Majority

Carried: 6/0

13.4 Move from behind closed doors

Resolution 13.4 OCM December 2020

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

Moved: Cr AE (Alison) Harris

Seconded: Cr W (Sam) Stewart

Vote – Simple Majority

Carried: 6/0

14. Scheduling of Meeting**14.1 February 2021 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 18th February 2021 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 5:22pm.

16. Certification**DECLARATION**

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 17th December 2020 as shown were confirmed at the ordinary meeting of Council held on 18th February 2020.

Signed: _____

Date: _____