Shire of Cunderdin

Minutes of the Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Wednesday 26th June 2024** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer

26th June 2024

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MINUTES

1. Declaration of Opening

The Shire President declared the meeting open at 5.00pm.

The Shire of Cunderdin disclaimer was read aloud by Cr TE (Todd) Harris.

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 AE (Alison) Harris	Shire President
Cr A (Tony) Smith	Deputy Shire President
Cr TE (Todd) Harris	
Cr N (Natalie) Snooke	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance & Administration Officer

Guests of Council

Nil.

Members of the Public

Nil.

2.2 Apologies

Nil.

2.3 Leave of Absence Previously Granted

Cr HN (Holly) Godfrey

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 22nd May 2024

Resolution 6.1 OCM June 2024

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 22nd May 2024 be confirmed as a true and correct record.

Moved: Cr N (Natalie) Snooke	Seconded: Cr B (Bernie) Daly
Vote – Simple majority	Carried: 6/0

Note to this item:

The President signed the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

Chief Executive Officer, Stuart Hobley, declared a financial interest in Item 9.12 CEO Performance Appraisal.
Chief Executive Officer, Stuart Hobley, declared a financial interest in Item 9.13 CEO Contract Renewal.

8. Announcements by President without Discussion

Cr AE (Alison) Harris acknowledged the recent passing of past Councillor John Jasper. Offering, on behalf of Council, condolences the Jasper families and recognising his significant contributions to Cunderdin community.

9. Finance and Administration

9.1. Financial Reports May 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	14th June 2024
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – May 2024 Monthly Financial Report Attachment 9.1.2 – Rates Details May 2024

Proposal/Summary

The financial reports as at 31st May 2024 are presented for consideration and the transfers made to and from reserve details for the 23/24 financial year are presented to council for their consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

The Shire of Cunderdin reserve accounts and the transfers made to and from the accounts are below for councils' consideration.

Reserve Description	Opening Balance	Interest Earnt 23/24	Donations @ 20/6/2024	Transfers Out as Budgeted	Transfers To as Budgeted	Closing Balance
Staff Entitlements	**$ 185,168**	$ 9,171	$ -	$ -	$ -	**$ 194,339**
Plant Replacement	**$ 57,161**	$ 2,831	$ -	$ -	$ 100,000	**$ 159,992**
Airfield	**$ 99,846**	$ 4,945	$ -	$ -	$ -	**$ 104,791**
Community Bus	**$ 21,158**	$ 1,048	$ -	$ -	$ -	**$ 22,206**
Asset Replacement	**$ 261,398**	$ 12,946	$ -	$ -	$ -	**$ 274,344**
Buildings	**$ 474,310**	$ 23,490	$ -	$ -	$ -	**$ 497,800**
Cunderdin Museum	**$ 34,717**	$ 1,719	$ 823	$ -	$ 15,000	**$ 52,260**
Surface Replacement	**$ 131,632**	$ 6,519	$ -	$ -	$ 20,000	**$ 158,151**
Age Appropriate Accommodation	**$ 123,299**	$ 6,106	$ -	$ -	$ 45,000	**$ 174,405**
Swimming Pool	**$ -**	$ -	$ -	$ -	$ 100,000	**$ 100,000**
	$ 1,388,689	**$ 68,776**	**$ 823**	**$ -**	**$ 280,000**	**$1,738,288**

*Please note a letter will be sent to the Cunderdin Museum Committee advising them of the transfer of donations ($823.20) received for 2023/24 financial year (donations and interest received is as recorded in the system on 20th June 2024) to the Cunderdin Museum Reserve.

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 June 2024

1. That Council receives the monthly financial reports for the periods ending 31st May 2024.
2. That Council receive the transfers to/from reserves details for the period ending 30th June 2024.

Moved: Cr B (Bernie) Daly	Seconded: Cr A (Tony) Smith
Vote – Simple majority	Carried: 6/0

9.2. Accounts Paid 31st May 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	14th June 2024
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – May Creditors Listing Attachment 9.2.2 - Credit Card Statement April 2024 Attachment 9.2.3 - Credit Card Statement May 2024

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	$578,157.42
Total for Trust -	$0.00
TOTAL -	$578,157.42

For May 2024 as listed in the Warrant of Payments for the period 1st to 31st May 2024.

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 June 2024

1. That Council's payments of accounts amounting to $578,157.42 being from Municipal Account for May 2024, as follows:

Municipal Account	$	**Total**
Electronic Funds Transfer: EFT 8234- 8346	$508,862.91	
Direct Debit (Inc Bank Charges):	$21,936.24	
Cheques: 11908 - 11913	$47,358.27	
Trust Account		
	$0.00	
TOTAL		**$578,157.42**

2. That Council's receive reports for payments of corporate credit cards amounting to $3,175.95 being from Municipal Account for period 18th March to 15th May 2024, as follows:

40030 - Westpac Banking Corporation Visa – Stuart Hobley

Date	**Job**	**Job Description**	**Comments**	**Line Total**
18-Mar	HOU1	Maintenance Staff Housing - 2 Togo St	CEO House	40.60
22-Mar	11451000.520	Expenses relating to Administration GEN	CEO Lunch Meeting	86.28
28-Mar	10411040.521	Members Refreshments & Receptions Expense GEN	Dinner after Council Meeting	156.94
28-Mar	P3020	2023 Komatsu PC138US-11	Excavator Rego - Registered incorrectly in the first place	171.85
1-Apr	P3019	2024 Everest SUV TREND 2.0L BiT DSL 10 SPD Auto	CEO Diesel	83.14
8-Apr	11321010.521	CDO Projects GEN	School Holiday Program Booking - Flip Out	793.40
9-Apr	HOU1	Maintenance Staff Housing - 2 Togo St	CEO House/Garden Supplies	17.20
15-Apr	P3019	2024 Everest SUV TREND 2.0L BiT DSL 10 SPD Auto	Diesel	88.28
15-Apr	P3019	2024 Everest SUV TREND 2.0L BiT DSL 10 SPD Auto	Diesel	101.62
19-Apr	11451000.520	Expenses relating to Administration GEN	CEO Lunch	24.90
8-May	11451000.520	Expenses relating to Administration GEN	CEO Lunch	31.75
10-May	11451000.520	Expenses relating to Administration GEN	Appliance Accessories	50.00
			TOTAL	**$1,645.96**

40030 - Westpac Banking Corporation Visa – Robert Bell

Date	**Job**	**Job Description**	**Comments**	**Line Total**
2-May	P3009	2011 Toyota Coaster Community Bus (CM1491)	Wheel Alignment	330.00
11-May	P3013	2021 Ford Ranger Ute (CM00) - MoW Ute	Diesel	100.01
			TOTAL	**$430.01**

40030 - Westpac Banking Corporation Visa – Hayley Byrnes				
Date	**Job**	**Job Description**	**Comments**	**Line Total**
15-Mar	11451000.520	Expenses relating to Administration GEN	Batteries for the office	15.75
15-Mar	10531000.521	Expenses Relating to Other Law, Public Safetyl GEN	Memory Cards for trail cameras	45.90
17-Mar	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	85.52
9-Apr	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	81.13
10-Apr	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Car Wash	20.20
21-Apr	11451000.520	Expenses relating to Administration GEN	Canva Membership	320.00
22-Apr	11451000.520	Expenses relating to Administration GEN	Containers for Council meetings	19.50
24-Apr	11421060.520	Pre Employment Screening (Medical and Police Clearance) GEN	AA Pathwest	49.50
1-May	11161030.521	Community Events Expenditure GEN	Slow Cookers for events	45.00
1-May	YCGHS	Youth Group x 3 High School Events (Term 2-4) (Youth Council #6)	Youth Group Catering	156.35
7-May	HALC	Cunderdin Hall	Lights	64.00
7-May	HALM	Meckering Hall	Lights	64.00
9-May	11451000.520	Expenses relating to Administration GEN	Whiteboard Eraser	29.80
14-May	11451000.520	Expenses relating to Administration GEN	Monitor Riser & mentos	103.33
			TOTAL	**$1,099.98**
			TOTAL PAYMENTs	**$3,175.95**

Moved: Cr N (Natalie) Snooke

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.3. Council Investments – At 31st May 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	14th June 2024
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements May 2024

Proposal/Summary

To inform Council of its investments as at 31st May 2024.

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 31st May 2024.

COUNCIL ACCOUNTS					
Institution	**Amount**	**Investment type/ Account details**	**Municipal Funds**	**Reserve Funds**	**Trust Funds**
Westpac Bank	$663,320.12	Municipal- 0000030	$663,320.12		
Bendigo Bank	$1,170,414.64	Municipal- 155971377	$1,170,414.64		
Westpac Bank	$146.78	Business Cash Reserve 22-3647 0.50%		$146.78	
Bendigo Bank	$5,104.99	Bendigo Trust Account 164 488 686			$5,104.99
Westpac Bank	$0.00	Trust Working Account - 12-2981			$0.00
Bendigo Bank	$1,421,752.23	Term Deposit -5.01% Exp 20 Jun 2024		$1,421,752.23	
Bendigo Bank	$1,000,000.00	Term Deposit -4.76% Exp 20 Jun 2024	$1,000,000.00		
Bendigo Bank	$500,000.00	Term Deposit -4.76% Exp 20 Jun 2024	$500,000.00		
TOTAL INVESTMENTS	$4,760,738.76		$3,333,734.76	$1,421,899.01	$5,104.99

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits as below & operating Ac#000073- $0.00

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
31st May 2024

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit# 4589480 Maturing 5 June 2024	
	(4.89%)	225,369.49
	TOTAL	**225,369.49**
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	**TOTAL**	**225,369.49**
INCOMING		
		0.00
		0.00
OUTGOING		0.00
Balance as at end of month	**TOTAL**	**225,369.49**

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
31st May 2024

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit# 4589492 Maturing 5 June 2024	
	(4.89%)	369,862.05
	TOTAL	**369,862.05**
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	**TOTAL**	**369,862.05**
INCOMING		
		0.00
		0.00
OUTGOING		
		0.00
Balance as at end of month	**TOTAL**	**369,862.05**

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 June 2024	
That the report on Council investments as at 31st May 2024 be received and noted.	
Moved: Cr TE (Todd) Harris	Seconded: Cr A (Tony) Smith
Vote – Simple majority	Carried: 6/0

9.4. Equal Employment Opportunity Plan 2024 - 2026

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	18th May 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.4.1 – Shire of Cunderdin Equal Opportunity Management Plan 2024 - 2026

Proposal/Summary

For Council to review and adopt the Equal Employment Opportunity Management Plan for the period of July 2024 – July 2026 as presented.

Background

Council is required to adopt an Equal Employment Opportunity Plan in accordance with Section 145(1) of the *Equal Employment Opportunity Act 1984 (EEO Act*).

Council's Policy Manual has an Equal Employment Opportunity Policy, and follows the Equal Employment Opportunity Management Plan

Comment

In accordance with the EO Act plans must meet the requirements under the EO Act public authorities must submit an EEO management plan and any amendments of the Plan to the Director of Equal Opportunity in Public Employment (DEOPE) as soon as practicable once it has been prepared and endorsed.

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer
Samantha Pimlott, Governance and Administration Officer

Statutory Implications

Equal Opportunity Act 1984, Section 146

Policy Implications

Council Policy Manual
Section 8 – Personnel
8.7 Equal Employment Opportunity

Financial Implications

Nil.

Strategic Implications

5. Civic Leadership
5.3 Implement systems and processes that meet legislative and audit obligations
- External Audits and Reviews confirm compliance with relevant legislation.

Resolution 9.4 OCM June 2024

That Council,

1. Adopt the Shire of Cunderdin Equal Opportunity Management Plan 2024 – 2026 as presented.
2. Endorse the CEO to sign and submit the plan to the Director of Equal Opportunity in Public Employment.

Moved: Cr TE (Todd) Harris — Seconded: Cr A (Tony) Smith

Vote – Simple majority — Carried: 6/0

9.5. Shire of Cunderdin Youth Strategy 2024-2030

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	13th June 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.5.1 – Shire of Cunderdin Youth Strategy 2024-2030

Proposal/Summary

For Council to endorse and adopt the Shire of Cunderdin Youth Strategy 2024 – 2030 as presented.

Background

The development of the draft Youth Strategy was initiated by the Shire of Cunderdin in collaboration with the Cunderdin Youth Council and was commenced following a Youth Grant from the Department of Communities.

The draft Youth Strategy 2024-2030 was supported by an extensive consultation process led by Square 150 consultants.

Community consultation included:

- three Youth Council Planning Sessions, gathering insights from 90 youth surveys,
- 12 responses from parents and guardians, and
- engaging in seven in-school sessions across two schools with activities led by the Youth Council.

The priority areas outlined in the strategy directly align with feedback received from young people across the Shire of Cunderdin, addressing key themes identified in the Beyond 2020 WA Youth Plan. This inclusive approach ensures that the strategy reflects the genuine needs and aspirations of our youth, guiding future initiatives to support their development and well-being within our community.

The Strategy recognises the unique challenges faced by young people in Cunderdin, including geographic isolation and limited access to services, employment, and education.

Comments

Once adopted the strategy aims to serve as a guiding document for the Shires future planning including the Community Strategic Plan and ongoing budgets. Adoption of the strategy ensures that it will serve as a guiding document alongside the Community Strategic Plan and statutory budgets. Implementation will create an inclusive environment supporting the growth and development of our youth, ensuring they have the resources and opportunities to thrive.

Adoption of this strategy will involve collaboration with local schools, organisations, and stakeholders to effectively execute the outlined initiatives and achieve our long-term objectives for youth empowerment.

Prioritisation of local opportunities, community engagement, mental health support, and educational pathways, a supportive environment for young residents to study, work, and thrive will be created in the community, fostering a sense of belonging and well-being.

The Youth Council has actively engaged in the development of the draft Youth Strategy, ensuring perspectives and aspirations of youth in our community has been accurately reflected. The Youth Council's involvement has been instrumental in shaping a strategy that acknowledges challenges faced by young residents and proposes empowering and meaningful solutions.

Consultation
150 Squared – Caroline Robinson
Beyond 2020 WA Youth Plan
Parent Surveys – 12 responses
Youth Surveys – 90 responses
Liezl De Beer, Community Development Officer
Amber Bell, Youth Development Trainee
Cunderdin Youth Council, Student Representatives

Statutory Implications
Nil.

Policy Implications
Nil.

Financial Implications
Nil.

Strategic Implications
CORPORATE BUSINESS PLAN
1. COMMUNITY AND SOCIAL
1.1 Community members have the opportunity to be active, engaged and connected.
1.1.1 Implement the Shire's Disability Access and Inclusion Plan.
1.1. 2. Work with the Youth Council to prioritise their strategies and assist in the implementation of them.
1.1.7 Collaborate with the CRC and local groups to deliver community events and initiatives that are diverse and inclusive to local needs.
1.2 A Healthy and safe community is planned for.

STRATEGIC COMMUNITY PLAN
1. Community and social
1.3 Advocate for the provision of quality health services, health facilities and programs in the Shire

2. Economy
2.3 Build economic capacity
2.4 Encourage local workforce participation

3. Built environment
3.3 Enhance public spaces and townscapes

5. Civic leadership
5.1 Shire communication is consistent, engaging, and responsive
5.2 Forward planning and implementation of plans
5.3 Implement systems and processes that meet legislative and audit obligations

Resolution 9.5 OCM June 2024

That the Council:
1. Endorse the proposed Shire of Cunderdin Youth Strategy 2024-2030.
2. Adopt the Youth Strategy outcomes to be included in future Corporate Business and Strategic Community Plan priorities and actions.
3. Authorise advertisement of the strategy on the Shire of Cunderdin Website.

Moved: Cr B (Bernie) Daly — Seconded: Cr N (Natalie) Snooke

Vote – Simple majority — Carried: 6/0

9.6. Corporate Business Plan Review

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	13th May 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.6.1 – Corporate Business Plan 2021 – 2025

Proposal/Summary

For Council to endorse and accept the revised Corporate Business Plan as presented.

Background

The Corporate Business Plan 2021 – 2025 sets out the projects and services the Shire aims to deliver over four years, working towards achieving goals identified in the Strategic Community Plan.

The Plan is a key business tool aiding alignment between the Strategic Community Plan and the Shire's Annual Budget. Its progress is required to be reviewed and reported on quarterly, and annually also forming part of the Shire's Annual Report.

Comments

The current Plan was adopted by Council on the 18th November 2021. The Plan service delivery objectives are in direct alignment with the strategic priorities that were revealed through extensive community engagement when developing the Shire of Cunderdin Strategic Community Plan 2022-2032.

The forecast actions in the Plan assist in identifying projects and service delivery to be included in the Annual Budget.

Once adopted the reviewed Corporate Business Plan 2021 – 2025, will be accessible on the Shires website.

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer

Statutory Implications

Local Government Act 1995 section 5.56.
Local Government (Administration) Regulations 1996, 19DA.

Policy Implications

Nil.

Financial Implications

The Corporate Business Plan is an informing document for current and future budgets.

Strategic Implications

5.1 Shire communication is consistent, engaging and responsive
- Residents and community groups believe they are being listened to and fairly treated
- Performance against targets reported to the community

5.2 Forward planning and implementation of plans
- Accountable and transparent decision making
- Financial sustainability in achieving community aspirations

5.3 Implement systems and processes that meet legislative and audit obligations
Civil Leadership.
- Capability of our organization is continually improved

Minor administration changes were made to the Plan, none of which were considered consequential.

Resolution 9.6 OCM June 2024

That Council:

1. Accept, approve, and adopt the reviewed 2021 – 2025 Corporate Business Plan and
2. Request the revised Corporate Business Plan be updated on the Shire's Website.

Moved: Cr TE (Todd) Harris | Seconded: Cr A (Tony) Smith

Vote – Absolute majority | Carried: 6/0

9.7. Receive Minutes of the Local Emergency Management Committee

Location:	Shire of Cunderdin
Applicant:	Governance & Administration Officer
Date:	12th June 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil.
Attachments:	Attachment 9.7.1 – LEMC Minutes 12th June 2024

Proposal/Summary

For Council to receive and endorse the Local Emergency Management Committee Meeting held on Wednesday 12th June 2024.

Background

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

Comment

At the recent LEMC the members and invited guests participated in a desktop training exercise to practice emergency management responses required in a truck fire/hazmat emergency.

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

Consultation

Mr. Benjamin Davies – CESM

Strategic Implications

Emergency Management Act 2005
s36 Functions of local government
s38. Local emergency management committees

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

1. COMMUNITY AND SOCIAL
1.4 Support emergency services planning, risk mitigation, response and recovery
5. CIVIC LEADERSHIP
5.3 Implement systems and processes that meet legislative and audit obligations

Resolution 9.7 OCM June 2024

That Council:

1. Receive and endorse the Shire of Cunderdin Local Emergency Management Meeting held on 12th June 2024.

Moved: Cr N (Natalie) Snooke — Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority — Carried: 6/0

9.8. Cunderdin Community Bus

Location:	Shire of Cunderdin
Applicant:	Community Development Officer
Date:	18th June 2024
Author:	Liezl De Beer
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil.
Attachments:	Attachment 9.8.1- Community Bus Project Plan

Proposal/Summary

For Council to consider the proposal to purchase a new Shire of Cunderdin Community Bus.

Background

Council has received many requests from community groups, sporting clubs and our seniors to consider the purchase of a new community bus that better suits the requirements of the people who utilise it the most.

The need for a new community bus has become increasingly apparent due to the limitations and issues associated with the current vehicle (2011 model, Toyota Coaster) purchased second-hand in 2019. The existing bus was designed for school children and is ill-suited for adults, senior citizens, and individuals with mobility challenges.

Its inadequate seating arrangements, lack of wheelchair access, and frequent maintenance issues have significantly hindered the ability for community groups to utilise it effectively. These shortcomings have been particularly problematic for our senior community members, who struggle with the high steps and the lack of proper support when boarding and alighting.

The push for a new bus was driven by feedback from various community organisations, including the CMT Seniors Committee, Cunderdin Men's Shed, Cunderdin Youth Council and Cunderdin Resource Centre, which regularly use the bus for their activities.

In particular, the CMT Seniors Committee highlighted the pressing need for a more accessible and reliable vehicle to accommodate the growing number of participants in their events. Recognising the importance of inclusivity and the projected increase in the senior population, the Shire of Cunderdin are encouraged to prioritise this project to ensure that all community members have access to safe, comfortable, and reliable transportation for social, recreational, and educational activities.

Comment

The purchase will enhance transport accessibility for seniors and individuals with mobility challenges. This proposal involves acquiring a 25-seater bus, modified to include wheelchair access, fold-down seats, automatic steps, and handrails, along with modern amenities like satellite navigation, automatic transmission, and a reversing camera.

The project plan (Attachment 1) includes comprehensive layout plans and costings for the new community bus. This plan outlines the specific modifications and features that will be incorporated to ensure the bus meets the needs of all users, including those with mobility challenges. The costings provide a clear breakdown of the total investment required, ensuring transparency and accountability in the project's financial planning.

During the evaluation, the purchase of a 21-seater bus was considered, however, with the necessary modifications for accessibility, the seating would be reduced to 15 seats plus one driver, which is insufficient for our community's needs. Instead, we have opted for a 25-seater bus that, even after modifications, will provide enough seating while still qualifying under the LR driver's license requirement. This choice ensures we have adequate capacity to accommodate our senior and youth groups effectively, maintaining our commitment to inclusivity and accessibility.

Consultation
Stuart Hobley, Chief Executive Officer
Cr Bernie Daly, CMT Seniors Committee Representative
Jessica Chant, Cunderdin Youth Council President

Statutory Implications
Nil.

Policy Implications
Nil.

Financial Implications
The total cost of a new community bus is expected to be $230,000 (ex GST). The Shire is submitting a funding application requesting $100,000 from Lotterywest and have also sought contributions from the Cunderdin Lion's Club. The Shire of Cunderdin will be responsible for the outstanding balance after securing external funding.

The Shires cost will be approximately $130,000. This will be offset by the trade in of the current bus (estimated to be $15,000) and the Community Bus Reserve $21,159. Council will need to allocate these amounts in the 2024/25 budget.

If the Lotterywest grant is successful, we will be required to go out to tender in accordance with our purchasing policy, ensuring the best value for the Shire's investment.

	Budget amount $ (excl. GST)
Income	
Lotterywest Grant	100,000.00
Your Organisations monetary contribution	130,192.75
Healthway Grant	-
Other Government Grant or funds <Insert description>	-
Other Income Cunderdin Lion's Club contribution (awaiting feedback)	
Other Income <Insert description>	-
Total Income	230,192.75

Expenses	
2024 Rosa 25 Seat bus	165,581.75
Accessible bus modifications	64,611.00
Expense item	-
Expense item	-
Total Expenses (excl. GST)	230,192.75

Strategic Implications
DISABILITY ACCESS AND INCLUSION PLAN 2024 - 2029
Outcome 1 - People with disability have the same opportunities as other people to access the services of, and any events organised by, the Shire of Cunderdin.

CORPORATE BUSINESS PLAN
1. COMMUNITY AND SOCIAL
1.1 Community members have the opportunity to be active, engaged and connected.
1.1.1 Implement the Shire's Disability Access and Inclusion Plan.
1.1.7 Collaborate with the CRC and local groups to deliver community events and initiatives that are diverse and inclusive to local needs.
1.2 A Healthy and safe community is planned for.

STRATEGIC COMMUNITY PLAN
1. COMMUNITY AND SOCIAL
1.1 Community members have the opportunity to be active, engaged and connected
- Inclusive access to Shire facilities and services
- O'Connor Park and Apex Park are welcoming and active spaces.
- Well attended local events and celebrations

1.2 A healthy and safe community is planned for
- Promotion and advocacy of community health and wellbeing

DRAFT YOUTH STRATEGY
Strategy 2 – Reaching your potential: Young people have access to a range of programs and opportunities that enhance connection and confidence.

Resolution 9.8 OCM June 2024

That Council
1. Approve the Lotterywest application for a new Community Bus; and
2. Include an amount up to $130,000 for the purchase of a new community bus in the 2024/25 Budget. The $130,000 will include any funds made from the sale of the current Community Bus and at least $21,159 from the Community Bus Reserve.

Moved: Cr B (Bernie) Daly | Seconded: Cr N (Natalie) Snooke

Vote – Simple majority | Carried: 6/0

9.9. Cunderdin Townsite Pathway Plan

Location:	Shire of Cunderdin
Applicant:	Governance & Administration Officer
Date:	12th June 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil.
Attachments:	Attachment 9.9.1 – 10 Year Pathway Program Attachment 9.9.2 Shire of Cunderdin Pathway Plan

Proposal/Summary

Council is requested to consider adopting a Pathway Plan including a Ten-Year Pathway Upgrade Program 2025 – 2035 as presented on Attachment 9.9.1. This program outlines a strategic plan for the construction and replacement of footpath infrastructure within Cunderdin over the next decade. The program has been developed in consideration of connectivity, safety, accessibility, and usability of footpaths for all users.

Background

Footpaths are essential infrastructure within our community, providing safe passage for pedestrians of all abilities, enhancing the connectivity of our town for users to access Schools, Businesses, Medical Centres, the towns many recreational reserves and or other places of interest where footpaths connect.

Over time, footpaths deteriorate due to wear and tear, weather conditions, and other factors, posing safety hazards to users. The Ten-Year Footpath Program aims to address these issues by implementing a proactive approach to footpath asset management, by identifying a timely replacement of old with new where necessary and the construction of new concrete footpaths in town streets where there was none previously.

A need for a strategic maintenance and development plan for footpaths is evident through complaints received in the Shires complaints register. Footpaths are identified in the Disability Access and Inclusion Plan, Corporate Business Plan, Strategic Community Plan, and Long-Term Financial Plan as key infrastructure in our community.

Comment

Council's current pathway network in the Cunderdin townsite is in a poor condition and is haphazard in its route. Proper pathway planning determines that routes to points of interest should be established to maximise optimal use of the path and provide safety benefits.

The majority of the existing paths in Cunderdin are 1.2m or 1.5m metres wide. This width is inadequate for the needs of most users. It is recommended that the minimum width of a shared use path should be 2.5m.

Most of the established pathways in Cunderdin have street trees growing alongside them and they have been severely damaged by tree roots. This causes the paths to be extremely dangerous and has resulted in numerous injuries.

The 10 Year Pathway Program has identified routes that will create a safer passage for the community. The first three years of the draft program are listed below. The remaining years are listed in Attachment 9.9.1 – 10 Year Pathway Program.

2024/25

Forrest Street (Entire Length) - Replacement of existing footpath that is only 1.2m wide. This pathway leads directly to O'Connor Park, the public toilets, and the museum. It is also a route used by school children. We have received many complaints about this section of path and there have been several injuries.

Mitchell Street (all sections currently without path) - Cunderdin doesn't have a path that links the main residential area from east to west. Mitchell Street is the main thoroughfare for school children.

Hodgson Street (Hastie to Yilgarn) – The south side of the Cunderdin townsite (main residential area) doesn't have a path that links the north to south. This will complete this link.

2025/26
Bedford Street (Togo to Hodgson) – this street is one street back from the highway and holds a large number of residential properties. The completion of Bedford Street will link a large number of residences to the existing network.

Baxter Road (Great Eastern Hwy to Lundy) - This section is extremely dangerous and forces pedestrians onto the road at a major intersection. It will also complete the link to the main retail precinct and the sports ground. This will require a substantial amount of planning and approvals from Main Roads.

Lundy Avenue (Health Centre to Carter Drive) - This will complete the pathway network on Lundy Avenue and provide a link to the hospital, swimming pool, sports grounds and retail precinct.

Kennedy Street (Mitchell to Margaret) - This section will complete a north south route in the main residential area of Cunderdin.

2026/27
Togo Street (Great Eastern Hwy to Yilgarn) - This will complete a north/south route and forms part of the most common recreational walking route in Cunderdin (Togo, Watts, Cubbine, Forrest 5km lap).

Cubbine Street (Watts to Third) - This will complete the pathway on Cubbine street to the school. It also forms part of the most common recreational walking route in Cunderdin (Togo, Watts, Cubbine, Forrest 5km lap).

In conclusion, the adoption of the revised draft Ten-Year Footpath Program 2025-2035, is essential for maintaining the Shire's footpath network to an optimal standard. Through prudent financial planning and budgeting, the Council can ensure the sustainability of the program while delivering significant benefits to the community, businesses, visitors, and other stakeholders. By prioritising proactive maintenance and strategic upgrades the Council can create a safer, more accessible, and more vibrant community for all.

Statutory Implications
The maintenance and management of footpaths fall within the regulatory purview of the local government authority, as stipulated by relevant statutes and regulations. By adopting the revised Ten-year Footpath Program, the Council demonstrates its commitment to fulfilling its statutory obligations and ensuring compliance with relevant legislative requirements.

Policy Implications
Nil

Financial Implications
Constructing, maintaining, and preserving footpaths is a vital investment in the safety and well-being of our community. While the revised Ten-Year Footpath Program incurs annual costs for implementation, the long-term benefits outweigh the financial implications.

Furthermore, leveraging external funding opportunities, such as the Local Roads & Community Infrastructure Projects (LRCIP) Phase 4 grant funding, allows for additional financial resourcing to be allocated towards footpath improvement projects.

By adopting a strategic footpath asset management program, not only demonstrates Council commitment in addressing the longevity of its assets, it allows the organisation to financially plan and identify financial resourcing through its Annual Budgets and Long Term Financial Plan.

$180,000 has been included in the 2024/25 draft budget for pathways. Council will also apply for additional funding through the pathways program to complete additional pathways.

Strategic Implications

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive.

5.3 Implement systems and processes that meet legislative and audit obligations.

Resolution 9.9 OCM June 2024

That Council:

1. Endorse and accepts the Cunderdin Townsite Pathway Plan as presented; and
2. Endorse the 10-year Pathway Upgrade Program.

Moved: Cr N (Natalie) Snooke — Seconded: Cr TE (Todd) Harris

Vote – Simple majority — Carried: 6/0

9.10. Land for Cemetery Expansion

Location:	Shire of Cunderdin
Applicant:	Finance & Property Assistant – Executive Services
Date:	4th June 2024
Author:	Brooke Davidson
Item Approved by:	Chief Executive Officer
File Reference:	A55310 & A55512
Attachments:	Attachment 9.10.1 - Valuation Report for Cemetery Land

Proposal/Summary

That Council accept the valuation price of $25,000 to purchase the portion of land contained within Lot 20538 on Deposited Plan 87686, to expand the Cunderdin Cemetery.

Background

In 2021, the Shire of Cunderdin reviewed its cemeteries in Cunderdin and Meckering to ensure they can meet future needs of the community.

The Cunderdin cemetery is reaching its capacity due to the current direction of development. The cemetery has expanded in a northerly direction for many years and is close to reaching the northern boundary limiting its future expansion.

The block slopes from west to east and the easterly undeveloped section is covered in natural vegetation, has shallow rock and slopes towards a lake system. This area is not preferable for development.

Expansion to the west of the cemetery is the most practicable area for further development. This will limit the effect on natural vegetation, only requiring a minimum number of trees for removal; the majority of which have been planted.

Investigations have shown that the land west of the cemetery is not part of the current cemetery reserve. It is part of the paddock owned by the Cunderdin Agricultural College.

At the Ordinary Council Meeting 8th December 2021, Council resolved:

"That Council requests that the Education Department agrees transfers the section of land in lot 20538 Plan 87686, which is currently fenced off as part of the Cunderdin cemetery, to the Shire of Cunderdin to be used for the development of the Cunderdin cemetery."

The Shire commenced the process to acquire the land, and has been liaising with the Department of Planning, Lands & Heritage and the Department of Education.

The Shire was requested to provide a report identifying why the Shire is not utilising land to the east of the reserve. Stabilisation Technology were hired to create a report, which outlined why this land was not suitable for development. The report was supplied to the Department of Education in September 2022. The Shire were advised when submitting this report that a response from the Department could take several months.

Additional lengthy delays in communication with the Department of Education occurred due to their lack of staff. In October 2023 the Department of Education informed the Shire that the Western Australian College of Agriculture Cunderdin were agreeable with the land transfer proposition, and the case moved forward.

In November 2023, the Department of Education begun obtaining Ministerial Approval to dispose of the land undertaking an internal consultation process and a land valuation was provided to the Shire on the 4th of June 2024.

Comment
The Department of Education has provided a valuation report from Property Valuation & Advisory (WA) Pty Ltd, indicating the valuation of the land is $25,000.

The Department has also advised conditions of sale will be:

- Vegetation belt being planted along the amended lot boundary
- Fencing (per principal request)
- The Shire driving the subdivision process and preparation of new deposited plans.

Consultation
Department of Planning, Lands and Heritage
Depart of Education
Western Australian College of Agriculture Cunderdin
Property Valuation & Advisory (WA) Pty Ltd

Statutory Implications
Local Government Act 1995 s3.59. Commercial enterprises by local governments
Local Government (Functions and General) Regulations 1996
r8 Exempt land transactions prescribed (Act s. 3.59)

1. A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —
   a. without intending to produce profit to itself; and

Policy Implications
Nil

Financial Implications
Initial purchase $25,000, plus settlement fees, and subdivision costs of approximately $16,000.

Strategic Implications
3. BUILT ENVIRONMENT
3.3 Enhance public spaces and townscapes
Access and aesthetic improvements at the cemetery

4 NATURAL ENVIRONMENT
4.2 Conservation of our natural environment

5. CIVIC LEADERSHIP
5.2 Forward planning and implementation of plans

Resolution 9.10 OCM June 2024

That Council approve the Chief Executive Officer to:

1. Accept the valuation price of $25,000 to purchase the portion of land contained within Lot 20538 on Deposited Plan 87686, to expand the Cunderdin Cemetery; and
2. Meet the requirement to plant a vegetation belt along the amended lot boundary; and
3. Meet the requirement to fence along the amended lot boundary; and
4. Arrange the subdivision process of existing lot 20538 on Deposited Plan 87686; and
5. Sign the Transfer of Land documents and affix the Common Seal of the Shire of Cunderdin.

Moved: Cr A (Tony) Smith — Seconded: Cr TE (Todd) Harris

Vote – Absolute majority — Carried: 6/0

9.11. Move Behind Closed Doors

Resolution 9.11 OCM June 2024

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

Moved: Cr NW (Norm) Jenzen	Seconded: Cr B (Bernie) Daly
Vote – Simple majority	Carried: 6/0

Stuart Hobley declared a financial interest in Item 9.12 CEO Performance Appraisal 2023/2024 and Item 9.13 CEO Contract Renewal.

Stuart Hobley left the room at 5.31pm.

9.12. CEO Performance Appraisal 2023/2024

9.13. CEO Contract Renewal

Stuart Hobley re- entered the room at 5.44pm.

9.14. Tender 3-23/24 Design & Construct Executive Housing

9.15. Tender 4-23/24 Design & Construct Two Stand Alone Dwellings

9.16. Move From Behind Closed Doors

Resolution 9.16 OCM June 2024

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

Moved: Cr TE (Todd) Harris	Seconded: Cr NW (Norm) Jenzen
Vote – Simple majority	Carried: 6/0

9.17. Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	20th June 2024
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Nil

Proposal/Summary

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

Background

Cunderdin Industrial Lot Development

Development WA advised of the following with respect to the industrial subdivision.

i) The Land transaction between the Shire and CBH has been completed and the land titles have been issued.
ii) Settlement is pending on the new assembled parent lot (lot 550) to Development WA this is expected to be completed the end of June.
iii) The WAPC subdivision for the industrial land has been lodged a decision will be made within 90 days and until such times they cannot engage with the utility providers – particularly Western Power for final power design approvals.
iv) In terms of Pre-Sales, they were due to go to procurement for an agent, however, it is the preference of the business not to sell the remaining land at Cunderdin until we have the WAPC approvals.
v) The next stages were completed by the end of May 2024 the program is expected to be:

WAPC subdivision review	Up to 3 months – finish August
Procurement	Up to 6 weeks – finish October
Construction /sales	9 weeks – October – mid December

Development WA have advised that the land transfer to Donovan's is underway, and that the amalgamation is being considered by the WAPC it is expected to have an outcome in 90 days (September 2024).

Watts Street Subdivision and Cubbine Street Subdivision

The engineering consultants have provided cost estimates for the development of the seven proposed lots that face Watts Street. The cost is estimated to be $380,000 incl GST. This includes all planning and design costs, water, electrical and communications expenses. A provision for this amount will be included in the 2024/25 Budget in order to procced with the sub-division works.

Council are yet to receive any cost estimates for the Old Hospital site subdivision.

Dog Exercise Area

Council agreed to investigate an off-lead dog exercise area for the Cunderdin townsite. Tammin has recently constructed an off-lead dog exercise area adjacent to the Great Eastern Highway and it has proven to be exceedingly popular.

Staff have included an amount of $40,000 in the draft budget for an off-lead dog exercise area and will continue to investigate the most appropriate area for it.

Growing Regions Program

Council has been advised it was unsuccessful in its Growing Regions Program (GRP) application for the construction of nine (9) new dwellings. Council will continue to search for grants and programs that may assist the Shire in providing much needed housing stock.

An analysis of the successful GRP projects has revealed some trends. Majority of projects funded were community hubs of some kind. There were also a number of pools/sports infrastructures, as well as a few community-related tourism projects, such as trails, foreshore and town centre revitalisations. GRP also funded two art centres, two childcare projects, and two airports.

There was a strong focus on cultural and indigenous projects and a clear aversion to funding housing projects, with none funded. There was very little funding provided to projects that could potentially have another funding source.

Staff are seeking ideas for potential projects for the next round of funding and are considering an application for a major swimming pool upgrade.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.17 OCM June 2024

That the Chief Executives Officers Report be received.

Moved: Cr B (Bernie) Daly	Seconded: Cr NW (Norm) Jenzen
Vote – Simple majority	Carried: 6/0

10. Environmental Health and Building

Nil.

11. Planning & Development

11.1. Proposed Amendment No.2 to Shire of Cunderdin Local Planning Scheme No.4

Location:	Shire of Cunderdin
Applicant:	Statewest Planning on behalf of McIntosh Holdings Pty Ltd (Landowner)
Date:	18th June 2024
Author:	Joe Douglas – Town Planner
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 11.1.1 – Scheme Amendment Documentation & Plans

Proposal / Summary

This report recommends that Council resolve to initiate proposed Amendment No.2 to the Shire of Cunderdin Local Planning Scheme No.4 to rezone Lot 45 (No.1) and Lot 44 (No.3) Main Street and Lot 15 on Diagram 19897 Lundy Avenue, Cunderdin to 'Service Commercial' to support the continued use and further development of the land for 'trade supplies' purposes (i.e. a farm machinery dealership).

Background

Statewest Planning, on behalf of the landowner McIntosh Holdings Pty Ltd, have submitted an application to amend Local Planning Scheme No.4 (LPS4) to rationalise the current zoning classifications applicable to Lot 45 (No.1) and Lot 44 (No.3) Main Street and Lot 15 on Diagram 19897 Lundy Avenue, Cunderdin to allow for their proposed amalgamation, continued use and further development as a farm machinery dealership under one consistent, more suitable zoning classification (i.e. 'Service Commercial' zone).

Full details of the scheme amendment proposal, including documentation and plans, are provided in Attachment 1.

The subject land is located centrally near the western edge of the Cunderdin townsite at the intersections of Main Street, Baxter Road and Lundy Avenue and comprises a total combined area of approximately 3,853m^2.

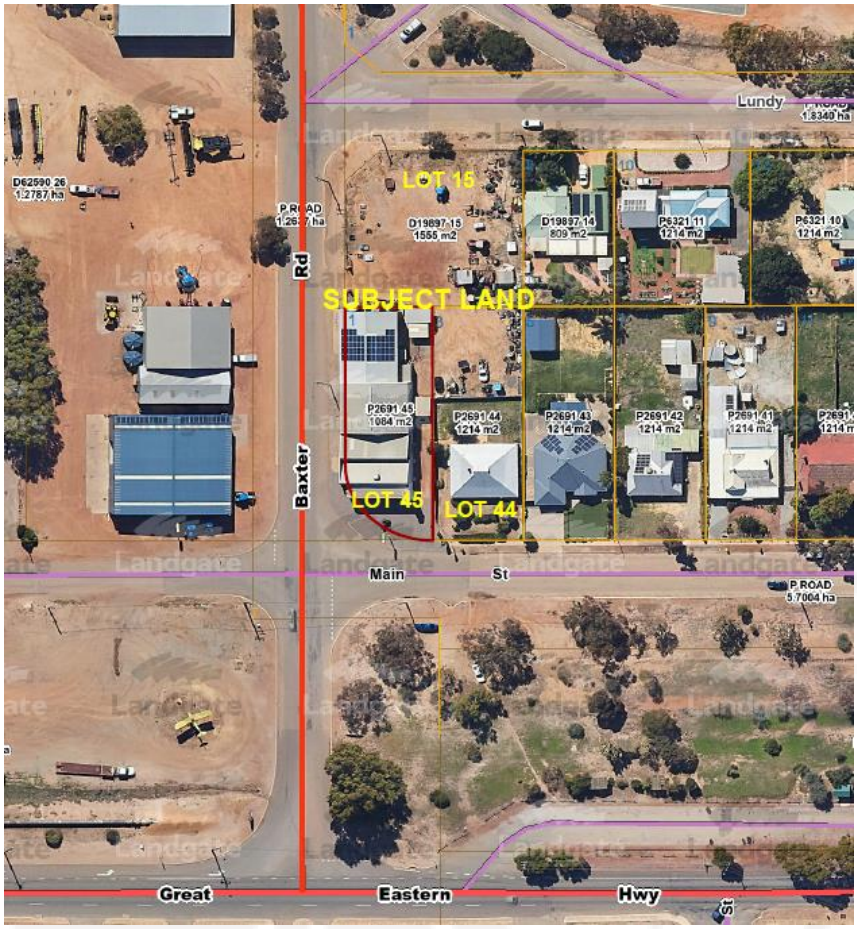
Lot 44 comprises a total area of approximately 1,214m^2 and is classified 'Residential' zone in LPS4 with a density coding of R15/30. The property contains an existing single house in its front half that is used as a caretaker's dwelling to support the continued operation of the farm machinery dealership on the two adjoining lots. The rear portion of Lot 44 to the north has been fenced off from the dwelling and is used for vehicle access, parking and open storage purposes.

Lot 45 comprises a total area of approximately 1,084m^2, is classified 'Light Industry' zone in LPS4 and contains an existing combined showroom, office, warehouse building which covers most of the property that is used for farm machinery dealership purposes, including an associated ablution block and other external fixtures and improvements.

Lot 15 comprises a total area of approximately 1,555m^2, is classified 'Light Industry' zone in LPS4 and is also used for vehicle access, parking and open storage purposes to support the continued operation of the farm machinery dealership.

All roads immediately abutting the subject land are sealed, drained and under the care, control and management of the Shire. The property is also served by key essential service infrastructure including underground power, reticulated water, reticulated sewerage and telecommunications.

The subject land is not designated as being bushfire prone, flood prone or contaminated and does not contain any buildings or places of Aboriginal or European cultural heritage significance.



Location & Lot Configuration Plan (Source: Landgate 2024)

Immediately adjoining and other nearby land uses are broadly described as follows:

- North – Lundy Avenue Road reserve with the Cunderdin Sport and Recreation Centre and adjacent light industrial development with low density residential development beyond;
- South – Main Street Road reserve with landscaped public open space immediately opposite and Great Eastern Highway Road reserve beyond;
- East – Low density residential development comprising lots with an average size of approximately 1,100m^2; and
- West – Baxter Street Road reserve with a mix of light industrial and service commercial-type development immediately opposite and broadacre agricultural land beyond.

Comment

The use class 'caretaker's dwelling' is defined in Part 6 of LPS4 as a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant. This use is listed in the Zoning Table of LPS4 as being prohibited on any land classified 'Residential' zone which means the current use of the existing dwelling on Lot 44 as a caretaker's dwelling is non-conforming in nature.

The use class 'trade supplies', which applies to the existing farm machinery dealership on Lots 45 and 15, is defined in Part 6 of LPS4 as premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises:

a) automotive repairs and servicing;
b) building including repair and maintenance;
c) industry;
d) landscape gardening;
e) provision of medical services;
f) primary production; or
g) use by government departments or agencies, including local government.

'Trade Supplies' is listed in the Zoning Table of LPS4 as being discretionary (i.e. a 'D' use) on any land classified 'Light Industry' zone and prohibited (i.e. an 'X use) on any land classified 'Residential' zone. As such, Council does not have the legal authority to grant approval to any development application received to allow for the proposed expansion of the 'Trade Supplies' use, including any associated improvements and incidental activities, onto Lot 44. Furthermore, the proposed amalgamation of all three lots into one new lot is not realistically achievable or practical with the two different zoning classifications currently applicable.

Simply rezoning Lot 44 to 'Light Industry' to address the land use permissibility and land amalgamation issues outlined above may not be in the interests of orderly and proper planning as it has potential to allow all three lots to be developed and used for a range of light industrial purposes in the future which may have a negative impact on the amenity of the existing 'Residential' zoned lots immediately east.

In order to avoid and resolve these issues and support the future development and growth of the business, the applicant has proposed that all three lots be rezoned to 'Service Commercial' in LPS4. It is contended this will result in an improved transition between the 'Light Industry' zoned land on the western side of Baxter Road and the 'Residential' zoned land east of Baxter Road by prohibiting the development of 'Industry' type land uses on the subject land whilst still enabling showroom, office, trade supplies and warehouse/storage uses, including the proposed refurbishment and expansion of the long established agricultural machinery dealership on the property.

A preliminary assessment of the scheme amendment proposal by the reporting officer indicates it is generally consistent with the aims and objectives of the State, Regional and Local Planning Frameworks as they apply specifically to:

- Economic development and growth, including business diversification and retention and creation of employment opportunities;
- Utilisation of existing infrastructure to maximise efficiencies of operation and economies of scale;
- Preservation and protection of local amenity and character, the natural environment and cultural heritage values;
- Mitigation of future potential risks including bushfire and flooding; and
- Supporting and accommodating commercial activities requiring good vehicular access and/or large sites in suitable locations that are generally compatible with urban areas.

Council should note any potential issues associated with the rezoning proposal will be considered and assessed in detail through the scheme amendment process which, if initiated by Council, will involve the following key steps:

i) referral to the Environmental Protection Authority for review and environmental clearance;

ii) community consultation for a period of 42 days including referral to all relevant government agencies and essential service providers inviting their feedback and comment;

iii) review and assessment of all submissions received and a further report to Council regarding the outcomes from public advertising and agency referrals, any key issues of concern raised and a recommendation regarding final adoption of the scheme amendment proposal;

iv) referral to the Western Australian Planning Commission for review, assessment, and determination with respect to a final recommendation to the Minister for Planning; and

v) Final determination by the Hon. Minister for Planning.

As can be seen from the above, the process is comprehensive and affords significant opportunity for input by the local community, State government agencies and essential service providers.

Council should also note any issues associated with the future proposed development and use of the subject land for the intended purposes will be considered and addressed during the development application stage of statutory planning process.

On balance, having regard for:

a) the scheme amendment proposal's general consistency with the aims and objectives of the State, Regional and Local Planning Frameworks;

b) the potential to allow for the continued use and further development of the subject land for the intended purposes in accordance with all regulatory requirements and standards with minimal potential impact given its location, relatively small scale and low intensity; and

c) the project's local economic and community benefits,

it is concluded the proposal is well founded, has considerable merit and is worthy of Council's initial support. As such, it is recommended Council exercise discretion and resolve to initiate the proposed amendment to Local Planning Scheme No.4 and follow due process thereafter.

Consultation

To be undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes.

Statutory Environment

- *Planning and Development Act 2005 (as amended)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Cunderdin Local Planning Scheme No.4*

Policy Implications

Nil.

Financial Implications

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the scheme amendment proposal which will be offset in full by the application fee paid by the landowner pursuant to the *Planning and Development Regulations 2009*.

Strategic Implications

The scheme amendment proposal is generally consistent and does not conflict with the following strategic planning documents:

i) State Planning Strategy 2050 as it applies specifically to economic development and growth, physical infrastructure, social infrastructure and the natural environment;

ii) Shire of Cunderdin, Quairading & Tammin Joint Local Planning Strategy 2022 as it applies specifically to local growth and settlement, employment and tourism, infrastructure and transport, and environmental and heritage protection;

iii) Wheatbelt Regional Planning and Infrastructure Framework 2015 as it applies specifically to future economic development and growth including primary production and associated service industries;
iv) Avon Sub-Regional Economic Strategy 2013 as it applies specifically to promoting and facilitating economic and population growth across all towns in the sub-region including Cunderdin; and
v) Shire of Cunderdin Strategic Community Plan 2022-2032 and Corporate Business Plan 2021/22-2024/25 as they apply specifically to social and community, economic, built environment, natural environment and civic leadership objectives and outcomes.

Resolution 11.1 OCM June 2024

That Council:

1. That the local government, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Cunderdin Local Planning Scheme No.4 by:
   i. Rezoning Lot 45 on Plan 2691 (No.1) Main Street and Lot 15 on Diagram 19897 Lundy Avenue, Cunderdin from 'Light Industry' to 'Service Commercial';
   ii. Rezoning Lot 44 on Plan 2691 (No.3) Main Street, Cunderdin from 'Residential' to 'Service Commercial'; and
   iii. Amending the Scheme Map accordingly.
2. That the local government, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Cunderdin Local Planning Scheme No.4 by:
   i. Rezoning Lot 45 on Plan 2691 (No.1) Main Street and Lot 15 on Diagram 19897 Lundy Avenue, Cunderdin from 'Light Industry' to 'Service Commercial';
   ii. Rezoning Lot 44 on Plan 2691 (No.3) Main Street, Cunderdin from 'Residential' to 'Service Commercial'; and
   iii. Amending the Scheme Map accordingly.
3. Authorise public advertising of the proposed amendment in accordance with the procedural requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 as they apply specifically to standard amendments to local planning schemes following receipt of written notification of the Environmental Protection Authority's determination pursuant to section 48A of the Environmental Protection Act 1986 confirming the proposal is environmentally acceptable.

Moved: Cr B (Bernie) Daly — Seconded: Cr N (Natalie) Snooke

Vote – Simple majority — Carried: 6/0

11.2. Development Application – Proposed Café and Shop

Location:	Shire of Cunderdin
Applicant:	Snooke Enterprises Pty Ltd (Landowner)
Date:	18th June 2024
Author:	Joe Douglas – Town Planner
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 11.2.1 – Development Application Documentation & Plans

Proposal / Summary

This report recommends that a development application submitted by Snooke Enterprises Pty Ltd (Landowner) to change the current permitted use and allow for the further development of Lots 65 and 66 on Deposited Plan 135026 Great Eastern Highway and Lot 67 (No.2) Donovan Street, Cunderdin for the purposes of a café and shop be approved subject to conditions.

Background

The applicant is seeking Council's development approval to undertake the following on Lots 65 and 66 on Deposited Plan 135026 Great Eastern Highway and Lot 67 (No.2) Donovan Street, Cunderdin:

i. Change the current permitted use of the existing deconsecrated church building on Lots 66 and 67 from 'shop and café' to 'shop' only including various minor upgrades and additions to the church building;
ii. Construction and use of a proposed new café comprising a refurbished railway carriage, including outdoor seating area, on Lots 66 and 67 to accommodate up to 28 customers at any one time; and
iii. Construction of new on-site parking, vehicle accessways, landscaping and stormwater drainage on all three (3) lots to support their development and use for the intended purposes.

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 1.

All three lots are located centrally in the western part of the Cunderdin townsite and comprise a total combined area of approximately 2,877m^2.

Lots 65 and 66 have direct frontage to Great Eastern Highway along their northern boundary which is a sealed and drained regional distributor road under the care, control and management of Main Roads WA. All access to/from Great Eastern Highway is provided via an existing 4 metre wide gravel crossover at the western end of Lot 65. Both lots also have direct frontage and rights of access to a 5 metre wide laneway along their rear boundaries which is under the care, control and management of the Shire and has been constructed to a basic bare earth standard.

Lot 67 also has direct frontage to Great Eastern Highway along its northern boundary as well as Donovan Street along its eastern side boundary which is a sealed and drained local road under the care, control and management of the Shire. All access to/from Lot 67 is via a 3 metre wide gravel crossover located centrally along its Donovan Street frontage. Access is also available to the rear laneway along the land's southern boundary referred to previously above.

The subject land has historically been developed and used for community purposes (i.e. a church) and contains a number of associated improvements including:

- A 125m^2 church building that straddles the common boundary between Lots 66 and 67;
- Two (2) separate freestanding ablution buildings and an associated, now decommissioned, effluent disposal system on Lot 66;
- A 66m^2 steel framed and clad storage shed that straddles the common boundary between Lots 65 and 66; and
- An internal driveway access of varying width constructed to a basic gravel standard from the crossover on Donovan Street to the crossover on Great Eastern Highway with the adjacent open areas of the subject landholdings used for landscaping and parking in a generally uncoordinated manner (i.e. no designated and constructed parking bays).

In October 2021 the Shire granted development approval to change the use of the land, including the deconsecrated church building thereon, from a 'place of worship' to 'café and shop'. This approval allowed for minor upgrades to the internal floorspace of the church building to accommodate both uses and included a condition limiting their days and hours of operation to 7am to 4pm on Mondays to Saturdays and 8am to 4pm on Sundays unless otherwise approved by the Shire. The approval also limited the size of any future proposed advertising signage as well as the construction and use of any additional vehicle access points to/from the adjoining road network and restricted the café use to a maximum of 20 seats. It is understood the development was substantially commenced within two (2) years of the date of this approval and therefore the approval has not lapsed.

It is significant to also note on 19 March 2024 the Western Australian Planning Commission granted unconditional approval for all three (3) lots to be amalgamated into one (1) new lot. Despite this approval, Landgate records confirm the land amalgamation process has not yet been completed in its entirety to allow for the issuance of a new certificate of title for the proposed new amalgamated lot. It is therefore the landowner's responsibility to ensure the amalgamation process is completed to allow for the issuance of building permit approvals for any new structures proposed to be constructed on the land where they cross the common boundaries of any of the existing lots.

Immediately adjoining and other nearby land uses are broadly described as follows:

- Great Eastern Highway road reserve immediately north with landscaped public open space and low density residential development (i.e. single houses and domestic outbuildings) beyond;
- Low density residential development immediately east and south with more community uses and low density residential development beyond; and
- A community purpose facility (i.e. Freemasons Hall) immediately west with the Hodgson Street road reserve and a mix of service commercial and low density residential development beyond.

Comment

All three lots are classified 'Cultural Facilities' reserve in the Shire of Cunderdin Local Planning Scheme No.4 (LPS4), the primary objective for which is to specifically provide for the development of a range of essential cultural facilities.

Clause 15 of LPS4 does not list any additional uses permitted to be developed on the subject land. Notwithstanding this fact, by virtue of the development approval granted by the Shire in October 2021, the current use of the land for café and shop purposes remains lawful and enjoys what is known and legally recognised in Part 3 of LPS4 as a 'non-conforming use' right.

Under the terms of clause 23 of LPS4 a person must not:

a) alter or extend a non-conforming use of land; or
b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use,

without the local government's development approval. An application for development approval for any non-conforming use is defined and classified in the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as a 'complex application' which must be advertised for public comment for a minimum period of 28 days prior to final determination.

At the conclusion of public advertising on 30 April only one (1) submission had been received in respect of the proposal from Main Roads WA which confirmed, based on a physical inspection of the subject land and review of the development application documentation and plans, it has no objections to the proposed development subject to:

i) All access to/from the development being via the land's Donovan Street frontage;
ii) The proposed exit via Lot 65 being removed in its entirety and the existing access and associated crossover being permanently closed due to limited sight lines and traffic safety concerns; and
iii) No storm water being directed to the Great Eastern Highway road reserve.

The application has been assessed with due regard for the relevant objectives, standards and requirements of LPS4 as well as those matters required to be considered pursuant to clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* including:

- WAPC Development Control Policy DC 5.1 entitled 'Regional Roads (Vehicular Access);
- WAPC Draft Operational Policy 1.12 entitled 'Planning proposals adjoining Regional Roads in Western Australia';
- Government Sewerage Policy 2019; and
- the outcomes from public advertising.

This assessment has confirmed the proposal is compliant or capable of compliance with the following relevant standards and requirements:

- Land capability and suitability;
- Land use permissibility (i.e. non-conforming use rights);
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- Protection of the natural environment, water resources and cultural heritage significance;
- Vehicle access and parking including areas for loading/unloading;
- Pedestrian access and landscaping;
- The provision of key essential service infrastructure;
- Waste management and disposal; and
- Bushfire risk, flood risk and stormwater drainage management.

Notwithstanding the above conclusion, Council should note the following key points when considering and determining the application:

1. Vehicle Access

   As previously mentioned above Main Roads WA has advised it will not support any vehicle access to/from the proposed development via the subject land's frontage to Great Eastern Highway. This advice can be attributed to the specific requirements of the WAPC's Development Control Policy DC 5.1 entitled 'Regional Roads (Vehicular Access) and Draft Operational Policy 1.12 entitled 'Planning proposals adjoining Regional Roads in Western Australia' which seek to prohibit direct access to regional roads for traffic safety reasons.

   Even if Council were to ignore Main Roads WA advice and approve the application to allow direct access to Great Eastern Highway as proposed, which is not recommended given Council also has an obligation to consider and apply the abovementioned WAPC policies, the need to upgrade the crossover to Great Eastern Highway to accommodate the safe and convenient movement of vehicles exiting the site requires a separate application by the applicant to Main Roads WA for consideration and determination by the Commissioner of Main Roads. Given the advice received from Main Roads WA, it is considered highly likely the Commissioner will again not support this further application.

   In light of the above, all access to/from the proposed development must be via the land's Donovan Street frontage which has been addressed in the conditions of development approval contained in the recommendation below.

   Assessment of the site development plan submitted in support of the application in the context of the specific requirements of Australian Standard AS2890.1:2004 entitled 'Parking Facilities – Off-Street Car Parking' (as amended) has also confirmed the proposed new entry/exit point to the development via the subject land's Donovan Street frontage is only 3.6 metres wide, including the proposed new centrally located internal driveway access to the seven (7) new on-site parking bays proposed at the western end of Lot 65.

   Under the terms of Australian Standard AS2890.1:2004 the new entry/exit point along the land's Donovan Street frontage and centrally located internal driveway access must comprise a minimum width of six (6) metres to allow for safe and convenient two-way movement of all vehicles entering and exiting the property.

   In order to address this non-compliance issue a condition has been included in the recommendation below requiring the applicant to prepare and submit a revised site development plan to the Shire for consideration and approval by the Shire's Chief Executive Officer prior to the commencement of development to demonstrate compliance with Australian Standard AS2890.1:2004.

It is expected the revised site development plan required to be provided in the recommendation below will address the concerns raised by Main Roads WA and contain details of an alternative design layout that ensures two-way access is provided to/from the land's Donovan Street frontage which is the preferred outcome. The Shire may however be willing to consider and accept:

a) the internal driveway access maintaining a width of 3.6 metres from the western end of the northern entry to the eleven (11) parking bays proposed in the southern portion of Lot 67 through Lot 66 to the proposed new parking bays on Lot 65; and
b) allowing the use of the public right-of-way along the subject land's southern boundary to allow all vehicles that use the parking bays on Lot 67 to exit the land via the right-of-way if suitable arrangements can be made to ensure the right-of-way as well as the pedestrian pathway and associated crossover along Donovan Street are constructed to a suitable standard.

It is understood the Shire's Chief Executive Officer has had a meeting with the applicant to discuss the feasibility of using the public right-of-way to accommodate vehicle movements associated with the proposed development and that an in-principle agreement has been reached. Notwithstanding this fact, it is not known if details regarding construction costs, including ongoing maintenance arrangements thereafter, were discussed and agreed. It is therefore expected these issues will be the subject of further discussion and negotiations with the applicant in due course once they have considered their options and submitted a revised site development plan.

2. <u>Sealing and Draining of Vehicle Accessways & Parking Areas</u>

Clause 10 in Schedule 3 of LPS4 requires all on-site vehicle accessways and parking areas associated with any commercial development to be sealed and drained to the specifications and satisfaction of the local government. Whilst this requirement is specific to all land classified 'Commercial' zone and 'Service Commercial' zone, Council has discretion to apply these requirements to any new development that is commercial in nature and generates traffic given the subject land is classified as a Local Scheme Reserve.

The applicant has submitted a stormwater drainage plan in support of the application which was prepared by a suitably qualified civil engineer. This plan shows and confirms all driveways and most parking bays, aside from those proposed to accommodate disabled persons, will be sealed using crushed blue metal to allow for the efficient management and disposal of all storm water generated and collected within these areas.

Given the subject land is not designated as being flood prone and soil conditions are conducive to on-site management and disposal of stormwater, it is concluded sealing of all proposed on-site vehicle accessways and the majority of parking bays associated with the proposed development using asphalt, concrete or paving is unnecessary and not therefore required.

3. <u>Advertising Signage</u>

It was noted during assessment of the application that no information regarding the installation and display of any advertising signage has been provided. It is reasonable to expect the applicant may wish to install and display new advertising signage to promote the business activities on the land to attract customers.

It is also noted two (2) small advertising signs have been installed on the property at the intersection of Great Eastern Highway and Donovan Street however it is not known if these signs have previously been approved by the Shire and Main Roads WA.

In order to avoid any confusion regarding the approval requirements for advertising signage it is recommended an advice note be included in any development approval that may ultimately be granted requiring the applicant to ensure compliance with the requirements of LPS4 and *Main Roads (Control of Advertisements) Regulations 1996* as applicable.

4. Rezoning

   As previously mentioned above the subject land is classified 'Cultural Facilities' reserve in LPS4 and currently enjoys non-conforming use rights with respect to the current approved café and shop uses.

   It is the reporting officer's view the land should be rezoned at some point in the short-term future as part of an Omnibus Amendment to LPS4 to recognise the land's approved use for commercial purposes and allow any future development applications to be processed in a more timely and efficient manner based on the standards and requirements applicable under the 'Commercial' zoning classification in LPS4.

In light of all the above it is concluded the development proposal for the subject land is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to compliance with a number of conditions to ensure the development proceeds in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

Consultation

Consultation was undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to 'complex applications', the outcomes from which are documented above.

Statutory Environment

- *Planning and Development Act 2005 (as amended)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Cunderdin Local Planning Scheme No.4*

Policy Implications

- WAPC Development Control Policy DC 5.1 - *Regional Roads (Vehicular Access)*
- WAPC Draft Operational Policy 1.12 - *Planning proposals adjoining Regional Roads in Western Australia*

Financial Implications

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been partially offset by the development application fee paid by the applicant/landowner.

All costs associated with the proposed development will be met by the applicant/landowner aside from the upgrade works that may be required to the public right-of-way at the rear of the subject land, including the pedestrian pathway and associated crossover along Donovan Street, to accommodate an alternative vehicle exit point which may be the subject of further discussion and negotiation with the applicant in due course.

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular instance, the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from $5,000 to $60,000 excluding GST depending upon how far the matter proceeds through the review process.

Strategic Implications

The development proposal for the subject land is generally consistent and does not conflict with the following strategic planning documents:

vi) Shire of Cunderdin Local Planning Strategy as it applies specifically to encouraging diversification of the local economy, the development of a wide range of new commerce and industry, investment in tourism infrastructure and services, and providing a safe, efficient and effective movement network for people and freight that is integrated with land uses to provide for better accessibility and sustainability; and

vii) Shire of Cunderdin Strategic Community Plan 2022-2032 and Corporate Business Plan 2021/22-2024/25 as they apply specifically to social and community, economic, built environment, natural environment and civic leadership objectives and outcomes.

Resolution 11.2 OCM June 2024

That Council:

1. Approve the development application submitted by Snooke Enterprises Pty Ltd (Landowner) to change the current permitted use and allow for the further development of Lots 65 and 66 on Deposited Plan 135026 Great Eastern Highway and Lot 67 (No.2) Donovan Street, Cunderdin for the purposes of a café and shop.

2. Approval subject to following conditions:

   i. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.

   ii. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.

   iii. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period it shall not be carried out without the further approval of the local government having first being sought and obtained.

   iv. All vehicle access to/from the proposed development shall be via the land's Donovan Street frontage. No direct access is permitted along the land's frontage to Great Eastern Highway at any time. The existing crossover to Great Eastern Highway must be decommissioned and removed at the landowner's expense prior to occupation and use of the proposed new café building.

   v. A revised site development plan must be prepared and submitted to the local government for consideration of endorsement by the Chief Executive Officer prior to the commencement of development. The plan required by this condition must address the following:

      a. Permanent closure and decommissioning of the existing crossover from Lot 65 to Great Eastern Highway;

      b. Widening of the existing crossover on Donovan Street along the frontage of Lot 67 to a minimum width of six (6) metres to provide two (2) way access for all vehicles;

c. Widening of the proposed new driveway access within Lot 67 immediately adjacent to the new crossover on Donovan Street required by point ii) above to a minimum width of six (6) metres to provide two (2) way access for all vehicles to the proposed new parking area in the southern portion of Lot 67;

d. Reconfiguration of the remaining sections of the proposed new driveway access within all three lots the subject of this approval to ensure compliance with the specific requirements of Australian Standard AS2890.1:2004 entitled 'Parking Facilities – Off-Street Car Parking' (as amended); and

e. Details of any proposed new driveway access to the public right-of-way along the southern boundary of the subject land, including surface treatments, stormwater drainage management measures, and upgrades to or reconstruction of the existing pedestrian pathway and crossover within the Donovan Street road reserve.

vi. The proposed café building shall be connected to an electricity supply service, reticulated sewerage disposal infrastructure, and a reticulated potable water supply service to the specifications and satisfaction of the relevant service providers prior to its occupation and use.

vii. All stormwater drainage shall be constructed in accordance with the stormwater drainage plan submitted in support of the application (i.e. Drawing No.C3001 dated 7 March 2024 prepared by Pure Style Engineering and Design) prior to occupation and use of the proposed development and maintained thereafter for the life of the development to the satisfaction of the local government.

viii. All stormwater generated by the proposed development shall be retained and disposed on-site unless otherwise approved by the local government.

ix. The sub-floor area of the proposed café building and associated external decking shall be enclosed with brick, stone or vermin proof cladding / battens prior to occupation and use of these improvements unless otherwise approved by the local government.

x. All landscaping shall be constructed in accordance with the landscaping plan submitted in support of the application (i.e. Ascher Smith 2D Concept Plan dated 16 June 2023) by no later than the end of winter 2025, unless otherwise approved by the local government, and maintained thereafter for the life of the development to the satisfaction of the local government.

xi. All external lighting associated with the proposed development shall be designed, baffled and located to prevent any light spill onto adjoining properties and to motorists on Great Eastern Highway in accordance with Australian Standard AS4282-1997 entitled 'Control of the Obtrusive Effects of Outdoor Lighting' to the satisfaction of the local government in consultation with Main Roads WA where required.

2. Approval subject to following Advice Notes:

i. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.

ii. This is a development approval of the Shire of Cunderdin under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

iii. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a suitable building permit application must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any construction or earthworks on the land.

iv. All building works the subject of this approval are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.

v. Access and facilities for people with disabilities must be provided at all times to the proposed buildings and internally throughout the buildings in accordance with Australian Standard AS1428.1 2009 entitled 'Design for Access and Mobility General Requirements for Access - New Building Work'.

vi. All public access areas (dining areas, etc) are required to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911*, related regulations and guidelines and in particular Part VI entitled 'Public Buildings'.

vii. All food handling, preparation and storage areas are required to be designed and constructed in accordance with the *Food Act 2008*, *Food Regulations 2009* and the Australian and New Zealand Food Authority (ANZFA) Food Safety Standards.

viii. All solid and inorganic waste generated by the proposed development must be managed in accordance with the requirements of the *Shire of Cunderdin Health Local Law 2016*. The applicant/landowner is advised to contact the local government's Environmental Health Officer for further information and advice in this regard.

ix. The applicant/landowner is reminded of their obligation to prepare and submit a suitable application pursuant to regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996* to reconstruct/upgrade the existing crossover along the subject land's frontage to Donovan Street for consideration and determination by the local government.

x. No construction works shall commence on the land prior to 7am without the local government's written approval. No construction works are permitted on Sundays or Public Holidays.

xi. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.

xii. All advertising signage associated with the proposed development shall comply with the specific requirements of the Shire of Cunderdin Local Planning Scheme No.4 and *Main Roads (Control of Advertisements) Regulations 1996* as may be required.

xiii. The applicant/landowner is responsible for ensuring the correct siting of all structures on the land the subject of this approval. An identification survey demonstrating correct siting and setbacks of structures may be requested by the local government to ensure compliance with this determination notice and all applicable provisions.

xiv. The applicant/landowner is reminded of their obligation to ensure compliance with the requirements of the Shire of Cunderdin Annual Fire Break Notice as it applies specifically to all townsite land to help guard against any potential bushfire risk.

xv. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Cunderdin Local Planning Scheme No.4 and may result in legal action being initiated by the local government.

xvi. If the applicant/landowner 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 submitted within 28 days of the local government's determination.

Moved: Cr A (Tony) Smith — Seconded: Cr B (Bernie) Daly

Vote – Simple majority — Carried: 6/0

12. Works & Services

Nil.

13. Urgent Items

Nil.

14. Scheduling of Meeting

14.1. July 2024 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Wednesday, 24th July 2024 commencing at 5:00pm 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 6.37 pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 26th June 2024, as shown, were confirmed at the ordinary meeting of Council held on 24th July 2024.

Signed: _____

Date: 24/7/2024