



Shire of Cunderdin

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 20th September 2018** in the Meckering Sporting Club, Meckering, WA, 6405 at **2.00pm**.

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UNCONFIRMED

1. Declaration of Opening

The President declared the meeting open at 2 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”.

2. Record of Attendance, Apologies and Approved Leave of Absence

2.1 Record of attendances

Councillors

Cr DA (Dennis) Whisson	Shire President
Cr DB (Doug) Kelly	Deputy President
Cr J (Jayson) Goldson	
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr D (Di) Kelly	

In Attendance

Gary Martin	A/Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Kayla James	Community Development Officer
Jacky Jurmann	Town Planning Officer

Guests of Council

Rebekah Burges	Earthquake Anniversary Project Management
Mick Fissioli	Earthstyle Contracting Cunderdin

Members of the Public

Gary Coward

2.2 Apologies

2.3 Leave of Absence Previously Granted

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

Rebekah Burges

Update on Meckering Earthquake Anniversary Event Preparations on behalf of the Earthquake Anniversary Committee as the project manager.

Dennis thanked Rebekah Burges for her efforts and wished the committee all the best.

Rebekah Burges left the Chambers at 2.09 pm

Mick Fissioli – Earthstyle Contracting

Mr Fissioli addressed the Council on issues relating to contract grading and the merit of hourly rates compared to a kilometer rate.

Mick Fissioli left the Chambers at 2.15 pm

5. Applications for Leave of Absence

Nil

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on Thursday 19th July 2018.

Resolution 6.1 September 2018

That the Minutes of the Ordinary Council Meeting held on Thursday 16th August 2018, be confirmed as a true and correct record.

Moved: Cr Bernie Daly

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

Note to this item:

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

6.2 Special Meeting of Council held on Thursday 6 September 2018.

Resolution 6.2 September 2018

That:

The Minutes of the Special Council Meeting held on Thursday 6th September 2018, be confirmed as a true and correct record.

Moved: Cr Alison Harris

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried 8/0

Note to this item:

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

7. Declaration of Members and Officers Financial Interests

Cr Dennis Whisson declared an interest of impartiality and finance for item 9.8 Request for Sponsorship; due to being the Treasurer and a financial member of the Cunderdin Community Resource Centre.

Governance and Compliance Officer Kayla James, declared an interest of impartiality and finance for item 9.8 Request for Sponsorship; due to being a committee member and a financial member for the Cunderdin Community Resource Centre.

8. Announcements by President without Discussion

Nil

UNCONFIRMED

9. Finance & Administration

9.1 Financial Reports for August 2018

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	11 September 2018
Author:	Paul Godfrey
Item Approved by:	A/Chief Executive Officer
File Reference:	Nil
Attachment/s:	3 attachments

Proposal/Summary

The financial reports as at 31st August 2018 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil

Consultation

Nil

Statutory Environment

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

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil

Resolution 9.1 September 2018

That Council receives the monthly financial reports to 31st August 2018.

Moved: Cr Norm Jenzen

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried 8/0

9.2 Accounts Paid – August 2018

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	11 September 2018
Item Approved By:	A/Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$335,349.22 for August 2018 as listed in the Warrant of Payments for the period 1st to 31st August 2018.

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 September 2018

1. That Council's payment of accounts amounting to \$318,625.16 from Municipal Account and \$16,724.06 from Trust Account for August 2018, from :

Municipal Account	\$
Electronic Funds Transfer: EFT2437 - 2544	278,187.24
Direct Debit: DD1152.1 – 1170.1	13,537.95
Cheques: 11408 - 11418	26,899.97
Bank Charges:	0.00
Trust Account	16,724.06
TOTAL	335,349.22

be confirmed and noted; and,

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

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

Cheque /EFT No	Date	Supplier	Description	Amount
EFT2437	03/08/2018	Cunderdin Co-Op	PVC Pipe Priming Fluid Red 250ML	6.95
EFT2438	03/08/2018	Northam Towing	Ford Escape Towing	286.00
EFT2439	03/08/2018	WA Contract Ranger Services	Ranger Services for July	607.75
EFT2440	03/08/2018	Glenwarra Development Services	Town Planning Consultancy Services July	7,012.50
EFT2441	03/08/2018	Kayla James	Reimbursement for Kms Travelled to attend training	248.04
EFT2442	03/08/2018	FILTERSPPLUS	Radial Seal air Filter, Oil Filter	503.03
EFT2443	03/08/2018	Combined Tyres Cunderdin	New tube tyre repair Lawn Mower	132.00
EFT2444	03/08/2018	Avon Community Development Foundation Inc	ACDF Subscription 18/19FY	550.00
EFT2445	03/08/2018	Perfect Computer Solutions	Monthly Fee for Daily monitoring (July)	85.00
EFT2446	03/08/2018	Shire of Tammin	Private Works JobNumber P0548	7,988.51
EFT2447	03/08/2018	Farmways- Cunderdin	1000 litres of round up glyphosate	4,535.30
EFT2448	03/08/2018	Dunscar Farm	Gravel Supplied up till May 2018	8,577.80
EFT2449	03/08/2018	JSF Brushes	Poly Wire Bobbin Broom	1,315.60
EFT2450	03/08/2018	Barkly Royal Pty Ltd	Watering Can 9L	12.80
EFT2451	03/08/2018	DKT Rural Agencies	PVC Storm water	561.00
EFT2452	03/08/2018	Neville Anthony Hale	Reimbursement for Tyre Purchased	320.00
EFT2453	03/08/2018	EASTWAYS	Soap, Garbage Liner, Bin Liners and Toilet Roll	788.55
EFT2454	10/08/2018	Cunderdin Co-Op	Bulk Distillate and Bulk ULP	13,113.90
EFT2455	10/08/2018	Australia Post	Postal Charges July 2018	797.75
EFT2456	10/08/2018	Cunderdin Newsagency	Stationary and newspapers	442.88
EFT2457	10/08/2018	AIR LIQUIDE	Gas Cylinder Hire Fee	120.86

EFT2458	10/08/2018	Goodfield Quality Meats	Water and Account keeping fee	56.00
EFT2459	10/08/2018	Autopro Northam	Battery, Air, Oil and Fuel Filter	253.80
EFT2460	10/08/2018	Daves Tree Service	Tree Lopping	2,860.00
EFT2461	10/08/2018	Cr Dennis Whisson	SCM Sitting Fee 5th July 2018	970.00
EFT2462	10/08/2018	Cr Todd Harris	SCM Sitting Fee July 5th 2018	472.00
EFT2463	10/08/2018	Cr Dianne Kelly	OCM Sitting Fee 19th July 2018	236.00
EFT2464	10/08/2018	Cr Norm Jenzen	SCM Sitting Fee 5th July 2018	472.00
EFT2465	10/08/2018	JR & A Hersey	Roead Delineator, Mechanical Fuel Meter and Ap Screw extractor and drill set	1,262.80
EFT2466	10/08/2018	Western Australian Treasury Corporation	Government Guarantee Fee	4,606.29
EFT2467	10/08/2018	Museums Australia	renewing Member 192448	220.00
EFT2468	10/08/2018	Cr. Alison Harris	SCM Sitting Fee 5th July 2018	472.00
EFT2469	10/08/2018	Cr. Bernard Daly	SCM Sitting Fee 5th July 2018	472.00
EFT2470	10/08/2018	Hutton & Northey Sales	P8 Sprayer Parts	133.56
EFT2471	10/08/2018	Moore Stephens	Financial and Management Reporting Workshop	1,650.00
EFT2472	10/08/2018	Oxter Services	50 % Payment of Invoice 20058	5,242.05
EFT2473	10/08/2018	Ampac Debt Recover Pty Ltd	Rates Debt Recovery Fees	7,653.03
EFT2474	10/08/2018	Rob's Auto Electrics	Auto Electrical Repairs to Shire Vehicles	811.50
EFT2475	10/08/2018	Cr Jayson Goldson	SCM Sitting Fee 5th July 2018	472.00
EFT2476	10/08/2018	Sport and Recreation Surfaces	100% completion of the multi purpose courts.	22,511.78
EFT2477	10/08/2018	St John Ambulance Western Australia Ltd	Country Kit Service fee + Time	975.88
EFT2478	14/08/2018	Landgate	Minimum Charge	92.20

EFT2479	14/08/2018	Cunderdin Co-Op	Gas 45KG Delivery	485.10
EFT2480	14/08/2018	Avdata	airfield fees and Charges	218.74
EFT2481	14/08/2018	Avon Waste	Rubbish Service 5 weeks	14,081.01
EFT2482	14/08/2018	Cr Dianne Kelly	Reimbursement for letter boxes and posts purchased for the AAA Project	327.00
EFT2483	14/08/2018	Shire of Quairading	Reimbursement for Rego charges on Street Sweeper	77.95
EFT2484	14/08/2018	Cunderdin Community Resource Centre	Community Council Event Funding 2018/19	6,704.50
EFT2485	14/08/2018	Local Health Authorities Analytical Committee	Swimming Pool Health Analytical Services	504.90
EFT2486	14/08/2018	Perfect Computer Solutions	IT Support 31/7-1/8/2018	212.50
EFT2487	14/08/2018	IXOM	Chlorine Gas	84.57
EFT2488	14/08/2018	Cunderdin Pharmacy	Flu Vaccination for staff	351.00
EFT2489	14/08/2018	Chatfields	Various Seedlings	1,170.18
EFT2490	14/08/2018	Fabian Houbrechts	Reimbursement for Bunnings purchase and Parking at LG Conference	98.27
EFT2491	14/08/2018	St John Ambulance Western Australia Ltd	Provide First Aid Training	1,920.00
EFT2492	14/08/2018	Scanlan Surveys Pty Ltd	Crown Subdivision- Cunderdin-Wyalkatchem Road, Cunderdin D.P.414993	4,675.00
EFT2493	14/08/2018	Conway Highbury	Consultancy Services- Delegation and Policy Manual Review	1,573.00
EFT2494	23/08/2018	Cr Dennis Whisson	OCM Sitting Fee August 18	485.00
EFT2495	23/08/2018	Cr Todd Harris	OCM Sitting Fee August 2018	236.00
EFT2496	23/08/2018	Cr Dianne Kelly	OCM Sitting Fee August 18	236.00
EFT2497	23/08/2018	Cr Norm Jenzen	OCM August Sitting Fee 18	236.00
EFT2498	23/08/2018	Cr Douglas Brian Kelly	OCM Sitting Fee August 2018	236.00

EFT2499	23/08/2018	Western Australian Treasury Corporation	Loan 73 and 74 Repayments	18,681.64
EFT2500	23/08/2018	Cr. Alison Harris	OCM Sitting Fee August 2018	236.00
EFT2501	23/08/2018	Cr. Bernard Daly	OCM Sitting Fee August 2018	236.00
EFT2502	23/08/2018	Hanson Construction Materials Pty Ltd	Washed White Sand	2,056.52
EFT2503	23/08/2018	Michelle Samson	Reimbursement for Jill Bonser Farewell Gifts	85.84
EFT2504	23/08/2018	Cr Jayson Goldson	OCM Sitting Fee August 18	236.00
EFT2505	23/08/2018	Australian Tax Office	BAS for July 2018	16,689.00
EFT2506	28/08/2018	Cunderdin Co-Op	Cement fast Set	721.36
EFT2507	28/08/2018	Bunnings Group Limited	Vent door Louvre and Vent Ceiling Plastic Haron	756.58
EFT2508	28/08/2018	Wurth	Cloth, Twist Drill and Pump spray bottle	157.39
EFT2509	28/08/2018	Autopro Northam	Battery	976.16
EFT2510	28/08/2018	Daves Tree Service	Chipping of branches at tip site	1,320.00
EFT2511	28/08/2018	WALGA	2018 WA Local Government Convention Todd and Alison Harris	9,875.00
EFT2512	28/08/2018	Local Government Professionals Australia WA	2018-2019 Membership Subscriptions	531.00
EFT2513	28/08/2018	Advanced Autologic PTY LTD	Oil rubia, armour tech and grease	1,299.00
EFT2514	28/08/2018	Eastern Hills Saws and Mowers	WX10 Pump	460.00
EFT2515	28/08/2018	Woonwooring Kelpies	Supply 3286m3 of gravel	7,229.20
EFT2516	28/08/2018	Farmways- Cunderdin	Chlorsulfron 1kg	60.50
EFT2517	28/08/2018	Wheatbelt Safety Wear	1 Pair Yakka zip side boots	140.00
EFT2518	28/08/2018	Specialised Tree Services	supply EWP and operators to repair and refix flashing to corner of office shed as requested	220.00

EFT2519	28/08/2018	Basham Holdings	Meckering Earthquake anniversary full band	3,300.00
EFT2520	28/08/2018	Statewide Staging Systems	Stage and Marquee package for the Meckering Earthquake Anniversary	5,390.00
EFT2521	28/08/2018	Mounsher Amusements	Hire of Amusement for the Meckering Earthquake Anniversary	1,500.00
EFT2522	28/08/2018	Work Wear Group	Jacket and Cardigans x 2	1,562.13
EFT2523	28/08/2018	Star Bright Face Painting	face painting	650.00
EFT2524	28/08/2018	Mobile Laser Quest	Live laser gaming session	670.00
EFT2525	28/08/2018	Lauren Clarke Consulting	Development of event map for Meckering Earthquake 50th	270.00
EFT2526	28/08/2018	Earthstyle Contracting Pty Ltd	Cart gravel into shire yard	1,584.00
EFT2527	28/08/2018	Wheatbelt Motors	CM00 fuel contamination no start	882.20
EFT2528	28/08/2018	Department of Fire and Emergency Services	2018/19 ESL Quarter 1	22,397.10
EFT2529	28/08/2018	MJ & A Walker	Maintenance grading rate per KM (Yougedin-Kelkerrin Rd)	20,204.80
EFT2530	31/08/2018	Department of Mines, Industry Regulations and Safety	Building Services Levy	7,584.06
EFT2531	31/08/2018	Cunderdin Co-Op	Driver Reviver supplies	136.35
EFT2532	31/08/2018	WA Contract Ranger Services	Ranger Services 30/7/2018-16/8/2018	1,028.50
EFT2533	31/08/2018	Shire of Northam	Old Quarry Tipping Fees	3,962.65
EFT2534	31/08/2018	CDA Air & Solar	Labour and Travel to replace drain	474.80
EFT2535	31/08/2018	Cunderdin Pub	Refreshments after council meeting	139.00
EFT2536	31/08/2018	Kleenheat Gas Pty Ltd	Gas Charges	75.90
EFT2537	31/08/2018	Perfect Computer Solutions	Tech Support 8/22/24/08/2018	340.00
EFT2538	31/08/2018	IXOM	Chlorine gas replacement	1,290.70

EFT2539	31/08/2018	Shire of Tammin	Rent 3 Nottage Way	886.72
EFT2540	31/08/2018	Oxter Services	Plaque for CSRC	1,210.00
EFT2541	31/08/2018	Freelance Handyman	Retirement Village Auscat hire and Digging	340.00
EFT2542	31/08/2018	Velpic Australia Pty Ltd	Velpic Annual Subscription	5,926.80
EFT2543	31/08/2018	Courier Australia	Freight charges	306.81
EFT2544	31/08/2018	Wheatbelt Motors	Service Drs Car	293.70
			Total EFT Payments	278,187.24
11408	03/08/2018	Water Corporation	Standpipe Rabbit Proof Fence Road	128.77
11409	10/08/2018	Cr Douglas Brian Kelly	SCM Sitting Fee 5th July 2018	472.00
11410	14/08/2018	Water Corporation	Toilets Gabbedy Pl Meckering	817.39
11411	14/08/2018	Synergy	Street Light Tarrif	3,501.75
11412	14/08/2018	Telstra	Shire Phones Administration	1,471.70
11413	14/08/2018	Shire of Cunderdin	50% of Rates as per council agreement	822.52
11414	14/08/2018	Oticon Pty Ltd	Audiological Assesment for Adam Takacs	408.10
11415	23/08/2018	Water Corporation	Swimming Pool Water	12,827.15
11416	23/08/2018	Synergy	Airfield Power	6,301.70
11417	23/08/2018	Telstra	Day Care Phones	61.49
11418	31/08/2018	Synergy	Pool Power	87.40
			Total Cheques	26,899.97
DD1152.1	08/08/2018	WA Super	Payroll deductions	4,850.63
DD1152.2	08/08/2018	HOSTPLUS	Superannuation contributions	296.65
DD1152.3	08/08/2018	Westscheme Superannuation	Superannuation contributions	390.40
DD1152.4	08/08/2018	BT Super for Life	Superannuation contributions	366.80
DD1152.5	08/08/2018	MLC Super for life	Superannuation contributions	234.84
DD1152.6	08/08/2018	MTAA Superannuation Fund	Superannuation contributions	206.40

DD1152.7	08/08/2018	TWU Super	Superannuation contributions	207.71
DD1152.8	08/08/2018	Colonial First State	Superannuation contributions	203.65
DD1152.9	08/08/2018	Club Plus Superannuation	Superannuation contributions	101.84
DD1164.1	22/08/2018	WA Super	Payroll deductions	4,682.55
DD1164.2	22/08/2018	HOSTPLUS	Superannuation contributions	359.50
DD1164.3	22/08/2018	Westscheme Superannuation	Superannuation contributions	390.40
DD1164.4	22/08/2018	MLC Super for life	Superannuation contributions	240.57
DD1164.5	22/08/2018	MTAA Superannuation Fund	Superannuation contributions	207.71
DD1164.6	22/08/2018	BT Super for Life	Superannuation contributions	207.71
DD1164.7	22/08/2018	TWU Super	Superannuation contributions	207.71
DD1164.8	22/08/2018	Colonial First State	Superannuation contributions	203.65
DD1164.9	22/08/2018	Club Plus Superannuation	Superannuation contributions	101.84
DD1170.1	28/08/2018	Westnet	Museum Internet	77.39
			Total payments by Direct Debit	13,537.95

9.3 Council Investments – As at 31st August 2018

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	11 September 2018
Item Approved By:	A/Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31st August 2018

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 totaling \$ 968,662.42 (Westpac - \$ 136,515.90 & Bendigo - \$ 832,146.52 as per attached statements, the following investment accounts are held as at 31 August 2018:

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$993,725.07	Reserves Term Deposit 2.75% Expires : 14/03/2019		\$993,725.07	
Westpac Bank	\$525,098.34	Business Cash Reserve 22-3647 0.60%	\$525,098.34		
Westpac Bank	\$156,157.67	Trust Working Account 12-2981			\$156,157.67
TOTAL INVESTMENTS	\$1,674,981.08		\$525,098.34	\$993,725.07	\$156,157.67

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 52,725.92 and Bendigo Term Deposit Ref: 2640625 - \$432,705.08

Consultation

Nil

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Delegation 3 - Municipal Fund – Incurring expenditure

Delegation 3 - Municipal Fund and Trust Fund – Payments from Bank Accounts

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 9.3 September 2018

That the reports on Council investments as at 31st August 2018 be received and noted.

Moved: Cr Todd Harris

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 8/0

9.4 Bendigo – Additional Account

Location:	Cunderdin Shire Office
Applicant:	Internal Report
Date:	10 th September 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	

Summary

That Council endorse the opening of a Bendigo and Adelaide Bank Limited Trust Account to replace Westpac Banks Trust Working Account 12-2981.

Background

The Shire of Cunderdin originally banked with Westpac Bank whilst Westpac had an agency in the Cunderdin Town site.

Since Bendigo took over the Westpac Agency, the Shire of Cunderdin have been working toward utilising Bendigo Bank for convenience of location.

Comment

By opening the Bendigo Trust Account, finance officers will no longer have to make a two (2) hour round trip to sign paperwork and make simple bank transfers.

The amount currently held in the Trust Working Account 12-2981 is \$156,157.67.

Consultation

Deputy Chief Executive Officer – Paul Godfrey
Chris Giles – Bendigo and Adelaide Bank Ltd

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil

Financial Implications

Transferring of funds, dollar for dollar. No implications or costs to closing or opening accounts.

Strategic Implications

6. Civic Leadership

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

Resolution 9.4 September 2018

That Council;

1. Endorse the opening of a Bendigo and Adelaide Bank Limited Trust;
2. Approve Paul Godfrey, Hayley Byrnes, Neville Hale and Dennis Whisson as the signatories for the account; and,
3. Once all funds are transferred to the new account, close Westpac Trust Working Account 12-2981

Moved: Cr Dianne Kelly

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried 8/0

UNCONFIRMED

9.5 Revised Fees & Charges – Gliding Club of Western Australia Inc.

Location:	Cunderdin Airfield
Applicant:	Rates & Debtors Officer
Date:	27 th August 2018
Author:	Brooke Jasper
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	A55343 - AIRFIELD
Attachment/s:	NIL Attachments

Proposal/Summary

That Council approve the revised annual lease amount for the Gliding Club of Western Australia, in order to meet the terms of the Lease Agreement.

Background

Council, at its Ordinary Council Meeting held on 19 July 2018 adopted the 2018/19 Budget and Schedule of Fees & Charges.

The annual lease fee adopted for the Gliding Club of Western Australia Inc was \$10,050.00, being an 8% increase on the 2017/18 Fee of \$9,305.46.

As per Item 8 of the Schedule, which forms part of the lease agreement between the Shire of Cunderdin and the Gliding Club of Western Australia Inc, the rent is to be increased;

- 1) based on CPI; or
- 2) based on the following formula;
Number of Lessee's members x \$115 = Annual Rent Exclusive of GST

according to whichever method of review results in the higher rental.

President of the Gliding Club of Western Australia, confirmed in email on the 28th August 2018 that they have 46 current members. Therefore, rent increase based on CPI results is the higher rental.

Comment

In order for the Shire of Cunderdin to meet the terms of the lease agreement, the revised annual lease for the Gliding Club of WA would be a 2% increase on the 2017/18 Fee's, based on the CPI provided by the Australian Bureau of Statistics, making the 2018/19 Fee \$9,491.56.

Consultation

Australian Bureau of Statistics

Statutory Implications

LOCAL GOVERNMENT ACT 1995 - SECT 6.19

Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications

NIL

Financial Implications

The new lease amount would result in a loss of \$558.44 of budgeted income for 2018/19.

Strategic Implications

Shire of Cunderdin Strategic Community Plan

6. Civic Leadership

- CL6.1 Deliver sustainable governance through transparent and robust policy and processes.
- CL6.2 Undertake the civic duties of Council with the highest degree of ethics.
- CL6.3 Provide community leadership and lobby Federal and State Government to strengthen service provision within the Shire. Explore diverse income streams, including grants.
- CL6.4 Ensure sound long term financial management and deliver value for money.

Resolution 9.5 September 2018

That Council approve the revised fee of \$9,491.56 for the annual lease payable by the Gliding Club of Western Australia Inc.

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Absolute majority

Carried: 8/0

9.6 Corporate Business Plan Quarterly Report.

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	10 th September 2018
Author:	Kayla James
Item Approved by:	A/Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 attachment.

Proposal/Summary

To receive the Corporate Business Plan Report 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.

On 21st December 2017, Council adopted the format of the attached Corporate Business Plan spreadsheet report for quarterly reporting to the ordinary meetings of Council held in the months of September, December, March and June of each financial year.

Comment

The spreadsheet 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. It also identifies the particular Shire officer's position charged with responsibility for implementing the action while noting that ultimate responsibility for the officer concerned rests with the CEO.

Consultation

Staff
Works Manager
Chief Executive Officer
Deputy Chief Executive Officer
Museum Manager

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 2017

Strategic Priority 6: Civic Leadership

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

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

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

Resolution 9.6 September 2018

That Council receive and endorse the Corporate Business Plan Quarterly Report for September 2018.

Moved : Cr Bernie Daly

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 8/0

9.7 Donation to Lions Club Institute

Location:	Cunderdin
Applicant:	Administration
Date:	7 th August 2018
Author:	Kayla James
Item Approved by:	A/Chief Executive Officer
Disclosure of Interest:	Dennis Whisson / Kayla James
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

The Lions Club Institute has requested a Council Donation of \$600.00
This report recommends that Council does not support the request.

Background

An email followed by a phone call was sent to the Shire of Cunderdin Administration Office on 7 September 2018. As requested by the applicant, it is presented to Council in full.

Email as follows

"This year like last we are taking out all the Cancer, Handicapped and Special Needs Children from all the hospitals out for the day (for some a first time experience), the special little ones, due to their illness won't get out of hospital for Christmas, will receive refreshments, show bags and a pre-released movie for them to enjoy, including a special visit from Santa who will be giving out presents which can only be made possible through the generosity from businesses like yourself before returning to hospital.

Sadly there is no Government Funding so we are asking on behalf of the children and being a registered charity we carry DGR Status making your contribution 100% Tax Deductable.

The Lions Cancer Institute is asking for your support to help us continue our FREE mobile Cancer Screening, this service would normally cost \$360 per patient.

At the same time we are taking special needs, Cancer and Handicapped Children from all the hospitals out for the day at Christmas.

I do have 6 kiddies from the Cunderdin Shire in the Perth Children's Hospital I need to get sponsored.

The Special Children's Christmas Big Day Out is the day all our special needs, Cancer and Handicapped Children look forward to.

The kind support of Cunderdin Shire Council with any little ones would be greatly appreciated.

Please assist the Lions to continue to save lives."

Comment

These Special Little Children suffer with Autism, Cerebral Palsy, Leukemia, Downs Syndrome, Cystic Fibrosis, Spinal Bifida, and other serious illnesses please help so they can have a great fun day out.

However, we have no evidence of these children residing within the Shire of Cunderdin, nor are Lions willing to confirm this.

The Shire of Cunderdin make a lot of direct community contributions every year. However do budget for excess community contributions.

Upon evidence of Children in need within the Cunderdin Shire, the Council may wish to revisit this.

UNCONFIRMED

Consultation:

Leanne Dunlop – Lions Cancer Institute

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 9.7 September 2018

That Council do not make a contribution to the Lions Club Institute due to minimal evidence of community need.

Moved: Cr Doug Kelly

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 8/0

9.8 Request for Sponsorship – Cunderdin Movie Night

Cr Dennis Whisson declared an interest of impartiality and finance for item 9.8 Request for Sponsorship; due to being the Treasurer and a financial member of the Cunderdin Community Resource Centre but remained in the room.

Governance and Compliance Officer Kayla James, declared an interest of impartiality and finance for item 9.8 Request for Sponsorship; due to being a committee member and a financial member for the Cunderdin Community Resource Centre but remained in the room.

Location:	O'Connor Park
Applicant:	Courtney Thomson – Cunderdin CRC
Date:	12 th September 2018
Author:	Kayla James
Item Approved by:	A/Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 attachment

Proposal/Summary

The Council sponsor the Cunderdin Community Resource Centre to run a Movie Night under the Stars. This report recommends Council to support this request.

Background

After the budget adoption, the Cunderdin community Resource Centre received \$6704.50 in funding to run Shire events.

A movie night was not included in that budget.

The Movie Nights Under the Stars are normally funded by a business or the Shire as movie licences are upwards of \$300.00.

The Shire has funded two (2) of these nights in the previous two financial years.

Comment

Without funding the Cunderdin Community Resource Centre would be unable to run movie nights within our communities.

The Cunderdin CRC will promote the Shire of Cunderdin in exchange Sponsorship of up to \$400 for the movie licence and use of O'Connor Park.

Consultation

Courtney Thomson – Coordinator Cunderdin Community Resource Centre

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Community Strategic Plan 2017

Strategic Priority 6: Civic Leadership

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

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

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

Resolution 9.8 September 2018

That Council:

Endorse the Sponsorship to the Cunderdin Community Resource for up to \$400 for the purpose of a movie licence from account 11161030 – CDO Expenditure.

Moved: Cr Alison Harris

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 8/0

9.9 Proposed RAV Upgrade

Location:	Shire of Cunderdin
Applicant:	A/Manager of Works and Services
Date:	12 September 2018
Author:	Fabian Houbrechts
Item Approved by:	A/Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is requested to consider the proposed RAV upgrade of the Shire of Cunderdin's road network as detailed below

Background

Previously the following roads have been granted the network in RED at the request of an applicant to Main Roads Heavy Vehicle Services (HVS).

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060169	Meckering - Dowerin Rd	0.00 Carter Rd	23.42 Quelagetting Rd	AMMS N7.2	AMMS N7.3
4060167	Dunlop St	0.17 Loton Rd	0.75 Carter Rd	AMMS N7.2	AMMS N7.3
4060168	Carter Rd	0.00 Dunlop St	1.11 Carter Rd	AMMS N7.2	AMMS N7.3
4060047	Loton Rd	0.00 Dunlop St	1.74 CBH Grain Bin	AMMS N7.2	AMMS N7.3
4060005	Mt Anne Rd	0.00 Great Eastern Hwy	12.13 Leasons Rd	AMMS N7.2	AMMS N7.3
4060008	Quelagetting Rd	3.75 Beards Rd	12.37 Meckering - Dowerin Rd	AMMS N7.2	AMMS N7.3
4060025	Leasons Rd	0.00 Mt Anne Rd	9.04 Meckering - Dowerin Rd	AMMS N7.2	AMMS N7.3
4060009	Wilding Rd	0.00 Meckering - Dowerin Rd	13.25 End of Current RAV 7 Access	AMMS N7.2	AMMS N7.3
4060166	Cunderdin-Wyalkatchem Rd	0.00 Baxter Rd	12.85 Cunderdin - Minnivale Rd	5 (being assessed for 7 & AMMS N7.2)	AMMS N7.3
4060003	Cunderdin-Minnivale Rd	0.00 Cunderdin-Wyalkatchem Rd	7.854 Quelagetting Rd	5 (being assessed for 7 & AMMS N7.2)	AMMS N7.3

Main Roads Heavy Vehicle Services (HVS) has received an application to add or amend the roads on the Restricted Access Vehicle (RAV) Network within Shire of Cunderdin.

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060165	Baxter Rd	0.00 Great Eastern Hwy	0.57 Olympic Av	7	AMMS N7.3
4060148	Carter Dr	0.00 Great Eastern Hwy	0.24 Eaton St	7	AMMS N7.3
4060151	Eaton St	0.00 Olympic Av & Carter Dr	0.67 Carter Dr	7	AMMS N7.3
4060171	Centenary Pl	0.00 Eaton St	0.31 Centenary Wy – Db start	7	AMMS N7.3
4060082	Olympic Av	0.00 Baxter Rd	0.48 Cater Dr & Eaton St	7	AMMS N7.3

AMMS

Accredited Mass Management Scheme (AMMS) is a concessional loading scheme, similar to the schemes it replaced, i.e. the Certified Weighbridge Mass Management Scheme (CWMMS) and the Concessional Loading Bulk Products Scheme (CLBPS). Other existing concessional loading schemes include the Concessional Livestock Scheme and the Import / Export Containerised Cargo Concessional Scheme.

AMMS Mass Levels

There are three (3) approved mass levels under AMMS, as shown in the table

	Single Steer Axle	Tandem Axle Group	Tri Axle Group
Level 1	6.0 -7.0 t	17.0t	21.5t
Level 2	6.0 -7.0 t	17.0t	22.5t
Level 3	6.0 -7.0 t	17.5t	23.5t

Any of the three levels are available to transport operators provided appropriate loading control methods are in place to ensure compliance with the allowable mass limits. The decision which level to apply for is determined by the mass requirements of the operator.

Heavy Vehicle Services is committed to providing efficient service to its customers by finalising route assessment applications within reasonable timeframes and ensures both applicants and road owners are kept informed of progress or delays at regular intervals.

*More information is supplied on the attachment and additional information on the Main roads website

Comment

Main Roads HVS have asked if the Shire will support amending the classification of these roads under the Restricted Access Vehicle (RAV) Network.

For the process to move ahead the Shire will need;

- Support to have the roads assessed with the view to upgrading the RAV classification of these roads;
- Or
- Decline the request

1. If the Shire is in favour of supporting the request, HVS will assess the mentioned roads and a condition report will be sent to the Shire on its findings.
2. If the roads are suitable and are to the RAV requirements they then will be added to the network as per the requested RAV rating.
3. Any roads that require maintenance or works will not be added to the network until the condition of the road is to the requirements of the assessment. (Noting that either the applicant or the shire will need to get the road to the required standard) for it to be upgraded to the RAV rating.

Any upgrade will require increased on-going maintenance.

Consultation

Main Roads Heavy Vehicle Service (HVS),
Kayla James – Governance and Compliance Officer

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Cost of road widening (to the applicant) and ongoing maintenance as per revised road specification.

Strategic Implications

Environmental – roadside vegetation
Infrastructure – appropriate for local business operations

Resolution 9.9 September 2018

That Council:

1. Advise Main Roads – Heavy Vehicle services that it supports having it assess the above mentioned roads;
2. Agree to the amendment of the RAV rating of current approved roads in the Restricted Access Vehicle (RAV) Network;
3. Any roads that require maintenance or works, not be added to the network until the condition of the road is to the requirements of the assessment
4. Require the applicant to fund the necessary works (point 3) if they wish the upgrade to proceed and be added to the network for the applied RAV rating

Moved: Cr Doug Kelly

Seconded: Cr Todd Harris

Vote – Absolute majority

Carried: 8/0

10. Environmental Health and Building

Nil

UNCONFIRMED

11. Planning & Development

11.1 Proposed Extractive Industry – Lot 24493 Shorter Rd, Wyola West

Location:	Lot 24493 Shorter Rd, Wyola West
Applicant:	Mr C Syme, Greyhome Farming Co.
Date:	6 September 2018
Author:	J Jurmann, Consultant Planner
Item Approved by:	Gary Martin, A/CEO
Disclosure of Interest:	Nil
File Reference:	DA2018/19-3; A55292
Attachment/s:	1 – Site Plan 2 – Submission 3 – Schedule of Submissions

Proposal/Summary

A development application has been received to obtain approval to operate an extractive industry to extract sand from 8 hectares for sale over a period of 10 years from the portion of the subject property identified on the site plan.

Submissions were invited regarding the proposed development from neighbouring landowners and one submission was received raising concerns about the proposal.

The application has been assessed in accordance with the provisions of the Cunderdin Local Planning Scheme No. 3 and is recommended for conditional approval.

Background

The lot has an area of 185 hectares and is primarily used for cropping and grazing. Access to the site is from Shorter Road, which is an unsealed road, between Three Mile Gate Road and Woorabbing Road.

It is proposed to extract 2 hectares on the southern portion of the lot, which is separated by the road from the remainder of the lot, and then gradually extend the extraction area further east resulting in a total area of 8 hectares being excavated over a period of 10 years.

The development application has been submitted by the landowner and the licence is proposed to be obtained and held by Earthstyle Contracting (Mr M Fissioli).

Comment

During the site inspection it was noted that another sand pit is operational on Shorter Road that may not have the required approvals. Correspondence has been sent to the landowner advising of the approval requirements.

Consultation

Neighbouring Landowners

All neighbouring landowners were notified of the development proposal and provided 14 days to respond. One submission was received raising concerns regarding the proposal (copy attached).

Internal

The Shire's Works Manager has advised that the increase in haulage traffic on local roads will lead to higher maintenance requirements. Maintenance contributions and road upgrade contributions are recommended to ensure the costs of associated road works are met by the applicant and/or operator. Additionally, a

single access point in a safe and approved location needs to be established and all manoeuvring is to be conducted within the site and the entry to and from the site is in a forwards direction.

Statutory Implications

Cunderdin Local Planning Scheme No. 3

The property is zoned General Agriculture and Extractive Industries are a 'D' use in the zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
4.10.1, LPS3	Comply with the objectives of the zone.	Continue and retain farming as the principal land use; protect rural land for farming and preserve landscape/ character; provide a range of rural pursuits and diversify compatible activities; consider beneficial non-rural uses that are not detrimental to natural resources/environment; protect from loss of biodiversity and degradation.	Extraction of sand on portion of lot divided by road that has been previously cleared from cropping and grazing activities.	'D' use in zone, which is consistent with zone objectives.
4.10.4, LPS3	On and off-site impacts	Development to regard on and off site impacts. Proposals to include – environmental values and risks; potential for conflict, impacts and nearby uses; and buffers needed on site.	Intermittent use of area for extraction of sand for commercial purposes.	No land use conflict identified. Buffers not required.
4.10.5, LPS3	Buffers from sensitive uses	Buffer required to residences by EPA's Guidelines.	Sand extraction for commercial purposes.	300-500m required. Nearest dwelling is approx. 800m. Complies.
4.13.1, LPS3	Circumstances where extractive industries will be supported	Where extraction does not affect environment or amenity; consider rehabilitation and sequential use of extraction areas; and compliance with policies, legislation, and Local Law.	Rehabilitation to be conducted in stages. License to be held by M Fissioli. No application has been received to date.	Conditions can be imposed to meet this provision.
4.13.2, LPS3	Management plan required	Plan to – describe characteristics of site; sensitive land uses within 1km; buffer distances; details of development and management of site; access to site, roads to be used and traffic volumes;	Plan submitted indicates proposed areas of excavation. Sand will be extracted intermittently as required. Transport route will depend on location of	Submitter has raised concerns about proximity of access to their driveway and potential conflict with school bus (noting roads are not currently a bus route).

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
		provides decommissioning and rehabilitation; describes post land use; and any other information.	end use.	Conditions can be imposed regarding transport and rehabilitation.
4.13.3, LPS3	Conditions	May include – hours and methods of operation; siting of internal facilities; vehicle access, including road upgrade and contributions; measures to minimise pollution; location and depth of extraction areas; stabilisation of extraction areas; drainage; amenity of adjoining land, buffer, screening; rehabilitation of excavation areas.	n/a	Conditions recommended as outlined at the end of this Report.
67(a), Regs	Aim of scheme	Aims and provisions of scheme	n/a	Refer to above assessment.
67(i), Regs	Scheme review report	Cunderdin Scheme Review Report 2017	n/a	Does not affect the proposed land use.
67(m), Regs	Compatibility of development	Compatibility with locality, effect of height, bulk, scale, orientation and appearance.	Sand extraction	Surrounding land use is rural. Nearby sand pit. Conditions to be imposed.
67(n), Regs	Amenity	Environmental and social impacts; character of locality.	Intermittent sand extraction	No impacts identified subject to satisfactory rehabilitation.
67(o), Regs	Effect on environment or water resources	Likely effect on the natural environment or water resources and any mitigation means.	Sand extraction	No impacts identified.
67(p), Regs	Landscaping	Provision for landscaping and whether any trees should be preserved.	No details provided.	No significant trees identified. Advice note regarding screening.
67(s), Regs	Access	Adequacy of access to and egress from the site; and loading, unloading, manoeuvring and parking.	No details provided.	Existing access from Shorter Rd available. Manoeuvring to be wholly within site.
67(t), Regs	Traffic	Amount of traffic to be generated, capacity of road and effect on traffic flow and safety.	Intermittent vehicle movement on demand.	Road maintenance condition required. Advice note recommended if used as bus route.
67(x), Regs	Community impacts	Impact on community as a whole notwithstanding the impact on individuals.	Sand supply for primarily local use.	Positive impact on community through supply of sand.
67(y), Regs	Submissions	Any submissions received on the application.	n/a	Adjoining landowners notified. One

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
				submission received. Refer to Schedule of Submissions.

Cunderdin Local Laws – Extractive Industries

A licence must be obtained for the commercial extraction of materials, which will further detail the conditions of the operation. The landowner has advised that the licence will be held by Mr M Fissioli of Earthstyle Contracting, which is yet to be submitted.

Policy Implications

Delegations

Council's Planning Control Delegations do not include applications where an objection has been received. Accordingly, this application is being presented to Council for determination.

Financial Implications

The application fee has been paid by the Applicant. There are no financial implications for the Shire associated with this proposal, subject to conditions being imposed requiring the Applicant to enter into an agreement with the Shire of Cunderdin to maintain the road and/or make a monetary contribution to the maintenance of the road.

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 consistent with the goals of the SCP.

11.1 Resolution September 2018

That Development Approval be granted to the landowner, Mr Christopher Syme, to operate an Industry – Extractive at Lot 24493 Shorter Road, Cunderdin as outlined in the Application received 2 August 2018 (DA 2018/19-3), and indicated on the approved plan, subject to the following conditions:

General conditions

1. The development shall be in accordance with the approved development plans (attached) which form part of this development approval.
2. This development approval is valid for a period of ten (10) years. Following this period, the development shall not be continued unless further development approval is granted.
3. 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.

Conditions to be met prior to commencement of works and/or use

4. Prior to the commencement of the use the operator shall enter into an agreement with the Shire of Cunderdin, prepared at the operators cost, by which the operator agrees to financially contribute to the repair and maintenance of the local road network to be used by heavy vehicle traffic generated by the extractive industry.
5. A Works and Excavation Program shall be submitted within one month from the date of determination containing (but not limited to):
 - Details of the depth and extent of the existing and proposed excavation of the site;
 - Details of access and any thoroughfares to be built;
 - Details of drainage conditions and methods of drainage to excavation site;
 - Description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas.
6. A Rehabilitation Plan shall be submitted within one month from the date of determination detailing the restoration and reinstatement of the existing and proposed excavation site, the staging of such works containing (but not limited to):
 - Flattening the land;
 - Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);
 - Forming stable battered banks not to be steeper than 1 in 5; and
 - Where relevant, revegetation using native trees, shrubs and groundcovers/undergrowth.

Conditions requiring ongoing compliance

7. No excavation shall be carried out within twenty (20) metres of the boundary or forty (40) metres of any thoroughfare.
8. Entry and egress from the extraction area onto Shorter Road shall be in a forwards direction with manoeuvring of trucks being carried out wholly within the site.
9. In order to minimise the amount of noise pollution, working hours within the excavation area and transportation of materials shall be restricted to the hours between 6.00am and 6.00pm Mondays to Fridays, 7.30am to 5.00pm Saturdays and excluding public holidays.
10. Necessary measures shall be taken to minimise the amount of dust pollution associated with the operation, such as dust suppression by watering and covering truck loads to the satisfaction of the Shire.

Moved: Cr Todd Harris

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

11.2 Proposed Dam – Lot 278 Cubbine Street, Cunderdin

Location:	Lot 278 Cubbine St, Cunderdin
Applicant:	SJ & S Donovan
Date:	7 September 2018
Author:	J Jurmann, Planning Consultant
Item Approved by:	Gary Martin, A/CEO
Disclosure of Interest:	Nil
File Reference:	DA2017/18-4; A52939
Attachment/s:	1 – Site Plan 2 – Dam drawing

Proposal/Summary

An application for development approval has been received to construct a dam at Lot 278 Cubbine Street, Cunderdin for the purposes of collecting and managing surface water for reuse on the subject and adjoining lot owned by the Applicant.

The application has been assessed in accordance with the provisions of the Cunderdin Local Planning Scheme No. 3 and is being recommended for condition approval.

Background

The subject lot has an area of 3.48 hectares and is located on the south-east entry to Cunderdin, just outside the townsite boundary.

The property contains a dwelling centrally located on the lot and it is proposed to construct the dam on the eastern side of the dwelling to improve the management of overflow water, resulting from the gravel extraction, for reuse on gardens.

The dam will be setback 20 metres from the eastern property boundary of the site and will be approximately 15 metres by 10 metres and 4 metres deep with any overflow being directed overland to the adjoining lot (No. 277), which is in the same ownership. (Refer to the plans submitted by the Applicant attached to this Report.)

Comment

Council is aware of the history of the site in regards to the extraction of gravel, which has recently been removed and used in conjunction with roadworks on Fiegert Road. The owner has advised that the dam is part of the rehabilitation to ensure that water does not pool or affect neighbouring properties. The dam water will be collected for reuse on site for garden maintenance.

Consultation

Clause 64(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the ways an application for development approval may be advertised to owners or occupiers of properties in the vicinity of the development, who in the opinion of the local government, are likely to be affected by the granting of development approval.

The only property that may be affected by the proposed dam is Lot 5999 Fiegert Road, which is the adjoining the eastern boundary of the subject property. A notification letter and copy of plans was sent to the property owners providing 14 days to provide any comments on the proposal. No comments were received regarding the proposal.

Statutory Implications

Planning and Development Act 2005

The Act defines 'development' as:

“development means the development or use of any land, including —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;***
- (b) the carrying out on the land of any excavation or other works;***
- (c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —***
 - (i) is likely to change the character of that place or the external appearance of any building; or***
 - (ii) would constitute an irreversible alteration of the fabric of any building.”***

Planning and Development (Local Planning Schemes) 2015

Clause 60 of Schedule 2 (the Deemed Provisions) states:

“A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or***
- (b) the development is of a type referred to in clause 61.”***

Dams are not a land use that is listed in clause 61 as development exempt from approval.

Cunderdin Local Planning Scheme No. 3 (LPS3)

The property is zoned General Agriculture under the provisions of LPS3. Dams are not listed in the Zoning Table and therefore must be assessed as a 'use not listed' in accordance with clause 3.4.2 of LPS3, which states:

“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;***
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or***
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”***

For the purpose of progressing the application, it is common planning practice to initially assume that the proposal may be consistent with the zone objectives in accordance with sub-clause (b), which enables consultation to be carried out. It is worth noting that this stance does not affect the final determination of the application.

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
4.10.1, LPS3	Comply with the objectives of the zone.	Continue and retain farming as the principal land use; protect rural land for farming and preserve landscape/ character; provide a range of rural pursuits and diversify compatible	Construction of a dam does not affect the use of the property or nearby properties for farming purposes; nor is it detrimental to natural resources	The assessment of this application indicates that the construction of a dam is consistent with the zone objectives.

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
		activities; consider beneficial non-rural uses that are not detrimental to natural resources/environment; protect from loss of biodiversity and degradation.	or the environment.	
4.10.4, LPS3	On and off-site impacts	Development to regard on and off site impacts. Proposals to include – environmental values and risks; potential for conflict, impacts and nearby uses; and buffers needed on site.	Construction of a dam wholly within the site boundaries.	No impacts identified subject to the overflow being appropriately managed within the owner's properties.
4.28, LPS3	Drainage	May require evidence drainage conditions of locality will not be impaired; management plan; tree planting or site works.	Construction of a dam to better manage water runoff.	Submitted plans indicate that the dam will contain runoff and the overflow will not impact adjoining properties.
67(a), Regs	Aim of scheme	Aims and provisions of scheme	Dam	Refer to above assessment.
67(i), Regs	Scheme review report	Cunderdin Scheme Review Report 2017	Dam	Does not affect the proposed land use. Zoning should be reviewed to better suit lot size and use.
67(m), Regs	Compatibility of development	Compatibility with locality, effect of height, bulk, scale, orientation and appearance.	Dam	Dams are common on rural properties to capture and reuse water.
67(n), Regs	Amenity	Environmental and social impacts; character of locality.	Dam	No impacts identified.
67(o), Regs	Effect on environment or water resources	Likely effect on the natural environment or water resources and any mitigation means.	Dam	No impacts identified. Dam will improve property's water management.
67(q), Regs	Suitability of land	Take into account possible risk of flooding, subsidence, landslip, bush fire, soil erosion, land degradation, etc	Dam	The construction of a dam will reduce risks of erosion, flooding and degradation.
67(w), Regs	History of site	the history of the site where the development is to be located	Dam to better manage water runoff.	Site has been subject of gravel extraction, which has resulted in the need to manage water on site.
67(x), Regs	Community impacts	Impact on community as a whole notwithstanding the impact on individuals.	Dam	No impacts on the community identified.

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
67(y), Regs	Submissions	Any submissions received on the application.	Dam	No submissions received.

Policy Implications

Delegations

The Planning delegations do not include determination of applications for development proposals that are defined as 'use not listed'. Accordingly, the application is being presented to Council for determination.

Local Planning Policies

At present Council does not have any local planning policies regulating the construction of dams within the Shire. It is recommended that a policy be developed to provide a better regulatory framework for the construction of dams in the Shire, including exempting from development approval dams constructed on rural properties in conjunction with broad hectare agricultural activities.

Financial Implications

Should Council resolve to refuse or conditionally approve the proposal, the Applicant has a right of review through the State Administrative Tribunal (SAT) which will incur legal costs.

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.

11.2 Resolution September 2018

That Council:

1. Considers the proposed dam is not a land use specifically listed in the zoning table and resolves to assess the application in accordance with clause 3.4.2(b) of the Shire of Cunderdin Local Planning Scheme 3.
2. Grant Development Approval to the landowners, Mr SJ and Mrs S Donovan, to construct a dam at Lot 278 Cubbine Street, Cunderdin as outlined in the Application received 9 August 2018 (DA 2018/19-4), and indicated on the approved plan, subject to the following conditions and advice notes:

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.
- c. Prior to the commencement of any works the proponent shall provide engineering certification for the construction of the dam showing the design is adequate for the purpose and capacity of the dam and that construction has been completed in accordance with the approved design.
- d. Spillways shall be designed to cater for a 1 in 100 year storm event and shall ensure that the overflow is directed towards existing flow paths and does not concentrate stormwater flows onto any adjoining property or road etc.
- e. The construction, including any embankment or spillway, and water ponding shall achieve the relevant setbacks from property boundaries in accordance with the relevant scheme and policy requirements.
- f. The earthworks shall be completed within 3 months of the commencement date and within 3 months of the completion of the construction works any disturbed areas shall be recovered with the stockpiled topsoil and planted with grasses or other species to minimise erosion or dust emissions from the site.

Advice Notes

- g. 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.
 - h. 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.
 - i. 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.
 - j. The Shire of Cunderdin advises that it accepts no liability for the effects of dam failure or liability for damage or losses on the subject property or on any adjacent or adjoining properties downstream. The owner of the dam may be liable for the cost of damage, including personal injury, property and stock loss or damage, loss of income and road and infrastructure repairs and restoration of the stream channel in the event of dam failure.
3. Develop a Local Planning Policy, in consultation with the community, for the regulation of the construction of dams in the Shire of Cunderdin, including provisions to exempt from development approval dams on broad hectare farming properties.

Moved: Cr Doug Kelly

Seconded: Cr Bernie Daly

Amendment

Add "4. It is strongly recommended that safety signage be erected within the proximity of the dam facing the road and neighbouring properties"

Vote – Simple majority

Carried: 5/3

Gary Coward left the chambers at 3.11 pm

Gary Coward returned to the chambers at 3.15 pm

11.3 Subdivision Conditions – Lot 300 Macpherson Street, Cunderdin

Location:	Lot 300 Macpherson St, Cunderdin
Applicant:	H M Fawkes
Date:	14 September 2018
Author:	J Jurmann, Planning Consultant
Item Approved by:	Gary Martin, A/CEO
Disclosure of Interest:	Nil
File Reference:	WAPC155398; A53052
Attachment/s:	1 – Section 70A Notification Form 2 – Subdivision Approval

Proposal/Summary

A request has been received from the landowner's Surveyor, Scanlan Surveys, for Council to endorse a Section 70A Notification form to satisfy condition 4 of the WAPC's Subdivision Approval No. 155398.

To execute the document, the Council seal and signatures of the Shire President and A/Chief Executive Officer are required.

A resolution of Council is required to execute the document and affix the seal in accordance with section 9.49A of the *Local Government Act 1995*.

Background

The Western Australian Planning Commission granted approval to subdivide Lot 300 Macpherson Street, Cunderdin into three (3) lots on 1 September 2017. Refer to Attachment 2.

Condition 4 of the approval requires:

"A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A reticulated sewerage service is not available to the lot/s.' (Local Government).

To satisfy the conditions of approval, a completed Section 70A Notification form has been submitted to the Shire for completion. Refer to Attachment 1.

Comment

All other conditions of approval have been satisfied and clearance of conditions has been issued.

Consultation

There are no consultation requirements in relation to this matter.

Statutory Implications

Local Government Act 1985

9.49A. Execution of documents

(1) *A document is duly executed by a local government if –*

- (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
- (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*

- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

Policy Implications

Delegations

The Delegations adopted by Council at its August Ordinary Meeting do not include authority to the CEO to affix the Common Seal. (Note: The previous Delegations authorised the CEO to affix the Common Seal in this circumstance.)

Financial Implications

There are no financial implications associated with this Report.

Strategic Implications

There are no strategic implications associated with this Report.

11.3 Resolution September 2018

That Council authorise the Shire President and the Chief Executive Office to affix the Common Seal of the Shire of Cunderdin and execute the Section 70A Notification form (attached to this Report) in accordance with condition 4 of the WAPC Subdivision Approval (No. 155398) in accordance with section 9.49A of the *Local Government Act 1985*.

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote – Absolute majority

Carried: 8/0

12. Urgent Items

Nil

13. Scheduling of Meeting

13.1 October 2018 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Tuesday 23rd October 2018 commencing at 1pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

14. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23)

14.1.1

Resolution 14.1.1 September 2018

That Council move behind closed doors for the consideration of Agenda Item 14.1.2

Moved: Cr Alison Harris

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried 8/0

Gary Coward left the chambers at 3.37pm

14.1.2 Cunderdin War Memorial Swimming Pool Tender

Under Separate Cover

14.1.3

Resolution 14.1.3 September 2018

That Council move from behind closed doors.

Moved: Cr Alison Harris

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 8/0

The President read aloud the following resolution;

Resolution 14.1 September 2018

For Council:

1. To accept the tender of per \$68,750.00 (Including GST), per annum from Contract Aquatic Services for a period of five years;
2. Authorise the Chief Executive Officer to proceed with a contract between the applicant and Shire of Cunderdin for a 5 year period commencing with the 2018/19 season; and,
3. Note that the total contract cost for the 2018/19 season is higher by \$5,500 (Including GST), due to the Shire not providing a house for the Pool Manager.

Moved: Cr Dianne Kelly

Seconded: Cr Jayson Goldson

Vote – Absolute Majority

Carried: 8/0

15. Closure of meeting

There being no further business the Shire President declared the meeting closed at 3.41pm.

16. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 20th September 2018 as shown were confirmed at the ordinary meeting of Council held on 23rd October 2018.

Signed: _____

Date: _____

UNCONFIRMED