



Shire of Cunderdin

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 15 November 2018** in the Cunderdin Shire Chambers, Cunderdin, WA, 6407 at **5.00pm**.

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AGENDA

1. Declaration of Opening

The President will declare the meeting open at 5.03pm

The Shire of Cunderdin disclaimer was read aloud by the Shire President.

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

Neville Hale	Chief Executive Officer
Stuart Hobley	Manager of Corporate Services and Finance
Kayla James	Governance and Compliance Officer
Fabian Houbrechts	Acting Manager of Works and Services
Jacky Jurmann	Planning Consultant

Guests of Council

None

Members of the Public

None

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

In regard to Item 11.2, the Chief Executive Officer presented to Council letters from Mr Ray Lehman dated 13 and 24 October 2018 together with a copy of the Chief Executive Officer's letter of response to the Council.

5. Applications for Leave of Absence

5.1 Councillor Jayson Goldson requested leave of absence

Resolution 5.1 November 2018

That Leave of Absence be granted to Cr Jayson Goldson for the Ordinary Council Meeting scheduled for 20 December 2018.

Moved: Cr Dianne Kelly

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 23 October 2018

Resolution 6.1 November 2018

That the Minutes of the Ordinary Council Meeting held on Tuesday 23rd October 2018 be confirmed as a true and correct record.

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

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

The following Councillors declared an Interest of Impartiality

- Dianne Kelly declared an interest of impartiality for confidential item 14.1.2
- Doug Kelly declared an interest of impartiality of confidential item 14.1.2

8. Announcements by President without Discussion

8.1 First item of business

Resolution 8.1 November 2018

That the Planning Section inclusive of Items 11.1, 11.2 and 11.3 be brought forward as the first items of business;

Moved: Cr Jayson Goldson Seconded: Cr Alison Harris

Vote: Simple Majority Carried: 8/0

11. Planning & Development

11.1 Proposed RAV Upgrade

Location:	Shire of Cunderdin
Applicant:	A/Manager of Works and Services
Date:	2 nd November 2018
Author:	Fabian Houbrechts
Item Approved by:	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

Heavy Vehicle Services (HVS) has received an application to add the following section of road onto the Restricted Access Vehicle (RAV) Network:

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060081	Lundy Avenue	Baxter Rd & Lundy Av Spur (B) (0.00)	Carter Dr (0.93)	N4	N4.3
4060030	Pascoe Rd	Five Mile Gate Rd (0.00)	End of road (7.47)	Nil	4
4060032	Taylor's Rd	Goldfields Rd & Kelkering Rd (0.00)	End of road (2.87)	Nil	4
4060139	Halbert Rd	Jasper Rd (0.00)	End of road (1.40)	Nil	4
4060169	Meckering Dowerin Rd	Quelagetting Rd (23.42)	Dowerin - Meckering Rd (30.76)	5	6 - 7

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 send 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

Please see below emails from MRHVS received in the last month

“Good morning Fabian or Greg,

Heavy Vehicle Services (HVS) has received an application to add the following section of road onto the Restricted Access Vehicle (RAV) Network:

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060081	Lundy Ave	Baxter Rd & Lundy Av Spur (B) (0.00)	Carter Dr (0.93)	4	N4.3

Please provide HVS with any comments relating to road condition, planning conflicts, development issues etc. that may be impacted by adding the above road onto the RAV network.

It would be appreciated if you could provide your comment to HVS within four (4) weeks of this email to enable HVS to consider any potential issues as part of our assessment process.

It is important to ensure that any comments are provided with sufficient reasoning, as this may be used to justify the decision to the applicant.

Should you require any further information or assistance regarding this request, please contact the HVS Route Assessment team on 138 486 or hvsrouteassessments@mainroads.wa.gov.au

Regards,

David Kellie

HEAVY VEHICLE SERVICES OFFICER, Heavy Vehicle Services “

“Good morning,

Heavy Vehicle Services (HVS) has received an application to add the following section of road(s) onto the Restricted Access Vehicle (RAV) Network:

Road Owner (if more than one)	Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
Shire of Cunderdin	4060169	Meckering Dowerin Rd	Quelagetting Rd (23.42)	Dowerin - Meckering Rd (30.76)	5	6 - 7
Shire of Dowerin	4070183	Dowerin Meckering Rd	Meckering - Dowerin Rd (0.00)	Jones St & Meckering Rd (25.64)	5	6 - 7

Please provide HVS with any comments relating to road condition, planning conflicts, development issues etc. that may be impacted by adding the above road(s) onto the RAV network.

Please be aware if the road is deemed unsuitable to be added to a RAV network when assessed it may be considered for a Restricted Local Access Permit (RLAP). This permit is for individual access to a road with a specific combination and with suitable conditions to mitigate any risk.

It would be appreciated if you could provide your comment to HVS within four (4) weeks of this email to enable HVS to consider any potential issues as part of our assessment process.

It is important to ensure that any comments are provided with sufficient reasoning, as this may be used to justify the decision to the applicant.

Should you require any further information or assistance regarding this request, please contact the HVS Route Assessment team on 138 486 or hvsrouteassessments@mainroads.wa.gov.au

regards

David Kellie ”

“Good morning Fabian,

Heavy Vehicle Services (HVS) has received an application to add the following section of road(s) onto the Restricted Access Vehicle (RAV) Network:

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060030	Pascoe Rd	Five Mile Gate Rd (0.00)	End of road (7.47)	Nil	4
4060032	Taylor's Rd	Goldfields Rd & Kelkering Rd (0.00)	End of road (2.87)	Nil	4
4060139	Halbert Rd	Jasper Rd (0.00)	End of road (1.40)	Nil	4

Please provide HVS with any comments relating to road condition, planning conflicts, development issues etc. that may be impacted by adding the above road(s) onto the RAV network. The attached preliminary assessment checklist should be used to assist you in identifying any significant deficiencies that may render the road(s) unsuitable for RAV access.

Please be aware if the road is deemed unsuitable to be added to a RAV network when assessed it may be considered for a Restricted Local Access Permit (RLAP). This permit is for individual access to a road with a specific combination and with suitable conditions to mitigate any risk.

It would be appreciated if you could provide your comment to HVS within four (4) weeks of this email to enable HVS to consider any potential issues as part of our assessment process.

It is important to ensure that any comments are provided with sufficient reasoning, as this may be used to justify the decision to the applicant

regards

David Kellie .”

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 11.1 November 2018

That Council:

Agree to the amendment of the RAV rating of current approved roads in the Restricted Access Vehicle (RAV) Network

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060081	Lundy Avenue	Baxter Rd & Lundy Av Spur (B) (0.00)	Carter Dr (0.93)	N4	N4.3
4060030	Pascoe Rd	Five Mile Gate Rd (0.00)	End of road (7.47)	Nil	4
4060032	Taylor's Rd	Goldfields Rd & Kelkering Rd (0.00)	End of road (2.87)	Nil	4
4060139	Halbert Rd	Jasper Rd (0.00)	End of road (1.40)	Nil	4
4060169	Meckering Dowerin Rd	Quelagetting Rd (23.42)	Dowerin - Meckering Rd (30.76)	5	6 - 7

subject to:

1. Advise Main Roads – Heavy Vehicle services that Council supports having it assess the above mentioned roads.
2. 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.
3. Require the applicant to fund the necessary works if they wish the upgrade to proceed and be added to the network for the applied RAV rating.
4. Additional terms be added in respect to Road No. 4060081 - Lundy Avenue that it be restricted to fuel delivery truck only.

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Fabian left the room at 5.19pm and did not return.

11.2 Proposed Amendment – Solar Farm, Lot 801 Great Eastern Highway, Cunderdin

Location:	Lot 801 Great Eastern Highway, Cunderdin
Applicant:	Sun Brilliance Power Pty Ltd
Date:	8 November 2018
Author:	J Jurmann, Contract Planner
Item Approved by:	N Hale, CEO
Disclosure of Interest:	Nil
File Reference:	DA2016/17-6(A1) & DAP/16/01112
Attachment/s:	1 – Form 2 RAR 2 – Applicant’s Submission

Proposal/Summary

An application to amend Condition 1 of the Development Approval issued by the Mid-West/ Wheatbelt Joint Development Assessment Panel dated 28 November 2018 has been received from Sun Brilliance Power Pty Ltd.

In accordance with the DAP Regulations the Form 2 application has been submitted to the Shire for acceptance and assessment.

The Responsible Authority Report has been drafted and is attached to this Report for Council’s consideration.

Background

The Mid-West/Wheatbelt Joint Development Assessment Panel approved the subject development on 28 November 2018, subject to the following conditions:

“Conditions

- 1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.*
- 2. This approval does not include the ancillary tourism component of the development detailed in Figure 3.*
- 3. The siting of the solar panels and ancillary infrastructure shall be a minimum of 20 metres from the property’s road boundaries and the top of the bank of the creek running through the site, 10 metres from all remaining property boundaries and not encroach into Western Power’s power line easement.*
- 4. The sub-station shall be constructed on-site a minimum of 200 metres from the nearest existing residence. An amended site plan, drawn to scale, shall be submitted prior to commencement of construction of the sub-station demonstrating compliance with this requirement.*
- 5. Prior to the commencement of works, a Landscaping Plan shall be submitted to the local government for approval detailing landscaping and fencing to be provided along the perimeter of the subject site sufficient to provide a visual buffer to motorists and nearby properties. Following approval, the Applicant must implement and maintain the measures described in the Landscaping Plan.*

6. *Prior to the commencement of any works, a Construction Management Plan shall be submitted to the local government for approval detailing;*
 - a. *the management of construction noise, dust, light spill, working hours, waste disposal and other activities to minimise the impacts on the locality;*
 - b. *MRWA approval for the delivery of all construction materials with all vehicles entering and exiting the site from Great Eastern Highway*
 - c. *any potential staging of the development;*
 - d. *the management of farming operations during the construction period; and*
 - e. *any potential impacts that the development may have upon Fiergert Road, the measures to be taken by the Applicant to minimise those impacts upon other road users and the measures to repair any damage caused to the local government's infrastructure.*
7. *Following approval, the Applicant must implement and monitor the measures described in the Construction Management Plan.*
8. *Prior to the commencement of any works, the Applicant shall submit for the approval of the local government, a Traffic Impact Assessment and a Traffic Management Plan prepared by a suitably qualified person, in conjunction with Main Roads WA, to define the necessary improvements and management arrangements that will be required to accommodate the anticipated vehicle movements triggered by the development.*
9. *With the exception of a compound immediately surrounding the sub-station, all fencing on the site shall be of permeable chain mesh or a rural post and wire construction to the satisfaction of the local government.*
10. *The Applicant shall:*
 - a. *minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels;*
 - b. *ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and*
 - c. *not mount any advertising signs or logos on site, except where this is required for safety purposes, unless with approval from the local government.*
11. *The Applicant shall comply with Australian Standard AS4282 (1997) – Control of the Obtrusive Effects of Outdoor Lighting.*
12. *All solar panels and ancillary infrastructure must be decommissioned and removed within 2 years of the cessation of operations, unless the local government agrees otherwise, and the Applicant shall rehabilitate the site to the satisfaction of the local government to enable broad-hectare or other approved farming activities to resume/continue.*
13. *All electrical distribution and reticulation cabling associated with the approved development on the subject land shall be placed underground.*
14. *Prior to the commencement of development the applicant is to submit a Fire and Emergency Management Plan to the local government for approval and shall at all times thereafter ensure the implementation of the approved Fire and Emergency Management Plan.*
15. *All stormwater is to be contained on the subject site to the satisfaction of the local government.*

Advice Notes

1. *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. The Applicant is reminded of Regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011 which amongst other things allow for the JDAP to extend the term of planning approval.*
2. *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.*
3. *Prior to commencement of the development hereby determined, a Building Permit or Demolition Permit may be required in accordance with the provisions of the Building Act 2011.*
4. *An application for a crossover or any works on the footpath/verge area will be required prior to carrying out any works. The applicant should liaise with the Shire's Works Manager.*
5. *The Applicant is responsible for all costs associated with any required road upgrades, including design and approvals.*
6. *The applicant is encouraged to negotiate with Western Power to have the reticulation cabling, running within Fiegert Road to connect the approved development with Western Power's 132KV line, placed underground.*
7. *The Applicant is reminded of the requirements of the Environmental Protection (Noise) Regulations 1997."*

The approved development is for the construction of a 100MW Solar Photovoltaic Power Plant on the subject property known as 'Creswick'. The Applicant estimated at the time of application that the farm would contain approximately 330,000 solar panels covering 140 hectares of the 165.43 hectare property. A sub-station will also be constructed to connect into Western Power's grid located 2.5 kilometres south of the property.

The subject property is located east of the Cunderdin townsite and contains a number of structures, including two dwellings, sheds and farm infrastructure that have been used in conjunction with traditional broad-hectare cropping and grazing activities. Refer to Figure 1.

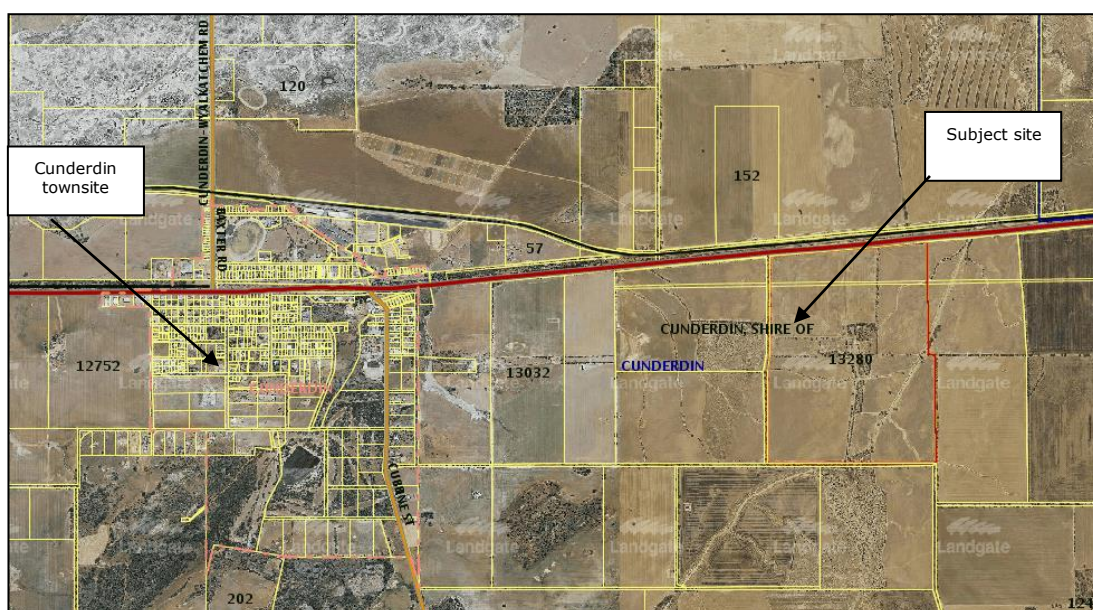


Figure 1 - Location Plan

The Form 2 application submitted by the Applicant is request approval to amend Condition 1 of the development approval for a further two (2) years giving the Applicant a total of four (4) years from the original date of the determination to substantially commence the development.

Comment

As indicated in this report, the application to amend condition 1 to extend the period for substantial commencement from two (2) years to four (4) years is supported.

The proposed time period of 4 years for substantial commencement is consistent with a number of recent JDAP approvals, including:

- Shire of Merredin solar photovoltaic facility approval for 4 years [DAP/17/01195, MWW JDAP 18]
- Shire of Northam solar photovoltaic facility approval for 4 years [DAP/17/01197, MWW JDAP 18]
- Shire of Dandaragan solar photovoltaic facility approval for 5 years [DAP/16/01072, MWW JDAP 10]
- City of Greater Geraldton solar photovoltaic facility approval for 5 years [DAP/16/01055, MWW JDAP 8]

Consultation

Public Consultation

The original application was advertising in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The issues raised in the submissions were considered in the original assessment and determination of the application. There are no legislative requirements to conduct further consultation for a minor amendment relating to extension of time.

Consultation with other Agencies or Consultants

The original application was referred to the relevant agencies and no objections were raised. It is understood that the Applicant is liaising with the relevant agencies to implement the project.

Statutory Implications

Planning and Development (Development Assessment Panels) Regulations 2011

Under regulation 17(1) of the Regulations a person may submit an application to request any development currently approved by a DAP, and any conditions of approval, to be amended or cancelled as follows:

17. Amending or cancelling development approval

- (1) An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply for the DAP to do any or all of the following —*
 - (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
 - (b) to amend or delete any condition to which the approval is subject;*
 - (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
 - (d) to cancel the approval.*

In accordance with Regulation 17(2) the Applicant has lodged a Form 2 from Schedule 3 of the DAP Regulations for a minor amendment to the existing DAP approval, and has paid the relevant fee in accordance with Schedule 1 of the DAP Regulations.

Pursuant to regulation 17(3), the Form 2 application has been lodged with the Shire and has been dealt with similarly to an ordinary Form 1 DAP application.

DAP Practice Note 4 – ANNEX A Decision-Making Principles for Form 2, Regulation 17, Minor Amendments

Where a Form 2 application is made in accordance with r.17(1)(a) 'to amend the approval so as to extend the period within which any development approved must be substantially commenced' the relevant planning considerations should include:

- whether the planning framework has changed substantially since the development approval was granted;
- whether the development would likely receive approval now; and
- whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

In response to the above questions, the Applicant has provided the following information:

“The planning framework of the 100MW Solar Farm development has not changed since it was approved.

Sun Brilliance Power Pty Ltd has actively and conscientiously pursued implementation of the development under the approved development term. However, third party processes, discussions and negotiations have taken considerably more time than expected delaying development, financing, procurement, construction, commissioning and operations. As a result, Sun Brilliance Power Pty Ltd is now requesting to extend the approval term to the 28 November 2020.

Progress to date:

- *Environmental studies and heritage clearances have been obtained.*
- *Preliminary Geotechnical studies have been completed.*
- *Owners Engineers have developed and completed the Concept Design and Specifications for the Plant, Current and Voltage Transformers as well as identification of Medium Voltage Transformers that will meet the Solar Farm’s specifications.*
- *Owners Engineers have undertaken and completed 22 kV single Line Diagrams and HV Single Line Diagrams which were submitted to Western Power (WP) with the Access application and were approved by WP.*
- *Independent Engineers have undertaken and completed the environmental and technical due diligence for the Facility and Functional Technical Specifications for an EPC contract.*
- *Selection process of EPC contractor has been finalised and an ASX listed EPC has been selected as the preferred contractor.*
- *Early works which includes detailed Geotech studies, hydro studies, survey, Solar Farm design and engineering etc is currently being undertaken by the EPC.*
- *Electricity Transfer Access Contract, Interconnection Works Agreement and an Asset Purchase Agreement have been executed with Western Power – all agreements with Western Power are now in place.*

Sun Brilliance Power Pty Ltd is totally committed to the implementation of the 100MW Solar Farm development and are progressing as quickly as practically possible.”

The following comments are made with respect to the matters identified above:

- *Planning framework*
There have been no substantial changes to the planning framework since approval of the application. Council at its meeting held on 23 October 2018 resolved to prepare a new local planning scheme, however there are no changes to the zoning or other provisions that affect the property.
- *Would approval be granted now*
Having regard to:
 - the comments that have been made immediately above;
 - the lack of change to any other component of the planning framework since approval was first granted; and

Accordingly, there being no changes to the proposed development, the proposal would receive the same Officer recommendation today (approval) as it did when the application was originally determined.

- *Implementation of the DA*

The Applicant has demonstrated that they have actively and conscientiously pursued the implementation of the development approval.

Policy Implications

Nil

Financial Implications

The Applicant has paid the relevant application fee specified in the DAP Regulations.

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

This amendment of condition 1 is consistent with the goals of the CSP, particularly as it represents sustainable development that may result in positive economic growth in future stages.

Resolution 11.2 November 2018

That Council:

1. Receive the Form 2 Responsible Authority Report for the amendment of condition 1 of the MWW JDAP Approval (Ref: DAP/16/01112) dated 28 November 2016 to construct a 100 MW Solar Farm Facility at Lot 800 (13280) Great Eastern Highway, Cunderdin.
2. Authorise the submission of the Form 2 Responsible Authority Report (attached to this Report) for the amendment of condition 1 of the MWW JDAP Approval (Ref: DAP/16/01112) dated 28 November 2016 to construct a proposed 100 MW Solar Farm Facility at Lot 801 (13280) Great Eastern Highway, Cunderdin to the Development Assessment Panel Secretariat.
3. Endorse the Officer's Responsible Authority Report Recommendation to APPROVE the Form 2 application to amend condition 1 of the MWW JDAP Approval (Ref: DAP/16/01112) dated 28 November 2016 to construct a 100 MW Solar Farm Facility at Lot 800 (13280) Great Eastern

Highway, Cunderdin to read:

“This decision constitutes development approval only and is valid for a period of 4 years from the date of this decision. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect”; and

Subject to all other conditions and requirements detailed on the previous approval dated 28 November 2016 remaining unless altered by the subject Form 2 application.

Moved: Cr Doug Kelly

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 8/0

11.3 Proposed Purchase – Portions of Lot 800 Lundy Avenue, Cunderdin

Location:	Lot 800 Lundy Avenue, Cunderdin
Applicant:	M Fissioli, Cunderdin Tourist Park
Date:	8 November 2018
Author:	Jacky Jurmann, Contract Planner
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 – Valuation 2 – Advertisement 3 – Survey plan 4 – Applicant’s correspondence

Proposal/Summary

Correspondence has been received from Mr Mick Fissioli, owner of the Cunderdin Tourist Park, proposing to purchase two portions of the Cunderdin Recreation Ground at Lot 800 Lundy Avenue, Cunderdin for the purposes of realigning the boundaries of the caravan park.

Background

The Applicant has submitted a request to purchase 2 areas of the Cunderdin Recreation Ground totalling an area of 1,384m² identified on the survey plan attached to this Report for the purposes of ‘squaring up the park boundary on the eastern end’ and ‘incorporating the water meter into the park boundary on the western end’.

The written offer received and considered by Council was to purchase two portions of the reserve for an amount of \$5,000.

In response to the Applicant’s request, Council at its Ordinary Meeting held on 16 August 2018 resolved to:

1. *Approve, in principle, the sale of the identified portions of Lot 800 Lundy Avenue, Cunderdin to the Applicant, Mr Mick Fissioli, owner of the Cunderdin Tourist Park for an agreed amount based on the sworn valuation, including the costs associated with the preparation of the sale.*
2. *Commence the advertising process in accordance with the provisions of the section 3.58 of the Local Government Act 1995.*
3. *Advise the Applicant that the areas of Shire owned land currently occupied by the caravan park that are not within the portions proposed for sale shall be returned to their original condition.*
4. *Receive a further report following close of the advertising period for Council to consider any submissions and to make a final resolution.*

A Sworn Valuation was obtained from LMW Perth in accordance with the provisions of section 3.58 of the *Local Government Act 1995*. The Valuation indicates that the market value of the two portions of the subject of this Report is \$4,800.00 (plus GST).

The Valuer has made the comment that:

“Given the lack of access, poor shape, lack of servicing we note that there is very limited market for the land to be sold to the open market and therefore we have carefully considered the value of this land to the owner of Lot 74. Given the very limited lack of other potential buyers and taking into account all of the issues mentioned we have discounted the rate below what would otherwise realisable to the open market (i.e. we have adopted a rate below the rate of most sales evidence shown)”.

A copy of the Valuation is attached to this Report.

Comment

A third area was identified in the Valuation Report and on the Applicant's survey (noted as Area 5), which has an area of 98m², which the Applicant proposed to fence along the boundary of the old trotting track and maintain the area, but was not included in his offer for purchase.

Although the size of this area could be considered minor and the offer of maintenance beneficial, it is inappropriate due to public liability risks to allow a person to fence Shire land and therefore should not be supported. The current setback of the existing boundary from the fence enables the Shire to maintain the area, including the old trotting track fence. A second recommendation for Council's consideration has been made to this effect.

If Council was of the mind to consider sale of this area of the reserve, then careful consideration would need to be given to the implications associated with maintenance of the recreation area and the trotting track fence that could have a degree of historical importance to the community.

As this area was not identified for sale in the advertising to the community, the consultation processes required under section 3.58 of the *Local Government Act 1995* would need to be implemented prior to Council considering this matter further.

Consultation

In accordance with section 3.58 of the *Local Government Act 1995*, the proposal was advertised to the community for a minimum period of two weeks by placing a notice in the Bandicoot Newsletter and on the Shire's website and community noticeboards.

At the time of writing this Report, no submissions had been received in response to the advertising regarding the proposal. Noting that the submission period closes on 9 November 2018, if any submissions are received they will be provided to Council for consideration prior to making a determination on this matter.

Statutory Implications

The process for consideration of the proposed purchase has been carried out in accordance with the provisions of section 3.58, in particularly subclause (3), of the *Local Government Act 1995*, which applies to the disposal of property by local government and is reproduced for Council's information as follows:

Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Policy Implications

Nil.

Financial Implications

Costs associated with the required consultation and preparation of the sale are to be borne by the Applicant as resolved by Council at its Ordinary Meeting held on 16 August 2018.

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

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

Resolution 11.3 November 2018

That Council resolves to:

1. Approve the sale of Area 1 (1061m²) and Area 2 (325m²) identified on the Survey Plan prepared by Jurovich Surveying (DWG: 78218-01, Rev. D) dated 3 October 2018 on Lot 800 Lundy Avenue, Cunderdin to the Applicant, Mr Michael Fissioli of the Cunderdin Tourist Park for an agreed amount of \$5,000.00 plus GST, subject to:
 - a. the Applicant is responsible for all costs associated with the sale including valuation; and
 - b. Advise the Applicant that the areas of Shire owned land currently occupied by the caravan park that are not within the portions proposed for sale shall be returned to their original condition.
2. Not to approve the sale of Area 5 (98m²) identified on the Survey Plan prepared by Jurovich Surveying (DWG: 78218-01, Rev. D) dated 3 October 2018.

Moved: Cr Todd Harris

Seconded: Cr Jayson Goldson

Vote –Simple majority

Carried: 8/0

Jackie Jurmann left the room at 5.28pm and did not return.

9. Finance & Administration

9.1 Financial Reports for October 2018

Location:	Cunderdin
Applicant:	Manager of Corporate Services and Finance
Date:	8/11/2018
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	4 attachments

Proposal/Summary

The financial reports as at October 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 November 2018

That Council receives the monthly financial reports for the period ending 31 October 2018.

Moved: Cr Alison Harris

Seconded: Cr Jayson Golson

Vote – Simple Majority

Carried: 8/0

9.2 Accounts Paid – October 2018

Location:	Cunderdin
Applicant:	Manager of Corporate Service and Finance
Author:	Stuart Hobley
Report Date:	8/11/2018
Item Approved By:	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:

Total for Municipal -	\$285,816.77
Total for Trust -	<u>\$192.76</u>
TOTAL -	\$286,009.53

for October 2018 as listed in the Warrant of Payments for the period 1st to 31th October 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 November 2018

1. That Council's payment of accounts amounting to \$285,816.77 from Municipal Account and \$192.76 from Trust Account for September 2018, from :

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 2545 - 2681	\$266,088.42	
Direct Debit: DD1225.1 - 1 1253.1	\$5,245.49	
Cheques: 11434 - 11439	\$14,482.86	285,816.77
Trust Account		\$192.76
TOTAL		\$286,009.53

be confirmed and noted; and,

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

Moved: Cr Jayson

Seconded: Cr Norm

Vote – Simple Majority

Carried: 8/0

9.3 Council Investments – As at 31st October 2018

Location:	Cunderdin
Applicant:	Manager of Corporate Services
Author:	Stuart Hobley
Report Date:	8/11/2018
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31st October 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 \$ 998,124.76 (Westpac - \$ 838,761.83 & Bendigo - \$ 159,362.93) as per attached statements, the following investment accounts are held as at 31st October 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	\$1,115,749.12	Business Cash Reserve 22-3647 0.50%	\$1,115,749.12		
Westpac Bank	\$143,015.88	Trust Working Account 12-2981			\$143,015.88
TOTAL INVESTMENTS	\$2,252,490.07		\$1,115,749.12	\$993,725.07	\$143,015.88

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 52,730.32 and Bendigo Term Deposit Ref: 2640625 - \$ 432,705.08

Consultation

Nil

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil

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 November 2018

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

Moved: Cr Dianne Kelly

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

9.4 Delegations Register 2018 - Update

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	9 November 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment

Proposal/Summary

For Council to adopt the attached updated Delegations Register to acknowledge a title change from Deputy Chief Executive Officer to Manager of Corporate Services and Finance.

Background

Council's Delegations Register has been reviewed previously and adopted at Councils Ordinary Meeting of Council on 23 October 2018.

Since the employment of a Manager of Corporate Services and Finance, Mr Stuart Hobley has been unable to act on required delegations. There for this is an absolute requirement to ensure efficiency within the Shire Administration Office.

The Delegations Register fit into a hierarchy of requirements. Accordingly, it is necessary that it integrates with legislative requirements and the local laws, planning policy and general policy as made by Council.

Comment

The Manager of Corporate Services and Finance has the same role as a Deputy Chief Executive Officer and therefore should be delegated the same management practices.

This will include the following delegations:

- Cat Act 2011
- Cemetery Local Law 2016
- Confidential records – Inspection
- Contracts – Variations
- Control of Vehicles (Off-road Areas) Act 1978
- Destruction of records
- Discount/waiver/subsidy of facility hire fees
- Disposal of sick or injured animals
- Disposing of property, and impounded, confiscated or uncollected goods – sale
- Dog Act 1976
- Dogs Local Law 2015
- Firefighting – Emergency plant hire
- Impounding of cattle etc.
- Impounding of vehicles and goods

- Investments
- Issue of burning permits – CEO - Points 1 & 2 only
- Liquor Control Act 1988
- Local Government Property Local Law 2015
- Long service leave
- Municipal Fund – Incurring expenditure
- Municipal Fund and Trust Fund – Payments from Bank Accounts
- Native flora and fauna
- Pest Plants Local Law 2015
- Sundry and rate debtors – Recovery and agreements
- Temporary road closures
- Tenders – authority to set specifications, criteria, call, accept, vary
- Thoroughfares and Public Places Local Law 2015

Consultation

Executive Staff

Statutory Implications

Compliance with various Local Government Act requirements.

Adoption of Delegations is required to be by absolute majority.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

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

Resolution 9.4 November 2018

That Council, Within Council’s Delegation Register, authorise the removal any reference to the Deputy Chief Executive Officer and replace with reference to Manager of Corporate Services and Finance.

Moved: Cr Jayson Goldson

Seconded: Cr Bernie Daly

Vote – Absolute majority

Carried: 8/0

9.5 Regional Early Education Development

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	9 November 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment

Proposal/Summary

That Council agrees to proceed with the transfer of its Cunderdin Early Learning Centre to Regional Early Education and Development Inc. (REED).

Background

The Daycare Centre, now known as Cunderdin Early Learning Centre (CELC) was originally run by a committee of Council to govern the centre, however after temporarily closing the CELC in 2015 Council agreed to manage and govern the centre, taking on all management and administration costs.

The 2017/2018 budgeted expenditure, as amended, was	\$148,968.00
Actual Expenditure was	\$130,583.24

Income Budgeted	\$24,000.00
Actual Income was	\$19,581.35

Council would be aware that REED had previously contacted the Shire of Cunderdin for its Cunderdin Early Learning Centre to be a part of a regional program to manage and govern Early Education Centres within the Wheatbelt as Shires “were struggling to make ends meet”.

The idea is that one body (REED) governs and manages a cluster of Early Education Centres, reducing overall costs of management.

Comment

In regards to the next step for merging with REED, we have been requested to start the process of transfer by having the following wording put into a letter from Council (with the Shire’s letterhead) to work toward a special resolution and MOU (Memorandum of Understanding) negotiations.

The wording requested is as follows;

“That Council agrees to transfer the Cunderdin Early Learning Centre to the Regional Early Education and Development Inc. (REED)”.

The steps required to achieve the transfer include but are not limited to:

- Providing requested information to REED staff and authorised representatives.
- For the Shire to make application to ECRU for the transfer of its Approved Provider status to REED.
- For the Shire to proceed with winding up of the existing Cunderdin Early Learning Centre at the appropriate time.

Once this is done for the Memorandum of Understanding can be progressed in consultation with Kylie Helgesen and Helen Creed (Chair of the Board).

Currently CELC is accommodated within a Shire property. It will be necessary in view of the stated intent of REED to utilise the land and building assets of the Shire for a lease agreement to be entered into under terms and conditions to be approved by Council at a later date.

Consultation

Executive Staff

Regional Early Education Development Inc.

Statutory Implications

Nil

Policy Implications

Nil.

Financial Implications

The successful transfer of CELC to REED would financially benefit the Shire due to the potential cost savings involved and improve the quality of the service through a service specific organisation.

Strategic Implications

Resolution 9.5 November 2018

That Council agrees to proceed with the transfer of its Cunderdin Early Learning Centre to Regional Early Education and Development Inc. (REED) subject an appropriate Memorandum of Understanding and lease arrangements for the existing land and buildings

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Absolute majority

Carried: 8/0

9.6 Adoption of the Strategic Community Plan and Corporate Business Plan

Location:	Cunderdin
Applicant:	Administration
Author:	Kayla James - Governance & Compliance Officer
Report Date:	9 November 2018
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 attachments (SCP CBP)

Proposal/Summary

Council to consider the draft review of the Corporate Business Plan 2018-2022 and Community Strategic Plan 2017 – 2026 prepared in accordance with the Integrated Planning and Reporting Framework.

Background:

A revised Strategic Community Plan (SCP) for the period 2017-2026 was adopted by Council in June 2017 following extensive Community Engagement as a part of its Major Review.

Aligned with the strategies and priorities in the SCP, a Corporate Business Plan (CBP) was developed for the period 2018 - 2022. This medium term plan outlines the services, major projects and priority activities needed to be delivered to support the SCP direction.

During the review workshop of the CBP conducted Tuesday 23 October by staff and elected members, Consultants Megan Shirt and Celeste Smith reformatted the Strategic Directions, deleted any duplications or completed/voided directions. This included combining the Housing and Facilities Strategy into Infrastructure and Transport.

As a part of the Major Review of the Corporate Business Plan legislative requirements, the CBP will be advertised for comment for 3 weeks. Comments from the community will be reviewed and included in the plan for adoption to be presented at the December Ordinary Meeting of Council.

Comments:

The Local Government Act 1995 and the Department of Local Government Advisory Standard on Integrated Planning and Reporting (IPR) Framework provides the direction for planning activities, including engagement and review.

IPR is a process designed to:

- Articulate the community's vision, outcomes and priorities
- Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability Monitor and report progress

The Local Government Advisory Standard goes on to state the following:

All local governments are required to produce a plan for the future under section 55.56 (1) of the Local Government Act 1995. Regulations under Section 5.56(2) of the Act outline the minimum requirements to achieve this. The minimum requirement of the plan for the future is the development of:

- A Strategic Community Plan; and
- A Corporate Business Plan.

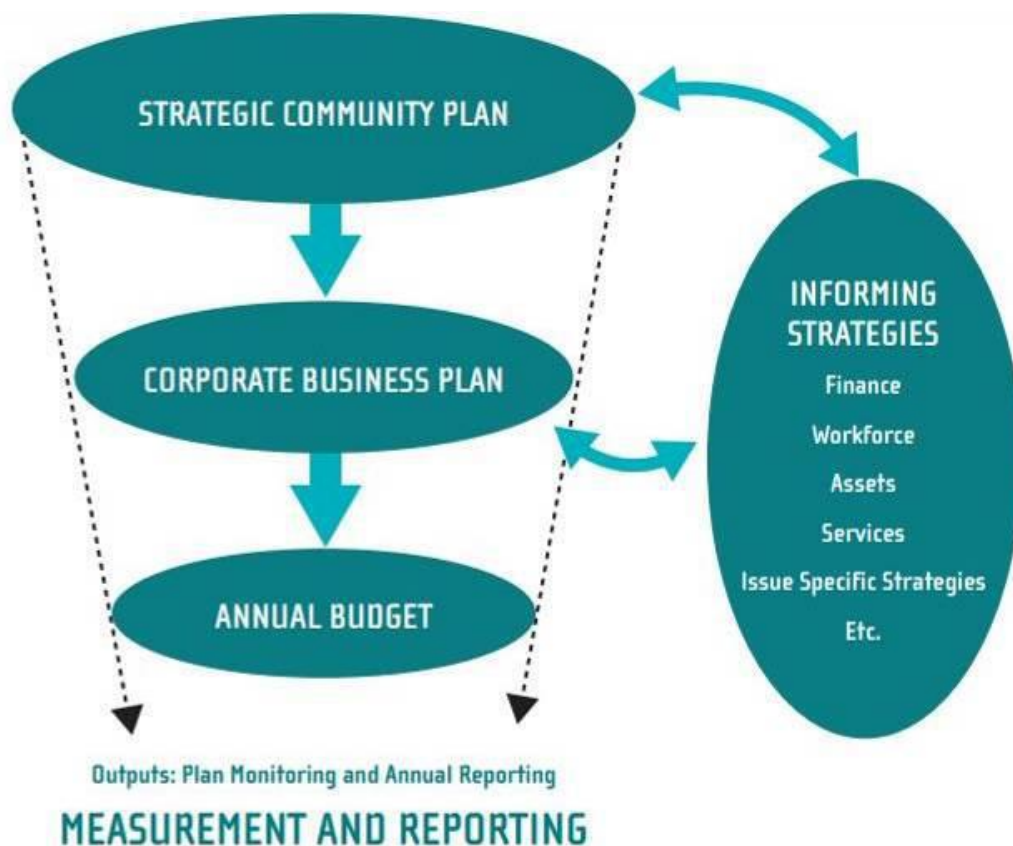
The Strategic Community Plan is the Council's principal 10-year strategy and planning document. It is the guiding document for the remainder of the IPR suite. Community engagement to determine their vision and priorities is central to the Plan.

The Corporate Business Plan is the Council's 4-year planning document. It gives effect to the first four years of the Strategic Community Plan and is pivotal in ensuring that the medium term commitments are both strategically aligned and affordable. This is achieved through rigorous scrutiny and prioritisation in the Strategic Review process

The IPR Framework provides for informing and issue specific strategies and plans. For example, these may include a workforce plan, recreation strategy, age-friendly community plan and an economic development strategy.

The other integrated planning documents have previously been adopted by Council as follows:

- Asset Management Plan – March 2012 (review being undertaken and proposed to be put to the February Meeting¹ inclusive of a workshop)
- Workforce Plan – July 2013 (Plan presented to November Council Meeting)
- Long Term Financial Plan – September 2013 (review being undertaken and proposed to be put to the February Meeting)



Statutory Implications

All local governments are currently required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995*. Regulations have been made under S5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

The minimum requirement to meet the intent of the plan for the future is the development of a Strategic Community Plan and a Corporate Business Plan.

Local Government Act 1995 – Local Government (Administration) Amendment Regulations (No. 2) 2011–
Section 19C – Planning for the future: strategic community plans – s. 5.56:-

- (1) A local government is to ensure that a Strategic Community 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 Strategic Community Plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A Strategic Community Plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current Strategic Community Plan for its district at least once every 4 years.
- (5) In making or reviewing a Strategic Community Plan, a local government is to have regard to –
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to sub regulation (9), a local government may modify its Strategic Community Plan, including extending the period the Plan is made in respect of.
- (7) A council is to consider a Strategic Community 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.
- (8) If a strategic community plan is, or modifications of a Strategic Community Plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the Plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a Strategic Community Plan and when preparing modifications of a Strategic Community Plan.
- (10) A Strategic Community Plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the Plan or the preparation of modifications of the Plan.

Policy Implications

Nil

Financial Implications

Local advertising of the Major Review of the Corporate Business Plan is required. These costs are included in the current budget.

Legal Compliance

The four-yearly Major Strategic Review is a regulatory requirement under Section 5.56(4) (5) of the *Local Government Act 1995* which outlines the minimum requirements of this review:

- a) (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

Resolution 9.6 November 2018

That Council:

1. Adopt the Strategic Community Plan 2017 – 2026 as reviewed on 15 November 2018;
2. Adopt the Draft Corporate Business Plan 2018-2022; and,
3. Authorise the Chief Executive Officer to advertise the Corporate Business Plan 2018-2022 as per Section 5.56(4) (5) of the *Local Government Act 1995* where changes will be presented to Councils Ordinary Meeting of Council in December 2018.

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Absolute Majority

Carried: 8/0

9.7 Shire of Cunderdin – Fixed Standpipe Management Review

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	9 November 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Charges – Community Consultation

Proposal/Summary

Council to consider the reclassification of fixed standpipes within the Shire of Cunderdin.

Background

In early 2017, Water Corporation commenced a review to collate corporate knowledge of fixed standpipes. They critically analysed all aspects of the management process including receipt and processing of applications, classification of account types, infrastructure installed at the point of distribution, pricing and the policy governing use of fixed standpipes.

A major issue has been commercial operators gaining water at Local Government Authority (LGA) concessional rates which in some instances has caused a shortage of water in some regional towns.

In September 2017, an 'Issues Paper' was published summarising the information gathered, issues identified and Water Corporation's position on these matters. All 156-standpipe owners, WALGA, the Regional Development Commissions and Department of Fire and Emergency Services were invited to provide feedback on this paper which helped the Water Corporation model the new process for managing fixed standpipes in the future.

Based on this feedback, the Water Corporation will now be implementing a new management and billing structure from 1 July 2019. The major change is the way standpipes are billed.

They will now be based on four categories.

1. LA Standpipe - (use by Local Government only) and must be locked or controlled in some way so the public has no access and can be any size meter. Concessional rates applied. No service charge.
2. Community Standpipe - this is only available at a 20mm or 25mm size now. 20mm service charge will apply.
3. Commercial Standpipe – any meter above 25mm will now be seen as being used for commercial purposes and will be charged at commercial rates. .
4. Fire-fighting Standpipe – no change just a new category to identify easier. 100% discount still applies. These need to be controlled to ensure commercial operators are not accessing them which could become problematic in the future if insufficient water is not available if a fire occurs.

The new pricing structure is linked to the size of the standpipe meter, as this determines the flow rate. Small standpipes (20mm and 25mm) generally deliver between 20 – 40 litres per minute. Large standpipes (any pipe larger than 25mm) generally deliver from 80 litres per minute and above.

All LGA standpipes with a meter size of 20mm to 25mm will receive concessional rates and are to be used by the LGA or for community purposes only (such as drought assistance for farmers or households not connected to scheme water when a drought condition is announced by the Government).

All standpipes with a meter size above 25mm will be charged at a commercial rate, but an exemption to consumption charges will apply for water used for firefighting purposes. Standpipes with a meter above 25mm that are locked or in a Shire Depot for Shire use only will be able to access the concessional rate by providing evidence of the ability to control user access.

The concessional rate is cut off at 25mm water main size because it is regarded that the lower flow rate is less likely to be able to deliver more than 49 kilolitres per day which would qualify for a major consumer agreement. Anything above 25mm is viewed at being used for a commercial purpose.

These changes have been made due to some commercial customers accessing LGA owned standpipes with concessional rates which are below the regulated Town Class rate for the location as set by Government. Water is a precious resource and is regulated like any other valuable resource and correct pricing must be enforced.

Fixed standpipes provide an essential source of water for customers that are remote from reticulated water schemes, amenities to communities by enabling local governments to maintain infrastructure and building activities, and enable economic growth by supplying businesses that rely on carted water as an input to production.

These changes will ensure the rate commercial customers pay is consistent across the State.

Comment

Information has been provided by the Community Emergency Services Manager, the Governance and Compliance Officer and the Acting Manager of Works and Services.

Council has 15 fixed standpipes within its Shire boundary. These standpipes have a meter size of 40mm to 50mm. If the standpipes remain and not reclassified as required by the Department of Water, they will be classed as commercial which will attract a commercial service charge per annum and higher usage charge from 1st July 2019 as follows:

- 11 standpipes have a meter size of 50mm, which if used for commercial purposes, will have a service charge at \$1,658.93 each per annum and water usage charge ranging from \$5.011 to \$8.353 per kilolitre (kL).
- 4 standpipes have a meter size of 40mm which will have a service charge at \$1,061.73 per annum and water usage charge \$5.011 per kilolitre (kL) as per the Water Corporation Class.

It is recommended that the various standpipes be classified as either Bushfire use, Local Authority use or Commercial use, thereby reducing the significant cost increases if not reclassified appropriately. e.g. Local Authority use has a \$0 service charge per annum and water usage charge of \$2.534 per Kilolitre. Fire Standpipes attract no service or usage charges provided evidence is available of local fire incident.

Shire of Cunderdin existing Standpipes are located as per attached map.

Consultation

Acting Manager of Works and Services – Fabian Houbrechts
Community Emergency Services Manager – Daniel Birlison
Shire of Cunderdin Bush Fire Advisory Committee
Water Corporation – Wendy Matthews

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

As per attachment.

Notwithstanding the unaccounted for water usage in the past, this system aims to reduce costs to the Shire of Cunderdin.

Based on 2017/18 consumption and associated charges the indicative costs post 1 July 2019 without appropriate reclassification of standpipes could result in the following increase:

Year	Service Charge \$	Consumption KI	Rate/KI \$	Total \$
2017/18	0	8,513		22,377
Projected				
2019/20				
40 mm	1061.73 x 4)			
50 mm	1,658.93 x11)	8,513	5.011	65,152

The above costs exclude administration.

It is anticipated that the proposed padlock system and reclassification will ensure that all costs are accounted for in budgeting processes and appropriate recovery of commercial charges.

Strategic Implications

1. Infrastructure and Transport

We work together to advocate for the needs of our residents for improved levels of health, water, energy, communications and transport infrastructure to be provided by State Government, to meet increasing demand and to support our growth as a community.

- IT5.2 *Develop partnerships with government and agencies for improved services.*

Resolution 9.7 November 2018

That Council:

- endorse the following standpipe classifications as per the below table; and;
- authorises the Chief Executive Officer to sign the “Standpipe Classification Action Plan” and submit it to the Water Corporation:

Meter Number	Details of Site	Indicative Class
9007955214	3476 Quelagetting Rd, North Cunderdin	Bush Fire
9007954588	Dowerin - Meckering Rd, Cunderdin North	Local Authority
9007954561	Rabbit Proof Fence Rd, Cunderdin North	Bush Fire
9007954342	Doodenanning Rd Cunderdin South Adj Lot 11178	Bush Fire
9007954203	Five Mile Gate Rd Cunderdin South Opp Lot 5498	Bush Fire
9007954078	Bulgin Rd Cunderdin South Adj Lot 16557	Local Authority
9007953761	Goldfields Rd Cunderdin South Adj Lot 9925	Local Authority
9007953737	Cubbine Rd Cunderdin South Adj Lot 5339	Bush Fire
9007953331	Rabbit Proof Fence Rd Cunderdin North Opp Lot 20925	Local Authority
9007950923	Moore Rd Main Conduit West Standpipe	Bush Fire
9007950202	Goomalling - Meckering Rd Grass V- Ballidu Standpipe	Local Authority
9007950085	Goomalling Rd Grass V - Ballidu Standpipe (aka front of Collingully)	Bush Fire
9007945462	Great Eastern Hwy Main Conduit West Standpipe	Local Authority
9007850084	2 Dempster St Meckering Lot Standpipe	Commercial
9007833823	Lundy Ave Cunderdin Lot Road Res	Commercial

Moved: Cr Norm Jenzen

Seconded: Cr Jayson

Vote – Absolute majority

Carried: 8/0

9.8 Establishment of the Sandalwood Village Tenancy Committee

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	6 November 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	None
File Reference:	
Attachment/s:	1x ToR, 1 x maintenance request, 1x building requests.

Proposal/Summary

For Council to consider the formation of a Sandalwood Village Tenancy Management Committee to provide feedback, recommendations and/or make decisions based on Part 5, Division 4 of the Local Government Act 1995.

Background

Sandalwood Village was opened for residency on the 15 October 2018.

Since then there have been a number of requests come through the Shire Offices which are not limited to the maintenance period as agreed to in the practical completion with builders, PINDAN Modular Homes.

These requests are to do with the fittings and fixtures of the individual buildings, therefore fall under the responsibility of the landlord – being the Shire of Cunderdin.

This responsibility can be efficiently managed with the formation of a management committee.

Comment

Since the development of the Age Appropriate Accommodation (Sandalwood Village) the Shire of Cunderdin have had a series of enquires come through from tenants in regard the fittings and fixtures of the building. Examples are found in the attached confidential item.

It is proposed that the committee will make decisions and/or recommendations to Council dependant on the composition of the Committee, in accordance with s5.9(2)(b) of the Local Government Act 1995, and any delegation to that Committee..

A Management Committee will streamline the ongoing requirements and management of Sandalwood Village.

The Age Appropriate Accommodation Management Committee Terms of Reference Indicate that it will remain responsible for matters associated with the completion of the Buildings Contract including the 12 month retention/warranty period that extends to final completion of the project in September 2019.

Consultation

Rates and Debtors Officer – Brooke Jasper

Age Appropriate Accommodation Project Management Committee

Policy Implications

Sandalwood Village 1 – Management

Statutory Implications

5.9. Committees, types of

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4

Part 5, Division 4 of the Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO ²⁹

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

Financial Implications

Councillor delegates are entitled to claim travel expenses and committee sitting fees.

Strategic Implications

Strategic Community Plan

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 communities.

CL 6.1 Deliver sustainable governance through transparent and robust policy and processes

Resolution 9.8 November 2018

That Council:

1. in accordance with s5.9(2)(b) of the Local Government Act 1995, establish Sandalwood Village Tenancy Management Committee and appoint:

Cr Bernie Daly ; Cr Dianne Kelly ;

Manager Corporate Services & Finance; Rates and Property Officer

as members of the Committee: and

2. endorse the attached Terms of Reference.

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Absolute Majority

Carried: 8/0

9.9 Old Tennis Club Room

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	7 November 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	None
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider options for the Old Tennis Club Building.

Background

The Shire had previously made application for funding to construct additional Independent Living Units and the refurbishment of the Former Tennis Club Building as a common meeting area for the residents of what is now known as Sandalwood Village. Regrettably, the funding application lapsed as a result of the change of Government and its funding priorities.

Council at its 15 September 2016 Ordinary Meeting considered options for the future use of the Tennis Club Building and its Common Room, and resolved as follows;

Resolution 8.1

2. That Council:

- a. *Demolishes the former Incorporated Club building.*
- b. *Retains the former Tennis Club Common Room.*
- c. *Authorises the Chief Executive Officer to obtain quotes for the services of a building engineer and external / interior designer to provide recommendation/s to Council on building requirements and refurbishment designs / costs for the Tennis Common Room.*
- d. *Restores the façade to the former Tennis Common Room and refurbishes the building, subject to design and cost estimates provided by the building engineer and external / interior designer.*

In accordance the above resolution, Structerre Consulting Engineers were engaged and produced a report “upon the feasibility of demolishing additions to the original building and reinstating the building to its original 1950 form”.

The report identified a number of issues in regard to the structure of the building that would require extensive works. This report had been presented to Council for its information previously and was the basis of ongoing discussion.

Subsequently, quotes were also obtained for refurbishment, replacement and/or demolition but no definitive decision has been made. Following the 2018/19 Budget deliberations it was further agreed that updated costings be obtained for the refurbishment of the Tennis Club Building or for its replacement with a modern structure. Alternatively quotes were requested in respect to its demolition.

The extent of works required and the previously mentioned loss of funding has delayed any resolution of this matter.

Comment

Attached for Council's information are the following quotes;

Refurbishment

Yarra Building Services \$263, 000 inc. GST *

Plus an additional \$75,000 for ceiling replacement, floor coverings and painting.

This does not consider drainage costs.

Replacement

Pindan Modular Homes \$330,648 inc. GST + demolition

Plus the costs of demolition and ground preparation and drainage.

Demolition

Andrew Swann has provided an indicative figure of \$50,000, to be confirmed by Council's 17 November 2018 Ordinary Meeting.

**(Price is justified by JM Building Services Quote)*

Consultation

Age Appropriate Accommodation Project Management Committee

Pindan Modular Homes

Andrew Swann

Yarra Building Services

JM Building Services

J A Building

Josh Byrne and Associates

CEO Shire of Kellerberrin – Raymond Jefferies

Policy Implications

N/A

Financial Implications

- Costs of Refurbishment/demolition/rebuild
- Possible costs of clean-up on surrounding buildings if demolition is required
- Costs of landscaping the area and ongoing costs from that.

Strategic Implications

Strategic Community Plan 2017 – 2027

3. Housing and Facilities

Our communities will have choices as their housing needs change, and have access to a choice of facilities and services.

5. Infrastructure and Transport

We work together to advocate for the needs of our residents for improved levels of health, water, energy, communications and transport infrastructure to be provided by State Government, to meet increasing demand and to support our growth as a community.

Resolution 9.9 November 2018

That Council;

1. Prepare and distribute community survey in respect to the three options discussed by Council being, demolition, refurbishment or construct a new fit for purpose building; and,
2. Authorise the CEO to make minor repairs to the Club building to the value of up to \$3,000

Moved: Dianne Kelly

Seconded: Jayson Goldson

Vote – Simple Majority

Carried: 5/3

9.10 Write Off of Costs – 7 Main Street Cunderdin

Location:	Cunderdin
Applicant:	Manager of Corporate Services and Finance
Date:	8/11/2018
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	

Proposal/Summary

Council has received a request from Mr Graham Cooper to write off the fees charged with respect to the sale of Lot 7 Main Street, Cunderdin from the Council to Mr Cooper.

Background

In September 2014 Council was approached by Mr Graham Cooper, owner of Elders Farm Supplies, to purchase a portion of Lot 7 Main Street, Cunderdin for amalgamation into Lot 8 to formalise the use of this portion of the Lot. Council approved of the proposal in principle and application proceeded.

Council at its Ordinary Meeting held on 19 April 2018 resolved to:

5. *“Approve, in principle, the sale of the whole of Lot 7 Main Street, Cunderdin to the Applicant, Mr Graham Cooper of Farmways for an agreed amount of approximately \$30,000 (subject to a sworn valuation).*
6. *Commence the advertising process in accordance with the provisions of the section 3.58 of the Local Government Act 1995.*
7. *Advise the Applicant of the responsibility to bear the costs association with the preparation of the sale, including any advertising costs.*
8. *Advise the Applicant that a condition of the sale is the inclusion of the signed agreement between the Applicant and the Cunderdin Lions Club for continued community use of the playground and kiosk.*
9. *Receive a further report following close of the advertising period for Council to consider any submissions and to make a final resolution.”*

Council at its Ordinary Meeting held on June 2018 resolved to:

1. *Approve the sale of the whole of Lot 7 Main Street, Cunderdin to the Applicant, Mr Graham Cooper of Farmways for an agreed amount of \$30,000.00, subject to:*
 - a. *the Applicant is responsible for all costs associated with the sale; and*
 - b. *that a condition of the sale is the inclusion of a signed agreement between the Applicant and the Cunderdin Lions Club for continued community use of the playground and kiosk.*

The sale of the land to Mr Cooper was finalised in August 2018 and the Shire forwarded an invoice relating to the expenses to Mr Cooper for the sale of the land in September 2018.

In October 2018 Mr Cooper requested that Council waive the costs associated with the sale of Lot 7 Main Street Cunderdin.

In his request Mr Cooper states that:

- There was no discussion regarding the expenses being passed on him,
- The invoices were submitted after the sale and should have been presented at settlement,
- The property evaluation was a Shire decision and not discussed with him; and

- The purchase price was \$30,000 and the valuation was only \$25,000.

Comment

The process of obtaining a valuation is required before the decision to sell is made by Council. It is not normal practice for a Council to pass on the costs associated with the valuation of a property prior to sale. Obtaining a sworn valuation for the sale of a property is an abnormality that is a legislative requirement of Local Government and this cost would not have been readily known by Mr Cooper.

Mr Cooper has advised that the Shire did not inform him of his responsibility to pay these cost or provide him with an estimate of the valuation costs before he received the invoice.

The Shires' Planner forwarded the following correspondence to Mr Cooper on the 10 May 2018 following the decision made at the April 2018 Council Meeting:

Please be advised that the advertising in relation to your offer to purchase Lot 7 Main Street, Cunderdin will commence on 17 May 2018 and finish on 4 June 2018. A further report will be presented to Council in June following the advertising period.

As part of this process the Shire had to obtain a sworn valuation, which I have attached for your information.

The costs associated with your proposed purchase will be invoiced at a later date.

It is clear from the above email which included the valuation report, that there was a cost for the valuation and that other costs associated with the sale would be invoiced. However, there is no specific costs listed as they would have been unknown until completion of the process.

Accordingly, it is recommended that the amount not be written off, however Council does have the ability to waive the debt if it sees fit to do so.

Consultation

Graham Cooper – Owner of Farmway's Cunderdin
Jacky Jurmann – Planning Consultant

Statutory Environment

The Local Government Act 1995 gives the Council the power to write offs debts owed.

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
- (b) waive or grant concessions in relation to any amount of money; or*
- (c) write off any amount of money,*

which is owed to the local government.

Policy Implications

Nil

Financial Implications

No financial implications if the amount is not written off. If the amount of \$1,912.41 is written off Council will not receive this income.

Strategic Implications

Nil

Resolution 9.10.1 November 2018

That Council not write off the amount of \$1,912.41 owed by Mr Graham Cooper for the costs associated with the purchase of Lot 7 Main Street Cunderdin.

Moved: Cr Jayson Goldson

Seconded: Cr Bernie Daly

Vote – Simple Majority

Lost: 2/6

Resolution 9.10.2 November 2018

That Council write off the amount of \$1,912.41 owed by Mr Graham Cooper for the costs associated with the purchase of Lot 7 Main Street Cunderdin.

Moved: Cr Todd Harris

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 6/2

Reason for change

It was the Council's view that the proceeds of sale were adequate to meet the valuation costs which would normally be the responsibility of the vendor notwithstanding that the sale was initiated at the request of the purchaser.

10. Environmental Health and Building

Nil

12. Urgent Items

Nil

13. Scheduling of Meeting

13.1 December 2018 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 20 December 2018 commencing at 5pm 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 Move behind closed doors

Recommendation 14.1.1

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

Moved: Cr Alison Harris

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

Kayla James left the room at 6.40pm, and did not return.

14.1.2 Nominations for Citizenship of the Year – Shire of Cunderdin

Under Separate Cover

14.1.3 Move from behind closed doors

Recommendation 14.1.3

That Council move from behind closed doors.

Moved: Cr Jayson Goldson

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 6/0

Note, the resolution in respect to item 14.1.2 Nominations for Citizenship of the Year – Shire of Cunderdin, will be available following the presentation of awards to the successful nominees.

15. Closure of meeting

There being no further business the Shire President declared the meeting closed at 6.58pm.

16. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 15th November 2018 as shown were confirmed at the ordinary meeting of Council held on 20 December 2018.

Signed: _____

Date: _____