



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 16 May 2019** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Table of Contents

Table of Contents	2
1. Declaration of Opening	4
2. Record of Attendance, Apologies and Approved Leave of Absence	4
3. Public Question Time	5
4. Petitions, Deputations & Presentations	5
5. Applications for Leave of Absence	5
5.1 Leave of Absence.....	5
6. Confirmation of the Minutes of Previous Meetings	5
6.1 Ordinary Meeting of Council held on 19 April 2019.....	5
6.2 Special Meeting of Council held on 2 May 2019	6
7. Declaration of Members and Officers Interests	7
8. Announcements by President without Discussion	7
9. Finance & Administration	8
9.1 Financial Reports for April 2019	8
9.2 Accounts Paid – April 2019.....	9
9.3 Council Investments – As at 30 th April 2019.....	11
9.4 Shire of Cunderdin LEMC Committee.....	13
9.5 Shire of Cunderdin Meeting Dates for 2019/20	16
9.6 WALGA State Conference and Annual General Meeting (AGM).....	19
9.7 National Redress Scheme	21
9.8 REED Lease Agreement	23
10. Environmental Health and Building	26
11. Planning & Development	27
12. Works & Services	32
12.1 Wheatbelt Secondary Freight Network.....	32
13. Urgent Items	37
14. Scheduling of Meeting	37
14.1 June 2019 Ordinary Meeting.....	37
15. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23) ...37	
15.1 Move Behind Closed Doors	37
15.2 Shared Services – Resource Sharing Committee Minutes of 7 May 2019.	37

15.3 Move from behind closed doors	37
16. Closure of meeting	38
17. Certification	38

AGENDA

1. Declaration of Opening

The President declared the meeting open at 5.00pm

The Shire of Cunderdin disclaimer was read aloud by the 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 AE (Alison) Harris	Deputy President
Cr DB (Doug) Kelly	
Cr J (Jayson) Goldson	
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
Hayley Byrnes	Senior Finance Officer

Guests of Council

Members of the Public

Mary O’Hare	Cunderdin Jaycettes
Pam Teakle	Cunderdin Jaycettes

2.2 Apologies

Fabian Houbrechts	Acting Manager of Works and Services
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2.3 Leave of Absence Previously Granted

Nil

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

Presentation by the Cunderdin Jaycettes in regard to the Cunderdin Cemetery and requirement for aesthetic improvement.

A briefing was handed to the Councillors prior to the meeting.

Mrs Pam Teakle and Mrs Mary O'Hare left the room at 5.15pm and did not return.

5. Applications for Leave of Absence

5.1 Leave of Absence

Resolution 5.1 May 2019

That Council grant Cr Dennis Whisson Leave of Absence from 15 June 2019 to 25 June 2019.

Moved: Cr Dianne Kelly

Seconded: Cr Doug Kelly

Vote – Absolute Majority

Carried: 8/0

Resolution 5.2 May 2019

That Council grant Cr Bernie Daly Leave of Absence for 15 August 2019.

Moved: Cr Norm Jenzen

Seconded: Cr Dianne Kelly

Vote – Absolute Majority

Carried: 8/0

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 19 April 2019

Resolution 6.1 May 2019

That the Minutes of the Ordinary Council Meeting held on Thursday 21 April 2019 be confirmed as a true and correct record.

Moved: Cr Jayson Goldson

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 2 May 2019

Resolution 6.2 May 2019

That the Minutes of the Special Council Meeting held on Thursday 2 May 2019 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.

7. Declaration of Members and Officers Interests

8. Announcements by President without Discussion

9. Finance & Administration

9.1 Financial Reports for April 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services and Finance
Date:	8 May 2019
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 attachment – Monthly Report

Proposal/Summary

The financial reports as at 30 April 2019 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 May 2019

That Council receives the monthly financial reports for the period ending 30 April 2019

Moved: Cr Jayson Goldson

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

9.2 Accounts Paid – April 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Service and Finance
Author:	Stuart Hobley
Report Date:	8 May 2019
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 attachment – Creditors list of payments April 2019

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$553,055.97
Total for Trust -	\$544.52
TOTAL -	\$553,600.49

for April 2019 as listed in the Warrant of Payments for the period 1st to 30th April 2019.

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 May 2019

1. That Council's payment of accounts amounting to \$553,600.49 being \$553,055.97 from Municipal Account and \$544.52 from Trust Account for April 2019, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 3112 - 3161	\$532,806.46	
Direct Debit: DD1423.1	\$2,677.24	
Cheques: 11490-11495	\$18,661.31	
		\$554145.01
Trust Account		\$544.52
TOTAL		\$553,600.49

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 Jayson Goldson

Vote – Simple Majority

Carried: 8/0

9.3 Council Investments – As at 30th April 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services
Author:	Stuart Hobley
Report Date:	8 May 2019
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 30th April 2019.

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, being:

Westpac –A/C 000 030 \$ 542,875.36

Bendigo – A/C 155971377 \$ 374,661.33

totaling \$ 917,536.69

as per attached statements, the following investment accounts are held as at 30th April 2019.

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$1,014,206.18	Reserves Term Deposit 2.5% Expires : 28/06/2019		\$1,014,206.18	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Westpac Bank	\$130,984.72	Trust Working Account 12-2981			\$130,984.72
Westpac Bank	\$325,402.93	Term Deposit 2.5% Expires: 28/06/2019	\$325,402.93		
TOTAL INVESTMENTS	\$1,470,740.61		\$325,549.71	\$1,014,206.18	\$130,984.72

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 57,062.19 and Bendigo Term Deposit Ref: 2936003 - \$ 441,371.48

Consultation

Nil

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

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

Resolution 9.3 May 2019

That the report on Council investments as at 30th April 2019 be received and noted.

Moved: Cr Alison Harris

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 8/0

9.4 Shire of Cunderdin LEMC Committee

Location:	Administration
Applicant:	Bush Fire Advisory Committee
Date:	9 th April 2019
Author:	Simon Bell
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item BFAC minutes

Proposal/Summary

For Council to review the establishment of its Local Emergency Management Committee of Council for the period ending with the 2019 Elections.

Background

The positions within the Shire of Cunderdin have recently changed since Council last established the committee.

The proxy for the Chief Executive Officer is now the Manager of Corporate Service and Finance rather than the Deputy Chief Executive Officer; and, the former Community Development Officer has been transferred to the position of "Governance and Compliance Officer" and based on the employees training and knowledge, will retain responsibility for emergency management support.

Comment

Appointment of Delegates

Council may appoint delegates to external committee as it sees fit.

The functions of a Local Emergency Management Committee are set out in s39 of the Emergency Management Act 2005 (see below in statutory implications).

Consultation

Governance and Compliance Officer – Kayla James
Chief Executive Officer - Neville Hale.

Statutory Implications

Local Government Act, 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

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) positions appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) positions who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

Emergency Management Act 2005

38. Local emergency management committees

- (1) A Local Government is to establish one or more local emergency management committees for the local government's district.
- (2) If more than one Local Emergency Management Committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A Local Emergency Management Committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

Policy Implications

N/A

Financial Implications

N/A

Strategic Implications

Maintaining good governance within the Shire of Cunderdin.

Resolution 9.4 May 2019

That Council establish, in accordance with s5.9 (2) (a) of the Local Government Act 1995 and s38 of the Emergency Management Act 2005, its Local Emergency Management Committee (LEMC) for the District of Cunderdin and appoint:

Shire President	Shire of Cunderdin
(<i>proxy -D/Shire President</i>)	<i>Shire of Cunderdin</i>
Chief Executive Officer	Shire of Cunderdin
Chief Executive Officer	Shire of Cunderdin
(<i>proxy – Manager of Corporate Services & Finance</i>)	<i>Shire of Cunderdin</i>
Governance and Compliance Officer	Shire of Cunderdin
Area Officer/Manager Lower Wheatbelt	DFES
District Emergency Services Officer	CP&FS
Officer in Charge	Cunderdin Police Station
Representative	St Johns Ambulance
Principal	Cunderdin District High School
Principal	Meckering Primary School
Principal	WA College of Agriculture
Health Services Manager	Cunderdin Hospital
Chief Bush Fire Control Officer	Shire of Cunderdin
Captain	Cunderdin Volunteer Fire & Rescue
Community Emergency Services Manager	Shire of Cunderdin

or their nominees, as the members of the LEMC Committee.

Moved: Alison Harris Seconded: Jayson Goldson

Vote: Simple Majority Carried : 8/0

9.5 Shire of Cunderdin Meeting Dates for 2019/20

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	7 May 2019
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the Council and Committee meetings dates and times for the 2019/20 financial year.

Background

Each year Council is required to set the dates for their Ordinary and Committee meetings for the next financial year.

Currently Ordinary Meetings of Council are held on the third (3rd) Thursday of each month, with the exception of the month of January (when there is no scheduled meeting), commencing at 5:00pm.

Comments

The current meeting schedule has been in place for some time and appears to work well for the Council members, and provides reasonable opportunity for members of the community to attend the meetings if they desire.

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, Council must give local public notice of the times, dates and place for Ordinary and Committee meetings.

Consultation

Nil

Statutory Implications

Local Government Act 1995 – section 5.3 Ordinary and Special Meetings of Council

5.3. Ordinary and special council meetings

- (1) *A council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than 3 months apart.*
- (3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Local Government (Administration) Regulations 1996 – Regulation 12 Public Notice of Council and Committee meetings

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,**are to be held in the next 12 months.*

- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Resolution 9.5 May 2019

That Council adopts and provides Local Public Notice for the following Ordinary Council and Committee Meeting dates, time and places for the 2019/2020 financial year:

1. The date for Ordinary Council Meetings to be as follows, commencing at 5:00pm and being held in the Council Chambers, Lundy Avenue, Cunderdin, or at the Meckering Sporting Club, Dempster Street Meckering, where indicated :

Month	Meeting Date
July 2019	Thursday 18 July 2019
August 2019	Thursday 15 August 2019
September 2019	Thursday 19 September 2019 – (held in Meckering)
October 2019	Thursday 17 October 2019
November 2019	Thursday 21 November 2019
December 2019	Thursday 19 December 2019
January 2020	No meeting
February 2020	Thursday 20 February 2020
March 2020	Thursday 19 March 2020
April 2020	Thursday 16 April 2020
May 2020	Thursday 21 May 2020
June 2020	Thursday 18 June 2020

2. Audit Committee meetings will be held as and when required with local public notice given on those occasions where the public are invited to attend.
3. Local Emergency Management Committee (LEMC) meetings are to be held four (4) times per year in, August, November, February & May, commencing at 5:30pm in the Council Chamber, Lundy Avenue, Cunderdin.

Moved: Cr Bernie Daly Seconded: Cr Norm Jenzen

Vote – Simple Majority Carried:8/0

9.6 WALGA State Conference and Annual General Meeting (AGM)

Location:	Perth Convention Centre
Applicant:	Council
Date:	3 rd May 2019
Author:	Neville Hale
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	OLGOV08
Attachment/s:	Attachment Item 9.6 - Notice of Annual General Meeting 2019

Proposal/Summary

For Council to appoint its delegates and proxy delegates to the 2019 WALGA Annual General Meeting (AGM).

Background

WA Local Government Association is holding its 2018 Annual General Meeting on Wednesday, 7 August 2019 at the Perth Convention Centre, commencing 1.30 pm.

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

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

Comment

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

Consultation

N/A

Statutory Implications

Nil

Policy Implications

Members Policy No. 3 – 3.1 & 3.2

Financial Implications

Attendance at the Annual General Meeting is free of charge to all member local governments.

All Annual Convention Delegates will be required to register separately at a cost of \$1,300 each if more than five (5) delegates else \$1,475 per person. Registration for a single day is: for Thursday - \$845 and Friday - \$720.

Strategic Implications

The good governance of the Shire of Cunderdin and its operations

Resolution 9.6 May 2019

That Council appoint its Delegates to the 2019 Annual General Meeting of the WA Local Government Association as follows:

Voting Delegates	Proxy Voting Delegates
<i>Name of Voting Delegates (2)</i>	<i>Name of Proxy Voting Delegates (2)</i>
Shire President Cr Dennis Whisson	Cr Todd Harris
Shire Deputy President Cr Alison Harris	Cr Doug Kelly

Moved: Cr Dianne Kelly

Seconded: Cr Alison Harris

Vote – Absolute Majority

Carried: 8/0

9.7 National Redress Scheme

Location:	Shire of Cunderdin
Applicant:	WA Local Government Association (WALGA)
Date:	8 May 2019
Author:	Neville Hale
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	"National Redress and Local Government Directions Paper"

Proposal/Summary

For Council to consider the attached *"National Redress and Local Government Directions Paper"* prepared by WALGA in respect to key considerations for local government participation in the National Redress Scheme.

Background

The Directions Paper outlines the consultation outcomes to date and provides recommendations in respect to the ongoing consultation process which will require comment from local governments at the June 2019 round of WALGA Zone Meetings in respect to a local government's capacity as a participating authority to:

- Source and provide records within prescribed timeframes;
- Deliver a Direct Personal Response in the requested manner; and,
- Financially compensate the claim.

Under the proposed Scheme, local government will be allocated, by the State, responsibility to *"designate child safety officer positions from existing staff profiles"* to provide a number of functions as outlined in the Directions Paper, using resources initially provided by the State. A number of concerns have been identified by local governments in regard to this requirement and these concerns are currently under review prior to the role of local government being finalised.

Stage 2 of the response to the recommendations of the Royal Commission is the establishment of a single national redress scheme where people who have experienced institutional sexual abuse can apply for redress. The Directions Paper provides comment on the proposed operations of the Scheme.

Moreover, the Directions Paper highlights the Opportunities and Challenges associated with joining the National Redress Scheme and provides background comment and recommendations for Council's consideration.

Comment

The Directions Paper highlights the role of the State Government in providing resources and support for local governments, with particular reference to the role of its "Redress Coordination Unit". Options for funding redress payments are also discussed in the Paper and it is noted that it recommends:

"State Government fiscal responsibility is the preferred and only recommendation of this Directions Paper".

It is also noted under Part 3 FAQ's for Executives and Elected Members, point 7 that legal advice will be provided to the Applicant through the National Redress Scheme whilst local government will need to seek its own legal advice.

LGIS, the Shire's Insurer has recently advised that redress payments through voluntary participation in the Scheme will not be covered by the Shire's current insurance arrangements.

Consultation

WALGA

Statutory Implications

National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)

National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018 (WA)

Policy Implications

N/A

Financial Implications

Participation in the Scheme will of itself have some financial cost in providing the services of a Child Safety Officer and the support services for which they would be responsible.

Strategic Implications

Shire of Cunderdin Community Strategic Plan

Social / Community

We are a connected, friendly, industrious and diverse community that fosters inclusion, resilience and self-sufficiency, where people feel safe, capable and supported in their endeavours.

Officer Recommendation

That Council review the National Redress and Local Government – Directions Paper prepared by WA Local Government Association (WALGA) and provide direction to its Great Eastern Country Zone Delegates (Cr Whisson, Cr A Harris proxy) on the Council's preference and capacity to join the National Redress Scheme.

Resolution 9.7 May 2019

That the Chief Executive Officer provides the Cr A Harris, Shire delegate, with a briefing note outlining Council's concerns about the potential cost of the National Redress Scheme in the absence of State Government fiscal responsibility and/or appropriate insurance coverage from its insurers together with potential for further legal costs.

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote – Absolute majority

Carried: 8/0

9.8 REED Lease Agreement

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	9 May 2019
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment

Proposal/Summary

That Council agree to lease the Cunderdin Early Learning Centre building to Regional Early Education and Development Inc. (REED) for a term of 10 years.

Background

In 2018 Council entered into negotiations with the Regional Early Education Development Inc (REED) with the aim of REED taking over the Cunderdin Early Learning Centre (CELC) that is currently operated by the Shire.

REED is an organisation that has been specifically established to manage multiple early education sites within the Wheatbelt and provide quality programs and sound governance and financial management.

Council, at its November 2018 Ordinary Meeting considered transferring the CELC to REED and it was resolved that:

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 to an appropriate Memorandum of Understanding and lease arrangements for the existing land and buildings.

The transfer of the Early Learning Centre has been progressing and now REED have provided Council with a lease document for the property. If the lease document is agreed to by Council it is anticipated that REED may take over the operation of the CELC as from 1 July 2019.

Comment

The term of the lease is 10 years with a further 10 year option. This is a long period of time however there is opt out clauses for both parties.

The agreement is a standard lease that has been entered into by other local governments and outlines the terms and conditions for both parties. The lease identifies the responsibilities of both parties and the main Lessee obligations are as follows:

- The payment of all rates and taxes
- The payment of utilities including, gas telephone and electricity (excluding water).
- The maintenance of all lighting, electrical, plumbing systems and the maintenance of all other fixtures and fittings.
- Keep the property maintained and clean at all times.

- Keep current Public Liability Insurance (\$10M)
- Make good at the end of lease.

The Lessee is not responsible for any structural work that is being completed on the building unless they are changes requested by the lessee.

The Shire has also requested that the building be available for use by other similar groups such as playgroups, and this has been included in the agreement.

Consultation

Nil

Statutory Implications

The lease of the building and grounds to REED is a disposition of property which is subject to Section 3.58 of the Local Government Act 1995. However in this instance REED is a not for profit educational body of which the members are not entitled to a share of any profits. This being the case, the lease is deemed to be exempt from Section 3.58.

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) A disposition of land is an exempt disposition if —*
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) its market value is less than \$5 000; and*
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or*
 - (b) the land is disposed of to a body, whether incorporated or not —*
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

Policy Implications

Nil

Financial Implications

The Shire is not receiving any income in the form of rent for the building, however it will not be responsible for the maintenance of the building either.

Strategic Implications

*IT5.2.2 Financial Sustainability and capacity
Effective use of Assets.*

Resolution 9.8 May 2019

That the Chief Executive Officer be authorised to enter into a lease agreement as from 1 July 2019, with the Regional Early Education and Development Inc (REED) for the Cunderdin Early Learning Centre (CELC) located at 56 Lundy Ave, Cunderdin, WA 6407, for a period of 10 years at a peppercorn rent based on the attached Lease Agreement.

Moved: Cr Alison Harris

Seconded: Cr Jayson Goldson

Vote – Absolute majority

Carried: 8/0

10. Environmental Health and Building
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Nil

11. Planning & Development

11.1 Proposed Ancillary Dwelling (Use Not Listed) – 10158 Great Eastern Highway, Meckering

Location:	Lot 219 (10158) Great Eastern Highway, Meckering
Applicant:	Rural Building Company Pty Ltd
Date:	10 May 2019
Author:	J Jurmann, Contract Planner
Item Approved by:	Neville Hale, CEO
Disclosure of Interest:	Nil
File Reference:	A53240; DA2018/19 – 10
Attachment/s:	1 – Plans

Proposal/Summary

A development application has been received to obtain approval to demolish an existing building and construct a replacement dwelling for ancillary (workers) accommodation at Lot 219 (10158) Great Eastern Highway, Meckering.

Ancillary accommodation is not listed in the Zoning Table and is therefore a ‘use not listed’.

The proposed development is considered consistent with the zone objectives and is being recommended for conditional approval.

Background

The subject site has an area of 61.2348 hectares and currently contains a single dwelling, which is used as the manager’s dwelling, and a number of other farm related structures.

It is proposed to construct a replacement dwelling to be occupied as ancillary accommodation for workers involved in the farm operations. Access to the property is existing from the Great Eastern Highway.

The submitted plans are attached to this Report together with a plan identifying the existing uses of the buildings on the property.

Comment

Although the land use is not listed in the Scheme, clause 4.10.2 clearly anticipates and provides for the approval of a second dwelling on properties zoned General Agriculture. The proposed construction of a replacement dwelling for ancillary accommodation for occupation by workers involved in the operation of the farm is in compliance with this clause.

The applicant has advised that they do not reside on the property and are currently demolishing the existing manager’s house to make room for the proposed dwelling.

The existing single storey brick dwelling (formerly owner’s residence) is now being used as the workers quarters. The residence is accommodation for a full-time worker who will be permanently working on the farm with owner/ manager carrying out the daily duties required to run the farm. The accommodation provided will be used for workers personal use and sleeping quarters when work has ceased for the day.

Consultation

In accordance with clause 64 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application should have been notified to adjoining landowners for a minimum period

of 14 days. However, as the surrounding lots are in the same ownership. Notification was not deemed necessary.

Statutory Implications

Planning and Development Act 2005

- Part 5 of the Act provides a statutory head of power for the Shire of Cunderdin to prepare, adopt and implement a local planning scheme.
- Part 14 of the Act provides a right of review by the State Administrative Tribunal If an applicant or owner is aggrieved by the determination of their development application. An application for review must be made within 28 days of the determination.

Planning and Development Regulations 2009

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

Shire of 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 —

- determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- 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*
- 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
4.7, LPS3	Site and development requirements	Boundary setbacks – 20 metres from any boundary.	>20 metres from all boundaries.	Complies.
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	Construction of an ancillary dwelling does not affect the use of the property or nearby	The assessment of this application indicates that the construction of an ancillary

Section	Scheme Criteria	Applicable LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
		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.	properties for farming purposes; nor is it detrimental to natural resources or the environment.	dwelling is consistent with the zone objectives.
4.10.2, LPS3	More than one dwelling	Generally not support more than one dwelling unless: (ii) additional dwelling is for family member, workers employed for agricultural activities on that lot or tourists.	Accommodation for workers employed for agricultural activities on the lot replacing existing dwelling.	Complies.
4.10.3, LPS3	Subdivision	Approval of more than one dwelling not support for subdivision.	Subdivision not proposed.	Complies. Advice note recommended.
4.10.10, LPS3	Water supply	Sustainable water supply to be demonstrated where there is no scheme water.	Existing supply available.	Complies.
67(a), Regs	Aim of scheme	Aims and provisions of scheme	Ancillary dwelling	Refer to above assessment.
67(i), Regs	Scheme review report	Cunderdin Scheme Review Report 2017	Ancillary dwelling	Does not affect the proposed land use.
67(m), Regs	Compatibility of development	Compatibility with locality, effect of height, bulk, scale, orientation and appearance.	Ancillary dwelling	Compatible.
67(n), Regs	Amenity	Environmental and social impacts; character of locality.	Ancillary dwelling	No impacts identified.
67(q), Regs	Suitability of land	Take into account possible risk of flooding, subsidence, landslip, bush fire, soil erosion, land degradation, etc	Bushfire Report submitted. BAL-19 construction standards proposed.	Complies. Condition required ensuring recommendations of the Report are implemented.
67(y), Regs	Submissions	Any submissions received on the application.	Adjoining land is in same ownership.	Not required.

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

There are no financial implications associated with this proposal.

Strategic Implications

Cunderdin Strategic Community Plan

The Goals of the SCP are:

Social

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

Environmental

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

Economic

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

The proposed development is not inconsistent with the goals of the SCP.

Resolution 11.1 May 2019

1. That the Shire of Cunderdin considers the proposed ancillary accommodation is a land use not 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. **Approve** the construction of a replacement dwelling for ancillary worker's accommodation at Lot 219 (10158) Great Eastern Highway, Meckering proposed in the Development Application reference DA2018/19-10 and accompanying plans in accordance with Schedule 2, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions as follows:

Conditions

- a. The development shall be in accordance with the approved development plans (attached) which form part of this development approval.
- b. If the development is not substantially commenced within a period of two (2) years from the date of approval, the approval shall lapse and be of no further effect.
- c. The ancillary accommodation may only be occupied by a family member or workers employed for agricultural activities on the subject lot.
- d. All essential services to the additional dwelling shall be shared with the existing dwelling where practicable.
- e. Prior to the occupation of the ancillary dwelling, evidence shall be submitted to the local government that the recommendations of the Bushfire Assessment Report dated 31 March 2019 have been satisfactorily implemented.

Advice Notes

- f. 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.
- g. 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.

- h. 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.
- i. The approval of a second dwelling on the subject lot shall not be construed as a basis for the Shire of Cunderdin's support to the subdivision of the lot.

Moved: Cr Norm Jenzen

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

12. Works & Services

12.1 Wheatbelt Secondary Freight Network

Location:	Cunderdin
Applicant:	Manager of Corporate Services and Finance
Date:	9 April 2019
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 attachment – Monthly Report

Proposal/Summary

For Council to consider support for the Wheatbelt Secondary Freight Network project by reallocation of funds from Building Better Regions fund co-contribution to role of Lead Consultant Project Management in support of successful Regional Economic Development grant.

Background

The Wheatbelt Secondary Freight Network (WSFN) network comprises 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business.

The project is being driven by local government authorities with a Working Group established consisting of representatives from the following organisations:

- Wheatbelt North Regional Road Group (WN RRG)
- Wheatbelt South Regional Road Group (WS RRG)
- WA Local Government Association (WALGA)
- Regional Development Australia - Wheatbelt (RDA-W)
- Main Roads WA-Wheatbelt Region (MRWA-WR)
- Wheatbelt Development Commission (WDC)

Over the last 2 years, 42 Local Government authorities across the region have collaborated to identify priority routes and have also participated in a technical data collection process, preparation of a pre-feasibility business case and a cost benefit analysis of the planning process. The in-kind investment by local government to date is estimated to be in excess of \$750,000. The process has been an excellent example of a large number of local governments working together on a common strategic regional priority.

The key undertakings of the project so far are:

1. Identification of nominated WSFN roads based upon a simple criteria developed by RRG.
2. Determination of basic project framework and minimum design standards.
3. Road condition assessment against minimum design standards.
4. High level scope of works and order of magnitude costs for upgrades required.
5. A summary of data collection and assessment across the 42 local of governments is:

	Route Length (km)	Proposed Works (km)	Proposed Length (%)	Indicative Costs (\$)
TOTAL	4,337	2,851	66	\$ 493,000,000

This initial approach was to assist the Working Group to work towards an Infrastructure Australia Stage 3/4 submission for inclusion of the WSFN project on the Infrastructure Australia Infrastructure Priority List (IPL). The long term goal is to obtain funding support for a broadly estimated, \$500 million capital works program

over 10 - 20 year timeframe to bring the network up to a fit for purpose standard for current and anticipated future needs. The group is working towards submitting an IA Stage 4 Business Case submission for the WSFR. The project development costs associated with the business case submission are estimated to be \$5M, which is in the order of 1% of the estimated capital investment.

The following provides an outline of the proposed budget and funding applications that were submitted to assist with the development and planning stages the WSFN project.

Stages	Budget and Funding Sources
Stage 1 – Strategic Planning	\$1,000,000
Design Criteria and Objectives	BBRF (\$750K)
Options Assessment	LGA co-contribution (\$250K)
Collated Data Review	
Multiple Criteria Assessment	
Staging Plan	
Stage 2 – Detailed Planning	\$3,600,000
Concept Design Investigations	Commodity Route (\$1M)
Preliminary Design Investigations	LGA in-kind
Stage 3 – IA Stage 3/4 Submission	\$400,000
Project Management	REDS (\$100K)
Governance Plan	LGA in-kind
Business Case Development	
	\$5,000,000

Building Better Regions Fund (BBRF) submission

The Building Better Regions Fund (BBRF) submission is only intended to contribute towards funding activities associated with Stage 1 – Strategic Planning at an estimated budget of \$1M.

Funding and the associated BBRF application can be summarised as follows:

- Budget
 - Total Cash \$1M
- Funding
 - BBRF \$750K
 - LGA cash co-contribution \$250K.

This strategic planning work will inform the strategic allocation of road capital works funding provided to LGAs in the region, the economically optimal sequence for developing the network and ensure that roads are designed and constructed to an optimal standard from a ‘whole-of-life’ asset management perspective. The detailed planning exercise is expected to achieve a net benefit in the order of \$20 million based solely on the benefits gained from freight route prioritisation.

Commodity Freight Roads Fund (CFRF)

The Commodity Freight Roads Fund submission is intended to contribute towards funding of activities associated with Stage 2 – Detailed Planning. This will specifically entail \$1M for consultants to undertake Preliminary Design Investigations. The remainder of Stage 2 is intended to be undertaking via in-kind by local governments and other funding sources currently being investigated, should they become available.

Regional Economic Development (RED) Grant

The Regional Economic Development (RED) Grants submission is intended to contribute towards funding activities associated with Stage 3 – IA Stage 3/4 Submission. This will specifically entail \$100K for a Lead Consultant to undertake project management. The remainder of Stage 3 is intended to be undertaking via in-kind by local governments and other funding sources being investigated should they become available.

Major Project Business Case Fund (MPBCF) Initiative

The Australian Government is investing \$100 billion over 10 years from 2019–20 through its rolling infrastructure plan to help manage our growing population, meet our national freight challenge and get Australians home sooner and safer. This includes \$250 million allocated to the Major Project Business Case Fund (MPBCF) initiative. Projects with clear strategic merit that has:

- Engagement in the project planning stage
- View of future priorities
- Ready to invest to enable economic activity
- Address nationally significant deficits in the transport system
- Drive economic productivity growth and liveability in cities and regions through transport infrastructure investment

The WSFR Working Group sees the \$5M sought for the Stage 4 IA submission for this regionally significant project as an ideal candidate for the MPBCF.

Roads of Strategic Importance (ROSI) Initiative

The Australian Government will invest \$4.5 billion, including \$1 billion of additional funding committed in the 2019-20 Budget, to the Roads of Strategic Importance (ROSI) initiative to help connect regional businesses to local and international markets, and better connect regional communities. ROSI has the following principles:

- Key freight corridors that connect primary agricultural areas and mining resource regions to ports and other transport hubs.
- Support communities along the corridors and provide better access for tourists and other road users
- Characterised by narrow sections of road, low capacity bridges and deteriorating pavements,
- Constrains the productivity and efficiency of freight movements.
- Catalyse economic activity and improve access to communities and tourist attractions.

From an estimated total of \$500,000,000 in funding the Working Group sought \$125,000,000 over the next 3 years for the delivery of the first stage of capital works.

The Working Group put in separate funding submissions for each of the abovementioned funding sources for the various stages of the project. The project has been successful in obtaining funding from the following sources:

- ROSI initiative funding ()
 - Stage 1 Priority Works – Wheatbelt Secondary Freight Network.
 - The Australian Government has committed \$70 million towards the project.
“Upgrades will be prioritised based on linkages to state and national roads and highways and the rail network. Consideration will also be given to links to six ports and two livestock centres, as well as regional and metro grain receival sites, accessed by the producers of the Wheatbelt region.
Benefits of the project include:
 - improve road safety
 - improve freight efficiency, connectivity and travel time
 - ensure consistent Restricted Access Vehicles (RAVs) ratings across the network, which will provide improved access for agricultural and mining regions to transport hubs”
- RED Grants (Supported by the WA State Government’s Royalties for Regions Program)
 - Lead Consultant Project Coordinator – Wheatbelt Secondary Freight Network.
 - \$100,000.

- “The Lead Consultant will form part of the Project Management Team and work with the member organisation Working Group.
- The Lead Consultant - Project Management is an integral key to successful project delivery. The complexity and scale of this project is significant and well beyond the technical and financial capabilities of the Wheatbelt shires on an individual basis. Engaging a Lead Consultant – Project Management with the skills and expertise required to work with all technical consultants and the PMT will ensure a cohesive collaborative environment is established for optimum outputs.
- The project is planned to be managed via oversight from the WSFR Steering Committee with a nominated Project Manager and the Project Management Team (PMT) representing the WSFR.
- Lead Consultant – Project Management will direct the work of the external technical consultants and will be the main contact for communication between the Project Management Team and external consultants.
- The WSFN Project will require the specialised skills of a range of external technical consultants. Key areas of technical expertise identified for the project are:
 - Civil Design
 - Surveying
 - Environmental
 - Economic Assessment”

Previously 42 local governments were asked to financially contribute to the WSFN project via a budget allocation of \$6,000 which was proposed to be part of a co-contribution towards BBRF. With the unsuccessful BBRF bid, it is proposed that the \$6,000 in financial contributions from each of the 42 local governments totalling \$252,000 be allocated to combine with the RED funding of \$100,000 to become project management pool of approximately \$350,000. This would contribute towards the overall project management requirements associated with the delivery of Stage 1 Priority Works over the course of an estimated 3 year delivery timeframe. Funding would contribute towards the following nominal requirements:

- Project Coordinator
 - Nominal \$60,000 per annum (\$180,000 across 3 years)
- Project Administration and Communications Officer.
 - Nominal \$20,000 per annum (\$60,000 across 3 years)
- Technical Consultancy Resources
 - Nominal \$100,000.

Comment

The Shire of Cunderdin has two roads that have been identified for funding under this project. They are the Meckering Goomalling Road and the Cunderdin Quairading Road.

Consultation

Nil.

Statutory Environment

Nil.

Policy Implications

Nil

Financial Implications

Council will be required to allocate \$6,000 in the 2019/20 Budget towards the project management of the grant funding.

Strategic Implications

Shire of Cunderdin Strategic Community Plan 2017-2027

Economic Development

ED4.2.2 Maintain and enhance the local environment, improve major distributor roads.

Resolution 12.1 May 2019

That Council:

1. Continues to support the strategic intent of the Wheatbelt Secondary Freight Network Project;
2. Authorises the Chief Executive Officer to prepare and sign a letter of support that endorses the re-allocation of \$6,000 to be included in 2019/20 budget deliberations to co-fund the project management of the Wheatbelt Secondary Freight Network in combination with the WA State Government's \$100,000 of Regional Economic Development Grant funding, as part of the delivery of its Stage 1 Priority Works.

Moved: Cr Bernie Daly

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried: 8/0

13. Urgent Items

Nil

14. Scheduling of Meeting**14.1 June 2019 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 20 June 2019 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

15. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23)**15.1 Move Behind Closed Doors****Resolution 15.1 May 2019**

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act for the discussion of staff contractual arrangements and the Shared Resource Agreement.

Moved: Cr Todd Harris

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried: 8/0

Hayley Byrnes left the room at 6.11 pm and did not return.

15.2 Shared Services – Resource Sharing Committee Minutes of 7 May 2019.

Under separate cover.

15.3 Move from behind closed doors**Resolution 15.3 May 2019**

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

Moved: Cr Dianne Kelly

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 8/0

The President read the following resolutions aloud.

Resolution 15.2.1 May 2019 – to remain under separate cover until resolved.

Resolution 15.2.2 May 2019

That Council adopt **Resolution 5.2 RSC May 2019 being;**

1. *That the Committee recommend to its respective Council's that they adopt:*

- *The Draft Deed of termination of CEO Resource Sharing Agreement;*
- *The Draft Deed of Termination of CEO employment contract; and*
- *Proposed employment contract between the CEO and the Shire of Tammin,*

so as to give effect to the termination of the CEO Shared Service Agreement and the termination of the CEO Employment Contract with the Shire of Cunderdin; and,

2. *Authorise the Shire President and Manager of Corporate Services and Finance to sign the Deeds and Affix the Shire of Cunderdin Common Seal.*

Moved: Cr Jayson Goldson

Seconded: Cr Alison Harris

Vote – Absolute majority

Carried: 8/0

Resolution 15.2.3 May 2019

That Council adopt **Resolution 5.3 RSC May 2019 being:**

That the Chief Executive Officers Report on the Shared Cost Arrangements be received.

Moved: Cr Alison Harris

Seconded: Cr Todd Harris

Vote – Absolute majority

Carried: 8/0

16. Closure of meeting

There being no further business the Shire President declared the meeting closed at 6.33pm.

17. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 16 May 2019 as shown were confirmed at the ordinary meeting of Council held on 20 June 2019.

Signed: _____

Date: _____