



## Shire of Cunderdin

### Notice of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council will be held on **Wednesday 24<sup>th</sup> July 2024** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley  
**Chief Executive Officer**

18<sup>th</sup> July 2024

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## AGENDA

### 1. Declaration of Opening

The Shire President declared the meeting open at \_\_\_\_pm.

The Shire of Cunderdin disclaimer will be read aloud by Cr AE (Alison) Harris.

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

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

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

#### 2.1 Record of attendances

##### Councillors

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

##### In Attendance

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

##### Guests of Council

##### Members of the Public

#### 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

### 5. Applications for Leave of Absence

#### Recommendation 5.1

That Council approve Leave of Absence for Cr \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ inclusive

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

### 6. Confirmation of the Minutes of Previous Meetings

#### 6.1. Ordinary Meeting of Council held on 26<sup>th</sup> June 2024

#### Recommendation 6.1

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 26<sup>th</sup> June 2024 be confirmed as a true and correct record.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

#### 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 and Administration

### 9.1. Financial Reports June 2024

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	16th July 2024
<b>Author:</b>	Hayley Byrnes
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.1.1 – June 2024 Monthly Financial Report Attachment 9.1.2 - Rates Details June 2024

#### Proposal/Summary

The financial reports as at 30<sup>th</sup> June 2024 are presented for consideration and the details of the transfers made to and from reserve details for the 23/24 financial year are presented to council.

#### Background

The financial reports have been circulated to all Councillors.

#### Comment

The Shire of Cunderdin reserve accounts and the transfers made to and from the accounts are below:

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

\*Please note a letter will be sent to the Cunderdin Museum Committee advising them of the transfer of donations (\$823.20) received for 2023/24 financial year to the Cunderdin Museum Reserve.

#### Consultation

Nil.

#### Statutory Environment

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

#### Policy Implications

Nil.

#### Financial Implications

All financial implications are contained within the reports.

**Strategic Implications**

Nil.

**Recommendation 9.1**

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

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

## 9.2. Accounts Paid 30<sup>th</sup> June 2024

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	16th July 2024
<b>Item Approved By:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	<a href="#">Attachment 9.2.1 – June Creditors Listing</a>

### **Proposal/Summary**

Council is requested to confirm the payment of accounts totalling:

Total for Municipal -	\$623,746.08
Total for Trust -	\$0.00
TOTAL -	\$623,746.08

For June 2024 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 30<sup>th</sup> June 2024.

### **Background**

Nil.

### **Comment**

Nil.

### **Consultation**

Nil.

### **Statutory Environment**

In accordance with Financial Management Regulations 12 & 13, a list of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Financial Management Regulations 12 & 13.

### **Policy Implications**

Nil.

### **Financial Implications**

All financial implications are contained within the reports.

### **Strategic Implications**

Nil.

**Recommendation 9.2**

That Council's payments of accounts amounting to \$623,746.08 being from Municipal Account for June 2024, as follows:

<b>Municipal Account</b>	<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 8347- 8480	\$573,073.50	
Direct Debit (Inc Bank Charges):	\$17,829.50	
Cheques: 11914 - 11921	\$32,843.08	
<b>Trust Account</b>		
	\$0.00	
<b>TOTAL</b>		<b>\$623,746.08</b>

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_



### 9.3. Council Investments – At 30<sup>th</sup> June 2024

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	16 <sup>th</sup> July 2024
<b>Item Approved By:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	<a href="#">Attachment 9.3.1 - Bank Statements June 2024</a>

#### Proposal/Summary

To inform Council of its investments as at 30<sup>th</sup> June 2024.

#### Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

#### Comment

In addition to the Shire’s Municipal Operating Accounts, the below investment accounts are held as at 30<sup>th</sup> June 2024.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$2,303,859.53	Municipal-0000030	\$2,303,859.53		
Bendigo Bank	\$2,249,984.39	Municipal-155971377	\$2,249,984.39		
Westpac Bank	\$280,969.98	Business Cash Reserve 22-3647 0.50%		\$280,969.98	
Bendigo Bank	\$10,167.86	Bendigo Trust Account 164 488 686			\$10,167.86
Westpac Bank	\$0.00	Trust Working Account – 12-2981			\$0.00
Bendigo Bank	\$1,457,464.70	Term Deposit - 5.06% Exp 20 Dec 2024		\$1,457,464.70	
<b>TOTAL INVESTMENTS</b>	<b>\$6,302,446.46</b>		<b>\$4,553,843.92</b>	<b>\$1,738,434.68</b>	<b>\$10,167.86</b>

In addition to the above Shire funds, the Shire administers following accounts for the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits & operating Ac#000073- \$0.00.

**CUNDERDIN COMMUNITY TRUST DETAILS**  
**INTEREST ACCOUNT**  
**30<sup>th</sup> June 2024**

Opening Balance as per Bank Statement & Term Deposits

Term Deposit# 4785431  
 Maturing 4 Dec 2024 (5.01%)

		225,369.49
	<b>TOTAL</b>	<b>225,369.49</b>
Credits		14,593.28
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	<b>TOTAL</b>	<b>239,962.77</b>
<b>INCOMING</b>		
		14,593.28
		0.00
<b>OUTGOING</b>		
		0.00
<b>Balance as at end of month</b>	<b>TOTAL</b>	<b>239,962.77</b>

**CUNDERDIN COMMUNITY TRUST DETAILS**  
**CAPITAL ACCOUNT**  
**30<sup>th</sup> June 2024**

Opening Balance as per Bank Statement & Term Deposits

Term Deposit# 4785433  
 Maturing 4 Dec 2024 (5.01%)

		369,862.05
	<b>TOTAL</b>	<b>369,862.05</b>
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	<b>TOTAL</b>	<b>369,862.05</b>
<b>INCOMING</b>		
		0.00
		0.00
<b>OUTGOING</b>		
		0.00
<b>Balance as at end of month</b>	<b>TOTAL</b>	<b>369,862.05</b>

**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.

**Recommendation 9.3**

That the report on Council investments as at 30<sup>th</sup> June 2024 be received and noted.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

#### 9.4. Central Wheatbelt Visitors Centre Memorandum of Understanding

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance and Administration Officer
<b>Date:</b>	4 <sup>th</sup> July 2024
<b>Author:</b>	Samantha Pimlott
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 9.4.1 – Central Wheatbelt Visitor Centre MOU</a>

#### **Proposal/Summary**

For Council to review, consider, and endorse application of signatures Memorandum of Understanding between the Shire of Merredin, Wheatbelt East Regional organisations of Council Inc (WEROC) and Shire Cunderdin for visitor servicing and regional promotion through the Central Wheatbelt Visitors Centre.

#### **Background**

The previous MOU was in place from the 1<sup>st</sup> July 2022 to the 30<sup>th</sup> June 2024.

The Shire of Cunderdin participates with WEROC for Visitor Servicing and Regional Promotion. WEROC is regional organisation Councils that includes the Shires of Bruce Rock, Kellerberrin, Westonia, Tammin and Yilgarn.

The value of the MOU presented is seen through promotion material produced by the Central Wheatbelt Visitor Centre promoting 20 eastern Wheatbelt member Shires at both state-wide and intra state trade shows.

#### **Comment**

The MOU as seen in Attachment 9.4.1 will be in operation from the 1<sup>st</sup> July 2024 until 30<sup>th</sup> June 2027 and will be subject to annual reviews.

The Central Wheatbelt Visitor Centre promotes the Shire of Cunderdin through websites, “The Eastern Wheatbelt Visitors’ Guide” distributed throughout the Wheatbelt and by word of mouth. The proposed membership renewal will provide significant discount on promotional opportunities in addition to the Shire’s own promotional activities.

In discussion with shire staff, they have advised that they believe the program is of considerable value in promoting the Shire of Cunderdin.

#### **Consultation**

Stuart Hobley, Chief Executive Officer  
Central Wheatbelt Visitors Centre

#### **Statutory Implications**

Nil.

#### **Policy Implications**

Nil.

#### **Financial Implications**

\$1,250 pa

**Strategic Implications**

5. Civic Leadership

5.3 Implement systems and processes that meet legislative and audit obligations

- External Audits and Reviews confirm compliance with relevant legislation.

**Recommendation 9.4**

That Council,

1. Accept the Central Wheatbelt Visitor Centre MOU as presented.
2. Authorise Chief Executive Officer to Sign and Return the Memorandum of Understanding between the Shire of Merredin, Wheatbelt East Regional organisations of Council Inc (WERO) and Shire Cunderdin for visitor servicing and regional promotion through the Central Wheatbelt Visitors Centre.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

## 9.5. Quarterly Review Corporate Business Plan

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance and Administration Officer
<b>Date:</b>	5 <sup>th</sup> July 2024
<b>Author:</b>	Samantha Pimlott
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	<a href="#">Attachment 9.5.1 - Corporate Business Plan April - June 2024 Quarterly Update</a>

### **Proposal/Summary**

For Council to receive the Quarterly Corporate Business Plan Report as attached.

### **Background**

Local governments are required to produce a plan for the future under Sec. 5.56 (1) of *the Local Government Act 1995*. Regulations made under the Act outline the minimum requirements of a plan for the future namely:  
A Strategic Community Plan to cover a period of at least 10 financial years.  
A Corporate Business Plan to cover a period of at least 4 financial years.

On the 26<sup>th</sup> of June 2024, Council adopted a revised version of the Corporate Business Plan. This plan is subject to a review by staff on a quarterly basis to ensure the Shire is meeting Social and Community, Environmental, Housing and Facilities, Economic Development, Infrastructure and Transport and Civic Leadership strategies as outlined in the Corporate Business Plan 2021/2022 – 2024/2025.

The traffic light based Quarterly Update to report progress against the priorities as detailed in the Corporate Business Plan driven by the outcomes of the Strategic Community Plan and actioned through the Annual Budget.

### **Comments**

Attachment 9.5.1 – Quarterly Corporate Business Plan Report at 31 March 2024 identifies the strategies and actions for each Strategic Community Plan objective and the year/s of implementation for the four-year life of the Corporate Business Plan.

On review of the required actions, it can be seen that the Shire is achieving good overall results. A number of projects have been undertaken or are in progress to deliver on the strategic outcomes of the Plan.

The actions and community priorities from the Corporate Business Plan along with the Shires integrated planning documents are considered during Annual Budget production.

### **Consultation**

Shire of Cunderdin Staff

### **Statutory Implications**

*Local Government Act 1995* - 5.56 (1)

Local Government (Administration) Regulations 1996 - 19DA. Corporate business plans, requirements for (Act s. 5.56)

### **Policy Implications**

Nil.

**Financial Implications**

2023/24 Adopted Budget.

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan.

5.2 Forward planning and implementation of plans

Accountable and transparent decision making

Financial sustainability in achieving community aspirations

**Recommendation 9.5**

That the Council:

1. That Council receive and endorse the Corporate Business Plan Quarterly Report for the April and June 2024 quarter.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

## 9.6. WALGA State Conference and Annual General Meeting

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance and Administration Officer
<b>Date:</b>	15 <sup>th</sup> July 2024
<b>Author:</b>	Samantha Pimlott
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	<a href="#">Attachment 9.6.1 - WALGA-2024-AGM-Notice-of-meeting</a>

### **Proposal/Summary**

For Council to appoint delegates and proxy delegates to the 2024 WALGA Annual General Meeting (AGM) on Wednesday 9<sup>th</sup> October 2024 at Perth Convention Centre.

### **Background**

WA Local Government Association is holding its Annual General Meeting on Wednesday 9<sup>th</sup> October 2024 at Perth Convention Centre.

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.

### **Comments**

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.

The 2023 Council's Voting Delegates were Cr AE (Alison) Harris and Cr TE (Todd) Harris, with Cr A (Tony) Smith and Stuart Hobley as the Proxy Voting Delegates.

### **Consultation**

Stuart Hobley, Chief Executive Officer  
Councillors

### **Statutory Implications**

Nil.

### **Policy Implications**

Shire of Cunderdin Council Policy Manual  
1.8 Elected Members – Conference, Training, Travel and out of pocket expenses

### **Financial Implications**

The AGM is free of charge. Costs associated with Councillor meeting attendance are accounted for in the Shires Budget.



**Strategic Implications**

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive.

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

<b><u>Recommendation 9.6</u></b>		
That Council appoints its Delegates to the 2024 Annual General Meeting of the WA Local Government Association as follows:		
<b>Voting Delegates</b>	<b>1. Cr</b>	<b>2. Cr.</b>
<b>Proxy Voting Delegates</b>	<b>1. Cr.</b>	<b>2. Cr.</b>
Moved: Cr _____	Seconded: Cr _____	
Vote – Absolute majority	Carried/Lost: _____	

## 9.7. Shire of Cunderdin Audit Committee Minutes

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance & Administration Officer
<b>Date:</b>	15 <sup>th</sup> July 2024
<b>Author:</b>	Samantha Pimlott
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 9.7.1 - Audit Committee Minutes - 26th June 2024</a>

### **Proposal/Summary**

Council to receive the minutes of the Audit Committee Meeting held Wednesday 26<sup>th</sup> June 2024.

### **Background**

An Audit Committee Meeting was held for the purpose of presenting the revised Business Continuity Plan and Business Continuity Framework.

A copy of the minutes from this meeting can be found in Attachment 9.7.1 - Audit Committee Minutes – 26<sup>th</sup> June 2024.

### **Comment**

At this meeting the Audit Committee made the following resolution:

#### ***Resolution 5.1***

*That the Audit Committee:*

*Endorse and accept the Business Continuity Plan and Business Continuity Management Framework as presented.*

### **Consultation**

Nil.

### **Statutory Implications**

*Local Government Act 1995 Part 5 Division 2 Subdivision 3 – Section 5.22*

2. The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

*Local Government Act 1995*

7.12A. Duties of local government with respect to audits

1. A local government is to do everything in its power to —
  - a. assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
  - b. ensure that audits are conducted successfully and expeditiously.
2. Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
3. A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
  - a. determine if any matters raised by the report, or reports, require action to be taken by the local government; and
  - b. ensure that appropriate action is taken in respect of those matters.

4. A local government is to —
  - a. prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
  - b. forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

*Local Government (Audit) Regulations 1996*

**Policy Implications**

Business Continuity Plan  
Business Continuity Framework

**Financial Implications**

Nil.

**Strategic Implications**

5. CIVIC LEADERSHIP

5.2 Forward planning and implementation of plans

5.3 Implement systems and processes that meet legislative and audit obligations

**Recommendation 9.7**

That Council:

1. Endorse and accept the Minutes and Resolutions contained therein of the Audit Committee Minutes held on the 26<sup>th</sup> June 2024 as presented in Attachment 9.7.1.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

## 9.8. Bellman Hanger Lease Agreement Variation

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Finance & Property Assistant – Executive Services
<b>Date:</b>	10 <sup>th</sup> July 2024
<b>Author:</b>	Brooke Davidson
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	A55343
<b>Attachments:</b>	<a href="#">Attachment 9.8.1 - Shire Lease Bellman</a>

### Proposal/Summary

For Council to consider and approve request to vary the current lease agreement between the Shire of Cunderdin and the Gliding Club of Western Australia as per Attachment 9.8.1 - Shire Lease Bellman.

### Background

The Gliding Club of Western Australia have an agreement in place to lease a portion of the Cunderdin Airfield. This agreement is for a Term of 25 years, commencing 1 April 2011 and expiring on 31 March 2036.

In 2012, the Gliding Club approached the Shire with the interest of including Hut 111 into their agreement. A Deed of Variation was created by McLeod's Lawyers and signed by all parties. Costs associated with this variation were the liability of the Gliding Club.

In 2020 the Gliding Club approached the Shire to incorporate the Shire's Bellman Hangar into their lease agreement. An agreement was enacted by the Shire's former CEO, Peter Naylor allowing the Gliding club to lease the hangar rent free under a condition that the Gliding Club clean up and maintain the hangar. The Gliding Club then began making use of the Bellman Hangar.

In June 2022, the Gliding Club again approached the Shire via email asking for the Bellman Hangar to officially be included in their lease agreement. The Gliding Club also stated that they would like to relinquish their lease agreement over the Workshop building due to its dilapidated condition.

The Shire replied to this request to the Gliding Clubs President, Stuart Usher, advising that following discussions with Council, it would be agreed that the Bellman Hanger could be incorporated into their current lease agreement.

Shire Administration Officers began arranging the lease variation. During this process some confusion arose in identification of correct buildings at the Airfield. Shire officers met with Stuart Usher and Stuart Wood of the Gliding Club, at the Cunderdin Airfield in February 2023 to gain a comprehensive understanding of the airfield infrastructure.

In April 2023 Stuart Usher was contacted advising him that he would need to submit a formal proposal to Council outlining the lease variations proposed by the Gliding Club. This correspondence was received from the Gliding Club in September 2023, Attachment 9.8.1 - Shire Lease Bellman. A reply was sent via email acknowledging receipt of the Gliding Clubs request and to also confirm the Gliding Club were aware that they would be liable for any legal costs incurred during the lease variation process. The club asked what the indicative legal costs may amount to. A cost estimation of \$800.00 was obtained and forwarded to the Stuart Usher, who replied on 17<sup>th</sup> November 2023 confirming that the club would like to proceed with the lease variation.

### **Comment**

McLeod's Lawyers have been asked to create the Deed of Variation to incorporate the Bellman Hangar and to relinquish the workshop building. Correspondence between the Gliding Club and Shire acknowledged that the Gliding Club would be liable for any legal costs associated with drafting Lease Agreements Deed of Variation document.

The Gliding Club are charged an annual lease charge, as stipulated in the Shire's Fees and Charges. Item 8 of the Lease Schedule states that a rent review will be conducted on each anniversary of the Commencement Date during the Term based on CPI, other than on each fifth anniversary of the Commencement Date at which time the rent shall be increased:

(a) *Based on CPI; or*

(b) *Based on the following formula:*

*Number of Lessee's members x \$115 = Annual Rent exclusive of GST*

*According to whichever method of review results in the higher rental*

### **Consultation**

Gliding Club of Western Australia  
McLeods Lawyers

### **Statutory Implications**

*Local Government Act 1995*

#### 6.16. Imposition of fees and charges

1. A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
2. A fee or charge may be imposed for the following —
  - a. providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

#### 6.17. Setting level of fees and charges

1. In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
  - a. the cost to the local government of providing the service or goods; and
  - b. the importance of the service or goods to the community; and
  - c. the price at which the service or goods could be provided by an alternative provider.

### **Policy Implications**

Nil

### **Financial Implications**

The cost of preparing the Deed of Variation will be reimbursed by the Gliding Club.

### **Strategic Implications**

#### 1. COMMUNITY AND SOCIAL

1.1 Community members have the opportunity to be active, engaged and connected  
The Shire supports positive leisure, learning and recreation outcomes

#### 2. ECONOMY

2.1 Facilitate local business retention and growth  
The airfield is activated in partnership with key stakeholders

**Recommendation 9.8**

That Council:

1. Accept the Lease Variation as presented between the Shire of Cunderdin and Gliding Club Western Australia Inc.
2. Authorise the Shire of Cunderdin President and Chief Executive Officer to sign and affix the Common Seal to the Lease Variation.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Absolute majority

Carried/Lost: \_\_\_\_\_



**9.9. Move Behind Closed Doors**

<b><u>Recommendation 9.9</u></b>	
That Council move behind closed doors in accordance with s.5.23 of the Local Government Act.	
Moved: Cr _____	Seconded: Cr _____
Vote – Simple majority	Carried/Lost: _____

**9.10. Civil Aviation Safety Authority Audit Report**

**9.11. 11 Main Street Cunderdin – Rates Payment Plan**

**9.12. Move From Behind Closed Doors**

<b><u>Recommendation 9.12</u></b>	
That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act.	
Moved: Cr _____	Seconded: Cr _____
Vote – Simple majority	Carried/Lost: _____

### 9.13. Chief Executive Officers Report

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	20 <sup>th</sup> June 2024
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 9.13.1 - Audit Fee 2024 - Shire of Cunderdin</a> <a href="#">Attachment 9.13.2 - Engineering Order of Costs</a> <a href="#">Attachment 9.13.3 - UPD9985 - Subdivision Preliminary Investigation Report V1.0</a>

#### **Proposal/Summary**

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

#### **Background**

##### Cunderdin Industrial Lot Development

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

- Currently WAPC is considering the 5 lot subdivision and we are waiting for them to accept the lodgement of the amalgamating lot for the Donovan's.
- Meanwhile the Engineer is drawing up the tender documents and they should be released over the next 4 weeks, Earthstyle will be invited.
- Their aim is to commence works this calendar year, mindful of the christmas downtime.
- Procurement for a real estate agent is currently on hold, it will be progressed in a batch with some other regional projects in the coming months.

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

##### Watts Street Subdivision

The engineering consultants have provided cost estimates for the development of the seven proposed lots that face Watts Street. The cost is estimated to be \$380,000 and this amount has been included in the draft budget.

Site investigation works will commence in August 2024 to determine if deep sewerage connections are required for these initial lots. Based on the previous development of the lots on the south side of Watts Street it is not anticipated that deep sewerage will be required.

##### Cubbine Street Subdivision

Council has received costs for the development of the Old Hospital Site. The estimated cost is \$1,586,740. This includes all planning, utilities/services (water, sewerage, electricity and communications), road, drainage and engineering costs. The estimates and the proposed plans are attached (Attachment 9.13.2).

Council will need to determine how it wants to proceed with the development of this land.

##### Community Bus – Lotterywest Application

Council staff have completed and submitted an application for a Lotterywest grant to purchase a new community bus. Council should know within three months if the application has been successful.



Mitchell Street and Yilgarn Street Housing Update

The President and Chief Executive Officer met with the contractor regarding the Yilgarn Street Executive House construction. A draft design has been agreed upon and will be presented to Council. The design has been forwarded to the estimator for costing and this should be available for the Council meeting.

The CEO meet with Modular WA to negotiate the contract to construct two, three bedroom dwellings on Mitchell Street. Modular WA have agreed to the modifications as proposed by Council and a contract will be signed in the near future. The CEO has inspected the display homes at Modular WA Wangara and can confirm the quality of the product. Modular WA have invited all Councillors to attend the display homes for an inspection.

**Comment**

Nil.

**Consultation**

Nil.

**Statutory Implications**

Nil.

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Nil.

**Recommendation 9.13**

That the Chief Executives Officers Report be received.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

## 10. Environmental Health and Building

Nil.

## 11. Planning & Development

### 11.1. Development Application – Existing Unauthorised Animal Establishment

<b>Location:</b>	Lot 205 (No.4079) Goomalling-Meckering Road, Meckering
<b>Applicant:</b>	Angela Atwell under the authority of Joseph John-Paul Hugues South (Landowner)
<b>Date:</b>	17 <sup>th</sup> July 2024
<b>Author:</b>	Joe Douglas – Town Planner
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 11.1.1 – Development Application Documentation &amp; Plans</a> <a href="#">Attachment 11.1.2 – Details of submissions received from other landowners in the Meckering townsite</a> <a href="#">Attachment 11.1.3 – Copy of submission from the Department of Primary Industries and Regional Development.</a>

#### **Proposal / Summary**

This report recommends that a development application submitted by Angela Atwell under the authority of Joseph John-Paul Hugues South (Landowner) to formalise an existing unauthorised ‘animal establishment’ on Lot 205 (No.4079) Goomalling-Meckering Road, Meckering be approved subject to conditions.

#### **Background**

The applicant is seeking Council’s retrospective development approval to formalise the keeping and breeding of up to fifteen (15) alpacas on Lot 205 (No.4079) Goomalling-Meckering Road, Meckering including various associated improvements (i.e. proposed ‘Animal Establishment’).

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 11.1.1.

Lot 205 is located in the north-western part of the Meckering townsite and comprises a total area of approximately 1.3788 hectares.

The property has direct frontage and access to Goomalling-Meckering Road along its southern boundary which is a sealed and drained local distributor road under the care, control and management of the Shire. It also has direct frontage to Hackett Street along its eastern side boundary which is an unsealed local road also under the care, control and management of the Shire.

Lot 205 is gently sloping throughout, has been cleared of most native vegetation and does not contain any creek lines, water bodies or other features of environmental significance. The property has historically been developed and used for rural residential purposes and contains a number of associated improvements including a single house, gazebo, swimming pool, sheds, internal driveways and parking areas all located in its western portion, a small number of native trees and other landscaping in select locations, fenced paddocks east of the existing house, numerous water supply tanks, boundary fencing and firebreaks throughout.

The subject land is served by reticulated electricity and telecommunication services as well as Shire owned and controlled stormwater drainage infrastructure in the adjoining road reserves. Reticulated water and sewerage are not available with all water supply and effluent disposal required to be provided/undertaken on-site.



*Location & Lot Configuration Plan (Source: Landgate)*

The property is not designated as being bushfire prone or flood prone and contains no buildings or places of cultural heritage significance.

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

- North – Rural residential development on lots comprising an average area of 2 hectares with the Wilson Street road reserve and extensive agriculture (i.e. broadacre cropping and grazing) beyond;
- South – The Goomalling-Meckering Road road reserve with extensive agriculture (i.e. broadacre cropping and grazing) and undeveloped Crown land for environmental conservation purposes beyond;
- East – The Hackett Street road reserve with rural residential development on lots comprising an average area of 2 hectares, Crown Reserve 37668 which has been set aside as public open space and extensive agriculture (i.e. broadacre cropping and grazing) beyond; and
- West – Rural residential development (i.e. one lot only comprising an area of 1.3916 hectares) with the Goomalling-Meckering Road road reserve and extensive agriculture (i.e. broadacre cropping and grazing) beyond.

### **Comment**

Lot 205 is classified 'Rural Residential RR4' zone in the Shire of Cunderdin Local Planning Scheme No.4 (LPS4), the stated objectives for which are as follows:

- *To provide for lot sizes in the range of 1 to 4 hectares;*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land; and*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land.*

Under the terms of the Zoning Table in LPS4 the development of any land classified 'Rural Residential' zone for the purposes of an 'animal establishment' is listed as a discretionary (i.e. 'A') use which means it is not permitted unless the local government has exercised its discretion by granting development approval following completion of public advertising for a minimum required period of fourteen (14) days.

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

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

- Rural Residential zoning objectives;
- Land use permissibility and compatibility;
- Land capability and suitability;
- Amenity of the locality including potential environmental, visual and social impacts;
- Protection of the natural environment, water resources and cultural heritage significance;
- Vehicle access and parking including areas for loading/unloading;
- Landscaping;
- The provision of key essential services (i.e. water supply);
- Waste management and disposal; and
- Bushfire risk, flood risk and stormwater drainage management.

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

1. The application was referred to all immediately adjoining and other nearby landowners (i.e. 13 in total) inviting their feedback and comment. The application was also advertised for public comment on the Shire's website and local newsletter in excess of the minimum required period of fourteen (14) days. At the conclusion of public advertising a total of two (2) submissions had been received, one of which objected to the proposal for environmental reasons. The second submission raised no objection and fully supported and encouraged the proposal given no negative impacts had arisen since the use was established and their own previous experience keeping alpacas on their property (see Attachment 11.1.2).
2. The application was also referred to the Commissioner of Soil and Land Conservation, the Department of Primary Industries and Regional Development and the Shire's Environmental Health Officer. The Department of Primary Industries and Regional Development advised it objects to the proposal as the proposed stocking rate exceeds the maximum sustainable stocking rate for the property (see Attachment 11.1.3). The Department subsequently advised, following queries from the reporting officer, that if a total of five (5) or six (6) alpacas were kept on the property at any one time and there was a demonstrated ability to maintain up to 70% groundcover all year round the Shire could approve the application. No comments were received from the Commissioner of Soil and Land Conservation or the Shire's Environmental Health Officer so it's reasonable to assume they have no concerns with or objections to the proposal.
3. The applicant was informed of the advice received from the Department of Primary Industries and Regional Development and confirmed sufficient water has and will continue to be provided to maintain up to 70% groundcover on the property all year round. The applicant also confirmed she is accepting of the Department's recommendation that only six (6) alpacas be kept on the property at any one time to comply with the maximum permitted stocking rate requirement.
4. Having regard for:
  - a) the land's environmental characteristics and features which are conducive to the continued use of the land for the intended purpose;
  - b) the advice received from the Department of Primary Industries and Regional Development confirming there is scope to allow the use to continue subject to limitations on stocking numbers and the maintenance of up to 70% groundcover all year round;

- c) the fact the Commissioner of Soil and Land Conservation and the Shire's Environmental Health Officer did not raise any objections on environmental grounds; and
- d) the Shire's ability to control the proposed use through conditions of development approval and its *Health Local Laws 2016* and *Animals, Environment and Nuisance Local Law 2016*, the latter of which requires a license application to the Shire's including a management plan, and the Shire's ability to vary the conditions of or cancel any license issued to the applicant due to mismanagement,

it is contended the use can be accommodated in a manner that is consistent with the amenity of the locality and the conservation and landscape attributes of the subject land if it is managed appropriately in accordance with all regulatory requirements and that the objection raised by a nearby landowner during public advertising on environmental grounds is not sufficient reason to refuse the application.

In light of all the above it is concluded the continued use of Lot 205 for the purposes of an 'animal establishment' is unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council subject to compliance with a number of conditions to ensure it is undertaken in a proper and orderly manner. As such, it is recommended Council exercise discretion and grant conditional development approval.

Formal prosecution action against the applicant and landowner pursuant to Part 13 of the *Planning and Development Act 2005* as it applies specifically to illegal development is not recommended or considered necessary in this particular instance given the applicant and landowner have sought to formalise the unauthorised use through the correct processes and have worked with the Shire Administration in a constructive and collaborative manner since becoming aware of the non-compliance issues and potential implications.

#### **Consultation**

Consultation was undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the outcomes from which are documented above. The application has also been the subject of ongoing discussions with the applicant throughout the planning assessment process.

#### **Statutory Environment**

- *Planning and Development Act 2005 (as amended)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Cunderdin Local Planning Scheme No.4*
- *Shire of Cunderdin Health Local Laws 2016*
- *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*

#### **Policy Implications**

- State Planning Policy 2.0 - Environment and Natural Resources;
- State Planning Policy 2.5 - Rural Planning;
- State Planning Policy 2.9 - Water Resources; and
- State Planning Policy 3.0 - Urban growth and Settlement.

#### **Financial Implications**

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

All costs associated with the proposed development have and will be met by the applicant/landowner.

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

### **Strategic Implications**

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

- i) Shire of Cunderdin Local Planning Strategy as it applies specifically to environmental protection and land use compatibility; and
- ii) Shire of Cunderdin Strategic Community Plan 2022-2032 and Corporate Business Plan 2021/22-2024/25 as they apply specifically to social and community, natural environment and civic leadership objectives and outcomes.

### **Recommendation 11.1**

That Council

1. Approve the development application submitted by Angela Atwell under the authority of Joseph John-Paul Hugues South (Landowner) to formalise an existing unauthorised 'animal establishment' on Lot 205 (No.4079) Goomalling-Meckering Road, Meckering subject to the following conditions and advice notes:

#### Conditions

1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The use hereby permitted shall be managed and maintained at all times to the specifications and satisfaction of the local government's Chief Executive Officer to minimise any negative impacts on the amenity of the immediate locality and the natural environment.
4. A maximum of six (6) alpacas are permitted to be kept on the land at any one time.
5. Suitable arrangements shall be made to ensure 70% groundcover is maintained on the land all year round, including the provision of a suitable water supply and associated irrigation
6. Where in the opinion of the local government the use hereby approved is causing adverse impacts on the amenity of the immediate locality and/or the natural environment such as damage to natural vegetation, pollution such as noise, dust, offensive odours, soil erosion or any other form of land degradation, the local government may take action to abate the adverse impacts, including removal of all animals from the land and cancellation of this approval, with all costs incurred by the local government in this regard being recoverable from the applicant and landowner.

### Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Cunderdin under its Local Planning Scheme No.4. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the *Building Act 2011* and *Building Regulations 2012*, an 'Application for Building Approval Certificate' (i.e. BA13) for all unauthorised structures (i.e. animal shelters and water tanks as applicable) must be submitted to and approved by the local government's Building Surveyor.
4. All structures the subject of this approval are required to comply in all respects with the National Construction Code of Australia as applicable. Plans and specifications which reflect these requirements are required to be submitted with the 'Application for Building Approval Certificate' (i.e. BA13).
5. The applicant and landowner are reminded of their obligation to ensure compliance with the requirements of the following:
  - a. the *Shire of Cunderdin Health Local Laws 2016*;
  - b. the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* including licensing requirements to keep farm animals; and
  - c. the *Shire of Cunderdin Annual Fire Break Notice* as it applies specifically to all townsite land to help guard against any potential bushfire risk.
6. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Cunderdin Local Planning Scheme No.4 and may result in legal action being initiated by the local government.
8. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the local government's determination.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

**12. Works & Services**

Nil.

**13. Urgent Items**

Nil.

**14. Scheduling of Meeting**

**14.1. August 2024 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Tuesday, 27<sup>th</sup> August 2024 commencing at 5:00pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

**15. Closure of meeting**

There being no further business the Shire President will declare the meeting closed at \_\_: \_\_pm.

**16. Certification**

**DECLARATION**

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 24<sup>th</sup> July 2024, as shown, were confirmed at the ordinary meeting of Council held on 27<sup>th</sup> August 2024.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_