



## Shire of Cunderdin

### UNCONFIRMED Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 18<sup>th</sup> June 2015** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5:00pm**.

Peter Naylor  
**Chief Executive Officer**

## Table of Contents

<b>1.</b>	<b>Declaration of opening</b> .....	<b>3</b>
<b>2.</b>	<b>Public Question Time</b> .....	<b>3</b>
<b>3.</b>	<b>Record of Attendance, Apologies and Approved Leave of Absence</b> .....	<b>3</b>
3.1	Applications for leave of absence .....	4
<b>4.</b>	<b>Petitions, Deputations, Presentations</b> .....	<b>4</b>
<b>5.</b>	<b>Announcements by President without discussion</b> .....	<b>4</b>
<b>6.</b>	<b>Confirmation of the Minutes of Previous Meetings</b> .....	<b>5</b>
6.1	Ordinary Meeting of Council held on Thursday 21 <sup>st</sup> May 2015 .....	5
<b>7.</b>	<b>Finance &amp; Administration</b> .....	<b>7</b>
7.1.	Financial Reports for May 2015 .....	7
7.2	Accounts Paid – May 2015 .....	9
7.3	Council Investments – At 22 <sup>nd</sup> May 2015.....	13
7.4	Shire of Cunderdin Meeting Dates for 2015/2016.....	15
7.5	Chief Executive Officer Annual Leave .....	18
7.6	Cunderdin Sports and Recreation Centre Management (Lease) Agreement .....	20
<b>8.</b>	<b>Environmental Health &amp; Building Services</b> .....	<b>23</b>
8.1	Cunderdin Toy Library .....	23
<b>9.</b>	<b>Works &amp; Services</b> .....	<b>26</b>
9.1	Works & Services Report.....	26
9.2	Application to keep three (3) Dogs .....	28
<b>10.</b>	<b>Planning &amp; Development</b> .....	<b>32</b>
<b>11.</b>	<b>Urgent Items</b> .....	<b>32</b>
<b>12.</b>	<b>Matters for which the meeting may be closed</b> .....	<b>32</b>
12.1	Shire of Tammin Chief Executive Officer.....	32
<b>13.</b>	<b>Closure of meeting</b> .....	<b>32</b>

## AGENDA

### 1. Declaration of opening

**The President declared the meeting open at 5.00pm**

**The Shire of Cunderdin disclaimer was read aloud.**

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

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

### 2. Public Question Time

**Response to previous public questions taken on notice**

**Declaration of public question time opened at**

**Declaration of public question time closed at**

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

#### Record of attendances

##### Councillors

Cr RC (Clive) Gibsone	Shire President
Cr DA (Dennis) Whisson	Deputy President
Cr TE (Todd) Harris	
Cr TA (Terri) Jasper	
Cr NW (Norm) Jenzen	
Cr DG (Dianne) Kelly	
Cr DB (Doug) Kelly	

#### Apologies

#### On Leave of Absence

#### Staff

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services (from 5:15pm)

#### Guests of Council

#### Members of the Public

### 3.1 Applications for leave of absence

#### **Resolution 3.1**

**That Leave of Absence be granted to:**

**Councillor Dennis Whisson for the Ordinary Meeting of Council scheduled to be held on Thursday 16<sup>th</sup> July 2015.**

**Councillor Dianne Kelly for the Ordinary Meetings of Council scheduled to be held on Thursday 16<sup>th</sup> July 2015 and Thursday 13<sup>th</sup> August 2015.**

**Moved: Cr Terri Jasper**

**Seconded: Cr Norm Jenzen**

**Vote: Simple Majority**

**Carried: 5/0**

#### **Declaration of Members and Officers Financial Interests**

- Item 7.5 The Chief Executive Officer and Deputy CEO declare an Interest
- Item 8.1 Cr Dennis Whisson and Chief Executive Officer
- Item 12.1 The Chief Executive Officer declares an Interest

### 4. Petitions, Deputations, Presentations

#### **Deputations**

#### **Presentations**

### 5. Announcements by President without discussion

Council requested that a copy of the Memorandum of Understanding signed by the Shire of Cunderdin and WA Country Health Service in April 2013 be re-distributed to Councillors.

## 6. Confirmation of the Minutes of Previous Meetings

### 6.1 Ordinary Meeting of Council held on Thursday 21<sup>st</sup> May 2015

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	4 <sup>th</sup> June 2015
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	N/A
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### **Proposal/Summary**

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 21<sup>st</sup> May 2015.

#### **Background**

The minutes of the meeting have been circulated to all Councillors and have been made available to the public.

#### **Comment**

No business arising.

#### **Consultation**

Nil

#### **Statutory Environment**

*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.

#### **Policy Implications**

Nil

#### **Financial Implications**

There are no financial implications in considering this item.

#### **Strategic Implications**

Nil

**Resolution 6.1**

**That:**

- 1. The minutes of the Ordinary Council Meeting held on Thursday 21<sup>st</sup> May 2015, be confirmed as a true and correct record.**

**Moved: Cr Dennis Whisson**

**Seconded: Cr Dianne Kelly**

**Vote – Simple majority**

**Carried: 7/0**

**Note to this item:**

The President will sign the minute declaration.

UNCONFIRMED

## 7. Finance & Administration

### 7.1. Financial Reports for May 2015

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	12 <sup>th</sup> June 2015
<b>Author:</b>	Paul Godfrey/Darren Long
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	32 Pages

#### Proposal/Summary

The financial position as at 22nd May 2015 is presented for consideration.

#### Appendices - Financial Statements

- Statement of Financial Activity
- Councillor EOY Estimate
- Operating Statement
- Statement of Surplus or Deficit
- Statement of Financial Position
- Statement of Cash Flows
- Details by Function & Activity
- Reserves Account Summary
- Loan Repayment Schedule
- Financial Activity Statement
- Municipal Bank Account Statement & Reconciliation 036-102 00-0030
- Municipal Business Cash Reserve Statement & Reconciliation 036-107 22-3647
- Reserves Business Cash Reserve Statement & Reconciliation 036-107 22-3639
- Reserves Term Deposit Statement & Reconciliation 036-107 24-1837
- Working Trust Account Statements & Reconciliations 036-172 12-2981
- REBA Trust Account Statements & Reconciliations 036-172 12-3001

#### Statutory Environment

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

#### Commentary

Nil

#### Policy Implications

Nil

**Financial Implications**

All financial implications are contained within the reports

**Strategic Implications**

Nil

**Resolution 7.1**

**That council receive the monthly financial reports to 22nd May 2015.**

**Moved: Cr Todd Harris**

**Seconded: Cr Norm Jenzen**

**Vote – Simple majority**

**Carried: 7/0**

UNCONFIRMED



## 7.2 Accounts Paid – May 2015

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	12 <sup>th</sup> June 2015
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	3 Pages

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling \$ 551,136.20 for May 2015 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 22<sup>nd</sup> May 2015.

### **Attachments**

Warrant of Payments for 1<sup>st</sup> – 22<sup>nd</sup> May 2015.

### **Statutory Environment**

Financial Management Regulations 12 & 13

### **Commentary on 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).

### **Policy Implications**

Nil

### **Financial Implications**

All financial implications are contained within the reports

### **Strategic Implications**

Nil

**Resolution 7.2**

**(a) That Council's payment of accounts amounting to \$ 551,136.20 for the month of May 2015, from the Municipal Fund be confirmed and noted.**

**(b) The Payments List as presented where incorporated in the Minutes of the Meeting.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Dennis Whisson**

**Vote – simple majority**

**Carried: 7/0**

UNCONFIRMED

## Paid Creditor Listing May 2015

Date	Reference	Narration	Amount	
1/05/2015	EFT-2962	Westpac	-\$987.06	Credit card payment
1/05/2015	GJNL-1583	Bank Fees	-\$476.13	
1/05/2015	GJNL-1582	CBA Merchant Fee	-\$55.23	
1/05/2015	EFT-2927	Westnet	-\$44.95	Museum Internet
5/05/2015	10731	MLC nominees	-\$1,352.35	
5/05/2015	10733	BT Super for Life	-\$1,067.04	
5/05/2015	10732	Westscheme Supperannuation	-\$1,935.54	
5/05/2015	10734	Australian Super	-\$955.00	
5/05/2015	EFT-2904	Colonial First State	-\$1,056.20	
5/05/2015	EFT-2905	Host Plus	-\$564.02	
5/05/2015	EFT-2906	Wa Super	-\$32,625.70	
6/05/2015	EFT-2928	Paul white	-\$500.00	Rent 17 margaret st
6/05/2015	HRJNL-243	Staff Pays PE 6/5	-\$41,481.52	
12/05/2015	EFT-2929	Westnet	-\$49.95	Pauls Internet
14/05/2015	10740	Water Corporation	-\$13,359.76	
14/05/2015	10741	Abbot & Co Printers	-\$1,031.80	
14/05/2015	10737	Covs Parts Pty Ltd	-\$167.38	
14/05/2015	10739	Institute of Automotive Mechanical Engineers	-\$400.00	
14/05/2015	10736	Synergy	-\$4,095.32	
14/05/2015	10742	Cunderdin Newsagency	-\$1,062.74	
14/05/2015	10738	Craig Beugge Carpet Cleaning	-\$450.00	
14/05/2015	10735	Department of Transport	-\$49.90	
14/05/2015	EFT-2917	Avdata Australia	-\$521.13	
14/05/2015	EFT-2914	Westrac Equipment	-\$43,125.42	12 H Grader
14/05/2015	EFT-2924	Landgate	-\$62.35	
14/05/2015	EFT-2926	Jason Signmakers	-\$1,491.60	
14/05/2015	EFT-2923	George Johnson	-\$300.00	
14/05/2015	EFT-2908	Cunderidn Co-OP	-\$186.19	
14/05/2015	EFT-2913	Shire of Merredin	-\$1,083.75	
14/05/2015	EFT-2925	Eastway Food Supplies	-\$667.26	
14/05/2015	EFT-2919	Cunderdin Co-OP Museum	-\$51.09	
14/05/2015	EFT-2915	Glenawarra Development Services	-\$4,812.50	
14/05/2015	EFT-2909	Australia Post	-\$314.73	
14/05/2015	EFT-2910	Goodfield Quality Meats	-\$30.00	
14/05/2015	EFT-2912	Austral Mercantile Collections Pty Ltd	-\$88.00	
14/05/2015	EFT-2907	Macri Partners	-\$1,650.00	
14/05/2015	EFT-2920	C Planke & Son Pty Ltd	-\$9,900.00	
14/05/2015	EFT-2921	Orica Australia Pty Ltd	-\$81.84	
14/05/2015	EFT-2916	T&T Wilkins Handyman Services	-\$3,953.40	
14/05/2015	EFT-2911	Cunderdin Community Resource Centre	-\$3,525.00	
14/05/2015	EFT-2918	Tom Fullerton Trucking	-\$792.00	
14/05/2015	EFT-2922	Meckering Action Group	-\$60.00	
15/05/2015	GJNL-1584	Bpoint Fees	-\$31.18	
15/05/2015	EFT-2930	SG Fleet	-\$943.22	CESM Vehicle
20/05/2015	EFT-2931	Paul white	-\$500.00	
20/05/2015	HRJNL-245	Staff Pays PE 20/5	-\$41,108.46	
21/05/2015	EFT-2932	Downer EDI Limited	-\$190,806.13	Supply and lay Bitumen Hodges and Burges St
21/05/2015	10743	Australian Tax Office	-\$8,452.00	BAS
22/05/2015	10744	Covs Parts Pty Ltd	-\$845.72	
22/05/2015	10747	Westscheme Supperannuation	-\$590.38	
22/05/2015	10746	Telstra Corporation Limited	-\$2,495.37	
22/05/2015	10749	BT Super for Life	-\$380.06	Staff Super

21/05/2015	10743	Australian Tax Office	-\$8,452.00	BAS
22/05/2015	10744	Covs Parts Pty Ltd	-\$845.72	
22/05/2015	10747	Westcheme Supperannuation	-\$590.38	
22/05/2015	10746	Telstra Corporation Limited	-\$2,495.37	
22/05/2015	10749	BT Super for Life	-\$380.06	Staff Super
22/05/2015	10752	Water Corporation	-\$321.15	
22/05/2015	10751	Cr. Dianne Kelly	-\$225.00	
22/05/2015	10753	Bosston Auto Bodies	-\$38.50	
22/05/2015	10748	Cr. Clive Gibsone	-\$463.00	
22/05/2015	10750	Australian Super	-\$345.38	Staff Super
22/05/2015	10745	MLC Nominees Pty Ltd	-\$367.57	Staff Super
22/05/2015	EFT-2957	Combined Tyrepower	-\$1,038.00	
22/05/2015	EFT-2954	AMJ Industries	-\$601.72	
22/05/2015	EFT-2951	Pestex Co	-\$5,494.50	
22/05/2015	EFT-2943	Cr. Dennis Whisson	-\$225.00	
22/05/2015	EFT-2946	Contract Aquatic Services	-\$28,003.80	
22/05/2015	EFT-2956	Macs Agencies	-\$180.00	
22/05/2015	EFT-2939	Cr. Doug Kelly	-\$225.00	
22/05/2015	EFT-2949	Cr. Todd Harris	-\$225.00	
22/05/2015	EFT-2950	Information Services & Technology	-\$220.00	
22/05/2015	EFT-2944	Cr. Terri Jasper	-\$225.00	
22/05/2015	EFT-2936	Cunderdin Co Op Fuel	-\$11,820.00	
22/05/2015	EFT-2959	JH & JF Harris	-\$1,630.00	
22/05/2015	EFT-2955	Shire of Quairading	-\$5,120.50	
22/05/2015	EFT-2942	Avon Waste	-\$11,479.80	
22/05/2015	EFT-2933	Colonial First State	-\$388.04	
22/05/2015	EFT-2938	Shire of Northam	-\$3,749.90	
22/05/2015	EFT-2947	F-111 Engineering Pty Ltd	-\$204.60	
22/05/2015	EFT-2961	Avon Valley Plastering	-\$4,400.00	
22/05/2015	EFT-2941	It Vision	-\$6,050.00	
22/05/2015	EFT-2948	Country Ford	-\$24,950.00	
22/05/2015	EFT-2935	Wa Super	-\$10,722.30	Staff Super
22/05/2015	EFT-2940	Department of Premier and Cabinet	-\$1,997.20	
22/05/2015	EFT-2937	Bayswater Fire Protection	-\$3,439.70	
22/05/2015	EFT-2934	Hostplus	-\$135.77	Staff Super
22/05/2015	EFT-2960	Jason Signmakers	-\$1,254.00	
22/05/2015	EFT-2952	Elders Limited	-\$108.90	Staff Safety Boots
22/05/2015	EFT-2958	Cr. Norm Jenzen	-\$225.00	
22/05/2015	EFT-2953	COLAS Wa Pty Ltd	-\$2,596.00	
22/05/2015	EFT-2945	Thompson Signs	-\$49.50	
		<b>TOTAL</b>	<b>-\$551,136.20</b>	
CHQ			-\$40,450.96	
EFT			-\$510,685.24	
TOTAL			-\$551,136.20	

### 7.3 Council Investments – At 22<sup>nd</sup> May 2015

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	12 <sup>th</sup> June 2015
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### Proposal/Summary

To inform Council of its investments as at 22<sup>nd</sup> May 2015.

#### 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
- 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.

#### Commentary

<b>COUNCIL INVESTMENTS</b>				
<b>Institution</b>	<b>Amount Invested</b>	<b>Investment type</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>
Westpac Banking Corporation	\$0.00	Business Cash Reserve Bonus 22-3639 2.40%	\$0.00	\$0.00
Westpac Banking Corporation	\$556,921.90	Reserves Term Deposit 24-1837 2.80% Expires : 24/06/2015	\$0.00	\$556,921.90
Westpac Banking Corporation	\$656,723.02	Business Cash Reserve Bonus 22-3647 2.10%	\$ 656,723.02	\$0.00
Westpac Banking Corporation	\$0.00	Muni Term Deposit 22-8712 3.0%	\$0.00	\$0.00
<b>TOTAL INVESTMENTS</b>	<b>\$ 1,213,644.92</b>		<b>\$ 656,723.02</b>	<b>\$556,921.90</b>

**Statutory Implications**

Financial Management Regulation 19.

**Policy Implications**

Delegation #18 – Investments.

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

There are no strategic implications in considering this item.

**Resolution 7.3**

**That the report on Council investments as at 22nd May 2015 be received and noted.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Norm Jenzen**

**Vote – Simple Majority**

**Carried: 7/0**

## 7.4 Shire of Cunderdin Meeting Dates for 2015/2016

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	4 <sup>th</sup> June 2015
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### Proposal/Summary

For Council to consider the Council and committee meetings dates and times for the 2015/2016 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 (3<sup>rd</sup>) 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 7.4**

That Council adopts and provides Local Public Notice for the following Ordinary Council and Committee Meetings dates, time and places for the 2015/2016 financial year:

1. The date for Ordinary Council Meetings be as follows, commencing at 5:00pm and being held in the Council Chambers, Lundy Avenue, Cunderdin:

Month	Meeting Date
July 2015	Thursday 16 July 2015
August 2015	Thursday 13 August 2015
September 2015	Thursday 17 September 2015
October 2015	Wednesday 14 October 2015
November 2015	Thursday 19 November 2015
December 2015	Thursday 17 December 2015
January 2016	No meeting
February 2016	Thursday 18 February 2016
March 2016	Thursday 17 March 2016
April 2016	Thursday 21 April 2016
May 2016	Thursday 19 May 2016
June 2016	Thursday 16 June 2016

2. Cunderdin Museum Committee Meetings will be held on the second (2<sup>nd</sup>) Thursday of each third month, four times per year (February, May, August & November) commencing at 7:30pm at the Cunderdin Museum, Forrest Street, Cunderdin.
3. 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.
4. Local Emergency Management Committee (LEMC) meetings are to be held four (4) times per year on the last Wednesday of each third (3<sup>rd</sup>) month, August, November, February & May, commencing at 5:00pm in the Council Chamber, Lundy Avenue, Cunderdin.

Moved: Cr Dianne Kelly

Seconded: Cr Dennis Whisson

Vote – Simple Majority

Carried: 7/0

## 7.5 Chief Executive Officer Annual Leave

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	4 <sup>th</sup> June 2015
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Yes
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

The Chief Executive Officer, Mr Peter Naylor, and Deputy CEO, Mr Paul Godfrey, both declare an interest in this item.

### **Proposal/Summary**

That Council endorses the Chief Executive Officer (CEO) clearing 26 days of annual leave entitlements and appoint an Acting CEO during this period.

### **Background**

The CEO, Mr Peter Naylor, is applying to clear 26 days of annual leave entitlements from Monday 24<sup>th</sup> August 2015 to Tuesday 29<sup>th</sup> September 2015, inclusive, resuming on Wednesday 30<sup>th</sup> September 2015. Please note this period also includes one (1) public holiday (Queens Birthday) on Monday 28<sup>th</sup> September.

### **Comments**

It is proposed that the Deputy CEO, Mr Paul Godfrey, be appointed as Acting CEO during this period.

### **Consultation**

Nil

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Provision has been included on the draft budget for 2014/2015.

### **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 7.5**

##### **That Council:**

- 1. Endorses the Chief Executive Officer (CEO) clearing 26 days annual leave entitlements from Monday 24<sup>th</sup> August 2015 to Tuesday 29<sup>th</sup> September 2015, inclusive.**
- 2. Appoints the Deputy CEO, Paul Godfrey, as Acting CEO for period 24<sup>th</sup> August to 29<sup>th</sup> September 2015, inclusive.**

**Moved: Cr Dennis Whisson      Seconded: Cr Norm Jenzen**

**Vote – Simple Majority      Carried: 7/0**

## 7.6 Cunderdin Sports and Recreation Centre Management (Lease) Agreement

<b>Location:</b>	Part Lot 50, Lundy Avenue, Cunderdin
<b>Applicant:</b>	Chief Executive Officer and Cunderdin Sports & Recreation Centre Management Committee
<b>Date:</b>	10 <sup>th</sup> June 2015
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	9 Pages

### Proposal/Summary

For Council to consider and endorse the Draft Management (Lease) Agreement between the Shire of Cunderdin and the Cunderdin Sports and Recreation Centre Management Committee.

### Background

During March 2015, the Chief Executive Officer (CEO) prepared a Draft Management (Lease) Agreement for the ongoing operations and functions for the new Cunderdin Sports and Recreation Centre.

The Draft Agreement was provided to the Management Committee for consideration and feedback.

On Tuesday 9<sup>th</sup> June 2015, the Shire President and CEO met with the Chair of the Management Committee, David Beard, to work through the draft document and discuss any proposed changes.

A copy of the amended Draft Agreement is circulated with the Council Meeting Agenda as Attachment 1 to this item.

### Comments

The main thrust of the draft agreement was well received by the Management Committee however there were a few amendments requested which are evident through the document either in the form of "strikeout" or highlighted in yellow.

The areas of concern were mainly around insurance coverage which is being further followed up and will be explained at the Council Meeting, and in the future maintenance / repair / replacement of major items within the Centre. Again further explanation will be provided at the Council Meeting.

The amended Draft Agreement which is being presented to Council for endorsement seems to represent fair and equitable roles and responsibilities for the day-to-day and long term future of the Centre.

### Consultation

Cunderdin Sports & Recreation Centre Management Committee

### Statutory Implications

Nil

## 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.

5:15pm Mr Ian Bartlett, Manager Works and Services, entered the meeting.

*Following the meeting with David Beard (Chair of the Management Committee) on Tuesday 9<sup>th</sup> June 2015, follow up emails have been received from Mr Beard and letters from sporting groups in relation to the cleaning of the facilities at the sports ground. These documents were tabled for Council information and consideration.*

### Recommendation 7.6

That Council:

1. Endorses the Management (Lease) Agreement, between the Shire of Cunderdin and the Cunderdin Sports & Recreation Centre Management Committee, for the Cunderdin Sports & Recreation Centre.
2. Authorises the Shire President and Chief Executive Officer to execute the Agreement on behalf of Council.

**Resolution 7.6**

**That Council:**

- 1. Informs the Cunderdin Sports & Recreation Centre Management Committee that the internal cleaning of the premises at the Cunderdin Sports Ground (both Sports Club and Change Rooms) is the responsibility of the Management Committee and the individual Clubs.**

**Council further suggests that if deemed appropriate that the Management Committee impose a cleaning fee when hiring the facility/s to external groups.**

- 2. Endorses the Management (Lease) Agreement, between the Shire of Cunderdin and the Cunderdin Sports & Recreation Centre Management Committee, for the Cunderdin Sports & Recreation Centre.**
- 3. Authorises the Shire President and Chief Executive Officer to execute the Agreement on behalf of Council.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Dennis Whisson**

**Vote – Simple Majority**

**Carried: 7/0**

## 8. Environmental Health & Building Services

### 8.1 Cunderdin Toy Library

<b>Location:</b>	Lot 54 Lundy Avenue, Cunderdin
<b>Applicant:</b>	Cunderdin Community Resource Centre
<b>Date:</b>	9 <sup>th</sup> June 2015
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Yes
<b>File Reference:</b>	32670
<b>Attachment/s:</b>	2 Pages

Cr Dennis Whisson, Chair of the Cunderdin Community Resource Centre Board, and the Chief Executive Officer, Member of the Cunderdin Community Resource Centre Board, declare in Interest in this matter.

#### **Proposal/Summary**

Council consideration to early termination of Five (5) Year Lease with the Cunderdin Community Resource for Council property being used for the Cunderdin Toy Library.

This Report recommends that the application for early termination of the lease be supported.

#### **Background**

Council, on 18<sup>th</sup> September 2011, resolved to grant a five (5) year lease of the property situated at Lot 54 Lundy Avenue, Cunderdin, to the Cunderdin Toy Library, expiring on 1<sup>st</sup> September 2016.

During the recent period the patronage of the Toy Library has been very poor and therefore the Cunderdin Community Resource Centre in conjunction with the Toy Library Committee have resolved to close the service.

Council is in receipt of correspondence from the Cunderdin Community Resource Centre advising of their intentions to close the Toy Library and relinquishing the Lease Agreement effective from Friday 12<sup>th</sup> June 2015.

#### **Comments**

It is disappointing that the Committee and Community Resource Centre have resolved to close the Toy Library as it has the potential to provide a significant service to the local community. However the decision is understandable given the lack of membership and support in recent times.

The Chief Executive Officer has received preliminary email enquiry from the Cunderdin CWA that they may be interested in using the premises as meeting venue. The Cunderdin CWA disbanded many years ago and the CWA building located on Main Street is now used for other purposes. There are a group of people attempting to reform the CWA in Cunderdin and seeking a new venue.

The CEO responded to the initial enquiry advising that the CWA will need to present a formal proposal to Council for consideration. The proposal should include all proposed activities and address payment of outgoings such as utility costs, insurances, lease payments, etc.

At the time of preparing this report no further information has been received from the CWA.

The future use for the building is certainly something for further Council consideration.

**Consultation**

Cunderdin Community Resource Centre  
Cunderdin Toy Library

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

To be determined

**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 8.1**

**That Council:**

- 1. Agrees to the early termination of the lease agreement with the Cunderdin Community Resource Centre for the property at Lot 54 Lundy Avenue, Cunderdin.**
- 2. Thanks the Cunderdin Community Resource Centre and Toy Library Committee for their endeavours to provide a service to the local community through the Toy Library.**
- 3. Authorises the Chief Executive Officer to continue to investigate suitable future tenants and / or use for the property.**

**Moved: Cr Todd Harris**

**Seconded: Cr Doug Kelly**

**Vote – Simple Majority**

**Carried: 7/0**

## 9. Works & Services

### 9.1 Works & Services Report

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager Works & Services
<b>Date:</b>	10 <sup>th</sup> June 2015
<b>Author:</b>	Ian Bartlett
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### **PROPOSAL/SUMMARY**

Council is to receive the Works and Services Report for May 2015.

#### **CONSTRUCTION**

- Prepared an additional one (1) km of Meckering-Goomalling Road for sealing.
- Recommended works on Beebering Road.

#### **GENERAL MAINTENANCE**

Routine maintenance works being carried out throughout the Shire and on a as needs basis:

- Verge spraying program is ongoing. Cunderdin-Wyalkatchem, Cunderdin-Quairading, 5 Mile Gate, Minnivale, Woonwooring and 3 Mile Gate Roads.
- Winter grading commenced but now stopped due to dry conditions. Carter, Sheehan, Doherty, Kelkering, Tomalocking, Pearse, 3 Mile Gate, Doodenanning, part Rabbit Proof Fence and Shorter Roads completed.

#### **PARKS AND GARDENS MECKERING**

- Carried out general mowing, slashing, whipper snipping and clean-up of all parks gardens and public open space.

#### **PARKS AND GARDENS CUNDERDIN**

- Carried out general mowing, slashing, whipper snipping and general clean-up of public open space.

#### **BUILDING AND OTHER MAINTENANCE**

- General maintenance carried out to Cottage Homes, Recreation Centre and Shire Houses.
- Contractor has completed rendering the entrance to the Sports Ground.
- Works have commenced "sprucing up" the ticket boxes at the entrance to the sports ground.

#### **CEMETERIES**

- Cunderdin Cemetery raked and material removed from site, and graves topped up.

#### **AIRFIELD MAINTENANCE**

- Routine inspections carried out no problems to report.
- Winter weed spraying ongoing.
- No damage to lights.

#### **PLANT MAINTENANCE**

- Carried out general servicing and minor repairs to all plant and equipment.
- No major breakdowns to report.

### **WASTE SERVICES**

- General upkeep of the Cunderdin and Meckering Waste Transfer Stations, everything running okay.
- Removal of scrap steel from the Cunderdin Transfer Station is ongoing.

### **WORKS AND SERVICES STAFF**

- Mr Geoff Don has resigned from Council's employment effective from 24<sup>th</sup> May 2015. This position is currently vacant.
- Mr Barry Bell is on extended leave for period of 3 months. Further information to be provided.

### **TRAFFIC COUNTERS**

<b>Road</b>	<b>Dates</b>	<b>VPD</b>
Gimbel	7/5/15 – 28/5/15	22.50
Thompson		8.30
Goldfields		82.50
Youndegin-Kelkering		12.00

### **OTHER MATTERS**

Seeking direction from Council in respect to the annual road inspection, ie date, time, special requests, etc.

#### **Statutory Implications**

*Local Government Act 1995*

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

### **Resolution 9.1**

**That Council:**

- 1. Receives the Works and Services Report for May 2015.**

**Moved: Cr Dianne Kelly**

**Seconded: Cr Norm Jenzen**

**Vote – Simple majority**

**Carried: 7/0**

## 9.2 Application to keep three (3) Dogs

<b>Location:</b>	59 Bedford Street, Cunderdin
<b>Applicant:</b>	Hayley Byrnes
<b>Date:</b>	12 <sup>th</sup> June 2015
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	32686
<b>Attachment/s:</b>	1 Page

### Proposal/Summary

An application has been received from Mrs Hayley Byrnes requesting permission to keep three (3) dogs on their property at 59 Bedford Street, Cunderdin.

### Background

It is a requirement of the Shire of Cunderdin Dogs Local Law 2015 that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

### Comment

The Chief Executive Officer has inspected the property of 59 Bedford Street and has found the fences to be adequate and in a suitable state of repair to contain the 3 dogs.

Should Council be in favour of granting an exemption it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*, as mentioned above.

### Consultation

Mrs Hayley Byrnes

### Statutory Implications

#### ***Dog Act 1976 (as amended)***

#### **Part V – The keeping of dogs**

##### **6. *Limitation as to numbers***

- (1) *A local government may, by a local law under this Act –*
  - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government’s district; or*
  - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government’s district.*
- (2) *A local law mentioned in subsection (1) –*
  - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
  - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*
  - (c) *cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*

- (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
- (b) cannot authorise the keeping in or at those premises of —
- (i) more than 6 dogs that have reached 3 months of age; or
- (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
- and
- (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
- (i) a local law mentioned in subsection (1); or
- (ii) an exemption granted under subsection (3);
- or
- (b) more than —
- (i) 2 dangerous dogs (declared); or
- (ii) 2 dangerous dogs (restricted breed); or
- (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
- (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.
- Penalty:
- (a) for an offence relating to a dangerous dog —
- (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
- (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;
- (b) for an offence relating to a dog other than a dangerous dog —
- (i) a fine of \$5 000;
- (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.
- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption under subsection (3); or
- (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
- may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

## **Shire of Cunderdin Dogs Local Law 2015**

### **PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**

#### **3.1 Dogs to be confined**

- (1) An occupier of premises within a townsite on which a dog is kept must -
- (a) cause a portion of the premises on which the dog is kept to be fenced or walled in a manner capable of confining the dog;

- (b) ensure the fence or wall used to confine the dog and every gate or door in the fence or wall is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - (c) ensure that every gate or door in the fence or wall is kept closed at all times when the dog is on the premises, unless the gate or door is temporarily opened in a manner that ensures that the dog remains confined;
  - (d) maintain the fence or wall and all gates and doors in the fence or wall in good order and condition; and
  - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

**Penalty:** Where the dog kept is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

### **3.2 Limitation on the number of dogs**

- (1) This clause does not apply to premises which have been-
  - (a) licensed under Part 4 as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) On land within a townsite, or zoned "rural residential" under a local planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.
- (3) On land zoned "rural" under a local planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 4 dogs over the age of 3 months and young of those dogs under that age.

### **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 9.2**

That Council approves the application to keep three (3) dogs at 59 Bedford Street, Cunderdin, subject to the following conditions:

1. The applicant must maintain and hold valid registrations for each of the dogs kept at the premises.
2. The exemption is only valid for the life of these three (3) dogs, should one (1) of the dogs become deceased it cannot be replaced prior to seeking further approval from Council.
3. Should there be any significant breach of the *Dog Act 1976* then the exemption may be withdrawn at any time.

Moved: Cr Todd Harris

Seconded: Cr Terri Jasper

Vote – Simple majority

Carried: 7/0

*Council requested that in accordance with dot point 3 of the resolution that the Ranger inspect the property fences and consults with neighbouring property owners/occupiers.*

**10. Planning & Development**

Nil

**11. Urgent Items**

Nil

**12. Matters for which the meeting may be closed**

**12.1 Shire of Tammin Chief Executive Officer**

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>Date:</b>	5 <sup>th</sup> June 2015
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Yes
<b>File Reference:</b>	32673
<b>Attachment/s:</b>	2 Pages

The Chief Executive Officer, Mr Peter Naylor, declares an Interest in this item.

**Resolution 12.1**

**That Council:**

- 1. Informs the Shire of Tammin that it is prepared to work favourably with their proposal for a Resource Sharing Arrangement for the Chief Executive Officer position.**
- 2. Informs the Shire of Tammin that such support for the proposal will be subject to preparation of a Business Plan and Feasibility Study favouring the proposal and identifying significant benefits for both the Shires of Cunderdin and Tammin.**

**Moved: Cr Doug Kelly**

**Seconded: Cr Norm Jenzen**

**Vote – Simple majority**

**Carried: 6/1**

***Cr Todd Harris requested his name to be recorded as voting against the motion.***

**13. Closure of meeting**

There being no further business the Shire President will declare the meeting closed at 6.20pm.