



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 20th June 2013** in the Council Chambers, Lundy Avenue Cunderdin commencing at 5:18 pm.

Peter Naylor
Chief Executive Officer

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AGENDA

1. Declaration of opening

The President declared the meeting open at 5:18pm.

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. Suspension of Clause 3.2 - Standing Orders

Location:	Cunderdin
Applicant:	Not applicable
Date:	11 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer

Resolution 2.0:

Council suspends clause 3.2 – Order of Business – of the Shire of Cunderdin Standing Orders Local Law 2001

Moved: Cr Todd Harris

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 6/0

3. 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

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

Record of attendances

Councillors

Cr RL (Rod) Carter	Shire President
Cr RC (Clive) Gibsone	Deputy Shire President
Cr TE (Todd) Harris	
Cr DG (Dianne) Kelly	
Cr DB (Doug) Kelly	
Cr DA (Dennis) Whisson	

Apologies

On Leave of Absence

Cr GJ (Graham) Cooper

Staff

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services (Entered at 5.30pm)

Guests of Council

Members of the Public

Applications for leave of absence

Declaration of Members and Officers Financial Interests

Item 8.5: The Chief Executive Officer, Mr Peter Naylor, and the Deputy Chief Executive Officer, Mr Paul Godfrey, Declared an Interest in this item.

5. Petitions, Deputations, Presentations

Deputations

Presentations

6. Announcements by President without discussion

7. Confirmation of the Minutes of Previous Meetings

7.1 Ordinary Meeting of Council held on Thursday 16 May 2013

Location:	Cunderdin
Applicant:	Administration
Date:	11 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	
Attachment/s:	Nil

Proposal/Summary

Council to confirm the minutes of the Ordinary Council meeting held on Thursday 16 May 2013.

Background

The minutes of the meeting has 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 7.1

That:

- 1. The minutes of the Ordinary Council meeting held on Thursday 16 May 2013, be confirmed as a true and correct record.**

Moved: Cr Clive Gibsone

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 6/0

Note to this item:

The President will sign the minute declaration.

8. Finance & Administration

8.1. Financial Report for May 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	11 th June 2013
Author:	Paul Godfrey/Darren Long
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	

Proposal/Summary

The financial position as at 31st May 2013 is presented for consideration.

Appendices – 31st May 2013 - 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 to 31st May 2013
- Municipal Bank Account Statement & Reconciliation 036-102 00-0030
- Municipal Business Cash Reserve Statement & Reconciliation 036-107 22-3647
- Municipal Term Deposit Statement & Reconciliation 036-107 22-6418
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8704
- Municipal Term Deposit Statement & Reconciliation 036-107 22-8712
- Reserves Business Cash Reserve Statement & Reconciliation 036-107 22-3639
- Reserves Term Deposit Statement & Reconciliation 036-107 22-6311
- 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 8.1

That council receive the financial reports to 31st May 2013.

Moved: Cr Dennis Whisson

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 6/0

8.2 Accounts Paid – May 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	11 th June 2013
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	3 Pages

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$476,081.01 listed in the Warrant of Payments for the period 1st May to 31st May 2013.

Attachments

Warrant of Payments for 1st May – 31st May 2013.

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 8.2

(a) That Council's payment of accounts amounting to \$476,081.01 for the period of 1st May – 31st May 2013 from the Municipal Fund be confirmed and noted.

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

Moved: Cr Clive Gibsone

Seconded: Cr Todd Harris

Vote – simple majority

Carried: 6/0

8.3 Council Investments – At 31st May 2013

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	11 th June 2013
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31st May 2013.

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

COUNCIL INVESTMENTS AS AT 31st May 2013				
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds
Westpac Banking Corporation	\$96.43	Business Cash Reserve Bonus 22-3639 0.01%	\$0.00	\$96.43
Westpac Banking Corporation	\$2,247,809.05	Reserves Term Deposit 22-6311 4.50%	\$0.00	\$2,247,809.05
Westpac Banking Corporation	\$23.20	Business Cash Reserve Bonus 22-3647 3.00%	\$23.20	\$0.00
Westpac Banking Corporation	\$306,996.97	Muni Term Deposit 22-6418 4.10%	\$306,996.97	\$0.00
Westpac Banking Corporation	\$0.00	Muni Term Deposit 22-8704 4.45%	\$0.00	\$0.00
Westpac Banking Corporation	\$505,608.22	Muni Term Deposit 22-8712 4.10%	\$505,608.22	\$0.00
TOTAL INVESTMENTS	\$3,044,028.34		\$812,628.39	\$2,231,399.95

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 8.3

That the report on Council investments as at 31st May 2013 be received and noted.

Moved: Cr Dennis Whisson Seconded: Cr Dianne Kelly

Vote – Simple Majority Carried: 6/0

8.4 Shire of Cunderdin Common Seal

Location:	Shire Administration
Applicant:	Chief Executive Officer
Date:	11 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
File Reference:	
Attachment/s:	Nil

Proposal/Summary

Seeking Council endorsement for the affixing of the Shire of Cunderdin Common Seal on various documents in accordance with Council Policy #12 adopted 19 April 2007.

Background

Shire of Cunderdin Policy #12 authorises the Chief Executive Officer to affix the common seal to documents to be executed by the Shire where such documents are consistent and in accord with Council resolution.

Council is then to be notified of executed documents via a report to be submitted to a Council meeting.

Comment

During the previous month the Shire President and/or Chief Executive Officer witnessed the affixing of the Shire of Cunderdin Common Seal to the following document(s):

- 17 May 2013 – Deed of Agreement, Shire of Cunderdin and Doctor Kenneth Gray.

Consultation

Nil

Statutory Implications

Local Government Act 1995 – section 9.49A Execution of documents.

Policy Implications

Finance Policy #12.

Financial Implications

Nil

Strategic Implications

Nil

Resolution 8.4

That Council endorses the affixing of the Shire of Cunderdin Common Seal to the following document(s):

- 1. 17 May 2013 – Deed of Agreement, Shire of Cunderdin and Doctor Kenneth Gray.**

Moved: Cr Clive Gibsone

Seconded: Cr Dianne Kelly

Vote: Simple majority

Carried: 6/0

8.5 Chief Executive Officer Annual Leave

Location:	Not applicable
Applicant:	Chief Executive Officer
Date:	11 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

The Chief Executive Officer, Peter Naylor, and the Deputy CEO, Paul Godfrey, declared an interest in this item.

Proposal/Summary

Council to endorse the Chief Executive Officer (CEO) clearing 8 days of annual leave entitlements and appoint an Acting CEO during this period.

Background

The CEO, Mr Peter Naylor, is applying to clear 8 days of annual leave entitlements from Monday 8 July 2013 to Wednesday 17 July 2013, inclusive, resuming on Thursday 18 July 2013.

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

Comments

Prior to the CEO commencing the proposed leave period all necessary provisions for the 2013/14 Financial Year Budget will be dealt with accordingly and ready for adoption at the Ordinary Meeting of Council (OCM) scheduled to be held on Thursday 18 July 2013.

Council may however consider deferring the OCM by one week to Thursday 25 July 2013. This will still enable the budget to be adopted within the legislative time frame and rates to be issued early within the new financial year.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Provision has been included on the draft budget for 2013/14.

Strategic Implications

Nil

Resolution 8.5

That Council:

- 1. Endorses the Chief Executive Officer (CEO) clearing 8 days annual leave entitlements from Monday 8 July 2013 to Wednesday 17 July 2013, inclusive.**
- 2. Appoints the Deputy CEO, Paul Godfrey, as Acting CEO for period 8 July to 17 July 2013, inclusive.**
- 3. Defers the July 2013 Ordinary Council Meeting from Thursday 18 July 2013 to Thursday 25 July 2013.**

Moved: Cr Dennis Whisson

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 6/0

8.6 Shire of Cunderdin Meeting Dates for 2013/2014

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	11 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the Council and committee meetings dates and times for the 2013/2014 financial year.

Background

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

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

Comments

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

In considering this matter Council will need to be mindful of the Chief Executive Officer comments in item 8.4 of this agenda and request for the July 2013 Council Meeting to be held on Thursday 25 July.

Also in recent years the August Council Meeting has been deferred for one week (to the 4th Thursday) to cater for a significant local event, it is proposed to change this meeting date as part of this process.

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.*

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

Nil

Resolution 8.6

That Council adopts and provides Local Public Notice for the following Ordinary Council and Committee Meetings dates, time and places for the 2013/14 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 2013	Thursday 25 July 2013
August 2013	Thursday 22 August 2013
September 2013	Thursday 19 September 2013
October 2013	Thursday 17 October 2013
November 2013	Thursday 21 November 2013
December 2013	Thursday 19 December 2013
January 2014	No meeting
February 2014	Thursday 20 February 2014
March 2014	Thursday 20 March 2014
April 2014	Thursday 17 April 2014
May 2014	Thursday 15 May 2014
June 2014	Thursday 19 June 2014

2. Cunderdin Museum Committee Meetings will be held on the second (2nd) 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 (3rd) month, August, November, February & May, commencing at 4:30pm in the Council Chamber, Lundy Avenue, Cunderdin.

Moved: Cr Clive Gibsone

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 6/0

8.7 Proposed Amendments to the WA Local Government Association Constitution

Location:	Not applicable
Applicant:	Chief Executive Officer
Date:	12 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Nil
File Reference:	Nil
Attachment/s:	29 Pages

Proposal/Summary

For Council to consider supporting proposed amendments to the WA Local Government Association Constitution.

This report recommends that the proposed amendments be supported.

Background

In accordance with Clause 29 of the Western Australian Local Government Association (WALGA) Constitution, WALGA formally gives notice that at the 7 August 2013 Annual General Meeting (AGM) of the Association a motion to amend the WALGA Constitution will be put to delegates as an item of business. A full report is to be included in the AGM agenda papers.

The proposed amendments to the Constitution relate to the following two (2) issues;

- State Council Commencement Date
- Impacts of Amalgamation – Ability for Commissioners to represent State Council

As way of initial background information the following is provided by WALGA;

State Council Commencement Date

The Association had been requested by the Great Eastern Country Zone to consider amending the WALGA constitution as it relates to the commencement date for the formation of the new State Council.

It has been suggested that it would be easier and less confusing if the new State Council commenced at the first meeting following the Local Government Elections (October).

The reasoning for the delay in the past was to allow Councils enough time to nominate their delegates to the Zone and then the Zones to nominate their delegate to State Council. This was of particular importance where Local Governments had a number of newly elected councillors.

Currently, a State Councillors term commences at the March meeting. If this amendment is successful the first State Council meeting after the elections would be in December with the Zone meetings held in November. The timeframes would require nominations to be addressed prior to the November Zone meetings.

Impacts of Amalgamation – Ability for Commissioners to represent State Council

Concern had been raised by Zone Delegates as to whether they have continuing rights and membership during transitional phases where mergers may occur between Local Governments. The question was raised by a Zone Delegate in response to a proposal for a voluntary amalgamation between three local

governments. As Commissioners are responsible for administering a new Council during the transitional phase, the question was whether the new Council was eligible for membership of WALGA, representation on State Council, and the legal position of the Commissioners administering the Council.

Legal advice was sought by WALGA. As a result amendments to the Constitution have been proposed to take into account the recognition of the legal position of the new Councils and Commissioners that may be formed as a result of a merger.

Comments

The WALGA State Council considered the proposed amendments at a Special Meeting of State Council held on 30 May 2013 and unanimously resolved to amend the Constitution. The State Council's resolution follows:

1. That the Constitution be amended as follows:

In clause 9, amend the commencement and conclusion date for State Councillors' term of office by amending sub-clause (3) to read:

"Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections."

2. If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013.

3. In clause 2:

Insert a new definition of Commissioner –

"Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act 1995."

4. In clause 2 amend the definition of Councillor by inserting after the words "elected by electors" –

"and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the Local Government Act 1995."

*5. Amend the definition of Member by inserting after the words "sub-clause 14(2)" – "; or
· A new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation."*

6. Amend the definition of Ordinary Member by inserting after "provisions of this Constitution" –

"and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation."

7. In clause 5 insert a new clause (3) as follows –

"Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided

that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.”
All subsequent subclauses are renumbered.

8. In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”

9. Clause 20(b) delete the words “who elected or appointed the person as its delegate.”

A mark-up version of the Constitution, which details the proposed amendments, is an attachment to the agenda.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 8.7

That Council supports the proposed amendments to the WA Local Government Association Constitution.

Moved: Cr Clive Gibsone

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 6/0

8.8 Meckering Sporting Club Inc

Location:	Meckering
Applicant:	Meckering Sporting Club Inc
Date:	1 st May 2013
Author:	Community Development Officer
Item Approved by:	Chief Executive Officer
File Reference:	ADM0038
Attachment/s:	7 Pages

Proposal/Summary

This report recommends Council support the request to amount of \$700.

Background

Council have Community Donation accounts for supporting of local community groups and events

Comment

The Meckering Sporting Club Inc manage the Meckering Sporting Facilities within the Meckering Community. The Sporting Club Committee has submitted a request for council funding to replace the chilled water cooler situated in the undercover area of the sporting club. The current unit has had numerous repairs and is deemed no longer serviceable.

The purpose of replacing the water cooler is to provide adequate drinking water available free to all members and visitors to the Sporting Club in line with the Responsible Service of Alcohol.

The Community Development Officer has consulted with Sales Consultant Gavin Cook to confirm that there would be additional installation costs for a plumber to connect the cooler to water supply.

The Meckering Sporting Club Inc requested financial assistance from Meckering Action Group for this project. Unfortunately due to limited income Meckering Action Group are unable to provide financial assistance. (See Attached)

INCOME	
Community Grant	\$700
Group contribution	\$700
Total Income	\$1,400
EXPENDITURE	
Landmark chilled 18L Water Unit	\$1,397
Plumber for Installation – not provided	-
Total Expenditure	\$1,397

Previous Council Funding

Council has provided or assisted with the sourcing of funding previously to the Meckering Sporting Club Inc.

1. October 2011 -**\$3,000** - Council donation for Goodbye to the Grass Celebration – Department of Agriculture Dry Seasons Assistance Subsidy.
2. September 2011 - **\$10,000** – Council Donation for Meckering Golf Club to assist with purchase of Tractor.

3. January 2012 - **\$500** – Funds sourced from the Water Corporation to assist with the Goodbye to the Grass Celebration.

Consultation

Carmen Reynolds – Meckering Sporting Club Inc.
Meckering Action Group Committee
Gavin Cook - Landmark Engineering & Designs

Statutory Implications

Nil

Policy Implications

4.0 Assessment Criteria

Applications for projects, events or facilities will be assessed under the following categories:

- *Applicant's demonstrated proven record in providing quality community, sporting or cultural events or programs;*
- *Cultural, community, sporting or artistic merit of the proposed program, event or facility;*
- *Originality of the program, event or facility;*
- *Demonstrated relevance of the proposed project or event to the target audience;*
- *The project increases opportunities to extend community capacity for cultural and or artistic activity;*
- *The program encourages links between cultural, sporting, business, and tourism;*
- *The program increases returns on cultural, sporting or community infrastructure in the town;*
- *The project improves economic viability and demonstrates capacity to increase and diversify financial resources for community, sporting or cultural services and programs;*
- *The funds provided by Council must not lead to an applicant becoming dependent on Council for ongoing financial support; and*
- *The applicant has a demonstrated capacity for program development and management;*

Financial Implications

If approved, \$700 to be taken from the Council Donation Account from the 2012-13 Annual Budget. There is currently \$18,490.38 of available funds in the Donation Account.

Strategic Implications

Nil

Resolution 8.8

That Council makes financial contribution of \$700 under the Council Donations Scheme from the 2012-13 Annual Budget to Meckering Sporting Club Inc to assist in the purchase of a new drinking water fountain

Moved: Cr Doug Kelly

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 6/0

9 Environmental Health & Building Services

No Reports

10 Works & Services

10.1 Works & Services Report

Location:	Cunderdin
Applicant:	Manager Works & Services
Date:	12 th June 2013
Author:	Manager Works & Services
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is to receive the Works and Services Report.

Construction

- Coleman Road: re-sheeting works commenced.

General

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

- Carried out clearing of overhanging tree limbs on Hillam, Taylors and Youndegin-Kelkering Roads.
- Winter grading and rolling has been carried out on the following roads: Woonwooring, Mt Anne, Coalling, Jasper, Pascoe, Nornadee, Rabbit Proof Fence (middle & south), Inverness, Parrawilla, Eight Mile Gate, Bulgin, Burges Roads, total of 116.25 km. Program is proceeding.

Parks and Gardens Meckering

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

Parks and Gardens Cunderdin

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

Commenced preparation and planting of gardens as part of the landscaping of the Cunderdin Main Street upgrade.

Building and other Maintenance

General upkeep and odd jobs carried out.

No problems reported last month in relation to cleaning of Council buildings and public toilets.

Airfield Maintenance

- Spraying program ongoing.
- No other problems to report.

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 Transfer Stations, everything running okay.
- General maintenance to Meckering golf, bowls and tennis clubs.
- Meckering Waste Transfer station has had three new recycle bays, including signage, for collection of white goods, steel and wire.

Works and Services Staff

No staff changes to report.

Other Matters

- Waiting on response and advice from Main Roads WA, Northam, in relation to storm water run-off into Great Eastern Highway road reserve.
- Main Roads WA requested to carry out safety audit on the Burges and Leeming cross roads to ascertain which road requires 'Give Way' signage to be installed.
- The 'Mens Shed' have completed installation of shade shelters at the Cunderdin Cemetery. Letter of appreciation has been sent.

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Strategic Implications

Nil

Resolution 10.1

That Council receives the Works and Services Report.

Moved: Cr Dianne Kelly

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 6/0

10.2 HCT Rural Agencies, Meckering General Store – Temporary Part Closure Gabbedy Place

Location:	Gabbedy Place, Meckering
Applicant:	HCT Rural Agencies – Meckering General Store
Date:	12 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Nil
File Reference:	
Attachment/s:	2 Pages

Proposal/Summary

For Council to consider the temporary part closure of Gabbedy Place, Meckering, for several Market Day / Car Boot Sale events in June, August, October & December 2013.

This report recommends the application be supported.

Background

HCT Rural Agencies – Meckering General Store are promoting a series of market day / car boot sale events to be held in Meckering on Sunday 16 June 2013, Sunday 18 August 2013, Sunday 20 October 2013 & Sunday 15 December 2013, from 8:00am to 1:00pm.

The proposal is to utilise the portion of Gabbedy Place immediately adjacent to the Agency / Store for easy access to power and water supplies.

A similar event was organised for Sunday 14 April 2013, and this was presented to March 2013 Ordinary Meeting of Council, at which the following resolution was adopted:

That Council:

- 1. Supports the application from the proprietors of HCT Rural Agencies – Meckering General Store for the temporary part closure of Gabbedy Place, Meckering, as defined in the letter of application, on Sunday 14 April 2013, from 8:00am to 1:00pm.*
- 2. Informs the local community and effected business and property owners/occupiers of the part road closure by Local Public Notice to be provided in accordance with the provisions of S3.50 of the Local Government Act 1995.*

Comment

Unfortunately this application was received too late to enable it to be presented to Council prior to the first event and to also meet advertising requirements, therefore the Chief Executive Officer in consultation with the Shire President has approved the application to enable the Sunday 16 June event to proceed.

The initial event held on 14 April was a new concept for Meckering and was run very successfully.

There have been no complaints or negative comments received at the Shire in relation to the event and / or the partial road closure of Gabbedy Place.

Council has the capacity in accordance with the provisions of the *Local Government Act 1995*, section 3.50, to support the application.

There is a requirement for local public notice to be given to the local community and effected business and land owners / occupiers, and this has been carried out.

Consultation

Mrs Claire Taylor, HCT Agencies – Meckering General Store.

Statutory Implications

Local Government Act 1995

3.50. Closing certain thoroughfares to vehicles

(1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

[(3) deleted]

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to

—

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section;

and

(c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

[(7) deleted]

(8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.

(9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

[Section 3.50 amended by No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 10.2

That Council:

- 1. Supports the application from the proprietors of HCT Rural Agencies – Meckering General Store for the temporary part closure of Gabbedy Place, Meckering, as defined in the letter of application, on Sunday 16 June 2013, Sunday 18 August 2013, Sunday 20 October 2013 & Sunday 15 December 2013, from 8:00am to 1:00pm.**
- 2. Informs the local community and effected business and property owners / occupiers of the part road closure by Local Public Notice to be provided in accordance with the provisions of S3.50 of the Local Government Act 1995.**
- 3. Endorses the Chief Executive Officers actions in approving (in consultation with the Shire President) the Sunday 16 June 2013 event, and undertaking necessary advertising in accordance with the Requirements of the Local Government Act 1995.**

Moved: Cr Dennis Whisson

Seconded: Cr Doug Kelly

Vote: Simple majority

Carried: 6/0

10.3 Department of Fire & Emergency Services (DFES) – Emergency Services Review

Location:	Shire of Cunderdin
Applicant:	DFES
Date:	13 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosures of Interest:	Nil
File Reference:	30036
Attachment/s:	3 Pages

Proposal/Summary

For Council to consider a proposal as part of the Emergency Legislation Review for the option of local governments transferring responsibility for bush fire brigade operations and administration to DFES.

This report recommends that Council does not support the proposal without the provision of additional information.

Background

The Department of Fire and Emergency Services (DFES) has for a number of years been conducting a review of Emergency Services legislation.

The 2006 Community Development and Justice Standing Committee – Inquiry into Fire and Emergency Services Legislation, provided the following recommendations.

Recommendation 55

- *The emergency services legislation is to provide for FESA (now DFES) and local government to enter into an agreement for the purpose of local government transferring the following responsibilities to FESA on a permanent basis:*
 - *Emergency Incident Control;*
 - *Bushfire Brigade operations and administration;*
 - *The determination and administration of ESL (Emergency Services Levy), in relation to the capital and recurring costs associated with Bushfire Brigades.*

Recommendation 56

- *Such an agreement is only to be entered into if both FESA and the local government agree to terms and conditions.*

Recommendation 58

- *Any additional costs of transfer of Bushfire Brigades from local government to FESA, apart from those normally funded under the Emergency Services Levy, are to be borne by the State.*

As a result of the aforementioned Recommendations, DFES has corresponded to all local governments seeking a response in relation to the following question:

If future legislation provided the option for local governments to transfer the responsibility for bush fire brigade operations and administration to DFES, would your local government be likely to retain or transfer the responsibility?

This is a very open ended question and implies that DFES will take over full control of the local government bush fire brigade activities, including personnel, infrastructure and vehicles, etc.

The correspondence, dated 23 May 2013 and received on 28 May 2013, required a response by 10 June 2013. However the Chief Executive Officer contacted DFES via email and advised that a matter such as this will require Council consideration and a response will not be available until after the June 20 Council Meeting. DFES have acknowledged this.

Comment

It should be noted that DFES already provides a great deal of assistance to local government with emergency services operations and functions such as provision of training (at no cost), and through the emergency services levy. Also DFES provides 70% of the funding for the Community Emergency Services Manager programs.

As a department DFES would need to be suitably resourced to meet the new proposed requirements and employ additional personnel to satisfactorily manage what is being proposed.

The proposal would have impact on the local volunteers as they would no longer be able to simply request certain activities and materials from the local Shire and all requests would need to go through the State Government bureaucracy process. Also volunteer training standards and requirements will be substantially upgraded to meet DFES requirements.

The proposal needs to be more carefully considered prior to Council being in a position to provide a response in the affirmative. Far more details are required in relation to:

- Actual impact on volunteers and their current operations, including brigade infrastructure and machinery etc.
- Greater detail, information, clarification and direction on what is actually being proposed and how it is proposed to work.

This type of information would enable Council to make a far more informed decision.

Whilst this type of proposal is already happening in other Australian States (ACT, New South Wales, Queensland, South Australia, Tasmania & Victoria) and will most probably eventually be introduced and accepted in Western Australia, the concept needs to be better researched and resourced prior to being afforded serious consideration.

Consultation

DFES Northam

Statutory Implications

Review of Emergency Services Legislation.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 10.3

That Council informs the Department of Fire and Emergency Services that it is not prepared to seriously consider the proposal until such time as more detail, information, clarification and direction is provided on what is actually being proposed and how it is proposed to work.

Moved: Cr Todd Harris

Seconded: Cr Doug Kelly

Vote: Simple majority

Carried: 6/0

11 Planning & Development

11.1 Application for Exploration Licences 70/4499 & 70/4500

Location:	Shire of Cunderdin
Applicant:	M&M Walter Consulting on behalf of East Pilbara Iron Pty Ltd
Date:	12 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	30013
Attachment/s:	5 Pages

Proposal/Summary

Correspondence advising Council of new applications for Mining Exploration Licences submitted to the Department of Mines and Petroleum (DMP).

This report recommends that Council acknowledges the applications and recommends to the DMP that certain conditions be imposed.

Background

Correspondence from M&M Walter Consulting advising that on behalf of their clients, East Pilbara Iron Pty Ltd, applications have been submitted to the Department of Mines and Petroleum for the abovementioned exploration licences.

The applications have the capacity to impact on areas of land within the Shire.

Comment

Whilst Council has minimal power over whether the exploration licences are approved or not it is recommended that certain conditions be presented to the DMP for consideration during the approval process.

Consultation

Nil

Statutory Implications

Mining Act 1978

33. Application for mining tenement by permit holder

1) Subject to subsection (1a), where an application is made in accordance with this Act for a mining tenement that relates to private land notice of the application shall be given in the prescribed manner by the applicant to —

- a) the chief executive officer of the local government;*
- b) the owner and occupier of the private land; and*

c) each mortgagee of the land under a mortgage endorsed or noted on the title or land register or record relating to that land, but if there is no occupier of the land, or no such occupier can be found, the notice of the application shall be affixed in some conspicuous manner on the land.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 11.1

That Council acknowledges the applications for Exploration Licences 70/4499 & 70/4500, and requests the following conditions be imposed by the Department of Mines and Petroleum if the exploration licences are to be issued:

- **All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.**
- **All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six (6) months after excavation unless otherwise approved in writing by the district mining engineer.**
- **Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.**
- **No activities taking place to the detriment of any roads, streets or verges.**
- **Minimum disturbance being made to natural vegetation.**
- **Adequate dust suppression control methods and practices being used.**
- **Except with the approval of the Shire of Cunderdin, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Cunderdin.**
- **All works comply with the Environmental Protection (Noise) Regulations 1997.**
- **All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.**

Moved: Cr Todd Harris

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 6/0

11.2 Application for Exploration Licence 70/4512

Location:	Shire of Cunderdin
Applicant:	Anderson's Tenement Management on behalf of Quadrio Resources Pty Ltd
Date:	12 th June 2013
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	30066
Attachment/s:	3 Pages

Proposal/Summary

Correspondence advising Council of new application for Mining Exploration Licence submitted to the Department of Mines and Petroleum (DMP).

This report recommends that Council acknowledges the application and recommends to the DMP that certain conditions be imposed.

Background

Correspondence from Anderson's Tenement Management advising that on behalf of their clients, Quadrio Resources Pty Ltd, an application has been submitted to the Department of Mines and Petroleum for the abovementioned exploration licence.

The application has the capacity to impact on areas of land within the Shire.

Comment

Whilst Council has minimal power over whether the exploration licences are approved or not it is recommended that certain conditions be presented to the DMP for consideration during the approval process.

Consultation

Nil

Statutory Implications

Mining Act 1978

33. Application for mining tenement by permit holder

1) Subject to subsection (1a), where an application is made in accordance with this Act for a mining tenement that relates to private land notice of the application shall be given in the prescribed manner by the applicant to —

- a) the chief executive officer of the local government;*
- b) the owner and occupier of the private land; and*
- c) each mortgagee of the land under a mortgage endorsed or noted on the title or land register or record relating to that land, but if there is no occupier of the land, or no such occupier can be found, the notice of the application shall be affixed in some conspicuous manner on the land.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 11.2

That Council acknowledges the application for Exploration Licence 70/4512, and requests the following conditions be imposed by the Department of Mines and Petroleum if the exploration licence is to be issued:

- All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.
- All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six (6) months after excavation unless otherwise approved in writing by the district mining engineer.
- Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.
- No activities taking place to the detriment of any roads, streets or verges.
- Minimum disturbance being made to natural vegetation.
- Adequate dust suppression control methods and practices being used.
- Except with the approval of the Shire of Cunderdin, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Cunderdin.
- All works comply with the Environmental Protection (Noise) Regulations 1997.
- All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.

Moved: Cr Dennis Whisson

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 6/0

12 Urgent Items

Council briefly discussed the Cunderdin Medical Practice being advertised for sale and the future imminent departure of Dr Gray after being at the Practice for period in excess of 17 years.

13 Matters for which the meeting may be closed

14 Closure of meeting

There being no further business the Shire President declared the meeting closed at 6:20pm.