



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 21st April 2016** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5:05pm**.

A handwritten signature in black ink, appearing to read 'Peter Naylor'.

Peter Naylor
Chief Executive Officer

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AGENDA

1. Declaration of opening

The President declared the meeting open at 5.05 pm

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 B (Bernie) Daly	
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr DB (Doug) Kelly	
Cr DG (Dianne) Kelly	

Apologies

On Leave of Absence

Staff

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services

Guests of Council

Members of the Public

Applications for leave of absence

Declaration of Members and Officers Financial Interests

4. Petitions, Deputations, Presentations

Deputations

Presentations

5. Announcements by President without discussion

6. Confirmation of the Minutes of Previous Meetings

6.1 Public Meeting of Members held in Meckering on Thursday 10th March 2016 and the Annual General Meeting of Electors held in Cunderdin on Thursday 10th March 2016.

Location:	Meckering and Cunderdin
Applicant:	Administration
Date:	10 th March 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	10 pages

Proposal/Summary

Council to confirm the minutes of the Public Meeting held at the Meckering Sporting Club on Thursday 10th March 2016 included as Attachment No 6.1.1. and the Annual General Meeting of Electors held at the Cunderdin Community Resource Centre on Thursday 10th March 2016 included as Attachment 6.1.2.

Background

The minutes of the meetings 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 4 - Section 5.32 and 5.33

5.32 Minutes of Electors' Meetings

The CEO is to –

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33 Decisions made at Electors' Meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,whichever happens first.

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

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 Public Meeting held on Thursday 10th March 2016, included as Attachment 6.1.1; and**
- 2. The Minutes of the Annual General Meeting of Electors held on Thursday 10th March 2016, included as Attachment 6.1.2.**

be received and the comments contained therein be noted and addressed by Council on priority basis as budget funding permits.

Moved: Cr Alison Harris

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

Note to this item:

The President will sign the minute declarations.

6.2 Ordinary Meeting of Council held on Thursday 17th March 2016

Location:	Cunderdin
Applicant:	Administration
Date:	17 th March 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	29 pages

Proposal/Summary

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 17th March 2016.

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 6.2

That:

- 1. The Minutes of the Ordinary Council Meeting held on Thursday 17th March 2016, be confirmed as a true and correct record.**

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

Note to this item:

The President will sign the minute declaration.

7. Finance & Administration

7.1. Financial Reports for March 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	14 th April 2016
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	16 Pages

Proposal/Summary

The financial position as at 31st March 2016 is presented for consideration.

Appendices - Financial Statements

- Statement of Financial Activity
- Reserves Account Summary
- Municipal Bank Account Statement & Reconciliation 036-102 00-0030
- Municipal Bank Account Statement & Reconciliation (Bendigo) 633-000 155971377
- Municipal Business Cash Reserve Statement & Reconciliation 036-107 22-3647
- 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 receives the monthly financial reports to 31st March 2016.

Moved: Cr Dennis Whisson

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

7.2 Accounts Paid – March 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	14 th April 2016
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	5 Pages

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$497,223.89 for March 2016 as listed in the Warrant of Payments for the period 1st March to 31st March 2016.

Attachments

Warrant of Payments for 1st March – 31st March 2016.

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 \$497,223.89 for the month of March 2016, from the Municipal Fund be confirmed and noted.

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

Moved: Cr Norm Jenzen

Seconded: Cr Dianne Kelly

Vote – simple majority

Carried: 8/0

Listing of Accounts Paid During March 2016

Cheque /EFT No	Date	Name	Description	Amount
45	01/03/2016	1 - BANK CHARGES	MERCHANT FEES	368.96
45	01/03/2016	1 - BANK CHARGES	ACTIVITY FEE	101.13
45	01/03/2016	1 - BANK CHARGES	SERVICE FEE	13.00
45	01/03/2016	1 - BANK CHARGES	TRANSACTION FEE	19.40
EFT470	04/03/2016	Landgate	land enquiry	7.70
EFT471	04/03/2016	Cunderdin Co-Op	day care supplies	1,024.52
EFT472	04/03/2016	WA Contract Ranger Services	ranger services	584.37
EFT473	04/03/2016	Glenwarra Development Services	planning services	4,537.50
EFT474	04/03/2016	Shire of Northam	quarry tipping fees	2,787.40
EFT475	04/03/2016	Argent Electrical	hockey club lights	856.90
EFT476	04/03/2016	Contract Aquatic Services	management fee cunderdin pool	13,719.55
EFT477	04/03/2016	Western Australian Treasury Corporation	loan 67	20,622.44
EFT478	04/03/2016	ELWA Pty Ltd	hot water unit repairs	1,393.98
EFT479	04/03/2016	Cunderdin Community Resource Centre	Library service	3,784.00
EFT480	04/03/2016	Gary Horsfield	window cleaning	300.00
EFT481	04/03/2016	IXOM	chlorine cylinders service fee	297.36
EFT482	04/03/2016	AICCM	artifact preservation workshop	460.00
EFT483	04/03/2016	Peter Hunt Architect	professional fee claim	100,650.00
EFT484	04/03/2016	Moore Stephens	synergy essentials course	2,433.20
EFT485	04/03/2016	VisiMax	permit books	105.00
EFT486	04/03/2016	UHY Haines Norton	financial reporting workshop	1,320.00
EFT487	04/03/2016	Department of Lands	option to purchase land Cunderin Airfield Expansion	1,100.00
EFT488	04/03/2016	Country Ford	service doctors car	945.15
EFT489	04/03/2016	Cunderdin Co-Op	blue cresco 10kg and Felco S/S light	754.56

EFT490	04/03/2016	AIR LIQUIDE	Cylinder rent Fee	93.28
EFT491	04/03/2016	Hitachi Construction Machinery (Aus) Pty Ltd	Clean and Dry Fuel Kit	1,266.17
EFT492	04/03/2016	AMJ Industries	repair communications box at airfield	198.00
EFT493	04/03/2016	Advanced Autologic PTY LTD	WHite Oil - mozzie fogging	850.00
EFT494	04/03/2016	FORPARK AUSTRALIA	Swing for apex park meckering	2,207.70
EFT495	04/03/2016	Woonwooring Kelpies	crush and supply gravel	13,200.00
EFT496	04/03/2016	C Planke & Sons Pty Ltd	Supply Machinery - road repairs	30,800.00
EFT497	04/03/2016	Hanson Construction Materials Pty Ltd	Granite 986 ton	40,930.29
EFT498	04/03/2016	Smart Trading Australasia Pty Ltd as ACS/MARCOMM	Repairs to VHF Transceiver	214.50
EFT499	04/03/2016	Carlville	machinery - road repairs Wylkatchem rd	12,320.00
EFT505	17/03/2016	Cunderdin Co-Op	Fuel	7,970.00
EFT506	23/03/2016	Australian Tax Office	BAS for February 2016	7,451.00
EFT507	31/03/2016	Landgate	Rural UV interim Valuation Shared	750.50
EFT508	31/03/2016	Avdata	Avdata billing	631.04
EFT509	31/03/2016	Covs Parts Pty Ltd	Eamel Satin 4l	51.90
EFT510	31/03/2016	AIR LIQUIDE	Cylinder Rental	93.28
EFT511	31/03/2016	Wurth	Drill bits and Discs	262.52
EFT512	31/03/2016	Avon Waste	Waste - rubbish & recycle pickup, etc	13,388.02
EFT513	31/03/2016	Goodfield Quality Meats	Water	27.00
EFT514	31/03/2016	WA Contract Ranger Services	Ranger Services	724.62
EFT515	31/03/2016	Australia Post	Postal Charges	212.93
EFT516	31/03/2016	IT Vision	Synergy Soft Fee - February 2016	1,925.00
EFT517	31/03/2016	Colas	Supply Emulsion	10,384.00
EFT518	31/03/2016	George Johnson EHO Consultant	Meat Inspection	660.00

EFT519	31/03/2016	Combined Tyres Cunderdin	Tyre repairs , replacements and disposals	2,275.50
EFT520	31/03/2016	Shire of Northam	Old Quarry Tipping Fees	4,048.55
EFT521	31/03/2016	Leeson Haulage	Carting Granite	29,486.29
EFT522	31/03/2016	Cr Dennis Whisson	OCM 17/3/2016 Sitting Fee	225.00
EFT523	31/03/2016	Cr Todd Harris	OCM Sitting Fee 17/3/2016	225.00
EFT524	31/03/2016	Cr Norm Jenzen	OCM sitting Fee 17/3/2016	225.00
EFT525	31/03/2016	Regional Concrete & Plumbing	Clear sewer line pool - tree roots	1,683.35
EFT526	31/03/2016	Argent Electrical	Electrician	650.65
EFT527	31/03/2016	CDA Air & Solar	Service Air Con	378.00
EFT528	31/03/2016	Macri Partners	Attending Audit	11,276.10
EFT529	31/03/2016	AMJ Industries	Inspect and test lighting in female change rooms	49.50
EFT530	31/03/2016	Cunderdin Panelbeaters	supply and fit Windscreen CMT 789	753.50
EFT531	31/03/2016	JR & A Hersey	Flynets, Safety Glasses and Gloves	873.57
EFT532	31/03/2016	Country Copiers	copier service / meter reading	681.75
EFT533	31/03/2016	Thompsons Signs	Supply Workshop and Depot Metal Signs	418.00
EFT534	31/03/2016	Cunderdin Community Resource Centre	Advertising	128.00
EFT535	31/03/2016	Meckering Action Group	10 Fridge Magnets	40.00
EFT536	31/03/2016	Advanced Autologic PTY LTD	Solvent Deg 205lt and Window Cleaner 20Lt	704.00
EFT537	31/03/2016	Brick Mart Northam	LimeStone (96)	1,689.60
EFT538	31/03/2016	Cr Alison Harris	OCM Sitting Fee 17/3/2016	225.00
EFT539	31/03/2016	Cr. Bernard Daly	OCM Sitting Fee 17/3/2016	225.00
EFT540	31/03/2016	Midalia Steel	Capping	414.74
EFT541	31/03/2016	Westrac	Parts	552.27
EFT542	31/03/2016	Driving Wheels	Vehicle Wheel Alignment	1,551.00

EFT543	31/03/2016	Bosston Autobodies	ZINCANNEAL SHEET	113.83
EFT544	31/03/2016	Northam Toyota	Parts	730.20
EFT545	31/03/2016	Sportspower Northam	Polo shirts	631.95
EFT546	31/03/2016	ROMERO TOLENTINO PERONA	Refund of overpaid ELC FEES	114.22
EFT547	31/03/2016	Wendy Carter	Donation to the band for Xmas Carols	500.00
EFT548	31/03/2016	Cunderdin Bowling Club	GECZ BOWLS DAY 2016	1,700.00
EFT549	31/03/2016	Paul West	Window Cleaning - museum arch	160.00
EFT550	31/03/2016	R Munns Engineering Consulting Services	Testing of Dam Site	8,551.00
EFT551	31/03/2016	J&K Hopkins	office furniture	2,328.00
EFT552	31/03/2016	Earthstyle Contracting Pty Ltd	Carry out Resheeting on Woonwooring Rd	52,816.50
EFT553	31/03/2016	Country Ford	brush Cutter	933.90
EFT554	31/03/2016	Department of Fire and Emergency Services	ESL Qtr 3 15/16	19,263.66
EFT555	31/03/2016	EASTWAYS	Hand Towel	347.82
DD221.1	01/03/2016	Westnet	Museum Internet	44.95
DD265.1	09/03/2016	Paul White	RENT 17 Margaret St	500.00
DD270.1	15/03/2016	SG Fleet	Cesm Vehicle Lease and Charges	1,334.22
DD270.2	15/03/2016	Westnet	DCEO Internet	49.95
DD283.1	02/03/2016	Westpac Banking Corporation Visa	Credit Card Payment 18th Jan - 15th Feb 2016	783.66
DD293.1	23/03/2016	Paul White	Rent 17 Marg St	500.00
10952	04/03/2016	Water Corporation	sports ground	24,937.70
10953	04/03/2016	Cunderdin Newsagency	day care stationary	713.23
10954	04/03/2016	Telstra	day care phone bill	158.47
10955	04/03/2016	DJ & DC Richardson	Rates refund for assessment A54938 LOT 10 CUNDERDIN	1,688.43
10956	04/03/2016	CBH c/- Lee Nilan	Rates refund for assessment A53467 Lot 94 CUNDERDIN	559.24

10957	04/03/2016	Government of WA Department of Transport	rego trailer	25.20
10958	04/03/2016	Autopro Northam	workshop Supplies	533.10
10968	31/03/2016	Water Corporation	Standpipe at rabbit proof fence Rd	389.24
10969	31/03/2016	Synergy	Streetlights	4,222.80
10970	31/03/2016	Jason Signmakers	Signs for Depot OHS	853.71
10971	31/03/2016	Cunderdin Newsagency	Museum Stationery	354.99
10972	31/03/2016	Bunnings Group Limited	Air Sprayer, Multi Sharpener, Paint Sprayer	205.76
10973	31/03/2016	Telstra	Phone Bills	2,007.13
10974	31/03/2016	Cr Ronald Clive Gibsone	OCM 17th March Sitting Fee	463.00
10975	31/03/2016	Cr Dianne Kelly	OCM Sitting Fee 17/3/2016	225.00
10976	31/03/2016	Cr Douglas Brian Kelly	OCM Sitting Fee 17/3/2016	225.00
10977	31/03/2016	Australian Communications and Media Authority	Licence Renewal	108.00
10978	31/03/2016	National Trust of Australia	Souvenirs order	535.15
10979	31/03/2016	Perfect Computer Solutions	New Computer	1,215.00
10980	31/03/2016	SAFE SCAFFOLDING HIRE	Meckering Town Hall Scaffolding Hire	514.48
10981	31/03/2016	Government of WA Department of Transport	12 month rego CM 1536	52.80
10982	31/03/2016	Farmways- Cunderdin	Air Axeman Triclopyr 10 L	374.00
10983	31/03/2016	Cunderdin Tennis Club	Kid Sport Voucher Tayla Sharrett	69.00
10984	31/03/2016	CWA of WA Inc- Cunderdin Branch	Catering	1,780.00
10985	31/03/2016	Courier Australia	Freight	32.36
			TOTAL	<u><u>497,223.89</u></u>

7.3 Council Investments – As at 31st March 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	14 th April 2016
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 March 2016.

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				
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds
Westpac Banking Corporation	\$0.00	Business Cash Reserve	\$0.00	\$0.00
Westpac Banking Corporation	\$569,516.18	Reserves Term Deposit 24-1837 2.00% Expires : 24/06/2016	\$0.00	\$569,516.18
Westpac Banking Corporation	\$905,494.56	Business Cash Reserve 22-3647 1.30%	\$ 905,494.56	\$0.00
TOTAL INVESTMENTS	\$ 1,475,010.74		\$ 905,494.56	\$569,516.18

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 31st March 2016 be received and noted.

Moved: Cr Dennis Whisson

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 8/0

7.4 Equal Employment Opportunity Management Plan for 2015-2017

Location:	Cunderdin
Applicant:	Compliance / Governance Officer
Date:	18 th April 2016
Author:	Meredith Lee-Curtis
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	No
File Reference:	ADM0093
Attachment/s:	2 pages

Proposal/Summary

Council is to consider a draft Equal Employment Opportunity Management Plan (EEOMP) for submission to the Public Sector Commission.

Background

The Shire of Cunderdin's EEOMP expired on 31 December 2014.

Comment

Council is required to adopt a new plan to remain compliant with Part IX of the *Equal Opportunity Act 1984*.

The draft EEOMP is based on the template provided by the Public Sector Commission and is included as Attachment No 1.

Consultation

Public Sector Commission and relevant Shire of Cunderdin staff members.

Statutory Implications

The EEOMP has been developed in accordance with Part IX of the *Equal Opportunity Act 1984* and is aligned with the Director of Equal Opportunity in Public Employment's EEO and Diversity Outcomes Standards Framework.

Equal Opportunity Act 1984, Part IX, Division 3 – Equal Employment Opportunity Management Plans –

145. *Preparation and implementation of management plans:*

- (1) *Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.*
- (2) *The management plan of an authority shall include provisions relating to-*
 - (a) *the devising of policies and programmes by which the objects of this Part are to be achieved; and*
 - (b) *the communication of those policies and programmes to persons within the authority; and*
 - (c) *the collection and recording of appropriate information; and*
 - (d) *the review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practise; and*

- (e) *the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed; and*
 - (f) *the means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a); and*
 - (g) *the revision and amendment of the management plan; and*
 - (h) *the appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g).*
- (3) *The management plan of an authority may include provisions, other than those referred to in subsection (2), which are not inconsistent with the objects of this Part.*
- (4) *The preparation of a management plan shall take place and the implementation of the management plan shall commence without delay and-*
- (a) *in the case of an authority referred to in section 139(1)(a), (b), (c) or (d), other than an authority which is an institution of tertiary education, on or before such day as is specified in the regulations in respect of that authority and if no day is so specified in respect of an authority on or before the day that is 3 years after the day when this Part comes into operation; and*
 - (b) *in the case of an institution of tertiary education or an authority the subject of regulations and under section 138(1)(e), on or before such day as is specified in the regulations.*
- (5) *An authority may, from time to time, amend its management plan.*
- (6) *Each authority shall send a copy of its management plan, and any amendment of the plan, to the Director as soon as practicable after the management plan or the amendment, as the case may be, has been prepared.*

Policy Implications

Nil at this time.

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 adopt the draft Equal Employment Opportunity Management Plan as included at Item 7.4 Attachment No. 1.

Moved: Cr Todd Harris

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

7.5 McGrathNicol Receivers and Managers

Location:	Cunderdin
Applicant/s:	McGrathNicol
Date:	20 th April 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Ref:	32943
Attachment/s:	9 Pages (2 attachments)

Proposal/Summary

For Council to consider a final settlement proposal from McGrathNicol who have been appointed as the Receivers and Managers for RWE Robinson & Sons Pty Ltd trading as RBT Robinson Buildtech.

Background

RBT Robinson Buildtech went into receivership soon after the completion of the Cunderdin Sports and Recreation Centre project.

This resulted in the Shire of Cunderdin being responsible for undertaking a number of outstanding defect tasks associated with the project.

There are also a number of defect tasks still to be undertaken that weren't considered an absolute priority to be carried out prior to Council reaching a suitable settlement amount to cover the costs.

As part of the original agreement with RBT Robinson Buildtech Council is holding in Trust retention funds of \$129,868.03 (excluding GST), which is equal to 2.5% of the overall project costs, for a period of 12 months from the practical completion and handover of the facility.

Since the completion of the 12 month period the Chief Executive Officer, in consultation with Brian La Fontaine from Peter Hunt Architects, has been negotiating with the receivers, McGrathNicol, on a suitable sum of money to be retained by the Shire from the retention funds to cover the works carried out and too be carried out at the Sports & Recreation Centre.

A list of defects including costs, actual and / or estimates, were provided to McGrathNicol as part of this process.

Initially McGrathNicol offered Council the sum of \$9,868.03 to cover the costs. This amount was way below the actual and estimated costs for Council and therefore was disputed.

Following a letter to McGrathNicol on 15th February 2016, and many subsequent telephone calls between the CEO, Brian La Fontaine and McGrathNicol representative Lauren Burton, McGrathNicol have now presented Council with a far more reasonable offer of \$20,829.03.

This offer is comparable to the spreadsheet of costs, both actual and / or estimates, provided and also includes an administration fee payable to Council for staff time in dealing with this matter.

Comment

This has been a lengthy process but it appears has been worthwhile and Council can seriously consider the final offer presented by McGrathNicol.

In addition to the above, the final payment to RBT Robinson Buildtech was reduced by amount of \$26,000. This amount was estimated by PHA Architects for rectification works relating to:

- Alucobond barge panels incorrect angle \$2,000;
- RWP eaves penetration \$1,000;
- Gaps FC eaves ridge \$3,000;
- Storm damage to paving (no engineering certification provided) \$20,000.

The aforementioned \$26,000 and the \$12,829.03 of the retention funds can be utilised to reimburse Council for works undertaken and to be scheduled at the Centre.

Consultation

Brian La Fontaine, Peter Hunt Architects.
Lauren Burton, McGrathNicol.

Statutory Implications

Corporations Act 2001
Corporations Regulations 2001

Policy Implications

Nil

Financial Implications

Nil (the balance of funds to be retained by Council will cover the expenditure to date on works at the Cunderdin Recreation Centre and proposed remedial works at the site).

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 accepts the offer of \$20,829.03, as presented by McGrathNicol, Receivers and Managers on behalf of RBT Robinson Buildtech, in their letter dated 5th April 2016, for full and final settlement of the retention funds for the Cunderdin Sports and Recreation Centre project.

Moved: Cr Dennis Whisson

Seconded: Cr Bernie Daly

Vote: Simple majority

Carried: 8/0

8 Environmental Health and Building Services

Nil

9 Works & Services

9.1 Works & Services Report

Location:	Cunderdin
Applicant:	Manager Works & Services
Date:	14 th April 2016
Author:	Ian Bartlett
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 for March 2016.

CONSTRUCTION

- Woonwooring road flood way completed ready for sealing
- Edge repairs on Meckering / Dowerin road completed ready for resealing
- Reseal on Cunderdin /Wyalkatchem road completed

GENERAL MAINTENANCE THE ROADS LISTED HAVE MAINTENANCE CARRIED OUT ON THEM

- Patching, Bedford St, Woonwooring Mt Anne road
- Graded Moore, 3 Mile Gate, Part of Shorter road Leeson and Wilding
- Repaired culvert on Dowerin road
- Carried out some road side clearing on Wilding road
- Replaced guide posts on Moore and Quairading roads
- Cleaned out gully pits in Cunderdin and Meckering

REPLACED/REPAIRED THE FOLLOWING SIGNS.

- Erected signs in Main street shopping area stating shopping area 30 km per hour
- Forrest Street, Hardey Road, Boundary, Burges, Hills and Throssell Roads
- Removed RTR signs the Shire as they have been up for the two year period required

PARKS AND GARDENS MECKERING

- Carried out general mowing, slashing, wiper snipping and clean up of all parks gardens and public open space.
- Erected new twin swing set in Apex park.
- Collected from Perth awning and delivered to Meckering
- Tree trimming trees under power lines in Meckering town site completed
- Filled in ruts watered and rolled Meckering hockey oval

PARKS AND GARDENS CUNDERDIN AND REC CENTRE

- Boxed up and poured concrete for storage shed
- Carried out general mowing, slashing wiper snipping and clean up of parks gardens and public open space

- Tree trimming under power lines in Cunderdin town site completed

BUILDING AND OTHER MAINTENANCE

- General cleaning of Shire buildings public toilets
- Replaced toilet lid at Meckering men's toilet have not replaced number (6) as yet

ROAD SIDE AND VERGE SPRAYING

Nil

CEMETERIES

One funeral Meckering

AIRFIELD MAINTENANCE

- Weekly reporting and checking water bombing building and plant
- Weed spraying
- Replaced damaged light on runway 32 caused by gliding club as usual did not report it
- The black box that operates the PAL system was sent away for repairs but they forgot to put the recorded message back now and working 100%

PLANT MAINTENANCE

No major breakdowns to report

WASTE SERVICES

The Container of e waste picked up from Cunderdin Transfer Station cost just over \$4,000 to recycle

WORKS AND SERVICES STAFF

Nil

TRAFFIC COUNTERS

Traffic counters are out on the three RRG roads to collect data for the 16/17 year

OTHER MATTERS

Nil

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Strategic Implications

Nil

Resolution 9.1

That Council receives the Works and Services Report for March 2016.

Moved: Cr Doug Kelly

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

9.2 Application to keep three (3) Dogs

Location:	Lot 204 Hackett Street, Meckering
Applicant:	Garry Coward
Date:	14 th April 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	32921
Attachment/s:	1 Page

Proposal/Summary

An application has been received from Garry Coward requesting permission to keep three (3) dogs on their property at Lot 204 Hackett Street, Meckering.

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 Manager Works & Services has inspected the property of Lot 204 Street and has found the fences to be adequate and in a suitable state of repair to contain the 3 dogs.

All three (3) dogs are currently registered with the Shire and have been microchipped.

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

Nil

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.

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

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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 Lot 204 Hackett Street, Meckering, 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 Dianne Kelly

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

10 Planning & Development

Nil

11 Urgent Items

Nil

12. Matters for which the meeting may be closed

Nil

13. Closure of meeting

There being no further business the Shire President declared the meeting closed at 6.08pm.