



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 16th March 2017 in the Council Chambers, Lundy Avenue Cunderdin **commencing at 5.00pm.**

Peter Naylor
Chief Executive Officer

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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 5.01pm

Council at the Ordinary meeting held on Thursday 16th February 2017, resolved:

That:

- 1. Council staff be requested to assist the Cunderdin Basketball Club and Cunderdin Football Club with a grant application under the Department of Sport and Recreation Community Sport & Recreation Facilities Fund for resurfacing of the Cunderdin Basketball / Netball Courts.*
- 2. The aforementioned Council support is subject to the Cunderdin Basketball Club and Cunderdin Football Club, collectively, committing to one-third of the total cost of the project.*
- 3. Representatives of the Cunderdin Basketball Club and Cunderdin Football Club be invited to attend the Ordinary Meeting of Council to be held on Thursday 16th March 2017 to discuss this project.*

As a result of the resolution representatives of the Cunderdin Football and Basketball Clubs were invited to the meeting to discuss the future upgrade of the Cunderdin Basketball and Netball Courts.

Following the round table discussions it was agreed that the Clubs would work with Shire staff to prepare a grant application to the next round of Department of Sport & Recreation Community Sporting and Recreation Facilities Fund to apply for funding to upgrade the basketball / netball courts to a satisfactory standard.

5:25pm Representatives of the Basketball and Football Clubs left the meeting.

Declaration of public question time closed at 5.26pm

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

Record of attendances

Councillors

Cr DA (Dennis) Whisson	Shire President
Cr DB (Doug) Kelly	Deputy President
Cr B (Bernie) Daly	
Cr RC (Clive) Gibsone	
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
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

Representatives of the Cunderdin Basketball Club and Cunderdin Football Club (to 5:25pm)

Kimberley Burton
Shaun Byrnes
Cody Fulwood
Paul Jasper
John Smart

Members of the Public

Applications for leave of absence

Resolution 3.1.1

That Leave of Absence be granted to:

Councillor Dianne Kelly for the Ordinary Meetings of Council scheduled to be held on Thursday 20th April 2017 and 18th May 2017, and any Special or Other meetings of Council that may be held between Monday 20th March 2017 and Wednesday 31st May 2017.

Moved: Cr Norm Jenzen Seconded: Cr Doug Kelly

Vote: Simple Majority Carried: 7/0

Declaration of Members and Officers Financial Interests

Nil

4. Petitions, Deputations, Presentations

4.1 Petition - Removal of Asbestos Dwelling – 17 Byfield Street, Meckering

A petition requesting prompt action to remove the burnt remains of the house at 17 Byfield Street, Meckering signed by 23 local residents was received on 1 March 2017. The residents' concerns are the health risks associated with asbestos and that it is an eyesore.

Refer to Item 8.1 for a Report in response to this matter.

4.2 Petition – Provision of Reticulated Sewerage Cunderdin Townsite

A petition requesting an extension to the sewer system east of Cubbine Road through to First Street, Cunderdin signed by 22 residents was received on 6 January 2017. Tim Jurmann, Senior Environmental Health and Building Surveyor has contacted the Water Corporation Network Expansion Section.

Refer to Item 8.2 for a Report in response to this matter.

5. Announcements by President without discussion

Nil

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on Thursday 16 February 2017

Location:	Cunderdin
Applicant:	Administration
Date:	9 March 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	1 Attachment (47 pages – circulated)

Proposal/Summary

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 16 February 2017.

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 16 February 2017, be confirmed as a true and correct record.**

Moved: Cr Alison Harris

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

Note to this item:

The President will sign the minute declaration.

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6.2 Meeting of the Resource Sharing Committee held Wednesday 8 March 2017

Location:	Cunderdin
Applicant:	Administration
Date:	9 March 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	1 Attachment (8 pages)

Proposal/Summary

Council to accept the minutes of the Resource Sharing Committee Meeting held on Wednesday 8 March 2017.

Background

The minutes of the meeting have been circulated to all Councillors.

Comment

For information.

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 Resource Sharing Committee Meeting held on Wednesday 8 March 2017, be accepted.**

Moved: Cr Alison Harris

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 8/0

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7. Finance & Administration

7.1 Financial Reports for February 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	9 March 2017
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	2 Attachments (23 Pages)

Proposal/Summary

The financial reports as at 28 February 2017 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil

Consultation

Nil

Statutory Environment

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

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil

Resolution 7.1

That Council receives the monthly financial reports to 28 February 2017.

Moved: Cr Clive Gibsone

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

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7.2 Accounts Paid – February 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	9 March 2017
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachment (3 pages)

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$225,113.34 for February 2017 as listed in the Warrant of Payments for the period 1 February to 28 February 2017.

Background

Nil

Comment

Nil

Consultation

Nil

Statutory Environment

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

Financial Management Regulations 12 & 13.

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 7.2

(a) That Council's payment of accounts amounting to \$225,113.34 for February 2017, from the Municipal Fund be confirmed and noted.

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

Moved: Cr Alison Harris

Seconded: Cr Todd Harris

Vote – simple majority

Carried: 8/0

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Listing of Accounts Paid During February 2017

Cheque /EFT No	Date	Supplier	Description	Amount
10	03/02/2017	Westpac Banking Corporation Visa	Credit Card Payments Jan 2016	990.00
EFT1241	08/02/2017	Landgate	Rural UV Interim Valuation Shared	197.70
EFT1242	08/02/2017	Cunderdin Co-Op	Bulk Diesel and Unleaded	12,321.16
EFT1243	08/02/2017	Avon Waste	Rubbish Service	11,107.83
EFT1244	08/02/2017	Goodfield Quality Meats	Aust day Breakfast Supplies	719.83
EFT1245	08/02/2017	WA Contract Ranger Services	Ranger Services	1,449.24
EFT1246	08/02/2017	Glenwarra Development Services	Town Planning Consultancy Services	3,300.00
EFT1247	08/02/2017	Cunderdin Elders Limited	Farmozine	357.70
EFT1248	08/02/2017	Shire of Northam	Old Quarry Tipping Fees	3,032.85
EFT1249	08/02/2017	Talis Consulatnts Pty Ltd ATF Talis Unit Trust	Consultancy Service	1,100.00
EFT1250	08/02/2017	LGIS	Motor Vehicle Premium Adjustment	565.86
EFT1251	08/02/2017	Cunderdin Panelbeaters	windscreen for xtrail	1,284.50
EFT1252	08/02/2017	JR & A Hersey	Grey Riggers Gloves	1,188.00
EFT1253	08/02/2017	Country Copiers	Colour Copier Service	984.27
EFT1254	08/02/2017	Western Australian Treasury Corporation	Loan 73 and 74	18,662.77
EFT1255	08/02/2017	IXOM	Chlorine gas for pool	996.07
EFT1256	08/02/2017	P&M Automotive	Hoist Inspection	202.40
EFT1257	08/02/2017	All-ways Foods	slushy mix for the carols	737.72
EFT1258	08/02/2017	Woonwooring Kelpies	Supply of 6000m3 gravel	13,200.00
EFT1259	08/02/2017	Wongamine Grazing Co	Gravel	2,112.00
EFT1260	08/02/2017	Hutton & Northey Sales	Repair fire truck	300.30

EFT1261	08/02/2017	Alans Auto Electrics & Air Conditioning	fit UHF	739.95
EFT1262	08/02/2017	C Planke & Son Pty Ltd	Supply Machinery and labour	15,400.00
EFT1263	08/02/2017	Baxters Rural Centre KB	Battery	124.96
EFT1264	08/02/2017	Tutt Bryant Equipment	Freight	154.55
EFT1265	08/02/2017	Ampac Debt Recover Pty Ltd	Debt Recovery Fees	5,597.22
EFT1266	08/02/2017	Wren Oil	oil disposal	16.50
EFT1267	08/02/2017	Australia Day WA Citizen of the Year	Flags, Bunting and Certificates	135.00
EFT1268	08/02/2017	AAA Asphalt Surfaces	Emulsion pod	7,095.00
EFT1269	08/02/2017	JTagz	Animal Tags	149.60
EFT1270	08/02/2017	Worldwide Printing Solutions	Cunderdin Brochures	1,287.00
EFT1271	08/02/2017	Stephen Carrick Architects	Heritage Advisory Service	2,486.00
EFT1272	08/02/2017	WA College of Agriculture Cunderdin	Yellow Sand Royalties	343.20
EFT1273	08/02/2017	John Phillips Consulting	CEO appraisal	2,750.00
EFT1274	08/02/2017	Brownbulit Pty Ltd	Latch	1,956.90
EFT1275	08/02/2017	Fairfax Media Publications Pty Limited	CMTK Directory	1,320.00
EFT1276	08/02/2017	Earthstyle Contracting Pty Ltd	Hire Water Truck	5,186.50
EFT1277	08/02/2017	Courier Australia	Freight	38.56
EFT1278	08/02/2017	EASTWAYS	Hand Towel , Toilet Roll	685.67
EFT1279	17/02/2017	Adam Takacs	DVR , Hard Drive and Power Back up	505.00
EFT1280	21/02/2017	Australian Tax Office	Bas for January 2017	88,488.00
11171	08/02/2017	Water Corporation	standpipe rabbit proof fence	6,103.41
11172	08/02/2017	Synergy	Streetlight Power	5,046.85
11173	08/02/2017	Jason Signmakers	Signs	843.15
11174	08/02/2017	Cunderdin Newsagency	Office Stationery	650.91

11175	08/02/2017	Telstra	Shire Phones	1,333.43
11176	08/02/2017	Autopro Northam	Various Parts	1,091.38
11177	08/02/2017	Cunderdin Medical Practice	Pre Employment Medical	198.00
11178	08/02/2017	National Trust of Australia	books and postage	279.40
11179	08/02/2017	Southern Cross Austereo Pty Ltd	xmas / ny greeting	297.00
			TOTAL	225,113.34

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7.3 Council Investments – As at 28 February 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	9 March 2017
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 28 February 2017.

Background

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

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

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

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

Comment

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$787,180.68	Reserves Term Deposit 2.50% Expires : 9/6/2017		\$787,180.68	
Westpac Banking Corporation	\$1,225,056.91	Business Cash Reserve 22-3647 0.60%	\$1,225,056.91		
Westpac Banking Corporation	\$9,721.73	Trust Working Account 12-2981			\$9,721.73
TOTAL INVESTMENTS	\$2,021,959.32		\$1,225,056.91	\$787,180.68	\$9,721.73

Consultation

Nil

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.

5:40pm Cr Todd Harris left the meeting

Resolution 7.3

That the reports on Council investments as at 28 February 2017 be received and noted.

Moved: Cr Clive Gibsone

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 7/0

7.4 Delegations of Authority - Audit Committee Terms of Reference Amendment

Location:	Shire of Cunderdin
Applicant:	Council
Date:	3 March 2017
Author:	Governance & Compliance Officer
Item Approved by:	Peter Naylor
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	3 Attachments (7 pages)

Proposal / Summary

That Council supports a review of the Audit Committee Terms of Reference to examine opportunities for introducing greater independence, accountability and transparency to the Committee's operation through appointing an independent external person as Committee Member.

Background

The *Local Government Act 1995* ('the Act') requires that all local governments establish an Audit Committee. The role of the Audit Committee is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The Audit Committee should critically examine the audit and management reports provided by the external auditor. The Committee would then determine if matters raised in their reports require action to be taken by the local government and ensure that appropriate action is implemented.

Responsibilities of Members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to the Shire;
- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgment; and
- Express opinions frankly, ask questions that go to the fundamental core of issues and pursue independent lines of enquiry.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of the Shire Council. At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

The Act requires that an Audit Committee is to consist of a minimum of 3 members and in that situation all must be council members. Where a Committee consists of more than 3 members then a majority of those members must be council members. Local governments may decide to appoint a Committee involving only elected members or they may appoint one or more persons who are external to the Council. If a Council considers it appropriate, the whole Council can be appointed to the Audit Committee.

Members of the committee should be encouraged to attend appropriate courses to keep them up to date with legislation, accounting and other relevant issues.

Comment

The Shire's current Audit Committee Terms of Reference (ToR) prescribe the membership structure as consisting of the President and two (2) Councillors with all members having full voting rights. At the behest of Council, it is proposed that the delegation of authority be amended to include an external representative.

Nomination and Appointment of Independent External Member

Council management will coordinate the advertisement and assessment of the nominations. Management will present to the Committee the individual/s for Committee consideration and endorsement. Management will prepare a report for Council consideration with Committee comments. The independent external members will be appointed for the term of council, after which they will be eligible for extension or re-appointment following a formal review of their performance.

Areas for Consideration:

1) External / Independent Membership

Without exception, every Audit Committee guide recommends that there be external / independent membership of the Audit Committee, particularly for reasons of bringing high-level, professional finance and governance skills and for providing a fresh perspective to the organisation. After reviewing the material available, a reader can be left with no doubt that having independent committee members is "best practice".

However, it could be argued that Council Members meet the description of an independent member and therefore there is no need for non-Council Members. However, this argument is perhaps undermined by the guidelines for Local Government Audit Committees in all Australian states, which recommend that members who are not Elected Members be appointed, including the WA Department of Local Government and Communities' (DLGC) Guideline No 9 – Audit Committees, which states:

"If the local government wishes to appoint one or more persons other than elected members to the committee, which is recommended, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee."

If Council were to opt for a model that involves external membership, the number of external members must also be determined. The Local Government Act 1995 ("the Act") requires that the majority of Audit Committee members be Council Members.

All best practice guides reviewed call for a broad and diverse mix of skills on the Committee, but specifically demand skills and experience in finance and audit. Council itself is comprised of a diverse group of members with a range of skillsets, and it is the writer's view that those skillsets would be complemented by a member with strong financial and auditing experience.

2) Reimbursement of Expenses

The issue of remuneration of Audit Committee members is closely related to issue 1). Independent Audit Committee members are typically paid for their work on the Audit Committee, and paid according to the level of skills and experience they bring to the committee. This is true for local government in all other states.

However, the legislation for WA Local Government is clear in that it prevents a meeting fee being paid to an external person for membership on a committee.

There are a number of Local Governments in WA that have external membership of their Audit Committee including: Bassendean; Belmont; Cambridge; Canning; Fremantle; Nedlands; Perth; Stirling and Subiaco.

Among these local governments there are, broadly, three approaches to “remunerating” their external members:

1. Allow for reimbursements only;
2. Take a broader view of allowable reimbursable expenses, such as attendance at an interstate conference that may be related to audit / finances etc.
3. Take an extremely broad view of “expenses” whereby members are “reimbursed” for the time they put in.

The writer’s view is that approach 3 is inconsistent with a strict interpretation of relevant legislation, in and that a payment is not a reimbursement unless an expense has been incurred. Nevertheless, this approach appears to have been taken by the Cities of Perth, Stirling and Fremantle and is arguably supported by the following taken from DLGC’s Guideline No 9 – Audit Committees:

“...it is permissible for a payment to be made as a reimbursement of expenses, commensurate with the expertise and knowledge such people bring to the committee.”

Clarification from the DLGC on this statement is as follows:

“It is understood that reference to commensurate with the “expertise and knowledge” relates to the person’s line of work in that if for example they are a self-employed professional, their consultancy rate they would normally charge or loss of earnings while they are engaged on committee business, i.e. commensurate with the value of their contribution. It is ultimately up to the council to decide if the LG will reimburse an expense incurred by a person in regard to a matter affecting the LG (refer s5.100 of the Act).”

Section 5.100(1) of the Act states:

“(1) A person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.”

The following definition of a “reimbursement” is provided on the website of the Australian Tax Office:

“A payment is a reimbursement for tax purposes if it is a precise compensation, in part or full, for an expense already incurred, even if the expense has not yet been paid.”

Rotation of membership

Rotation of membership is usual practice in order to ensure that “fresh eyes” and new perspectives are being brought into the Committee. The recommended length of term varies from two to six years.

Performance Auditing

The *Local Government Amendment (Auditing) Bill 2016* makes legislative changes to the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General. This Bill allows the Auditor General to contract out some or all of the financial audits but all audits will be done under the supervision of the Auditor General and Office of the Auditor General.

There will be a staged transition arrangement from when the Auditor General takes over auditing on 1 July 2017. As the existing audit contracts of local governments expire, the responsibility for auditing local governments will transition to the Auditor General. By financial year 2019/2020, all local governments will be audited by the Auditor General, regardless of whether or not their contracts have expired.

The Bill provides for a new category of audits known as “performance audits” which will examine the economy, efficiency and effectiveness of any aspect of a local government’s operations.

This includes:

- (a) examining an agency’s compliance with legislative provisions, public sector policies or its own internal policies; and
- (b) examining the efficiency and effectiveness of an agency, a number of agencies, a part of an agency or an audited local subsidiary.

It represents good practice for the Audit Committee to take a role in performance auditing and is very much in line with the thinking of state government. However, research also reveals three arguments against diversification from the traditional core areas of audit:

- 1) A dilution of focus – this is the argument that by focussing on “everything”, the end result is a focus on nothing. The remit of performance audits can be very broad and take the committee into areas where it may not be in a position to add significant value.
- 2) Cost – inevitably, an increase in auditing scope will either result in an increase in cost or a decrease in the quality or extent of existing auditing practices.
- 3) Value – performance audits can often highlight inefficiencies that an organisation is already well aware of, but which require resources to address and have not been considered an urgent priority to implement.

Statutory Environment

The Local Government Act 1995

Local Government Amendment (Auditing) Bill 2016

Policy Implications

Council Delegation 22.

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.

5:43pm Cr Todd Harris returned to the meeting

Resolution 7.4

That Council:

- 1) Amend the Shire of Cunderdin Audit Committee's Terms of Reference to include a community member;**
- 2) Advertise accordingly for Expressions of Interest from community members to sit on the Audit Committee; and**
- 3) Recommend the community member is required to have, in accordance with proposed Annexure A, accounting or related financial management experience, preferably with an understanding of accounting and auditing standards in a public sector environment.**

Moved: Cr Bernie Daly

Seconded: Cr Doug Kelly

Vote: Simple Majority

Carried: 8/0

7.5 Business Continuity Plan

Location:	Shire of Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	10 March 2017
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachment (24 Pages)

Proposal/Summary

That Council adopt the Business Continuity Plan as reviewed and adopted by the Audit Committee on 16 February 2017.

Background

During the interim audit, the Auditors raised the matter of a Disaster Recovery Plan for the Council's computer network.

A Business Continuity Plan was created that includes recovery of the Council's computer network.

Comment

At the Audit Committee meeting held 16 February 2017, Resolution 5.3 was made that the Audit Committee receives the Business Continuity Plan and submits the plan to the next Council Meeting for adoption.

Consultation

Audit Committee

Statutory Implications

Local Government Act 1995

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 7.5

That Council adopt the Shire of Cunderdin 'Business Continuity Plan'.

Moved: Cr Norm Jenzen

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 8/0

8. Environmental Health & Building

8.1 Petition - Removal of Asbestos Dwelling – 17 Byfield Street, Meckering

Location:	17 Byfield Street, Meckering
Applicant:	Residents (Refer to Petition)
Date:	7 March 2017
Author:	Tim Jurmann
Item Approved by:	Peter Naylor, CEO
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	1 Attachment (1 page)

Proposal/Summary

To provide Council with information pertaining to the property at 17 Byfield Street, Meckering, which was severely damaged by fire on 21 April 2016.

Background

The Shire of Cunderdin was advised that a fire had occurred on 21 April 2016 at 17 Byfield Street, Meckering.

The Shire Works Manager arranged for sprinklers to be placed on the property to keep the asbestos wet and for danger signs and tape to be placed around the property.

The Shire then contacted the owner Ms Jeanette Lowe via a mobile number and advised her that the property must be cleaned up. Ms Lowe advised that she was looking into what could be done, but had limited financial ability to clean up the property and was going to contact Keystart Home Loans (Government initiative who assists low income earners purchase a home by shared equity) and enquire if she was covered.

The Shire received complaints regarding the burnt and dilapidated dwelling and the asbestos issue.

The Shire again contacted the owner Ms Lowe via a mobile number who advised that she was organising M.D. Holdings to quote on the demolition and clean-up of the building and would get back to us.

The Shire confirmed with M.D. Holdings that they were organising to quote for the site clean-up.

On 12 of August 2016 the owner's mother advised that they were still organising the clean-up of the property. The Shire was then unable to contact the owner by phone as the number had been disconnected.

A petition requesting prompt action to remove the burnt remains of the house at 17 Byfield Street, Meckering signed by 23 local residents was received on 1 March 2017. The residents' concerns are the health risks associated with asbestos and that it is an eyesore.

Comment

As this is private property and the State Administrative Tribunal often side with the person whom action is being taken against, the Shire of Cunderdin is obliged to ensure that they have made all reasonable attempts to allow an owner to clean up a property.

With this in mind, the Shire of Cunderdin sent correspondence to the owner via the Meckering Post Office on 17 November 2016, advising that the site was to be cleaned up, or an Order would be served.

No response was received.

The Order was then served on 16 December 2016 to clean up the property, no response or action was forthcoming.

A courtesy/reminder letter was then sent reminding the owner of the Notice and that they may be liable for clean-up costs against the property, no response or action was forthcoming.

Keystart Home Loans requested an extension of time of the Order to consider what could be done, no action plan has been received to date.

The Shire contacted the Department of Health to determine if there was anything else that could be done and what PVC based products may be sprayed onto the asbestos to reduce any hazard.

Shire staff are in the process of obtaining quotations to clean up the property however as there is a significant amount of asbestos involved early indications are that this will be in the vicinity of \$30,000. Hence the reason for the delay and necessity to pursue all available avenues to ensure the owner is liable for the costs.

Consultation

Property owner: Ms Jeanette Lowe
Keystart Home Loans
MD Holdings

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Quotes have been obtained for the clean-up of the property and are in the vicinity of \$30,000 for a full site clean-up.

Spraying the site with a PVA mix to suppress fibre release was quoted at \$5,000 as a temporary solution.

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. Receive and note the content of the Petition.**
- 2. Notes the actions being implemented by staff to contact the property owner.**
- 3. Authorises the Chief Executive Officer for staff to continue with their endeavours to contact the property owner and/or pursue the matter through Keystart Loans.**

Moved: Cr Doug Kelly

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

8.2 Petition – Provision of Reticulated Sewerage Cunderdin Townsite

Location:	Various – Cubbine Rd to First St, Cunderdin
Applicant:	Residents (Refer to Petition)
Date:	7 March 2017
Author:	Tim Jurmann
Item Approved by:	Peter Naylor, CEO
Disclosure of Interest:	N/A
File Reference:	
Attachment/s:	1 Attachment (2 pages)

Proposal/Summary

That Council consider the options available to support the affected residents.

Background

The Shire was approached on 6 January 2017 via a petition to extend the sewerage system in the vicinity of Second Ave, Third Ave, Coronation St and Cubbine St, Cunderdin.

As the Shire is not the responsible Authority, the Shire approached the Water Corporation on the Owners behalf, to determine if there was interest in extending the nearby sewer to these areas.

Comment

The Water Corporation has been contacted to determine if there are any plans to extend the reticulated sewerage to the affected area and have advised that due to the system being provided at a financial loss, there are no plans for an extension. However, there is capacity to extend the sewer system on a user-pays basis.

The process for determining feasibility is as follows:

1. Employ a Civil Engineering Consultancy to look at it and do up a design.
2. Submit the final design to the Water Corporation for approval, of which there is minimal fees.
3. Once approved, appoint a Contractor licenced to the work, (PVC Sewer Pipe), paying the appropriate costs.

Consultation

Water Corporation
Hon. Mia Davies, MLA, Minister for Water

Statutory Implications

There are no statutory implications for the Shire associated with this proposal. The Shire is not the responsible Authority. The Shire has contacted the Water Corporation on behalf of the petitioners.

Policy Implications

There are no policy implications for the Shire associated with this proposal.

Financial Implications

There are no financial implications for the Shire associated with this proposal, unless Council resolve to offer financial assistance in the form of a loan or the like.

Strategic Implications

A review of the Local Planning Strategy and Scheme will commence in the near future. The provision of essential infrastructure, such as reticulated sewerage, is a key issue and consideration in determining the future development of the Cunderdin townsite. Consultation will occur with the Water Corporation throughout the process to identify areas suitable for future growth, including density increases and subdivision. Many local governments include dual density coding in their local planning schemes to indicate to the Water Corporation areas suitable for development and to negate the need for rezoning when reticulated sewerage is provided in the area.

Resolution 8.2

That Council:

- 1. Receives and notes the content of the Petition.**
- 2. Notes the content of the response from the Water Corporation.**
- 3. Requests that the petition area be reviewed in conjunction with the review of the Local Planning Strategy and Scheme.**
- 4. Authorise the Chief Executive Officer to continue discussions with the petitioners to determine the level of assistance the Shire can offer.**

Moved: Cr Norm Jenzen

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 8/0

9. Works & Services

9.1 Works & Services Reports

Location:	Cunderdin
Applicant:	Manager Works and Services
Date:	7 March 2017
Author:	Manager Works and Services
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachment/s:	Nil

Proposal/Summary

Council to receive the Works and Services Report for February 2017.

Construction

- Goomalling, Dowerin and Wyalkatchem Roads are now ready for re sealing;
- The erection of new signage on the Cunderdin/Quairading Road has been completed under the Black Spot funding program;
- A Contractor has been carting in 10mm metal for sealing works.

General Maintenance – Roads listed have had maintenance carried out on them:-

- Removed trees on Main Street East, Jasper and Mills Roads;
- Due to storm and flood damage, ongoing repairs are being carried out on the following roads: Kelkering, Stewart, Taylors, 8 Mile Gate, Loton, Mt Anne, Fuller, Coleman, Woonwooring, Boland, Tomalocking and Bourke.
- Grading has been carried out on the following listed roads: 3 Mile Gate, Mc Waters, part of Shorter, Greens, Part of Rabbit Proof Fence Nth, Doondenanning, Coleman, Scadden, Flowery Patch, Ygnattering, Johnston, Wilson, Mussared, Inverness, Nornadeen, Rabbit Proof Fence South, Collins, Burgess, Bulgin, Woonwooring, Tomalockin, Fuller, Fulwood, Coalling, Hillam, Leeson, Carter, Bolland, Parawilla, Dennis and Baxter Roads.

Replaced/Repaired the following signs:-

Nil

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 and the Recreation Centre

- Carried out general mowing, weeding, whipper snipping and general clean-up of parks and oval.

Building and Other Maintenance

- Prepared site works (sand pad) for the new 'Changing Places' toilet facility in Meckering;
- Replaced (3) solid doors and replaced (2) broken windows at the Cunderdin Town Hall

Road Side and Verge Spraying

Nil

Cemeteries

- Prepared for funeral held in Meckering on Tuesday 7 March 2017.

Airfield Maintenance

- General twice weekly inspections of runways conducted;
- There was no power to sections of the airfield over the weekend due to a Western Power fault.

Plant Maintenance

- No major breakdowns to report.

Waste Services

- Both transfer stations are working well and no complaints received.

Works and Services Staff

- Cheryl Smith has commenced working in the position at the Cunderdin Transfer Station on a permanent basis as at 4 March 2017.

Traffic Counters

Nil.

Other Matters

Nil.

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Resolution 9.1

That Council:

- 1. Receive the Works and Services Report for February 2017.**

Moved : Cr Dianne Kelly

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 8/0

9.2 Chaff Heap Burning Policy

Location:	Shire of Cunderdin
Applicant:	Daniel Birleson
Date:	8 March 2017
Author:	Daniel Birleson
Item Approved by:	Community Emergency Services Manager
Disclosure of Interest:	N/A
File Reference:	32581
Attachment/s:	2 Attachments (4 pages)

Proposal/Summary

The Shire of Cunderdin Council to accept and ratify the executive decision made by the Chief Executive Officer, following extensive consultation via email with the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, and Councillors.

Background

At the Ordinary meeting of Council held on 21 May 2015 Council endorsed several recommendations from the Bush Fire Advisory Committee Meeting held on 25 March 2015. This included the adoption of the following policy:

“That Council adopts a Policy similar to that of the Shire of Dowerin’s in regard to the burning of Chaff Heaps throughout the Restricted Burning Period:-

- a) Chaff Heaps may only be burnt between Midnight Sunday and Midnight Wednesday;*
- b) Permits will not be issued for the burning of Chaff Heaps after these hours;*
- c) Permits for the burning of Chaff heaps will contain these restrictions;*
- d) Action will be taken against those burning Chaff Heaps outside these hours.”*

Furthermore, this policy was endorsed as a Standard Operating Procedure within the Bushfire Policy and Procedures Manual which was endorsed at the Ordinary Council Meeting held on 13 October 2016. (Refer to attached SOP 18 of the BPPM)

Following discussion by Council at the OCM on 16 February 2017, the following recommendation was made by the DCBFCO and CBFCO in relation to the Chaff Heap Burning policy:

“That the policy on the Burning of Chaff Heaps be suspended for this particular Restricted Burning Period 14th February – 28th March 2017 respectively and allow the burning of Chaff Heaps to take place 24 hours a day 7 days a week with no restriction.

This is to be reviewed weekly and can be reapplied immediately at the discrimination of the CBFCO.”

This recommendation was accepted by Council through email feedback sought from all Councillors on 8 March 2017.

Consequently an executive decision was made by the Chief Executive Officer to accept this recommendation and suspend this policy for an unknown period of time (Maximum 28 March 2017) in conjunction with the DCBFCO and CBFCO recommendation.

Comment

The recommendation was made due to the greater than average seasonal rainfall which occurred throughout the Months of January and February. These rainfall events led to very high relative humidity (for the time of year – in excess of 20%) very high fuel moisture content and the development/increase of summer weed growth earlier than expected. These conditions lowered the risk profile for the burning of chaff heaps and prompted the application to alter the Shire Policy in this regard.

Consultation

At the request of Mr David Fulwood recommendations were sought from the Chief and Deputy Bushfire Control Officers in relation to the temporary Suspension of the Chaff Heap Burning Policy.

The information and recommendation was then forwarded to Council for feedback and acceptance. A majority of Councillors responded to this feedback on 8 March 2017 when a decision was made to allow the suspension to take place.

Please note, it is a requirement of Clause 10(2) of the *Local Government (Administration) Regulations 1996* that an Absolute Majority is required to revoke a Council Decision.

Statutory Environment

Local Government (Administration) Regulations 1996

Policy Implications

The alteration, revocation or suspension of a Shire of Cunderdin Policy, particularly the Chaff Heap Burning Policy, for a period of time (Maximum 28 March 2017).

Financial Implications

Nil

Strategic Implications

Nil

Resolution 9.2

That Council:

- 1. Endorse the Chief Executive Officer's actions in applying the exemption to the Shire of Cunderdin Chaff Burning Policy (SOP 18) following consultation with the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, and Councillors.**
- 2. Approve an amendment to Policy SOP 18 to insert a new clause whereby the procedures can be reviewed and amended on a seasonal basis by the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Community Emergency Services Manager, and the Shire President, in consultation.**

Moved: Cr Norm Jenzen

Seconded: Cr Doug Kelly

Vote – Absolute majority

Carried: 8/0

10. Planning & Development

10.1 Application for Total Fire Ban Exemption - Water Corporation – Lot 71 Great Eastern Highway, Cunderdin – Cunderdin 75ML Storage Tank Facility Project

Location:	Shire of Cunderdin
Applicant:	Water Corporation
Date:	8 March 2017
Author:	Daniel Birleson
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	2 Attachments (11 pages)

Proposal/Summary

That Council review the decision made in regard to the Harvest Ban Exemption applied for by the Water Corporation (Tank Project) at the Ordinary Council Meeting held 15 December 2016. This is based on further information received and a further application by the Water Corporation.

This report recommends that the exemption be granted.

Background

At the Ordinary meeting of Council held 15 December 2016 Council declined the request for the Water Corporation to be exempt from Harvest/Vehicle Movement Bans.

Due to the aforementioned resolution, an improved Bushfire Management Plan and further support was acquired by the Water Corporation and resubmitted to be considered at the Ordinary Council Meeting held in February 2017. Unfortunately due to a clerical error this item was not appended to the agenda and as such was not considered at this meeting.

Comment

The Bushfire Management Plan supplied by the Water Corporation is very extensive and would seem to cover all aspects of danger should a fire ignite at the site.

Consultation

Council

Water Corporation

The Bushfire Management Plan and Water Application are attached for further discussion.

Statutory Environment

Bush Fires Act 1954

22C. Power of Minister to exempt from provisions of section 22B

- (1) *Subsection (2) has effect if the Minister is advised in writing by the FES Commissioner that, in the opinion of the FES Commissioner, a person has taken adequate precautions for the —*
- (a) *prevention of the spread or extension; and*
 - (b) *control; and*
 - (c) *extinguishment, if necessary,*

- of any fire that is to be lit, or that may be caused by the carrying out of an activity in the open air, in the period during which, and in the area in respect of which, a total fire ban has effect.*
- (2) *If this subsection has effect, the Minister may, in respect of any such fire as is so lit or may be so caused, exempt the person, and any person acting under that person's instructions, either wholly or partially from the operation of the provisions of section 22B.*
- (3) *An exemption granted by the Minister under this section —*
- (a) is to be in writing signed by the Minister; and*
 - (b) may be revoked or varied at any time by the Minister by notice in writing signed by the Minister and served on the person to whom the exemption was granted; and*
 - (c) unless sooner revoked, has effect for the period specified in the exemption; and*
 - (d) is subject to such conditions as the Minister thinks fit to impose and specifies in the exemption; and*
 - (e) authorises the person to whom it is granted, and any person acting under that person's instructions, subject only to any conditions specified in the exemption —*
 - (i) to light, maintain or use in the open air any fire authorised to be lit, maintained or used under the authority of the exemption; or*
 - (ii) to carry out in the open air any activity authorised to be carried out under the authority of the exemption;*
- and*
- (f) if paragraph (e)(i) applies — exempts any fire to which the exemption relates from the operation of section 46.*
- (4) *The Minister may at any time, by notice in writing signed by the Minister and served on the person to whom the exemption was granted, revoke or vary, whether by way of addition or substitution, any conditions specified in the exemption.*
- (5) *A person to whom an exemption is granted under this section must observe and carry out any conditions specified in the exemption.*
- Penalty: a fine of \$25 000 or imprisonment for 12 months, or both.*

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

There are no financial implications associated with this proposal.

Strategic Implications

Cunderdin 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 10.1

That Council supports the application for Total Fire Ban Exemption as submitted by the Water Corporation and endorsed by the Department of Fire & Emergency Services, and subject to compliance with the Site and Off-Road Vehicle Movement requirements included on the appended documentation.

Moved: Cr Doug Kelly

Seconded: Cr Clive Gibsone

Vote – Absolute majority

Carried: 7/1

Cr Alison Harris requested her name to be recorded for voting against the motion

10.2 Cunderdin Primary Health Care Demonstration Site Project – Project User Group –Further Call for Expressions of Interest for Community Representatives

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	9 March 2017
Author:	Governance & Compliance Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	
Attachment/s:	3 Attachments (35 pages)

Proposal/Summary

That Council consider the two nominations received for the position of Cunderdin, Meckering and Tammin community representative on the Primary Health Care Demonstration Site Project User Group.

Background

Following the resignations of two (2) community members from the Cunderdin Primary Health Care Demonstration Site Project User Group, Council sought Expressions of Interest for two Community Representatives on the PUG. Council is looking for representatives that:

- demonstrate understanding of the need for health reforms and the changing focus of health service delivery models
- work well in a team environment
- demonstrate critical thinking and planning skills
- have good communication skills
- show strong community links (through team / group / organisation) and ability to communicate community group's perspective.

In October / November 2013 the Shire of Cunderdin and WA Country Health Service (WACHS) signed a Memorandum of Understanding to work towards establishing a Primary Health Care Centre in Cunderdin.

The Memorandum of Understanding required the formation of a Project User Group (PUG), in consultation with the Shire and WACHS. The group consists of five community representatives (3 Cunderdin, 1 Meckering and 1 Tammin) and representatives from the Shire of Cunderdin and WACHS. The role of the PUG is to act as the principle communication, consultation and engagement group on service planning and project development.

At the Ordinary meeting of Council held on 16 February 2017 it was resolved to readvertise to seek expressions of interest from community members.

Comment

An advertisement was placed in the Bandicoot Express Newsletter Issue #2 on 23 February 2017, uploaded onto the Shire Website and FaceBook page and placed on all Notice Boards in Cunderdin and Meckering on 23 February 2017.

Following the submission period ending on Thursday 9 March 2017, two nominations have been received from Ms Mary O'Hare and Mr Danh Nguyen.

Consultation

WA Country Health Service
Communities of Cunderdin and Meckering

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.

Resolution 10.2.1

That Council endorses the nomination from Ms Mary O'Hare for a position as Cunderdin, Meckering and Tammin community representative on the Primary Health Care Demonstration Site Project User Group.

Moved: Cr Alison Harris

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 8/0

Resolution 10.2.2

That Council does not endorse the nomination from Mr Danh Nguyen for a position as Cunderdin, Meckering and Tammin community representative on the Primary Health Care Demonstration Site Project User Group.

Moved: Cr Alison Harris

Seconded: Cr Clive Gibsone

Vote – Simple majority

Lost: 3/5

Resolution 10.2.3

That Council endorses the nomination from Mr Danh Nguyen for a position as Cunderdin, Meckering and Tammin community representative on the Primary Health Care Demonstration Site Project User Group.

Moved: Cr Bernie Daly

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 5/3

10.3 Review of the Cunderdin Local Planning Scheme No. 3

Location:	N/A
Applicant:	Shire of Cunderdin
Date:	9 March 2017
Author:	J Jurmann – Planner
Item Approved by:	P Naylor – Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	1 Attachment (6 pages)

Proposal/Summary

It is proposed to review the Cunderdin Local Planning Strategy and Local Planning Scheme No. 3 in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2017*.

The purpose of this Report is to inform Council regarding the process and for support to develop a Regional Local Planning Strategy in cooperation with the Shires of Tammin and Quairading.

Background

The Shire of Quairading has received a request for comments from the Shire of Beverley regarding their draft Local Planning Scheme No. 3. The draft Scheme has been reviewed and no comments are considered necessary for the reason that the gazettal of the scheme is unlikely to result in any significant implications for the Shire of Quairading as a result of any proposed rezoning or changes in land use permissibility.

The referral has however prompted a comparison of the new Beverley scheme with the Shire of Cunderdin's current scheme (due to employing the planner for each Shire) considering the provision in the new Regulations requiring review of the scheme this year (refer Statutory Environment for further information).

The new Beverley scheme has been developed using the new Model Scheme Text and therefore could be considered best practice for a local planning scheme. It has also been developed following approval of the combined Beverley and Brookton Local Planning Strategy in October 2013.

Comment

The Shire of Cunderdin Local Planning Scheme No. 3 (LPS3) was originally gazetted on 14 May 2007 and must be reviewed in 2017.

To date, four scheme amendments have been gazetted to LPS3, including updating the scheme to reflect the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2017*.

The Cunderdin Local Planning Strategy was endorsed by the Western Australian Planning Commission on 19 December 2006 and continues to provide guidance for the future development and expansion of the Shire. Generally the timeframe for local planning strategies is 10 to 15 years.

As part of the required review of the Scheme, the Strategy will also need to be reviewed to ensure that the strategies and actions are relevant and provide sufficient guidance to the future development of the Shire.

At present the Local Planning Strategy applies to the Cunderdin local government area, and Council can decide to review the document on this basis.

Alternatively, the Shire could develop a regional local planning strategy in conjunction with the Shires of Quairading and Tammin, similar to the approach of the Shires of Brookton and Beverley, and the Shires of Narrogin, Pingelly and Wickiepin. The regional local planning strategies contain regional and local strategies to address the needs of each Shire individually and collectively. (A copy of the Strategies are available from the Department of Planning's and the individual Shire's websites.)

This approach may be advantageous from a resource sharing view point (each Shire employs the same town planner and combined advertising), and to align strategies and actions that are relevant on a regional basis. Individually each Shire would still require a local planning scheme that could be developed collectively and tailored again to each Shire's needs.

Quairading currently has an approval Townsite Expansion Strategy that was adopted in June 2008 and will need to be reviewed together with the local planning scheme. Tammin does not currently have a local planning strategy, however again their scheme is required to be reviewed and a local planning strategy will be required.

It is envisaged that the Cunderdin Local Planning Strategy could be used as a basis for the development of a regional strategy, particularly for the rural areas where the strategies will be similar for each Shire.

It is timely for Council to resolve to commence the required review of LPS3 to ensure the required timeline is met. Additionally, guidance from Council is requested to establish the best approach to the development of a new local planning scheme, and as a result a local planning strategy.

Consultation

The *Planning and Development (Local Planning Schemes) Regulations 2017* stipulate the advertising requirements for local planning strategies and schemes, being a minimum of 90 days.

Statutory Implications

The *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect on 19 October 2015 and introduced two Schedules containing deemed provisions, provisions that immediately superseded some provisions in local (town) planning schemes; and a new model scheme text that aims will standardise the format, zone labels and land use definitions.

The provisions of the Regulations require every local government is required to have a local planning scheme and any new scheme prepared to be accompanied by a local planning strategy (not applied retrospectively). The new provisions also require local governments to review their local planning schemes every five years with initial review periods for existing schemes prepared under the previous regulations stipulated as follows:

- 2020 – If the scheme is less than five years old (i.e. Gazetted from 19 October 2010 to present).
- 2017 – If the scheme is more than five years old (i.e. Gazetted from 18 October 2010 or older).

The scheme review report in the form specified in the Regulations (see attached) must be submitted to the Western Australian Planning Commission within six months of the required date of the review.

It is expected due to the age of the Cunderdin Local Planning Scheme No. 3 and the non-conformance with the new Model Scheme Text, that the review of the Scheme will determine a new local planning scheme will be required, and consequently a Shire-wide local planning strategy.

Policy Implications

Local planning policies may need to be reviewed following the introduction of a new local planning strategy and scheme to ensure that they are current and consistent.

Financial Implications

The preparation of the local planning strategy and scheme will need budget allocations for consultancy fees and advertising.

Strategic Implications

The local planning strategy is the framework for local planning and the strategic basis for local planning schemes. It provides the interface between regional and local planning, and is increasingly being seen by other agencies as the means by which to address economic, resource management, environmental and social issues at a strategic level.

Local planning schemes are the principal statutory tool for implementing the local planning strategy and achieving the local government's aims and objectives with respect to the development of its local area. While schemes deal mainly with land use, development control and infrastructure coordination, they must be developed in the context of the strategic framework and the broader environmental, social and economic goals and objectives.

The local planning strategy and scheme should also be developed as part of the local government's suite of strategic planning documents, including the Strategic Community Plan.

Resolution 10.3

That Council:

- 1. Request the Chief Executive Officer to commence the review of the Cunderdin Local Planning Scheme No. 3 as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Review a further report to consider the review of the Cunderdin Local Planning Scheme No. 3 prior to submission to the Western Australian Planning Commission.**
- 3. Authorise the Chief Executive Officer to commence discussions with the Shires of Quairading and Tammin to agree to commence the development of a regional local planning strategy.**
- 4. Receive a further report on the outcome of the discussions and a timeline for the project.**

Moved: Cr Clive Gibsone

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 8/0

11. Urgent Items

11.1 Cr Alison Harris – Use of Shire of Cunderdin Credit Card

Resolution 11.1.1

That Late Agenda Items 11.1, as requested by Cr Alison Harris, Use of Shire of Cunderdin Credit Card, be accepted by Council.

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote: Simple Majority

Carried: 8/0

Background

The following email was sent by Cr Alison Harris to Peter Naylor, Chief Executive Officer on 13 March 2017, 3.03pm:-

-----Original Message-----

From: Councillor8

Sent: Monday, 13 March 2017 3:03 PM

To: Peter Naylor; Shire Councillors

Subject: Credit card use

Hello Peter,

I notice there is a \$154.00 debit from your credit card for flowers for _____ for the birth of a grandson. Will there be a credit from the staff social fund to cover this cost?

*Regards,
Alison*

Sent from my iPad

The following email was sent by Peter Naylor, Chief Executive Officer, in response, to Cr Alison Harris on 13 March 2017, 5.11pm:-

On 13 Mar 2017, at 5:11 pm, Peter Naylor <ceo@cunderdin.wa.gov.au> wrote:

Hi Alison

The flowers were a gift to _____ from Councillors & staff, there is no plan to recoup.

*Regards
Peter*

Peter Naylor
Chief Executive Officer
Shire of Cunderdin

A further email was sent by Cr Alison Harris to Peter Naylor, Chief Executive Officer on 13 March 2017, 5.35pm:-

From: Councillor8 <Councillor8@cunderdin.wa.gov.au>
Date: 13 March 2017 at 5:35:46 pm AWST
To: Peter Naylor <ceo@cunderdin.wa.gov.au>
Cc: Shire Councillors <Councillors@cunderdin.wa.gov.au>
Subject: Re: Credit card use

Peter,

I have asked a couple of community members if they feel this is an appropriate use of public funds. They were both very unhappy that the community is paying for this. Both also work for (different) government departments and both stated quite emphatically that public funds within their departments would not and should not be used in this way. Both stated that this type of gift could only be funded through a staff social fund or similar fund - not the public purse.

As a councillor, I do not support the use of public funds in this manner and I firmly believe a large percentage of our community would be of the same opinion.

I would like this issue included in the agenda as a late item for this Thursday's meeting, please.

*Thankyou,
Alison*

Sent from my iPad

Comment

For Council deliberation.

Consultation

N/A

Statutory Implications

*Local Government (Rules of Conduct) Regulations 2007 – Reg 6 – Use of Information
Local Government Act 1995 – Sect 5.93 – Improper Use of Information*

Policy Implications

Shire of Cunderdin Finance Policy Number 22 'Use of Corporate Credit Cards' (Adopted 20 October 2005, Resolution Number 9.5)
Shire of Cunderdin 'Code of Conduct for Elected Members, Staff and Volunteers'

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 11.1.2

That Council endorses the Chief Executive Officers actions for the purchase of a bouquet of flowers for a staff member on the recent birth of her grandson as a good will gesture on behalf of Councillors and staff.

Moved: Cr Dennis Whisson

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 6/2

Cr's Alison Harris and Todd Harris requested their names be recorded as voting against the motion.

12. Matters for which the meeting may be closed

Nil

13. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 6.50pm.