



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 20 July 2017** in the Council Chambers, Lundy Avenue Cunderdin **commencing at 5.00pm.**

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

Peter Naylor
Chief Executive Officer

Table of Contents

1.	Declaration of opening.....	3
2.	Public Question Time	3
3.	Record of Attendance, Apologies and Approved Leave of Absence.....	4
4.	Applications for leave of absence	4
5.	Declaration of Members and Officers Financial Interests	5
6.	Petitions, Deputations, Presentations	5
7.	Announcements by President without discussion	5
8.	Confirmation of the Minutes of Previous Meetings	6
8.1	Ordinary Meeting of Council held on Thursday 15 June 2017.....	6
9.	Finance & Administration	8
9.1	Financial Reports for June 2017	8
9.2	Accounts Paid – June 2017.....	10
9.3	Council Investments – As at 30 June 2017.....	19
9.4	Joint Standing Committee on Delegated Legislation Undertakings relating to Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016.....	21
9.5	Department of Sport and Recreation Community Sport & Recreation Facilities Fund ...	25
9.6	Chief Executive Officer Annual Performance Appraisal and Review of Key Result Areas.	27
10.	Environmental Health & Building.....	29
11.	Works & Services.....	30
11.1	Works & Services Reports	30
12.	Planning & Development	33
13.	Urgent Items	33
14.	Matters for which the meeting may be closed	33
15.	Closure of meeting.....	33

AGENDA

1. Declaration of opening

The President declared the meeting open at 5:00pm

The Shire of Cunderdin disclaimer was read aloud.

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

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

2. Public Question Time

Response to previous public questions taken on notice

Declaration of public question time opened at

Declaration of public question time closed at

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

Record of attendances

Councillors

Cr DA (Dennis) Whisson	Shire President
Cr DB (Doug) Kelly	Deputy President
Cr RC (Clive) Gibsone	
Cr B (Bernie) Daly	
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
Greg Stephens	Manager Works & Services
Ian Bartlett	Manager Works & Services

Guests of Council

Members of the Public

Mr Tony Smith

4. Applications for leave of absence

Resolution 4.1

That Leave of Absence be granted to:

1. Councillor Clive Gibsone for the Ordinary Meeting of Council scheduled to be held on Wednesday 16th August 2017; and
2. Councillor Dianne Kelly for the Ordinary Meetings of Council scheduled to be held on Wednesday 16th August 2017 and Thursday 21st September 2017.

Moved: Cr Bernie Daly

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 6/0

5. Declaration of Members and Officers Financial Interests

Item 7.7: Mr Peter Naylor, Chief Executive Officer

6. Petitions, Deputations, Presentations

7. Announcements by President without discussion

8. Confirmation of the Minutes of Previous Meetings

8.1 Ordinary Meeting of Council held on Thursday 15 June 2017

Location:	Cunderdin
Applicant:	Administration
Date:	12 July 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	48 Pages (1 attachment - circulated)

Proposal/Summary

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 15 June 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 8.1

That:

- 1. The Minutes of the Ordinary Council Meeting held on Thursday 15 June 2017, be confirmed as a true and correct record.**

Moved: Cr Clive Gibsone

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 8/0

Note to this item:

The President will sign the minute declaration.

9. Finance & Administration

9.1 Financial Reports for June 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	12 July 2017
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	Pages (3 attachments)

Proposal/Summary

The financial reports as at 30 June 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 9.1

That Council receives the monthly financial reports to 30 June 2017.

Moved: Cr Norm Jenzen

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried: 8/0

9.2 Accounts Paid – June 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12 July 2017
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$ 652,218.73 for June 2017 as listed in the Warrant of Payments for the period 1 June to 30 June 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 9.2

(a) That Council's payment of accounts amounting to \$ 652,218.73 for June 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 Clive Gibsone

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

Listing of Accounts Paid During June 2017

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
EFT1465	09/06/2017	AMJ Industries	Service Dishwasher	148.50
EFT1466	09/06/2017	Pestex Co	rodent / pest treatment	418.00
EFT1467	09/06/2017	Spandex Asia Pacific PTY LTD	paint	236.13
EFT1468	09/06/2017	AAA Asphalt Surfaces	Coldmix	715.00
EFT1469	09/06/2017	Stephen Carrick Architects	heritage advisory service	5,725.61
EFT1470	09/06/2017	Washroom Accessories	Disposable Bed Sheets	160.25
EFT1471	09/06/2017	Aluminium Seating Specialists	Seating	6,721.00
EFT1472	16/06/2017	Jason Signmakers	Childrens crossing sign	230.45
EFT1473	16/06/2017	Landgate	GRV Gen Vals	19,573.00
EFT1474	16/06/2017	Cunderdin Co-Op	Yates Potting Mix	711.60
EFT1475	16/06/2017	Glenwarra Development Services	Town Planning Consultancy Fee	2,887.50
EFT1476	16/06/2017	IT Vision	Monthly Synergy Fee	2,509.10
EFT1477	16/06/2017	Wattleup Tractors	Shim	503.25
EFT1478	16/06/2017	Kayla James	Reimbursement for travel costs incurred for seminar and to attend Tammin office	114.00
EFT1479	16/06/2017	FILTERSPLUS	Air and Oil Filters	554.46
EFT1480	16/06/2017	Daves Tree Service	Tree Lopping Services for Togo St	2,860.00
EFT1481	16/06/2017	Cr Dennis Whisson	OCM MAY SITTING FEE	485.00
EFT1482	16/06/2017	Cr Todd Harris	OCM Sitting Fee May 2017	236.00
EFT1483	16/06/2017	Cr Norm Jenzen	OCM Sitting Fee May 2017	236.00
EFT1484	16/06/2017	CDA Air & Solar	Winter Close Downs	352.00
EFT1485	16/06/2017	Cunderdin Panelbeaters	Community bus Repair Paint as per quote 942	2,545.52

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
EFT1486	16/06/2017	JR & A Hersey	Bushmans, sunscreen, Ear muffs , Fly net and Cap Muff Visor Kit	614.10
EFT1487	16/06/2017	Country Copiers	Copier Service and Meter Reading	784.55
EFT1488	16/06/2017	Cunderdin Community Resource Centre	print and copy colour and hire Function Room	130.80
EFT1489	16/06/2017	Advanced Autologic PTY LTD	Tech White Oil 3	850.00
EFT1490	16/06/2017	Perfect Computer Solutions	Monthly Fee Daily Monitoring	85.00
EFT1491	16/06/2017	Quairading Earthmoving	Transport and Plant Hire	12,892.00
EFT1492	16/06/2017	Cr. Alison Harris	OCM Sitting Fee may 2017	236.00
EFT1493	16/06/2017	Cr. Bernard Daly	OCM Sitting Fee May 2017	236.00
EFT1494	16/06/2017	Baxters Rural Centre KB	Pin	77.08
EFT1495	16/06/2017	Michelle Samson	Reimbursement for travel costs to attend course	278.16
EFT1496	16/06/2017	Ampac Debt Recover Pty Ltd	Ampac Debt Recovery Fees	2,540.40
EFT1497	16/06/2017	Diamler Trucks Perth	Repairs to Canter truck	187.00
EFT1498	16/06/2017	Brooke Jasper	Reimbursements for costs incurred to attend training	246.50
EFT1499	16/06/2017	Woodlands Distributors & Agencies Pty Ltd	Dog waste bag dispenser and rolls of bags	501.60
EFT1500	16/06/2017	CJD Equipment Pty Ltd	tooth and pin	221.10
EFT1501	16/06/2017	Mussareds	3000 Cubic Meters @\$2 per meter	6,600.00
EFT1502	16/06/2017	Courier Australia	Freight Charges	138.17
EFT1503	16/06/2017	Country Ford	Supply and Rotate tyres	1,784.75
EFT1504	16/06/2017	EASTWAYS	Urinal Blocks, Soap, Hand Towels and Toilet Rolls	1,186.95
EFT1505	21/06/2017	Landgate	Land Enquiry	244.00
EFT1506	21/06/2017	Cunderdin Co-Op	Refreshments	585.20

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
EFT1507	21/06/2017	Australia Post	Postal Charges	80.28
EFT1508	21/06/2017	Avdata	Avdata Fees and charges	216.68
EFT1509	21/06/2017	AIR LIQUIDE	Gas Cylinder Hire Fee	131.43
EFT1510	21/06/2017	Avon Waste	Rubbish Services	11,580.94
EFT1511	21/06/2017	Goodfield Quality Meats	Water	56.00
EFT1512	21/06/2017	WA Contract Ranger Services	Ranger services	2,056.99
EFT1513	21/06/2017	Shire of Northam	Old Quarry tipping fees	5,690.40
EFT1514	21/06/2017	Cr Dennis Whisson	OCM Sitting Fee June 2017	485.00
EFT1515	21/06/2017	Cr Todd Harris	OCM Sitting Fee June 2017	236.00
EFT1516	21/06/2017	Cr Norm Jenzen	OCM Sitting Fee June 2017	236.00
EFT1517	21/06/2017	Contract Aquatic Services	Works and equipment for pool maintenance	27,760.00
EFT1518	21/06/2017	Shire of Quairading	NRM Contributions	2,146.32
EFT1519	21/06/2017	WALGA	Short Course for Alison Harris Effective Community Leadership	515.00
EFT1520	21/06/2017	Local Government Professionals Australia WA	Local Government Finance Professionals Conference 2017	1,050.00
EFT1521	21/06/2017	APRA AMCOS	Licence Fees - Cunderdin Hall	70.47
EFT1522	21/06/2017	Thompsons Signs	Installation of speakers for daintys daughters	77.00
EFT1523	21/06/2017	Cunderdin Community Resource Centre	Bandicoot Advertising	214.00
EFT1524	21/06/2017	Museums Australia	Cunderdin Museum Membership Renewal	220.00
EFT1525	21/06/2017	Cr. Alison Harris	OCM Sitting Fee June 2017	236.00
EFT1526	21/06/2017	Cr. Bernard Daly	OCM Sitting Fee June 2017	236.00
EFT1527	21/06/2017	Executive Media	advertising	550.00

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
EFT1528	21/06/2017	QK technologies	QKW-LDC soft ware fee	1,200.00
EFT1529	21/06/2017	JM Vanden Akker & JA Vanden Akker	Glass Cleaning at museum	1,760.00
EFT1530	21/06/2017	Craig Buegge	Carpet Cleaning	90.00
EFT1531	21/06/2017	WA College of Agriculture Cunderdin	Year 12 Parent Luncheon (Dennis Whisson)	30.00
EFT1532	21/06/2017	Zigokids	Workshop facilitation	891.00
EFT1533	21/06/2017	Shire of Pingelly	Tim Jurmann attend Mosquito Control Course	231.00
EFT1534	21/06/2017	Shire of Kulin	Camp Payment - shire of Kulin	700.00
EFT1535	21/06/2017	Australian Tax Office	BAS for the Month of May	49,319.00
EFT1536	21/06/2017	Department of Fire and Emergency Services	16/17 ESL quarter 4	6,558.91
EFT1537	23/06/2017	Cunderdin Co-Op	Fuel Delivery	9,600.00
EFT1538	23/06/2017	Wurth	Silicine Grease	29.90
EFT1539	23/06/2017	Combined Tyres Cunderdin	repair tyres	279.00
EFT1540	23/06/2017	Cunderdin Panelbeaters	2 x tubes of sikaflex	49.50
EFT1541	23/06/2017	Eastern Hills Saws and Mowers	Chainsaws	3,006.00
EFT1542	23/06/2017	Cunderdin Pharmacy	2nd set of Injections	630.00
EFT1543	23/06/2017	Brickmart WA	supply 12 tactile Pavers	264.00
EFT1544	23/06/2017	Country Ford	CM 97 Tyres and disposal fees	4,403.35
EFT1545	29/06/2017	Jason Signmakers	Signs for Changing Places	313.28
EFT1546	29/06/2017	Cunderdin Co-Op	Cleaning Supplies	106.11
EFT1547	29/06/2017	Truck Centre WA	Door Lock and freight	725.63
EFT1548	29/06/2017	Avon Waste	Recycling charges	13,239.00
EFT1549	29/06/2017	George Johnson EHO	Meat inspections perth	660.00

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
		Consultant		
EFT1550	29/06/2017	Combined Tyres Cunderdin	Change and repair Roller Tyres	330.00
EFT1551	29/06/2017	Regional Concrete & Plumbing	Repair Water Leak Meckering	1,768.42
EFT1552	29/06/2017	Cunderdin Community Resource Centre	Hire Projector Screen	15.00
EFT1553	29/06/2017	Eastern Hills Saws and Mowers	Loop Mini and Starter rope	112.20
EFT1554	29/06/2017	Perfect Computer Solutions	Assistance with PCs	170.00
EFT1555	29/06/2017	Macs Agencies	Bags of Rags	128.00
EFT1556	29/06/2017	Oxter Services	Stainless Steel Plaque for the CSRC	985.05
EFT1557	29/06/2017	R Munns Engineering Consulting Services	Engineering Consultancy Fees for Town Dam Project	3,459.19
EFT1558	29/06/2017	Michelle Samson	Reimbursements for Training Expenses	732.98
EFT1559	29/06/2017	Rob's Auto Electrics	Fuso Parts and Hammer Roller	1,231.80
EFT1560	29/06/2017	AAA Asphalt Surfaces	Anionic Emulsion Pods	3,410.00
EFT1561	29/06/2017	Preview Industries Australia Pty Ltd	Binders and Boxes	160.02
EFT1562	29/06/2017	Earthstyle Contracting Pty Ltd	Carter and Olympic Road Works	320,274.90
EFT1563	29/06/2017	Courier Australia	Freight Charges	87.08
EFT1564	29/06/2017	Country Ford	Dash Mats for New Vehicles	247.50
DD738.1	01/06/2017	Westnet	Internet Charges	44.95
DD749.1	14/06/2017	WA Super	Payroll deductions	7,558.63
DD749.2	14/06/2017	HOSTPLUS	Superannuation contributions	80.00
DD749.3	14/06/2017	Westscheme Superannuation	Superannuation contributions	355.68
DD749.4	14/06/2017	BT Super for Life	Superannuation contributions	393.68

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
DD749.5	14/06/2017	MTAA Superannuation Fund	Superannuation contributions	196.84
DD749.6	14/06/2017	Australian Super	Superannuation contributions	98.96
DD749.7	14/06/2017	TWU Super	Superannuation contributions	196.84
DD749.8	14/06/2017	Colonial First State	Superannuation contributions	193.47
DD757.1	22/06/2017	SG Fleet	Sg Fleet - Cesm Vehicle Charges	1,366.78
DD757.2	15/06/2017	Westnet	Internet Charges	69.99
DD763.1	28/06/2017	WA Super	Payroll deductions	6,305.01
DD763.2	28/06/2017	HOSTPLUS	Superannuation contributions	138.75
DD763.3	28/06/2017	Westscheme Superannuation	Superannuation contributions	370.96
DD763.4	28/06/2017	BT Super for Llife	Superannuation contributions	393.68
DD763.5	28/06/2017	One Path Superannuation Fund	Superannuation contributions	71.28
DD763.6	28/06/2017	MTAA Superannuation Fund	Superannuation contributions	196.84
DD763.7	28/06/2017	TWU Super	Superannuation contributions	196.84
DD763.8	28/06/2017	Colonial First State	Superannuation contributions	193.47
DD763.9	28/06/2017	Club Plus Superannuation	Superannuation contributions	59.46
11223	09/06/2017	Bunnings Group Limited	Shadecloth - Swimming Pool	1,174.60
11224	09/06/2017	SMJ United Pty Ltd	cleaning of the public toilets Meckering	9,705.00
11225	16/06/2017	Water Corporation	Standpipe Meckering Dowerin Rd	2,947.47
11226	16/06/2017	Synergy	Street Lights Power	3,987.10
11227	16/06/2017	Cunderdin Newsagency	Shire office Stationery	865.94
11228	16/06/2017	Telstra	Cunderdin Day Care Phones	121.60
11229	16/06/2017	Autopro Northam	Oil Filters and Air Freshener	485.54

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
11230	16/06/2017	Cr Dianne Kelly	OCM Sitting Fee May 2017	236.00
11231	16/06/2017	Cr Douglas Brian Kelly	OCM Sitting Fee May 2017	236.00
11232	21/06/2017	Water Corporation	30 Burges St Meckering Water	275.12
11233	21/06/2017	Cunderdin Newsagency	Museum Stationary Supplies	276.29
11234	21/06/2017	Telstra	Phone charges	1,552.83
11235	21/06/2017	Cr Ronald Clive Gibsone	OCM Sitting fee June 2017	236.00
11236	21/06/2017	Cr Dianne Kelly	OCM Sitting Fee June 2017	236.00
11237	21/06/2017	Cr Douglas Brian Kelly	OCM Sitting Fee June 2017	236.00
11238	21/06/2017	Petty Cash	Petty cash reimbursements	53.77
11239	21/06/2017	Government of WA Department of Transport	Fleet Schedule B9320	16,932.45
11240	21/06/2017	Shire of Cunderdin	Building Application Fees - Solar Panels	229.55
11241	21/06/2017	Meckering Mens Shed	Reimbursement for expenses paid	112.20
11242	29/06/2017	Water Corporation	Sports Ground Water	16,805.58
11243	29/06/2017	Synergy	Aifield Power	6,162.00
11244	29/06/2017	HCT Rural Agencies 2015	Bolts	21.79
11245	29/06/2017	Davison & Co (Barford) Ltd	Supply 5000m3 Gravel	11,000.00
11246	29/06/2017	Misty Ridge Plant Farm	175MM Standard Pot Varieties x 40	358.00
1691	01/06/2017	1 - BANK CHARGES	BANK CHARGES	46.75
1691	01/06/2017	1 - BANK CHARGES	BANK CHARGES	13.00
1691	05/06/2017	1 - BANK CHARGES	BANK CHARGES	45.98
			TOTAL	652,218.73

9.3 Council Investments – As at 30 June 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12 July 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 30 June 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	\$940,070.97	Reserves Term Deposit 2.5% Expires : 10/1/2018		\$940,070.97	
Westpac Bank	\$2,608,365.02	Business Cash Reserve 22-3647 0.60%	\$2,608,365.02		
Westpac Bank	\$20,586.33	Trust Working Account 12-2981			\$20,586.33
Westpac Bank	\$147,380.00	Reserve Term Deposit 2.1% Expires : 30/12/17		\$147,380.00	
TOTAL INVESTMENTS	\$3,716,184.42		\$2,608,365.02	\$1,087,450.97	\$20,586.33

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.

Resolution 9.3

That the reports on Council investments as at 30 June 2017 be received and noted.

Moved: Cr Todd Harris

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 8/0

9.4 Joint Standing Committee on Delegated Legislation Undertakings relating to Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	10 July 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	ADM0449 Vol 2
Attachment/s:	4 Pages

Proposal/Summary

The report considers advice received from the Parliamentary Joint Standing Committee (JSC) on Delegated Legislation requesting the Council to make minor amendments to the Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016. The amendments relate to:

1. Clause 3.10(c) – Removal of refrigerants – the Joint Standing Committee’s view is that the wording of this clause is potentially hazardous as it requires ‘persons’ rather than those skilled and qualified to remove refrigerants; and
2. Clause 4.12(1) - Affixing any letter figure, device, poster, sign or advertisement on any buildings, fences or posts - The Committee assumes that it was not the Shire's intention to prohibit the placing of house numbers, 'no junk mail' signs, 'beware of the dog' signs and other such signage on all buildings, fences or posts without Shire approval. If this assumption is correct, the Committee considers that clause 4.12(1) has an unintended effect and contravenes Committee Terms of Reference 10.6(b), namely 'whether the instrument has no unintended effect on any person's existing rights or interests' or alternatively is not within power.

In light of the above, the Joint Standing Committee on Delegated Legislation seeks the following undertakings from Council:

1. Delete clauses 3.10(c) and 4.12(1) of the Shire of Cunderdin Animals, Environment and Nuisances Local Law 2016.
2. Make all necessary consequential amendments.
3. Until clause 3.10(c) is deleted, post a notice on the Shire’s website next to the local law alerting residents to the error and the fact that the Commonwealth now regulates this field through a licensing system.
4. Not enforce the Local Law in a manner contrary to the undertakings that the Council gives.
5. That the Shire provide a copy of the minutes of the meeting at which the Council resolves to provide the undertakings.
6. Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

Background

Following the statutory consultation period, the Council at its meeting held on 13 October 2016 resolved

to make the Shire of Cunderdin Animals, Environment and Nuisances Local Law 2016.

The Local Law was subsequently published in the Government Gazette on 4 January 2017. The statutory law making process under Section 3.12 of the *Local Government Act 1995* requires the Shire to advise the Parliamentary Joint Standing Committee on Delegated Legislation of the Shire of Cunderdin Animals, Environment and Nuisances Local Law 2016 in the prescribed manner following gazettal.

The Committee's role is to oversee the making of delegated legislation, such as local laws, including whether the local law under consideration is authorised or contemplated under the empowering enactment. The Joint Standing Committee on Delegation Legislation's Terms of Reference require that it cannot recommend to Parliament that a local law be amended where it contains provisions that conflict with existing legislation and as a consequence it must move to disallow the Local Law in its entirety.

Terms of Reference 3.6(a) of the Joint Standing Committee on Delegated Legislation requires the Committee to, in its consideration of an instrument, to "inquire whether the instrument is authorised or contemplated by the empowering enactment". The Joint Standing Committee on Delegated Legislation has scrutinised the Local Law and has advised *The Environmental Protection (Ozone Projection) Policy 2000* is now obsolete. It was revoked by former Minister Faragher in *Government Gazette 157* of 1 September 2009. The revocation occurred because the Commonwealth took over control of ozone protection and subsequently drafted regulations.

Terms of Reference 10.6(b) of the Joint Standing Committee on Delegated Legislation requires the Committee to, in its consideration of an instrument, to "inquire whether the instrument has no unintended effect on any person's existing rights or interests". The Joint Standing Committee on Delegated Legislation has scrutinised the Local Law and formed the view that clause 4.12(1) needs to be deleted in order for the local law to comply with their Terms of Reference.

Comments

The Joint Standing Committee on Delegated Legislation is a committee of the Western Australian Parliament comprising 8 members with equal representation from the Legislative Council and Legislative Assembly.

Once a local law is gazetted, it is referred to the Committee for consideration under its Terms of Reference. Where the Committee finds that a local law offends one or more of its Terms of Reference it will usually seek a written undertaking from the local government to amend or repeal the instrument in question.

Where a local government does not comply with the Committee's request for an undertaking the Committee may, as a last resort, resolve to report to the Parliament recommending the disallowance of the instrument in the Legislative Council.

A local law will cease to have effect from the date on which it is disallowed. Where the local law amended or repealed another local law the earlier local law will be revived on and after the day of disallowance.

Undertakings represent commitments made by local governments, government departments or agencies to the Committee that certain actions will be completed within a certain time frame.

The requesting of undertakings relating to Instruments from local governments, departments and agencies is a serious matter. The Committee allows Instruments to pass unimpeded into law subject to the commitment that the relevant local government, department or agency will abide by the undertakings they give.

The Committee accepts undertakings provided on the following terms:

- all consequential amendments arising from the undertakings will be made;
- offending clauses will not be enforced in a manner contrary to the undertakings given;
- the undertakings will be completed within six months of the date the local government, department or agency's letter provides the undertakings;
- where the instrument is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of the undertakings; and
- in the case of a local government, it will provide a copy of the minutes of the meeting at which the relevant Council resolves to provide the undertakings.

Every six months, the Committee conducts a review of the Internet Undertakings List for viewing by Local Governments and the Internet Undertakings List for viewing by Departments and Agencies to check for compliance with provided undertakings. Reminders are sent to local governments, departments or agencies where compliance with undertakings has not occurred within the required time.

Consultation

Nil.

Statutory Implications

Local Government Act 1995.

Joint Standing Committee on Delegated Legislation Terms of Reference

Policy Implications

Nil

Financial Implications

The amendment to the Local Law will result in additional advertising and gazettal costs.

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Strategic Community Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The vision and values are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

Resolution 9.4

That the Joint Standing Committee on Delegated Legislation be advised that the Council of the Shire of Cunderdin agrees to the following undertakings in relation to the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*:

- 1. Delete clauses 3.10(c) and 4.12(1) of the *Shire of Cunderdin Animals, Environment and Nuisances Local Law 2016*.**
- 2. Make all necessary consequential amendments.**
- 3. Until clause 3.10(c) is deleted, post a notice on the Shire's website next to the local law alerting residents to the error and the fact that the Commonwealth now regulates this field through a licensing system.**
- 4. Not enforce the Local Law in a manner contrary to the undertakings that the Council gives.**
- 5. That the Shire provide a copy of the minutes of the meeting at which the Council resolves to provide the undertakings.**
- 6. Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.**

Moved: Cr Norm Jensen

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 8/0

9.5 Department of Sport and Recreation Community Sport & Recreation Facilities Fund

Location:	Cunderdin Sports Ground
Applicant:	Cunderdin Basketball Association
Date:	10 July 2017
Author:	Kayla James, Community Development Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	39 Pages (18 attachments)

Proposal/Summary

For Council to consider supporting a funding application submitted by the Cunderdin Basketball Association under the Department of Sport and Recreation Community Sports and Recreation Facility Funding Small Grants Program.

This report recommends that the Grant Application be supported.

Background

Resurfacing of the Basketball/Netball courts has been a high priority for the Club over the past few years. The courts are cracked, worn and uneven, heightening the risk of injury to the adults and children that use them. If no repairs or maintenance is carried out in the near future, the courts will potentially not serve a functional purpose and become unusable.

The Cunderdin Basketball Association has 128 members. Each year the Association participates in Country Week Basketball with two men's divisions and one women's division, who have been very successful.

The Nippers Association conducts the junior netball competition with over 30 members playing a round robin every Friday night as well as competing on the occasional Saturday during the winter season.

The Cunderdin Netball Association trains and plays on the courts during the winter sports season. The surrounding Cunderdin area teams utilise this facility during home games on a Saturday.

With the successes of the Cunderdin Basketball Association competing in Country Week, the need to have quality courts to practice and play on has now become a dire necessity. There is a demonstrated need for an upgrade to the courts and this upgrade will provide further opportunity for the community to participate in netball and basketball and provide a future for the teams.

Comments

The basketball/netball court resurfacing will consist of grinding down high spots, cracks and other imperfections, cracks will be primed and filled, followed by the surface being coated with 3 different layers.

The final layer of these courts is a 5mm Decoflex SOFTCOURT, a hard wearing coloured liquid rubber coating which resists deterioration, cracking and fading.

The cost of this project is \$137, 307+GST including labour, materials and establishment costs.

Consultation

Cunderdin Basketball Association
Department of Sports and Recreation Regional Manager – Jenifer Collins
CentreCourt Renovations

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Council consideration during 2017/18 budget deliberations

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Strategic Community Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The vision and values are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

Resolution 9.5

That Council:

- 1. Endorses the Grant Application for the resurfacing of the Cunderdin Basketball / Netball Courts as a part of stage 2 of the Sporting Ground Redevelopment.**
- 2. Submits the grant application to the Department of Sport and Recreation Community Sports and Recreation Facility Funding Small Grants Program for consideration.**

Moved: Cr Alison Harris

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried: 8/0

9.6 Chief Executive Officer Annual Performance Appraisal and Review of Key Result Areas.

Location:	Shires of Tammin & Cunderdin
Applicant:	Chief Executive Officer
Date:	10 July 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Yes
File Reference:	Nil
Attachment/s:	12 Pages (3 attachments)

Declaration of Interest

Mr Peter Naylor, Chief Executive Officer.

Proposal / Summary

For Council to formalise the date/s for the Chief Executive Officer Annual Appraisal and to incorporate the review of the CEO Key Result Areas (KRA) as part of the appraisal process.

Background

The most recent CEO Annual Performance Appraisal was completed in early 2017.

Both the Shires of Cunderdin and Tammin agree that this process was later than expected but was affected by the early onset of the 2016 harvest.

A resolution from the Shared CEO Resource Sharing Committee meeting held on 7th February 2017 was that the next review period should be commenced by 1 September 2017 and completed by mid-October 2017. This was endorsed by both Councils at the OCM's held in February 2017.

The Councils at their February OCM's also resolved to schedule a KRA workshop in June 2017.

The KRA workshops were held on Wednesday 28th June in Cunderdin commencing at 2:00pm and then a joint meeting in Tammin commencing at 4:00pm.

At the meeting/s it was agreed that the CEO interim KRA's as endorsed at the February 2017 OCM's:

- not be updated and / or replaced at this time, and to be used as the basis for the next CEO annual appraisal; and
- that they be reviewed as part of the next CEO annual appraisal process.

Comment

It is important that the CEO appraisal process being carried out on the September / October dates proposed for two reasons:

- It meets the criteria in accordance with the CEO Contract of Employment; and
- Given the bi-annual Local Government Elections are to be conducted on Saturday 21st October 2017, it provides for the current Councillors to carry out the process rather than a new elected member/s (potentially) being part of the process when they haven't had the opportunity to work with the CEO.

Council engaged the services of John Phillips Consulting to assist with the CEO Annual Performance Appraisal completed in February 2017.

Does Council wish to engage the services of Mr Phillips again, or investigate the services of an alternative consultant, or do they wish to carry out the review process themselves?

Copies of documents provided by Mr Phillips for the information of Council are included as agenda attachments.

Statutory Environment

Local Government Act 1995

5.38. Annual review of certain employees' performances:

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Policy Implications

Shared Chief Executive Officer Contract of Employment (Clause 4).

Financial Implications

Nil

Strategic Implications

Nil

Community Consultation

Nil

Resolution 9.6

That Council:

- 1. Schedules the next Chief Executive Officer Annual Performance Appraisal to be commenced by 1 September 2017 and completed by mid-October 2017.**
- 2. Incorporates the Review of the CEO Key Result Areas as part of the annual performance appraisal process.**
- 3. Engages the services of John Phillips Consulting to assist with the CEO Annual Performance Appraisal and Review of the CEO Key Result Areas processes.**
- 4. Schedules the initial workshop for the CEO Appraisal / KRA Review to be held prior to the August 16th, 2017, OCM.**

Moved: Cr Alison Harris

Seconded: Cr Bernie Daly

Vote: Simple Majority

Carried : 8/0

10. Environmental Health & Building

Nil

11. Works & Services

11.1 Works & Services Reports

Location:	Cunderdin
Applicant:	Manager Works and Services
Date:	12 July 2017
Author:	Ian Bartlett / Greg Stephens
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachment/s:	Nil

Purpose of Report

To inform Council of the Works Manager and staff actions, maintenance program.

Background

A schedule of maintenance works that are undertaken throughout the Shire is provided for Councils information.

Administration, Meetings and Inspections during this Reporting Period

- Staff time sheets
- Customer enquiries
- Ordering parts and materials
- Works and Services Agenda
- Depot General Duties - phone, emails, design, and staff works program
- Works Budget, Works Meetings, Depot Staff meetings
- Admin and staff meetings
- Capital Works Program
- Site Inspections Road signage Bitumen Roads - Rural Roads

Construction

No civil construction has commenced.

General Maintenance – Roads listed have had maintenance carried out

- Gravel filled blowouts on Shorter and Wyola North Roads.
- Replaced guide posts on Rabbit Proof Fence North and Woonwooring Road.
- Carried out bitumen patching on Goomalling, Shorter, Devenish and Coleman Roads.
- Sealed a section of the intersection of Coleman and Doodenanning Roads.
- Shoulder grading and maintenance - 3 Mile Gate Road.

Maintenance Grading

- Inverness, Nornadeen, Rabbit Proof Fence, South, Shorter and graded sections of Scadden Road.

Replaced/Repaired the following signs

- Mills Road signs.

Parks and Gardens – Meckering

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

- Opened up surface added Polyahr Pav Treatment stabiliser to water and mixed with existing material, respread and rolled.

Parks and Gardens – Cunderdin and the Recreation Centre

- Carried out general mowing, weeding, whipper snipping and general clean-up of parks and oval.
- Preparing the town for the Tidy Towns judging scheduled on 24 July 2017.

Building and Other Maintenance

- Replaced broken tiles and cleaned gutters at 14 Robin Street.
- Cleaned gutters at Cunderdin Day Care Centre.
- House 3: cut palm tree down.
- Carried out repairs to the Museum ablution facilities.
- House 1: replaced front gutter and down pipe.
- Cleaned white sand under play equipment at O’Conner Park.
- Carried out maintenance to the children’s slide at Meckering Park.
- Removed graffiti from parks and buildings.
- Re-painted park benches where required.
- Removed dead tree in fence at Museum.
- Repaired desk at main office.

Road Side and Verge Spraying

Nil.

Cemeteries

- One burial in Cunderdin.

Airfield Maintenance

- General twice weekly inspections of runways;
- Mowed grassed areas and whipper snip.

Plant Maintenance

- No major breakdowns to report.

Waste Services

- Both transfer stations are working well and no complaints received.
- The E-Waste container is now full and will be picked up and taken for recycling.

Statutory Implications

Local Government Act 1995

Financial Implications

There are no financial implications to Council in relation to this item.

Strategic Implications

There are no known strategic implications related to this item.

Environment

There are no known significant environmental implications associated with this proposal

Economic

There are no known significant economic implications associated with this proposal.

Social

There are no known significant social implications associated with this proposal.

Policy Requirements

Nil

Resolution 11.1**That Council:**

- 1. That the Works and Services Managers report for June 2017 be received and noted.**

Moved: Cr Bernie Daly

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried: 8/0

12. Planning & Development

Nil

13. Urgent Items

Nil

14. Matters for which the meeting may be closed

Nil

15. Closure of meeting

There being no further business the Shire President declared the meeting closed at 5.41pm.