



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 13th October 2016** 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

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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

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 Shire 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
Meredith Lee-Curtis	Governance Officer (to 5:32pm)

Guests of Council

Members of the Public

Applications for leave of absence

Declaration of Members and Officers Financial Interests

Item 7.9	Peter Naylor, Chief Executive Officer
Item 9.6	Cr Dennis Whisson

4. Petitions, Deputations, Presentations

Deputations

Presentations

5. Announcements by President without discussion

The Shire President noted that it is two (2) years to the day that former Shire President, Cr Rod Carter, passed away.

The Shire President also addressed the meeting and made a statement on some of the standards he expects to be embraced by the Council during his tenure as Shire President.

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on Thursday 15th September 2016

Location:	Cunderdin
Applicant:	Administration
Date:	7 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	42 pages

Proposal/Summary

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 15th September 2016.

Background

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

Comment

No business arising.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2)

The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Nil

Resolution 6.1

That:

- 1. The Minutes of the Ordinary Council Meeting held on Thursday 15th September 2016, be confirmed as a true and correct record.**

Moved: Cr Clive Gibsone

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 8/0

Note to this item:

The President will sign the minute declaration.

7. Finance & Administration

7.1. Financial Reports for September 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	7 th October 2016
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	XX Pages

Proposal/Summary

The financial position as at 30th September 2016 is presented for consideration.

Appendices - Financial Statements

Statutory Environment

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

Commentary

Nil

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 7.1

That Council receives the monthly financial reports to 30th September 2016.

Moved: Cr Doug Kelly

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

7.2 Accounts Paid – September 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	7 th October 2016
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 \$ 283,592.24 for September 2016 as listed in the Warrant of Payments for the period 1st September to 30th September 2016.

Attachments

Warrant of Payments for 1st September to 30th September 2016.

Statutory Environment

Financial Management Regulations 12 & 13.

Commentary on Statutory Environment

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

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 7.2

(a) That Council's payment of accounts amounting to \$ 283,592.24 for the month of September 2016, from the Municipal Fund be confirmed and noted.

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

Moved: Cr Norm Jenzen

Seconded: Cr Bernie Daly

Vote – simple majority

Carried: 8/0

Listing of Accounts Paid During September 2016

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
5	29/09/2016	Cr Dianne Kelly	OCM Sitting Fee	236.00
6	29/09/2016	Medical & Associated Professions Superannuation Fund	Superannuation contributions	404.76
7	29/09/2016	The Universal Super Scheme	Superannuation contributions	515.61
8	29/09/2016	Australian Super	Superannuation contributions	380.79
9	29/09/2016	BT Super for LIfE	Superannuation contributions	1,181.04
10	29/09/2016	Westscheme Superannuation	Superannuation contributions	1,130.70
11	29/09/2016	One Path Superannuation Fund	Superannuation contributions	61.10
12	29/09/2016	MTAA Superannuation Fund	Superannuation contributions	510.77
EFT944	06/09/2016	Contract Aquatic Services	Extra Open Hours	15,782.00
EFT945	06/09/2016	AMJ Industries	Hot water Units at CSRC	9,142.50
EFT946	06/09/2016	Cunderdin Roadhouse	Fruit and Sandwich Platter, Pizzas for meetings	633.50
EFT947	06/09/2016	Uniform Fashions	Staff Uniforms	1,850.00
EFT948	06/09/2016	AjSmith Welding	Telstra locate great eastern highway	484.00
EFT949	16/09/2016	Landgate	Subscription services and package maps	2,468.40
EFT950	16/09/2016	Cunderdin Co-Op	Cedar Clad for public toilet	3,849.84
EFT951	16/09/2016	Australia Post	Post Services	118.45
EFT952	16/09/2016	Avdata	Airfield Leases and Charges	644.33

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
EFT953	16/09/2016	AIR LIQUIDE	Gas Cylinder Fees	107.10
EFT954	16/09/2016	Avon Waste	Rubbish Services	13,299.72
EFT955	16/09/2016	Goodfield Quality Meats	Cooked chickens and Cold Meat Platters	135.00
EFT956	16/09/2016	Glenwarra Development Services	Town Planning Consultancy Services	4,400.00
EFT957	16/09/2016	IT Vision	Monthly Synergy Soft Fee	3,873.10
EFT958	16/09/2016	Wattleup Tractors	Shaft	1,241.75
EFT959	16/09/2016	Cunderdin Elders Limited	Safety Boots	737.00
EFT960	16/09/2016	Argent Electrical	Inspect Hot water Systems and Fix Fans	668.25
EFT961	16/09/2016	Shire of Quairading	Reimbursement for food Safety Program	125.00
EFT962	16/09/2016	AMJ Industries	Replace Hot water Systems Changerooms	12,775.22
EFT963	16/09/2016	JR & A Hersey	100 x white delineators	132.00
EFT964	16/09/2016	Thompsons Signs	Supply signs for Meckering Bush Fire Brigade	341.00
EFT965	16/09/2016	Cunderdin Community Resource Centre	Directory LOC Full Colour	241.00
EFT966	16/09/2016	Eastern Hills Saws and Mowers	Super cut eyelets and Blad Bolt and Washer Nuts	750.00
EFT967	16/09/2016	Kleenheat Gas Pty Ltd	Gas charges	293.88
EFT968	16/09/2016	T.A. Strategic Safety Alliance	ARO Training for two people	6,105.00
EFT969	16/09/2016	Cunderdin Roadhouse	Mixed Toasted Sandwiches	90.00
EFT970	16/09/2016	Hutton & Northey	Toggle On/Off/Mom	26.84

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
		Sales		
EFT971	16/09/2016	Alans Auto Electrics & Air Conditioning	Mirror Mount, UHF Antenna , On Site Labour	461.00
EFT972	16/09/2016	Baxters Rural Centre KB	Olive	7.04
EFT973	16/09/2016	P&G Body Builders	6 Wheel Tipper Body repairs	3,113.00
EFT974	16/09/2016	Archival Survival Pty Ltd	Wadding, Gloves, Id Tag	351.64
EFT975	16/09/2016	State Emergency Management Committee	Return unspent AWARE grant Funding	457.68
EFT976	16/09/2016	Delnel Pty Ltd	Service and inspect roller shutters at CSRC	1,402.50
EFT977	16/09/2016	M&H Fawkes	Boundary Fence	407.00
EFT978	16/09/2016	Wheatbelt Business Network	Friends of the WBN Membership 2016/17	165.00
EFT979	16/09/2016	Australia Day WA Citizen of the Year	Silver Membership Application	467.50
EFT980	16/09/2016	JM Vanden Akker & JA Vanden Akker	Glass Maintained	460.00
EFT981	16/09/2016	Concept Media Pty Ltd	Advertising	393.54
EFT982	16/09/2016	Nationwide Training Pty Ltd	Training	1,915.50
EFT983	16/09/2016	Courier Australia	Freight	300.03
EFT984	16/09/2016	Country Ford	Pump Washer, Caps, Washer Seals, Oil seal	1,375.44
EFT985	16/09/2016	Department of Fire and Emergency Services	2016/17 ESL Quarter 1	19,011.51
EFT986	29/09/2016	Cunderdin Co-Op	Bulk Distillate	8,960.00
EFT987	29/09/2016	Avdata	Airfield charges	453.62

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
EFT988	29/09/2016	Goodfield Quality Meats	Water	39.50
EFT989	29/09/2016	WA Contract Ranger Services	Ranger services	514.25
EFT990	29/09/2016	George Johnson EHO Consultant	Branding and return trip WACOAC	300.00
EFT991	29/09/2016	Combined Tyres Cunderdin	4 Tyres	942.00
EFT992	29/09/2016	Shire of Northam	Old Quarry Tipping Fees	3,125.65
EFT993	29/09/2016	Daves Tree Service	Trim Trees under power lines	2,860.00
EFT994	29/09/2016	Cr Dennis Whisson	OCM Sitting Fee 15/9/2016	236.00
EFT995	29/09/2016	JR & A Hersey	Safety Boots	251.76
EFT996	29/09/2016	Triset Boss	Rates Notice Paper	803.00
EFT997	29/09/2016	Western Australian Treasury Corporation	Loan 76 B	52,944.56
EFT998	29/09/2016	Cunderdin Community Resource Centre	Library service fee	3,500.00
EFT999	29/09/2016	Eastern Hills Saws and Mowers	Dual Harness	157.00
EFT1000	29/09/2016	Perfect Computer Solutions	Computer and monitor	1,855.00
EFT1001	29/09/2016	Cutting edge Equipment and Parts	Grader Blade	3,379.85
EFT1002	29/09/2016	Signs Plus	Magnetic Clip and Postage	29.00
EFT1003	29/09/2016	Alison Harris	OCM Sitting Fee 15/9/2016	236.00
EFT1004	29/09/2016	Cr. Bernard Daly	OCM Sitting Fee September	236.00
EFT1005	29/09/2016	Instant Weighing	Tested and recalibrated scales on john deere	1,045.00

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
EFT1006	29/09/2016	Donovans Engineering	25-25-3 Angle	2,376.00
EFT1007	29/09/2016	Josco	4 x polywire fill Bobbin Broom	1,254.00
EFT1008	29/09/2016	Adam Takacs	TV antenna repairs	45.00
EFT1009	29/09/2016	Westrac	Mirror Ejector Clamp and Muffler	2,357.23
EFT1010	29/09/2016	Baxters Rural Centre KB	Plates	1,031.68
EFT1011	29/09/2016	Northam & Districts Glass Service	Reglaze door at CSRC	523.60
EFT1012	29/09/2016	Nationwide Training Pty Ltd	Load Restraint Training	1,915.50
EFT1013	29/09/2016	J&E Mobile Wheel Alignments	Wheel Alignments	745.00
EFT1014	29/09/2016	Courier Australia	Freight Charges	931.44
EFT1015	29/09/2016	EASTWAYS	Soap garbage bags and toilet rolls	726.64
EFT1016	29/09/2016	Australian Tax Office	BAS August	16,036.00
EFT1017	29/09/2016	HOSTPLUS	Superannuation contributions	158.75
EFT1018	29/09/2016	WA Super	Superannuation contributions	20,344.00
DD476.1	07/09/2016	WA Super	Payroll deductions	6,767.72
DD476.2	07/09/2016	Westscheme Superannuation	Superannuation contributions	370.96
DD476.3	07/09/2016	BT Super for LIfE	Superannuation contributions	374.95
DD476.4	07/09/2016	The Universal Super Scheme	Superannuation contributions	228.23
DD476.5	07/09/2016	HOSTPLUS	Superannuation contributions	20.00

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
DD476.6	07/09/2016	MTAA Superannuation Fund	Superannuation contributions	191.84
DD476.7	07/09/2016	Australian Super	Superannuation contributions	126.93
DD477.1	07/09/2016	Medical & Associated Professions Superannuation Fund	Superannuation contributions	110.74
DD478.1	21/09/2016	WA Super	Payroll deductions	6,861.75
DD478.2	21/09/2016	TWU Super	Superannuation contributions	70.78
DD478.3	21/09/2016	Westscheme Superannuation	Superannuation contributions	370.96
DD478.4	21/09/2016	BT Super for LIfe	Superannuation contributions	393.68
DD478.5	21/09/2016	The Universal Super Scheme	Superannuation contributions	228.23
DD478.6	21/09/2016	One Path Superannuation Fund	Superannuation contributions	81.46
DD478.7	21/09/2016	HOSTPLUS	Superannuation contributions	20.00
DD478.8	21/09/2016	MTAA Superannuation Fund	Superannuation contributions	196.84
DD478.9	21/09/2016	Medical & Associated Professions Superannuation Fund	Superannuation contributions	78.66
11092	06/09/2016	Cunderdin Medical Practice	Medical for Kayla James	132.00
11093	16/09/2016	Market Force	Rates officer	880.85
11094	16/09/2016	Water Corporation	Public Toilets Meckering	1,597.21
11095	16/09/2016	Synergy	Street Light Tariff	3,663.97
11096	16/09/2016	Jason Signmakers	Street name plates	121.00
11097	16/09/2016	Cunderdin Newsagency	Stationary Supplies	285.77

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
11098	16/09/2016	Bunnings Group Limited	Fencing Steel Post	373.35
11099	16/09/2016	Telstra	Phones	1,532.99
11100	16/09/2016	Autopro Northam	Battery	613.80
11101	16/09/2016	Cr Douglas Brian Kelly	OCM Sitting Fee	236.00
11102	16/09/2016	Petty Cash	Museum Petty cash recoup	83.32
11103	16/09/2016	Australian Communications and Media Authority	Licence Renewal	43.00
11104	16/09/2016	Daphne Skinner	Catering	45.00
11105	16/09/2016	Main Roads WA	Vehicle Permit Reissue CMT 1221	50.00
11106	16/09/2016	JH & JF Harris	Gravel 2344m2	5,376.00
11107	16/09/2016	Nola Bonser	Catering	45.00
11108	29/09/2016	Water Corporation	Airport Woonwooring Rd	1,933.34
11109	29/09/2016	Cunderdin Newsagency	Stationery for July and August	785.96
11110	29/09/2016	Bunnings Group Limited	Blinds Hinges and Leverset Security and MDF	456.41
11111	29/09/2016	Telstra	Day Care Phone Bill	92.28
11112	29/09/2016	Cr Ronald Clive Gibsone	OCM Sitting Fees	485.00
11113	29/09/2016	Cr Douglas Brian Kelly	OCM Sitting Fees	236.00
11114	29/09/2016	Australian Communications and Media Authority	Aeronautical Assigned System	43.00
11115	29/09/2016	Meckering Sporting Club	Refreshments for training	50.00
11116	29/09/2016	HCT Rural Agencies	Depot Staff Uniforms	2,236.77

Cheque /EFT No	Date	Supplier	Invoice Description	Amount
		2015		
11117	29/09/2016	Northam Family Practice	Pre-Employment Medical Examination - Rick Nelson	236.50
DD478.10	21/09/2016	Australian Super	Superannuation contributions	126.93
			TOTAL	283,592.24

7.3 Council Investments – As at 30th September 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	7 th October 2016
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 30th September 2016.

Background

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

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

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

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

Commentary

COUNCIL INVESTMENTS				
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds
Bendigo Bank	\$775,226.94	Reserves Term Deposit 2.90% Expires : 4/1/2017		\$775,226.94
Westpac Banking Corporation	\$1,351,540.83	Business Cash Reserve 22-3647 1.30%	\$1,351,540.83	
TOTAL INVESTMENTS	\$2,126,767.77		\$1,351,540.83	\$775,226.94

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Delegation #18 – Investments.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 7.3

That the report on Council investments as at 30th September 2016 be received and noted.

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 8/0

7.4 Shire of Cunderdin Administration Office Closure over Christmas / New Year Period

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	13th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the closure of the Shire Administration Office over the Christmas / New Year period.

This report recommends Council endorsement of the proposal as in recent years.

Background

In the past five (5) years Council has authorised the closure of the Administration Office as follows:

2011/12	24 th December 2011, returning on Tuesday 3 rd January 2012
2012/13	24 th December 2012, returning on Wednesday 2 nd January 2013
2013/14	24 th December 2013, returning on Thursday 2 nd January 2014
2014/15	24 th December 2014, returning on Monday 5 th January 2015
2015/16	24 th December 2015, returning on Tuesday 5 th January 2016.

No complaints and / or adverse comments have been received in relation to the office closure over the periods mentioned.

Comment

As a general rule no significant business is conducted between the Christmas and New Year period, therefore it is considered an ideal time to close the office and allow staff to clear some of their accrued leave entitlements, and enjoy a relaxed festive period with their families.

It is proposed the office be closed from the close of business on Friday 23rd December 2016 to Monday 2nd January 2017 inclusive, reopening on Tuesday 3rd January 2017.

During the proposed six (6) business day closure period staff time will be allocated to public holidays (3 days) and annual leave entitlements (3 days).

Notification of the office closure will be displayed in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.

Consultation

Nil

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 7.4

That Council resolves to:

- 1. Approves the closure of the Shire of Cunderdin Administration Office during the Christmas / New Year period from close of business on Friday 23rd December 2016 to Monday 2nd January 2017 inclusive, reopening on Tuesday 3rd January 2017.**
- 2. Advertises the Administration Office closure in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.**

Moved: Cr Clive Gibsone

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

7.5 Making of Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	7 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	ADM 0449 V2
Attachment/s:	25 Pages

Proposal/Summary

The report proposes the Council give consideration to the submission received after closure of the public submission period from the Department of Agriculture and Food on the proposed *Animals, Environment and Nuisance Local Law 2016*; and whether to make the local law as is, or make the local law with minor amendments in response to the submission received.

Background

The proposed *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* was presented to the Council at its Ordinary meeting of 19 May 2016 for adoption for advertising purposes.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law. After resolving to make the local law, it is to publish the local law in the Government Gazette and provide a copy of it to the Minister for Local Government. Copies of the local law along with the completed Explanatory Memorandum are to be forwarded to the Joint Standing Committee on Delegated Legislation for review. Local public notice of the commencement of the local law is to occur after its gazettal.

State-wide advertising was undertaken in the West Australian on Wednesday 25 May 2016 with the submission period for public comment closing on 7 July 2016.

At the closure of the submission period, two submissions were received; one from the Department of Local Government and Communities and one from the Department of Health. These submissions were dealt with in the report presented to Council on 17 August 2016.

On 24 August 2016 the Shire received a submission from the Department of Agriculture and Food raising some minor drafting issues with the local law.

Comments

Council advertised, both locally and state-wide, for public comment on the proposed *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*. At the close of the submission period, two submissions on the local law had been received. The key items raised by the Department of Health, and by the Department of Local Government and Communities in their submissions was dealt with by Council at its Ordinary meeting on 17 August 2016.

The Council is now requested to consider the issues raised in the Department of Agriculture and Food submission in relation to the local law.

ITEM	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	SHIRE'S POSITION
1	Clause 1.5	Definitions	Rather than reference to animals by their common name, refer to them by their scientific name as expressed in the <i>Biosecurity and Agriculture Management Act 2007</i> , and the <i>Animal Welfare Act 2002</i> .	Agreed. Definitions that include the scientific names have been included for Alpaca, buffalo, cattle, camel, deer, goat, horse, and llama. The definitions 'farm animal' and livestock have been amended to reflect the terms in the <i>Biosecurity and Agriculture Management Act 2007</i> .
2	1.6	Keeping of animals	A number of clauses refer to animals that are also specifically covered under the <i>Biosecurity and Agriculture Management Act 2007</i> and for activities that may conflict with the <i>Animal Welfare Act 2002</i> . For added clarity, appropriate references to these acts could be made generally at the beginning of the local law.	Agreed. New Clause 1.6 inserted.

Due to the suggested changes above, it is recommended that the council re-adopt and make the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*.

Matters governed by provisions of the *Health Act 1911* are required to be made in accordance with Section 342 of the *Health Act 1911*. Such matters include those related to the keeping of animals and associated nuisances.

Section 342 of the *Health Act 1911*, requires a local government to make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*. Section 3.12 of the *Local Government Act 1995* specifies the requirements of the local law making process for local governments.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

In drafting the local law, the following purpose and effect have been prepared:

The purpose of the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the district.

The effect of the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

Consultation

Consultation has been undertaken with relevant parties as part of the local law making process, including inviting comments on the content of the proposed local law from the public and the Minister for Local Government and Communities, the Minister for Health, and the Minister for Agriculture and Food.

Statutory Implications

Section 342 of the *Health Act 1911*.

342. Local laws

- (1) Every local government —
 - (a) may, if the Executive Director, Public Health consents; and
 - (b) shall, if the CEO or the Executive Director, Public Health so directs,make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* for the purposes specified in this Act or generally for carrying into effect the provisions of this Act.
- (2) A local government shall repeal, amend or suspend the operation of a local law if directed to do so by the CEO or the Executive Director, Public Health.
- (3) Sections 3.14 and 3.17 of the *Local Government Act 1995* do not apply in relation to local laws made under this Act.
- (4) Sections 3.12(3) and (4) and 3.13 of the *Local Government Act 1995* do not apply if a local government is acting on the direction of the CEO or the Executive Director, Public Health under subsection (1)(b) or (2).

Section 3.12 of the *Local Government Act 1995*.

3.12. Procedure for making of local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give statewide public notice stating that-
 - (i) the local government proposes to make a local law the purpose of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administer the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

*** Absolute majority required.**

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Application of the *Biosecurity and Agriculture Management Act 2007*.

Application of the *Animal Welfare Act 2002*.

Policy Implications

Nil

Financial Implications

The publication of the Local Law will result in gazettal costs.

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

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

Environmental

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

Economic

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

Resolution 7.5

That Council:

- 1. Notes the comments and suggested drafting changes from the Department of Agriculture and Food on the proposed *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*.**
- 2. Resolve to make the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*, as contained in Attachment 1, in accordance with Section 342 of the Health Act 1911 and Section 3.12 of the *Local Government Act 1995*;**
 - (a) the purpose of which is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the district; and**
 - (b) the effect of this local law is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.**
- 3. Provide a copy of the adopted *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* to the Executive Director, Public Health, for consent.**
- 4. Upon consent being received from the Executive Director, Public Health, publish the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* as per (1) above, in the *Government Gazette* and provide copies of the local law to the Minister for Local Government and Communities, and the Minister for Health.**
- 5. Give local public notice after gazettal of the local law advising the title and summary of the purpose and effect of the gazetted local law.**
- 6. Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.**
- 7. Authorise the affixing of the Common Seal to the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*.**

Moved: Cr Clive Gibsone

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

7.6 Making of Shire of Cunderdin Health Local Law 2016

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	7 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	ADM 0449 V2
Attachment/s:	49 Pages

Proposal/Summary

The report proposes the Council give consideration to the submission received after closure of the public submission period from the Department of Agriculture and Food on the proposed *Health Local Law 2016*; and whether to make the local law as is, or make the local law with minor amendments in response to the submissions received.

Background

The proposed Shire of Cunderdin Health Local Law 2016 was presented to the Council at its Ordinary meeting of 19th May 2016 for adoption for advertising purposes.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law. After resolving to make the local law, it is to publish the local law in the Government Gazette and provide a copy of it to the Minister for Local Government. Copies of the local law along with the completed Explanatory Memorandum are to be forwarded to the Joint Standing Committee on Delegated Legislation for review. Local public notice of the commencement of the local law is to occur after its gazettal.

State-wide advertising was undertaken in the West Australian on Wednesday 25 May 2016, with the submission period for public comment closing on 7 July 2016.

At the closure of the submission period, two submissions were received; one from the Department of Local Government and Communities and one from the Department of Health. These submissions were dealt with in the report presented to Ordinary Meeting of Council on 17 August 2016.

On 24 August 2016 the Shire received a submission from the Department of Agriculture and Food raising some minor drafting issues with the draft Health local law.

Comments

Council advertised, both locally and state-wide, for public comment on the proposed Shire of Cunderdin Health Local Law 2016. At the close of the submission period, two submissions on the local law had been received. The key items raised by the Department of Health, and by the Department of Local Government and Communities in their submissions was dealt with by Council at its Ordinary meeting on 17 August 2016.

The Council is now requested to consider the issues raised in the Department of Agriculture and Food submission in relation to the draft Health local law.

ITEM	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	SHIRE'S POSITION
1	5.8(2)(a)	Slaughter of animals	This clause should allow for euthanasia of animals by anyone. Failure to do so if you are the person in charge of the animals may constitute an offence under the <i>Animal Welfare Act 2002</i> .	Agreed. Clause 5.8(2)(a) amended to permit euthanasia by any person. Euthanasia has a broad definition, and encompasses more than the method employed by veterinarians.
2	6.15	Interpretation	In the definition of Argentine Ant, the genus is spelt incorrectly as <i>Limepithema</i> rather than <i>Linepithema</i>	Noted. Spelling corrected in clause 6.15.
3	1.5	Interpretation	Clause 6.18 relates to European Wasp nests and premises. Although it is not clear what constitutes 'premises', European Wasp nests have not been found in buildings to date.	Noted. A new definition for 'premises' has been inserted in clause 1.5 to provide greater clarity.
4	7.6	Destruction of infected animals	Prior to the word 'destroyed' insert the word 'humanely'.	Agreed. This amendment has been made and will ensure there is no conflict with the <i>Animal Welfare Act 2002</i> .
5	9.10(b)	Rats and other vectors of disease	The effective means provided should be lawful. The current wording remains ambiguous.	Agreed. The words 'subject to any written law' have been inserted at the beginning of paragraph (b) for clarity purposes.

Due to the suggested changes above, it is recommended that the council re-adopt and make the *Shire of Cunderdin Health Local Law 2016*.

Matters governed by provisions of the *Health Act 1911* are required to be made in accordance with Section 342 of the *Health Act 1911*. Such matters include those related to the keeping of animals and associated nuisances.

Section 342 of the *Health Act 1911*, requires a local government to make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*. Section 3.12 of the *Local Government Act 1995* specifies the requirements of the local law making process for local governments.

The *Local Government (Functions and General) Regulations (Regulation 3)* states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

In drafting the amendment local law, the following purpose and effect have been prepared:

The purpose of the *Shire of Cunderdin Health Local Law 2016* is provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and well-being of the community.

The effect of the *Shire of Cunderdin Health Local Law 2016* is to allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community and to remove obsolete and out-dated local laws relating to the district.

Consultation

Consultation has been undertaken with relevant parties as part of the local law making process, including inviting comments on the content of the proposed local law from the public and the Minister for Local Government and Communities, and the Minister for Health.

Statutory Implications

Section 342 of the *Health Act 1911*.

342. Local laws

- (1) *Every local government —*
 - (a) *may, if the Executive Director, Public Health consents; and*
 - (b) *shall, if the CEO or the Executive Director, Public Health so directs,*
make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for the purposes specified in this Act or generally for carrying into effect the provisions of this Act.
- (2) *A local government shall repeal, amend or suspend the operation of a local law if directed to do so by the CEO or the Executive Director, Public Health.*
- (3) *Sections 3.14 and 3.17 of the Local Government Act 1995 do not apply in relation to local laws made under this Act.*
- (4) *Sections 3.12(3) and (4) and 3.13 of the Local Government Act 1995 do not apply if a local government is acting on the direction of the CEO or the Executive Director, Public Health under subsection (1)(b) or (2).*

Section 3.12 of the *Local Government Act 1995*.

3.12. Procedure for making of local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give statewide public notice stating that-*
 - (i) *the local government proposes to make a local law the purpose of which is summarised in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administer the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

*** Absolute majority required.**

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (b) *stating the title of the local law;*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
- making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Policy Implications

Nil

Financial Implications

The publication of the Local Law will result in gazettal costs.

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 7.6

That Council:

- 1. Notes the comments and suggested drafting changes from the Department of Agriculture and Food on the proposed *Shire of Cunderdin Health Local Law 2016*.**
- 2. Resolve to make the *Shire of Cunderdin Health Local Law 2016*, as contained in Attachment 1, in accordance with Section 342 of the Health Act 1911 and Section 3.12 of the *Local Government Act 1995*;**
 - (a) the purpose of which is to provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and well-being of the community; and**
 - (b) the effect of this local law is to allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community and to remove obsolete and out-dated local laws relating to the district.**
- 3. Provide a copy of the adopted *Shire of Cunderdin Health Local Law 2016* to the Executive Director, Public Health, for consent.**
- 4. Upon consent being received from the Executive Director, Public Health, publish the *Shire of Cunderdin Health Local Law 2016* as per (1) above, in the *Government Gazette* and provide copies of the local law to the Minister for Local Government and Communities, and the Minister for Health.**
- 5. Give local public notice after gazettal of the local law advising the title and summary of the purpose and effect of the gazetted local law.**
- 6. Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.**
- 7. Authorise the affixing of the Common Seal to the *Shire of Cunderdin Health Local Law 2016*.**

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 8/0

7.7 Bushfire Management Arrangements

Location:	Shire of Cunderdin
Applicant:	Executive Officer BFAC
Date:	14 th September 2016
Author:	Community Emergency Services Manager (Daniel Birleson)
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	47 Pages (1 attachment)

Proposal/Summary

Council to adopt the Bushfire Management Arrangements on the basis of a recommendation and endorsement by the Bush Fire Advisory Committee (BFAC).

Background

The Bushfire Management Arrangements have been presented to the Bush Fire Advisory Committee. This document is to be used as a sub-plan of the Shire of Cunderdin Local Emergency Management Arrangements and contains the following information:

- responsibilities of local and government agencies;
- contextual area of the plan;
- strategies for PPRR;
- resource listings (Bushfire); and
- forms.

Comment

The Bushfire Management Arrangements is a sub-plan in the new modular format of the Local Emergency Management Arrangements. As the local government is responsible for fires outside the Gazetted Fire Districts this document supplies information relevant to the Shire of Cunderdin Bush Fire Brigades as mandated by the State Emergency Management Committee.

The document has been adapted from the original Shire of Cunderdin Bushfire Risk Management Plan and includes many articles from the adopted plans of neighbouring Shires.

Consultation

Bush Fire Advisory Committee (BFAC).

Statutory Implications

Local Governments are responsible for the establishment and management of Bush Fire Brigades and the holistic risk management relating to all fires for areas outside the Gazetted Fire District, with the exception of DPAW managed lands. Bush fire brigades will also respond to fires burning on Unallocated Crown Land (UCL) outside of Gazetted Fire Districts.

Policy Implications

The adoption of and adherence to the Bushfire Management Arrangements as a sub plan of the Local Emergency Management Arrangements.

Financial Implications

Nil

Strategic Implications

Nil

Resolution 7.7

That Council:

- 1. Adopts the Bushfire Management Arrangements in agreement with the endorsement and recommendation of the Bush Fire Advisory Committee.**

Moved: Cr Norm Jenzen

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 8/0

7.8 Bushfire Policy and Procedures Manual

Location:	Shire of Cunderdin
Applicant:	Executive Officer BFAC
Date:	14 th September 2016
Author:	Community Emergency Services Manager (Daniel Birlson)
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	40 Pages (1 attachment)

Proposal/Summary

Council to adopt the Bushfire Policy and Procedures Manual (BPPM) on the basis of a recommendation and endorsement by the Bush Fire Advisory Committee (BFAC).

Background

The Bushfire Policy and Procedure Manual (BPPM) has been presented to the Bush Fire Advisory Committee in regards to the ratifying of positions and actions within the Bush Fire Brigades. The manual consists of the following:

- training standards for Office Bearers and new members;
- administrative duties of a Bush Fire Brigade;
- membership standards;
- Standard Operating Procedures; and
- Complaints and Grievances Procedure.

The BPPM has been presented at several forums seeking feedback. The final iteration has been produced for council approval and adoption.

Comment

The BPPM has been authored by the Community Emergency Services Officer on behalf of the Bush Fire Advisory Committee and the Bush Fire Brigades. It has been adapted specifically for the Shire of Cunderdin Bush Fire Brigades from multiple documents, many of which are already adopted in various neighbouring Shires.

Consultation

Bush Fire Advisory Committee (BFAC).

Statutory Implications

Bush Fires Act 1954 Section 62 (1)(b).

Section 62. Local government may make local laws.

- (1) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* for and in relation to —

- (b) the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government.

Policy Implications

The adoption and enforcement of Shire Policy in regards to the management of both Bush Fire Brigades and their actions whilst 'employed' by the Shire of Cunderdin.

Financial Implications

Nil

Strategic Implications

Nil

Resolution 7.8

That Council:

- 1. Adopts the Bushfire Policy and Procedures Manual in agreement with the endorsement and recommendation of the Bush Fire Advisory Committee.**

Moved: Cr Bernie Daly

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 8/0

7.9 Resource Sharing Committee Minutes 20th September 2016

Location:	Shires of Tammin & Cunderdin
Applicant:	Chief Executive Officer
Date:	6 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Yes
File Reference:	Nil
Attachment/s:	17 Pages (3 attachments)

Declaration of Interest

Mr Peter Naylor, Chief Executive Officer.

Proposal / Summary

For Council to receive the Minutes of the Resource Sharing Committee Meeting held on Tuesday 20th September 2016, and endorse the recommendations (2) from the Committee to Council.

Background

The Resource Sharing Committee, at the meeting held in Cunderdin on Tuesday 20th September 2016, considered the Annual Chief Executive Officer Performance Review and a review of the Chief Executive Officer Key Result Areas and Key Performance Indicators.

In considering the two matters, the Committee resolved as follows:

“that the Resource Sharing Committee recommends to the Shire of Cunderdin and the Shire of Tammin that a review of the Chief Executive Officer Key Result Areas and Key Performance Indicators be commenced to coincide and be finalised as part of the CEO Annual Performance Review process.”

“that the Resource Sharing Committee recommends to the Shire of Cunderdin and the Shire of Tammin that John Phillips Consulting be appointed to carry out the Annual Chief Executive Officer Performance Review at cost of \$2,750 (GST Incl).”

Comment

A copy of the meeting minutes, the current Shared Chief Executive Officer Position Description (incorporating the Key Result Areas and Key Performance Indicators), and the Shires of Cunderdin-Tammin Chief Executive Officer’s Annual Performance Review 2015/16 proposal prepared by John Phillips Consulting, are circulated as attachments with the agenda item.

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

John Phillips Consultancy quotation is \$2.750 (GST Incl).

Strategic Implications

Nil

Community Consultation

Nil

5:32PM Meredith Lee-Curtis left the meeting.

Resolution 7.9

That Council:

- 1. Receives the Minutes from the Resource Sharing Committee Meeting held on Tuesday 20th September 2016.**
- 2. Endorses the recommendations at items 5.1 and 5.2 of the Minutes, as follows:**

“that the Resource Sharing Committee recommends to the Shire of Cunderdin and the Shire of Tammin that a review of the Chief Executive Officer Key Result Areas and Key Performance Indicators be commenced to coincide and be finalised as part of the CEO Annual Performance Review process.”

“that the Resource Sharing Committee recommends to the Shire of Cunderdin and the Shire of Tammin that John Phillips Consulting be appointed to carry out the Annual Chief Executive Officer Performance Review at cost of \$2,750 (GST Incl).”

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Vote: Simple Majority

Carried: 8/0

8 Environmental Health & Building

Nil

9. Works & Services

9.1 Works & Services Report

Location:	Cunderdin
Applicant:	Manager Works and Services
Date:	7 th October 2016
Author:	Manager Works and Services
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is to receive the Works and Services Report for September 2016.

Construction

Commenced verge clearing and building up shoulders on Goomalling and Dowerin Roads as part of the 2016/2017 roads program.

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

- Shoulder repairs on Wyalkatchem, Minnivale and 3 Mile Gate Roads;
- Maintenance grading on Bourke, Leeming, Hackett, Bulgin and Snooke Roads;
- Mowed block in Margaret Street;
- Removed trees on Carter Drive, Olympic Ave, Halbert and Bedford Streets;
- Patching and guide posts on Quairading, Goomalling, Goldfields and Dowerin Roads;
- Sprayed all UCL blocks in preparation for burning; and
- Repaired washouts on Southern Brook, White, Green, Doodenanning and Serman Roads.

Replaced/Repaired the following signs:-

Erected new signs on Matthews Road.

Parks and Gardens – Meckering

- Carried out general mowing, slashing, whipper-snipping and clean-up of all parks gardens and public open spaces; and
- Ongoing verge spraying.

Parks and Gardens – Cunderdin and the Recreation Centre

- Carried out general mowing, slashing, whipper-snipping and clean-up of all parks gardens and public open spaces; and
- Ongoing verge spraying.

Building and Other Maintenance

- The new disabled toilet on Forrest Street is nearing completion and will require a general clean up before opening; and
- The doors to the old Sports Club have had to be boarded up due to another break in.

Road Side and Verge Spraying

Loton Road and part of Woonwooring Road, Wyalkatchem Road and the Cunderdin Airfield.

Cemeteries

There was one funeral in August.

Airfield Maintenance

The Airfield was closed for two days to carry out the following maintenance:-

- Weekly reporting and checking water bombing building and plant;
- Weed spraying and runway inspections;
- No lights damaged; and
- Both runways have been swept of any loose metal objects.

Plant Maintenance

- No major breakdowns to report.

Waste Services

- Both transfer stations working well, no complaints received; and
- Two loads of metal loaded out from Cunderdin and one load from Meckering.

Works and Services Staff

Nil

Traffic Counters

Nil

Other Matters

Nil

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Resolution 9.1

That Council:

- 1. Receives the Works and Services Report for September 2016.**

Moved : Cr Bernie Daly

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 8/0

9.2 Road & Rail Interface Agreement, Brookfield Rail and Main Roads WA

Location:	Shire of Cunderdin
Applicant:	Brookfield Rail
Date:	5 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	28 Pages (2 Attachments)

Proposal/Summary

Following ongoing negotiations with Brookfield Rail, with assistance from WALGA and the local government sector in general, a revised Road & Rail Interface Agreement is presented for Council consideration and endorsement.

Background

Negotiations have been occurring over the past two years to finalise and come to terms with the Road / Rail Interface Agreement between Brookfield and Local Government. In April 2016 The National Rail Safety Regulator intervened advising that Local Government had to comply with the requirements of the Rail Safety National Law and enter into the agreement.

At a local and regional level Local Governments were still not satisfied with some of the terms, conditions and wording and therefore rejected the agreement and sought through WALGA to mediate to resolve the concerns.

The latest version of the Agreement is now provided for Council to action.

Comment

In relation to the revised Agreement and comments from Mal Shervill of the WA Local Government Association, please refer to the following:

Interface Agreement version 2.3

Interface Agreement version 2.3 provided by Brookfield Rail for your consideration. Version 2.3 seeks to address the concerns raised by Local Governments regarding versions 2.0 and 2.1. Please note that version 2.2 was not released to Local Governments by Brookfield Rail as it was created only by deleting references to the repealed governing legislation (Rail Safety Act 2010) and replacing them with references to the new governing legislation (Rail Safety National Law (WA) Act 2015).

To assist in your consideration, also attached is a comparison table (compiled by WALGA) comparing the differences between versions 2.1 and 2.3.

I take this opportunity to highlight some aspects of difference between versions 2.1 and 2.3 in the attached comparison table.

Row 2: The term “Non-Operational Line” is replaced with the terms “Disused (Non-operational) Line” and “Dormant (Non-Operational) Line”.

Rationale: To align the terms used in the Interface Agreement with a Main Roads WA policy under development that will define the difference status of individual crossings on all parts of the rail network.

- Row 4: Inclusion of a reference to section 3.25 of the Local Government Act 1995
 Rationale: Identifies the section of the Local Government Act 1995 a Local Government can rely on when the requisite sight distance of drivers approaching a level crossing on a local road is adversely affected by vegetation on private property.
- Row 7: Inclusion of the sentence “Works within the Danger Zone are generally undertaken by the Rail Infrastructure Manager due to the rail safety risks associated with works within the Danger Zone however subject to the necessary approvals from the Rail Infrastructure Manager works may be undertaken by the Road Manager.”
 Rationale: Enables a Local Government to undertake some works (e.g. pothole repair) on a local road within the Danger Zone providing Brookfield Rail provides the necessary approvals.
- Row 7: The sentence regarding agreed prior approval for works by Brookfield Rail on a local road within the Danger Zone is amended to “Accordingly, unless otherwise agreed and subject to prior written agreement between and as required by the parties, the following activities are carried out by the Rail Infrastructure Manager at the cost of either the Local Government or MRWA as indicated in brackets below...” (underline added)
 Rationale: An agreement between a Local Government and Brookfield Rail for Brookfield Rail to conduct works on a local road in the Danger Zone is now subject to written agreement (not verbal agreement) and can be in the form of a letter, email, works invoice, works order, etc.
- Row 10: The sentence “The Road Manager shall conduct regular safety audits to ensure the safety performance of the approach roads to an Interface...” amended to “The Road Manager shall conduct regular Inspections to ensure the safety performance of the approach roads to an Interface...” (underline added)
 Rationale: To avoid a Local Government thinking it is obliged to conduct or have conducted a formal road safety audit of approach roads to level crossings within their boundaries. Inspections of the safety performance of a road in accordance with a Local Government’s road inspection and maintenance regime will suffice to meet requirements of the Agreement.

Letter from the Office of the National Rail Safety Regulator – non-operational rail lines

The letter from the Office of the National Rail Safety Regulator states that “Non-operational lines although not currently in use still require an assessment of risk to be conducted and an agreement to be in place.” The letter continues “The agreement should identify that there is no current risk to safety and in the event the line becomes operational or changes status in the future then a further assessment of risk will be conducted.”

The stance by the Regulator is based on the wording on the governing legislation [section 107(2) Rail Safety National Law (WA) Act 2015] which provides no discretion:

- (2) The road manager of a public road must —
- (a) identify and assess, so far as is reasonably practicable, risks to safety that may arise from the existence or use of any rail or road crossing that is part of the road infrastructure of the road because of, or partly because of —
 - (i) the existence of road infrastructure of a prescribed public road; or
 - (ii) the existence or use of any rail or road crossing that is part of the road infrastructure of a public road; and
 - (b) determine measures to manage, so far as is reasonably practicable, those risks; and (c) for the purpose of managing those risks — seek to enter into an interface agreement with the rail infrastructure manager of the rail infrastructure.

Rail lines where no hard rail infrastructure exists

Email advice from the Office of the National Rail Safety Regulator dated 4 August 2016 advised that for (Tier 3) rail lines where no “hard” rail infrastructure exists, is not under care or maintenance, and where there are no plans to return infrastructure to the rail corridor (and) carries no interface risks as such, a statement (in the form of a letter) signed by the Rail Infrastructure Manager and Road Manager confirming this absence of interface risk should be produced and submitted to the Regulator.

WALGA is willing to work with Local Governments that have crossings where no hard rail infrastructure exists to draft a letter that suits the requirements of the legislation.

A copy of the Revised Interface Agreement Version 2.3 and Comparison Table is provided to Councillors as an attachment to the item.

Consultation

WA Local Government Association, Great Eastern Country Zone Local Governments, Mal Shervill, Policy Officer Road Safety.

Statutory Environment:

Rail Safety National Law (WA) Act 2015

The Rail Safety National Law requires that rail infrastructure managers and road managers seek to enter into interface agreements for the purpose of managing risks to safety at road / rail interfaces.

Policy Implications

Nil

Financial Implications

Future maintenance costs associated with repairs within the rail network corridor, in line with the terms of the Interface Agreement.

Cunderdin Community Strategic Plan

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Social

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

Environmental

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

Economic

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

Resolution 9.2

That Council:

- 1. Approve Interface Agreement version 2.3 under the Rail Safety National Law (WA) Act 2015 relating to Public Road and Rail Crossing at Grade Interfaces between Brookfield Rail Pty Ltd, the Shire of Cunderdin, and the Commissioner of Main Roads, Main Roads Western Australia and authorise the Chief Executive Officer to sign the agreement.**
- 2. Acknowledges the efforts of WALGA in seeking resolution on the Interface agreement.**

Moved: Cr Clive Gibsone

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

9.3 Appointment of Dual Fire Control Officer

Location:	Shires of Cunderdin & Wyalkatchem
Applicant:	Shire of Wyalkatchem
Date:	5 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is to consider the appointment of Dual Bush Fire Control Officers with the Shire of Wyalkatchem for the 2016/2017 Bush Fire Season.

Background

Correspondence from the Shire of Wyalkatchem advising of the appointment of Mr Kennedy Pearse as Dual Fire Control Officer with the Shire of Cunderdin for the 2016/2017 Bush Fire Season.

Comment

Dual Fire Control Officers are appointed to provide legal cover for a Fire Control Officer in charge at a wildfire that burns across a Shire boundary. The Dual Fire Control Officer can stay in charge and follow the fire, or hand over control to a fire control officer from the second Shire (if one is available and in attendance).

Section 40 of the *Bush Fires Act 1954* empowers Council to appoint dual fire control officers with neighbouring local authorities and section 38(2) of the *Act* requires such appointments to be advertised in a local paper.

Consultation

Nil

Statutory Environment:

Bush Fires Act 1954

S38. Local government may appoint Bush Fire Control Officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it. Ordinary Council Meeting Minutes – 22nd September 2016 12

- (2) (a) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*
- (b) *[deleted]*
- (c) *The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.*
- (d) *Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.*
- (e) *A bushfire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.*
- (3) *The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.*
- (4) *A bushfire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for*
- (a) *carrying out normal brigade activities;*
- (b) *[deleted]*
- (c) *[deleted]*
- (d) *exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
- (e) *procuring the due observance by all persons of the provision of Part III.*
- (5) (a) *A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.*
- (b) *The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.*
- (c) *The provisions of this subsection are not in derogation of those of subsection (4).*

Policy Implications

Nil

Financial Implications

Nil

Cunderdin Community Strategic Plan

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Social

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

Environmental

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

Economic

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

Resolution 9.3

That Council, pursuant to section 40 of the *Bush Fires Act 1954*, appoints Mr Kennedy Pearse as Dual Fire Control Officer for the Shire of Cunderdin and Shire of Wyalkatchem for the 2016/2017 Fire Season, subject to the officer possessing the appropriate accreditations, and further noting that the Dual Fire Control Officer is not permitted to issue burning permits for land within the Shire of Cunderdin.

Moved: Cr Todd Harris

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 8/0

9.4 Ms Lisa Carter – Application for Temporary Road Closures

Location:	Main Street, Cunderdin Bedford Street, Cunderdin
Applicant:	Ms Lisa Carter
Date:	5 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 Pages

Proposal/Summary

For Council to consider:

1. The temporary part closure of Main Street (central area), Cunderdin, on Saturday 10th December 2016, between the hours of 8:00am and 3:00pm.
2. The temporary part closure of Bedford Street (between Donovan and Pemberton Streets), on Saturday 10th December 2016, between the hours of 5:00pm and 9:00pm.

Background

Ms Lisa Carter is requesting Council consideration and approval to the temporary part closure of Main Street and Bedford Street, Cunderdin, on Saturday 10th December 2016, to conduct the following events:

1. Main Street: Cody's Car Boot Sale to raise funds for the Perth Children's Hospital Foundation. This event which will run from 10:00am to 2:00pm, was previously held in Tammin and organised by the McCreery family.
The application is for Main Street to be closed between the Cunderdin Community Resource Centre and Farmways. Vehicles could still access Main Street from both the western and eastern entries however will not be able to travel the full length of the shopping / business precinct.
2. Bedford Street: The Christmas Lights Switch On event is also to raise funds for the Perth Children's Hospital Foundation. This is an annual event run by the Carter family adjacent to their family home on Bedford Street. As mentioned this has been an annual event and there have been no objections to the Bedford Street road closure and / or noise or other complaints.

Comment

In both instances the Shire will be able to provide suitable signage which will be erected and removed by Ms Carter.

Council has the capacity in accordance with the provisions of S3.50 of the *Local Government Act 1995* to support the applications.

There is a requirement for local public notice to be given to the local community and effected business and land owners / occupiers.

Consultation

Nil

Statutory Environment:

Local Government Act 1995

3.50. Closing certain thoroughfares to vehicles

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

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

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

[(3) deleted]

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

—

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

(b) give written notice to each person who —

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

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

and

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

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

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

[(7) deleted]

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

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

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

Policy Implications

Nil

Financial Implications

Nil

Cunderdin Community Strategic Plan

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- 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.

Amendment to the Recommendation 9.4

That Council:

1. Supports the application from Ms Lisa Carter for the temporary part closure of the following streets on Saturday 10th December 2016:
 - a. Main Street (central area), Cunderdin, between the Cunderdin Community Resource Centre and the Cunderdin Town Hall (eastern end), not Farmways as per the recommendation, from 8:00am to 3:00pm.
 - b. Bedford Street, Cunderdin, between Donovan and Pemberton Streets, from 5:00pm to 9:00pm.
2. Informs the local community and effected business and property owners / occupiers of the part road closures by Local Public Notice to be provided in accordance with the provisions of S3.50 of the *Local Government Act 1995*.

Moved: Cr Alison Harris

Seconded: Cr Todd Harris

Vote – Simple majority

Lost: 4/5

Note: the vote was tied at 4 all and the Shire President exercised his casting vote and the motion was lost.

Resolution 9.4

That Council:

1. Supports the application from Ms Lisa Carter for the temporary part closure of the following streets on Saturday 10th December 2016:
 - a. Main Street (central area), Cunderdin, between the Cunderdin Community Resource Centre and Farmways, from 8:00am to 3:00pm.
 - b. Bedford Street, Cunderdin, between Donovan and Pemberton Streets, from 5:00pm to 9:00pm.
2. Informs the local community and effected business and property owners / occupiers of the part road closures by Local Public Notice to be provided in accordance with the provisions of S3.50 of the *Local Government Act 1995*.

Moved: Cr Norm Jenzen

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 5/4

Note: the vote was tied at 4 all and the Shire President exercised his casting vote and the motion was carried.

9.5 Shire of Cunderdin – Sale of Surplus Plant Items

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	7 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the sale of two surplus plant items, being: the Toyota 20 seater 1995 Commuter Bus (Registration: CMT 929), and the International ACCO 1850G 1996 Water Truck (Registration: CMT 619).

Background

The sale of the two plant items has been before Council for a period of time and was provided for in the current 2016/17 Budget.

The matter was progressed at the Ordinary Council Meeting held on Wednesday 17th August 2016, as part of the Manager Works & Services Report.

Council resolved to:

“Authorises the Manager of Works and Services to advertise for tender in the Bandicoot Newsletter: a. a Toyota 20 seater 1995 Commuter Bus (Registration: CMT 929; Mileage: 172,357kms); and; b. an International ACCO 1850G 1996 Water Truck (Registration: CMT 619; Mileage: 211,015kms).”

The sale of the plant items was duly advertised in accordance with Councils resolution.

At the close of the tender period on Friday 23rd September 2016, only two tenders were received.

This information was circulated to Councillors on Friday 23rd September 2016 seeking guidance as to proceeding with the sale of the plant as per the highest tender received.

Whilst some feedback was received to proceed with the sale there was a concern raised re the adequacy of the new bus and perhaps the sale of the bus being deferred for further consideration.

“In response to the email re the bus and truck tenders, perhaps a quick discussion at the next meeting would be appropriate, unless there is a need to act earlier? It sounds like the new bus is not as comfortable for seniors, perhaps it may be worth hanging onto the old one if it doesn't attract a great price? There was some discussion re taking seats out of the new bus - not sure if this is going ahead?”

Comment

Council guidance please on how to proceed with this matter.

Consultation

Nil

Statutory Environment:

Local Government Act 1995 – S3.58 Disposing of Property

Local Government (Functions and General) Regulations 1996 - R30 Dispositions of property excluded from Act s. 3.58

Policy Implications

Nil

Financial Implications

The sale of the plant items has been provided for in Shire of Cunderdin 2016/17 Budget.

Cunderdin Community Strategic Plan

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- 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 accepts the tender submitted by Smith Broughton for purchase of surplus Shire of Cunderdin Plant as follows:

- 1. Toyota 20 seat 1995 Commuter Bus (Registration: CMT 929), for \$11,000; and**
- 2. International ACCO 1850G 1996 Water Truck (Registration: CMT 619), for \$13,750.**

Moved: Cr Doug Kelly

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 8/0

9.6 Rotary Club of Cunderdin – Application for Temporary Part Closure of Main Street

Location:	Main Street, Cunderdin
Applicant:	Rotary Club of Cunderdin
Date:	7 th October 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Yes
File Reference:	Nil
Attachment/s:	Nil

Declaration of Interest

Cr Dennis Whisson declares an Impartiality Interest in this item as he is a member of the Rotary Club of Cunderdin Inc.

Proposal / Summary

For Council to consider the temporary part closure of Main Street (at the western end), Cunderdin, on Saturday 12th November 2016.

Background

The Rotary Club will be conducting their annual craft fair and markets in the Town Hall and adjacent footpath and car park area on Saturday 12th November 2016.

The Rotary Club is seeking Council approval for part of Main Street from the western entrance of the business precinct to the town hall, section of about 120 metres, to be closed to traffic from 9:00am to 2:00pm.

Traffic will still be able to access the business precinct from the eastern entrance and also have use of the slip lane.

Comment

The annual fair is an integral part of the local festivities leading up to the Christmas / New Year period.

Council has the capacity in accordance with the provisions of S3.50 of the *Local Government Act 1995* to support the application.

There is a requirement for local public notice to be given to the local community and effected business and land owners / occupiers.

Consultation

The Rotary Club of Cunderdin Inc.

Local community and business and property owners / occupiers, via local public notice.

Statutory Implications

Local Government Act 1995

3.50. Closing certain thoroughfares to vehicles

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

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

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

[(3) deleted]

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

—

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

(b) give written notice to each person who —

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

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

and

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

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

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

[(7) deleted]

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

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

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

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- 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 9.6

That Council:

- 1. Supports the application from the Rotary Club of Cunderdin Inc. for the temporary part closure of Main Street, Cunderdin, from the adjoining property boundary of the Butcher Shop and the Cunderdin Community Resource Centre to the Town Hall eastern boundary, on Saturday 12th November 2016, from 9:00am to 2:00pm.**
- 2. Informs the local community and effected business and property owners / occupiers of the part road closure by Local Public Notice to be provided in accordance with the provisions of S3.50 of the Local Government Act 1995.**

Moved: Cr Clive Gibsone

Seconded: Cr Bernie Daly

Vote: Simple Majority

Carried: 8/0

10 Planning & Development

Nil

11 Urgent Items

Nil

12. Matters for which the meeting may be closed

Nil

13. Closure of meeting

There being no further business the Shire President declared the meeting closed at 6.03pm.