



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council will be held on **Thursday 19th May 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 5.00 pm

The Shire of Cunderdin disclaimer was read aloud.

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

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

2. Public Question Time

Response to previous public questions taken on notice

Declaration of public question time opened at

Declaration of public question time closed at

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

Record of attendances

Councillors

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

Apologies

On Leave of Absence

Staff

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer
Ian Bartlett	Manager Works & Services
Meredith Lee-Curtis	Governance/Compliance Officer (to 6:30pm)

Guests of Council

Members of the Public

3.1 Applications for leave of absence

Resolution 3.1

That Leave of Absence be granted to:

Councillor Bernie Daly for the Ordinary Meeting of Council scheduled to be held on Thursday 16th June 2016.

Moved: Cr Alison Harris Seconded: Cr Dianne Kelly

Vote: Simple Majority Carried: 7/0

Declaration of Members and Officers Financial Interests

4. Petitions, Deputations, Presentations

Deputations

Presentations

5. Announcements by President without discussion

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on Thursday 21st April 2016

Location:	Cunderdin
Applicant:	Administration
Date:	21 st April 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	34 pages

Proposal/Summary

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 21st April 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 21st April 2016, be confirmed as a true and correct record.**

Moved: Cr Dennis Whisson

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

Note to this item:

The President will sign the minute declaration.

6.2 Resource Sharing Committee Minutes 17th May 2016

Location:	Shires of Cunderdin & Tammin
Applicant:	Chief Executive Officer
Date:	18 th May 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	21 Pages (2 attachments)

Proposal/Summary

Council to consider receiving the minutes from the Resource Sharing Committee meeting held on Tuesday 17th May 2016, and the recommendation contained therein in relation to future resource sharing opportunity between the Shires of Cunderdin and Tammin.

Background

The Resource Sharing Committee, at a meeting held in Cunderdin on Tuesday 17th May 2016, considered a report prepared by Darren Long Consulting in conjunction with the Chief Executive Officer, in relation to a an opportunity to further explore additional resource sharing arrangement between the Shires of Cunderdin and Tammin.

At the meeting the Committee resolved as follows:

Moved Cr Whisson, seconded Cr Uppill that the Resource Sharing Committee recommends to the Shire of Tammin and the Shire of Cunderdin that Option 1 of the Internal Administration Structure Review document, as stated above, be adopted for the preparation of a business plan, as it provides for a gradual implementation approach to further resource sharing initiatives

In arriving at the aforementioned resolution, the Committee acknowledged that the opportunity to investigate future resource sharing opportunities was one of the key factors to be explored when entering into the resource sharing arrangement.

Comment

A copy of the meeting minutes and the Internal Administration Structure Review are circulated as attachments with the agenda item.

Statutory 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 6.2

That Council:

- 1. Receives the Minutes from the Resource Sharing Committee meeting held on Tuesday 17th May 2016.**
- 2. Endorses the recommendation at item 5.2.1 of the minutes.**

Moved: Cr Dennis Whisson

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

7. Finance & Administration

7.1. Financial Reports for April 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	12 th May 2016
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	16 Pages

Proposal/Summary

The financial position as at 30th April 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 April 2016.

Moved: Cr Alison Harris

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

7.2 Accounts Paid – April 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12/5/2016
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 \$ 261,462.58 for April 2016 as listed in the Warrant of Payments for the period 1st April to 30th April 2016.

Attachments

Warrant of Payments for 1st April to 30th April 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 \$ 261,462.58 for the month of April 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 Dennis Whisson

Seconded: Cr Alison Harris

Vote – simple majority

Carried: 8/0

Listing of Accounts Paid During April 2016

Cheque /EFT No	Date	Name	Invoice Description
EFT556	04/04/2016	Department of Human Services- Child Support	Payroll deductions
EFT557	04/04/2016	Colonial First State	Superannuation contributions
EFT558	04/04/2016	HOSTPLUS	Superannuation contributions
EFT559	04/04/2016	WA Super	Superannuation contributions
EFT560	06/04/2016	Cunderdin Co-Op	Custom Flashing
EFT561	06/04/2016	Covs Parts Pty Ltd	Cable, Connectors and Terminals
EFT562	06/04/2016	AIR LIQUIDE	Cylinder hire
EFT563	06/04/2016	Ausrecord	Building Licence Files
EFT564	06/04/2016	Daves Tree Service	Tree Trimming As per WP Cut List
EFT565	06/04/2016	Regional Concrete & Plumbing	blocked drain mens toilet
EFT566	06/04/2016	LGIS	OHS course Daphne O'Donnell
EFT567	06/04/2016	Ag Implements	Repair Machinery
EFT568	06/04/2016	Contract Aquatic Services	Monthly Management Fee
EFT569	06/04/2016	Thompsons Signs	Signs for the main street shopping area
EFT570	06/04/2016	Western Australian Treasury Corporation	Loan 76B
EFT571	06/04/2016	Cunderdin Community Resource Centre	Library Service Fee 1Jan 16-31 March 16
EFT572	06/04/2016	Shire of Merredin	Contribution to Central Wheatbelt Visitor Centre
EFT573	06/04/2016	Marketforce	Advertising
EFT574	06/04/2016	Signs Plus	badges
EFT575	06/04/2016	IXOM	Chlorine Cylinder
EFT576	06/04/2016	Hutton & Northey Sales	PTO Shaft on Mower/ Slasher
EFT577	06/04/2016	Alans Auto Electrics & Air Conditioning	Repair Two way radios in Machinery
EFT578	06/04/2016	C Planke & Sons Pty Ltd	Supply Machinery and Labour

EFT579	06/04/2016	Midalia Steel	Delivery Number 85485030
EFT580	06/04/2016	Moore Stephens	16/17 Budget Workshop PG
EFT581	06/04/2016	Oxter Services	Mop Buckets and heads
EFT582	06/04/2016	NP BURGESS & CO	Stock Piling Blue Metal goomalling Rd
EFT583	06/04/2016	Australian Mens Shed Association	Subscription
EFT584	06/04/2016	Spandex Asia Pacific PTY LTD	Paint for Banner sin the terrace
EFT585	06/04/2016	Baxters Rural Centre KB	Key, Ignition
EFT586	06/04/2016	EASTWAYS	Urinal Blocks, hand towels, Bin Liners and Toilet Paper
EFT587	07/04/2016	Department of Human Services- Child Support	Payroll deductions
EFT588	07/04/2016	Colonial First State	Superannuation contributions
EFT589	07/04/2016	HOSTPLUS	Payroll deductions
EFT590	07/04/2016	WA Super	Superannuation contributions
EFT591	07/04/2016	ML &SA CRAMERI PTY LTD	2006 Mitsubishi Rosa Delux School Bus Rego # CM 1686
EFT592	11/04/2016	Cunderdin Co-Op	Unleaded fuel, diesel fuel
EFT593	20/04/2016	Landgate	Rural Interim Valuation Shared
EFT594	20/04/2016	AIR LIQUIDE	Bottle Rental
EFT595	20/04/2016	Avon Waste	Rubbish Services, Tipping Fees
EFT596	20/04/2016	Goodfield Quality Meats	Sales of Water in Jan 2016, Account Keeping
EFT597	20/04/2016	WA Contract Ranger Services	Ranger Services for the month
EFT598	20/04/2016	IT Vision	Monthly Synergy Soft Fee
EFT599	20/04/2016	George Johnson EHO Consultant	Meat inspection 15th & 29th March 16
EFT600	20/04/2016	Cunderdin Pub	Single Room for Auditors
EFT601	20/04/2016	Cunderdin Community Resource Centre	Scanning and Camera Hire - Museum
EFT602	20/04/2016	Meckering Action Group	Hat Badges
EFT603	20/04/2016	Marketforce	Local Govt. Vacancies - West

			Australian, Avon Advocate 28/10/2015
EFT604	20/04/2016	Donovans Engineering	Cunderdin Museum, Inspect and Secure Barge Board
EFT605	20/04/2016	Smart Group Australasia Pty Ltd as ACS/MARCOMM	repairs to PAALC at Airfeild
EFT606	22/04/2016	Landgate	Rural UV Gen VALS First 500 Shared
EFT607	22/04/2016	Australia Post	Australia Post for March
EFT608	22/04/2016	Alans Auto Electrics & Air Conditioning	On Site Labour, and Travel for wire tidy up on vehicles
EFT609	22/04/2016	Earthstyle Contracting Pty Ltd	Dowerin RD Hire of water truck and roller
EFT610	22/04/2016	Australian Tax Office	March BAS
DD304.1	06/04/2016	Paul White	Rent 17 Margaret st
10988	04/04/2016	MLC Nominees PTY LTD	Superannuation contributions
10989	04/04/2016	Australian Super	Superannuation contributions
10990	04/04/2016	BT Super for Llife	Superannuation contributions
10991	04/04/2016	Westscheme Superannuation	Superannuation contributions
10992	06/04/2016	Water Corporation	airport water
10993	06/04/2016	Jason Signmakers	150 mm Directional Signs
10994	06/04/2016	Cunderdin Newsagency	Day Care Stationery
10995	06/04/2016	Telstra	Day Care Phone Bill
10996	06/04/2016	Asphalt in a bag	Asphalt 20Kg
10997	06/04/2016	Courier Australia	freight
10998	07/04/2016	MLC Nominees PTY LTD	Superannuation contributions
10999	07/04/2016	Australian Super	Superannuation contributions
11000	07/04/2016	BT Super for Llife	Superannuation contributions
11001	07/04/2016	Westscheme Superannuation	Superannuation contributions
11002	20/04/2016	Synergy	Cunderdin Swimming Pool
11003	22/04/2016	Telstra	Phone Bill - Offices
			TOTAL

Cheque /EFT No	Date	Name	Invoice Description	Amount
EFT556	04/04/2016	Department of Human Services- Child Support	Payroll deductions	1,000.00
EFT557	04/04/2016	Colonial First State	Superannuation contributions	375.38
EFT558	04/04/2016	HOSTPLUS	Superannuation contributions	137.70
EFT559	04/04/2016	WA Super	Superannuation contributions	34,029.37
EFT560	06/04/2016	Cunderdin Co-Op	Custom Flashing	839.61
EFT561	06/04/2016	Covs Parts Pty Ltd	Cable, Connectors and Terminals	88.87
EFT562	06/04/2016	AIR LIQUIDE	Cylinder hire	107.10
EFT563	06/04/2016	Ausrecord	Building Licence Files	2,026.75
EFT564	06/04/2016	Daves Tree Service	Tree Trimming As per WP Cut List	11,440.00
EFT565	06/04/2016	Regional Concrete & Plumbing	blocked drain mens toilet	1,267.28
EFT566	06/04/2016	LGIS	OHS course Daphne O'Donnell	439.62
EFT567	06/04/2016	Ag Implements	Repair Machinery	583.00
EFT568	06/04/2016	Contract Aquatic Services	Monthly Management Fee	13,719.55
EFT569	06/04/2016	Thompsons Signs	Signs for the main street shopping area	385.00
EFT570	06/04/2016	Western Australian Treasury Corporation	Loan 76B	52,944.56
EFT571	06/04/2016	Cunderdin Community Resource Centre	Library Service Fee 1Jan 16-31 March 16	4,468.00
EFT572	06/04/2016	Shire of Merredin	Contribution to Central Wheatbelt Visitor Centre	2,500.00
EFT573	06/04/2016	Marketforce	Advertising	1,317.15
EFT574	06/04/2016	Signs Plus	badges	31.00
EFT575	06/04/2016	IXOM	Chlorine Cylinder	84.57
EFT576	06/04/2016	Hutton & Northey Sales	PTO Shaft on Mower/ Slasher	338.25

EFT577	06/04/2016	Alans Auto Electrics & Air Conditioning	Repair Two way radios in Machinery	1,658.50
EFT578	06/04/2016	C Planke & Sons Pty Ltd	Supply Machinery and Labour	12,320.00
EFT579	06/04/2016	Midalia Steel	Delivery Number 85485030	167.31
EFT580	06/04/2016	Moore Stephens	16/17 Budget Workshop PG	880.00
EFT581	06/04/2016	Oxter Services	Mop Buckets and heads	229.66
EFT582	06/04/2016	NP BURGESS & CO	Stock Piling Blue Metal goomalling Rd	577.50
EFT583	06/04/2016	Australian Mens Shed Association	Subscription	504.00
EFT584	06/04/2016	Spandex Asia Pacific PTY LTD	Paint for Banner sin the terrace	362.77
EFT585	06/04/2016	Baxters Rural Centre KB	Key, Ignition	32.96
EFT586	06/04/2016	EASTWAYS	Urinal Blocks, hand towels, Bin Liners and Toilet Paper	801.83
EFT587	07/04/2016	Department of Human Services- Child Support	Payroll deductions	500.00
EFT588	07/04/2016	Colonial First State	Superannuation contributions	188.93
EFT589	07/04/2016	HOSTPLUS	Payroll deductions	40.00
EFT590	07/04/2016	WA Super	Superannuation contributions	6,947.31
EFT591	07/04/2016	ML & SA CRAMERI PTY LTD	2006 Mitsubishi Rosa Delux School Bus Rego # CM 1686	30,250.00
EFT592	11/04/2016	Cunderdin Co-Op	Unleaded fuel, diesel fuel	8,230.00
EFT593	20/04/2016	Landgate	Rural Interim Valuation Shared	276.50
EFT594	20/04/2016	AIR LIQUIDE	Bottle Rental	107.10
EFT595	20/04/2016	Avon Waste	Rubbish Services, Tipping Fees	11,275.67
EFT596	20/04/2016	Goodfield Quality Meats	Sales of Water in Jan 2016, Account Keeping	143.50
EFT597	20/04/2016	WA Contract Ranger Services	Ranger Services for the month	631.12

EFT598	20/04/2016	IT Vision	Monthly Synergy Soft Fee	1,925.00
EFT599	20/04/2016	George Johnson EHO Consultant	Meat inspection 15th & 29th March 16	660.00
EFT600	20/04/2016	Cunderdin Pub	Single Room for Auditors	300.00
EFT601	20/04/2016	Cunderdin Community Resource Centre	Scanning and Camera Hire - Museum	114.00
EFT602	20/04/2016	Meckering Action Group	Hat Badges	30.00
EFT603	20/04/2016	Marketforce	Local Govt. Vacancies - West Australian, Avon Advocate 28/10/2015	1,153.93
EFT604	20/04/2016	Donovans Engineering	Cunderdin Museum, Inspect and Secure Barge Board	506.00
EFT605	20/04/2016	Smart Group Australasia Pty Ltd as ACS/MARCOMM	repairs to PAALC at Airfeild	613.62
EFT606	22/04/2016	Landgate	Rural UV Gen VALS First 500 Shared	6,878.85
EFT607	22/04/2016	Australia Post	Australia Post for March	302.78
EFT608	22/04/2016	Alans Auto Electrics & Air Conditioning	On Site Labour, and Travel for wire tidy up on vehicles	704.25
EFT609	22/04/2016	Earthstyle Contracting Pty Ltd	Dowerin RD Hire of water truck and roller	2,106.50
EFT610	22/04/2016	Australian Tax Office	March BAS	18,219.00
DD304.1	06/04/2016	Paul White	Rent 17 Margaret st	500.00
10988	04/04/2016	MLC Nominees PTY LTD	Superannuation contributions	443.77
10989	04/04/2016	Australian Super	Superannuation contributions	238.48
10990	04/04/2016	BT Super for Llife	Superannuation contributions	395.75
10991	04/04/2016	Westscheme Superannuation	Superannuation contributions	702.99
10992	06/04/2016	Water Corporation	airport water	1,822.83
10993	06/04/2016	Jason Signmakers	150 mm Directional Signs	60.50
10994	06/04/2016	Cunderdin Newsagency	Day Care Stationery	796.21

10995	06/04/2016	Telstra	Day Care Phone Bill	81.48
10996	06/04/2016	Asphalt in a bag	Asphalt 20Kg	1,718.75
10997	06/04/2016	Courier Australia	freight	89.46
10998	07/04/2016	MLC Nominees PTY LTD	Superannuation contributions	222.36
10999	07/04/2016	Australian Super	Superannuation contributions	119.24
11000	07/04/2016	BT Super for Life	Superannuation contributions	192.39
11001	07/04/2016	Westscheme Superannuation	Superannuation contributions	341.55
11002	20/04/2016	Synergy	Cunderdin Swimming Pool	13,781.08
11003	22/04/2016	Telstra	Phone Bill - Offices	2,194.39
			TOTAL	261,462.58

7.3 Council Investments – As at 30th April 2016

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12/5/2016
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 April 2016.

Background

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

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

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

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

Commentary

COUNCIL INVESTMENTS				
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds
Westpac Banking Corporation		Business Cash Reserve		
Westpac Banking Corporation	\$569,516.18	Reserves Term Deposit 24-1837 2.00% Expires : 24/06/2016		\$569,516.18
Westpac Banking Corporation	\$751,329.56	Business Cash Reserve 22-3647 1.30%	\$751,329.56	
TOTAL INVESTMENTS	\$1,320,845.74		\$751,329.56	\$569,516.18

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Delegation #18 – Investments.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 7.3

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

Moved: Cr Doug Kelly

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 8/0

7.4 Disability Access and Inclusion Plan (DAIP)

Location:	Cunderdin
Applicant:	Administration
Date:	11 th May 2016
Author:	Meredith Lee-Curtis
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	ADM0406
Attachment/s:	51 pages

Proposal/Summary

Council is to consider a draft Disability Access and Inclusion Plan (DAIP) for submission to the Disability Services Commission.

Background

The Disability Services Act 1993 requires Council to develop a Disability Services Plan (DSP), which was prepared and endorsed by Council in 2001. Further to this the Disability Services Amendment Act 2004 required Council (and all other public authorities) to develop a Disability Access and Inclusion Plan (DAIP), which was required to be completed and lodged with the Disability Services Commission by 31 July 2007. That DAIP expired on 31 December 2012.

The purpose of the DAIP is to ensure that people with disability can access services provided by public authorities in Western Australia, and to participate and be included in their community. The goal is to provide, as much as is reasonable the same level of access as people without a disability enjoy, and to ensure that people are not discriminated against on the basis of their disability.

When developing a DAIP, a local government must aim to achieve seven desired outcomes. These provide a framework for translating the principles and objectives of the Act into tangible and achievable results.

The seven desired outcomes are:

Social inclusion

1. People with disability have the same rights and opportunities as other people to access the services of and any events organised by the Shire of Cunderdin.

Environmental planning and sustainability

2. People with disability have the same rights and opportunities as other people to access the buildings and other facilities of the Shire of Cunderdin.

Civic Leadership

3. People with disability receive information from the Shire of Cunderdin in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service as other people from the staff of the Shire of Cunderdin.
5. People with disability have the same rights and opportunities as other people to make complaints to the Shire of Cunderdin.
6. People with disability have the same rights and opportunities as people to participate in any public consultation by the Shire of Cunderdin.

Economic growth and development

7. People with disability have the same rights and opportunities as other people to obtain and maintain employment with the Shire of Cunderdin.

The Disability Services Act stipulates that each local government is required to:

- Develop and implement a DAIP;
- Ensure staff, officers, agents and contractors implement the plan;
- Consult and promote the plan;
- Review and lodge the plan at least every five years;
- Report to the Commission every time the DAIP is reviewed or amended;
- Report to the Commission progress in implementing the DAIP each year; and
- Describe the DAIP activities in the Shire's Annual Report.

Comment:

This report introduces the final DAIP to Council and requires Council approval.

Consultation:

- The Disability Services Commission; and
- Members of Cunderdin and Meckering Communities, Community Consultation Workshops were held in Cunderdin on 12 April 2016 and in Meckering on 22 April 2016.

Statutory Environment:

Disability Services Amendment Act 2004

The Disability Services Regulation 2004, Part 10 – Procedure for Public Consultation by Authorities, states:

- (1) "For the purposes of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically –
 - a. by notice in a newspaper circulating throughout the State, or in the case of a local government, the district of that local government under the *Local Government Act 1995*; or
 - b. on any website maintained by or on behalf of the public authority.
- (2) Nothing in sub regulation (1) prevents a public authority from also undertaking any consultation."

Policy Implications

Nil at this time.

Financial Implications

Advertising costs associated with the consultation period.

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.

The Plan is designed to help create a culture of inclusion and universal access for people of all abilities.

Resolution 7.4

That Council adopt the Disability Access and Inclusion Plan included at Attachment No. 7.4.1.

Moved: Cr Doug Kelly

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

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

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	11 th May 2016
Author:	Darren Long Consulting
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	22 Pages

Proposal/Summary

The report proposes that the Council give consideration to the intent to make a proposed *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*.

Background

The current principal Health Local Law was first adopted by Council on 18 September 1998, and gazetted on 24 November 1998.

To comply with the provisions of section 3.16 of the Local Government Act 1995, the Shire of Cunderdin commenced a review of its local laws on 27 October 2009.

At the conclusion of the review process, it was identified that a series of amendments were required to the principal Health local law. However given the extensive changes, it was believed that a new health local law would better serve the Council. At this time it was also identified it would be desirable to separate the animals and nuisances components from the Health related matters for two reasons-

1. Assist community members more easily locate provisions relating to the keeping of animals; and
2. To assist officers administer the provisions of the local law.

Comments

The proposed *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* is set out in the attachment to this report.

It contains all relevant and updated provisions relating to animals that would have been previously contained in a Health local law, but also addresses a number of matters relating to the environment and nuisances.

The following table provides a summary of the differences between the previous Health Local Laws 1998 provisions and the proposed new Animals, Environment and Nuisances Local Law.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
Part 1	Part 1 deals with the introductory matters of the local law, including its application, commencement and definitions.	Only definitions applying to animals, environment and nuisances have been included in the proposed local law.
2.2	- This clause deals with an owner or occupier of a	Same wording was contained in clause 5.2.2

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
Cleanliness	premises that keeps a dog, cat or other animal must keep the premises free of excrement, filth, food waste and other matter.	of Health Local Laws 1999, published on 24 November 1998.
2.3 – Animal enclosures	This clause deals with the requirements for enclosures and structures including drainage, paving, and grade. The clause now allows an EHO to give direction, rather than requiring the Council to give the direction to an owner or occupier.	Similar wording was contained in clause 5.2.3 of the Health Local Laws 1998.
2.4 - Cats	This clause deals with how many cats may be kept on a premises, how an exemption may be applied for if a person wishes to keep more than 3 cats.	Sub-clauses (1) to (4) and (6) contain similar wording as clause 5.2.4 of the previous Health Local Laws 1999. Clauses (5) and (7) have changed considerably in light of the Cat Act 2011 and Cat Regulations 2012 requirements. The Cat Act requires a person to be registered as an approved cat breeder with the local government before they can breed cats. Sections 36 and 37 specify certain conditions that must be met for a person to be approved as a cat breeder.
2.5 – Keeping of poultry and pigeons in a residential zone	This clause states that no poultry or pigeons may be kept on a premises in a residential zone, unless local government approval is obtained. A maximum of 12 poultry and 12 pigeons may be kept, unless the person is an affiliated person and then 100 pigeons may be kept.	Clause 5.4.2 of previous health local law stated that a maximum of 12 poultry and/or pigeons can be kept on a premises within a townsite on any lot of land, unless approval is obtained from Council.
2.6 – Application for approval	This clause specifies how an application to keep poultry or pigeons is to be made.	Previous health local laws did not have a requirement for an application for approval to keep poultry or pigeons; it was an automatic right under clause 5.4.2
2.7 – Conditions for keeping poultry	This clause specifies the conditions for keeping poultry and the setback distances required from residential buildings, public streets, public buildings and commercial food premises; the requirement for structures and the continual confinement of poultry in them.	Clause 5.4.3 of the previous health local laws contained similar wording, with the exception of sub-clause (a). In the previous health local laws a setback of 15 metres was required from any residential building, and the proposed new animals, environment and nuisance local law proposes a setback of 9 metres.
2.8 – Roosters, geese, turkeys and peafowl	This clause specifies that these animals can only be kept on rural and rural residential zoned land, and only with prior written permission of the local government.	Clause 5.4.4 of the previous health local laws contained similar wording.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
2.9 – Conditions for keeping pigeons	This clause specifies the conditions for keeping of pigeons and the requirement for lofts, structures or enclosures.	Clause 5.4.5(a) of the previous health local laws required a setback of 15 metres from a residential building. The proposed new local law proposes a setback of 9 metres. All other sub-clauses contained similar wording.
2.10 – Termination of approval to keep poultry or pigeons	This clause provides the power for Council to cancel its approval to keep poultry or pigeons, if an owner or occupier breaches a condition of approval, breaches clauses 2.7 or 2.9 of the local law, or fails to comply with a written notice.	The previously health local laws did not address this matter. The council could only give notice of a non-conforming structure.
2.11 – Restrictions on pigeon nesting and perching	This clause gives the Council power to order an owner or occupier to take adequate steps to prevent pigeons from nesting or perching, where they have a habit of doing so on a premises.	Clause 5.4.7 of the previous health local laws contained similar wording.
2.12 – Conditions of keeping aviary birds	This clause specifies the conditions for keeping aviary birds in cages or an aviary.	Clause 5.2.2 of the previous health local laws contained similar wording.
2.13 – Nuisance caused by birds	This clause requires an owner or occupier of land to ensure any bird does not create a nuisance, or emit unreasonable noise.	Clause 5.2.2(d) of the previous health local laws contained similar wording.
2.14 – Licence required to keep bees	This clause requires a person to obtain a licence if wishing to keep bees on land within the district.	Clause 6.7.2(1) of the previous health local laws contained similar wording.
2.15 – Application for a licence	This clause requires a person to make an application for a licence to keep bees.	The previous health local laws did not have a clause that addressed this matter.
2.16 – Determination of application	This clause sets out how a local government may deal with an application.	The previous health local laws did not have a clause that addressed this matter.
2.17 – Conditions of approval	This clause sets out the general conditions that may be imposed on a licence.	The previous health local laws did not have a clause that addressed this matter.
2.18 – Variation or	This clause provides for the local government to vary the conditions imposed on a licence,	The previous health local laws did not have a

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
cancellation of licence and conditions	and to cancel a licence.	clause that addressed this matter.
2.19 – Licence holder to notify cessation of registration or keeping of bees	This clause requires a person keeping bees to notify the local government if they cease keeping bees or they cease their registration as a beekeeper.	The previous health local laws did not have a clause that addressed this matter.
2.20 – Licence is not transferrable	This clause states that the licence is personal to the licence holder and only applies to the land described in the licence.	The previous health local laws did not have a clause that addressed this matter.
2.21 – Nuisance	This clause requires a person keeping bees to ensure they do not create a nuisance.	The previous health local laws did not have a clause that addressed this matter.
2.22 – Notice to remove bees	This clause gives Council power to issue written notice to an owner or occupier where they are in contravention of the Beekeepers Act 1963 or a provision of the local law.	The previous health local laws did not have a clause that addressed this matter.
2.23 – Keeping of farm animals	This clause requires an owner or occupier of land to obtain a licence prior to keeping any farm animal, unless it is in a rural zone or it is on land approved by the local government for the stabling of horses.	Clause 5.3.2(1) of the previous health local laws contained similar wording.
2.24 – Application for a licence to keep farm animals	This clause specifies the requirements for an application for a licence to keep farm animals, including property plans and plans for the management of flies, disease and odours.	The previous health local laws did not have a clause that addressed the licensing requirements. Clause 5.3.4 of the previous health local laws contained similar wording in relation to the management of manure, flies and disease.
2.25 – Determination of application	This clause specifies the approval or refusal requirements of a local government; the conditions that apply to a licence issued, and the validity date of the licence issued.	The previous health local laws did not have a clause that addressed the licensing requirements.
2.26 – Conditions of approval to keep farm animals	This clause specifies the grounds a licence can only be issued on.	The previous health local laws did not have a clause that addressed the licensing requirements.
2.27 – Variation or	This clause specifies the grounds on which a	The previous health local laws did not have a clause that addressed the licensing

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
cancellation of licence	licence may be varied or cancelled.	requirements.
2.28 – Conditions for keeping farm animals	This clause specifies the conditions that must be complied with when keeping a farm animal.	Clauses 5.3.2(2), 5.3.3 and 5.3.4 of the previous health local laws contained similar wording.
2.29 – Keeping a miniature horse	This clause specifies the conditions that must be complied with when keeping a miniature horse.	The previous health local laws did not have a clause that addressed the keeping of a miniature horse.
2.30 – Keeping a miniature pig	This clause specifies the conditions that must be complied with when keeping a miniature pig, including its mandatory registration with the local government.	The previous health local laws did not have a clause that addressed the keeping of a miniature pig. The piggeries provisions in clauses 5.6.1 to 5.6.4 of the previous health local law are different in nature to this matter.
2.31 – Requirements for farm animal shelters	This clause deals with the setback distances and structure requirements of any stable or enclosure, including drainage requirements.	Clause 5.3.3 of the previous health local laws contained similar wording.
2.32 – Livestock not to stray	This clause requires the owner or a person in charge of livestock to not permit that livestock to stray or be at large on a street, public place.	The previous health local laws did not have a clause that addressed this matter.
2.33 – Impounding of livestock	This clause gives an authorised person the power to impound livestock straying.	The previous health local laws did not have a clause that addressed this matter. The provisions under the Local Government (Miscellaneous Provisions) Act 1960 would generally be used to address these types of matters.
2.34 – Property to be fenced	This clause specifies the requirements an owner or occupier must comply with if they are keeping livestock on their property.	The previous health local laws did not have a clause that addressed this matter. The provisions under the Local Government (Miscellaneous Provisions) Act 1960 would generally be used to address these types of matters.
Part 3	Part 3 is new and deals with the requirement for the owner/occupier to- (1) have refuse receptacles on a building or	The previous health local laws did not have clauses to address any of these matters, as they are matters generally addressed under

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
	<p>development site;</p> <p>(2) control refuse on a building or development site;</p> <p>(3) obtain approval to store materials on another property (other than the building/development site), including a road reserve;</p> <p>(4) take measures to control dust and liquid waste on the building or development site;</p> <p>(5) prepare a dust management plan where sand or dust is likely to be released;</p> <p>(6) not burn vegetation or other material cleared from a building or development site;</p> <p>(7) remove any refuse or disused material that is likely to give a lot an untidy appearance and does not conform with the general appearance of other land in that particular part of a district;</p> <p>(8) remove any unsightly overgrowth of vegetation that give a lot an untidy appearance and does not conform with the general appearance of other land in that particular part of a district;</p> <p>(9) store a limited number of vehicles on any lot; not store any vehicle or vessel in a state of disrepair for longer than 1 month; and not dismantle a vehicle or vessel unless done inside a building or within an enclosed fence that is 1.8 metres in height and will screen the vehicle or vessel;</p> <p>(10) remove every door, lid and lock from a disused refrigerator, ice box, truck or chest, and to remove refrigerants;</p> <p>(11) remove a hazardous tree upon notice from the local government</p>	<p>the provisions of section 3.25 and Schedule 3.1 of the <i>Local Government Act 1995</i>.</p> <p>A local law to govern these matters is considered appropriate, as it will allow officers to use the infringement notices under the local law to regulate matters, rather than having to prosecute an offender in a local court under the provisions of the <i>Local Government Act 1995</i>.</p>
Part 4	<p>Part 4 is new and deals with matters relating to nuisances and dangerous things, such as-</p> <p>(1) the use of exterior flood lights;</p>	<p>The previous health local laws did not have clauses to address the majority of these matters, other than-</p>

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
	<ul style="list-style-type: none"> (2) Emission or reflection of light; (3) The issue of a notice for an owner or occupier to prevent emission or reflection of light; (4) Burning rubbish, refuse or other materials; (5) the escape of smoke, fumes, odours and other emissions; (6) Livestock vehicles and maximum period of parking in a townsite; (7) No truck noise from residential land between 10:30pm and 6:30am; (8) Disposal of swimming pool backwash (9) Containment of stormwater within lot; (10) Unless authorised, a person shall not provide or conduct any amusement on land so as to create a nuisance to an owner or occupier of land in the district; (11) Authorised person can abate nuisance; (12) Regulation of placement of an advertisement, bill posting or junk mail; 	<ul style="list-style-type: none"> (a) Burning of rubbish or refuse (clause 4.2.10); (b) Escape of smoke, fumes (clause 5.1.3); and (c) Swimming pool backwash (clause 4.1.2 and 4.1.3).
Part 5	Part 5 is new and deals with a person's right to lodge an objection or review that involves a decision to grant, amend, vary, renew or cancel a licence, approval or authorisation under the local law.	This is a requirement under all new local laws where provisions are made under the <i>Local Government Act 1995</i> and are subject to Division 1 of Part 9 of the Act, and Functions and General Regulation 33.
Part 6	Part 6 is new and deals with enforcement of the local law, notice requirements and what constitutes an offence and the applicable penalty.	<p>Previous Health Local Law penalties were \$100 for first offence, \$200 for second offence and thirds and subsequent offences \$500.</p> <p>The minimum offence under the proposed new local law is \$100 (unspecified offence), with the maximum being \$500.</p>

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 will be 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, the Minister for Health, and Minister for Local Government and Communities.

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 administers 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.*

Policy Implications

Nil

Financial Implications

Statewide advertising of the proposed local law is required. These costs are included in the current budget.

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. Adopt the proposed *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* for advertising purposes.**
- 2. Pursuant to section 3.12 of the *Local Government Act 1995*, give statewide public notice that it intends to make the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*, as per Attachment 1;**
 - (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. Submit a copy of the proposed *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* to the Minister for Health, and the Minister for Local Government and Communities for comment.**

Moved: Cr Dennis Whisson

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 8/0

7.6 Proposed Shire of Cunderdin Health Local Law 2016

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	11 th May 2016
Author:	Darren Long Consulting
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	ADM0373
Attachment/s:	48 Pages

Proposal/Summary

The report proposes that the Council give consideration to the intent to make a proposed *Shire of Cunderdin Health Local Law 2016*.

Background

The current principal Health Local Law was first adopted by Council on 18 September 1998, and gazetted on 24 November 1998.

To comply with the provisions of section 3.16 of the Local Government Act 1995, the Shire of Cunderdin commenced a review of its local laws on 27 October 2009.

At the conclusion of the review process, it was identified that a series of amendments were required to the principal Health local law. However given the extensive changes, it was believed that a new health local law would better serve the Council.

Comments

The proposed *Shire of Cunderdin Health Local Law 2016* is set out in the attachment to this report.

It contains all relevant and updated provisions relating to Health matters, but excludes matters relating to:

1. Animals and Nuisances, which are to be addressed under a proposed new local law titled *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*;
2. Eating houses, as these matters are now governed under the *Food Act 2008*;
3. Collection and removal of rubbish, as these matters are now governed under the *Waste Avoidance and Resource Recovery Act 2007*.

Health Local Laws are required to be made in accordance with Section 342 of the *Health Act 1911*.

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 preparing the 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 will be 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, the Minister for Health, and Minister for Local Government and Communities.

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) *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.*

Policy Implications

Nil

Financial Implications

Statewide advertising of the proposed local law is required. These costs are included in the current budget.

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. **Adopt the proposed *Shire of Cunderdin Health Local Law 2016* for advertising purposes.**
2. **Pursuant to section 3.12 of the *Local Government Act 1995*, give statewide public notice that it intends to make the *Shire of Cunderdin Health Local Law 2016*, as per Attachment 1;**
 - (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. **Submit a copy of the proposed *Shire of Cunderdin Health Local Law 2016* to the Minister for Health, and the Minister for Local Government and Communities for comment.**

Moved: Cr Norm Jenzen

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 8/0

7.7 Cunderdin Community Gym

Location:	Cunderdin
Applicant:	Cunderdin Community Gym
Date:	12 th May 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	33002
Attachment/s:	1 Page

Proposal/Summary

For Council to consider a financial request from the Cunderdin Community Gym to assist with the purchase of a new Treadmill for the Gym.

Background

The treadmill that needs replacing was purchased by the Shire for the Gym when it was first commenced in the Cunderdin Community Hall.

The treadmill is possibly the most commonly used apparatus in the Gym and despite ongoing maintenance is nearing the end of its useful life.

The Gym Committee has obtained a quotation of \$6,000 for a replacement treadmill that is of a higher quality and more suitable for a community gym.

The Community Gym is seeking a 50% (\$3,000) contribution from Council for purchase of the new treadmill.

Comments

Whilst this request has been received subsequent to the Mid-Year Budget Review, should Council be in favour of supporting the Community Gym's request, staff could locate the \$3,000 from within the Community development Officer projects budget.

Alternatively the matter could be referred for consideration during the 2016/2017 budget deliberations.

Consultation

Nil

Statutory Implications

Local Government Act 1995

Policy Implications

Nil

Financial Implications

To be determined depending upon Council resolution.

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 7.7

That Council:

- 1. Does not make a financial contribution to the Cunderdin Community Gym for the purchase of a new Treadmill Machine.**
- 2. Believes that the Cunderdin Community Gym should, in the first instance, approach the Cunderdin Sport and Recreation Management Committee for the requested financial assistance.**

Moved: Cr Todd Harris

Seconded: Cr Bernie Daly

Vote – Absolute Majority

Carried: 8/0

5:40pm Cr Norm Jensen left the meeting and returned at 5.41pm.

7.8 Cunderdin Women's Hockey Club

Location:	Cunderdin Sports Ground
Applicant:	Cunderdin Women's Hockey Club
Date:	18 th May 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	33038 / 33039
Attachment/s:	4 Pages

Proposal/Summary

For Council to consider two matters raised by the Cunderdin Women's Hockey Club:

1. A request for financial assistance to replace the hockey goals; and
2. Outlining concerns to Council in relation to the current hockey field and need for upgrade / relocation.

Background

The Hockey Club advise that the hockey goals are nearing the end of their useful life, and whilst they have been maintained to serve the current season will need replacing in the future. The Chief Executive Officer and Manager Works & Services have carried out an on-site inspection of the goals and concur with these comments.

The relocation and upgrade of the hockey field has been an ongoing matter for a period of time and has been brought to Council attention previously.

With the initial plans for the upgrade of the Cunderdin Sports and Recreation facilities, the football oval was to be realigned and the hockey field relocated to run in a North North-East / South South-West direction between the end of the oval and Olympic Avenue. However the realignment of both ovals / fields did not eventuate.

A proposal to relocate the hockey field to the eastern side of the oval adjacent to the most southern light pole was presented to Council for consideration in March 2014 along with a grant application prepared for submission to the DSR CSRRF Grants program, however Council at the time did not support the application and resolved:

That, due to financial constraints with the current Cunderdin Sports Ground Redevelopment project, the funding application for the upgrade of the Cunderdin Hockey Field not be submitted in the current Department of Sport and Recreation Community Sport and Recreation Facilities Fund Small Grants Program funding round.

The matter is again being raised for Council consideration.

Comment

The replacement of the hockey goals is not urgent for the current 2016 season and therefore can be deferred for 2016/17 budget consideration.

The hockey field relocation can also be considered during 2016/17 budget deliberations and grant opportunities investigated. However in the meantime if Council supports the proposal to relocate the

field then Council staff can commence preparing the area which may help to reduce long term costs and delays that may occur in the future.

Statutory Implications

Local Government Act 1995

Financial Implications

To be determined.

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:

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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.

Recommendation 7.8

That Council:

1. Considers financial assistance to the Cunderdin Women's Hockey Club for replacement of the hockey goals as part of 2016/17 Budget deliberations.
2. Supports the future relocation of the Cunderdin Hockey Field to the eastern side of the football oval and will consider financial allocation as part of the 2016/17 Budget deliberations, however in the interim period supports the Chief Executive Officer continuing to work with the Hockey Club for the relocation of the field (which may include minor earthworks) and investigate grant funding opportunities.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: __/__

Resolution 7.8

That Council:

- 1. Does not make a financial contribution to the Cunderdin Women's Hockey Club for the purchase of new Hockey Goals.**
- 2. Believes that the Cunderdin Women's Hockey Club should, in the first instance, approach the Cunderdin Sport and Recreation Management Committee for the requested financial assistance.**
- 3. Supports the future relocation of the Cunderdin Hockey Field to the eastern side of the football oval and in the interim period authorises the Chief Executive Officer continuing to work with the Hockey Club for the relocation of the field (which may include minor earthworks) and investigate grant funding opportunities.**

Moved: Cr Dennis Whisson

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

8 Environmental Health & Building

8.1 Future Use of Cunderdin Hospital and Former Incorporated Club Buildings

Location:	Cunderdin
Applicant:	Chief Executive Officer
Date:	10 th May 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	3 Pages

Proposal/Summary

For Council to consider the option of engaging a Structural Engineer to assess the Cunderdin Hospital and Former Incorporated Club Buildings and prepare a report for Council.

Background

As part of the new Primary Health Care Demonstration Site process Council has reached an agreement with WA Country Health for a land swap for the proposed Health Care site and the current Cunderdin Hospital Site. WA Country Health has approached Council with an option that the hospital site could either include the hospital building or they will demolish the building leaving Council with a vacant lot.

Whilst Council and staff have carried out some site inspections of the hospital and gained access to a summary of a previously prepared Building Condition Report carried out on the hospital for the Southern Inland Health Initiative, unless a person is a qualified structural engineer the report is difficult to assess to its full capacity.

Council has also been considering as part of the new proposed Aged Care Solutions project utilising all or part of the former incorporated club as a community centre for the aged. However there have been concerns expressed about the suitability and sound structural capacity of the building to be utilised for this purpose. It may very well be that allocating substantial funds to the renovation of the building to meet the requirements for an aged community centre may not be cost effective.

In addition, for the buildings to be fit for purpose structurally, it must also be determined if they will meet the current standards under the National Construction Code 2016, the Building Act 2011 and the Health Act 1911.

Comment

Council staff have contacted four Structural Engineer companies to obtain cost estimates to carry out assessments of the two buildings and provide a detailed report for Council consideration.

Copies of the estimates will be tabled at the Council meeting.

There are sufficient funds available within the Consultants allocation of the Governance Budget for this purpose.

Statutory Implications

National Construction Code 2016
Building Act 2011
Health Act 1911

Financial Implications

To be determined.

Strategic Implications

Cunderdin Community Strategic Plan

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Social

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

Environmental

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

Economic

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

Resolution 8.1

That Council engages the services of Structerre Consulting Engineers to carry out a structural assessment and building report on the Cunderdin Hospital and the former Incorporated Club Building, at an estimated cost of \$6,500.

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

9 Works & Services

9.1 Works & Services Report

Location:	Cunderdin
Applicant:	Manager Works & Services
Date:	12 th May 2016
Author:	Ian Bartlett
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

PROPOSAL/SUMMARY

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

CONSTRUCTION

- Woonwooring Road, including floodway, completed.
- Meckering-Dowerin Road completed.

GENERAL MAINTENANCE THE ROADS LISTED HAVE MAINTENANCE CARRIED OUT ON THEM

- Winter grading completed on Cousin, Fullers, Shorter, Wyola North, Rabbit Proof Fence North, Inverness, Jasper, Halbert, Rabbit Proof Fence South, Pascoe, Leeson, and Nornadee Roads.
- Pot hole patching on Spear Street and Mt Anne Road.
- Culvert repairs on Meckering-Dowerin, Stewart, and Jasper Roads.
- Culvert and drainage works on Beebering Road deferred due to rain.
- Ongoing replacement of guide posts.

REPLACED/REPAIRED THE FOLLOWING SIGNS.

- New signs, 30kmh, erected at the entry points to the Main Street Business sector.

PARKS AND GARDENS MECKERING

- Watered and rolled Meckering Hockey Oval.
- Carried out general mowing, weeding, slashing, whipper snipping and clean-up of all parks, gardens and public open space.

PARKS AND GARDENS CUNDERDIN AND REC CENTRE

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

BUILDING AND OTHER MAINTENANCE

- Make and install cupboard doors for the Administration office.

ROAD SIDE AND VERGE SPRAYING

- Nil

CEMETERIES

- No funerals in April.

AIRFIELD MAINTENANCE

- Weekly reporting and checking water bombing building and plant.

- Weed spraying and runway inspections.
- No damage to lights.

PLANT MAINTENANCE

- No major breakdowns to report

WASTE SERVICES

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

WORKS AND SERVICES STAFF

- Nil

TRAFFIC COUNTERS

- Nil

OTHER MATTERS

Cunderdin Farmers Co-operative Co Ltd – Request for installation of Road Safety Barriers

Councillor Whisson mentioned at the April 2016 Council Meeting a recent incident where a motor vehicle parked in front of the Co-op had the gears engaged by children in the vehicle and it mounted the footpath and smashed through the window of the Co-op. Cr Whisson requested staff to look into what barriers could be installed to prevent a similar incident occurring in the future.

Subsequent to the April OCM the Co-op has also written a letter to Council expressing the same concern.

The Manager Works & Services has obtained three quotations for the installation of 10 Rubber Wheel Stoppers in the parking bays immediately in the front of the Co-op. The Stoppers are 1650mm in length with height of 100mm, and fit within the individual parking bays. This leaves room between the parking bays and parked vehicles for pedestrians to walk without tripping. Unfortunately the Stoppers may appear a little out of kilter as they will need to be installed at 90 degree angle to the parking bays so both front wheels are level on impact, however this is unavoidable.

The Manager Works & Services and the Chief Executive Officer have met with the Co-op Manager, Jayson Goldson, to discuss the proposal. Mr Goldson supported the proposed approach.

It is being recommended that 10 of the Stoppers be purchased from Jason Signmakers at total cost of \$697.95, GST inclusive, and be installed as required.

Statutory Implications

Local Government Act 1995

Financial Implications

\$697.95 to be expended from roads maintenance budget.

Strategic Implications

Nil

Recommendation 9.1

That Council:

1. Receives the Works and Services Report for April 2016.
2. Authorises the Chief Executive Officer to purchase 10 Rubber Wheel Stoppers, and associated parts, at cost of \$697.95 (GST Inclusive), for installation in the parking bays immediately in front of the Cunderdin Co-op, Main Street, Cunderdin.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: __/__

Resolution 9.1

That Council:

1. Receives the Works and Services Report for April 2016.
2. **Does not** support the purchase and installation of 10 Rubber Wheel Stoppers, and associated parts, at cost of \$697.95 (GST Inclusive), for installation in the parking bays immediately in front of the Cunderdin Co-op, Main Street, Cunderdin.
3. Requests the Chief Executive Officer to investigate a more aesthetic appealing option/s for installation along the full length of the Main Street Commercial precinct in an effort to prevent vehicles from mounting the footpath.

Moved: Cr Alison Harris

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

9.2 Application to Erect a Plaque in the Memorial Rose Garden

Location:	Cunderdin
Applicant/s:	Mrs Laurie Hird
Date:	9 May 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
File Ref:	
Attachments:	3 pages

Proposal/Summary

Council to consider an application submitted by Mrs Laurie Hird for a Rose Memorial Garden plaque.

This report recommends Council approval.

Background

An application has been received as follows:

Mrs Laurie Hird in memory of her parents Thomas Joseph Hird and Doris May Hird for a Rose Memorial Garden plaque with the inscription –

In Memory of
HIRD
Thomas Joseph 1909 – 1974
Doris May 1921 – 2000

The original Hird family were pioneers and have ancestry with the Cunderdin District for 116 years, since the early 1900's. The original pioneers established "Melrose Farm" in the early days. The family then moved to Cunderdin Township and established a Family Store in the main street which continued for many years. Three generations of the Hird family have been domiciled in Cunderdin and seven ancestors are all located at the Cunderdin Cemetery. The late Thomas Joseph Hird and wife Doris May Hird had five children; Terry, John, Stephen, Laurie and Elizabeth.

It is a requirement that all applications must be presented for Council consideration.

Comment

The application appears to meet the pioneer criteria for Council assessment.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Policy adopted 17 May 2007 - *All applications for inclusion in the Rose Memorial Garden are to be submitted to council for individual consideration. The application must be accompanied by a brief*

submission demonstrating the close association of the family, or individual, with the district. The initial cost of the plaque and rosebush will be borne by the applicant. Council will thereafter maintain the garden, including replacing plants and plaques as deemed necessary.

Financial Implications

Nil - full cost recovery for providing rose bush and plaque.

Strategic Implications

Nil

Resolution 9.2

That Council:

- (a) Approves the application submitted by Mrs Laurie Hird, subject to full cost recovery of providing the rose bush and plaque in accordance with Council policy.**
- (b) Advise Mrs Laurie Hird of (a) above.**

Moved Cr Todd Harris

Seconded Cr Norm Jenzen

Vote – Simply majority

Carried: 8/0

10 Planning & Development

10.1 Cunderdin Aged Care Solutions Project

Location:	Cunderdin
Applicant:	Chief Executive Officer
Date:	10 th May 2016
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council, in accordance with clause 3.8 of the Grant Funding Agreement Document between WA Country Health and the Shire of Cunderdin, to consider appointing Council members and community members (four in total) to a Project Working Group for the Aged Care Solutions Project.

Background

Recent announcement / media release by the Minister for Health and the Minister for Regional Development on Friday 6th May 2016, the State Government has committed \$3m to the Cunderdin Aged Care Solutions project.

The Grant Funding Agreement between WA Country Health and Shire of Cunderdin was signed off in April 2016.

The next steps to progress the project are:

1. Preparation of a Functional Brief to enable the project to go to tender; and
2. Formation of a project Working Group in accordance with clause 3.8
Clause 3.8

Project Working Group

- (a) The Parties will form a Project Working Group (Management Committee), comprising up to four representatives nominated by each Party, to oversee the operation of the Agreement. One of the representatives appointed by us will chair the Project Working Group.*
- (b) Terms of Reference will be developed by the Project Working Group which will include points detailed in (c) i-iii.*
- (c) The Project Working Group will meet in person or via telephone or video/teleconference on a monthly basis as otherwise agreed between the Parties, to:*
 - (i) review the period since the previous meeting, activity occurring during that period and action any follow-up issues required;*
 - (ii) pre-plan for the next round of activities and organise logistics and services ahead of these needs;*
 - (iii) develop the forward schedule for the coming operational requirements;*
- (c) Site visits by the Project Working Group will occur quarterly or more frequently as determined by the Our representative of the Project Working Group*

Comment

WA Country Health and the Shires Audit Committee have commenced working on the Functional Brief. It is necessary to proceed with this document as soon as possible to enable the project to be advertised for tender and then distribute to interested parties.

Following the aforementioned process the Project Working Group can then assess the tender documents received (for Council consideration), appointment of successful tenderer, and then commence working with the Architect on planning the Aged Care Solutions Project.

It is necessary for Council, in accordance with clause 3.8 of the Grant Funding Agreement, to consider the appointment of two Councillors and two community members to the Project Working Group.

Statutory Implications

Local Government Act 1995 – Section 3.57

Local Government (Functions and General) Regulations 1996 - Division 2 — Tenders for providing goods or services

Financial Implications

Nil, project fully funded by \$3m grant.

Strategic Implications

Cunderdin Community Strategic Plan

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- 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.

6:30pm Meredith Lee-Curtis departed the meeting.

Resolution 10.1

That Council:

- 1. Appoints Councillors Dianne Kelly and Bernard Daly to be the Shire of Cunderdin representatives on the Cunderdin Aged Care Solutions Project, Project Working Group.**
- 2. Invites community members (two) Alan Carter and Graham Cooper to represent the community on the Project Working Group.**
- 3. Seeks approval from the WA Country Health Services for Council to advertise for an additional community representative for the Project Working Group.**

Moved: Cr Doug Kelly

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 6/2

10.2 Proposed Scheme Amendment No. 4

Location:	Shire-wide
Applicant:	Shire of Cunderdin
Date:	10 th May 2016
Author:	Jacky Jurmann
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	LPS3 – Am. 4
Attachment/s:	5 Pages (2 attachments)

Proposal/Summary

Council at its Ordinary Meeting held on 18th February 2016 resolved to initiate an amendment to the Cunderdin Local Planning Scheme No. 3 to reintroduce definitions and provisions relating to the use and placement of repurposed and second-hand dwellings.

It is recommended that the amendment be adopted by Council and sent to the Minister for Planning for final approval.

Background

The introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* resulted in the previous provisions in the Cunderdin Local Planning Scheme No. 3 relating to this issue being superseded.

It is important that the Shire has a reasonable level of control of the use and placement of repurposed and second-hand dwellings to ensure that the buildings are suitable for reuse and do not aesthetically impact the locality.

Comment

Following gazettal of this amendment, it is proposed to introduce a Local Planning Policy to provide further guidance to Council and Applicants on this issue.

Statutory Implications

Planning and Development (Local Planning Schemes) Regulations 2015

- Clause 34(b) – the proposed amendment is categorised as a Standard amendment.
- Division 3 – the proposed amendment has been processed in accordance with this Division, including advertising and consultation. No adverse submissions have been received at the time of writing this Report.

Financial Implications

There are no financial implications for the Shire associated with this proposal other than advertising costs.

Strategic Implications

Cunderdin Community Strategic Plan

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- 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.

The amendment of the Scheme will provide an improved regulatory framework to address this issue that will maintain appropriate standards of housing, which is consistent with the aims and goals of the CSP.

Resolution 10.2

That Council:

1. Pursuant to section 72 of the *Planning and Development Act 2005*, amend the Cunderdin Local Planning Scheme No. 3 by:

a. Inserting the following land use definitions into Schedule 1, Clause 2:

Repurposed dwelling – a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

Second-hand dwelling – a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

b. Inserting the land uses ‘repurposed dwelling’ and ‘second-hand dwelling’ into the Land Use Table as follows:

USE CLASSES	ZONES*						
	Residential	Town Centre	Mixed Business	Industrial	General Agriculture	Rural Residential	Special Use
# Repurposed Dwelling	D	D	X	X	D	D	*
# Second-hand Dwelling	D	D	X	X	D	X	*

c. Renumbering the Land Use Table to reflect the inclusion of the new land uses.

d. Inserting the following provisions into Schedule A – Supplemental Provisions:

Clause 61(1)

(n) The placement of a repurposed or second-hand dwelling shall not be permitted on any lot within the Scheme Area unless:

- a) in the opinion of the local government such a dwelling is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
- b) an Applicant enters into an Agreement to the satisfaction of the local government to reinstate the dwelling to an acceptable standard of presentation as determined by the local government within 24 months of issue of the Building Permit.

2. The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- a. the amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- b. is an amendment that is not a complex or basic amendment.

3. Forward the amendment to the Western Australian Planning Commission and Minister for Planning for final approval.

Moved: Cr Norm Jenzen

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

11 Urgent Items

Nil

12. Matters for which the meeting may be closed

12.1 CONFIDENTIAL ITEM: Variation of Lease – Cunderdin Airfield

Resolution 12.1.1

That Council Moves Behind Closed Doors to consider Confidential Agenda Item 12.1.

Moved: Cr Dennis Whisson

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 8/0

Resolution 12.1.2

That Council:

- 1. Endorses the proposed variation to the Agreement for Lease between the Shire of Cunderdin and Cunderdin Aerodrome Property Pty Ltd.**
- 2. Authorises the Shire President and Chief Executive Officer to execute the amended Lease.**

Moved: Cr Norm Jenzen

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried: 8/0

Resolution 12.1.3

That Council Moves from Behind Closed Doors.

Moved: Cr Doug Kelly

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

13. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 6.46pm.