



## **Shire of Cunderdin**

### **Minutes of an Ordinary Council Meeting**

Dear Council Member,

An Ordinary Meeting of the Cunderdin Shire Council was held on Thursday 15<sup>th</sup> October 2009 in the Council Chambers, Lundy Avenue Cunderdin commencing at 5:02 pm.

G M Tuffin  
**Chief Executive Officer**

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## AGENDA

### 1.0 Declaration of opening

1.1 The President declared the meeting open at 5:02 pm

1.2 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”.

### 2.0 Suspension of Clause 3.2 - Standing Orders

Location:	Cunderdin
Applicant:	Not applicable
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Resolution:**

Council suspends clause 3.2 – Order of Business – of the Shire of Cunderdin Standing Orders Local Law 2001

Moved: Cr Dianne Kelly

Seconded: Cr. Todd Harris

Vote – Simple majority

Carried 8/0

### 3.0 Public Question Time

3.1 Response to previous public questions taken on notice

There were no questions from the public at the previous meeting of Council.

3.2 Declaration of public question time opened 5:02 pm

3.3 Declaration of public question time closed 5:02 pm

### 4.0 Record of Attendance, Apologies and Approved Leave of Absence

4.1 Record of attendances

#### **Councillors**

Cr GJ (Graham) Cooper

President

Cr RL (Rod) Carter

Deputy President

Cr RC (Clive) Gibsone

Cr RJ (Robert) Fulwood

Cr DA (Dennis) Whisson

Cr DG (Dianne) Kelly

Cr TE (Todd) Harris

Cr DB (Doug) Kelly

4.2 Apologies

4.3 On Leave of Absence  
None.

4.4 Staff  
G M (Gary) Tuffin Chief Executive Officer

4.5 Guests of Council  
None.

4.6 Members of the Public  
None.

4.7 Applications for leave of absence  
None.

4.8 Declaration of Members and Officers Financial Interests

## **5.0 Petitions, Deputations, Presentations**

5.1 Petitions  
None

5.2 Deputations  
None

5.3 Presentations  
None

## **6.0 Council Discussion**

The Shire President gave a verbal report prior to the commencement of the meeting.

Attend the Ag College Open Day  
Attended a Planning workshop in Northam 23/09/09  
Attended the Great Eastern WALGA zone meeting (Kondinin) 24/09/09  
Attended the Day Care Centre opening 25/09/09  
Meeting with Max Trenorden 29/09/09  
Meeting with Brendon Grylls 9/10/09  
Attended Wyalkatchem Medical Centre opening 9/10/09  
Attended Historical Society AGM 11/10/09  
Meeting with the Cunderdin Telecentre  
Meeting with new Officer in Charge (Cunderdin Police) Ross McKellar  
Next Monday night will be meeting at the Brethren School – 8:00 pm.  
Meeting with the Aviation Taskforce 23/10/09  
LEMC meeting scheduled for 28/10/09  
Provided an update on the Inc Club (Cunderdin)

**Cr. Whisson**

Provided an update on the Telecentre

**Cr. Gibsone**

Museum Committee update.

- Earthquake house upgrade project proceeding well, should be completed by the end of November 2009
- Changing the look of the display (Earthquake house) from a kitchen to lounge setting
- Chimney work for stage 2 – currently seeking funding

Health – trying to organise another LHAG meeting before harvest

Aged Care – New gardens have been established – relaxation area – cottage homes

**Cr Todd Harris**

Attended the Cunderdin AGM

- Advised that accessing the Fire truck can be a problem at times

St John – Ambulance shed is being extended

**Cr Doug Kelly**

Attended the Meckering BFB AGM

Provided an update on MAG's activities

- Town entry statements are finished, just need to be located on site.
- Earthquake committee has been wound-up, and excess funds passed onto to MAG

Presented some information on various housing options (Staff Housing project) from TR Homes.

**Cr Carter**

Advised that the first Cunderdin Fly-in held on the 10<sup>th</sup> & 11<sup>th</sup> October went well, over 18 aircraft, 50 – 60 people.

- Cr Whisson provided town tours
- BBQ & drinks night worked well
- Received a donation from Perth Radio Modellers (\$500.00)

Cr Cooper – congratulated Cr Carter on the success of the event.

New Glider Hangar sites have been prepared.

**Cr Dianne Kelly**

Next DHAG meeting will be held in November 2009

Has been very involved with the Meckering Sports club submission to the Sports Facility Project.

## **7.0 Confirmation of the Minutes of Previous Meetings**

### **7.1 Confirmation of Minutes of Previous Meetings**

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Proposal**

Council to confirm the minutes of the

- Ordinary Council meeting held on 17<sup>th</sup> September 2009.
- Annual General Meeting of Electors held on 9th September 2009

#### **Background**

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

#### **Comment**

No business arising from the Annual General Meeting of Electors.

#### **Statutory Environment**

Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2) Regulations requires minutes of all meetings to be kept and submitted to the next full council meeting for confirmation.

#### **Financial Implications**

There are no financial implications in considering this item.

Cr. Dianne Kelly noted a typing error in item 5 - Presidents Report, and requested it be amended to read as follows;

*The President also announced that he would be retiring from the position of President, at the next elections.*

#### **Resolution 7.1**

- (1) That the minutes of the Ordinary Council meeting held on 17<sup>th</sup> September 2009 be confirmed as a true and correct record.
- (2) That the minutes of the Annual General Meeting of Electors held on 9th September 2009 be confirmed as a true and correct record, subject to amending item 5 paragraph 3 to read as follows;

*The President also announced that he would be retiring from the position of President, at the next elections.*

Moved: Cr. Dianne Kelly

Seconded: Cr Doug Kelly

Vote – Absolute majority

Carried: 8/0

#### **Note to this item:**

The President will sign the minute declaration.

**Shire of Cunderdin**  
**Annual General Meeting of Electors**  
**9<sup>th</sup> September 2009**  
**Commencing 7:06 pm**

**Minutes**

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- 1.0 Declaration of Opening**
- 1.1 The President declared the meeting open at 7:06 pm
- 2.0 Record of Attendance**
- 2.1 Councillors
- |                    |                    |
|--------------------|--------------------|
| Cr Graham Cooper   | (President)        |
| Cr. Rod Carter     | (Deputy President) |
| Cr Doug Kelly      |                    |
| Cr Dianne Kelly    |                    |
| Cr Todd Harris     |                    |
| Cr. Clive Gibsone  |                    |
| Cr. Robert Fulwood |                    |
| Cr. Dennis Whisson |                    |
- 2.2 Staff
- |              |                                    |
|--------------|------------------------------------|
| Gary Tuffin  | (Chief Executive Officer)          |
| Loren Hempel | (Manager Administration & Finance) |
- 2.3 Electors
- Kerry Cooper  
James Stokes  
Mervyn Burges  
Alan Carter  
Jan Whisson  
Christine Fulwood  
Allan Rogers  
Stewart Rogers  
Alison Harris  
Denise Kelly  
Floss Gibsone  
Patricia Bromwell  
Renarta Gray  
Mark Sullivan  
Harry Taylor  
Bob Milligan  
Chris Smyth  
Mark Sullivan
- 2.4 Apologies



### **3.0 Confirmation of the Minutes of Previous Meeting**

#### **3.1 Confirmation of Minutes for the Annual Electors Meeting held 17<sup>th</sup> September 2008**

**Moved** Robert Fulwood                      **Seconded** Doug Kelly

That the minutes of the Annual Electors Meeting held on 17<sup>th</sup> September 2008 be confirmed as a true and correct record.

The motion was carried by a show of hands

### **4.0 Business Arising**

No business arising.

### **5.0 Presidents Report 2008/2009**

The President acknowledged and welcomed Mr Dominic Carbone (Executive Officer SEAVROC) and thanked him for his efforts in SEAVROC.

Then proceeded to thank the CEO & staff for their efforts for the previous twelve months and also thanked the Councillors for their support and efforts.

The President also announced that he would be retiring from the position of President, at the next elections.

The President gave a verbal report outlining the activities and achievements of Council during 2008/09 financial year.

The President's report can be found in the front of the 2008/09 Annual Statements.

**Moved** Dianne Kelly                      **Seconded** Todd Harris

That the Presidents report be received.

The motion was carried by a show of hands

### **6.0 Independent Audit Report for the year ended 30 June 2009**

The President advised the meeting that this report (audit) was contained in the 2008/09 Annual Report and that there were no issues of non-compliance or material concerns raised by the Auditors.

**Moved** Dennis Whisson                      **Seconded** Rod Carter

That the Audit report for the 2008/09 Financial Statements be received

The motion was carried by a show of hands

**7.0 Financial Report for the Period ended 30 June 2009**

The Chief Executive Officer presented the Annual Financial Statements to the meeting highlighting some of the financial achievements and activities for the year.

The Chief Executive Officer's report can be found in the 2008/09 Annual Statements.

**Moved** James Stokes                      **Seconded** Allan Roger

That the Chief Executive Officer's report for the 2008/09 Financial year be received.

The motion was carried by a show of hands

**8.0 General Business**

No General Business was raised.

**9.0 Closure of Meeting**

The President thanked everyone for their attendance then closed the meeting at 7:30 pm.

## 7.2 Receiving Minutes of Meetings of Committees of Council and other Committees and Organisations

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

### **Proposal**

Council receive the minutes of the following meetings;

- Minutes of the SEAVROC meeting held on 10<sup>th</sup> September 2009
- Minutes of the Cunderdin Museum 10<sup>th</sup> September 2009
- Minutes of the Meckering Public meeting held on the 9<sup>th</sup> September 2009

### **Attachment**

The minutes listed above are attached as an appendix to this item.

### **Background**

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

### **Statutory Environment**

There is no statutory requirement for council to receive or confirm the minutes for the SEAVROC meeting.

Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2) Regulations requires minutes of all meetings to be kept and submitted to the next full council meeting for confirmation.

### **Financial Implications**

Nil

Cr Fulwood noted that Rod Carter (Elector) was missing from the attendance list, and requested it be amended accordingly.

### **Resolution 7.2**

That council receive the minutes of;

Minutes of the SEAVROC meeting held on 10<sup>th</sup> September 2009

Minutes of the Cunderdin Museum 10<sup>th</sup> September 2009

Minutes of the Meckering Public meeting held on the 9<sup>th</sup> September 2009

Moved: Cr. Rod Carter

Seconded: Cr. Robert Fulwood

Vote – Simple majority

Carried 8/0

## SEAVROC

(SOUTH EAST AVON VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)

### MINUTES OF EXECUTIVE COMMITTEE MEETING

RECREATION PAVILION - SHIRE OF YORK

THURSDAY, 10 SEPTEMBER 2009 AT 9:40 AM

The Chairman advised Members that this Meeting of the Executive Committee was particularly important given the current Local Government Structural Reform process, and the need to progress SEAVROC's core business, with these matters to be discussed at the end of the Meeting. Mr T Brown and Ms J Burges were then welcomed to the Meeting, along with Delegates, representatives and guests in attendance.

#### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

##### 1.1 Opening

The Chairman welcomed Mr J Wibberley, assisting Mr D Carbone during the Meeting.

##### 1.2 Announcement of Visitors

The Executive Officer advised that invitations had been extended to the following:

- Ms Caroline Tuthill - Senior Project Officer - Department of Local Government and Regional Development;
- Mr Tony Brown - Executive Manager - Governance and Strategy - Western Australian Local Government Association; and
- Ms Joanne Burges - Regional Cooperation Manager - Western Australian Local Government Association.

#### 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

##### 2.1 Present

Shire of Beverley	- Cr J Alexander	- President (North Ward)
Shire of Beverley	- Cr D Ridgway	- Deputy President (South Ward)
Shire of Beverley	- Mr K Byers	- Chief Executive Officer

Shire of Brookton	- Cr B Coote	- President (Central Ward)
Shire of Brookton	- Cr T Lange	- Central Ward
Shire of Brookton	- Mr S Gocian	- Deputy Chief Executive Officer
Shire of Cunderdin	- Cr G Cooper	- President (District Ward) SEAVROC Chairman
Shire of Cunderdin	- Cr R Carter	- District Ward
Shire of Cunderdin	- Mr G Tuffin	- Chief Executive Officer
Shire of Quairading	- Cr D Richards	- President (District Ward)
Shire of Quairading	- Mr G Fardon	- Chief Executive Officer
Shire of York	- Cr P Hooper	- President
Shire of York	- Mr R Hooper	- Chief Executive Officer
Western Australian Local Government Association (WALGA)	- Mr T Brown	- Executive Manager Governance and Strategy
Western Australian Local Government Association (WALGA)	- Ms J Burges	- Regional Cooperation Manager
Dominic Carbone and Associates (DCA)	- Mr D Carbone	- Executive Officer
Dominic Carbone and Associates (DCA)	- Mr J Wibberley	- Assisting Mr D Carbone

## 2.2 Apologies

Shire of Brookton	- Cr K Wilkinson	- Deputy President (East Ward)
Department of Local Government and Regional Development	- Ms C Tuthill	- Senior Project Officer

## 2.3 Leave of Absence

Nil

### **3. DEPUTATIONS/PRESENTATIONS**

#### **3.1 Deputations**

Nil.

#### **3.2 Presentations**

Nil.

### **4. CONFIRMATION OF MINUTES**

Executive Committee Meeting of SEAVROC held on Thursday, 2 July 2009.

*MOVED Cr J Alexander, Seconded Mr R Hooper, that the Minutes of the SEAVROC Executive Committee Meeting, held on Thursday, 2 July 2009, be received.*

CARRIED UNANIMOUSLY

### **5. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mr T Brown provided Delegates with an update on the status of Structural Reform throughout the State, commenting on the following:

- Following attendance at the Local Government Convention held in August 2009, attendees had returned to their communities with a different outlook.
- Prior to the August Convention, amalgamations were anticipated to reduce the number of local governments in Western Australia by 15, however today's conservative thoughts were a reduction of 40, not including proposals relating to Katanning, Albany and Merredin.
- Some merger considerations are inclusive of Councils not keen on the prospect, however these are expected to progress.
- Amalgamation proposals include:
  - Geraldton/Greenough, Chapman Valley and Mullewa - in discussion.
  - Carnamah, Coorow and Irwin - in discussion.
  - Mingenew, Three Springs, Morawa and Perenjori - moving towards merger.

- Chittering and Gin Gin - in discussion.
- Narrogin Area: Merger of Narrogin Town, Narrogin Shire, Cuballing and Wickepin put forward, with Wickepin community divided. Community meeting came down to one vote, leaving decision with Council as to how to proceed. Narrogin also put forward an option of merging eight local governments on the understanding that they were pursuing the merger of the four mentioned initially.

Cr J Alexander sought clarification on the suggested eight local governments, with Mr T Brown advising Narrogin Town, Narrogin Shire, Cuballing, Pingelly, Wagin, Wandering, West Arthur, Wickepin and Williams, reiterating that the merger of Narrogin Town, Narrogin Shire, Cuballing and Wickepin were the first option.

Ms J Burges provided comment that merger of the four local governments was suggested by 2011, with the remainder to merger at a later time; however this was a changing scenario.

Mr T Brown then continued, commenting on the following:

- Further merger considerations included:
  - Koorda, Wyalkatchem and Dowerin - in discussion. Dowerin joined following Local Government Convention.
  - Westonia and Yilgarn - both Councils have resolved to merge, however with concerns on size of the new local government, and proposals from the Merredin area.
  - Cranbrook, Kojonup, Plantagenet, Broomehill and Tambellup - in discussion. Kojonup community recently rejected the proposal.
  - Dumbleyung, Kent and Lake Grace - All stating no wish to amalgamate, with second option to merge.
  - Bunbury Area: Bunbury's desire to form the Greater Bunbury Council, taking in Capel, Collie, Dardanup and Harvey. These Councils have resisted by resolving to stay independent, and all have populations of approximately 12,000, which would create difficulties for this proposal.
  - Warren/Blackwood Area: Community feel of not wishing to amalgamate with Manjimup. Push for Blackwood Valley Council taking in Boyup Brook, Bridgetown, Greenbushes and Nannup, with the inclusion of Balingup from Donnybrook. Balingup community are strongly for this proposal.

Mr G Fardon sought clarification on the Blackwood Valley proposal and the affected local governments.

Mr T Brown advised that his comments were a rough overview, and that community meetings were still being held. Further, that whilst in Pingelly last evening, a community meeting was attended by 100 people, who indicated their preference for a merger of Boddington, Brookton, Pingelly and Wandering, taking into account the mining industry in Boddington. This followed a number of proposals put forward, including Brookton, Wandering, Pingelly and Beverley.

Although not present at this Meeting, Mr T Brown advised that Tammin's community had resolved to support Tammin Council, who was leaning towards engaging in talks with Cunderdin and Quairading.

Mr R Hooper then provided comment on discussions held with various Councillors throughout the State, including Wickelup, Cranbrook, Victoria Plains and Moora, advising that many were placing expectations on the subsidiary legislation and the Eastern States visit by the Hon Max Trenorden. Further, that at a Mukinbudin meeting, Minister Grylls had commented on the Nationals having control of 6 of the 55 votes in relation to Structural Reform. Mr Hooper commented further on local governments such as Mt Marshall and Denmark being excluded from discussions.

Mr T Brown suggested that the subsidiary legislation will be approved, however there being a clear indication that amalgamation was also required.

Following a question by Cr B Coote, Mr T Brown advised that the subsidiary legislation was still required as it provided an improved mechanism for the promotion of regional groups, with Ms J Burges concurring. Mr R Hooper provided examples of metropolitan local governments assisting regional areas, and suggested that the subsidiary legislation would ease this process and replace the current need for letters of agreement between multiple parties.

The Chairman then summarised his thoughts and discussions on the subject, commenting on:

- Ministerial and Departmental decisions would be advised either by the Christmas period, or early 2010.
- Unacceptable that some local governments are excluded from discussions.
- Different needs for the metropolitan area, as opposed to the wheatbelt and northern region.
- The extent of reform to occur and timeframe for completion.
- The case for utilising the Queensland model for remote locations, taking into account such factors as pastoral leases and mining, small towns with lots of road maintenance, and how amalgamation will enhance these existing operations.



- Sandstone and Murchison were utilising the Queensland model in their submission.
- Wheatbelt being a major target of reform, and there being a case for uniting the 44 affected local governments as a powerful lobby group.
- The need for Ministerial and Departmental outcomes to determine progress from this point.
- Lobbying to the Nationals and having reached agreement that the subsidiary model is the preferred option.
- Affects of the reform on funding, including minimum funding, Royalties for Regions, State and Federal.

Following a question by Cr J Alexander, the Chairman advised that the Hon Max Trenorden, Member for the Agricultural Region; the Hon Nigel Hallett MLC; Mr Bruce Wittber - BHW Consulting Director; and Ms Helen Westcott, had travelled to South Australia and Queensland to study collaborative models of regional governance.

Cr P Hooper advised that a contact was currently in Wattle Grange speaking with people on the street and would provide a report on his return. The Chairman advised that Mr Wittber and Ms Westcott would be attending the Great Eastern Zone meeting on 24 September 2009, and would no doubt provide feedback at that time.

Mr R Hooper advised that the Shire of Victoria Plains understood that four Wongan Hills representatives were in South Australia visiting various groups, and taking the opportunity to look at the LGS computer modelling.

Following Mr R Hooper seeking clarification on the Local Government Advisory Committee's role in the reform process, as opposed to requirements of the Local Government Act, Mr T Brown clarified that reform submissions would be forwarded to the Reform Steering Committee in the first instance, recommendations then made to the Minister for Local Government, who will in turn make recommendations to the Advisory Board. The process of formalising those proposals would then follow.

Mr R Hooper provided further comment, suggesting that a press release detailing this process was required. The Chairman advised that Mr T Brown and the Executive Officer would take the suggestion on board.

General discussion followed with comment by Cr P Hooper, the Chairman, Mr T Brown, Mr R Hooper and Ms J Burges, detailing:

- The Shires of Perenjori and Morawa resolving to merge, with this matter going straight to the Minister and Advisory Board.
- Two further examples being detailed in recent press - one being noted, the other going straight to the Advisory Board to eliminate red tape, and that this had been detailed in the Minutes of that authority.

## 6. REPORTS OF THE EXECUTIVE OFFICER

SE-048-09	STATUS REPORT – OUTSTANDING BUSINESS FROM EXECUTIVE COMMITTEE MEETINGS (File: serpt048-09)
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The Executive Officer provided comment in relation to this item of business, detailing the following:

### 1. Information Technology and Asset Management

Discussions had been held with the Chief Executive Officer of LGS Systems Inc, with an agreement in principle on SEAVROC obtaining the rights to market LGS in Western Australia, pricing, costs and associated benefits. Correspondence had been forwarded by the Executive Officer in this regard on Wednesday, 9 September 2009, with a further report to the Executive Committee anticipated at the next Meeting.

The Chairman reiterated that this matter would be presented to the Executive Committee again at the next Meeting, and in light of Mr R Hooper's comments, action was required as soon as possible.

Following a query by Mr R Hooper, Mr G Tuffin advised that the Development Commission funding had not been received to date.

Mr R Hooper then sought clarification that the current offer was for SEAVROC Member Local Governments to secure Western Australian sales rights and the system being Windows compliant for a capital contribution of \$30,000, with the Chairman advising that the Development Commission funding would cover this initial cost.

The Executive Officer then confirmed that SEAVROC Member Local Governments would be able to purchase and implement the system at a cost of \$34,000 with unlimited licences. SEAVROC would receive \$4,000 for each such sale, with Member Local Governments having a period of two years to make payment. Should Member Local Governments wish to implement the system currently operating at Cunderdin, they would incur annual maintenance costs only, no capital expense.

The Chairman reiterated that a decision was not required at this Meeting, with Cr T Lange seeking advice on the preparation of selection criteria.

The Executive Officer advised that in accordance with Section 3.59 of the Local Government Act, such a business transaction would require the preparation of a Business Plan, as it was intended to make a profit, and that this was detailed in Report SE-048-09.

Mr R Hooper raised concerns in relation to York budgeting \$20,000 to buy equity in the project over and above the initial capital contribution of \$30,000, suggesting an alternative approach to LGS, with the Chairman suggesting that such matters would be investigated by the Executive Officer and reported to the Executive Committee.

General discussion followed, with comment by the Executive Officer, Mr R Hooper, Mr G Tuffin, Cr B Coote, Cr D Ridgway and Mr G Fardon, detailing the following:

- Seeking general agreement between the parties, and report to Executive Committee.
- LGS have set aside funds to ensure windows based version is available in March 2010.
- Suggestion of 20% commission on capital costs, and 15% on annual licence fees.
- Functionality of software confirmed and in operation at Cunderdin.
- Implementation of software by choice of each Member Local Government.
- Demonstration of system by Cunderdin staff.
- Those Member Local Governments participating in project will retain the rights to agreement despite any amalgamation process, SEAVROC being the conduit to the process.
- Room for Executive Officer to negotiate various options.
- Decision for Member Local Governments will be as a business transaction only in the first instance. They may if they wish, then choose to purchase and implement the system.
- Annual maintenance fee based on number of rate notices/assessments.

## 2. Local Government Feasibility Study - Regional Collaborative Models

- Meeting held with the Legislative Reform Working Group, with representation from each Member Local Government.

The Chairman provided comment in relation to the above meeting, the Committee Structure, Government agenda, and country representation, with additional comment by Cr B Coote and Cr P Hooper.

Mr G Tuffin advised that the matter had been included on the Group's Agenda for Monday, 14 September 2009, with distribution of Mr N Douglas' report to attendees.

Cr P Hooper provided comment in relation his representation on the Corporate and Strategic Planning Committee, stating that most participants had a strong understanding of country matters, as opposed to the Committee that Mr G Tuffin was representative on.

3. SLUM Local Planning Policy - Tree Crops

- Confirmation that all Member Local Governments had adopted the Policy.

4. Strategic Waste Manage Plan - SEAVROC Member Local Governments

- Advice received that the Minister has approved the Plan, and that York will progress the implementation of E-Waste.

Following Mr R Hooper seeking feedback from Member Local Governments in relation to various matters such as sea container location, commonality of dates and advertising, the Chairman advised that this would be followed up by Chief Executive Officers with the information finalised for York by the first week of October.

5. Business Plan - Resource Sharing for Planning, Building and Health Services

- The Executive Officer advised that time had not permitted the advance of this matter in recent weeks however this would be progressed accordingly.

6. Country Local Government Fund - Regional Groups

- Draft Implementation Plan developed, and following receipt of relevant information, the Draft will be finalised with Chief Executive Officers' agreement prior to presentation to SEAVROC for approval.

7. Request for Membership of SEAVROC - Shire of Tammin

- Motion by Mr R Hooper at the Executive Committee Meeting of 2 July 2009, that Tammin be approached to align with SEAVROC in relation to Royalties for Regions Funding, with Tammin querying inclusion in decision making process if it does not have voting rights.

Mr R Hooper provided comment in relation to Tammin's preference of SEAVROC, yet being formally aligned with the Wheatbelt East Regional Organisation of Councils (WEROC).

The Executive Officer advised that no formal response had been provided to Tammin at this point, however having no voting rights did not permit the Shire to be aligned with SEAVROC.

Following Cr D Richard's request, the Chairman advised that this matter would be further discussed under General Business.

8. Local Law Review

- This matter has been initiated with Mr D Long, with the Executive Officer to determine progress within the coming week.

It was then:

***MOVED Cr P Hooper, Seconded Mr R Hooper, that the recommendation set out below, be adopted:***

***That Report SE-048-09 – Status Report – Outstanding Business from Executive Committee Meetings, be received.***

CARRIED UNANIMOUSLY

With the agreement of Delegates, the Chairman advised that Report SE-049-09 would be considered prior to dealing with Report SE-053-09.

SE-049-09	<b>STRUCTURAL REFORM SUBMISSION - SOUTH EAST AVON VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (SEAVROC) REGION</b> (File: serpt0049-09)
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#SE-049-09

**RECOMMEND:**

*(Recommendation intentionally left blank. To be provided by Executive Committee.)*

SE-050-09	<b>PRESS RELEASE - LOCAL GOVERNMENT SYSTEMS SOFTWARE</b> (File: serpt0050-09)
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Following comment and suggestion by the Chairman, Delegates agreed that this matter be held over to the next Executive Committee Meeting.

SE-051-09      **FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2009**  
(File: serpt0051-09)

The Executive Officer drew attention to revised Financial Statements, placed on Delegates desks prior to the Meeting.

Following the Chairman's query, the Executive Officer advised that the Financial Statements demonstrated that expenditure was less than anticipated, and that the Feasibility Study, jointly funded by the Department for Local Government, SEAVROC and WALGA, had now been finalised.

Mr R Hooper advised that dependent on this Meeting's outcomes, as the first year concludes on Wednesday, 16 September 2009, invoices will be forwarded at the end of September or beginning of October.

Following Cr B Coote's query, Mr R Hooper advised that funds were held in a Shire of York cash backed Reserve Fund, and that the Executive Officer will advise Delegates accordingly of interest, if any, in relation to this account.

It was then:

***MOVED Mr R Hooper, Seconded Mr K Byers, that the recommendation set out below, be adopted:***

***That the following Statements of Receipts and Payments for the period 1 July 2008 to 30 June 2009, be received for:***

- ***Connecting Local Governments and Structural Reform Implementation Grant.***
- ***Local Government Feasibility Study – Regional Collaborative Models.***

**CARRIED UNANIMOUSLY**

SE-052-09      **PROVISION OF SERVICES FOR MANAGEMENT AND ADMINISTRATION OF THE SOUTH EAST AVON VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (SEAVROC)**  
(File: serpt0052-09)

The Executive Officer advised that hours charged to SEAVROC fell short of that allocated to June 2009, with the Chairman calling for Report SE-052-09 to be adopted by Delegates.

It was then:

***MOVED Mr G Tuffin , Seconded Cr D Richards , that the recommendation set out below, be adopted:***

***Report SE-052-09 - Provision of Services for Management and Administration of the South East Avon Voluntary Regional Organisation of Councils, be received.***

**CARRIED UNANIMOUSLY**

With the agreement of Delegates the Meeting stood adjourned at 10:40am, and reconvened with the same attendees present at 10:50am.

Delegates had agreed that Report SE-049-09 would be deferred until prior to consideration of Report SE-053-09.

SE-049-09	<b>STRUCTURAL REFORM SUBMISSION - SOUTH EAST AVON VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (SEAVROC) REGION</b> (File: serpt0049-09)
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The Chairman drew attention to this item of business, deferred from earlier in the Meeting, advising that Delegates were requested to advise their Council's preferred position in relation to structural reform, and the group's position on the Executive Officer's draft submission and its progress.

Delegates were then invited to comment.

**York** Cr P Hooper advised that York's submission was with the Minister, and that this document suggested a merger with Quairading, Beverley and Cunderdin, with an opening for Tammin, and the exclusion of Brookton, given their stance on the subject. York Council had voted 6/0 on this outcome.

Following a query by Mr K Byers, Cr P Hooper advised that Brookton had made it clear they did not wish to amalgamate with York, and further, that York were not opposed to the inclusion of Tammin in the amalgamation, or as Members of SEAVROC.

Cr B Coote then queried timing, with Cr P Hooper advising that York Council were happy to progress as soon as possible.

**Beverley** Cr J Alexander provided comment in relation to the community's strong endorsement of Council's motion, namely:

"The Shire of Beverley request the Minister for Local Government to grant permission for SEAVROC Member Local Governments to remain as individual Shires, but operate cooperatively under amended legislation to form a regional subsidiary for a period of four years, from the date that the SEAVROC Charter is signed by the Minister, at which time, the SEAVROC Shires form one amalgamated local government."

Cr J Alexander then provided comment on the options detailed within the Executive Officer's Draft Submission, and the strong desire that each Member Local Government remain as an individual ward.

**Quairading** Cr D Richards provided comment on a community survey undertaken which detailed various options, advising that the outcome of this differed from the public meeting held. The public meeting however did result in a two part motion, with Council adopting this with the addition of a part 3 and 4, namely:

- "1. That Council continue to pursue a regional subsidiary model based on the SEAVROC region as a service delivery model with the existing Members of the SEAVROC Council.
2. Council to actively lobby the inclusion of the regional subsidiary model in the Local Government Act of Western Australia.
3. If the amalgamation is mandatory and not negotiable, Council supports in principle SEAVROC Member Councils amalgamating, subject to the existing Quairading Shire district being a distinct ward.
4. Council Members be reduced from 9 to 7 for the October 2011 elections, and Council determine that SEAVROC is the most appropriate regional grouping of local governments."

General discussion followed with comment by Mr G Fardon, Cr J Alexander and Cr P Hooper.

**Brookton** Cr B Coote provided comment in relation to a community meeting held with 90 people in attendance, along with an electronic survey detailing two options.

Comment was provided in relation to discussions held with Pingelly and Wandering, Beverley's decision not to participate in this regard, and concerns with size of the proposed merger.

Brookton advised that it wished to remain a Member of SEAVROC as its regional grouping, and that should the suggested merger take place, still saw an important role for Brookton in the SEAVROC subsidiary model.



Concerns were raised of differing submissions with options not necessarily palatable to all parties, yet which may be taken up by the Minister and Department, and the perceived ease of amalgamating existing SEAVROC Member Local Governments.

Following a query by Mr R Hooper, Cr B Coote advised that the inclusion of Boddington in the proposed amalgamation was raised at Brookton's public meeting.

**Cunderdin** The Chairman provided comment that Cunderdin's position was similar to York, with agreement to progress as required. Public meetings had been held, with attendance varying, and Cunderdin taking a proactive role in promoting the amalgamation through SEAVROC with those Members in agreement. Discussion has also been held with Quairading and Tammin.

Cunderdin Council believes amalgamation is inevitable, and it is therefore better to progress the existing grouping, permitting the retention of some control and input.

A business plan was required to investigate the wishes of the group, with the realisation that the requirements and principles would remain the same for alternative groupings.

Cunderdin Council also strongly supported the ward structure which retained local identity, and thus provides the best legacy and outcome for each Member Local Government community.

Cr R Carter provided comment on Cunderdin Council's position, and following Mr T Brown's query, the Chairman confirmed that Cunderdin were happy for the inclusion of Tammin.

**York** Cr P Hooper then provided further comment on York's ward preference, detailing four wards made up of Quairading, Cunderdin, York and Beverley, with the assumption that Tammin would be amalgamated with Cunderdin, or possibly Kellerberrin dependant on the Minister's decision.

**Cunderdin** Mr G Tuffin advised that his Draft Submission would be circulated in the coming week, with Council to give consideration on Thursday, 17 September 2009. Comment was then provided on figures with the inclusion of Tammin, variations this provided and anticipated affect on numbers into the future.

General discussion followed with comment by Cr P Hooper, Cr B Coote and Cr J Alexander, centring on:

- Two to four year settling period;
- Elected member numbers and ability to represent their communities;
- Acceptance of Ministerial or Departmental directions by the large metropolitan Councils;
- The Minister's acceptance of disproportional representation, and for what period; and
- Current anomalies in representation and affect on voting

The Chairman provided comment on the South Australian structure, while Mr K Byers drew attention to current ward boundaries being subject to change.

Following a query by Cr D Richards, the Chairman advised that the Meckering and Cunderdin meetings were not held concurrently; the Meckering meeting was held to allow their involvement in the Budget process, and following the holding of the Electors Meeting, Cunderdin's Annual Budget had now been adopted.

Comment by Cr J Alexander followed, with Mr R Hooper querying the SEAVROC Membership fee structure should various proposed amalgamations take place, stating that the Executive Officer's contract concluded on 15 September 2010, with details required for York's budgetary process. Further, that Corrigin had advised of their possible merger with Bruce Rock and their interest in becoming a SEAVROC member, then reiterating requirements under the Act to review ward boundaries.

The Chairman then drew attention to what was required from the group at this Meeting, namely a decision on whether SEAVROC puts forward a submission, and if so, what changes if any were required to the Draft Submission, and secondly, how do the group then wish to proceed.

Cr D Richards raised Brookton's stance on amalgamation, yet wishing to remain a member of SEAVROC, and how this changing membership would be handled.

The Chairman again reiterated what was required from the group at this Meeting, primarily that the group needed to decide if SEAVROC should make a submission, or whether Member Local Governments be left to make their own individual submission. Further comment was then provided on various scenarios, with the suggestion that such matters would need to be dealt with at another time when more information was to hand.

Cr B Coote then provided comment in relation to Brookton's preferred option that the SEAVROC submission not be put forward, with Member Local Governments attaching the Draft Submission prepared by the Executive Officer to their individual submission should they wish. Further, that should proposed mergers take place, this would bring added strength to the SEAVROC group.

Cr P Hooper then sought clarification on the status of SEAVROC and its membership should such amalgamations take place. Lengthy discussion followed in relation to Cr P Hooper's comments, with the group concluding that in accordance with the Act, there was the ability to form a subsidiary of one council or a regional group, therefore a subsidiary would work no matter the formation of the group, however that following amalgamations, the structure of SEAVROC would require review and analysis of funding and other issues.

The Chairman again drew Delegates' attention to the requirements of this Meeting.

Mr R Hooper then requested that Delegates review points from page 37 of the Draft Submission and nominate those that they were in agreement with.

Following general discussion, Delegates agreed to Part 22 (a) - Regional Subsidiary (South Australia), as detailed in pages 34 and 35 of the Draft Submission, however were not agreeable to Part 22 (b) - Amalgamations for Form Three (3) Local Governments within the SEAVROC Region, as shown on page 35.

Lengthy discussion followed, detailing the following:

- Part 22 (c) of the Draft Submission becoming Part 22 (b); with the suggestion of four wards should Brookton choose not to be included.
- The removal of Tammin from the equation at this point in time.
- Clarification that this matter had been brought to this Meeting with the agreement of Delegates.
- Current and projected population figures, and the affect of such figures on the structural reform.
- Elected Member representation - current and proposed.
- The need to recognise possible growth partners.

The Chairman again brought Delegates' attention to the need for a resolution in relation to this matter, advising that issues and concerns raised would be the subject of the required business plan for the transition to amalgamation in the future.

The Chairman sought a motion from the floor, or if Delegates were content to continue with Cr P Hooper's suggestion in relation to the deletion of Part 22 (b), and Part 22 (c) then becoming Part 22 (b).

Mr R Hooper suggested that given SEAVROC held a membership of five local governments; that the new Part (b) should refer to five wards rather than four.

Following comment by the Chairman, Cr D Richards, Cr P Hooper, Cr D Ridgway and Cr B Coote, it was:

*MOVED Cr B Coote, Seconded Cr P Hooper, that SEAVROC do not put in a submission, and if Member Councils want to put it as an add on to their own submission, then they are able to do so.*

Comment by Cr P Hooper followed, with Mr T Brown clarifying that should SEAVROC seek funding, the Department will require the SEAVROC Submission to be attached to any funding application for its Member Local Governments.

The Executive Officer advised that what Delegates decide with this item of business, would determine the outcome of Report SE-053-09 - Local Governance Reform Funding Assistance Form.

Mr G Tuffin advised that Cunderdin's draft recommendation was for the local governments of Beverley, Cunderdin, Quairading and York to form a single new local government, on the basis that the option would address the reduction in elected members in line with Ministerial requirements, and the creation of four wards would also accommodate issues such as one person one vote, ratios, and retention of local identity.

The Chairman sought direction from Delegates, with Cr D Richards advising that he would speak against the motion, commenting on the four years work leading to this point and the need to continue on a united front. Cr J Alexander concurred with Cr D Richards' comments.

Mr G Tuffin suggested that if SEAVROC put forward a submission, then recommendations contained within that document needed to reflect the views of the Member Local Governments, and that this document should be attached to individual submissions.

Cr P Hooper provided comment in relation to Part 22 (a), and the new Part 22 (b), being in line with Quairading, Cunderdin, Beverley and York agreeing to amalgamation; York and Cunderdin with an expedited amalgamation, as opposed to Beverley's preference for a slower format.

Mr R Hooper provided comment on support received for subsidiary legislation providing there is serious structural reform at the end of the process, then suggested that Part 22 (a) and the new Part 22 (b) be referred to Member Councils for endorsement or otherwise, with outcomes to be provided to the Executive Officer prior to the end of September.

### **Foreshadowed Motion**

Mr R Hooper then foreshadowed that the matter be referred to each Member Local Government for endorsement, amendment, or comment.

Following the Chairman's query, Cr B Coote advised that he was happy with the foreshadowed motion, with the Chairman seeking consent to withdraw the motion currently on the floor.

Discussion followed, with input by Cr B Coote, Mr R Hooper, the Chairman and Executive Officer. Cr B Coote, with the consent of the Seconder, then formally withdrew his motion.

It was then:

***MOVED Mr R Hooper, Seconded Cr P Hooper, that SEAVROC submit this report to the Member Councils for endorsement as to content, with each individual Council having the right to adjust, comment, or amend.***

Comment by Cr T Lange and the Executive Officer followed, centering on the content of the Draft Submission, the direction that report takes, and its use by Member Local Governments.

Mr T Brown then confirmed that the SEAVROC Draft Submission was being submitted to each Member Local Government.

Comment by Mr G Fardon, Mr T Brown and the Executive Officer followed, with Mr R Hooper clarifying that the "Members Comment Page" at the end of the Draft permitted Member Local Governments to detail their agreement, dissent or other comments.

The Chairman then put the motion.

**CARRIED UNANIMOUSLY**

Mr R Hooper drew Delegates' attention to page 37 of the Draft Submission, in particular Item 23 - Recommendations, requesting that each item be reviewed by Delegates, with feedback provided to the Executive Officer accordingly.

Discussion followed, with Delegates suggesting the following:

- Removal of references to Tammin.
- Five wards rather than four, with the preference to mentioning the concept rather than actual numbers.
- Removal of the last sentence.
- Amendment to percentages.

The Chairman then suggested that Delegates provide appropriate details to the Executive Officer in the next two days, with comment by Cr P Hooper, the Executive Officer and Cr J Alexander.

The Chairman then requested that Delegates give consideration to seeking the Executive Officer prepare a business plan for the transition to amalgamation in the future, including an analysis of the issues and concerns raised by the Group at this Meeting.

Cr P Hooper provided comment on the crucial need to progress the Business Plan in order that the Group is prepared for eventualities, it was then:

*MOVED Cr P Hooper, Seconded Cr D Richards, that the Executive Officer be requested to prepare a Business Plan for the transition to amalgamation in the future of SEAVROC Member Local Governments.*

Following a query by Cr B Coote in relation to those Councils wishing to move expediently to amalgamation commencing on 1 January 2010, the Chairman advised that it was too early to draw such conclusions, and that the Business Plan was required to analyse concerns and issues of Member Local Governments in the first instance.

Mr G Tuffin raised concerns on responding to the Minister, with the Chairman suggesting that wording could be along the lines that "look to amalgamate within SEAVROC, under a ward structure".

Following a question by Mr K Byers and response by Cr B Coote, the Chairman then put the motion.

CARRIED UNANIMOUSLY

General discussion followed, with Member Local Governments agreeing to their respective Shire being detailed in respective submissions as having consented to the process, as per Ministerial requirements in relation to the current structural reform.

SE-053-09	<b>LOCAL GOVERNANCE REFORM FUNDING ASSISTANCE FORM</b> (File: serpt0053-09)
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The Executive Officer provided comment in relation to the preparation of this item of business, and following Cr P Hooper's query, confirmed the ability to apply for such funding on behalf of SEAVROC following each Member Local Governments authorisation (signature).

The Chairman provided comment, with Mr T Brown suggesting that Brookton participate in the funding application, with expenditure being up to each individual Member Local Government.

It was then:

***MOVED Cr P Hooper, Seconded Cr D Richards, that the recommendation set out below, be adopted:***

- (a) That an application for Local Governance Reform Funding Assistance, be lodged on behalf of the SEAVROC Member Local Governments.*
- (b) Subject to (a) above, the Shire of Quairading be appointed to coordinate and report on funding expenditure and acquittal.*

Lengthy discussion followed, with Mr R Hooper suggesting alternative and possibly higher funding sources in order that a more in depth analysis and report may be undertaken. Delegates agreed that the Group would make application for funding the subject of this Report, and that the Executive Officer would take on board to investigate other sources of funding as suggested by Mr R Hooper.

Ms J Burges provided comment in relation to the Executive Officer's Draft Submission setting the standard and being valued in the vicinity of \$50,000 in comparison to other submissions submitted.

General discussion followed, with the Chairman then putting the motion.

CARRIED UNANIMOUSLY

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**7. DELEGATES MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**8. NEW BUSINESS OF AN URGENT NATURE**

Nil

With the agreement of Delegates, the meeting stood adjourned at 12:10pm, and reconvened at 12:35 with the same attendees present.

**General Business**

**Mr R Hooper**

**1. E-Waste**

Mr R Hooper advised that York required assistance in relation to E-Waste, requesting that on receipt of documentation detailing launch dates, format, etc, that Chief Executive Officers take the appropriate action. Further, that the five sea containers had been painted and are ready for delivery, with advice of pick up locations to be advised accordingly.

The Chairman requested that Chief Executive Officers follow up on this matter.

**2. Waste Management Plan Funding**

Waste Management Plan Funding has been approved by The Department of Environment and Conservation, with input required in relation to the seven proposed projects.

Following discussion, the Chairman requested that this matter be listed for discussion at the next Chief Executive Officer's Meeting.



3. National Local Roads and Transport Congress

Documentation was forwarded to Chief Executive Officers in relation to this matter, with Brookton advising that they considered it to be a matter for individual Member Local Governments. York however felt that the matter should be approached from a regional perspective. ALGA had requested attendance to the National Local Roads and Transport Congress to be held in Mackay, Queensland, between 8 and 10 November 2009.

Discussion followed, centring on elections, regional perspective, funding a representative's attendance at the cost of approximately \$500 per Member Local Government, with Delegates agreeing to send a staff member.

It was then:

*MOVED Cr P Hooper, Seconded Cr J Alexander, Mr R Hooper represent SEAVROC at the National Local Roads and Transport Congress, to be held in Mackay, Queensland, between 8 and 10 November 2009.*

CARRIED UNANIMOUSLY

4. SEAVROC Direction

Mr R Hooper suggested that the Executive Officer needs certainty as to the direction of SEAVROC, commenting on various matters, and requirements of the Executive Officer's role.

Following comment by Mr R Hooper, the Executive Officer, Mr G Fardon, Mr G Tuffin, the Chairman suggested that Mr R Hooper put the concerns raised to the Chief Executive Officer's Meeting, with a report and recommendation to the next Executive Committee Meeting for consideration.

Mr D Richards

1. Cr D Richards commented on the forthcoming local government elections, and possible personnel changes to Member Councils and SEAVROC itself, suggesting that it be formalised that there be no requirement that only a President may fulfil the role of Chairperson.

Further, Cr D Richards extended his compliments to the Chairman on his passion, knowledge and efforts, seeking that he continue as Chairperson following the elections, despite stepping down as President of Cunderdin Shire.

The Chairman thanked Cr D Richards for his kind words, advising that there was no requirement at this point that the role be fulfilled by a President, and further, that the matter would be the subject of Delegates' voting on the day (first meeting following local government elections in October 2009).

General discussion followed on the SEAVROC structure, Charter and MOU requirements in relation to the role.

#### Mr G Fardon

##### 1. Local Road Mapping - CBH

Mr G Fardon extended thanks to Chief Executive Officers and Councillors for their input in relation to this matter, detailing that the exercise was to develop the preferred SEAVROC area map for planned local controlled roads for concessional loading scheme mass limit use for the 2009/2010 harvest, and CBH surge strategy required for shipping.

Further comment was provided in relation to direct routes to the nearest main road rather than cross country, with Cunderdin and Quairading not supportive of concessional loads utilising the Cunderdin Road, albeit that this is the most direct route to standard gauge.

Mr G Fardon provided additional comment in relation to various locations such as Mawson, Greenhills, Beverley, Kokeby and Dale, with no feedback received to date from CBH or Ms M Mackenzie.

Documentation will be forwarded to Chief Executive Officers for their perusal prior to submission. Further, that additional work was required on the "spaghetti" map, with assistance being sought from John Rossiter.

Following Cr T Lange's suggestion, Mr G Fardon took on board to offer the proposal that trucks with full concessional loading be required to have a GPS on board, thus providing tracking opportunities. Comment was then provided in relation to the legalities of this.

#### Cr J Alexander

##### 1. Cr J Alexander advised that a meeting would be held with CBH, with issues to be discussed including:

- Mawson to Dale being the shortest route from Quairading to Kwinana.
- Storage of GM Canola in Kokeby from various districts being transported via the Dale Road.

Mr G Fardon advised that currently Mawson and Dale Roads were not being considered for concessional loading, so the requirement was to utilise main roads for this transport.

#### Cr P Hooper

1. Cr P Hooper advised that he wished to move a motion that SEAVROC prepare a press release as a result of today's meeting, detailing that four Shires have agreed to go down the path of amalgamation, thus providing information to the relevant communities.

Mr G Fardon suggested that this be deferred until the conclusion of, or beyond the deadline of submissions, as the matter was yet to be considered by respective Councils.

Cr J Alexander then requested that such a press release detail that some Councils sought a delayed amalgamation.

The Chairman urged caution in the wording of the release, suggesting that the Executive Officer prepare a press release to be perused by respective Member Local Governments, and to be actioned as requested by Cr J Alexander.

Mr R Hooper advised that a request had been received from the Hills Gazette to interview the Chairman this afternoon for an overview of today's Meeting.

Following a query from Cr T Lange, Cr J Alexander suggested that Beverley's request for delayed amalgamation was for political, financial, and ease of transition reasons, with additional comment by the Chairman.

It was then:

***MOVED Cr P Hooper, Seconded Cr D Richards, that a press release be prepared in relation to amalgamation, with distribution to follow finalisation of all Structural Reform Submissions, and be subject to Member Local Governments confirmation and vetting of the wording.***

Discussion followed, with the Chairman advising that the subject press release was SEAVROC based, individually Member Local Governments may act independently.

The Chairman then put the motion.

CARRIED UNANIMOUSLY

Ms J Burges

1. Country Local Government Fund

Delegates were advised that due to varying interpretations of the Country Local Government Fund, WALGA had arranged a meeting of Executive Officers for Ms R Reynolds to present information on this Fund. This meeting was scheduled for 21 September 2009, and there was hope that the guidelines may be closer to release by this date.

2. WALGA Hot Line Service

WALGA in collaboration with LGIS have launched a 24 hour, 7 day per week, 1300 hot line for support across the sector, inclusive of elected members and officers, with funding currently provided for six months. This was implemented in Queensland and proved successful. Information would be distributed to local governments this week.

Mr R Hooper

1. Road Clearing Legislation

Mr R Hooper advised that Ms M Mackenzie had schedule two meetings in relation to this matter, however both were cancelled for different reasons. Should Member Local Governments have concerns in relation to clearing, Black Spot funding, etc, feedback should be provided to the Minister who is supported of the subject.

2. Asset Management

Delegates attention was drawn to Asset Management and the requirement to resurrect this matter as soon as possible.

Chairman

1. The Chairman drew attention to common operating platforms and Asset Management, advising that although the Business Plan on Structural Reform will take considerable time, these matters were important for the group irrespective of the current structural reform process, and that this should be a priority, with examples provided of Cunderdin's rating system and Beverley's upgraded financial process.

Following a query by Cr B Coote, the Executive Officer advised that the Business Plan for the Transition to Amalgamation in the Future, would include such matters as staff retention, entitlements, etc, and that this was mentioned in part (c) of the recommendation provided.

General discussion followed with input by the Chairman, Executive Officer, Mr RHooper, Cr B Coote and Cr P Hooper.

Following Cr D Richard's query, the Chairman advised that today's Meeting had determined that the submission deal with the five Member Local Governments only at this stage without the inclusion of other parties.

Discussion followed with input by Cr B Coote, Cr P Hooper and the Chairman.

**8.2 Executive Officer**

Nil

**9. CLOSURE OF MEETING**

The Chairman took the opportunity of thanking Delegates for their input in and efforts in what has been a challenging process.

There being no further business, the Chairman then declared the Meeting closed at 1:00pm.

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## **Minutes of the Annual General Meeting of the Cunderdin Museum Committee – 10 September 2009**

**Present:** Clive Gibsone (Chairman), Wendy Davey (Museum Administrator), Peter Godfrey, Trevor Canning, Jill Bonser, Trish Bromwell, Renata Gray, Holly Lamay, Malcolm Furlong, Merrilyn Furlong, Floss Gibsone, James Stokes, Gary Tuffin (Shire CEO), Graham Cooper (Shire President), Debra Farmer, Marguerita O'Hare.

**Apologies:** Beth Beckett, Nancy Godfrey, Betty Stokes, Wilma Jasper & Anne Brake (National Trust).

Jill moved, seconded James that the minutes from the Annual General Meeting held 9 August 2007 as circulated be accepted as a true & correct record.

Carried

### **No Business Arising from the Minutes**

#### **Clive Gibsone - Chairman's Report:**

Since our last AGM two years ago we have seen many projects commenced and completed which has been quite an achievement given the small band of Committee Members and volunteers.

The museum continues to attract a good number of visitors from all over the world with some months receiving up to \$1800 – not bad at \$3 per head. The fact that we are open every day of the week puts a fair bit of pressure on our small number of volunteers and may need to be re-assessed in the future.

Some of the projects completed include the cover over the Steam Traction Engine and siting at the front of the enclosed area of the museum as an attraction to visitors.

Restoration and cleanup of the brick chimney

Installation of the satellite map table and model boiler in the boiler room

And

Work has commenced on the re-interpretation of the Earthquake house to have a Meckering theme house and a Meckering story. An initial well attended and enthusiastic meeting was held in August to introduce the team involved and many ideas were discussed. A follow-up bring/show and tell day was held in Meckering and Gina and her crew got some good leads to follow up.

Members have attended a wide range of courses to help maintain the many items that we have and gauge the significance of items presented to the museum. These include paper workshops, Rust workshops an Oral History workshop, Mosaic programme training courses, accessioning workshop and in March a metals & rust workshop was held in the workshop at the rear of the lifestyle pavilion and was well attended.

**A wish list** for the future would be:

Obtaining a larger area at the Eastern end of the building - to install a picnic area.

More cover for the larger displays currently sitting out in the weather

Improved lighting in the boiler room

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A start on the sealing of the gravel area in front of the building – provided for in the Shire's last budget however time appears to be the main problem.

A mural on the Lifestyle Building wall behind the tractors.

**Closing:**

In closing I would especially like to thank the committee and volunteers who give their time to the museum. Without them there is no museum. Particularly thanks to Wendy who puts in a lot more time than what she gets paid for and keeps everything ticking – and to Peter Godfrey who is our unofficial maintenance man. A good part of Peter's life is spent at the museum and he is willing to tackle almost any job – also a special mention to Jill Bonser who has decided to resign from the Committee after many years of service both on and off the committee.

Thanks also to the service clubs who help us out from time to time – they include LIONS, Mission Shop, Historical Society and even the blokes at Water Corp who come to our aid when called upon.

Thanks to you all.

Clive moved, seconded Debra that the Chairman's Report be accepted.

Carried

**Anne Brake – National Trust Report:**

The National Trust has continued to work with the Shire of Cunderdin and the Cunderdin Museum Committee to ensure the conservation and interpretation of this important site and collection are maintained.

**Chimney conservation:**

The No 3 Pump Station chimney was repaired with assistance from a Lotterywest Conservation of Cultural Heritage grant. The work was done by Peter Withers, an experienced steeplejack and was overseen by Eric Hancock, Conservation Project Officer for the National Trust.

The work included:

- replacing stolen lightning rods to protect the chimney stack from lightning strike
- repairing and treating rust to metalwork of steel bands, lightning conductors and ladder
- repointing chimney brickwork where mortar was soft and spalling
- repairing roof and walls of flue where mortar was soft and spalling, repair cracking and replace missing bricks.

The total cost of works was \$31 700. This was made up of

\$20 000	Lotterywest
\$ 5850	Shire of Cunderdin
\$ 2430	NTWA – cash
\$ 3420	NTWA – in-kind

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**Interpretation of the Earthquake House:**

The National Trust assisted the Shire of Cunderdin the preparation of a Lotterywest Interpretation of Cultural Heritage grant application for the reinterpretation of the Earthquake House. This project was identified as part of the ongoing implementation of the Cunderdin Museum Interpretation Plan.

The application was successful and a consultant team consisting of Gina Pickering (project management, audio visual, curatorial), Jo Darbyshire (curatorial) and Lauren Wilhem (design) was appointed. The first meeting with members of the Cunderdin Museum committee and interested members of the public was held on Thursday 23<sup>rd</sup> July. A very successful 'collecting' day was held on Sunday 23<sup>rd</sup> August with a number of key items being identified relating to the Meckering Earthquake.

A meeting will be held on Tuesday 29<sup>th</sup> September (to be confirmed) to present the draft exhibition content and design for discussions. This will include where the panels may go, how the house will look, content of the audio visual, content of the panels, general look and feel, etc. All interested in attending are welcome.

As the project has developed it has been discovered that the computer that runs the mechanism that makes the earthquake house move is very antiquated and needs to be updated. This will not only mean it will be more reliable but it will give the whole thing more longevity and both the mechanism and the audiovisual will be able to run off the one device. An application for more funding has been made to Lotterywest by the Shire. We should hear in mid to late October.

**Loan – Babcock and Wilcox Boiler with superheater and chain grate stoker:**

A model of a generic Babcock and Woolcox boiler has been loaned to the Cunderdin Museum by the National Trust for a period of 5 years. There is also a framed diagram of the workings of the boiler available. Confirmation that the Cunderdin Museum would be able to use the diagrams is yet to be received.

It has been a pleasure to work with Clive, Wendy and the committee and I look forward to continuing our close relationship over the coming year.

Anne Brake  
Manager, Golden Pipeline  
10 September, 2009

James moved, seconded Holly that the National Trust's Report be accepted.

Carried

Graham Cooper extended the Shire's appreciation and thanks to everyone involved with the Museum and said he receives a lot of complimentary feedback on the Museum's progress.

The asphaltting out the front area of the Museum will take place shortly.

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## Annual Financial Report July 2008/09

### Revenue

CFWD Balance at 1st July 2008	\$ 9,952.02
Donations	\$ 4,114.00
Souvenirs	\$ 2,157.63
Takings	\$ 10,140.85

\$ 26,364.50

### Expenditure

Adage Furniture	\$ 440.00
Artworks Conservation	\$ 2,080.00
Barret Display	\$ 270.00
Beckett Products	\$ 39.00
Betty Stokes - Stationery	\$ 36.36
Cunderdin Co-op	\$ 1,370.37
Cunderdin Historical Society	\$ 29.09
Cunderdin Newsagency	\$ 1,110.72
Cunderdin Telecentre	\$ 65.45
Edith Cowan University	\$ 300.00
Freelance Handyman	\$ 54.55
Garrys Cleaning Services	\$ 1,054.55
Information Services Technology	\$ 1,130.00
Inside Computers	\$ 240.91
Jill Bonser - Working with Children	\$ 9.09
Jumbo Vision International Pty Ltd	\$ 110.00
Meckering Action Group	\$ 27.45
Museums Australia	\$ 115.00
Nancy Godfrey (stationery)	\$ 8.73
National Pen	\$ 227.25
Northam Glass	\$ 44.00
Oral History Australia	\$ 214.55
Orotek Enterprises	\$ 160.00
Peter Godfrey (hardware)	\$ 77.22
Preservation Australia	\$ 100.00
Royal WA Historical Society Inc	\$ 81.82
Senson Tek Pty Ltd	\$ 115.00
T & T Wilkins	\$ 1,920.00
Telstra	\$ 683.82
The Cunderdin Mob	\$ 477.23
The National Trust of WA	\$ 1,002.65
Wendy Davey (archival products)	\$ 158.82
Westnet	\$ 444.89

\$ 14,198.52

Balance 30/6/09

\$ 12,165.98

Debra moved, seconded Peter that the Financial Statement be accepted as a true & correct record. Carried.

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**Election of Committee:**

The following people were all elected as Committee Members:

Debra Farmer, Merrilyn Furlong, Malcolm Furlong, Marguerita O'Hare, Peter Godfrey, Trish Bromwell, Renata Gray, Holly Lamey, Beth Beckett & Trevor Canning.

Office bearers will be elected at the next meeting to be held 8 October 2009.

**Vote of Thanks:**

Graham Cooper moved a vote of thanks to Clive Gibsone for all the time & effort he has put into the Museum Committee.

Graham offered his congratulations to the committee and said to keep up the good work.

**General Business:**

James Stokes raised the issue of whether there should be some extra copies of "Lets Tell the Story" produced so they can be available for sale at the Museum. Committee decided to look at printing options etc at our next meeting.

The Chairperson, Clive Gibsone thanked all for their attendance and asked everyone to stay to share in supper.

**Next Meeting – 8 October – 7.00pm**

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**Shire of Cunderdin  
Public Meeting  
9<sup>th</sup> September 2009  
Commencing 5:10 pm**

**Minutes**

**TABLE OF CONTENTS**

**1.0 Declaration of Opening**

1.1 The President declared the meeting open at 5:10 pm

**2.0 Record of Attendance**

2.1 Councillors

Cr Graham Cooper (President)  
Cr Doug Kelly  
Cr Dianne Kelly  
Cr. Robert Fulwood  
Cr. Dennis Whisson

2.2 Staff

Gary Tuffin (Chief Executive Officer)

2.3 Electors

Mervyn Burges  
Heather Farely  
Garry Roulstone  
Rod Carter

2.4 Apologies

**3.0 Confirmation of the Minutes of Previous Meeting**

**Moved** Doug Kelly      **Seconded** Dianne Kelly

(a) That the minutes of the Public Meeting held on 17<sup>th</sup> September 2008 be confirmed as a true and correct record.

The motion was carried by a show of hands

**4.0 Business Arising**

No business arising.

**5.0 Presidents Report 2008/2009**

Then proceeded to thank the CEO & staff for their efforts for the previous twelve months and also thanked the Councillors for their support and efforts.

The President also announced that he would not be retiring from the position of President, at the next elections.

The President gave a verbal report outlining the activities and achievements of Council during 2008/09 financial year.

The President's report can be found in the front of the 2008/09 Annual Statements.

#### **6.0 Independent Audit Report for the year ended 30 June 2009**

The President advised the meeting that this report (audit) was contained in the 2008/09 Annual Report and that there were no issues of non-compliance or material concerns raised by the Auditors.

#### **7.0 Financial Report for the Period ended 30 June 2009**

The Chief Executive Officer presented the Annual Financial Statements to the meeting highlighting some of the financial achievements and activities for the year.

The Chief Executive Officer's report can be found in the 2008/09 Annual Statements.

#### **8.0 General Business**

##### Mr Gary Roulston

Raised concern about the over grown grass – unattended land in Meckering

##### CEO

Provided an undertaking to review the situation, and advised that all property owners with overgrown weed/grass would be served a notice to attend to the situation, if required.

##### Cr Dianne Kelly

Requested a tidy-up around the Meckering Town Hall.

##### Rod Carter

Tree branches from pruning in some areas have been left untidy, and left on fences.

##### CEO

Provided an undertaking to have these look at and removed.

##### Rod Carter

Complimented council for undertaking pruning works of the Meckering/Dowerin Road prior to the Dowerin Field day.

##### President

Provided some brief comments on Structural Reform, and advised that this topic would be further discussed in depth at a public meeting tonight at 7:30 pm at the Cunderdin Telecentre.

## **9.0 Closure of Meeting**

The President thanked everyone for their attendance then closed the meeting at 5:46 pm.

## **8.0 Finance Report**

### **8.1 Financial Report for September 2009**

Location:	Cunderdin
Applicant:	Manager of Finance & Administration
Date:	15 <sup>th</sup> October 2009
Author:	Loren Hempel
Item Approved by:	Chief Executive Officer

#### **Proposal**

The financial position as at 30<sup>th</sup> September 2009 is presented for consideration.

#### **Appendices – September 2009 - Financial Statements**

- Statement of Financial Activity
- Operating Statement
- Statement of Surplus or Deficit
- Statement of Financial Position
- Statement of Cash Flows
- Details by Function & Activity
- Reserves Account Summary
- Loan Repayment Schedule
- Financial Activity Statement projected to 30 June 2008
- Municipal Bank Account Statement & Reconciliation (036-102 000030)
- Restricted Cash Account Statement & Reconciliation (036102 123263)
- Licensing Trust, Working Trust and REBA Trust Account Statements & Reconciliations

#### **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 8.1**

That council receives the financial report for September 2009.

Moved: Cr Clive Gibsone

Seconded: Cr Rod Carter

Vote – Simple majority

Carried 8/0

## **8.2 Accounts Paid and Payable – September 2009**

Location:	Cunderdin
Applicant:	Manager of Finance & Administration
Date:	15 <sup>th</sup> October 2009
Author:	Loren Hempel
Item Approved by:	Chief Executive Officer

### **Disclosure of Interest**

No disclosure of interest has been tabled

### **Proposal**

Council is requested to confirm and authorise the payment of Accounts listed in the Warrant of Payments for September 2009.

### **Appendix**

Warrant of Payments for September 2009.

### **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

The accounts paid and payable are summarised as follows for September 2009.

1.0 Accounts Already Paid

1.1 Municipal Fund –

CHEQUE NUMBERS	AMOUNT
008422-008441	\$54,223.76
Electronic Payments-various	\$279,727.01

1.2 Other Funds – Recoup of Municipal Fund Expenditure and Term Investment	
Nil.	

CHEQUE NUMBERS	AMOUNT \$
2.0 Accounts to be passed for payment	
2.1 Municipal Fund - Nil	
<b>TOTAL MUNICIPAL FUNDS</b>	<b>\$333,950.77</b>

3. Trust Fund – Accounts Already Paid

DATE	CHEQUE NUMBER	DETAILS	AMOUNT \$
Nil			0.00

**Resolution 8.2**

- (a) That Council's payment of accounts amounting to \$333,950.77 for the Municipal Fund be received and noted.
- (b) The Warrant of Payments as presented be incorporated in the Minutes of the Meeting.

Moved Cr. Dennis Whisson                      Seconded Cr. Dianne Kelly

Vote – simple majority                      Carried 8/0



<b>Payments List - September 2009</b>			
<b>Date</b>	<b>Reference</b>	<b>Creditor</b>	<b>Amount</b>
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 325.06
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 22.00
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 40.88
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 63.75
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 13.00
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 13.00
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 4.00
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 63.00
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 33.00
1/09/2009	Bank Fees	Westpac Banking Corporation	\$ 88.54
2/09/2009	EFT PAYS	Salaries & Wages	\$ 26,680.91
15/09/2009	Bank Fees	Commonwealth Bank	\$ 29.66
15/09/2009	Credit Card	Westpac Banking Corporation	\$ 9,561.59
16/09/2009	EFT PAYS	Salaries & Wages	\$ 30,944.50
18/09/2009	8422	Australia Government Communications	\$ 36.00
18/09/2009	8423	Australian Taxation Office	\$ 4,325.00
18/09/2009	8424	Bullivants	\$ 110.04
18/09/2009	8425	Country Ford	\$ 248.05
18/09/2009	8426	Cunderdin Co-op	\$ 4,261.24
18/09/2009	8427	Cunderdin Newsagency	\$ 194.60
18/09/2009	8428	Cunderdin Co-op FUEL	\$ 8,640.00
18/09/2009	8429	Cunderdin Medical Practice	\$ 209.65
18/09/2009	8430	Wendy Davey	\$ 216.59
18/09/2009	8431	Graham Dunlop	\$ 1,867.25
18/09/2009	8432	Kellerberrin Tyre Service	\$ 990.00
18/09/2009	8433	Northam Carpets Pty Ltd	\$ 7,203.20
18/09/2009	8434	Shire of Quairading	\$ 11,072.50
18/09/2009	8435	Synergy	\$ 1,675.80
18/09/2009	8436	Telstra Corporation	\$ 1,507.93
18/09/2009	8437	Telstra (Bigpond)	\$ 154.66
18/09/2009	8438	Transport Workers Union	\$ 256.30
18/09/2009	8439	WA Local Government Association	\$ 7,656.00
18/09/2009	8440	Westarp	\$ 3,564.00
18/09/2009	8441	Westnet Pty Ltd	\$ 34.95
18/09/2009	EFT6819	Central Districts Air conditioning	\$ 155.62
18/09/2009	EFT6820	Combined Tyrepower	\$ 1,001.00
18/09/2009	EFT6821	Country Copiers Northam	\$ 10,733.80
18/09/2009	EFT6822	Courier Australia	\$ 49.64
18/09/2009	EFT6823	The Cunderdin Mob	\$ 643.80
18/09/2009	EFT6824	Cunderdin Rotary Club	\$ 294.07
18/09/2009	EFT6825	Donovan's Engineering	\$ 1,234.75
18/09/2009	EFT6826	Elders Limited	\$ 6,141.49
18/09/2009	EFT6827	Farmways Cunderdin	\$ 93.50
18/09/2009	EFT6828	Fast Finishing Service	\$ 170.50
18/09/2009	EFT6829	Haines Norton	\$ 5,156.80
18/09/2009	EFT6830	JR & A Hersey	\$ 893.42
18/09/2009	EFT6831	Jasol Australia	\$ 120.71
18/09/2009	EFT6832	Kleenheat Gas	\$ 224.04
18/09/2009	EFT6833	Landgate	\$ 64.60
18/09/2009	EFT6834	Macs Agencies	\$ 92.00

<b>Payments List - September 2009</b>			
<b>Date</b>	<b>Reference</b>	<b>Creditor</b>	<b>Amount</b>
18/09/2009	EFT6835	Meckering Sporting Club	\$ 5,535.89
18/09/2009	EFT6836	Metro Count	\$ 4,149.75
18/09/2009	EFT6837	Peak Transport	\$ 88.55
18/09/2009	EFT6838	Pioneer Road Service	\$ 1,645.60
18/09/2009	EFT6839	Quairading Earthmoving	\$ 10,496.75
18/09/2009	EFT6840	Shire of Tammin	\$ 824.70
18/09/2009	EFT6841	Startrack Express	\$ 147.36
18/09/2009	EFT6842	Verlinden's Electrical	\$ 1,364.00
18/09/2009	EFT6843	Wheatbelt Safety wear	\$ 55.00
18/09/2009	EFT6844	T & T Wilkins	\$ 1,346.40
18/09/2009	EFT6845	WA Local Government Superannuation	\$ 8,151.32
18/09/2009	EFT6846	Advance Autologic Pty Ltd	\$ 1,820.00
18/09/2009	EFT6847	Air Liquide Pty Ltd	\$ 115.55
18/09/2009	EFT6848	Australia Post	\$ 591.00
18/09/2009	EFT6849	Avon Concrete	\$ 38,337.20
18/09/2009	EFT6850	Baxter's Rural Centre	\$ 2,058.95
18/09/2009	EFT6851	CA Management Service	\$ 66.00
18/09/2009	EFT6852	Cardno BSD	\$ 2,200.00
18/09/2009	EFT6853	J Glass	\$ 15,471.50
18/09/2009	EFT6854	Allpack Signs	\$ 110.00
18/09/2009	EFT6855	Superior Lawns Australia	\$ 1,155.00
18/09/2009	EFT6856	Hills Concrete Products	\$ 1,600.00
30/09/2009	EFT PAYS	Salaries & Wages	\$ 25,619.14
30/09/2009	Interest	Westpac Banking Corporation	\$ 0.67
30/09/2009	Loan 67	West Australian Treasury Corporation	\$ 20,632.57
30/09/2009	Loan 68	West Australian Treasury Corporation	\$ 41,538.54
		<b>TOTAL</b>	<b>\$333,950.77</b>

### 8.3 Council Investments

Location:	Westpac Banking Corporation
Applicant:	Manager of Finance & Administration
Date:	15 <sup>th</sup> October 2009
Author:	Loren Hempel
Item Approved by:	Chief Executive Officer

#### Disclosure of Interest

No disclosure of interest has been tabled

#### Proposal

To inform Council of its investments as at 30<sup>th</sup> September 2009.

#### 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

<b>COUNCIL INVESTMENTS AS AT 30<sup>th</sup> September 2009</b>				
<b>Institution</b>	<b>Amount Invested</b>	<b>Investment type</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>
Westpac Banking Corporation	\$1,222.09	Cash Management 12-3263 0.00%	\$0.00	\$1,222.09
Westpac Banking Corporation	\$282,427.92	Max-i Bonus Account 13-7729 0.95%	\$0.00	\$282,427.92
Westpac Banking Corporation	\$220,753.75	Max-i Bonus Account 13-8262 0.95%	\$220,753.75	\$0.00
Westpac Banking Corporation	\$612,000.00	Term Deposit 14-0725 4.2%	\$0.00	\$612,000.00
<b>TOTAL INVESTMENTS</b>	<b>\$1,116,403.76</b>		<b>\$220,753.75</b>	<b>\$895,650.01</b>

#### 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 8.3**

That the report on Council investments as at 30<sup>th</sup> September 2009 be received and noted

Moved Cr. Doug Kelly

Seconded Cr. Robert Fulwood

Vote – Simple Majority

Carried 8/0





**Resolution 9.1**

That the Restricted and Prohibited Burning periods be adopted as recommended in report 9.1.

That an advertisement be placed in the Bandicoot advising the following Restricted Burning Times.

<u>Restricted Burning Period</u>	1 <sup>st</sup> October to 1 <sup>st</sup> November Permits required to burn
<u>Prohibited Burning Period</u>	2 <sup>nd</sup> November to 14 <sup>th</sup> February
<u>Restricted Burning Period</u>	15 <sup>th</sup> February to 31 <sup>st</sup> March Permit Required
<u>Unrestricted Burning Period</u>	1 <sup>st</sup> April to 30 <sup>th</sup> September No permit required
Moved Cr Dennis Whisson	Seconded Cr Doug Kelly
Vote – Simple majority	Carried 7/1

## 9.2 Authorised Persons – Gazette Notices.

Location:	N/a
Applicant:	Cunderdin, Meckering & Ygnattering BFB
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

### Summary

Review of Authorised persons under various Bush Fire Act.

### Background

The AGMS of all three Bush Fire Brigades were held on the following dates;

Cunderdin BFB – 24<sup>th</sup> September 2009  
Meckering BFB - 25<sup>th</sup> September 2009  
Ygnattering BFB – 21<sup>st</sup> September 2009

### **Dual fire Control Officer**

Council at its meeting held on the 18<sup>th</sup> September 2008 (Report 9.5) appointed Shire of Tammin Dual Fire Control Officers.

### Comments

#### **Dual Fire Officer**

Council has received a letter from the Shire of Tammin requesting the appointment of Dual Fire Control Officers, the following people have been nominated by Tammin;

- Hayden Dixon
- Shane Mackin
- Tim York
- Ray Reid

### Meckering BFB

Amongst other items, the Meckering Brigade have requested Council's consideration of enforcing fire-breaks within the town boundary & that the overgrown blocks (fire hazards) be cleaned up.

Council's Ranger has been instructed to conduct property inspections during the month of October and to issue clean-up/ warning notices to effected property owners for their action.

### Statutory Environment

Section 40 of the Bush Fires Act states;

#### **Local governments may join in appointing and employing bush fire control officers**

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

In relation to Fire Control Officers, Section 38 of the Bush Fires Act 1954 provides that:



- (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.
- (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 bush fire 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 bush fire 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;  
(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).
- (6) (a) In this section —  
“approved local government” means a local government approved under paragraph

(b) by the Authority.

(c) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the Government Gazette —

(i) may approve the local government as one to which this subsection applies;  
and

(ii) may from time to time cancel or vary any previous approval given under this paragraph.

(c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).

(cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.

(cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.

(cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.

(d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the Government Gazette.

(e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.

(f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.

(g) The provisions of this subsection are not in derogation of those of any other subsection of this section.

(h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in

the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “extreme” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.

(i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

In relation to Dual Bushfire Control Officers, Section 40 of the Bush Fires Act 1954 provides that:

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

In relation to Permits to Burn, Section 18 of the Bush Fires Act 1954 provides that:

- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
  - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
  - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
  - (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
  - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
  - (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
  - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
  - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.

- (10) (a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
- (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

**Policy Implications**

There are no policy implications in considering this item

**Consultation**

Not required.

**Financial Implications**

There will be a cost associated with advertising the gazettal notices in the Government Gazette.

**Strategic Implications**

Nil.

**Resolution 9.2**

That Council resolve:

- (a) that all previous appointments are revoked.
- (b) to endorse the Authorised persons appointments as detailed in report 9.2 in relation to the Bush Fires Act 1954

Moved Cr Todd Harris

Seconded Cr Dennis Whisson

Vote – **Simple majority**

Carried 8/0



## SHIRE OF TAMMIN

"LANDCARE CENTRE OF THE WEST"  
Bungulla • Tammin • Yorkrakine

1 Donnan Street  
PO Box 53,  
TAMMIN WA 6409

Telephone: (08) 9637 1101  
Facsimile: (08) 9637 1117  
Email: [shire@tammin.wa.gov.au](mailto:shire@tammin.wa.gov.au)  
Website: [www.tammin.wa.gov.au](http://www.tammin.wa.gov.au)

ALL CORRESPONDENCE TO BE  
ADDRESSED TO THE  
CHIEF EXECUTIVE OFFICER

Your Ref:  
Our Ref: BUSH-00  
Enquiries: Mick Oliver



Mr G Tuffin  
Chief Executive Officer  
Shire of Cunderdin  
PO Box 100  
CUNDERDIN WA 6407

Dear Gary

### Dual Fire Control Officers

My Council has reviewed fire control officer appointments for the 2009/10 fire season and has resolved that pursuant to section 40 of the Bush Fires Act 1954:

- Haydn Dixon
- Shane Mackin
- Tim York
- Ray Reid

be nominated for appointment as dual fire control officers with all neighbouring local governments – the Shires of Cunderdin, Kellerberrin, Quairading and Wyalkatchem.

Accordingly, I would appreciate your Council's consideration of the appointment of the Shire of Tammin's Officers and if accepted, the completion of the appointment process.

Yours faithfully

M.G. (Mick) Oliver  
Chief Executive Officer

16 July 2009

**BUSH FIRES ACT 1954**  
**FIRE CONTROL OFFICERS**

*Shire of Cunderdin*

**APPOINTMENT OF AUTHORISED PERSONS**

In accordance with the Bush Fires Act 1976 as amended, the following persons are hereby appointed as authorised Fire Control Officers and Fire Weather Officers as described for the Shire of Cunderdin –

<b>Chief Bush Fire Officer</b>	Todd Harris
<b>Deputy Chief Fire Officer</b>	Doug Kelly
<b>Chief Weather Officer</b>	Gary Tuffin
<b>Deputy Weather Officer</b>	Loren Hempel
<b>Liaison Officer</b>	Dennis Whisson

**Cunderdin Bush Fire Brigade:**

Captain	A Whisson
Deputy Captain	D Fulwood
Secretary/Treasurer	R Rogers
1st Lieutenant	S Mussared
2nd Lieutenant	A Teakle

Area Control Officers (South West)	R Carter, R Woodley
Area Control Officers (South East)	M Jasper & T Jasper
Area Control Officers (North West)	R Fulwood, B Williams, D Beard
Area Control Officers (North East)	T. Harris & N Jenzen
Area Control Officers (Central West)	D Jasper & M Fulwood
Area Control Officers (Central East)	J/P Jasper & S Mussared

**Meckering Bush Fires Brigade:**

Captain	Ashley Burges
Secretary	David Fisher
1st Lieutenant	Neville Burges
2nd Lieutenant	Neil Foot

Area Control Officers (South)	C Pearse D Kelly V Elliot & D Reynolds
Area Control Officers (North)	N Burges T Elliot & P Hitchcock
Area Control Officers (Central)	N Foot & W Reynolds

**Ygnattering Bush Fires Brigade**

Captain	Digby Willmott
Sec/Treasurer	Glen Beard

**Dual FCO – Shire of Tammin**

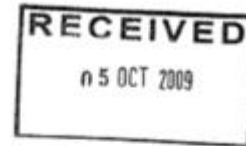
Hayden Dixon  
Shane Mackin  
Tim York  
Ray Reid

All previous appointments are hereby revoked.

Signed .....  
GARY TUFFIN  
Chief Executive Officer

Dated .....

Meckering Bush Fire Brigade  
Annual General Meeting  
25th September 2009  
4.40 pm



**Attendance:** Doug Kelly, Stephen Smith, Niel Foot, Greg Morrell, Merv Burges, Norbert Marwick, Darren Morrell, Paul Hitchcock, Andrew Reynolds, Doug Kelly, David Fisher.

**Apologies:** Ashley Burges, Ian Siegert, Neville Burges, Wayne Reynolds, Graham Cooper, Gary Tuffin.

**Minutes:** Read

**Business Arising:** None

**Captains Report:** Doug Kelly held meeting due to Captain Ashley Burges being absent. (No Captains Report)

**Correspondence:** Read

**Election of Office Bearers:**

**Captain:** Ashley Burges  
Nominated by : Doug Kelly  
Seconded by : Andrew Reynolds  
**Secretary:** David Fisher  
**1st Lieutenant:** Neville Burges  
**2nd Lieutenant:** Neil Foot

**F.C.O.S**

**South:** CPearse, D Kelly, V Elliott, D Reynolds  
**North:** N Burges, T Elliott, P Hitchcock  
**Central:** N Foot, W Reynolds

- General Business:**
- 1) Request to update 40 channel UHF in fire truck.
  - 2) Request coded lock for bush fire shed.
  - 3) Shire to look at split in bush fire tank on Mt Anne Rd.
  - 4) Request to Shire for inforcement of fire-breaks & cleaner blocks that reduce fire hazards, in & around Town.
  - 5) Request to mount suction hose on truck for accessory pump.
  - 6) Darryn Morrell bought up the notion that all fire equipment should be equipt with a suction pump.
  - 7) A reminder to everyone to have all fire equipment ready for Summer.
  - 8) Bought to attention was road side spraying, further discussion needed.

**Meeting Closed:** 5:12 pm

**C.F.C.O**

**SECRETARY**

A handwritten signature in dark ink, appearing to be "D. Fisher", written over the printed name "SECRETARY".



**Minutes of the AGM. of the Cunderdin Bush Fire Brigade held at the Cunderdin Inc Club, on Thursday the 24<sup>th</sup> of September 2009 at 1.30pm.**

**ATTENDANCE**-Norbert Marwick, Adam Whisson, Todd Harris, Rodney Rogers, David Godfrey, Rowan Fulwood, Daniel Carter

**APOLOGIES**-G. Tuffin, Alan Carter, D. Wilmott, Dennis Whisson

**Minutes of the 2008 AGM** were presented by R. Rogers. Moved: Norbert Marwick  
Seconded: Todd Harris Carried.

**Business arising from minutes-**

Todd advised the meeting that only Garry Tuffin, Doug Kelly or himself were authorized to approve burning permits

The meeting was advised that water tanks have been installed at the end of Mt. Anne Rd. and on Doodenaning Rd. Outlets are via 2" camlock fittings.

Norbert requested a list of contacts based in town to man the fire truck. Rod to compile list.

**CORRESPONDENCE-**

Inward:

1. 24/7 Fesa Magazine Summer and Autumn Edition
2. Fesa general circular re firefighting awards 2009
- 3 Fesa notice of AGM (November 08) and General Meeting (February 09)
4. Bank Statements
5. Fesa Volunteer Employer Recognition Program

Outward:

1. Notice of AGM meeting in Bandicoot and on SMS

Moved: A. Whisson Seconded: T. Harris Carried

**FINANCIAL REPORT-**

Cr. Balance of \$7168.59 as at 9<sup>th</sup> June 2009.

Moved: R. Rogers Seconded: D. Carter Carried

**ELECTIONS-**

Captain A. Whisson conducted the elections. Moved by T. Harris that office bearers be re-elected en masse. Seconded R. Rogers . Accepted.

2008 Office Holders-

CAPTAIN- A. Whisson

DEPUTY CAPTAIN- D. Fulwood

CHIEF FIRE OFFICER- Todd Harris

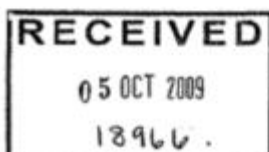
DEPUTY CHIEFS- S. Mussared, R. Carter, A. Teakle

SECRETARY- TREASURER- R. Rogers

CHIEF WEATHER OFFICER- CEO (Gary Tuffin)

DEPUTY WEATHER OFFICER- C. Richardson

LIASON OFFICER- Dennis Whisson



AREA CONTROL OFFICERS-

	Elected 08	Elected 09
SW Area	R Carter	R.Woodley
CW Area	Darren Jasper	M.Fulwood
NW Area	Rowan Fulwood	B.Williams/D.Beard
SE Area	Michael Jasper	Todd Jasper
CE Area	John/Perry Jasper	S.Mussared
NE Area	T.Harris	N.Jenzen

**CHIEF FIRE OFFICERS REPORT-Todd Harris.**

Todd reported on the following matters-

- The truck received more call outs this year, especially on the highway and the railway line. Increased numbers of railway fires appear to be a result of changes in locomotive driving procedures. A solution is being sought.
- Harvest was relatively quiet. The major incident being a fire at Curry's farm which was controlled with an element of luck.
- The SMS service continues to work well.
- Email addresses are still being sought from members.
- Todd encouraged interest in the next level of FESA training. If sufficient interest can be generated a local training day would be a possibility. Officer training spans 2 days.
- The state government is introducing changes to fire ban legislation may result in statewide bans. Details are still to come.
- Fire officers handbooks were made available.

**GENERAL BUSINESS:**

- The prohibited burning period was proposed to be from the 1<sup>ST</sup>. of November to the 15<sup>th</sup>. of February.
- Restricted burning from the 1<sup>st</sup>. of October to the 1<sup>st</sup>. of November
- Restricted burning from the 15<sup>th</sup>. of February to the end of March.
- Access to the fire truck and a secure location has become a problem. It was proposed that a purpose built shed at the shire depot or in conjunction with the other emergency services would be a more appropriate arrangement.
- Proposed that a pre harvest training session may be required. Todd to investigate availability of FESA training.
- Uniforms need to be maintained and worn to fires. An insert in the Bandicoot is required to alert members of the need to maintain their safety equipment.
- The Kuringal family night will be on the 2<sup>nd</sup>. weekend in November therefore no burning permits will be issued.

Meeting closed at 2.30pm.

**Minutes of the AGM of the Ygnattering Bush Fire Brigade held at the Ygnattering Truck Shed, on Wednesday the 21st of September 2009 at 8.10am.**

**ATTENDANCE-** Dave Hughan, Digby Willmott, Todd Harris, Glenn Beard, Ashley Teakle, Chris Tissot, Andrew Irving, and Kennedy Pearse.

**APOLOGIES – Nil.**

**Minutes of the 2008 AGM** were presented by G Beard.  
Moved: Ash Teakle                      Seconded: Todd Harris                      **Carried.**

**OFFICE BEARERS -**  
CAPTAIN-D. Willmott  
SECRETARY – G. Beard

**GENERAL BUSINESS:**

- Have a sticker made with Ygnattering 3.4 on it for Fire Truck.
- Have shed fumigated for spiders.
- Truck to be checked pre fire season.
- Ordered more fire uniforms for new members.
- Truck may be used for private bums, let the Captain know prior to use.
- Apply to Shire to have a water tank placed at the truck shed.

Meeting closed at 8.50am.

### 9.3 Solar Power Farm

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Disclosure of Interest**

No disclosure of interest has been tabled.

#### **Proposal**

To inform Council of a lease that has been granted to EMC Solar Limited (tenant) from Glenroe Pty Ltd (Landlord) to establish a solar power farm.

#### **Attachment**

A letter dated 5<sup>th</sup> October 2009 – Western Australia Planning Commission (WAPC)

#### **Background:**

A letter has been received from WAPC advising that it has approved a 30 year lease to EMC Solar Limited from Glenroe Pty Ltd to establish a solar power farm.

The site is located on Lot 2195 Great Eastern Highway and abuts Coronation Street & Fiegert Road, Cunderdin. (Refer to the attached location plan).

Access to the site would be from Fiegert Road

#### **Comment:**

The report is provided for council's information only, no action or decision in relation to the matter is required.

It will be necessary for the tenant to lodge a Development Application before any works commence on the site.

#### **Consultation:**

WAPC

Shire's Town Planner – Marcus Tudehope

#### **Statutory Environment:**

Not applicable at this stage.

#### **Policy Implications:**

- **There are no policy implications applicable to this item**

#### **Financial Implications:**

There are no financial implications in considering this item.

#### **Strategic Implications:**

Nil at this stage

**Resolution 9.3**

That Council note report 9.3

Moved Cr Clive Gibsone

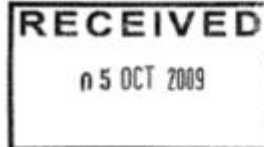
Seconded Cr Doug Kelly

Vote –Simple majority

Carried 8/0



Our Ref: 263/4/10/1  
Your Ref: -  
Enquiries: Helen Aitken (9264 7639)



30 September 2009

Chief Executive Officer  
Shire of Cunderdin  
PO Box 100  
CUNDERDIN WA 6407

Dear Sir

**AGREEMENT FOR LEASE AND A LEASE  
PORTION OF LOT 2195, ON DEPOSITED PLAN 255010, IN CERTIFICATE OF  
TITLE VOLUME 1701, FOLIO 380, GREAT EASTERN HIGHWAY, CUNDERDIN  
BETWEEN: GLENROE PTY LTD (LANDLORD)  
AND: EMC SOLAR LIMITED (TENANT)**

*The Planning and Development Regulations 2009 provides that when the Commission grants an approval under sections 136 and 139 of the Planning and Development Act 2005 to leases, licences, etc, it forwards a copy of the approved plan to the local government for information.*

Please find attached a copy of the Commission's decision letter and plan/s with respect to the abovementioned application.

Yours faithfully

FOR TONY EVANS  
SECRETARY  
WESTERN AUSTRALIAN PLANNING COMMISSION

Attach



wa.gov.au

Albert Facey House, 469 Wellington Street (cnr Forrest Place), Perth, Western Australia 6000  
Tel: (08) 9264 7777; Fax: (08) 9264 7566; TTY: (08) 9264 7535; Infoline: 1800 626 477  
e-mail: corporate@planning.wa.gov.au; web address: <http://www.planning.wa.gov.au>  
ABN 35 482 341 493



Our Ref: 263/4/10/1  
Your Ref: -  
Enquiries: Rohan Miller (9264 7697)

30 September 2009

Mr Mick Gibson  
Development Manager  
EMC Solar Limited  
Level 3, 47 Kishorn Road  
APPLECROSS WA 6153

Dear Sir

**AGREEMENT FOR LEASE AND A LEASE  
PORTION OF LOT 2195, ON DEPOSITED PLAN 255010, IN CERTIFICATE OF  
TITLE VOLUME 1701, FOLIO 380, GREAT EASTERN HIGHWAY, CUNDERDIN  
BETWEEN: GLENROE PTY LTD (LANDLORD)  
AND: EMC SOLAR LIMITED (TENANT)**

In response to your letter of 27 July 2009 it is advised that the Western Australian Planning Commission grants its approval to the abovementioned Agreement for Lease and Lease on **29 September 2009**.

Your documents are returned herewith.

Yours faithfully

A handwritten signature in black ink, appearing to read "Tony Evans".

FOR TONY EVANS  
SECRETARY  
WESTERN AUSTRALIAN PLANNING COMMISSION

Attach



wa.gov.au

Albert Facey House, 469 Wellington Street (cnr Forrest Place), Perth, Western Australia 6000  
Tel: (08) 9264 7777; Fax: (08) 9264 7566; TTY: (08) 9264 7535; Infoline: 1800 626 477  
e-mail: corporate@planning.wa.gov.au; web address: <http://www.planning.wa.gov.au>  
ABN 35 482 341 493



1:1250 0 10 20 40 60 80

**LEGEND**

- PROPOSED LEASE BOUNDARY
- EXISTING LOT BOUNDARY

NOTES  
 1. Coloured boundary plotted from SU accepted 8008 file.  
 2. True indicated boundary position is subject to re-estimation survey.

 128 Pepler Ave, Salford Park WA 6150 Ph: 94507188 Fax: 94507150 email: mail@jbasurveys.com.au web: www.jbasurveys.com.au	 <small>Engineering &amp; Mapping Company</small>	<b>Title</b> LEASE PLAN		Scale: @A3 1:1250		
		<b>Project</b> LOT 2195 ON DP 255010 GREAT EASTERN HIGHWAY CUNDERDIN		Datum: Vert: N/A Horiz: MGA Z50		
Draughtsman: GAL	Date: 31/07/09	Field Level Book: -	Drawn By: RMM	Approved By: GAL	Drawing: LD1	Rev: 01





## 9.4 Budget Amendments

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

### Disclosure of Interest

No disclosure of interest has been tabled.

### Proposal

Council at its workshop held on the 17<sup>th</sup> September 2009 allocated funding from the Royalties for Regions program for the 2009/10 financial year.

### Attachment

Workshop Review schedule of projects  
Country Local Government Fund - Advisory Information

### Background

Council held a Royalties for Regions workshop on the 17<sup>th</sup> September 2009 and considered the following requests and potential projects;

#### **Community funding requests received to date:**

Clay Target Club	\$40,000 (New Club House)
Meckering Play Group	\$ 5,550 (New floor covering, painting & Air-conditioning)
Meckering Primary School room)	\$ 5,940 (Repainting historic staffroom and playgroup/music
Cunderdin Youth Group	\$10,000 fence around skate park and new ramp

The internal fit out of the Hut 111 (recently restored) for accommodation out at the Cunderdin Airfield.

#### **Other potential projects;**

(Stage 1) - Cunderdin Streetscape project (Main Street Shopping Area) - underground power \$99,000.00 (Est provided by Western Power)

(Stage 2) - Cunderdin Streetscape project (Main Street Shopping Area) Carpark reconstruction, brickpaving, landscaping etc \$650,000 (approx)

Sports Facilities upgrade project	\$4 million (approx)
Administration Office (upgrade)	\$800,000 (approx)
Cunderdin Industrial Park (stage 2)	\$750,000 (approx)
Cunderdin Airfield - New commercial hangar	\$TBA
Meckering Earthquake site redevelopment project	\$TBA
New Staff Housing	\$300,000
Transportable huts (Transfer stations)	\$20,000
Foundation Treatment – Doctors House (Stop cracking in walls)	\$15,125 to \$18,045
Aged Care (2 new units)	\$600,000
Mobile Telecommunication improvements (new tower)	\$300,000.00 (approx only)

In total, **\$8.1 million** dollars worth of projects were considered (Refer below for complete list).

<b>SHIRE OF CUNDERDIN – SUMMARY OF CURRENT FUNDING (R4R)</b>	
1 <sup>st</sup> Year allocation (08/09)	\$ 623,775
2 <sup>nd</sup> Year allocation (09/10)	\$ 399,855
3 <sup>rd</sup> Year allocation (10/11)	\$ 311,887
4 <sup>th</sup> Year allocation (11/12)	\$ 311,887
 Total Funds available	 \$1,647,405
 Already allocated	 \$300,000 (82 Mitchell Street & Transfer stations)
<b>Balance unallocated</b>	<b>\$1,347,405</b>

### **Commentary**

Council are requested to amend its 2009/10 Annual Budget in accordance with Table 1.1 below.

It is proposed that the following items that are to be funded from Council's own resources be funded after operating surpluses have been identified during the mid financial year review, which is conducted in January each year as part of the Budget Review.

Clay Target Club	\$40,000
Meckering Playgroup	\$5,000
Meckering Primary School	\$5,000
	\$50,000

### **Statutory Implications**

Section 6.8 of the Local Government Act states;

#### ***6.8. Expenditure from municipal fund not included in annual budget***

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
  - (b) *is authorised in advance by resolution\*;* or
  - (c) *is authorised in advance by the mayor or president in an emergency.*

\* *Absolute majority required.*

### **Policy Implications**

There are no policy implications in considering this item.

## **Financial Implications**

Proposed Budget amendments;

(Table 1.1)

Account		Current Budget	DR	Cr
New	Meckering Shop front pavement (R4R)	0	\$20,000	
New	Doctors house - pad stabilisation	0	\$20,000	
New	Transfer Station Huts x 2 (R4R)	0	\$20,000	
New	Skateboard fence (R4R)	0	\$5,000	
4090041020	Staff Housing (R4R)	0	\$300,000	
1076753500	Main Street Redevelopment - stage 1 (power & footpath) (R4R)	0	\$250,000	
New	Cunderdin Airfield - Upgrade utilities & Transfer RFDS (R4R)	0	\$89,155	
119695330	Sports facility project	\$704,155		\$704,155
		<b>\$704,155</b>	<b>\$704,155</b>	<b>\$704,155</b>

The proposed budget amendments still provide for a balanced budget.

## **Strategic Implications**

There are no policy implications in considering this item.

### **Resolution 9.4**

**(1) That in accordance with section 6.8 of the Local Government Act all new expenditure items previously not budgeted for which are now contained within Report 9.4 be authorised by Council.**

**(2) The 2009/20109 Annual Budget be amended as detailed Report 9.4 - Table 1.1**

Moved Cr Todd Harris

Seconded Cr Dianne Kelly

Vote – **Absolute majority**

Carried/Lost 8/0

**SHIRE OF CUNDERDIN**  
**ROYALTIES FOR REGIONS (LOCAL FUNDING)**

Description		2008/09	2009/10	2010/11	2011/12	Total
Total available funds		300,000	723,630	311,887	311,887	1,647,404
<b>Minor Projects (\$30,000) Max of up to 10% per year</b>	<b>10%</b>		72,363	31,189	31,189	
Clay Target Club (not owned or controlled by Council)	40,000	-	-	-	-	-
Meckering Playgroup (not owned or controlled by Council)	5,550	-	-	-	-	-
Meckering Primary School (not owned or controlled by Council)	5,940	-	-	-	-	-
Meckering Shop front pavement			20,000			
Internal fit out of hut 111	50,000	-	-	-	-	-
Transfer Station Huts x 2	20,000	-	20,000	-	-	20,000
Doctors House			20,000			
Skateboard fence	2,470	-	5,000	-	-	-
Skateboard - ramps	7,500	-	-	-	-	-
<b>Maximum of up \$20,000 be set for any one project under the minor projects</b>						
<b>Add Country Local Government Fund Advisory information</b>						
<b>Major Projects</b>						
Staff Housing	250,000	200,000	300,000	-	-	500,000
Transfer stations		100,000	-	-	-	-
Sports Recreation Facilities	4,000,000	-	-	-	-	-
Aged Care (2 new units)	600,000	-	-	-	-	-
Main Street Redevelopment - stage 1 (power & footpath)	100,000	-	250,000	-	-	250,000
Main Street Redevelopment - stage 2	650,000	-	-	-	-	-
Meckering Earthquake site	400,000	-	-	-	-	-
Cunderdin Airfield - New hangar	200,000	-	-	-	-	-
- Upgrade utilities & Internal fit-out & Transfer RFDS	250,000	-	89,155	-	-	89,155
Administration Office Upgrade	800,000	-	-	-	-	-
Cunderdin Industrial Park	750,000	-	-	-	-	-

<b>Balance remaining</b>	<b>8,131,460</b>	<b>-</b>	<b>19,475</b>	<b>311,887</b>	<b>311,887</b>	<b>643,249</b>
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704,155

**ROYALTIES FOR REGIONS (REGIONAL FUNDING)**

Description		2009/10	2009/10	2010/11	2011/12	Total
Total available funds			233,324	324,988	324,988	883,300
Aged Care	600,000	-	-	-	-	-
Cunderdin Airfield Reseal	200,000	-	200,000	-	-	-
Cunderdin Airfield - Hangar	200,000	-	-	-	-	-
Cunderdin Airfield - Utilities upgrade	250,000	-	-	-	-	-
Telcommunications	300,000	-	-	-	-	-
Sports Facilities	4,000,000	-	-	-	-	-
<b>Balance remaining</b>	<b>5,550,000</b>	<b>-</b>	<b>33,324</b>	<b>324,988</b>	<b>324,988</b>	<b>883,300</b>

Other Regional grouping members must approve funding request, and that it meets a regional purpose.

<b>Total new funding available</b>	<b>8,131,460</b>	<b>300,000</b>	<b>956,954</b>	<b>636,875</b>	<b>636,875</b>	<b>2,530,704</b>
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Council Resources		2008/09	2009/10	2010/11	2011/12	Total
Clay Target Club			40,000	-	-	40,000
Meckering Playgroup			5,000	-	-	5,000
Meckering Primary School			5,000	-	-	5,000
			50,000	-	-	50,000

## COUNTRY LOCAL GOVERNMENT FUND Advisory information

The Country Local Government Fund was established to assist country local governments build and maintain local government assets. Funding of \$100 million is being provided in 2008-09 to local councils under this Fund. The following [Advisory Information](#) is provided in addition to the Guidelines to further assist local governments with the Fund.

The Country Local Government Fund (CLGF) was established with the aim of addressing the infrastructure backlogs across the local government sector.

The Fund is aimed at encouraging *additional* expenditure by local governments on planned infrastructure needs.

### Areas of CLFG expenditure

Funds allocations are tied to expenditure against the following local government asset classes as detailed in the [Local Government Accounting Manual](#):

- Buildings
- Infrastructure:
  - Roads
  - Bridges
  - Drainage
  - Parks, gardens and reserves
  - Footpaths and cycle ways
  - Airports
  - Sewerage
  - Other

Local governments are encouraged to spend the funds on capital renewal expenditure thereby increasing the life of the asset and increasing its service potential.

New capital expenditures, creating new building and infrastructure assets are also acceptable uses of the funds, if deemed a priority of the local government.

Routine maintenance outside of renewal expenditure is not permitted.

Funds cannot be applied to expenditure on assets that are not owned by or in the care and control of the local government.

Funds cannot be applied to expenditure on non-infrastructure items.

Funds cannot be used for purchasing plant and equipment, employing staff, engaging consultants, retiring debt or any other organisation requirements that fall outside the above asset classes.

Local governments should consider appropriate community and relevant Departmental consultation; and asset sustainability in regard to any new infrastructure projects.

#### **Potential impact of CLGF expenditure on Financial Assistance Grant Assessments**

Local governments should be aware that the Local Government Grants Commission is likely to take into account CLGF funds when those funds are spent on road asset preservation and renewal.

Funding on all other asset classes will not be taken into account by the Grants Commission and will not affect financial assistance grant allocations through the Grants Commission.

For further information on activities that are considered road preservation and renewal see the [Definitions](#) section.

#### **Accounting arrangements**

Local governments should view the CLGF allocations as committed funds and set them aside in separate reserve funds until drawn down.

Local governments are to complete the [Acceptance Form 2008-09](#) prior to receipt of funds through the Office of Shared Services.

It is expected that the Year 1 funds are to be allocated to priority projects. Spending of funds will be dependent on a local government's ability to program works and contracts.

Reports will be lodged with the Department bi-annually in accordance with the [Guidelines](#). Subsequent payments will not be received until such satisfactory reports have been received by the Department. Standardised reporting forms will be provided to local governments when required.

Local governments are to certify the expenditure of funds against each of the above asset classes. This expenditure is to be verified as part of the annual audit. The certification is to be forwarded separately to the Department and included in the local government's annual report.

Local governments are to account for expenditure of their share of the project, where applicable, in the same manner.

#### **Standardised asset management approaches**

The CLGF aims to encourage standardised asset management practices and improve regional governance structures in local government to deliver these services. The department will provide capacity building support for the development and implementation of major initiatives to improve regional governance and asset management.



Local governments should consider appropriate community and relevant Departmental consultation; and asset sustainability in regard to any new infrastructure projects.

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Local governments are to account for expenditure of their share of the project, where applicable, in the same manner.

#### **Standardised asset management approaches**

The CLGF aims to encourage standardised asset management practices and improve regional governance structures in local government to deliver these services. The department will provide capacity building support for the development and implementation of major initiatives to improve regional governance and asset management.

- Replacement of lighting infrastructure
- Replacement of road signals and signs including street signs
- Replacement of road marking
- Replacement of all other traffic management devices
- Reconstruction of footpaths and dual use paths

### *Maintenance*

Use of funds on routine maintenance outside of renewal expenditure is not permitted.

Maintenance expenditure is that which maintains the asset, but does not increase the asset's service potential or life.

Expenditure of funds on the following is likely to be taken into account by the Grants Commission and may affect future grant allocations:

- Roads
  - Grading unsealed roads
  - Grading shoulders on sealed roads
  - Patching potholes
  - Repairing seal edges
  - Repairing culverts and end walls
  - Repairing drainage associated with a road
  - Clearing culverts and drainage systems associated with a road
  - Painting and replacing guide posts
  - Sweeping pavements
- Bridges
  - Repairs to bridge components and surface
  - Clearing firebreaks
  - White ant protection
  - Tightening bolts
  - Painting handrails
  - Bridge inspection
- Ancillary
  - Lighting including power costs
  - Roads signals and signs including street signs
  - Road marking
  - All other traffic management devices
  - Footpaths and dual use paths
  - Road verges (including care and watering of trees)

### **Further information**

Please refer to the [Frequently Asked Questions](#) section on the website should you have any further queries.

## **9.5 Finance Policy # 25 - Minor Projects**

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

### **Disclosure of Interest**

No disclosure of interest has been tabled.

### **Proposal**

To develop a policy on the allocation of funds received from the Royalties for Regions (Country Local Government Fund) program for Minor Projects.

### **Attachment**

None.

### **Background**

Council held a Royalties for Regions workshop on the 17<sup>th</sup> September 2009 and considered the funding requests from community groups and its own community projects that have been identified that are currently unfunded.

As a result of this meeting Council requested a policy be developed to deal with setting an amount of funds to be set aside each year for Minor Projects, so that not all funds are allocated to large projects only.

This would also allow community groups that use Council assets to request minor works to Council owned and controlled assets.

### **Comment**

Council are requested to give consideration to adopting the policy below in relation to Minor Projects.

### **Statutory Implications**

There are no statutory implications

### **Policy Implications**

Adoption of a new policy - Finance Policy # 25 (Minor Projects)

### **Financial Implications**

There are no financial implications in considering this item

### **Strategic Implications**

There are no policy implications in considering this item.

**Resolution 9.5**

***That Council adopt Finance Policy #25 as detailed in report 9.5***

Moved Cr Clive Gibsone

Seconded Cr Rod Carter

Vote – **Absolute majority**

Carried 8/0



## **POLICY STATEMENT**

**To provide for a consistent approach to determining the allocation of funds received under the Royalties for Regions program (Country Local Government Fund) to minor projects.**

### **1.0 Purpose**

To provide guidelines to be used in determining the allocation of Royalties for Regions funds and requests from the community for minor projects.

### **2.0 Background**

The Country Local Government Fund (CLGF) was established with the aim of addressing the infrastructure backlogs across the local government sector.

The grant funds cannot be applied to expenditure on non-infrastructure items. The grant funds are not to be used for purchasing plant and equipment, employing staff, engaging consultants, retiring debt or any other organisation requirements that fall outside the above asset classes.

Projects that concentrate on capital renewal expenditure thereby increasing the life of the asset and increasing its service potential, will receive preferential treatment.

### **3.0 Interpretation**

#### **(Minor Projects)**

Council will allocate up to a maximum of \$30,000 per or up to 10% of the allocation for that year, which ever is the lesser.

Maximum of up \$20,000 will be allocated to anyone one project.

### **3.0 Application**

All applications from the community for Minor Projects must include the following information in order for the Council to consider making an allocation.

#### **Purpose for which the funds will be utilised**

The objectives and purpose (project outline) of the organisation seeking funding

#### **Community Benefit**

Demonstration of how the funds will benefit the community of the Shire of Cunderdin

#### **Sponsor Benefits**

Details of the benefits which will be delivered to the Council of the Shire of Cunderdin in return for the funds.

#### **Financial Information**

Detailed financial information of the proposed project – estimates are acceptable.

## **5.0 Assessment Criteria**

For the purpose of this Policy, an eligible project shall be in accordance with the CLGF program guidelines. Which includes the following local government asset classes;

- Buildings
- Infrastructure:
  - Roads
  - Bridges
  - Drainage
  - Parks, gardens and reserves
  - Footpaths and cycleways
  - Airports
  - Sewerage
  - Other

**Funds cannot be applied to expenditure on assets that are not owned by or in the care and control of the local government (CLGF condition).**

G M (Gary) Tuffin  
**Chief Executive Officer**

## 9.6 Proposed General Agriculture Subdivision at Lot 125 Great Eastern Highway, Cunderdin.

Location:	Lot 125 Great Eastern Highway, Cunderdin
Applicant:	JBA Surveys
Date:	15 <sup>th</sup> October 2009
Author:	City of Canning as consultant to the Shire of Cunderdin
Item Approved by:	Chief Executive Officer

### Background

This item was presented to Council at its meeting on the 17<sup>th</sup> September 2009 and referred back to the Planner for further clarification.

The application proposes to subdivide lot 125 Great Eastern Highway, Cunderdin into 3 Green Title lots. Lots range in size from 76.7396ha to 118.1401ha.

**Lot areas:** Lot 800 – 76.7396ha  
Lot 801 – 84.9964ha  
Lot 802 – 118.1404ha

**Zoning:** General Agriculture

### Comments

The existing and potential agricultural production of the Shire is of significance to the local, region and state economies. Productive agricultural land in the Shire is a finite resource that must be conserved and managed for the long term. Applications for subdivision are required to be assessed against the objectives of the General Agriculture zone and West Australian Planning Commission Development Control Policy 3.4 – Subdivision of Rural Land.

The objectives of the General Agriculture zone include;

- i) *To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;*
- ii) *To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;*
- iii) *To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality;*
- iv) *To control the fragmentation of broad-acre farming properties through the process of subdivision;*
- v) *To consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;*

Previously Council has not supported the break-up of General Agricultural Land other than for the purposes as identified in WAPC Policy DC 3.4.

WAPC Policy DC 3.4 adopts a position whereby there is a general presumption against the further subdivision of agricultural land throughout the State unless for certain, specific purposes with proper detailed justification. These include;

- i) *The realignment of lot boundaries for farming purposes.*
- ii) *To reduce the area of large land parcels which are two or more times the area of typical lots used in the district for farming.*
- iii) *The protection or active conservation of areas of natural or built heritage.*
- iv) *To allow for the continued occupation of houses where they are no longer used in a farming operation (homestead lots).*

This position is supported by the Shire's Local Planning Strategy which identifies all agricultural land in the Shire (including the subject land) as a valuable resource for agricultural purposes. As such all of these planning documents seek to ensure the continued use of rural land for agricultural purposes by not supporting any action that may jeopardise future agricultural production potential including further fragmentation through subdivision development.

The proposal does not comply with the objectives of the General Agriculture zone and West Australian Planning Commission Development Control Policy 3.4. Refusal is recommended accordingly.

**Statutory Environment**

Planning and Development Act 2005  
Shire of Cunderdin Town Planning Scheme No.3

**Policy Implications**

WAPC DC Policy 3.4 – Subdivision of Rural Land  
Shire of Cunderdin Local Planning Strategy

**Public Consultation**

Not required.

**Financial Implications**

Nil

**Strategic Implications**

Nil.



**Resolution 9.6**

(a) Refusal, for the reasons stated below

1. The proposed subdivision does not comply with objectives of the General Agriculture Zone as outlined in the Shire of Cunderdin Town Planning Scheme No. 3.
2. The subdivision does not meet the objectives of WAPC DC. 3.4.
3. Approval of the subdivision would create an undesirable precedent for the further development of surrounding lots.

(b) WAPC be advised of (a) above

Moved Cr Todd Harris

Seconded Cr Clive Gibsone

Vote – **Simple majority**

Carried 5/3



Our Ref : 140511  
 Previous Ref : 128997  
 Your Ref :  
 Enquiries : Rosa Rigali (Ph 9264 7612)

18806

31 August 2009

Chief Executive Officer  
 Shire Of Cunderdin  
 P O Box 100  
 CUNDERDIN WA 6407

**Application No : 140511 - Lot 125 Great Eastern Highway, Cunderdin**

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by the 12th October 2009 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies.

If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made. No response to this request may be taken as an indication that there is no comment to offer.

This proposal has also been referred to the following organisations for their comments: *Western Power, Water Corporation, Department Of Industry And Resources, Dept Of Environment & Conservation and LG As Above.*

Please quote the above reference on all correspondence relating to this application.

Yours faithfully

Tony Evans  
 Secretary  
 Western Australian Planning Commission

**APPLICATION DETAILS**

<b>Application Type</b>	Subdivision	<b>Application No</b>	140511
<b>Applicant(s)</b>	J B A Surveys		
<b>Owner(s)</b>	Perry John Jasper , Karren Maree Jasper		
<b>Locality</b>	Lot 125 Great Eastern Highway, Cunderdin		
<b>Lot No(s).</b>	125	<b>Purpose</b>	Rural
<b>Location</b>		<b>Local Gov. Zoning</b>	General Agriculture
<b>Volume/Folio No.</b>	2612/879	<b>Local Government</b>	As Above
<b>Plan/Diagram No.</b>	P049048/125	<b>Tax Sheet</b>	Youndegin 17.18
<b>Centroid Coordinates</b>	526004mE 6497567mN		
<b>Other Factors</b>			

Albert Facey House, 469 Wellington Street (cnr Forrest Place), Perth, Western Australia 6000  
 Tel: (08) 9264 7777; Fax: (08) 9264 7566; TTY: (08) 9264 7535; Infoline: 1800 626 477  
 e-mail: corporate@wacp.wa.gov.au; web address: http://www.planning.wa.gov.au  
 ABN 35 482 341 493



# Form 1A Application for Approval of Freehold or Survey Strata Subdivision



### Important information for applicants

- 1 Please read all of this form carefully and consult the application guide and schedule of fees for further information. The application may not be accepted and will be returned to the applicant with the submitted fee if these requirements are incorrect or incomplete.
- 2 The WAPC is responsible for determining applications for freehold and survey strata subdivision under the *Planning and Development Act 2005* and *Strata Titles Act 1985*. The information required for an application is authorised by regulation 4 of the *Planning and Development Regulations 2009*. There are penalties for providing false information.
- 3 Applications for a freehold and survey strata subdivision require a fully completed form 1A with any additional information attached, the correct application fee and multiple copies of a subdivision plan and any supporting documentation (see part 7 of form 1A).
- 4 Subdivision plans must be based on an accurate and up-to-date feature survey (survey of existing physical features and improvements such as driveways, buildings as required by part 7). The additional information requirements, under part 7 item 17, are not required for amalgamation approval.
- 5 The applicant must sign part 1. All landowners or an agent with written authority must sign part 3. Agents must provide written authority from the landowner.
- 6 The application fee must accord with the current schedule of fees.
- 7 Applicants must check that there are no restrictive covenants applying to the land or if there are, attend to the resulting liabilities and obligations. The WAPC is only bound by the terms of restrictive covenants created under statute in favour of a public authority.
- 8 Applicants must state the application type, freehold or survey strata subdivision, on part 5 of form 1A. A separate application is required for each application type, freehold or survey strata subdivision. Application fees for canceled applications will not be refunded if the application has been referred to external agencies.

### 1 Applicant

The applicant is the person with whom the WAPC will correspond and, if the application is approved, the person to whom the approval will be sent.

Name / company	JBA Surveys		
Contact person	Noel Wells		
Postal address	PO Box 1032		
Town / suburb	Bentley DC WA	Phone number/s	9450 7188
Postcode	6983	Fax	9450 7199
		Email (optional)	noel@jbasurveys.com.au
The form 1A has been completed in full and all relevant information is attached			
Applicant signature			
Print name and position <small>(if signing on behalf of a company or agency)</small>	Noel Wells - Licensed Surveyor		Date
			10.8.2009

### 2 Landowners

All the registered proprietors (landowners) as shown on the certificate/s of title for the subject lot/s must be provided. A change of name must be supported by relevant documentation such as a transfer of land document that incorporates a lodgement receipt, a company search from the Australian Securities and Investment Commission, a marriage certificate or a change of name certificate. **If there are more than two landowners please provide the additional information on a separate page.**

Full name	Perry John Jasper		DEPARTMENT of PLANNING  26 AUG 2009
Company / agency <small>(if applicable)</small>			
ACN/ABN <small>(if applicable)</small>	64 143 927 446		
Postal address	PO Box 108		
Town / suburb	Cunderdin	Postcode	6407
Full name	Karren maree Jasper		DEPARTMENT OF PLANNING DATE                      FILE 26 AUG 2009              140511
Company / agency <small>(if applicable)</small>			
ACN/ABN <small>(if applicable)</small>	64 143 927 446		
Postal address	PO Box 108		
Town / suburb	Cunderdin	Postcode	6407

Version 6.0 (June 2009)

**3 Consent to apply**

Registered proprietor/s (landowner/s) or the authorised agent's details must be provided in this section. If there are more than two landowners please provide all relevant information on a separate page. Signature/s must be provided by all registered proprietors or by an authorised agent. Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided.

Full name Perry John Jasper

Company / agency (if applicable) \_\_\_\_\_

ACN/ABN (if applicable) 6414 392 7446

Postal address 24 Cobbin Street Po Box 108

Town / suburb Cunderdin Postcode 6407

The landowner/s or authorised agent consents to the applicant submitting this application

Signature  [Signature] Date 15 AUG 09

Print name and position (if signing on behalf of a company or agency) PERRY JASPER

Full name Karren Maree Jasper

Company / agency (if applicable) \_\_\_\_\_

ACN/ABN (if applicable) 6414 392 7446

Postal address 24 Cobbin Street Po Box 108

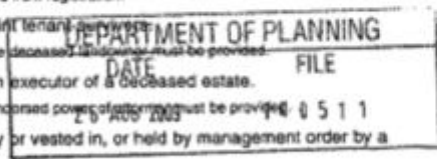
Town / suburb Cunderdin Postcode 6407

The landowner/s or authorised agent consents to the applicant submitting this application

Signature  [Signature] Date 15-08-09

Print name and position (if signing on behalf of a company or agency) Karren Maree Jasper

- Please tick 'yes' or 'no' for each statement.
- All registered proprietors (landowners) listed on the certificate/s of title have signed the application or an attached letter of consent.  yes  no
  - Consent to apply is given on behalf of landowners.  yes  no  
 If you indicate 'yes', a letter of consent that is signed by the registered proprietor/s as shown on the certificate/s of title and/or an endorsed power of attorney or other evidence must be provided.  
 If the subject land is owned by a company, you must confirm whether it is a sole proprietorship company and state the full name/s and position/s of the company signatory/ies, company name and ACN/ABN on the form 1A. Appropriate company signatory/ies include one director and the company seal, two directors or one director and one secretary.  
 If the subject land is owned by a strata company, part 3 or a letter of consent can be signed by the company secretary or by an elected person of the company providing proof of authority either by letter of delegated authority, signed by all strata owners or minutes showing delegated authority.
  - The application is by or on behalf of a prospective purchaser/s under contract of sale or offer and acceptance.  yes  no  
 If you indicate 'yes', evidence of landowner's consent must be provided. Relevant evidence may include an express provision of consent by the vendor on the contract of sale or offer and acceptance, a letter of consent from the registered proprietor/s giving prospective purchaser/s consent to lodge the application or copy of the transfer of land document that incorporates a lodgement receipt. Lodgements does not guarantee registration of the document and prospective purchaser/s must notify the WAPC in writing if the document is withdrawn or rejected from registration.
  - Consent to apply is given by or on behalf of joint tenants.  yes  no  
 If you indicate 'yes', a copy of the death certificate of the deceased landowner must be provided.
  - Consent to apply is given by or on behalf of an executor of a deceased estate.  yes  no  
 If you indicate 'yes', a copy of the grant of probate or endorsed power of attorney must be provided.
  - This application includes land that is owned by or vested in, or held by management order by a government agency or local government.  yes  no  
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer of the relevant agency or authority, stating the name and position of the signatory/ies.
  - This application includes Crown land.  yes  no  
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer, State Land Services, Department of Regional Development and Lands, stating the name and position of the signatory/ies.



**4 Certificate/s of title**

Current copies of a record of certificate/s of title for all subject lot/s must be attached to the form. If there are more than two certificates of title please provide the additional information on a separate page. Duplicate certificate/s of title can not be accepted.

Certificate of title Volume 2612 Folio 879 Diagram/plan/deposit plan no DP49043

Lot number and location of subject lot Lot no (whole/part) 125 Location \_\_\_\_\_

Reserve no (if applicable) \_\_\_\_\_

Street number and name Great Eastern Highway

Town / suburb Cunderdin Postcode Fiegert Road

Nearest road intersection \_\_\_\_\_

Certificate of title Volume \_\_\_\_\_ Folio \_\_\_\_\_ Diagram/plan/deposit plan no \_\_\_\_\_

Lot number and location of subject lot Lot no (whole/part) \_\_\_\_\_ Location \_\_\_\_\_

Reserve no (if applicable) \_\_\_\_\_

Street number and name \_\_\_\_\_

Town / suburb \_\_\_\_\_ Postcode \_\_\_\_\_

Nearest road intersection \_\_\_\_\_

Current copies of all certificates of title are attached.  yes

Total number of current lot/s subject of this application 1

**5 Summary of the proposal**

Please print clearly and tick the appropriate boxes.

1 Application type  subdivision or  amalgamation

2 Tenure of proposed lot/s  freehold (go to 4) or  survey strata (go to 3)

3 Is common property proposed?  yes  no

4 Does the subject lot/s contain existing dwellings (ie buildings for residential purposes), outbuildings and/or structures?  yes (go to 5)  no (go to 6)

5 Please provide details of dwellings, outbuildings and/or structures

dwellings number of dwellings \_\_\_\_\_

all to be retained  all to be removed  partially retained/removed (please specify) \_\_\_\_\_

and/or  outbuilding/s and/or structures number of outbuildings and/or structures \_\_\_\_\_

all to be retained  all to be removed  partially retained/removed (please specify) \_\_\_\_\_

and/or  others (please specify) \_\_\_\_\_

6 Number of proposed lot/s 3

7 Current land use Rural

8 Proposed land use / development Rural  
(please state the purpose of the subdivision and specify the proposed use of each of the proposed lots)

9 Local government where the subject land is located City/Town/Shire of Shire of Cunderdin

DEPARTMENT OF PLANNING	
DATE	FILE
26 AUG 2009	140511

**6 Application fee**

The application fees are listed in the schedule of fees which is reviewed annually. Please ensure the fees submitted accord with the current fee schedule. Cheques should be made out to the Western Australian Planning Commission.

The correct application fee determined in accordance with the current schedule of fees is attached.  yes \$ \_\_\_\_\_

Version: 6.0 June 2009

## 7 Required information about the proposal

An application may not be accepted and will be returned to the applicant with the submitted fee if the requirements are incorrect or incomplete.

### General information required for all applications

- 1 Subdivision plans are based on an accurate and up-to-date feature survey that includes existing ground levels relative to AHD or topography of the subject lot/s. A feature survey is not required for amalgamation approval.  yes
- 2 Relevant copies of the subdivision plans and supporting documentation or accompanying information are attached as indicated on the following table:  yes
 

Final no of lots proposed	Copies of subdivision plan and supporting documentation or accompanying information
40 or less	8 copies
More than 40	12 copies
- 3 At least four copies of the subdivision plan are A3 or smaller.  yes
- 4 All subdivision plans are capable of being reproduced in black and white format.  yes
- 5 The subdivision plan is drawn to a standard scale (ie 1:100, 1:200, 1:500, 1:1000).  yes
- 6 All dimensions on the subdivision plan are in metric standard.  yes
- 7 The north point is shown clearly on the subdivision plan.  yes
- 8 The subdivision plan shows all lots or the whole strata plan (whichever is applicable).  yes
- 9 The subdivision plan shows all existing and proposed lot boundaries.  yes
- 10 The subdivision plan shows all existing and proposed lot dimensions (including lot areas).  yes
- 11 The subdivision plan shows the lot numbers and boundaries of all adjoining lots.  yes
- 12 For battleaxe lots, the subdivision plan shows the width and length of the access leg, the area of the access leg and the total area of the lot.  yes  n/a (battleaxe lot is not proposed)
- 13 The subdivision plan shows the name/s of existing road/s.  yes
- 14 The subdivision plan shows the width of proposed road/s.  yes  n/a (no road proposed)
- 15 The subdivision plan shows all buildings and/or improvements which are to be retained (including setbacks) or removed.  yes  n/a (the land is vacant)
- 16 The subdivision plan shows all physical features such as watercourses, wetlands, significant vegetation, flood plains and dams.  yes  n/a (the land does not contain such features)
- 17 **Additional information required in the case of applications for residential infill subdivision within existing residential zoned areas**  
 Applications which propose to create two or more residential lots in existing residential areas must show all existing features (in addition to item 16 above) located in the road reserve/s adjoining the subject land and all existing improvements on the subject land including:
 

• driveways	• fencing	• retaining walls
• kerb lines	• street trees	• telecommunication pillars
• manholes	• water supply	• electricity transmission lines and poles
• bus stops	• swimming pools	• sewer, water and electricity connections to be retained
• gully pits	• pedestrian paths	

### Access to / from right-of-way or private road

Access is to be provided from an existing right of way or private road.  yes  no

If you indicate 'yes', you must provide a copy of the plan or diagram of survey on which the subject right-of-way was created to confirm its exact width and whether a right of access exists. Right of access may be an easement under section 167A of the *Transfer of Land Act 1893*, an implied easement for access or other arrangement.

### Contaminated sites

The Department of Environment and Conservation (DEC) contaminated sites register information on contaminated sites within WA and is available at [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites). You must undertake a search of the register to determine the contaminated status of the land within the application area.

- 1 Is there an existing site classification in the DEC contaminated sites register for any site or sites within the application area?  yes  no
- 2 Does the application area contain any site or sites that have been reported or are required to be reported under the *Contaminated Sites Act 2003*?  yes  no

If you indicated 'yes' to either of the questions you must provide a copy of a basic summary of records (BSR) for each contaminated site unless the classification of the site is 'not contaminated' or 'decontaminated'. If no BSR is available, a copy of a letter from DEC notifying the applicant that the site or sites are under assessment must be provided.

### Information requirements for Liveable Neighbourhoods

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites will be assessed against the requirements of Liveable Neighbourhoods.

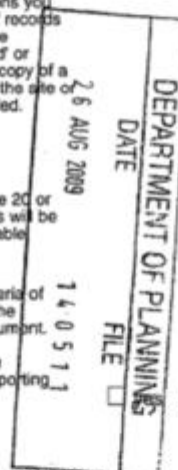
Such applications should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods, as identified in the application guidelines within the policy document.

Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?  yes  no

### Acid sulfate soils

Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of disturbing acid sulfate soils at this location?  yes  no

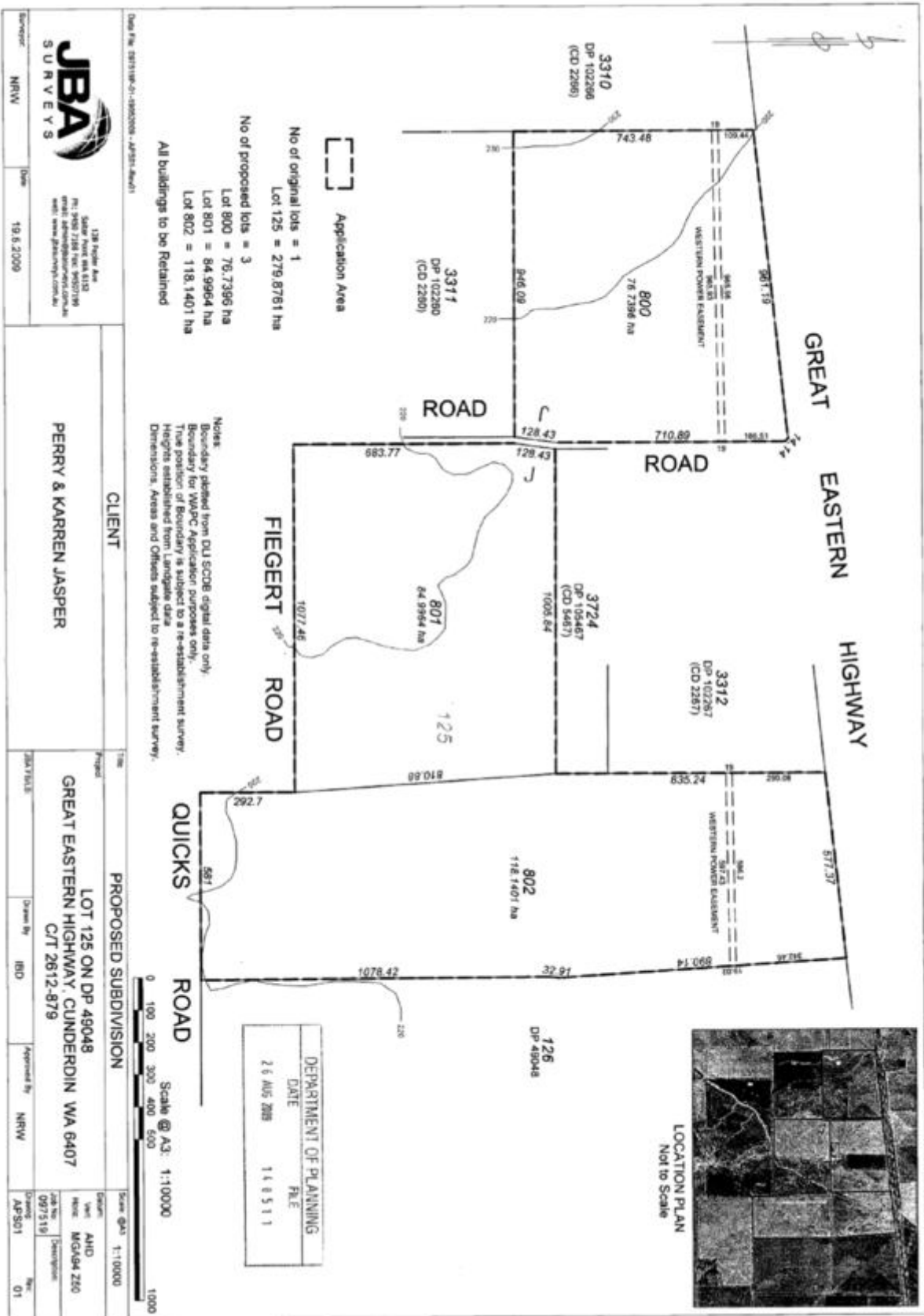
\* More information is available from the Planning WA website at <http://www.planning.wa.gov.au/Plans-and-policies/Publications/Planning-bulletin/default.aspx>



The WAPC has published a guide to applications and fees to assist applicants preparing to submit applications. The guide and other information about the planning system is available from the Planning WA website.  
**www.planning.wa.gov.au**

### Submission of application to WAPC through Department of Planning offices

Perth (All posted applications):	Perth (Lodgements in person):	Albany	Mandurah	Bunbury	Geraldton
PO Box J747 Perth WA 6001	469 Wellington Street Perth WA 6000 telephone: 9264 7777 facsimile: 9264 7566 TTY: 9264 7535	178 Stirling Terrace PO Box 1108 Albany WA 6332 telephone: 9892 7333 facsimile: 9841 8304	Shop 2B 11-13 Pinjarra Road Mandurah WA 6210 telephone: 9586 4600 facsimile: 9581 5491	6th Floor Bunbury Tower 61 Victoria Street Bunbury WA 6230 telephone: 9791 0577 facsimile: 9791 0576	65 Chapman Road PO Box 68 Geraldton WA 6531 telephone: 9956 0122 facsimile: 9956 0132



Draw File: 0817188-01-1802008-A49048.dwg

**JBA SURVEYS**

178 Taylor Ave.  
 State House Bldg 6133  
 P.O. Box 7188 The Esplanade  
 Perth Western Australia 6000  
 www.jbasurveys.com.au

NRW 19.6.2009

**CLIENT**  
 PERRY & KAREN JASPER

**PROPOSED SUBDIVISION**  
 LOT 125 ON DP 49048  
 GREAT EASTERN HIGHWAY, CUNDERDIN WA 6407  
 C/T 2612-879

Scale @A3 1:10000

Author: AHJ  
 Date: 26 AUG 2009  
 Job No: 097519  
 Description: C/T 2612-879  
 No: 01

## 9.7 Proposed Transport Depot at Lot 9 Johnston Street, Meckering.

Location:	Lot 9 Johnston Street, Meckering
Applicant:	J & J Kesner
Date:	15 <sup>th</sup> October 2009
Author:	City of Canning as Consultant to Shire of Cunderdin
Item Approved by:	Chief Executive Officer

### **Proposal**

To consider the proposed change of use from 'General Agriculture' to 'Transport Depot' at Lot 9 Johnston Street Meckering.

### **Background**

Zoning: General Agriculture  
Lot Area: 4047m<sup>2</sup>

The following report has been prepared in response to the application for the operation of Transport Depot lodged with the Shire of Cunderdin. The site is currently occupied by a single dwelling and outbuilding (shed).

The applicant proposed to relocate their business (Meckering Transport) to the site. The use of the site will include; parking of up to 4 semi trailers and occasional maintenance of vehicles when required. Vehicles may be in operation on site between the hours of 6.00am and 7.00pm.

The following is an assessment of the application in the context of the current statutory planning framework. A final recommendation regarding the general suitability of the proposed development is provided to assist in the decision making process.

### **Comments**

#### *Land Use*

The subject site is zoned General Agriculture under the Shire of Cunderdin Town Planning Scheme No. 3 (the Scheme).

Clause 5.10.4 of the Scheme states;

- All proposals for development in the General Agriculture zone must have regard to both on site and off site impacts and, where deemed necessary by the local government, such proposals shall be accompanied by information identifying;
  - Environmental values and environmental risks,
  - The potential for land use conflict,
  - The potential impacts and restrictions on approved uses on adjacent or nearby locations; and
  - The separation distances and/or buffers relating a potentially incompatible land use which needs to be provided on-site.

The use of 'Transport Depot' is discretionary in a 'General Agriculture' zone subject to the specific requirements of Clause 5.16 of the Scheme.

Clause 5.16 of the Scheme states;



- Any open storage area, drying area or any other space used in connection with a commercial or industrial use which, by virtue of its location and use is likely to detract from the visual amenity of the surrounding area, shall be screened from public view by a closed wall or fence no less than 1.8m in height, or screen landscaping approved by the local government.

### **Public Consultation**

Adjoining land owners were invited to comment on the proposal. Results of the consultation are detailed below.

<b>Submission No.</b>	<b>Details</b>	<b>Comment</b>
1. Lot 10 Johnston Street, Meckering	No objection	The proposed land use is not likely to result in land use conflict
2. Lot 8 Johnston Street, Meckering	No objection	As above
3. Lot 100 Clifton Street, Meckering	No submission received	As above

The proposed use is not incompatible with the zone and is not likely to result in land use conflict.

### **Statutory Environment**

Planning and Development Act 2005  
Shire of Cunderdin Town Planning Scheme No. 3

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Cunderdin Local Planning Strategy (LPS) – The proposed development maintains the aims and objectives of the Local Planning Strategy.

**Resolution 9.7**

That Council approve the application for Change of Use from 'General Agriculture' to 'Transport Depot' at Lot 9 Johnston Street, Meckering subject to the following condition:

1. Any open storage area used in conjunction with the transport depot to be screened from the street in accordance with Clause 5.16 of the Scheme.
2. No more than 4 semi-trailers are to be kept on site at any one time unless further approval is obtained from the Shire of Cunderdin.

Advice Notes:

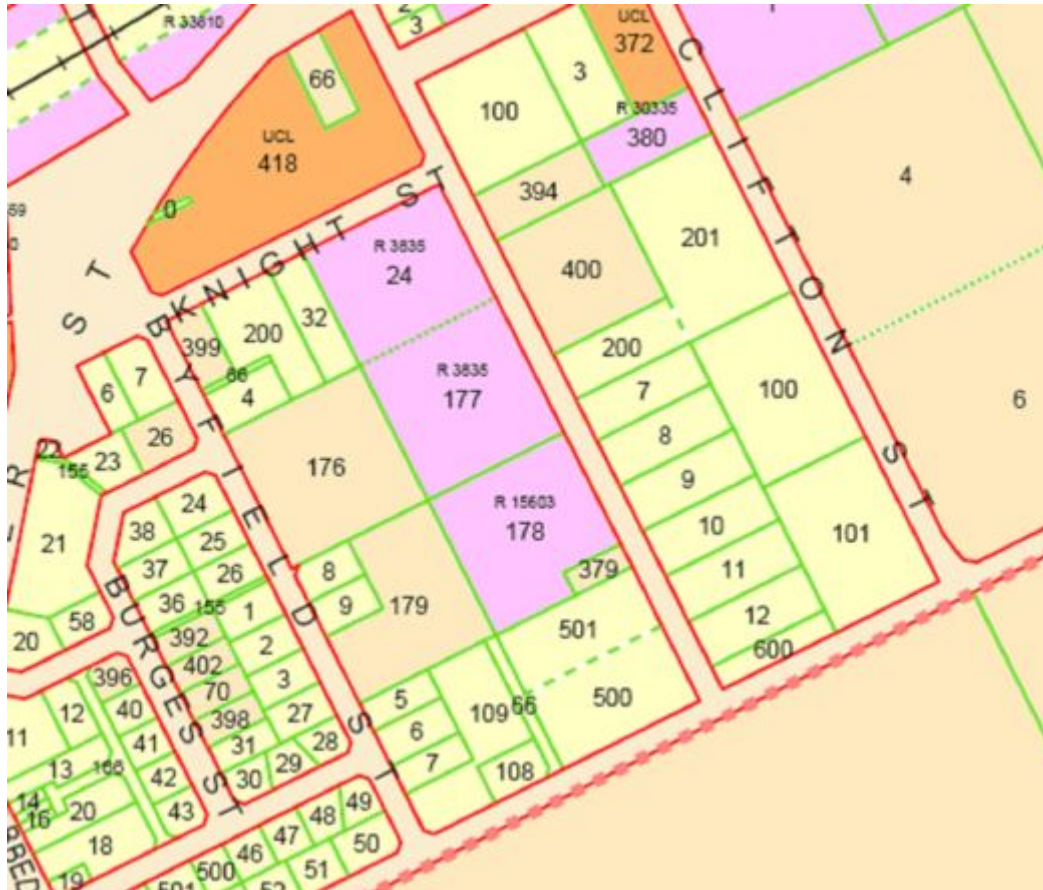
- a) The applicant is advised that the proposed use of the site is to comply with relevant noise regulations.

Moved Cr Doug Kelly

Seconded Cr Dianne Kelly

Vote – **Simple majority**

Carried 8/0



## 9.8 Proposed Bush Fire Act Amendments

Location:	N/A
Applicant:	N/A
Date:	15 October 2009
Author:	Community Development Officer -S McQuistan
Item Approved by:	Chief Executive Officer

### Proposal

To inform Council of the proposed amendments to the *Bush Fires Act 1954*.

### Comment

Under current legislation there is no provision in Western Australia enabling the declaration of a Total Fire Ban. A proposed new section of the *Bush Fires Act 1954* will give permission for the Minister to call a Total Fire Ban period for specific areas and for a specific period of time across the state.

The declaration of a Total Fire Ban will mean that no fire can be lit in the open air, or no activity likely to set fire to the bush may be undertaken. The decision to declare a Total Fire Ban is based on the weather conditions either existing or imminent. It can also be declared for other reasons such as fire fighting resources being committed to ongoing incidents.

Under the proposed amendments, a person commits an offence if they –

- cook in the open air in an application that consumes solid fuel,
- light or use a fire in the open air,
- if they carry out a process or operation in the open air that is likely to cause a fire,
- if they undertake an activity prescribed in regulations.

Penalty - \$25,000 or imprisonment for 12 months or both

Activities NOT prohibited during a Total Fire Ban are –

- the use of a gas appliance comprising of a flame encapsulated by the appliance at a persons home of in a signed area set aside by Local Government (s.25(1aa)) of the *Bush Fires Act 1954*
- Circumstances prescribed in the regulations
- Is an exemption is obtained and approved by the Minister
- The powers and functions that are provided to local government and Bush Fire Liaison officer under Part IV of the Bush Fires Act – Control and extinguishment of bush fire

The proposal to introduce Total Fire Bans is designed to be an additional means of enforcing and publishing fire restrictions over and above our current Harvesting/Vehicle Movement bans. The Shire will continue to impose localised bans, while Total Fire Bans will be generally declared in situations of widespread fire danger and/or local fire situations.

It should also be noted that the Minister can provide an exemption during Total Fire Bans if the person has taken adequate precautions for the prevention or spread, control and extinguishment of any fire or activity likely to cause a fire. The exemptions can be wholly or partially with conditions as considered necessary and have effect for the period specified in the exemption and can be revoked or varied.

As a result of the Royal Commission into the bush fires in Victoria earlier this year, FESA have also supported a national position that amends the Fire Danger rating system to include two new ratings (in bold below)

Low / Moderate / High / Very High / **Severe** / Extreme / **Catastrophic**

**Statutory Implications**

There are no statutory implications in considering this item.

**Policy Implications**

There are no policy implications in considering this item.

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

There are no strategic implications in considering this item.

**Resolution 9.8**

That Report 9.8 be noted.

Moved : Cr Todd Harris

Seconded: Cr Doug Kelly

Vote – Simple majority

Carried: 8/0

## 9.9 Abandon Vehicles – Great Eastern Hwy.

Location:	
Applicant:	Main Roads WA
Date:	15 <sup>th</sup> October 2009
Author:	
Item Approved by:	Chief Executive Officer

### **Proposal**

To consider a request from Main Roads for the temporary storage of abandoned vehicles off Great Eastern Hwy.

### **Attachments**

Letter dated 21<sup>st</sup> August 2009 – Main Roads Western Australia

### **Background**

A request from Main Roads for the temporary storage of abandoned vehicles off Great Eastern Hwy at Council's depot has been received for Council's consideration.

Main Roads would propose that:

*On report of a vehicle being abandoned, Main Roads will establish the level of danger that the vehicle poses and ensure that Police do not have a specific interest in the vehicle. This would be done through the Regional Police Traffic Coordinator. The speed of this action will be dependent on the level of danger posed to the travelling public.*

*Main Roads through its Term Network Contractor will arrange for collection and removal of the vehicle to the nearest applicable site after recording the status and condition of the vehicle.*

*The abandoned vehicle would be stored at a strategic location within your Shire and be disposed of in accordance with the legal requirements. Council would then recover any storage costs prior to retaining any residual funds from the disposal of the vehicle.*

### **Comments**

It is recommended that a 6 month trial be commenced subject to the following terms and conditions

- Council will only accept abandoned vehicles on that section of Great Eastern Hwy that fall within the Shire of Cunderdin's boundaries.
- Main Roads be responsible for the delivery and removal of all vehicles to the depot at a mutually convenient time.
- Vehicles will only be accepted from Monday to Friday, during normal working hours 7:00 am – 4:00 pm
- No vehicle shall be stored for a period exceeding 4 weeks.
- That should a vehicle not be claimed within 4 weeks, Main Roads will make all necessary arrangements for its removal within 2 weeks at its (MRDWA) expense.
- Council accepts no responsibility whatsoever for the safe storage of the vehicles.
- All vehicles will be stored at the Shire depot, with no cover from the elements.
- Council will not accept any responsibility for establishing proof of ownership upon collection of an abandoned vehicle.
- Main Roads will indemnify council from any damages or other actions that may occur or result from the vehicles being stored on Council premises.
- That Council charge a storage fee of \$\_\_\_\_\_

**Statutory Environment**

Nil.

**Policy Implications**

There are no policy implications in considering this item.

**Financial Implications**

Nil

**Strategic Implications**

Improve the visual amenity of the road verge within Great Eastern Hwy

**Resolution 9.9**

That Council RESOLVE to enter into a 6 month trial with Main Roads subject to the following terms and conditions

- (1) Council will only accept abandoned vehicles on that section of Great Eastern Hwy that fall within the Shire of Cunderdin's boundaries.
- (2) Main Roads be responsible for the delivery and removal of all vehicles to the depot at a mutually convenient time.
- (3) Vehicles will only be accepted from Monday to Friday, during normal working hours 7:00 am – 4:00 pm
- (4) No vehicle shall be stored for a period exceeding 4 weeks.
- (5) That should a vehicle not be claimed within 4 weeks, Main Roads will make all necessary arrangements for its removal within 2 weeks at its (MRDWA) expense.
- (6) Council accepts no responsibility whatsoever for the safe storage of the vehicles.
- (7) All vehicles will be stored at the Shire depot, with no cover from the elements.
- (8) Council will not accept any responsibility for establishing proof of ownership upon collection of an abandoned vehicle.
- (9) Main Roads will indemnify council from any damages or other actions that may occur or result from the vehicles being stored on Council premises.
- (10) That CEO negotiate a storage fee (\$) with MRD for council's approval.

Moved Cr Todd Harris

Seconded Cr Dennis Whisson

Vote – **Simple majority**

Carried 8/0



Government of  
Western  
Australia



ABN: 50 860 676 021

Enquiries: Gren Putland on (08) 9622 4777  
Our Ref: 09/2076  
Your Ref:

21 August 2009

Chief Executive Officer  
Shire of Cunderdin  
PO Box 100  
CUNDERDIN WA 6407



Dear Sir

### ABANDONED VEHICLES

Main Roads Wheatbelt North has concerns regarding vehicles that are occasionally abandoned on Main Roads and Highways.

These vehicles present various hazards and issues as follows:

- Vehicles parked on the road shoulder are in close proximity to through traffic movements
- Removal of vehicle parts from the roadside location by third parties
- Fire risk due to the frequency of these vehicles being set alight
- Environmental impacts through parts, oils etc. degrading the roadside environment
- The degraded visual amenity of the road verge within that particular Shire.

Main Roads Wheatbelt North also has a concern that any temporarily abandoned vehicle will be degraded after a short period of time. It is Main Roads view that in order to preserve any abandoned vehicle on behalf of an owner (especially temporarily abandoned) these vehicles should be recovered at the earliest opportunity. Whilst Main Roads accepts responsibility for the collection and removal to storage of these vehicles it does not have the practical ability to store or dispose of these vehicles. Local government has the statutory powers to store, recover costs and dispose of abandoned vehicles.

Main Roads therefore seeks your interest to assist us in a cooperative manner in response to this problematic issue.

Main Roads would propose that:

1. On report of a vehicle being abandoned, Main Roads will establish the level of danger that the vehicle poses and ensure that Police do not have a specific interest in the vehicle. This would be done through the Regional Police Traffic Coordinator. The speed of this action will be dependent on the level of danger posed to the travelling public.
2. Main Roads through its Term Network Contractor will arrange for collection and removal of the vehicle to the nearest applicable site after recording the status and condition of the vehicle.
3. The abandoned vehicle would be stored at a strategic location within your Shire and be disposed of in accordance with the legal requirements. Council would then recover any storage costs prior to retaining any residual funds from the disposal of the vehicle.



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Wheatbelt North Region, Peel Terrace, Northam or PO Box 333, Northam Western Australia 6401  
Telephone: (08) 9622 4777 Facsimile: (08) 9622 3767  
Email: wbnthreg@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au



Council's consideration and response are requested on this issue.

The intent of the proposal is to both maintain a safe and appropriate road environment but also to preserve any asset on behalf of abandoned vehicle owners.

If you require any further information please contact me on 9622 4777.

Yours faithfully

A handwritten signature in black ink, appearing to be 'M Hayward', with a long horizontal flourish extending to the right.

M Hayward  
A / REGIONAL MANAGER

### 9.10 Review of Local Laws (Late report)

Location:	Cunderdin
Applicant:	Administration
Date:	October 2009
Author	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Disclosure of Interest:**

No disclosure of interest has been tabled.

#### **Attachments:**

None.

#### **Proposal:**

To undertake a statutory review of Shire of Cunderdin local laws in accordance with section 3.16 of the Local Government Act 1995.

#### **Background:**

Section 3.16 of the *Local Government Act 1995* requires that a periodic review of all local laws is undertaken within a period of 8 years from the date the local law commenced or was last reviewed. Section 3.16 states:

#### **3.16. Periodic review of local laws**

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
  - (a) *the local government proposes to review the local law;*
  - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
  - (c) *submissions about the 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.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*

*\* Absolute majority required.*

The Shire has the following local laws:

<b>Local Law</b>	<b>Gazettal/Amendment Date</b>
Cemeteries – Control and Management of Cunderdin and Meckering	6 <sup>th</sup> February 1969
Pest Plants	6 <sup>th</sup> November 1981
Health Local Laws 1997	24 <sup>th</sup> November 1998
Thoroughfares: Activities on and Trading in Public Places	26 <sup>th</sup> March 2002
Standing Orders	26 <sup>th</sup> March 2002
Local Government Property	26 <sup>th</sup> March 2002
Dogs Local Law 2008	8 <sup>th</sup> August 2008

SEAVROC, on behalf of the five participating member Councils, has commissioned Mr Darren Long, from DL Consulting, to conduct the review of local laws of each of the individual member Councils. The aim of the joint review exercise is to attain as much alignment as possible in the local laws amongst the member Councils.

**Comment:**

Clause (2) of section 3.16 requires that public consultation be conducted for a period of at least 6 weeks as part of the review process. The public notice of the proposed review must be advertised State-wide, following which all submissions are to be considered by the local government and a report prepared of the review process and presented to Council. Council is then required to consider the report and determine whether or not it considers that the local law should be repealed or amended.

Consultation with internal officers has been initiated. To supplement the review process, a discussion paper will be prepared and made available to members of the public highlighting the proposed amendments to each local law, arising from the internal review process.

The following process and timeline is envisaged for the review process:

<b>Stage</b>	<b>Date</b>
1. Council resolution to conduct review	October 2009
2. Preparation of Discussion Paper & Placement of Public Notice	14 November 2009
3. Closure of Public Notice and Consultation Period	31 December 2009
4. Review of submissions and preparation of report to Council	January 2010

It is envisaged that a report on the review process will come back to Council in January 2010. Draft new local laws and any amendments to existing local laws will be available for the December meeting. Should the Council determine that a Local Law requires amendment a separate process under section 3.12 of the Act will take place, which covers the making and amending of local laws.

The required eight year review of the local laws is now overdue and Council is requested to resolve that the Local Laws review process be commenced and that the review be advertised in accordance with section 3.16 (2) of the Act.

**Consultation:**

Public consultation will be undertaken as part of the review process. Councillors will be given the opportunity to make comment on the draft amendments in December.

**Policy Implications:**

There are no policy implications associated with this item at this point in time. However as a result of the review process and amendments made to local laws, amendments to specific Council policies may be required. Policy amendments, (if any), will be addressed in the review report to Council.

**Statutory Environment:**

Agriculture and Related Resources Protection Act 1976  
Cemeteries Act 1986  
Dog Act 1976  
Health Act 1911

**Strategic Implications:**

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

**Resolution 9.10**

That Council

- (a) Resolves to undertake a review of its existing local laws; and
- (b) in accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws.

Moved Cr Rod Carter

Seconded Cr Robert Fulwood

Vote – **Simple Majority**

Carried 8/0

## 9.11 HR Policies & Procedures (Late report)

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author	G Tuffin
Item Approved by:	Chief Executive Officer

### **Disclosure of Interest:**

No disclosure of interest has been tabled.

### **Attachments:**

None.

### **Proposal:**

A recent review of the Shire of Cunderdin's Human Resources (HR) polices and procedures identified a number of issues that require further attention to ensure appropriate practices are adhered to by all staff.

### **Background:**

The CEO requested the assistance of LGIS Risk Management to provide a fee proposal to assist with the process.

### Identified Needs

- The development of an onsite HR resource to provide day to day support to the team.
- The review, update and implementation of key HR practices including:
  - Managing issues and grievances
  - Managing poor performance
  - Performance appraisal
  - Induction
- The review of OSH practices including a review of the safety Bonus Scheme
- The development of a performance appraisal and support plan for the Works Manager

### **Comment:**

Proposed service to be provided by LGIS Risk Management;

<i>Category</i>	<i>Task</i>
Review Code of Conduct	Review Code of conduct and make suggested improvements as required
Review H.R Policies	Review existing policies
	Amend/create as required
Develop Issues and Grievances	Review existing guidelines
Guidelines and Process	Update/develop guidelines/processes
Develop process for Managing	Review existing guidelines
Poor Performance	Update/develop guidelines/processes
Behaviour Workshop for Outdoor Crew	Conduct workshop
	Follow up Meeting

**Policy Implications:**

There may be policy implications associated with this item, any new or amended policies will be provided for Council's endorsement.

**Statutory Environment:**

Occupational Health & Safety Act

**Financial Implications**

The costs associated with the project are covered under the Shire's "Member Experience Bonus" system, which is its share of the accumulated surplus to all member Councils of LGIS Liability, Workcare and Property self insurance schemes.

This funding is only available to be used to address risk management issues.

**Strategic Implications:**

The development of an onsite HR resource to provide day to day support will ensure appropriate practices are adhered to at all times.

**Resolution 9.11**

That Council receive report 9.11

Moved Cr Dianne Kelly

Seconded Cr Doug Kelly

Vote – **Simple Majority**

Carried 8/0

## 9.12 Proposed introduction of Development Assessment Panels (Late report)

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author	Mr Joe Douglas – Urban & Rural Perspectives
Item Approved by:	Chief Executive Officer

### **Disclosure of Interest:**

No disclosure of interest has been tabled.

### **Attachments:**

None.

### **Proposal:**

This report recommends that Council authorises the Shire administration to prepare and lodge a submission to the Department of Planning strongly objecting to the establishment of Development Assessment Panels in Western Australia for various reasons.

### **Background:**

The Department of Planning is proposing to amend the *Planning and Development Act 2005* and introduce new regulations to provide for the establishment of Development Assessment Panels (DAPs) to determine planning applications for significant development projects throughout the State. Details of the proposal are outlined in a discussion paper recently released by the Department for public comment. Comments on the proposal are required to be submitted to the Department by Monday 2 November 2009.

The Department's proposal to implement DAPs in Western Australia is being justified on the following grounds:

- It will reduce the complexity and improve the timeliness and consistency of decision making processes for planning applications by streamlining approval requirements;
- It will assist local governments by allowing them to focus on the development of strategic planning instruments rather than administering development application determinations;
- It will help to alleviate current resource pressures and skills shortages and improve decision making through the participation of independent technical experts;
- It is supported by the development industry;
- It is consistent with the Council of Australian Governments (COAG) objective to enhance the effectiveness of local government and planning throughout Australia; and
- It has proved effective in New South Wales and South Australia.

Under the terms of the model proposed to be introduced in Western Australia two (2) different types of DAPs will be established by the Minister for Planning.

For metropolitan areas '**Local Development Assessment Panels**' will be established to determine planning applications made to a single local government where that local government is deemed to be in a high-growth area with enough development to support its own local development assessment panel.

For small local governments that are not located in high-growth areas (e.g. the Shire of Cunderdin) '**Joint Local Development Assessment Panels**' will be established to determine planning applications made to two or more local governments.

The following is an overview of how '**Joint Local Development Assessment Panels**' will be established, operate and be funded:

- The Minister for Planning will establish permanent non-metropolitan joint development assessment panels based on regional groupings of local government authorities determined by the Western Australian Planning Commission (e.g. Pilbara Region, Great Southern Region, Wheatbelt Region etc.).
- Non-metropolitan joint development assessment panels will undertake the decision making role for all planning applications made under the relevant local planning scheme valued at equal to and/or over \$1 million where they represent:
  - All commercial, retail and office development;
  - All mixed use/centre development (such as commercial, retail and residential);
  - All industrial development (including, but not limited to, light, service, extractive, general, noxious and rural industry);
  - All grouped dwelling or multiple dwelling development of over 10 dwellings;
  - Non-complying grouped dwelling or multiple dwelling development of 10 or less dwellings;
  - All aged and dependent person dwelling development;
  - All infrastructure proposals;
  - All applications requiring dual approval of the local government and the WAPC under a Region Scheme;
  - Strategic land use, transport and infrastructure projects;
  - Public works of state/regional significance where not exempt from local planning approval requirements; and
  - All applications for hospitals, TAFE's, universities and non-government schools.
- Planning applications for the following types of development will be exempt from requiring approval from non-metropolitan joint development assessment panels:
  - Single houses both complying and non-complying with planning requirements;
  - Not more than 10 complying grouped dwellings or multiple dwellings;
  - Minor development proposals such as carports, shade sails, pergolas, outbuildings and sheds.
- Joint development assessment panels will comprise five (5) panel members appointed by the Minister for Planning for a term of two (2) years with the option of a one (1) year extension. One member of the panel will be a specialist who will act as the chairperson. Two other members of the panel will also be specialist members with professional backgrounds in the development industry. The last two members will be local government representatives who will rotate on and off the panel as required (i.e. councillors from the relevant local government authority in which the planning application applies).
- Nomination of the two local government representative members to a development assessment panel will be the responsibility of the relevant local government and are required to be selected from the local government's pool of councillors.
- All panel members, including elected local government representatives, will be required to attend a mandatory training workshop on planning law and Codes of Conduct. A Code of Conduct will be prepared setting out the standards of behaviour required to be observed by



development assessment panel members.

- All specialist members of a development assessment panel will be paid a sessional sitting fee by the local government which is estimated to be \$400.00 for each specialist member and \$500.00 for the chairperson. Elected local government representatives (i.e. councillors) Council members nominated to a development assessment panel will not be paid a sitting fee as their role on the panel is considered to be in keeping with their position as an elected community member.
- The local government will also be required to contribute to the payment of all cost and expenses incurred by the development assessment panel in the course of its activities (e.g. provision of venue, secretariat support, preliminary reading time by specialist panel members, site visits etc.). The planning application fees that would normally be paid to the local government upon receipt of a planning application are expected to be used to cover these costs.
- Secretariat support for joint development assessment panels must be provided by staff from the relevant local governments on a six (6) monthly rotational basis. Secretariat duties will include, but may not be limited to, preparing agendas, advertising meetings, organising meetings, taking minutes, publicising meeting outcomes and preparing annual reports.
- Planning applications will be lodged directly with the relevant local government as required under the local planning scheme. Professional staff from (or consultants to) the local government will then be required to assess the application and prepare a report and recommendation for the development assessment panel's consideration and determination. The professional staff member (or consultant) who wrote the report will then be required to attend the development assessment panel meeting to present the application and clarify their report. If the local government does not have the professional expertise to assess the planning application and prepare a report, the development assessment panel will have the authority to engage experts to undertake this work at the local government's expense.
- Meetings of the development assessment panels will be conducted in a place open to the public such as a local government meeting room.
- Meetings of the development assessment panels will operate according to a set of Standing Orders to be developed by the Department of Planning.
- The frequency of development assessment panel meetings will be determined by the individual development assessment panel. Meeting frequency will be based on the number of applications submitted for consideration and the statutory timeline within which a determination is required. It is anticipated that development assessment panels will meet monthly as a minimum and fortnightly in high growth areas.
- Each development assessment panel will be required to determine planning applications in accordance with the provisions and requirements of the relevant region scheme and/or local planning scheme and take into account any local or State planning policy normally required to be considered when determining planning applications.
- Those persons who made submissions during the advertising period for a particular application will be permitted to make a presentation to the panel.
- Lobbying of panel members will not be permitted outside of the usual consultation and submission process for planning applications.

- A record of meetings and voting outcomes will be kept and made available to the public via the relevant local government and WAPC websites.
- In the event that a decision by a development assessment panel under a local planning scheme is challenged by the applicant by way of an appeal to the State Administrative Tribunal, the local government will be required to be the respondent to that appeal (i.e. defend the panel's decision) and pay all associated costs including advice from expert witnesses and preparation of all required documentation.
- Each development assessment panel will be required to produce an annual report to the Department of Planning which will then produce a state-wide annual report on the activity and performance of all development assessment panels which will be tabled in parliament.

**Comment:**

It is important to recognise and acknowledge that the number of planning applications received and processed by the Shire of Cunderdin on a yearly basis with a value equal to and/or over \$1 million is low possibility. As such the number of planning applications required to be referred to a new joint development assessment panel proposed to be established by the Minister for Planning will most likely be limited one application per year, if that. In recent times the only development that has exceeded the \$1 million dollar threshold would be the Ettamogah hotel.

Notwithstanding this likely outcome, the Department of Planning's proposal to establish a joint development assessment panel to determine planning applications for significant development projects in the Shire is of great concern for the following key reasons:

1. It will not improve the efficiency and timeliness in the processing of planning applications and may in fact cause unnecessary delays given that each local government will still be required to assess and prepare a detailed report on these planning applications and Council's desire to still consider the details of these applications prior to their referral to the development assessment panel for final determination.
2. The need to refer all planning applications worth equal to or more than \$1 million to the panel for determination will add another layer to an already complex planning system in WA and will serve to cause significant and unnecessary delays to important development projects. At the moment the Shire of Cunderdin is able to assess and determine all planning applications it receives within 3 to 4 weeks of receipt. The requirement to now refer applications worth equal to or more than \$1 million to a development assessment panel for a final determination will simply add more time and effort to the planning process. It would not be unreasonable to assume that the timeframes for processing and final determination of these planning applications could be extended from 3 to 4 weeks currently to 6 to 8 weeks under the proposed new system.
3. It will not allow local governments to focus their resources on the development of strategic planning instruments given the processes required to be followed when referring planning applications to the joint development assessment panel for final determination. The local government will still be required to assess these applications, prepare a report, refer that report to the development assessment panel and attend a meeting of the panel to present the application and clarify the report as well as attend to various administrative and secretariat tasks.
4. It will undermine the decision making powers of local government and demonstrates the State government's complete lack of faith in local governments' ability to deal with significant planning and development proposals. It also fails to recognise that the Shire of Cunderdin has taken the initiative of contracting out its planning services, to ensure a professional

assessment (qualified & experienced Planner) and report is prepared for Council's consideration on the more complex planning applications received. This arrangement has been in place for a number of years and it has served the Shire well in terms of ensuring the timely processing and determination of planning applications. The Department's suggestion that the Shire does not have the technical expertise to deal with complex planning applications and that referral of these applications to external consultant for advice is causing significant time delays is simply not true. The current arrangement has proven itself to work effectively and has been adopted by many other local governments in the subregion.

5. Under the terms of the proposed model the Minister for Planning will be responsible for appointing the specialist members of the development assessment panel. This is of concern from the point of view that such decisions could be politically influenced.
6. There is no certainty that the DAP would be able to meet regularly to determine planning applications received which means that there could be significant delays in the final determination of planning applications. The specialist members appointed to the panel would most likely be based in Perth or other major regional centres and their ability to attend regular meetings in country areas could be compromised by their availability and need to travel long distances.
7. Under the current system local community members have the ability to lobby councillors and attend Council meetings to express their concerns with any planning application being considered. The current process is open and transparent. Under the new model lobbying of panel members is not permitted outside of the usual consultation and submission process for planning applications and only those persons who made submissions during the advertising period for a particular application will be permitted to make a presentation to the panel. This proposal fails to recognise that not all planning applications are required to be advertised for public comment. As such there will be many instances where local community members will not have any opportunity to attend DAP meetings and make a presentation to the panel to put their case in support of or against a specific development proposal. This is of significant concern and may result in decisions being made which are contrary to the local community's interests and aspirations and/or the legal principles of natural justice and procedural fairness.
8. Under the proposed model local government authorities in regional areas will be expected to provide secretariat support to their relevant DAP on a six (6) monthly rotational basis. Secretariat duties will include, but not be limited to, preparing agendas, advertising meetings, organising meetings, taking minutes, publicising meeting outcomes and preparation of annual reports. Local governments will also be required to contribute towards the payment of all costs and expenses incurred by the DAP (including its specialist members) in the course of its activities. This will all no doubt come at considerable additional cost to local government and is difficult to quantify and therefore accurately allow for in annual budgets.
9. The model also proposes that the planning application fees collected by local government be used to cover the cost of running the DAPs. The key issue with this is that the current schedule of fees prescribed under the Planning and Development Regulations of 2009 are not sufficient to cover the current costs of processing and determining planning applications. The model's expectation that planning application fees collected must now be used to cover the cost of the DAPs reduces the amount of money available to help cover the local government's own costs. There has been no suggestion in the discussion paper that planning fees prescribed under the Planning and Development Regulations will be increased to cover these additional costs. As such the DAP model will result in local governments having to bear the additional cost burden.
10. Under the terms of the new DAP model if a decision on a planning application by the relevant DAP is challenged at the State Administrative Tribunal by way of an appeal, the local

government will be required to be the respondent (i.e. defend the panel's decision). The members of the DAP will have no role to play in the appeal process and will not be required to attend any SAT mediation sessions or hearings to answer any questions raised in relation to its decision on a planning application. All responsibilities and costs for dealing with any appeal including advice from expert witnesses and preparation of all required documentation will fall on the local government.

11. The proposed model makes no mention of what would happen in the event that a planning application refused by the DAP and which then becomes the subject of an appeal to SAT is supported by the local government. Under the terms of the model the local government will be required to be the respondent in cases of this type which means that it has an obligation to defend the DAPs decision despite not agreeing with it. This could give rise to a serious conflict of interest and may result in a local government choosing not to respond to a SAT case thereby undermining the integrity of the planning system.
12. Local government has not been given sufficient opportunity to consider the implications of this proposed reform to the State's planning framework. The public consultation process undertaken to-date regarding its proposed implementation has been too limited in terms of its scope and timeframe.
13. It is contended that this proposed reform to the State's planning framework has not been well thought out and is focused on making significant changes to a component of the framework that still functions efficiently and effectively. The Department appears to be rushing its implementation for the 'sake of change' rather than focusing on those components of the planning framework that are currently causing the most significant delays.

In light of the above issues and concerns it is recommended that Council authorise the Shire administration to prepare and lodge a submission to the Department of Planning strongly objecting to the establishment of Development Assessment Panels in Western Australia for the various reasons outlined above.

#### **Policy Implications:**

Nil

#### **Statutory Environment:**

- Planning and Development Act 2005
- Shire of Cunderdin Town Planning Scheme No.3

#### **Financial Implications**

The financial implications of establishing Joint Development Assessment Panels for small local governments that are not located in high-growth areas are likely to be substantial and will add significantly to the current costs associated with the assessment and determination of planning applications made under the relevant local planning scheme valued at equal to and/or over \$1 million.

The additional costs likely to be incurred are difficult to quantify at this early stage however could be expected to include, but not limited to, sessional sitting fees for specialist members, provision of venues, secretariat support, preliminary reading time by specialist panel members, additional expert advice requested by the development assessment panel and attendance at development assessment panel meetings

#### **Strategic Implications:**

The Department of Planning contends that the establishment of Development Assessment

Panels in Western Australia will assist local governments by allowing them to focus on the development of strategic planning instruments rather than administering development application determinations. In light of the likely procedural requirements associated with the administration and operation of Joint Development Assessment Panels, it is contended that little time will in fact be freed up to allow local governments to focus their resources on the development of strategic planning instruments as claimed by the Department.

**Resolution 9.12**

That Council authorise the CEO to prepare and lodge a submission to the Department of Planning strongly objecting to the establishment of Development Assessment Panels in Western Australia for the various reasons outlined in the report presented above.

Moved Cr Dennis Whisson

Seconded Cr Todd Harris

Vote – **Simple Majority**

Carried: 8/0

### 9.13 Draft Waste Management Policy (Late report)

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Disclosure of Interest:**

No disclosure of interest has been tabled.

#### **Attachments:**

None.

#### **Proposal:**

To consider a policy for Waste Management in the Shire of Cunderdin.

#### **Background:**

A discussion paper has been prepared by the Shire President for consideration by Council

#### **Comment:**

#### **CUNDERDIN SHIRE COUNCIL – WASTE MANAGEMENT POLICY. DISCUSSION PAPER.**

*Waste management is becoming more complicated, with increased costs, & ever increasing compliance requirements, as we move towards a zero waste State Government policy. The zero waste agenda, is to control waste via a user pays approach, through registered tip areas & recycling. The old style dump & bury systems used through out most of Western Australia in the past, will not be accepted in the future. There will be considerable costs associated with the clean up of the old style tips.*

*The Cunderdin Shire Council took a decision around 7 years ago to start addressing this issue, & entered into an agreement with Avon Waste to set up Waste Transfer Stations in Cunderdin & Meckering, & to shut down & clean up the old tip sites. This system has worked well up until recent times, when increased charges by Avon Waste, forced Council to review our local waste management contracts.*

*As a result of this review Council took the decision to take control of waste management as a Cunderdin Shire Council project. Council did not renew the waste management contract with Avon Waste, & entered into a cheaper, short term contract with Cleanaway. The household waste & recycle bins were replaced with bins purchased by Council at a total cost of \$50,000. The transfer Stations were purchased from Avon Waste at a cost of \$100,000, using Royalties for regions funding. Council then purchased their own collection truck from Canning City Council at a cost of \$45,000, with local staff being trained to operate the truck for roadside bin collection.*

*The Transfer Station skip bins are emptied as per our current contract with Avon Waste, & waste is transferred to the registered Tammin site, on a contacted price per tonne basis.*

*The Cunderdin Shire Council now owns all the components related to local waste management, including household waste & recycle bins, the Cunderdin & Meckering Transfer Stations, & a suitable truck for household waste collection. The skip bins at the Transfer Stations along with cartage to the Tammin tip, will continue to be contracted externally.*

## **POLICY ISSUES:**

*I would suggest that it is an ideal time to review the Cunderdin Shire Councils waste management policy, & to adopt a number of changes to address several problem areas.*

*The general policy issues should continue.*

- *The Cunderdin Shire Council should continue to run the Transfer Stations & to provide a household collection service. Council will provide a suitable truck for the household collection service, & trained staff for all aspects of this project.*
- *The CEO of the Cunderdin Shire Council will run this project on behalf of Council & include this operation as part of the Councils annual budget process. The CEO should keep Council informed on a regular basis on performance & financial implications relating to waste management operations.*
- *The providing of skip bins at the Transfer Stations, emptying skip bins, & the use of a waste disposal site, should be negotiated by the CEO, on an annual contract basis.*
- *Household waste collection from roadside bins, will be on a weekly basis for the towns of Cunderdin & Meckering, with Tuesday being the nominated collection day.*
- *Recycle household bins will be collected once a month, with the third Wednesday of each month being the nominated collection day.*

*In reviewing local issues relating to waste management, there are a number that we need to address.*

- *Manning sites – It is the only way we will get control. It will be at a cost, but I believe this process will pay for its self.*
- *Limited access – To control costs we will most likely have to set limited times the transfer stations will be open. Weekend access is important with most home gardening & general clean ups occurring on the weekend.*
- *Separation of green waste without any contamination – consider on site mulching & offering mulch as a freebee to locals.*
- *Consider recycling options at the transfer stations – is metal collection an option.*
- *Increase recycling bins at transfer stations for carry over from household recyclable waste.*
- *E-Waste container – promote – SEAVROC funded project.*
- *Need to be able to let locals dispose of small amounts of building rubble at transfer stations or a local site.*
- *Commercial building rubble should be taken direct to Tammin or Northam registered sites. Cost should be covered in contractors quote.*
- *Need a policy on local commercial business waste – contract skip bins or extra charges if using our sites.*
- *Illegal dumping fines & bylaws should also be reviewed.*
- *Need to list items not accepted at the transfer stations.*
- *Clean up waste oil site.*
- *Need local policy to deal with dangerous goods waste & animal disposals.*
- *Contract our roadside bin collection services to other Councils. Authorise CEO to quote for any tenders in this area that will not interfere with local service delivery & that will generate extra income for the Council.*
- *Verge collection twice a year*
- *List of acceptable materials*
- *Warning signs – Illegal dumping*
- *Manning hours – Transfer stations*

*Once we have resolved these issues, we need to set a timeframe for implementation, along with an education program & a review process.*

**Policy Implications:**

Development of a new Waste Management policy

**Statutory Environment:**

There are no statutory implications in relation to this matter.

**Financial Implications**

There may be financial implications subject to the decision(s) taken by council in relation to this matter. These will need to be reported at a later date, once a decision has been made on the future direction.

**Strategic Implications:**

The development of a policy on waste management will provide a clear direction for staff and the community on the level of service and acceptable waste management practices.

**Resolution 9.13**

That Council receive and note *“Cunderdin Shire Council Waste Management Policy Discussion Paper”*

That the CEO be instructed to formulate a Waste Management Policy for council’s consideration and adoption at the November meeting.

Moved Cr Rod Carter

Seconded Cr Clive Gibsone

Vote – **Simple Majority**

Carried 8/0



## 10.0 Manager of Environmental Services Report

### 10.1 Manager of Environmental Services report for October 2009

Location:	Cunderdin
Applicant:	Administration
Meeting Date:	15 <sup>th</sup> October 2009
Author:	P Steven
Item Approved by:	Chief Executive Officer

#### Disclosure of Interest

No disclosure of interest has been tabled.

#### Proposal

Council is to consider the activity report from the Manager of Environmental Services for August & September 2009.

#### Comment

Date	Activity	Time
5/8/09	Ag College meat inspection – 31 sheep Complaint re: pesticide overspray killing trees on neighbouring property, Great Eastern Highway Meckering, discussion + letter D Giddens – telephoned work – he has gone back to Yanchep	2h 1h
12/8/09	Ag college meat inspection – 2 beef, 8 pigs	2h
19/8/09	M Fissioli – enquiry re: connection of sewer in case of subdivision, he is across the road (18m) from nearest point. Minimum lot size 2000m <sup>2</sup> since sewer town.	10 mins
24/8/09	D Hitch – enquiry re: ATU	
26/8/09	Meat inspection – Ag College – 1 beef, 10 pigs for open day Enquiries – subdivision, home occupation.	2h
27/8/09	Enquiry re: seeking piggery approval, requires Town Planning & Health approval	20mins
31/8/09	D Hitch – ATU site plan discussion	20min
3/9/09	J Blair – enquiry re: sheep dairy, provided info from Food Standards 4.2.4, posted	30 min
14/9/09	Ag College – meat inspection – 2 beef, 20 sheep, 4 pigs C Bridge – enquiry re: clearing of vegetation, advised DEC can assist, comply with health local laws, scan and email	2 hours 20 mins
22/9/09	Details re: TP application for wreckers	10mins
29/9/09	Enquiry re: requirements for keeping animals in Meckering, plus fence requirements. Advised need Shire approval, minimum fence standard stockproof since no Fence Local Laws	20mins
31/9/09	Olympic Ave – complaint re: roots from neighbour getting into their plumbing, advised of civil process as per DHW pamphlet	20 mins
	<b>TOTAL</b>	<b>11 ½ h</b>

**Policy Implications**

There are no policy implications in considering this item.

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

There are no strategic implications in considering this item.

**Resolution 10.1**

That Council resolves to accept the report from the Manager of Environmental Services for August & September 2009.

Moved Cr Todd Harris                      Seconded Cr Dianne Kelly

Vote - Simple majority                      Carried 8/0

**10.1 Building Licenses August 2009**

No report available.

## **11.0 Works Supervisor's Report**

### **11.1 Work Supervisors Report**

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author:	Norbert Marwick
Item Approved by:	Chief Executive Officer

#### **Proposal**

Council is to receive the Works Supervisors Report for September 2009.

#### **Comment**

#### **Construction**

Baxter Street and Three Mile Gate Road drainage has been completed (some minor clean up jobs still to do). The fire fighting tank on Mt Anne Road was replaced because the other one split from top to bottom. Three hanger pads at the airstrip have been put into level.

#### **Maintenance grading**

Wilding Road to Dowerin Road, Antonio Road Southern Brook Road, Hitchcock Road, Burges Road, Solomon Back Road, Beebering Road, were done. Maintenance grading has stopped for this season.

#### **Bitumen Road Maintenance**

Pot hole patching on the bitumen roads is in progress.

#### **Clearing Permits**

The Department of Environment and Conservation has issued a warning to the Shire of Cunderdin for breach of Conditions. No offset proposal submitted before clearing of the road verges. The DEC has recommended that the land vested in the Shire at Youndegin townsite be revegetated for the Bulgin road permit (yet to be cleared) and the vested Crown land in Youndegin town site be used for the clearing already done on Doodenanning Rd. Failing to submit the annual report, due to change of Environmental Specialist the Shire did not submit an annual report 08-09 and the next report is due before June 2010. The Shire is still waiting on Emma Wilson to become available. All the above has to be done by an Environmental Specialist.

#### **Statutory Implications**

The Local Government Act 1995.

#### **Financial Implications**

All financial implications are contained within the 2009/10 Annual Budget.

#### **Strategic Implications**

Nil

Cr Harris raised concern about the Railway crossing on Baxter Rd – not the same after the recent works – may cause a problem for trucks during harvest – Works Manager to further investigate.

Cr Carter congratulated the Works Manager on the work done out at the airfield – Hangar pads.

The Works Manager requested Council endorse the old Youndegin townsite for the required offset proposal.

**Resolution 11.1**

(a) That the Works Supervisor's Report for September 2009 be received.

(b) Council endorse the use of the Old Youndegin townsite for the required offset proposal.

Moved : Cr Robert Fulwood

Seconded: Cr Rod Carter

Vote – Simple majority

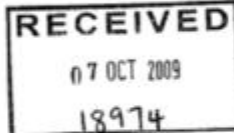
Carried 8/0



Government of **Western Australia**  
Department of **Environment and Conservation**

Your ref:  
Our ref: ICMS 16168  
Enquiries:  
Phone: (08) 9219 8744  
Fax: (08) 9219 8701  
Email: [nvp@dec.wa.gov.au](mailto:nvp@dec.wa.gov.au)

Mr Norbert Marwick  
Shire of Cunderdin  
PO Box 100  
CUNDERDIN WA 6407



Dear Mr Marwick

**WARNING FOR UNAUTHORISED CLEARING OF NATIVE VEGETATION**

The Department of Environment and Conservation (DEC) has investigated your admission of unauthorised clearing of approximately 0.36 hectares of native vegetation within the Doodenanning Road Reserve, Cunderdin.

DEC considers that there is *prima facie* evidence that the Shire of Cunderdin has undertaken unauthorised clearing of native vegetation in contravention of Section 51C of the *Environmental Protection Act 1986*.

Should this matter proceed to a prosecution, a conviction for an offence of this nature may result in a penalty of up to \$500,000 for a body corporate with an ongoing daily penalty of \$100,000.

After noting your commitment to work with DEC to submit your offset proposal without further delay, and in accordance with the department's Enforcement and Prosecution Policy, DEC has elected to deal with this matter by sending you this formal letter of warning and noting the warning on record.

If upon receiving this letter, you believe this warning to be unwarranted or not justified, you may choose to have the matter reviewed by the Department. Should you elect to have the matter reviewed you are advised to notify the Department, in writing, within 30 days of receipt of this letter.

If you wish to discuss this matter further, please contact Native Vegetation Conservation Branch on 9219 8744.

Yours sincerely

Kelly Faulkner  
**MANAGER**  
**NATIVE VEGETATION CONSERVATION BRANCH**

1 October 2009

**Native Vegetation Conservation Branch**  
Phone: (08) 9219 8700 or (08) 9219 8744 Fax: (08) 9219 8701 Email: [nvp@dec.wa.gov.au](mailto:nvp@dec.wa.gov.au)  
Postal Address: Locked Bag 104, Bentley Delivery Centre, BENTLEY WA 6983  
[www.dec.wa.gov.au/nvc](http://www.dec.wa.gov.au/nvc)  
[wa.gov.au](http://wa.gov.au)

10/01/09

## **12.0 Meeting be closed to Members of the Public**

### **12.1 Matters for which the meeting may be closed**

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Proposal**

Council is to consider closing the meeting to the public and the press.

#### **Background**

Confidential issues concerning;

1. Revised offer to purchase (amended lot size) land from the Cunderdin Ag College

This requires the meeting to be closed to the press and public.

#### **Consultation**

The Department of Local Government

#### **Statutory Environment**

The Local Government Act 1995 Part 5 Division 2 Subdivision 3 Section 5.23

#### **Policy Implications**

There are no policy implications in considering this item.

#### **Financial Implications**

There are no financial implications in considering this item.

#### **Strategic Implications**

There are no strategic implications in considering this item.

#### **Resolution 12.1**

Council resolves to close the meeting to the press and the public at 6:02

Moved Cr Rod Carter

Seconded Cr Clive Gibsone

Vote - Simple majority

Carried: 8/0

## 12.2 Lot 7 Centenary Place, Cunderdin

Location:	Cunderdin
Applicant:	Administration
Date:	26 <sup>th</sup> August 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

\*\*\*CONFIDENTIAL TO MEMBERS ONLY\*\*\*

### Proposal:

To consider the sale of lot 7 Centenary Place, Cunderdin.

### Resolution 12.2

- (a) That Council resolve to advertise the proposed sale of Lot 7 Centenary Place, Cunderdin to Mr Shahrar Omlzadeh, inviting submissions in accordance with section 3.58 of the Act, before any contract for the sale of the block is entered into.
- (b) That subject to not receiving any adverse submissions the Chief Executive Officer be granted delegated authority to finalise the matter.
- (c) That as a condition of sale, development of the site must occur within 24 months to the satisfaction of council or the Certificate of Title will not be released, and this requirement is to be written into any proposed contract of sale.

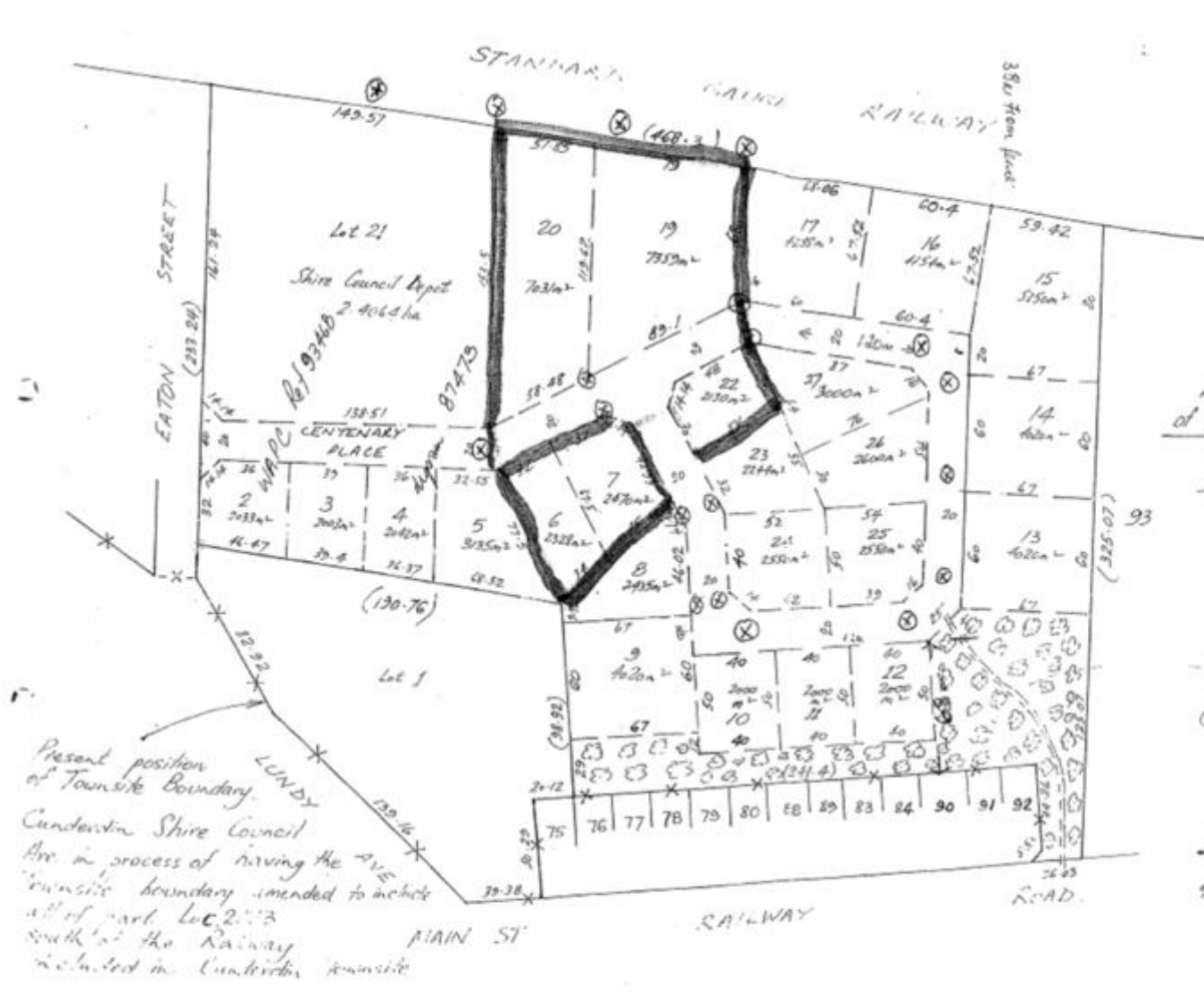
Moved Cr Rod Carter

Seconded Cr Todd Harris

Vote – Simple majority

Carried 8/0

General discussion was held on the need to release further industrial sites



1051  
1651  
5291

60.09  
14.7.10

Scale 1:2000

Possible Future Subdivision  
of Balance of Pt Avon Loc 2223

To be zoned Industrial when  
included in Townsite



- Public Open Space  
Buffer Strip & Emergency Access  
(or future lot)  
1.11 ha

pt.  
10/10

Note  
Dimensions and areas  
of future lots approximate  
subject to survey.

G. Forster  
Licensed Surveyor  
1/12/92  
amended 10-6-94

Present position  
of Townsite Boundary.

Cunderdin Shire Council  
Are in process of having the AVE  
townsite boundary amended to include  
all of part Loc 2223  
south of the Railway  
included in Cunderdin townsite

D. Considine & G. Forster (M.I.S.A.)  
LICENSED LAND, ENGINEERING & MINING SURVEYORS, TOWN PLANNING

55 Gillitt Drive  
Kalgoorlie 6163

9 M<sup>c</sup>Enu St 3220 Gillitt



### **12.3 Opening of Meeting**

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> October 2009
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Proposal**

Council is to consider opening the meeting to the public and the press.

#### **Statutory Environment**

The Local Government Act 1995 Part 5 Division 2 Subdivision 3 Section 5.23.

#### **Policy Implications**

There are no policy implications in considering this item.

#### **Financial Implications**

There are no financial implications in considering this item.

#### **Strategic Implications**

There are no strategic implications in considering this item.

#### **Officer Recommendation**

Council resolves to open the meeting to the press and the public.

#### **Resolution 12.3**

Council resolves to open the meeting to the press and the public at 6:08 pm

Moved: Cr Dianne Kelly

Seconded: Cr Robert Fulwood

Vote - Simple majority

Carried: 8/0

Cr Cooper stated that this meeting would be his last as Shire President and thanked Councillors for their contribution & support during his time. Furthermore, that he thoroughly enjoyed his time as President, and that it was great that council stood united over the difficult times, to see the Shire return to a stable financial position.

Moreover, it was pleasing to know that the Shire has come along way over the last 6 years, and that it makes it a little easier not renominating for the position of President knowing the worst is well and truly behind us and we now enter more prosperous times, whilst still challenging.

Cr Cooper concluded by wishing the Council all the best into the future under new leadership.

Cr Fulwood commented on his (13) Thirteen Years as a councillor, as both memorable and rewarding, particularly being a part of the recovery process.

Council had been a big part of his life, and he will miss it, however, he is also looking forward to the additional personal time he will now have after 13 years of loyal service to Council.

Cr Fulwood expressed his thanks to Council and wished them all the best.

### **13.0 Closure of meeting 6:15 pm**