



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

An Ordinary Meeting of the Cunderdin Shire Council was held on Thursday 19th May 2011 in the Council Chambers, Lundy Avenue Cunderdin commencing at 5:09pm.

G M Tuffin
Chief Executive Officer

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MINUTES

1.0 Declaration of opening

1.1 The President declared the meeting open at 5:09pm

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: | 19 th May 2011 |
| 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 Clive Gibsone

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 7/0

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: 5:09pm

3.3 Declaration of public question time closed: 5:09pm

4.0 Record of Attendance, Apologies and Approved Leave of Absence

4.1 Record of attendances

Councillors

Cr RL (Rod) Carter

President

Cr RC (Clive) Gibsone

Deputy President

Cr GJ (Graham) Cooper

Cr DA (Dennis) Whisson

Cr TE (Todd) Harris

Cr D (David) Beard

Cr DG (Dianne) Kelly

- 4.2 Apologies
Cr DB (Doug) Kelly
- 4.3 On Leave of Absence
None
- 4.4 Staff
G M (Gary) Tuffin Chief Executive Officer
L (Loren) Hempel Manager of Finance & Administration
M (Mark) Burgess Manager of Works & Services
- 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
President Carter declared an interest in Report 10.1

5.0 Petitions, Deputations, Presentations

- 5.1 Petitions
None

- 5.2 Deputations
None

- 5.3 Presentations
None

6.0 Council Discussion

President Carter

- Meeting with Rebekah Burges (CEO) – RDA
- Attended a meeting with Pamela l’Anson (Manager) – Department of Agriculture and Food in relation to Drought Relief Funding

Cr Dennis Whisson

- Gave a brief update on the Cunderdin Community Recourses Centre
 - Medicare booth has been decommissioned due to lack of use
 - Held a meeting to organise a “Men’s Shed” in town
 - Variety of workshops being held in the next few weeks
 - Staff Changes
 - Organising a re-naming ceremony for the CCRC

Cr Todd Harris

- Discussed the Community Development Workshop
 - Queried the members for the Management Group as well as how the group would manage existing life members

Cr Graham Cooper

- Discussed Community Planning – Reporting requirements
- Attended the RDA's Budget Meeting
 - Reminded other members about the Youth Summit at the WA College of Agriculture 23rd September 2011

Cr David Beard

- Apologies for not attending the Community Development Workshop
- Attended the WALGA Caring for our Community Workshop on 3rd May 2011
 - Input was sort about the programme – how has it helped, and how will it help us in the future
- Airport Development Plan – Great plan and need to pursue with as much pressure as possible

Cr Dianne Kelly

- Brief Day Care update
 - Numbers are increasing
 - Had a successful Licence Inspection
 - Staff changes
- Carried out a Disable Inclusion & Access Audit at the hospital with interesting results – No Disabled toilets
- Meckering Sporting Club Inc.
 - Still discussing potential use of the \$2,000 Dry Season Assistance money
 - Planning an opening of the new surfaces – “Turn off the taps”
 - Requested a Greenkeeper/Gardener to maintain the Golf links and the surrounds at the club
 - Enquired if a maintenance person would be made available to maintain the new surfaces and surrounds – after lengthy debate it was agreed some maintenance should be undertaken.
 - Enquired about the intended use of the bottom tennis courts after now they aren't in use – CEO replied no identified use at this stage.
- Meckering Hockey Club
 - New surfaces held up well for the lightning carnival
 - CEO provided a copy of a letter of appreciation from the East Avon Women's Hockey Association.

7.0 Confirmation of the Minutes of Previous Meetings

7.1 Confirmation of Minutes of Previous Meetings

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Administration |
| Date: | 19 th May 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

Proposal

Council to confirm the minutes of the

- Ordinary Council meeting held on 20th April 2011.

Background

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

Comment

No business arising.

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.

Resolution 7.1

Resolved that the minutes of the;

Ordinary Council meeting held on 20th April 2011 were confirmed as a true and correct record.

Moved: Cr Dennis Whisson

Seconded: Cr David Beard

Vote – Simple majority

Carried 7/0

Note to this item:

The President will sign the minute declaration.

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

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Administration |
| Date: | 19 th May 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

Proposal

Council receive the minutes of the following meetings;

- Minutes of the Cunderdin Museum Committee meeting 14th April 2011

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

Resolution 7.2

Resolved that council received the minutes of;

Minutes of the Cunderdin Museum Committee meeting 14th April 2011 to be true and correct

Moved: Cr Dennis Whisson

Seconded: Cr Graham Cooper

Vote – Simple majority

Carried 7/0

Minutes of the Cunderdin Museum Committee – 14 April 2011

1.0 Declaration of Opening

1.1 The President, Clive Gibsone declared the meeting opened.

2.0 Record of Attendance, Apologies

2.1 Record of Attendances: Clive Gibsone (Chairman), Wendy Davey (Museum Manager), Peter Godfrey, Beth Beckett, Trevor Canning.

2.2 Apologies: Marguerita O'Hare, Debra Farmer

3.0 Confirmation of Minutes for meeting held 10 March 2011

3.1 Business Arising from the Minutes:

3.2 Ask the Shire to write the letter to the Water Corp re clarification of any land becoming available to the Museum for future use.

3.3 Trevor happy to make contact with Whiteman Park re tractors.

3.4 Minimum Security Prisoners coming 27 & 28 April – need volunteers to oversee – Trevor said he would be available.

3.5 Clive to check with Shire in regard to the installation of our security system.

3.6 Meeting postponed to discuss signage etc until Anne Brake returns from leave.

3.7 The books "The Cyclopedia of WA" and "Grandfather was a Policeman" have been received.

4.0 Correspondence

4.1 Inward:

Museum Aust WA Cheque \$98.00 – reimbursement Advertising Textile Workshop

Museum Aust WA Workshop – Cultural Heritage Interpretation Grant

Museum Aust Magazine

Museum Aust AGM - & Council Elections

Wheat belt Chapter Minutes & Reports from Wyalkatchem 2010

Wheat belt Chapter Agenda - Annual Meeting Wongan Hills 8 May 2011

Heritage Council of WA WA Heritage Awards

Shire of Cunderdin Waste Transfer Station – operating hours

Shire of Cunderdin Sporting Facilities – project update

Wongan Hills Tourism Gp Brochures

Bill Bunbury Cancelled planned visit for 2011.

Telstra Changes to Business Plan

Roma Strahan Donation / thank you letter – info on tractors

Outward:

5.0 Business Arising from Correspondence:

5.1 No Business Arising from Correspondence.

6.0 Financial Report

| | | | | |
|-----|--|------------------|------------|------------|
| 6.1 | CFWD Balance as at 1 st March | | \$13217.82 | |
| | <u>Plus Revenue</u> | | | |
| | Donations | \$ 31.00 | | |
| | Souvenirs | \$ 145.34 | | |
| | Takings | \$ 621.00 | | |
| | | <u>\$ 797.34</u> | Sub Total | \$14015.16 |
| | <u>Less Expenditure</u> | | | |
| | Postage & Stationery | \$ 36.69 | | |
| | Materials (Tissues Paper Towel etc) | \$ 17.97 | | |
| | Refreshments | \$ | | |
| | Workshop/Training (MA) Textile W/Shop | \$ | | |

| | | |
|--|-----------------|-----------------------------|
| Utilities (phone & Internet) | \$ 88.91 | |
| Repairs(Freelance, Verlindens, Northam Glass) | \$ 463.47 | |
| Advertising | | |
| Membership | | |
| Books & Postcards | | |
| Window Cleaning | | |
| Souvenirs | <u>\$ 50.00</u> | |
| | <u>\$657.04</u> | 28/3/2011 |
| | | Closing Balance \$13,358.12 |

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| 7.0 Business Arising from the Financial Report |
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|-----|---|
| 7.1 | A total of 304 visitors for March 2011 – 195 Adults 84 Children & 16 Local 9 others. (2 High Schools). |
| 7.2 | Beth to ask Clare to change the \$50.00 allocated to (reimbursement to Betty Stokes) to the category (souvenirs). |
| 7.3 | On occasions the volunteers are finding the \$50.00 float not enough when given notes requiring change from the first visitors of the day. Beth will organise a separate \$50.00 to help with this and if any volunteers are experiencing problems please ring Beth for assistance. |

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| 8.0 Cunderdin Museum Collection: |
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|-----|--|
| 8.1 | Peter still working on transporting the elevator. Rod Carter will load his end but will need someone the museum end to unload. Peter will ask David Godfrey to help using his Merlo. It was suggested to try Ron Boase, Tom Fullerton, Mark Sullivan or Geoff Jasper for assistance for the use of a truck to transport. |
| 8.2 | Peter is in communication with Hupert Weller and the crossey is being worked on. |
| 8.3 | Clive spoke to Dick Mussared in regard to the VW donated by the Mussared family. Dick said the family will have a discussion and let us know their decision. |
| 8.4 | Bell Moore from the Northam Historical Society contacted Clive to see if there would be any interest in our museum receiving from them a historical switchboard system that was once housed at Meckering. At this stage the committee decided not to go ahead with this acquisition and asked Clive to advise Bell of this and also suggest she contacts the Meckering Action Group. |

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| 9.0 Training: |
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|-----|---|
| 9.1 | Judy Brew who has been helping Tuesday afternoons is interested in attending a Mosaic course. |
|-----|---|

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| 10 Maintenance Report |
|------------------------------|

- | | |
|------|--|
| 10.1 | Mark Burgess has said the Shire will repair the flag pole by welding the plates at the bottom of the pole. |
| 10.2 | Peter is able to obtain 4mm glass from Northam Glass – George Argent is also investigating. |
| 10.3 | Need a new flag – Clive to ask Stacey to obtain a good quality flag. |
| 10.4 | Public Toilets need attention – back door torn off during the recent storm. Clive will report this to the Shire. |
| 10.5 | Plumber has fixed the cistern in the Museum's men's toilet 7 April. |

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| 11 General Business: |
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- | | |
|------|---|
| 11.1 | Stacey emailed a few examples of signage and costs for the committee to peruse. |
| 11.2 | The Shire's new (old) brochure has been printed – unfortunately due to the error by the printing business the old brochure was reprinted. These brochures have only been partly charged for. We will need to distribute the old brochures before another print run. |
| 11.3 | Wendy showed an example of an A4 size pamphlet produced by the Northam Heritage Forum Inc. which the meeting thought appropriate for the Museum specific brochure. Stacey has said she can do a print run using the Shire's colour printer. |

Next Meeting – Thursday 12 May 2011 – 7.30pm

Please note the Wheat belt Chapter Annual Meeting is to be held 8 May at Wongan Hills. Wendy is planning to attend so if interested please contact Wendy.

8.0 Finance Report

8.1 Financial Report for April 2011

| | |
|-------------------|-------------------------------------|
| Location: | Cunderdin |
| Applicant: | Manager of Finance & Administration |
| Date: | 19 th May 2011 |
| Author: | Loren Hempel |
| Item Approved by: | Chief Executive Officer |

Proposal

The financial position as at 30th April 2011 is presented for consideration.

Appendices – April 2011 - Financial Statements

- Statement of Financial Activity
- Councillor EOY Estimate
- 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 2011
- 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

Resolved that council receive the financial report for April 2011.

Moved: Cr Dennis Whisson Seconded: Cr Graham Cooper

Vote – Simple majority Carried 7/0

8.2 Accounts Paid and Payable – April 2011

| | |
|-------------------|-------------------------------------|
| Location: | Cunderdin |
| Applicant: | Manager of Finance & Administration |
| Date: | 19 th May 2011 |
| 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 April 2011.

Appendix

Warrant of Payments for April 2011.

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 April 2011.

1.0 Accounts Already Paid

1.1 Municipal Fund –

| CHEQUE NUMBERS | AMOUNT |
|-------------------------------|---------------|
| 009068-009126 | \$ 190,424.87 |
| Electronic Payments - Various | \$ 459,994.63 |

| | |
|--|--|
| 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 | |
| TOTAL MUNICIPAL FUNDS | \$ 650,419.50 |

3. Trust Fund – Accounts Already Paid

| DATE | CHEQUE NUMBER | DETAILS | AMOUNT \$ |
|------|---------------|---------|--------------|
| Nil | | | 0.00 |

Resolution 8.2

Resolved;

(a) That Council's payment of accounts amounting to \$ 650,419.50 for the Municipal Fund were received and noted.

(b) The Warrant of Payments as presented were incorporated in the Minutes of the Meeting.

Moved: Cr David Beard

Seconded: Cr Todd Harris

Vote – simple majority

Carried 7/0

| Payments List -April 2011 | | | |
|----------------------------------|------------------|---|---------------|
| Date | Reference | Creditor | Amount |
| 1/04/2011 | 9068 | Australian Communications & Media Authority | \$ 96.00 |
| 1/04/2011 | 9069 | Betty Stokes | \$ 50.00 |
| 1/04/2011 | 9070 | Cameron Gow | \$ 125.50 |
| 1/04/2011 | 9071 | Cr Rod Carter | \$ 280.00 |
| 1/04/2011 | 9072 | Country Ford | \$ 55.00 |
| 1/04/2011 | 9073 | Coventry Fasteners | \$ 83.57 |
| 1/04/2011 | 9074 | Cunderdin Co-op | \$ 325.07 |
| 1/04/2011 | 9075 | Cunderdin Co-op MUSEUM | \$ 5.92 |
| 1/04/2011 | 9076 | Direct Property Valuers | \$ 1,650.00 |
| 1/04/2011 | 9077 | Tom Fullerton Trucking | \$ 17,088.50 |
| 1/04/2011 | 9078 | Cr Clive Gibsone | \$ 140.00 |
| 1/04/2011 | 9079 | Cr Todd Harris | \$ 140.00 |
| 1/04/2011 | 9080 | Horizon Surveys | \$ 770.00 |
| 1/04/2011 | 9081 | Cr Dianne Kelly | \$ 140.00 |
| 1/04/2011 | 9082 | Pitstop Diner | \$ 195.00 |
| 1/04/2011 | 9083 | Rylan Pty Ltd | \$ 5,801.40 |
| 1/04/2011 | 9084 | Shire of Kellerberrin | \$ 2,310.00 |
| 1/04/2011 | 9085 | Telstra Corporation | \$ 1,030.92 |
| 1/04/2011 | 9086 | Telstra (Bigpond) | \$ 69.95 |
| 1/04/2011 | 9087 | Westnet Pty Ltd | \$ 44.95 |
| 1/04/2011 | 9088 | Westscheme Superannuation Fund | \$ 531.84 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 136.61 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 22.00 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 38.52 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 172.36 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 13.00 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 13.00 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 46.80 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 27.20 |
| 1/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 87.56 |
| 1/04/2011 | EFT7921 | Baxters Rural Centre | \$ 2,484.55 |
| 1/04/2011 | EFT7922 | Bitumen Surfacing | \$ 57,369.84 |
| 1/04/2011 | EFT7923 | Coates Hire Operations | \$ 2,351.25 |
| 1/04/2011 | EFT7924 | Combined Tyrepower | \$ 275.50 |
| 1/04/2011 | EFT7925 | Contract Aquatic Services | \$ 5,953.68 |
| 1/04/2011 | EFT7926 | Cr Graham Cooper | \$ 140.00 |
| 1/04/2011 | EFT7927 | Courier Australia | \$ 20.98 |
| 1/04/2011 | EFT7928 | Cunderdin Community Resource Centre | \$ 500.00 |
| 1/04/2011 | EFT7929 | The Cunderdin Mob | \$ 352.50 |
| 1/04/2011 | EFT7930 | DarMitch Logistics | \$ 242.00 |
| 1/04/2011 | EFT7931 | Donovan's Water Service | \$ 12,402.50 |
| 1/04/2011 | EFT7932 | Eastern Hill Saws & Mowers | \$ 119.00 |

| Payments List -April 2011 | | | |
|----------------------------------|------------------|---|---------------|
| Date | Reference | Creditor | Amount |
| 1/04/2011 | EFT7933 | Elders Limited | \$ 340.34 |
| 1/04/2011 | EFT7934 | Freelance Handyman | \$ 5,700.00 |
| 1/04/2011 | EFT7935 | HCT Rural Agencies | \$ 391.65 |
| 1/04/2011 | EFT7936 | JR & A Hersey | \$ 575.85 |
| 1/04/2011 | EFT7937 | Hitachi | \$ 103.80 |
| 1/04/2011 | EFT7938 | Cr Doug Kelly | \$ 140.00 |
| 1/04/2011 | EFT7939 | LGIS Risk Management | \$ 3,247.20 |
| 1/04/2011 | EFT7940 | McLeod's Barristers & Solicitors | \$ 616.55 |
| 1/04/2011 | EFT7941 | Pennant House | \$ 152.90 |
| 1/04/2011 | EFT7942 | Quairading Earthmoving | \$ 11,066.00 |
| 1/04/2011 | EFT7943 | RBE Internet Service | \$ 20.00 |
| 1/04/2011 | EFT7944 | Roads 2000 | \$ 23,897.50 |
| 1/04/2011 | EFT7945 | Sandco Hire & Contracting | \$ 1,182.50 |
| 1/04/2011 | EFT7946 | Shire of Tammin | \$ 2,254.21 |
| 1/04/2011 | EFT7947 | Shire of York | \$ 517.93 |
| 1/04/2011 | EFT7948 | Startrack Express | \$ 121.19 |
| 1/04/2011 | EFT7949 | Sunny Sign Company Pty Ltd | \$ 48.40 |
| 1/04/2011 | EFT7950 | Verlindens Electrical | \$ 57,944.39 |
| 1/04/2011 | EFT7951 | Western Australian Local Government Superannuation Plan | \$ 1,351.27 |
| 1/04/2011 | EFT7952 | Western Australian Local Government Association | \$ 12,579.88 |
| 1/04/2011 | EFT7953 | Western Stabilisers | \$ 29,437.38 |
| 1/04/2011 | EFT7954 | Cr Dennis Whisson | \$ 140.00 |
| 1/04/2011 | EFT7955 | Wirtgen Australia | \$ 566.75 |
| 4/04/2011 | Bank Fees | Westpac Banking Corporation | \$ 18.75 |
| 5/04/2011 | 9089 | Cunderdin Co-op FUEL | \$ 12,240.00 |
| 5/04/2011 | 9090 | Petty Cash | \$ 51.40 |
| 6/04/2011 | 9091 | Petty Cash | \$ 228.70 |
| 8/04/2011 | 9092 | North City Holden | \$ 16,605.12 |
| 12/04/2011 | 9093 | Joel Richardson | \$ 160.00 |
| 13/04/2011 | EFT PAYS | Staff Salaries & Wages | \$ 34,366.15 |
| 14/04/2011 | Credit Card | Westpac Banking Corporation | \$ 1,110.18 |
| 15/04/2011 | 9094 | Cunderdin Co-op FUEL | \$ 2,385.00 |
| 15/04/2011 | 9095 | Cunderdin Co-op FUEL | \$ 2,145.00 |
| 15/04/2011 | BPOINT | Commonwealth Banking Corporation | \$ 31.42 |
| 20/04/2011 | 9096 | Australian Taxation Office | \$ 21,120.00 |
| 20/04/2011 | 9097 | Cunderdin Co-op FUEL | \$ 12,240.00 |
| 27/04/2011 | EFT PAYS | Staff Salaries & Wages | \$ 30,679.10 |
| 29/04/2011 | 9098 | Builders' Registration Board | \$ 70.00 |
| 29/04/2011 | 9099 | Cr Rod Carter | \$ 280.00 |
| 29/04/2011 | 9100 | Country Ford | \$ 30.80 |
| 29/04/2011 | 9101 | Cunderdin Co-op | \$ 1,862.36 |
| 29/04/2011 | 9102 | Cunderdin Newsagency | \$ 412.45 |

Payments List -April 2011

| Date | Reference | Creditor | Amount |
|-------------|------------------|----------------------------------|---------------|
| 29/04/2011 | 9103 | Cunderdin Co-op MUSEUM | \$ 60.74 |
| 29/04/2011 | 9104 | Cunderdin Panel beaters | \$ 879.04 |
| 29/04/2011 | 9105 | Department of Treasury & Finance | \$ 998.80 |
| 29/04/2011 | 9106 | FE & JE O'Hare | \$ 12,401.40 |
| 29/04/2011 | 9107 | Cr Clive Gibsone | \$ 140.00 |
| 29/04/2011 | 9108 | Nancy Godfrey | \$ 87.89 |
| 29/04/2011 | 9109 | Goodfield Quality Meats | \$ 48.50 |
| 29/04/2011 | 9110 | Dr Ken Gray | \$ 88.00 |
| 29/04/2011 | 9111 | Cr Todd Harris | \$ 140.00 |
| 29/04/2011 | 9112 | Cr Dianne Kelly | \$ 140.00 |
| 29/04/2011 | 9113 | LG System Incorporation | \$ 5,801.00 |
| 29/04/2011 | 9114 | Lowe's Churchill & Associates | \$ 38,395.50 |
| 29/04/2011 | 9115 | James Martion | \$ 1,200.00 |
| 29/04/2011 | 9116 | Midlands RFDC Inc. | \$ 81.50 |
| 29/04/2011 | 9117 | Pitstop Diner | \$ 140.95 |
| 29/04/2011 | 9118 | Printezy.com | \$ 357.50 |
| 29/04/2011 | 9119 | Shire of Quairading | \$ 10,000.00 |
| 29/04/2011 | 9120 | Shire of Kellerberrin | \$ 748.00 |
| 29/04/2011 | 9121 | Synergy | \$ 12,212.70 |
| 29/04/2011 | 9122 | Telstra Corporation | \$ 282.41 |
| 29/04/2011 | 9123 | Telstra (Bigpond) | \$ 29.95 |
| 29/04/2011 | 9124 | Water Corporation | \$ 32.90 |
| 29/04/2011 | 9125 | Water Corporation | \$ 4,891.55 |
| 29/04/2011 | 9126 | Westscheme Superannuation Fund | \$ 502.09 |
| 29/04/2011 | EFT7956 | Air Liquide Pty Ltd | \$ 119.02 |
| 29/04/2011 | EFT7957 | Allied Sheds | \$ 19,087.85 |
| 29/04/2011 | EFT7958 | Argent Electrical | \$ 1,074.92 |
| 29/04/2011 | EFT7959 | Australia Post | \$ 301.22 |
| 29/04/2011 | EFT7960 | Avdata Australia | \$ 426.83 |
| 29/04/2011 | EFT7961 | Avon Waste | \$ 4,811.82 |
| 29/04/2011 | EFT7962 | Av-Sec Security | \$ 2,558.95 |
| 29/04/2011 | EFT7963 | Cr D Beard | \$ 140.00 |
| 29/04/2011 | EFT7964 | BT Super for Life | \$ 63.00 |
| 29/04/2011 | EFT7965 | Dominic Carbone | \$ 640.41 |
| 29/04/2011 | EFT7966 | CJD Equipment Pty Lt | \$ 422.94 |
| 29/04/2011 | EFT7967 | Cody Express Transport | \$ 19.56 |
| 29/04/2011 | EFT7968 | Combined Tyrepower | \$ 742.00 |
| 29/04/2011 | EFT7969 | Cr Graham Cooper | \$ 140.00 |
| 29/04/2011 | EFT7970 | Corporate Express | \$ 297.25 |
| 29/04/2011 | EFT7971 | Country Copiers Northam | \$ 410.50 |
| 29/04/2011 | EFT7972 | Courier Australia | \$ 59.21 |
| 29/04/2011 | EFT7973 | Coventrys | \$ 3,997.99 |

| Payments List -April 2011 | | | |
|----------------------------------|------------------|---|----------------------|
| Date | Reference | Creditor | Amount |
| 29/04/2011 | EFT7974 | Cunderdin Community Resource Centre | \$ 3,311.90 |
| 29/04/2011 | EFT7975 | Cunderdin Football Club | \$ 2,399.76 |
| 29/04/2011 | EFT7976 | The Cunderdin Mob | \$ 805.40 |
| 29/04/2011 | EFT7977 | Cunderdin Contracting | \$ 6,565.00 |
| 29/04/2011 | EFT7978 | Cutting Edges | \$ 746.02 |
| 29/04/2011 | EFT7979 | DarMitch Logistics | \$ 4,719.00 |
| 29/04/2011 | EFT7980 | David Gray & Co Pty | \$ 4,139.96 |
| 29/04/2011 | EFT7981 | David Fulwood | \$ 936.57 |
| 29/04/2011 | EFT7982 | Donovan's Water Service | \$ 23,664.50 |
| 29/04/2011 | EFT7983 | Eastern Hill Saws & Mowers | \$ 296.50 |
| 29/04/2011 | EFT7984 | Freelance Handyman | \$ 309.00 |
| 29/04/2011 | EFT7985 | Hanson Construction | \$ 8,685.51 |
| 29/04/2011 | EFT7986 | IST | \$ 264.00 |
| 29/04/2011 | EFT7987 | Jasol Australia | \$ 545.86 |
| 29/04/2011 | EFT7988 | Cr Doug Kelly | \$ 140.00 |
| 29/04/2011 | EFT7989 | Landgate | \$ 32.30 |
| 29/04/2011 | EFT7990 | McLeod's Barristers & Solicitors | \$ 820.75 |
| 29/04/2011 | EFT7991 | Meckering Roadhouse | \$ 662.20 |
| 29/04/2011 | EFT7992 | Orica Australia Pty | \$ 116.62 |
| 29/04/2011 | EFT7993 | PlumberJ's Mobile Plumbing | \$ 2,310.00 |
| 29/04/2011 | EFT7994 | RBE Internet Service | \$ 20.00 |
| 29/04/2011 | EFT7995 | Sandco Hire & Contracting | \$ 5,722.75 |
| 29/04/2011 | EFT7996 | Shire of Tammin | \$ 22,800.10 |
| 29/04/2011 | EFT7997 | Shire of York | \$ 5,206.76 |
| 29/04/2011 | EFT7998 | Specialised Tree Services | \$ 6,750.00 |
| 29/04/2011 | EFT7999 | Startrack Express | \$ 747.26 |
| 29/04/2011 | EFT8000 | Statewide Equipment | \$ 8,149.68 |
| 29/04/2011 | EFT8001 | Sunny Sign Company Pty Ltd | \$ 1,992.10 |
| 29/04/2011 | EFT8002 | Trufab | \$ 44.00 |
| 29/04/2011 | EFT8003 | Western Australian Local Government Association | \$ 745.50 |
| 29/04/2011 | EFT8004 | Western Australian Local Government Superannuation Plan | \$ 8,621.77 |
| 29/04/2011 | EFT8005 | Wattleup Tractors | \$ 161.15 |
| 29/04/2011 | EFT8006 | Wheatbelt Safetywear | \$ 666.10 |
| 29/04/2011 | EFT8007 | The Wheeler Superannuation Fund | \$ 73.00 |
| 29/04/2011 | EFT8008 | Cr Dennis Whisson | \$ 140.00 |
| | | TOTAL | \$ 650,419.50 |

8.3 Council Investments – April 2011

| | |
|-------------------|-------------------------------------|
| Location: | Westpac Banking Corporation |
| Applicant: | Manager of Finance & Administration |
| Date: | 19 th May 2011 |
| 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 30th April 2011.

Background

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

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

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

- Major banks
- Bonds Issued by Government and/ or Government Authorities.

Commentary

| COUNCIL INVESTMENTS AS AT 30th APRIL 2011 | | | | |
|---|------------------------|---|------------------------|----------------------|
| Institution | Amount Invested | Investment type | Municipal Funds | Reserve Funds |
| Westpac Banking Corporation | \$1,254.08 | Business Cash Reserve 13-7729 0.0% | \$0.00 | \$1,254.08 |
| Westpac Banking Corporation | \$342.93 | Business Cash Reserve 13-8262 0.0% | \$342.93 | \$0.00 |
| Westpac Banking Corporation | \$510,469.63 | Term Deposit 14-3790 5.5% (Due 01/06/11) | \$510,469.63 | \$0.00 |
| Westpac Banking Corporation | \$707,836.93 | Term Deposit 14-3803 6.1% (Due 29/06/11) | \$0.00 | \$707,836.93 |
| Westpac Banking Corporation | \$350,000.00 | Term Deposit 21-3481 5.5% (Due 29/06/11) | \$350,000.00 | \$0.00 |
| TOTAL INVESTMENTS | \$1,569,903.57 | | \$860,812.56 | \$709,091.01 |

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

Resolved that the report on Council investments as at 30th April 2011 was received and noted

Moved: Cr Graham Cooper

Seconded: Cr Clive Gibsone

Vote – Simple Majority

Carried 7/0

**9.0 Chief Executive Officer's Reports
Outstanding items**

| ITEM | RESOLUTION/PARTICULARS | STAFF ACTION | COMPLETED |
|--|---|---|---|
| <p>Resolution 9.8 Ordinary Council meeting 18th February 2010</p> <p>Resolution 9.4 Ordinary Council meeting 20th May 2010</p> | <p>Gliding Club of WA – Proposed 25 Year Lease</p> <p>That subject to the GCWA agreeing to paying half costs for the preparation of the lease agreement, Council authorise the CEO to prepare a lease agreement for a period of 25 years in conjunction with Council's solicitors McLeod & Co incorporating the terms & conditions as outlined in Report 9.8.</p> <p>(b) that prior to entering into the lease WAPC & Heritage Council consent be sort in accordance with section 136 of the Planing Development Act & Section 78 of the Heritage of WA Act 1990.</p> <p>(c) that upon securing the necessary funding to renovate Hut 101 (clubhouse) the President & CEO be authorised to sign and affix the Common Seal to the proposed lease agreement.</p> <p>(d) that the Gliding Club of WA be advised of (a) & (c) above</p> <p>(a) to receive Report 9.4 on the proposed GCWA draft lease.</p> <p>(b) the following clauses be amended;</p> <p>clause 24.1 from 6 months to 12 months notice clauses 10.1 & 10.2 as detailed in report 9.5</p> <p>(c) That the CEO be authorised to seek further instruction from Council's solicitors for the following issues;</p> <p>- Ensuring gliding club members have access to their hangars at all times – entry in & out.</p> <p>- Introduction of a rent review mechanism in addition to the current CPI Provisions, that accounts for future growth in the clubs membership.</p> <p>(d) That the proposed lease amount be amended to \$7,000 pa, increased annually in line with CPI movements.</p> <p>(a) That council endorse the recommendations of the Audit Committee meeting, subject to amending Option 1 (Rent Review) to \$115.00 per member.</p> <p>(b) That Council resolves to advise the Gliding Club of WA of the proposed final amendments to the terms of the lease document.</p> <p>(b) That subject to the Gliding Club of WA accepting the Lease document (either option 1, 2 or 3 – rent review) as amended, the Shire President & CEO be authorised to sign and affix the Common Seal to the Lease document.</p> <p>WAPC requested additional survey information to be incorporated into the lease document. Council's surveyor is currently undertaking required drawing for inclusion in the lease.</p> | <p>CEO/ MCLEOD & CO SOLICITORS</p> <p>CEO Liaise with McLeods Solicitors to amend clauses 24.1, 10.1 & 10.2</p> <p>Seek further instruction from McLeods as per (c)</p> | <p>90%</p> <p>First draft completed</p> <p>Council's solicitors have re-drafted lease document</p> <p>(95% complete)</p> <p>Further Report (9.6) to council after receiving comments from the gliding club</p> <p>Final Draft sent 20/07/10</p> <p>Final lease agreement has been sent to the Gliding Club 28/03/11 for execution & return</p> |
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| <p>Resolution 9.5 Ordinary Council meeting 20th May 2010</p> | <p align="center">Proposed Agricultural Spraying Business and Workers Accommodation (Dongas) at Cunderdin Airfield, Cunderdin</p> <p>(a) That the CEO be authorised to prepare a commercial lease detailing the terms and conditions for the use of the Bellman Hangar and other associated areas (accommodation & fuel facility) at an annual rental of \$10,000 pa, adjusted in line with CPI movements for a term of 5 years, with an option for a further 5 years.</p> <p>(b) That President & CEO be authorised to sign and affix the Common Seal to the lease agreement</p> <p>(c) That Council approve the application for a commercial agricultural spraying business and associated workers accommodation (dongas) at Cunderdin Airport, subject to the following conditions:</p> <p>Due to the poor season, Taurus Aviation have requested the lease agreement not be entered into at this time – It is understood that they are currently also in discussions with Quairading – possible relocation.</p> | <p align="center">CEO</p> <p>Liaise with McLeods Solicitors to prepare a commercial lease for Taurus Aviation</p> <p>To issue DA Approval outlining conditions as per Council's resolution</p> | <p align="center">Council's solicitors have drafted a lease document (90% complete) - to be checked</p> <p align="center">Development Approval issued (100% complete)</p> |
| <p>Resolution 12.4 Ordinary Council meeting 20th May 2010</p> | <p align="center">Cunderdin Co-location Centre</p> <p>Council did not want to make any commitment to this project until such time as further information is provided from staff indicating the likely cost to council.</p> <p><u>Notes</u> Cr Todd Harris requested that the staff look at utilising the current Cunderdin Sports Club building as a possible site.</p> | <p align="center">CDO/EM</p> <p>To follow up with FESA Re: Cost to Council</p> | <p align="center">10%</p> <p align="center">Further report to be prepared for council's consideration – information still being gathered</p> |
| <p>General Items Ordinary Council Meeting 15th April 2010</p> | <p align="center">SOARability</p> <p>Proposal to establish a Gliding Centre for the Physically Challenged at the Cunderdin Airfield.</p> <p>Project progressing Hangar design complete</p> <p>Met with Damien 29/06/10 to further discuss project - development application to be lodged. – request a 25 year lease</p> <p>Modified Glider has been delivered to Cunderdin Airfield, & commissioned for flight.</p> <p>Project has been held back due to FESA building fire requirements – project owner is in discussions with FESA to relax conditions</p> | <p align="center">GARY TUFFIN</p> | <p align="center">Met with Damien O'Reilly on site to select hangar site. 45% complete</p> <p align="center">DA Approved 16/09/10 (Report 9.6)</p> |
| <p>General Items Ordinary Council Meeting 15th April 2010</p> | <p align="center">Enterprise Metals Ltd</p> <p>Presentation provided by Mr Bruce Hawley (Metal Enterprises)</p> <p>Copies of drilling locations provided – all within council's road reserves – refer to drilling maps</p> <p>Letter received 9/06/10 from the Department of Mines & Petroleum requesting comment on the proposed drilling program</p> <p>Wrote to the Department of Mines advising council's resolution;</p> <p><i>That Council advises the Hon Minister for Mines and Petroleum that it has no objections to the application by Glintan Pty Ltd for an Exploration Licence to drill test for iron ore within the road reserves nominated in the application, subject to the conditions specified in the referral letter dated 3</i></p> | <p align="center">CEO</p> <p align="center">MARCUS TUDEHOPE (PLANNER)</p> | <p align="center">15th April 2010</p> <p align="center">Further presentation provided to President & CEO 2 June 2010</p> <p align="center">Report (9.10) to June council meeting</p> <p align="center">Letter sent 29/06/10</p> <p align="center">Drilling</p> |

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| | <i>June 2010 from the Department of Mines and Petroleum</i> | | <p>commenced 7/09/10</p> <p>Drilling has been suspended until after harvest</p> |
| <p>Resolution 9.2 Ordinary Council Meeting 15th April 2010</p> | <p align="center">Optus Mobile Tower</p> <p>That Council approve the application for a mobile base station at Lot 100 Carter Road Cunderdin, subject to the following conditions:</p> <p>1. The proposed development is to comply in all respects with the submitted plans approved on 15th April 2010 and stamped accordingly.</p> <p>Received (4/06/10) an email requesting access licence agreement to use Cunderdin Hill road.</p> | CEO | <p>(100%)</p> <p>Development Approval issued</p> <p>Draft agreement received 17/08/10</p> <p>Agreement has been sent to McLeods for review</p> <p>Agreement has been finalised refer to Report 9.4 17/02/11</p> |
| <p>Resolution 9.5 Ordinary Council meeting 24th August 2009</p> <p>Resolution 9.7 Ordinary Council meeting 18th March 2010</p> | <p align="center">Proposed Amendment No. 1 to Local Planning Scheme No. 3.</p> <p>a) That Council resolve pursuant to Part 5 of the Planning and Development Act 2005, to initiate an amendment to the Local Planning Scheme, District Zoning Scheme No. 3 to rezone Lot 1 and Loc 2195 Coronation Street Cunderdin to 'Rural Residential'.</p> <p>b) Western Australian Planning Commission be advised of a) above.</p> <p>That Council resolve pursuant to TP Regulations 17(1) to adopt the recommendation contained within the attached Schedule of Submissions, and further resolve pursuant to TP regulations 17(2) that Amendment No. 1 to the District Zoning Scheme (Town Planning Scheme No. 3) be adopted for final approval without modification.</p> <p>b) Western Australian Planning Commission and those who made submissions be advised of a) above.</p> <p>c) The affixing of the Common Seal to be authorized with respect to the amending documents for Amendment No 1 to TP Scheme No. 3.</p> <p>WAPC have requested additional information in support of the rezoning application.</p> | CEO | <p>(100% complete)</p> <p>All documentation completed, signed and sent to the WAPC</p> <p>Amended documentation returned to WAPC as requested 9/12/10</p> <p>Rezoning complete – notice placed in West Aust 9/03/11</p> |
| <p>Resolution 9.3 Ordinary Meeting 17th December 2009</p> | <p align="center">LGS Business Plan</p> <p>(a) That Council advise SEAVROC that it wishes to participate in the LGS Integrated Software project.</p> <p>(b) That the CEO be authorised to undertake public consultation, making the Plan available for viewing, advertising the Plan (period not less than 6 weeks), with any submissions received to be considered by Council before its final adoption, pursuant to Section 3.59 of the Local Government Act 1995.</p> | CEO | <p>Joint notice placed advertising complete no submissions received by closing date 29th April 2010</p> |

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| <p>Resolution #SE-024-10</p> | <p>(a) That the participating Member Local Governments to the LGS Software Project, namely the Shires of:</p> <p>Beverley, Cunderdin, Quairading and York</p> <p>be requested to give consideration to adopting the Business Plan, titled: "Integrated Software – Exclusive West Australian Marketing and SalesRights Proposal" on the basis that the submission period has now expired.</p> <p>(b) Subject to (a) above, the Host Local Government, the Shire of Cunderdin, be requested to finalise and sign the Grant Agreement on behalf of the participating local governments.</p> <p>(b) The Executive Officer be authorised to liaise with LG Systems Inc in relation to preparing a Deed of Agreement in accordance with the objectives and purpose set out in the Memorandum of Understanding and the Adopted Business Plan for the Project.</p> <p>At this stage Peter (LGE – new version of LGS) will be in Cunderdin in March 2011 to implement new system.</p> | <p>CEO</p> <p>DCA</p> | <p>Report (9.7) to June council meeting</p> <p>Signed & invoiced</p> <p>In progress</p> <p>McLeod have received agreement and recommended a number of changes</p> |
| <p>Resolution 9.7 Ordinary Meeting 17th December 2009</p> | <p style="text-align: center;">Staff Housing Project</p> <p>(1) That a Staff House Working Group be established to prepare the necessary tender specifications & documentation for the supply and construction of one new staff house.</p> <p>(2) That the Staff House Working Group consist of the following membership;</p> <p>Cr David Beard Cr Doug Kelly Cr Dianne Kelly Chief Executive Officer</p> <p>(3) That the CEO be authorised to invite tenders when the tender documentation has been completed by the Staff Housing Working Group & purchase a suitable vacant lot.</p> | | <p>Tender specifications Completed</p> <p>Project suspended due to withdrawal of CLGF for 2009/10</p> |

Outstanding matters

Council Resolution Action List – 18 August 2010

| | | | |
|--|--|--|--|
| <p>Resolution 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.8</p> | <p>Proposed New Cemeteries Local Law Proposed Dogs Local Law 2010 Proposed Health Amendment Local Law 2010 Proposed Pest Plants Local Law 2010 Proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2010 Proposed Parking Local Law 2010 Proposed Local Government Property Amendment Local Law 2010</p> <p>That Council:</p> <p>(1) adopt the proposed Shire of Cunderdin _____ Local Law 2010, as contained in the Attachment;</p> <p>(2) pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Cunderdin Local Government Property Amendment Local Law 2010, as contained in the Attachment:</p> <p>(a) the purpose of which is to restrict and prohibit</p> | <p>CEO/DARREN LONG</p> <p>Darren Long to prepare joint SEAVROC advertisement</p> | <p>65%</p> <p>The proposed local laws were advertised in the West Aust on 24/11/10</p> <p>6 week public submission period from date of notice concludes 19/01/11</p> |
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| | <p>certain activities on reserves and review the modified penalties; and</p> <p>(b) the effect is to control the use of local government property and create offences for inappropriate behaviour in or on local government property.</p> | | |
| Resolution 9.7 | <p>Sale of proposed lot 23 Centenary Place, Cunderdin</p> <p>That Council resolve:</p> <p>(a) to offer to sell the proposed Lot 23, Centenary Place, Cunderdin subject to Mr Troy Donovan agreeing to the following terms and conditions;</p> <ul style="list-style-type: none"> - Selling price be set at \$30,000.00 - That the CEO be authorised to negotiate finance terms, if required. - That the buyer be responsible for all costs associated with the boundary adjustment to create lot 23, which is to be amalgamated with the existing lot 22. - That the proposed lot 23 be no greater in size than 2,244m² as drawn in the proposed subdivision drawing prepared by D Considine & G Foster <p>(b) That if Mr. Troy Donovan agrees to the terms above in (a) that public notice of these terms be published for public information & submission in accordance with section 3.58 of the Act prior to entering into a contract for sale.</p> <p>(c) That subject to not receiving any adverse submissions the Chief Executive Officer be granted delegated authority to finalise the matter.</p> | CEO | <p>Letter sent 24/08/10 advising council's decision - no response received from Mr T Donovan to date</p> <p>Extension of sale period (10-12 months) requested Report 9.5 18/11/10</p> <p>Mr Donovan has agreed to the terms subject to obtaining a reasonable survey quote.</p> |

Council Resolution Action List 18th November 2010

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| | <p>Meckering Ag Society Organise an meeting to discuss future use of the old Ag Society Show grounds asap</p> | CDO/EM | To be actioned |
| | <p>Sports Club Meeting To discuss management of new club</p> | CDO/EM | To be actioned |

Council Resolution Action List 16th December 2010

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| Resolution 9.1 | <p>(a) That in accordance with section 40 of the Bush Fire Act 1954 Council appoint;</p> <p style="padding-left: 40px;">Haydn Dixon Shane Mackin Tim York Ray Reid</p> <p>as Dual Fire Control Officers as nominated by the Shire of Tammin.</p> | CDO/EM | |
|-----------------------|--|--------|--|

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| | <p>(b) That in accordance with section 40 of the Bush Fire Act 1954 Council appoint;</p> <p style="padding-left: 40px;">Terry Harlow</p> <p style="padding-left: 40px;">as a Dual Fire Control Officer as nominated by the Shire of Quairading.</p> <p>(c) That;</p> <p style="padding-left: 40px;">Todd Harris, Rodney Rogers, Ashley Teakle, Doug Kelly & Stewart Mussared.</p> <p style="padding-left: 40px;">be nominated as Dual Fire Control Officers with the Shires of Dowerin, Quairading, Northam, Goomalling Tammin Wyalkatchem & York.</p> | | |
| Resolution 9.3 | <p>That Council Resolve;</p> <p>a) to advise Mr Beveridge that any proposed development on the lot will be subject to a Development Approval, meaning it must comply with the Shire of Cunderdin's Town Planning Scheme #3. Therefore, until a Development Application is lodged with council and approved, it will not be possible to provide the assurance that a business of choice will be allowable.</p> <p>b) to authorise the Chief Executive Officer to obtain a valuation for Lot 6 Centenary Place, Cunderdin in order that it may proceed with the proposed sale of the lot in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995, subject to Mr Beveridge's in principle agreement to the conditions of sale.</p> <p>c) to inform the Real Estate agent, Bob Davey of (a) above.</p> | CEO | Letter sent to Mr Beveridge |

Council Resolution Action List 17th February 2011

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| Resolution 9.3 | <p>Proposal to Make Extractive Industries Local Law 2011 Council resolved to:</p> <ol style="list-style-type: none"> 1. Note the submission from the Department of Local Government in relation to the proposed Shire of Cunderdin Extractive Industries Local Law 2010. 2. Adopt and make the Shire of Cunderdin Extractive Industries Local Law 2011, as per Attachment 1 incorporating all amendments, in accordance with section 3.12 of the Local Government Act 1995- <ol style="list-style-type: none"> (a) the purpose of which is to establish the requirements and conditions with which extractive industries, within the district, must comply with; and (b) the effect is to provide for the regulation, control and management of extractive industry proposals. 3. Publish the adopted Shire of Cunderdin Extractive Industries Local Law 2011, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government. | CEO | <p>70%</p> <p>Copy has been sent to the Department of Local Government 28/03/11</p> <p>Text has been sent to the State Law publisher for Gazetting</p> |
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| | <p>4. Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.</p> <p>5. Authorise the affixing of the Common Seal of the Shire to the Shire of Cunderdin Extractive Industries Local Law 2011.</p> | | |
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Council Resolution Action List 20th April 2011

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| <p>Resolution 9.1</p> | <p>Constitutional recognition for Local Government Council resolved to;</p> <p>(1) support the ALGA campaign for the Constitutional recognition of local government;</p> <p>(2) call on the Federal Government to conduct a referendum to achieve the Constitutional recognition of local government at the 2013 federal election;</p> <p>(3) develop a local level campaign, in support of the national campaign, to inform the local community and garner its support;</p> <p>(4) acknowledge that funding implications need to be considered as part of the ongoing financial planning process.</p> | <p>CEO</p> | <p>100% Letter sent to the Prime Minister</p> |
| <p>Resolution 9.2</p> | <p>Reserve 18684 & Reserve 2398 That Council resolved to advise the Department of Regional Development & Lands:</p> <p>(1) that Reserve 2398 is not being used as a camping area, nor is it envisaged this would be a suitable use in the future – no demand for such use.</p> <p>(2) that Council does not have the financial capacity to maintain either Reserve to a satisfactory standard.</p> <p>(3) that it recommends the amalgamation of Reserve 2398 into 18684, subject to the area being vested with Department of Environment & Conservation (DEC) for their care and management.</p> | <p>CEO</p> | <p>100% letter sent</p> |
| <p>Resolution 9.3</p> | <p>Community Emergency Services Coordinator Position Resolved;</p> <p>a) That Council authorise the Chief Executive Officer to negotiate and sign a Memorandum of Understanding for the provision of a Community Emergency Services Manager; and</p> <p>b) That Council agree to allocate \$12,256.20 in the 2011/12, 2012/13 & 2013/14 Budgets to support the position of Community Emergency Services Manager.</p> | <p>CEO/EM</p> | <p>70% letter sent</p> |
| <p>Resolution 9.4</p> | <p>Shire of Tammin – Roadwork's Management Resolved;</p> <p>(a) That council offer the service of the Manager of Works & Services for the 2011/12 financial year on the following terms & conditions:</p> <p>(1) either option (a) or (b);</p> <p>(a) An hourly rate of \$75.00 per hour (+GST), up to</p> | <p>CEO/ Mgr F&A</p> | <p>100% Letter has been sent to Shire of Tammin and the Fees & Charges have been Updated</p> |

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|-----------------------------|--|-----------------------------|--|----------------------------|----------------------------------|------------------------|----------------------------------|--|--|
| | <p>a maximum of 1 day per week.</p> <p>(b) fixed sum of \$29,640.00 (+GST) pa for up to a maximum of 1 day per week, with flexible service days, which are if used expiry each 12 month period.</p> <p>(2) That should the service provided effect the Manager of Works & Services ability to conduct his role at the Shire of Cunderdin effectively, 3 month's notice will be given to the Shire of Tammin that the service will be removed.</p> <p>(3) That should the current Manager for Works & Services employment cease, so to will the service provided to the Shire of Tammin.</p> <p>(b) That council's fees & charges be amended as follows;</p> <p>(Insert) <u>labour charge only</u></p> <table border="0"> <tr> <td>Manager of Works & Services</td> <td>\$82.50 per hour (GST inclusive)</td> </tr> <tr> <td>Final Trim Grader Operator</td> <td>\$55.00 per hour (GST inclusive)</td> </tr> <tr> <td>General Plant operator</td> <td>\$50.00 per hour (GST inclusive)</td> </tr> </table> <p>Delete/remove all previous charges relating to plant labour.</p> <p>To become effective from the date of amendment by council.</p> <p>(c) That in accordance with section 6.19 of the Act the amended fees & charges be advertised.</p> | Manager of Works & Services | \$82.50 per hour (GST inclusive) | Final Trim Grader Operator | \$55.00 per hour (GST inclusive) | General Plant operator | \$50.00 per hour (GST inclusive) | | <p>Notice placed in the Bandicoot 27/05/11</p> |
| Manager of Works & Services | \$82.50 per hour (GST inclusive) | | | | | | | | |
| Final Trim Grader Operator | \$55.00 per hour (GST inclusive) | | | | | | | | |
| General Plant operator | \$50.00 per hour (GST inclusive) | | | | | | | | |
| Resolution 9.5 | <p>Tender #4 – Gliding Hut Refurbishments Resolved; That Council engage the services of Hi Construction for the restoration works to Gliding Club House Hut (101) and Workshop Hut (104) for the sum of \$130,972.55 in accordance with the schedule of works/specifications as detailed in the Tender #4 – 2010/11.</p> | CEO | <p>10% Tender Awarded</p> | | | | | | |
| Resolution 10.2 | <p>WA College of Agriculture – Meat Inspections Resolved; (a) That the Shire of Cunderdin not issue a Certificate of Authority for the College's slaughterman to be an "authorised officer" for the purpose of inspection of animals before and after slaughter as per regulation 21 of the Food Regulations 2009 (Inspection of animals and carcasses at abattoirs) until such a time as the College provide documentation that the College slaughterman has completed a Certificate III in Meat Processing (Meat Safety) or equivalent and the Shire has obtained insurance cover for the College's slaughterman before the Certificate of Authority is issued.</p> <p>(b) that the WA College of Agriculture Cunderdin be accordingly</p> | CEO | <p>100% Letter sent advising council's decision</p> | | | | | | |
| Resolution 10.3 | <p>Landmark – Schedule 7 Licence Council resolved to endorse the application for a Retail Poisons Licence - Schedule 7, Registered Agricultural and Veterinary chemicals from Mrs Sharon Rae Reynolds, DKT Rural Agencies, 37 Baxter Rd, Cunderdin on the condition that the applicant has DOH Approval for the Retail Poisons Licence - Schedule 7.</p> | CEO | <p>100% Letter sent advising council's decision</p> | | | | | | |

| | | | |
|------------------------|---|--------|--|
| Resolution 12.4 | Sporting Facilities Working Groups Council resolved to; a) Nominate Cr Carter to the Facility Design Working Group as Chair; b) Nominate Cr Gibsone to the Facility Management Working Group as Chair; c) Adopt the Terms of Reference for the Facility Design Working Group; and d) Write to all parties listed above in the Facility Design Working Group to accept their nominations for the Working Group. e) Contact the sporting representatives from Hockey, Nippers & Netball and approach them to nominate a representative for the Facility Management Working Group. f) Contact all groups and inform them that they can only have 1 representative for the Facility Management Working Group. | CDO/EM | 100% letters sent First Design group meeting set for the 25/05/11 |
|------------------------|---|--------|--|

Council Resolution List 19th May 2011

| | | | |
|-----------------------|---|-----------|--|
| Resolution 9.4 | Local Government Convention (Week) 2011 Council resolved to: (a) Attend the Local Government week held from Thursday 4 th August to Saturday 6 th August 2011 in Perth (b) Nominate the following Councillors and the Chief Executive Officer as delegates Cr. Rod Carter, Cr. Clive Gibsone, Cr. Dennis Whisson & Cr Graham Cooper. (c) Reimburse nominees for reasonable expenses associated with Local Government week. (d) Reimbursable expenses are, travel and meals. (e) That Cr. Rod Carter & Cr. Clive Gibsone be appointed the voting delegates for the WALGA 2011 Annual General Meeting | Admin/CEO | |
| Resolution 9.6 | Development Assessment Panels – Request for LG Nominations Resolved that Council will: (1) Nominate Cr Cooper & Cr Gibsone to be Council's Local Government Development Assessment Panel representatives and Cr Beard & Cr Harris be nominated as the deputy members. (2) Forward nominations to the Department of Planning | CEO | |
| Resolution 9.8 | Proposed building with an extraction unit at 37 Baxter Road (lot 11), Cunderdin Council approved the application for a proposed building with an extraction unit at 37 Baxter Road (lot 11), Cunderdin | CEO | |

| | | | |
|------------------------|--|--------------------------|--|
| | <p>subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The proposed development is to comply in all respects with the submitted plans approved on 19.05.2011 and stamped accordingly. 2. No dust or wood particles shall be discharged beyond the boundaries of the premises. | | |
| Resolution 10.1 | <p>Section 135 Health Notice – Cunderdin Airfield Resolved that;</p> <ol style="list-style-type: none"> a) Council serves a Section 135 Health Act Notice declaring that the airfield buildings unfit for human habitation and requiring that no persons occupy the building and for the occupants to vacate the building within 14 days of the notice being served. b) Council authorise the Chief Executive Officer & Deputy President to negotiate satisfactory terms and conditions with Bob Milligan. c) Council authorise the Chief Executive Officer & Deputy President to negotiate ownership of the huts that are allegedly privately owned. d) Council request the Chief Executive Officer to negotiate with the Asbestos Specialist to get prices to carry out necessary works at the airfield. e) Council request the Chief Executive Officer to investigate funding options to pay for necessary works to be carried out. | CEO/EHO/Deputy President | |

Other projects

| | | | |
|--|---|--|---|
| | <p>Cunderdin Airfield lighting system upgrade Design complete – estimated value of works \$440k</p> | | 100% |
| | <p>Cunderdin Airfield RFDS shed Seeking feedback from CASA in regards to appropriate location in accordance with MOS 139</p> | | 30% |
| | <p>Cunderdin Bush Fire Brigade Shed Shed has been ordered</p> | | 100% Shed has been constructed |
| | <p>Cunderdin Sports Facility Project Budget amendment required to fund next stage – design work Funds have been allocated – refer to budget review Report 9.2 (17/02/11)</p> | | 10% |
| | <p>Asset Management Plans All properties have been valued by APV Valuers Council's road network has been valued and condition rated</p> | | 70% |
| | <p>Restoration of Gliding Club House & Other hut</p> | | 30% |

| | | | |
|--|---|--|---|
| | Works has been tendered Tender close 4 th March 2011 - No Tenders received. | | |
| | Implementation of LGE New version of LGS | | 5% |
| | Meckering Sports Club Design & Construct project (1 Bowls & 4 Tennis courts) Tender closes 4 th March 2011 4 tenders received. | | Contract Awarded To Evergreen Synthetic Grass |
| | Upgrade to memorial drive | | 0% |
| | Grading of Leeming Rd Road requires grading after the wear on due to works on Bulgin Rd | | |

9.1 Country Local Government Funding Agreement

| | |
|-------------------|-----------------------------|
| Location: | Cunderdin |
| Applicant: | Administration |
| Date: | 17 th March 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

Disclosure of Interest

No disclosures of interest have been tabled.

Attachments

Letter dated 20th April 2011 – Department of Regional Development & Lands (CLGF)
Schedule 4 – Royalties for Regions Project Details

Background

The Financial Assistance Agreement (FAA) for council's 2010/11 Country Local Government Fund (CLGF) allocation was received by email on the 20/04/11.

In accordance with Council's Forward Capital Works Plan, these funds will be used for the Meckering Sports Club upgrades.

Project Description and Objective

1. Construction of a synthetic bowling green rink, including the demolition of existing grass rink, base works, drainage, installation of synthetic surfaces, retaining walls, and brick paving.
2. Construction of 4 Synthetic Tennis courts, including demolition of existing, drainage to site, base works, installation of synthetic surfaces, retaining wall, fencing, court markings.

Comment

To ensure the timely release of the 2010/11 funds the Shire President and CEO executed the agreement immediately.

Council are now requested to endorse the actions of the Shire President and Chief Executive Officer in signing and affixing the Common Seal to the Royalties For Regions (Country Local Government Fund – local) 2010/11 Financial Assistance Agreement.

Statutory Implications.

Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S5.42(1)

Policy Implications

No 12 **Date Adopted** 19 April 07 **Date Reviewed** 21 May 2009

Subject **Administration-Execution and affixing of Common Seal to documents**

Actual Delegation

Notwithstanding the provisions of Section 9.49 of the Local Government Act, the Chief Executive Officer is authorised to affix the Common Seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council.

Conditions

Council to be notified of executed documents via a report to be submitted to Council meeting.

Financial Implications

Total funding received \$393,215.00

| Item | Item Cost | Source of Funds – CLGF | Source of Funds - Other |
|--------------------------|------------------|-------------------------------|--------------------------------|
| Tennis courts x 4 | \$190,715 | \$190,715 | \$0.00 |
| Bowling rink x 1 | \$202,500 | \$202,505 | \$0.00 |
| Total Cost | \$393,215 | | |

| Item of Expenditure | Item Cost (\$) | Source of Funds (Specify CLGF, Recipient, name of other source) |
|--------------------------------|-----------------------|--|
| Tennis courts x 4 | \$230,715 | CLGF \$190,715 Shire of Cunderdin \$40,000 |
| Bowling rink x 1 | \$202,500 | CLGF |
| | | |
| | | |
| Total CLGF Funding | \$393,215 | |
| Total Recipient Funding | \$393,215 | |
| Total other Funding | \$40,000 | |
| Total Cost | \$433,215 | |

Resolution 9.1

Resolved that Council endorse the actions of the Shire President & Chief Executive Officer in signing and affixing the Common Seal to the Financial Assistance Agreement for the 2010/11 Country Local Government Fund allocation.

Moved: Cr Clive Gibsone

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried 7/0



Our ref: 736-08 E1119199
Enquiries: Lisa Cinanni ph: 9217 1481

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

Dear Mr Tuffin

**ROYALTIES FOR REGIONS – COUNTRY LOCAL GOVERNMENT FUND (CLGF)
Financial Assistance Agreement (FAA), Shire of Cunderdin**

I am writing to advise you that the Shire of Cunderdin's Forward Capital Works Plan (FCWP) was received 31 December 2010. The FCWP was assessed by the Department of Regional Development and Lands (RDL) and found to meet the requirements of the Country Local Government Fund (CLGF) guidelines. The Shire has also fully acquitted its 2008-09 CLGF allocation.

As both of these funding requirements have been met, the next stage in the progression of the Shire's 2010-11 CLGF allocation is the development of a Financial Assistance Agreement (FAA). The FAA outlines the conditions of the funding and the obligations of the Shire and RDL.

The Shire is to review and complete the FAA where necessary. In particular, the Shire will need to complete Schedule 4 of the FAA, which details the project(s) to be funded. These project(s) must have been identified in the Shire's FCWP.

For further inquiries relating to the above please contact Ms Lisa Cinanni on 9217 1481 or Freecall 1800 620 511 or email: lisa.cinanni@rdl.wa.gov.au.

Yours sincerely

Linda Leonard
MANAGER, REPORTING AND EVALUATION

20 April 2011

SCHEDULE 4 – ROYALTIES FOR REGIONS PROJECT DETAILS

1. Purpose

The Funding is provided for reasonable direct wages, contracts and capital works designated as Country Local Government Fund projects in the 2010-11 financial year component of the Forward Capital Works Plan submitted by the Recipient and approved by the Department. This Project involves activities and capital works as detailed in Clause 4 of this schedule.

2. Funding Amount(s)

\$393,215 will be provided for the Purpose noted in Clause 1 above.

The payment of the Funding will be subject to assessment of Project expenditure by the Department for consistency with the Guidelines.

3. Manner in which Funding is to be Paid

After this Agreement has been executed by both Parties, the Department will authorise the payment of the full amount of Funding of \$393,215 to the Recipient in the manner described in Schedule 5.

4. Detailed Description of Project/Projects

4.1. Project Description and Objective

1. Construction of a synthetic bowling green rink, including the demolition of existing grass rink, base works, drainage, installation of synthetic surfaces, retaining walls, and brick paving.
2. Construction of 4 Synthetic Tennis courts, including demolition of existing, drainage to site, base works, installation of synthetic surfaces, retaining wall, fencing, court markings.

A feasibility study was undertaken that identified large savings were achievable by converting the existing grass playing surfaces to synthetic.

This project addresses a major ongoing concern – sustainability, by converting labour intensive (specialised skill - Greenkeeper), high input & water intensive grass courts (x6) and (1) grass bowling green to low maintenance synthetic surfaces.

This project has also resulted in the rationalisation of 6 tennis courts down to 4.

The four new tennis courts will be constructed over the existing grass areas, likewise for the bowling green.

In addition to the operational (cost reduction) benefits the new playing surface will encourage greater use, being available all year round.

9.2 Cunderdin Airport Development Plan

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Administration |
| Date: | 19 th May 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

Disclosure of Interest

No disclosure of interest has been tabled.

Proposal

To review the Cunderdin Airport Commercial Development Plan (CACDP), and if satisfied, formally accept the plan.

Attachment

Cunderdin Airport Commercial Development Plan was previously posted to all councillors prior to the meeting.

Background

Council engaged the services of Lowes Churchill & Associates Pty Ltd (Consultant Engineers) to explore the commercial development opportunities for the airport.

Comment

The plan consists of the following

| | | |
|----|--|-----|
| 1 | EXECUTIVE SUMMARY | 2 |
| 2 | INTRODUCTION..... | 5 |
| 3 | HISTORICAL REVIEW AND STAKEHOLDER CONSULTATION | 13 |
| 4 | DEVELOPMENT CAPACITY OF CUNDERDIN AIRPORT INFRASTRUCTURE | 38 |
| 5 | WESTERN AUSTRALIAN STRATEGIC AVIATION CONSIDERATIONS | 48 |
| 6 | CUNDERDIN AIRPORT STRATEGIC COMMERCIAL DEVELOPMENT CONSIDERATIONS | 59 |
| 7 | FINANCIAL IMPLICATIONS OF COMMERCIAL DEVELOPMENT | 66 |
| 8 | COMMERCIAL DEVELOPMENT OVERVIEW | 69 |
| 9 | SHORT TERM COMMERCIAL DEVELOPMENT | 74 |
| 10 | MID TERM COMMERCIAL DEVELOPMENT | 89 |
| 11 | LONG TERM COMMERCIAL DEVELOPMENT | 96 |
| 12 | ENVIRONMENTAL CONSIDERATIONS AND OTHER OPPORTUNITIES | 98 |
| 13 | MARKETING STRATEGY | 100 |
| 14 | ASSET MANAGEMENT AND FORWARD CAPITAL WORKS PLANS | 102 |
| 15 | SAMPLE IMPLEMENTATION PLAN | 107 |
| 16 | SUMMARY AND ACKNOWLEDGEMENTS | 108 |

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 a number of financial implications identified in the Plan. None of the proposed projects in the plan have been budgeted for, and would therefore be subject to securing future grant funds.

Strategic Implications

The Cunderdin Airport Commercial Development provides a planning framework for the future development of the facility over a realistic 25 year timeframe. By identifying and meeting the needs of the commercial aviation industry council will ensure the airfields long term viability.

Resolution 9.2

Council resolved to accept the Cunderdin Airport Commercial Development Plan as presented.

Moved : Cr Graham Cooper

Seconded: Cr Dennis Whisson

Vote – **Simple majority**

Carried 7/0

9.3 Cunderdin Airfield – Regional Development Australia Fund (RDAF)

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Staff |
| Date: | 20 th May 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

Disclosure of Interest

No disclosure of interest has been tabled.

Proposal

To endorse the actions of the CEO in preparing and submitting a funding application to Regional Development Australia for the Cunderdin Regional Airport.

Tabled

Full copy of the Regional Development Australia Fund (RDAF) application.

Background

As part of the Federal Government's commitment to Regional Australia, the Government has allocated \$1.4 billion in funding support to local communities. Of this, \$1 billion has been provided to the Regional Development Australia Fund (with \$573 million of this being subject to the passage of the Minerals Rent Resource Tax).

There will be two funding rounds per year \$500 million each time. \$400 million of the 1.4 billion has been provided to the Queensland floods.

The scope of eligible projects is broad. Projects must contribute to the development of infrastructure, and to economic and community growth. Completion of the project should enhance the liveability of the community.

Projects should be strategic, but may be large or small in nature (noting that grants of between \$500,000 and \$25 million are available). Potential projects could include:

- community centres, such as a theatre, performing arts centre or a youth centre;
- child care centres;
- sporting facilities, such as football fields, a grandstand, or a regional sports hub;
- waste management systems;
- economic infrastructure projects, such as bridges, new additions to local airports or a regional transport hub.

The CEO has prepared and lodged an application for the development of the Wheatbelt Regional Airport (Cunderdin).

Comment

The application has been officially endorsed by the Regional Development Australia Board (Wheatbelt). Refer to the attached letter.

Applications for Round One of the RDAF closed on Friday, 13 May 2011, 4.59pm EST.

The final submission was lodged (12/05/11) and will now be subject to an assessment by the RDA advisory board.

The program states that they anticipated that successful projects for Round One will be announced in July 2011. Contracts for those projects would be negotiated and agreed within 16 weeks of the Minister's decision.

The proposed works (safety improvements identified in the CCADP) that formed the basis of the application have been divided into 3 sub-projects as follows;

(Sub-project 1) - Emergency Water, Fuel Facilities & Emergency Power Upgrades

Improved Fire Fighting Capacity – water main upgrade to 150mm to provide the capacity of supplying 201/s for 4 hours at 200kPa in accordance with FESA requirements

Fuel Supply - Installation of new fuel bowsers, 10,000L Jet Fuel Tank & dispenser (fuel card system) & 10,000L Avgas Tank & dispenser (fuel card system)

Emergency Power Supply - Replacement backup power 20kva generator (for existing Pilot Activated Lighting (PAL) system & Non Directional Beacon (NDB) navigational aid)

(Sub-project 2) - Construction of new Taxiways

Construction of two taxiways 18 metres wide (refer to drawing Figure 8, 9, 10 & 11) – avoids the need for planes to backtrack on the main runways - hazard reduction

(Sub-project 3) - Light Aircraft Taxiway Construction

New sealed access ways (safety improvement) to light aircraft stand areas and glider tow paths

This approach (sub-projects) was taken to ensure that in the unfortunate event of not receiving all the requested funding, the highest priority sub-project (1) could still be undertaken.

Statutory Implications

There are no statutory implications in considering this application.

Policy Implications

There are no policy implications in considering this item

Financial Implications

Proposed capital works budget

| | |
|--|--------------------|
| Improved Fire fighting capacity | \$ 760,000 |
| Upgrade emergency back-up Power supply | \$ 104,000 |
| Installation of aviation fuel facilities | \$ 180,000 |
| Construction of Taxiways | \$1,493,390 |
| Construction of light aircraft taxiways & standing areas | \$1,530,000 |
| Total Capital Expenditure | \$4,067,390 |

Source of funding

| | |
|--|--------------------|
| Shire of Cunderdin | \$ 314,350 |
| Wheatbelt Development Commission - RGS | \$ 754,544 |
| Regional Development Australia – RDAF | \$2,998,496 |
| Total Funding | \$4,067,390 |

Note:

If the application is successful Council's contribution would be on the following basis;

Cash \$150,000
In-kind \$164,350

Strategic Implications

This project seeks to foster and support the provision of aviation services on a regional level, to enable growth of this industry which will assist with the diversification of the economic base of the Wheatbelt.

Having additional businesses operating from the Airfield will provide an increased need within the community for goods and services, which in turn will result in the creation of new employment opportunities and infrastructure construction needs, eg new staff housing.

Resolution 9.3

Council endorsed the actions of the CEO in preparing and submitting an application to Regional Development Australia for the safety improvements (1 -5 years) identified in the Cunderdin Commercial Development Plan.

Moved: Cr Graham Cooper

Seconded: Cr Todd Harris

Vote – Simple majority

Carried 7/0

5th May 2011

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

RDA Wheatbelt Inc
3 Corotable Street,
Gingin, WA, 6503

Tel: 08 9575 1888

Fax: 08 9575 1999

Email: admin@rdawheatbelt.com.au

Web: www.rdawheatbelt.com.au

ABN: 30 580 026 380

Dear Gary

RE: PROJECT ENDORSMENT FOR ROUND 1 OF THE RDA FUND

I am writing in regard to your project, "Cunderdin Regional Airport Commercial Development", for which you intend to apply for the Regional Development Australia Fund (RDAF). The RDA Wheatbelt Inc. committee has reviewed your project and made a determination about whether or not to endorse it for the first round of this fund.

As per the RDAF Guidelines applicants must receive a written endorsement from the Regional Development Australia (RDA) Committee in the area the project will be located and/or impact on. The role of the RDA committee's is not to assess the eligibility of projects rather it is to identify if the project aligns with priorities identified in the Regional Plan for that area.

The RDA Fund has generated considerable interest from local government and not-for-profit organisations throughout the Wheatbelt and Australia. To ensure a consistent and transparent approach to reviewing projects put forward to the RDA Wheatbelt committee we developed an evaluation tool which we applied to all projects from our region. The primary criteria we used in our review were:

- Regional impact of the project
- Shovel readiness
- Evidence of the applicants ability to deliver on the project

The RDA Wheatbelt committee have reviewed your application and are pleased to advise that we will endorse this project for the first round of the RDA Fund.

In RDA Wheatbelt's Strategic Regional Plan we have identified as one of the key regional priorities, the need for significant improvements to rail, road and aviation infrastructure for both private and commercial use. The Wheatbelt does not currently have a "regional airport" and the aviation industry of the region is quite limited. If we are to grow this industry within the region a strategic and planned approach to airfield upgrades is imperative to ensure incompatible developments do not occur. A comprehensive Aviation Strategy is required for the region to identify the best position for a truly regional airport to be established and to plan for complimentary activity that can be conducted at smaller regional airfields that will enable all to be sustainable and offer long term benefit to the Wheatbelt.

Whilst an aviation strategy for the region does not currently exist, the RDA Wheatbelt committee believe that the safety upgrades to the Cunderdin airfield should be funded through the RDA Fund as our local knowledge lends us to accept that this facility is best placed to meet the requirements of a regional airport. Cunderdin's competitive advantage is its strategic location along major rail and road transport links and its centrality in the Wheatbelt, which



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places it in a prime position to act as a truly regional facility. The existing infrastructure and advanced planning for this airfield also set it apart from others in the region.

In addition to this projects ability to address the need for improvements to aviation infrastructure in the Wheatbelt it is also evident that this venture has the potential to boost the economy of the region. The Cunderdin airfield already has a number of commercial operations based at the facility and with the proposed upgrades the potential to attract additional investment is evident through the interest already being shown from private aviation businesses.

RDA Wheatbelt believe that this project should be considered a high priority for this first round of the RDA Fund based on its potential to address one of our identified regional priorities and its alignment with our strategic objective, which is to support the economic growth, diversification and development of the Wheatbelt.

Thank you for providing your application for the RDA Fund to the RDA Wheatbelt committee. We wish you all the best with your application and future endeavours. If there is any way we can assist you in future please do not hesitate to contact us.

Yours sincerely,



Cynthia McMorran

RDA Wheatbelt Chair



An Australian Government Initiative



9.4 Local Government Convention (Week) 2010

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Not Applicable |
| Date: | 19 th May 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

Proposal

Council to consider nominations for Local Government Convention & Exhibition and appoint two voting delegates for the 2010 WALGA Annual General Meeting.

Tabled

The Western Australian Local Government Association Convention information and registration brochure

Background

Local Government week is to be held from Thursday 4th August to Saturday 6th August 2011 in Perth at the Perth Convention Exhibition Centre.

The underpinning focus of this year's convention is sector renewal and innovation.

An invitation is extended to all Councillors and their partners to attend.

All councillors were emailed a copy of the program on the 21/04/11

Comments

Cr Carter, Cr Gibsone & Cr Cooper all responded to the email invitation expressing an interest to attend the 2011 Local Government Convention.

Statutory Implications

The Local Government Act 1995 Part 5 Division 8

Section 5.98 (extract) Fees etc. for council members

(2) A council member who incurs an expense of a kind prescribed as being an expense

(b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).

(3) A council member to whom subsection (2) applies is to be reimbursed for the expense

(b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent

Local Government (Administration) Regulations 1996

Regulation 32 Expenses that may be approved for reimbursement

(1) For the purposes of section 5.98(2) (b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are

- (a) an expense incurred by a council member in performing a function under the express authority of the local government;
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.
- (2) The extent to which an expense referred to in subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.

Comment on the Statutory Implications

Council can resolve to reimburse Councillors for reasonable expenses associated with Local Government week. These expenses may include:

- ✓ Travel
- ✓ Meals

Policy Implications

There are no policy implications in considering this item.

Financial Implications

The 2010/2011 draft budget provides \$14,040.00 for conference attendances.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 9.4

Council resolved to:

- (a) Attend the Local Government week held from Thursday 4th August to Saturday 6th August 2011 in Perth
- (b) Nominate the following Councillors and the Chief Executive Officer as delegates
Cr. Rod Carter, Cr. Clive Gibsone, Cr. Dennis Whisson & Cr. Graham Cooper.
- (c) Reimburse nominees for reasonable expenses associated with Local Government week.
- (d) Reimbursable expenses are, travel and meals.
- (e) That Cr. Rod Carter & Cr. Clive Gibsone be appointed the voting delegates for the WALGA 2011 Annual General Meeting

Moved: Cr David Beard

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 7/0

9.5 Water Efficiency Management Plan

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Staff |
| Date: | 19 th May 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

Disclosure of Interest

No disclosure of interest has been tabled.

Proposal

Council to consider endorsing the actions of the CEO in preparing and lodging a Water Efficiency Management Plan (WEMP) for the Cunderdin Sports Oval.

Attachment

Water Efficiency Management Plan (Cunderdin Sports Oval)

Background

In planning for the State's water future, the Water Corporation has adopted a Security through Diversity approach, which is now a strategic priority.

As part of its community focus on water conservation, the Government requires all business customer sites state-wide that use more than 20,000kL of scheme water per year, to participate in the Water Corporation's Waterwise Business Program by 1 July 2009. This involves:

- Undertaking a Water Management Assessment annually with the Water Corporation
- Developing a Water Efficiency Management Plan (WEMP)
- Annual review of WEMPs and reporting the progress against the water savings action plan

These are requirements under the Water Agencies (Water Restrictions) By-laws 1998 and are mandatory.

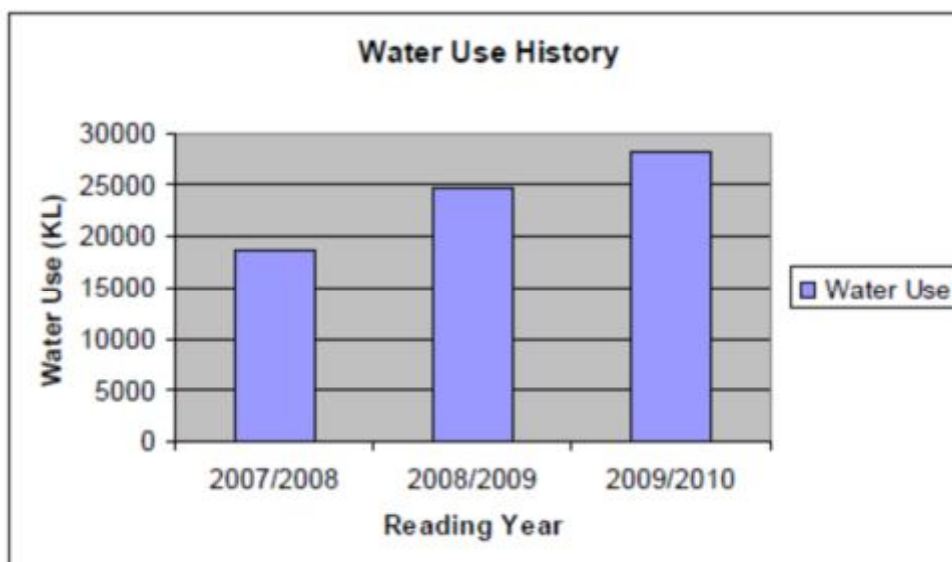
During 2009/10 the Cunderdin Sports Ground used in excess of 20,000 kl and has therefore been identified by the Water Corporation as requiring a WEMP.

Comment

A summary of use for the previous three years is provided below;

Table 4 Baseline Water Use – Scheme Water

| Water Use Year | Water Use (kL) | Average Daily Water Use (kL/day) |
|----------------|----------------|----------------------------------|
| 2007/2008 | 18727 | 51.31 |
| 2008/2009 | 24541 | 67.24 |
| 2009/2010 | 28187 | 77.22 |



The CEO prepared a WEMP based on the Water Corporation Template

The proposed action outlined in the WEMP to comply the Water Agencies (Water use) By-laws 2007 are as follows;

| Areas of Actions | Estimates Savings - kL/year | Proposed Completion Date | Status of Action Items (Completed or ongoing) |
|--|-----------------------------|-----------------------------------|---|
| <ul style="list-style-type: none"> - Efficiency and Conservation - Water Re-use and Wastewater Management - Education and Awareness - Operational Efficiency | | | |
| Short-term actions (up to 12 months) | | | |
| Reduction in water duration at each station | 8,187 | 30/06/12 | Immediate |
| | | | |
| Long-term actions (greater than 12 months) | | | |
| Introduce water efficient, toilets, taps & shower heads into the new co-location sports building | 70 | 30/06/13 | ongoing |
| Install large stormwater storage tanks to collect CBH stormwater run off | 10,000 | 30/06/14 | |
| Ongoing actions | | | |
| Subject to securing funding council would like to undertake a hydrological study in relation to stormwater (Road) run off – possible water harvesting project for re-use on the Oval | 10,000 | Unknown – as no funding available | ongoing |

Statutory Implications

The Water Agencies (Water use) By-laws 2007

Policy Implications

There are no policy implication in considering this item.

Financial Implications

Year to date expenditure (end of April) on watering the Cunderdin Sports Oval totals \$46,437.65

Strategic Implications

There are no policy implications in considering this item.

Resolution 9.5

Council acknowledged the watering issue at the Cunderdin Sports Ground and endorsed the actions of the CEO in preparing and submitting the Water Efficiency Management Plan for the Cunderdin Sports Oval.

Moved: Cr Graham Cooper

Seconded: Cr David Beard

Vote – Simple majority

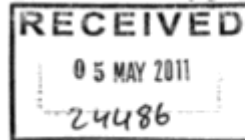
Carried 7/0



Your ref: SPORTS GROUND at LUNDY AV CUNDERDIN LOT 50
Our ref: 9007834340

02 May 2011

SHIRE OF CUNDERDIN
ATTN GARY TUFFIN
PO BOX 100
CUNDERDIN WA 6407



629 Newcastle Street
Leederville 6007
Western Australia
PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

Water Efficiency Management Plan Acceptance.

Dear Gary,

The Government's Water Efficiency Measures require business sites that use more than 20,000 kilolitres of scheme water per year to participate in a Water Management Assessment (WMA) and submit a Water Efficiency Management Plan (WEMP) to the Water Corporation (as legislated under the Water Agencies (Water Use) by-laws 2010).

We have received your WEMP submission for the SPORTS GROUND at LUNDY AV CUNDERDIN LOT 50 and it has been reviewed and accepted on 29 April 2011. This plan is now in place for a period of 5 years and you will be required to submit annual reports on its progress.

Your first annual report will be due prior to 31 August 2012. Once your annual report has been submitted, the Corporation may advise that you are required to run a Water Challenger session if your projected targets have not been met.

Please find attached Section 7 of your WEMP, Management Commitment and Water Corporation Acceptance. Please retain this as your record.

Should you have any questions regarding the above please contact Erin Coombe on 08 9420 2706 or email water.efficiency@watercorporation.com.au

Yours sincerely

Ben Jarvis
Manager Water Efficiency Projects



9.6 Development Assessment Panels – request for LG nominations

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Staff |
| Date: | 20 th May 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

Disclosure of Interest

No disclosure of interest has been tabled.

Proposal

To consider nominating 2 councillors to the local Development Assessment Panel and 2 deputy members.

Attachment

Letter dated 2nd May 2011 from the Minister for Planning: Culture & the Arts

Background

The Department of Planning has enacted legislation for the formation of Development Assessment Panels to deal with specific value planning and development applications.

15 DAPS will become operational on 1st July 2011.

Each local government is required to nominate two (2) elected members to act as DAP members and two (2) deputy members.

Comment

The objective of the Development Assessment Panels is to streamline application and assessment processes for large scale projects. For rural areas the project value is \$3-\$7 million.

Statutory Implications

Planning & Development (Development Assessment Panels) Regulations 2011

Policy Implications

There are no policy implications in considering this item.

Financial Implications

There will be costs associated with elected members attending training sessions which would be covered under Members – Training allocations. Development Assessment Panel application fees are in addition to any normal local government planning fees.

Strategic Implications

There are no policy implications in considering this item.

Resolution 9.6

Resolved that Council will:

- (1) Nominate Cr Cooper & Cr Gibsone to be Council's Local Government Development Assessment Panel representatives and Cr Beard & Cr Harris be nominated as the deputy members.
- (2) Forward nominations to the Department of Planning

Moved: Cr Dianne Kelly

Seconded: Cr Dennis Whisson

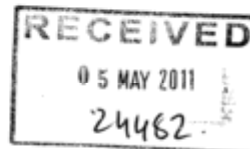
Vote – Simple majority

Carried 7/0



Minister for Planning; Culture & the Arts
Government of Western Australia

Our Ref: 33-11938



Cr Rod Carter
Shire President
Shire of Cunderdin
PO Box 100
CUNDERDIN WA 6407

Dear Cr Carter

DEVELOPMENT ASSESSMENT PANELS - REQUEST FOR LOCAL GOVERNMENT NOMINATIONS

The *Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), which establish the operational framework for Development Assessment Panels (DAPs), were gazetted on 24 March 2011.

Fifteen DAPs will become operational on 1 July 2011. From this date, DAP applications can be made to the local government for DAP consideration and determination as per the regulations.

Each DAP has a total of five members, comprising three specialist members, one being the presiding member, and two local government members.

Under DAP regulation 26, your local government is required to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on your local DAP as required.

Using the attached form, please provide names, address, email, mobile and land line telephone numbers, date of birth, employer(s) and position(s) details of your four local government DAP nominees.

Nominations are required to be received no later than 13 June 2011.

Following receipt of all local government nominations, I will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2013. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is mandatory for all DAP members to attend training before they sit on a DAP. Priority training will be provided to high application volume DAPs.

13th Floor, 2 Havelock Street, West Perth, Western Australia 6005
Telephone: +61 8 9213 6600 Facsimile: +61 8 9213 6601 Email: Minister.Day@dpc.wa.gov.au

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to re-nominate for my consideration of appointment.

The Council should consider the above in selecting nominees as local DAP members.

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without my consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with *Premier's Circular - State Government Boards and Committees Circular (2010/02)*.

Further information, including DAP location maps and the Premier's Circular, is available online at <http://daps.planning.wa.gov.au>.

Local representation is vital to DAPs. If no nominations are received by 13 June 2011, or if I have not allowed the local government a longer nomination period, regulation 26 enables me to include on the local government register a person who is an eligible voter of your local government district and who has relevant knowledge or experience that will enable that person to represent the interests of the local community of your district.

Specialist members are yet to be appointed. You will be advised of specialist member appointments in mid May 2011.

If you have any queries regarding this request for nominations, please contact Ms Robyn Barrow at the Department of Planning – phone 9264 7683 or email Robyn.Barrow@planning.wa.gov.au.

Yours sincerely



**JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS;
SCIENCE AND INNOVATION**

Att

0 2 MAY 2011

DEVELOPMENT ASSESSMENT PANEL NOMINATION FORM

| | |
|---|---|
| Local Government: | DAP Name: |
| Nominated Local DAP Member 1 | Nominated Alternate Local Member 1 |
| Name: Address: Phone: Mobile: Email: Date of Birth: Employer name(s): Position(s): | Name: Address: Phone: Mobile: Email: Date of Birth: Employer name(s): Position(s): |
| Nominated Local DAP Member 2 | Nominated Alternate Local Member 2 |
| Name: Address: Phone: Mobile: Email: Date of Birth: Employer name(s): Position(s): | Name: Address: Phone: Mobile: Email: Date of Birth: Employer name(s): Position(s): |

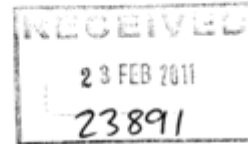
Note: Employer name and position details are required for Cabinet submission and to determine if the nominee is entitled to be paid fees in accordance with the Premiers Circular 2010/02.

Name and contact details of local government minute taker and/or DAP meeting contact (if known):

Name: _____ Phone: _____ Email: _____

DAP Secretariat Use

Date received: _____ Officer Name: _____ Date Registered: _____



Your ref:
Our ref: DP/09/00036V5
Enquiries: Alice Brown (08) 9264 7698

Cr Rod Carter
President
Shire of Cunderdin
PO Box 100
CUNDERDIN WA 6407

Dear Cr Carter

DEVELOPMENT ASSESSMENT PANELS: UPDATE ON IMPLEMENTATION

As you are aware, fifteen new Development Assessment Panels ('DAPs') are scheduled to commence operation from 1 July 2011. The purpose of this letter is to provide an informal update as to the status and implementation of DAPs. The Department of Planning (the 'Department') also seeks to clarify some issues surrounding the introduction of new DAP fees, and in particular, WALGA's concerns that DAPs may result in cost-shifts to local government.

In addition, please note that the Department is preparing a series of information sessions. Invitations will be sent out once the arrangements have been confirmed.

Current forecasts for DAP implementation

The Department, in conjunction with the Parliamentary Counsel's Office and stakeholder Working Groups, is in the final stages of preparing the new *Planning and Development (Development Assessment Panels) Regulations 2011* (the 'DAP regulations'). On 10 February 2011, the Working Group endorsed the proposed DAP regulations, subject to a few additional and minor changes.

In March 2011, the DAP regulations and preliminary legislative instruments required to implement DAPs, will become operational. On 2 May 2011, the Minister, by publication of an Order in the Gazette, will formally establish the fifteen DAPs in Western Australia. Local governments will then be invited by the Minister to nominate two DAP members and two alternate DAP members. Training of priority local government DAP members will commence in June 2011, with a training allowance of \$400 (+ 9% super) being paid to each member upon completion.

The Department is also concurrently working on a range of resources to assist with the implementation of DAPs. This includes procedural manuals for a Secretariat, DAP members and local governments. In particular, the Local Government Procedure Manual has been prepared with the assistance of the Local Government Working Group, comprising a number of planning managers from six metropolitan local governments.

The Department is also preparing planning bulletins, Question & Answer papers and guidance notes. These documents will be placed on the new DAPs website once finalised, and this is expected to be in April 2011.

Finally, the Department is in the process of establishing a new Secretariat within existing mechanisms, which will assist in the day-to-day administration of DAPs. The Secretariat will carry out most administrative tasks, including the coordination of DAP meetings, preparation of meeting documents, preparation of decision letters, drafting of annual reports, and assistance in training members.

Local government's continued role in assisting DAPs

Although DAP decisions will be made by DAP members, rather than by the relevant responsible authority (local government and/or WAPC), local governments will continue to play an important and key role in all DAP applications. In particular, local governments will:

- receive applications (both the 'Form 1' under the relevant local planning scheme and the new DAP application) and fees (both the existing fee under the *Planning and Development Regulations 2009* ('PDR') and the new DAP fee);
- remit the DAP application and DAP fee to the Secretariat;
- prepare a planner's report, which will include an assessment of the proposal in accordance with the LPS framework and provide a recommendation;
- transmit the planner's report, together with any public submissions received, to the Secretariat; and
- assist in hosting DAP meetings by arranging:
 - a minute-taker;
 - catering for light refreshments; and
 - security (where necessary),to be reimbursed by the Secretariat to the local government upon receipt of an invoice.

DAPs fee model

The DAP framework will introduce new DAP fees, to ensure DAPs operate on a sound and transparent cost-recovery model without imposing additional financial burdens on local governments or the Department. These fees have been determined in accordance with the Guidelines on Costing and Pricing Government Services issued by the Department of Treasury and Finance.

In particular, the new DAP regulations contain:

- Schedule 1 – fees for applications, ranging from \$3,376 (for proposed developments estimated between \$3 million and \$7 million) to \$6,320 (for proposed developments estimated over \$20 million); and
- Schedule 2 – fees for DAP members, usually \$500 (+ 9% super) for presiding members and \$400 (+ 9% super) for other members.

The new DAP fees will not replace the 'Form 1' fees collected under the *Planning and Development Regulations 2009* ('PDR') and paid to local governments. Regulation 10 (3) of the DAP regulations states:

"The fee payable under subregulation (1) is payable in addition to any fees, costs and expenses that are imposed by a local government in accordance with the Planning and Development Regulations 2009 in relation to the development application."

Therefore, in most cases a DAP applicant will be required to pay two fees:

- The DAP fee under Schedule 1 of the DAP regulations, collected by local government but remitted to the Secretariat, to cover the administrative costs of the DAPs; and
- The 'Form 1' fee under PDR, collected and retained by local government, to cover the ongoing administrative costs of local governments in assisting DAPs, such as preparing an assessment and recommendation report.

In order to allow local governments to continue charging fees under the PDR for assessing applications, even though they will no longer be the decision-making authority, minor amendments to the PDR have been prepared. Finally, the DAP regulations require the DAP fees be reviewed annually.

How the DAP fees were calculated

The proposed DAP application fees were calculated to cover the total DAP costs, which are in turn calculated by a combination of the cost of three inputs, namely:

1. Total DAP meeting costs;
2. Total travel & accommodation costs; and
3. Total other direct costs.

The total meeting costs are calculated to cover such expenses as:

- The number of DAP meetings forecasted per annum based on ABS data – 127 meetings;
- Estimated sitting fees – \$500 (+ 9% super) for presiding members and \$400 (+ 9% super) for other members; and
- Local government hosting costs – \$28/hr for a minute-taker, \$100 per local government for catering and \$150 for Security for contentious meetings.

The total travel & accommodation costs were calculated to cover such expenses as:

- DAP specialist members travelling to regional centres to attend meetings – airfares, accommodation, taxis and meals; and
- Mileage allowance for DAP members to attend meetings – calculated in accordance with the Public Sector Commission's circular of 75 cents per kilometre.

The total other direct costs were calculated to cover such expenses as:

- Secretariat support cost;
- Advertising costs;

- Training costs – payments of \$400 (+ 9% super) for all DAP members (including local government members) who complete DAP training; and
- Local government transmittal fee – \$50 paid to local governments per DAP application, for the costs associated with local governments collecting and remitting the DAP fee to the DAP Secretariat.

Clarification of WALGA's concerns of a cost-shift to local governments

The Department understands that WALGA has written to all local governments in Western Australia, raising concerns that DAPs may result in a purported cost-shift to local government. The Department reiterates that the DAP framework is intended to run on a 100 percent cost recovery model and there are no anticipated cost-shifts to local government. In relation to each of the stated cost items raised by WALGA, the Department offers the following clarification:

Recording during the meeting and preparing formal minutes - \$84 (\$28 @ 3 hrs)

WALGA requests the DAP fees include the reimbursement of local government for a minute-taker at \$28 p/hr for 3 hours. The Department supports the amount claimed.

The proposed DAP fees incorporate the payment of a minute-take at \$28 for a maximum of 4 hours. Payment will be made upon receipt of an invoice.

Director of Planning attendance and Planning Manager/Report Author - \$118 + \$90

WALGA requests the DAP fees include the reimbursement of local government for a Director of Planning at \$118 and a Planning Manager/Report Author at \$90 to assess and attend a DAP application. The Department does not support the amount claimed for the reasons below.

Firstly, the DAP regulations make it optional as to whether a local government planner attends a DAP meeting to address his or her report. For example, in many matters currently before the WAPC, the responsible departmental officer often does not attend the meeting. Also, as most DAP meetings will commence in the late afternoon and during ordinary business hours, the attendance of local government employees is not anticipated to result in additional costs, such as overtime, for local governments.

Secondly, local governments will continue to collect the 'Form 1' local government fee under the PDR, in addition to the new DAP fee. The necessary work carried out by local government employees in assessing or presenting a development application, including the Director of Planning or Planning Manager/Report Author, will continue to be covered by this fee collected and paid to local government under the PDR.

By way of example, for a DAP application with an estimated cost of \$15 million, the DAP fee paid will be \$5,596. However, a local government will in addition continue to collect and retain the much higher fee of \$24,800.

Therefore, the costs ordinarily incurred by local government employees in assessing and presenting a development application will be adequately recovered by the 'Form 1' PDR fee, which local governments will continue to collect and retain. The additional fee in the DAP regulations is designed to recover the costs associated with operating DAPs, further avoiding any increase of costs to local governments.

Room and security - \$150 for 3 hours (\$50 @ 3 hours)

WALGA requests the DAP fees include the reimbursement of local government for room and security at \$150, being for 3 hours. The Department partially supports and partially increases the amount claimed.

Given DAP meetings will be open to the public, the Department believes it is in local government's interest for DAP meetings be held on its premises for the benefit of its constituents. The Department believes this is in accordance with community expectations. The alternative is for all DAP meetings to be held centrally at the Department's central Perth office or a regional office, which is likely to cause inconvenience to local government DAP members and members of the public.

To this end, the DAP fee model includes an expanded maximum amount of \$200 for room and security, being \$50 for 4 hours. Payment will be made upon receipt of an invoice. This is to be applied only at DAP meetings where the DAP presiding member deems the matter contentious.

The Department believes this figure is reasonable, particularly given the following:

- Most DAP applications are scheduled to occur during ordinary business hours;
- The Department has been advised that, in any event, some local governments do not currently provide any or only limited security as required;
- The Department has also been advised that, of those local governments that do provide security, this is often provided on an annual corporate-service basis and not on an as-needed basis; and
- The number of applications that are likely to be sufficiently contentious to require additional security is very small.

Catering - \$300

WALGA requests the DAP fees include reimbursement of local government for the catering costs in the sum of \$300 per meeting. The Department partially supports the amount claimed.

The DAP fee model includes an amount of \$100 per local government in attendance. Thus, where a joint DAP application requires local government DAP members from two local governments to attend, the amount will be adjusted to \$200. Payment will also be made upon receipt of an invoice for this service.

Given meetings are expected to begin in the late afternoon, it is intended that only light refreshments will be provided, not a substantial meal. The Department has also been advised that some local governments provide no catering at meetings. Therefore, the Department believes \$100 is reasonable.

Stationary and sundry - \$100

WALGA requests the DAP fees include the reimbursement of local government for stationary and sundry expenses in the sum of \$100. The Department does not support this claim.

The Secretariat will provide all necessary stationary and sundry to DAP members, and incur the costs in doing so.

Agenda preparation and panel coordination - \$28

WALGA requests the DAP fees include the reimbursement of local government for agenda preparation and panel coordination at \$28. The Department does not support this claim.

The Secretariat will carry out all agenda preparation and panel coordination, and incur the costs in doing so.

Transaction fee

Finally, WALGA requests the DAP fees include the reimbursement of local government for expenses associated with collecting and forwarding fees to the Secretariat. The Department supports this claim.

The DAP fee model includes \$50 paid to local governments per DAP application. A flat fee of \$50 per application was deemed to be fairer and easier to administer than a sliding scale or other methodology.

Conclusion

In conclusion, the Department believes the proposed DAP application fees strike the appropriate balance between ensuring there are no cost-shifts to local governments, whilst also protecting applicants from unreasonable expenses unnecessary for the proper administration of the DAP framework. Further, the DAP fees will be reviewed annually, and any necessary adjustments can be made at that time.

Should you have any further questions please do not hesitate to contact Robyn Barrow, Director-Special Projects, Office of the Director General, on (08) 9264 7683.

Yours sincerely



Eric Lumsden PSM
Director General

16/02/2011

1. Introduction

As part of the Government's commitment to streamlining and improving the planning approvals process in Western Australia, the WA Parliament passed the *Approvals and Related Reforms (No. 4) (Planning) Act 2010* (the '2010 Amendment Act'). The provisions of the 2010 Amendment Act, except part three, commenced on 22 November 2010.

The 2010 Amendment Act contains a number of amendments to the *Planning and Development Act 2005* (the 'PD Act') that are designed to improve the planning system. Part 3 of the 2010 Amendment Act contains the heads of powers required to introduce development assessment panels ('DAPs') in this State, through the making of regulations by the Governor. The details on how these panels will be established, administered and operated are set out in the new *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP regulations').

2. What are DAPs?

DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision-making authority. The introduction of DAPs is one of the fundamental principles of the national Development Assessment Forum's ('DAF') leading practice model for development assessment. This model also promotes limiting referrals to agencies with a relevant role for advice only, avoiding the need for separate approval processes. South Australia and New South Wales have already introduced development assessment panels into their planning systems in accordance with the DAF model. Victoria has also recently passed legislation to implement development assessment commissions to perform the role of development assessment panels.

The introduction of DAPs in Western Australia will have significant benefits for local governments, the development industry, landowners, the general community and other stakeholders. They aim to help to improve the planning system by providing more transparency, consistency and reliability in decision-making on complex development applications. As regulations prepared under this part will clearly identify what classes of development applications are to be determined by development assessment panels, applicants will be well aware of who will be determining their application, regardless of the location of the development. The determination of complex applications will also be improved by the involvement of experts with technical knowledge on the panel.

The involvement of independent experts will also help to strike an appropriate balance between local representation and professional advice in decision-making by ensuring that decisions made by the panel are based on the planning merits of an application. Finally, the use of development assessment panels will help to address issues with dual approvals by making the relevant panel the single decision-making authority under both local and region planning schemes.

Following the gazetting of the DAP regulations the Minister will establish fifteen different DAPs on **2 May 2011**, however, these will not start to consider new applications until 60 days after their establishment. Therefore, DAPs will commence operation on **1 July 2011**.

3. Purpose

The purpose of this planning bulletin is to provide an overview of new provisions that take effect under part 11A of the *Planning and Development Act 2005* and the DAP regulations. Where appropriate, the relevant section or regulation is quoted in brackets. Please note this document is only a guide and not intended otherwise to have any legal effect.

Please note a range of manuals will also be available for local governments, DAP members and applicants. These documents will provide further details on the procedures outlined in this bulletin, and will be available on the DAP website at www.daps.planning.wa.gov.au

4. Glossary

In this planning bulletin:

Administrative officers means members of the DAP Secretariat.

2010 Amendment Act means the *Approvals and Related Reforms (No. 4) (Planning) Act 2010*, which amended the PD Act.

DAP means a Development Assessment Panel.

DAP regulations means the *Planning and Development (Development Assessment Panels) Regulations 2011*.

DAP secretariat means officers of the Department assisting DAPs, defined in the DAP regulations as administrative officers.

CEO means the Director General of the Department of Planning.

The Department means the Department of Planning.

JDAP means a Joint Development Assessment Panel.

LDAP means a Local Development Assessment Panel.

Minister means the Minister for Planning.

PD Act means the *Planning and Development Act 2005*.

PDR means the *Planning and Development Regulations 2009*.

TPR means the *Town Planning Regulations 1967*, including the *Model Scheme Text*, and its equivalent as amended from time-to-time.

WAPC means the Western Australian Planning Commission.

The above definitions are for guidance purposes only. Readers are otherwise

directed to the various definitions found in the PD Act and DAP regulations. To the extent of any inconsistency, the definitions in the PD Act and DAP regulations prevail.

5. Summary of new sections in the PD Act

Part 3 of the 2010 Amendment Act introduces a new Part 11A - Development Assessment Panels into the PD Act. In summary, the new sections contain the following:

- The Governor may prescribe mandatory classes or kinds of development applications that must be determined by a DAP, as if the DAP was the responsible authority (either the relevant local government and/or WAPC), under the relevant local or region scheme, or interim development order (s.171A(2)(a)). A determination of (or failure to determine) a prescribed development application by a DAP is to be regarded, and take effect, as if made by the relevant local government or the Western Australian Planning Commission.
- The Governor may also prescribe opt-in classes or kinds of development applications that must be determined by a DAP, where an applicant has elected such an application to be determined by the DAP (s.171A(2)(b)).
- The Governor may also prescribe regulations allowing additional functions to be delegated to the relevant DAP by the responsible authority (s.171B). It is intended that small local governments, and the WAPC if relevant, will use this section to delegate to the relevant DAP the power to determine development applications that are not of a class prescribed under section 171A.
- The Minister will establish a development assessment panel for each local government area, by the publication of an Order in the Gazette (s.171C). Two different types of development assessment panels will be established by the Minister:
 - *Local development assessment panels*, which will be established to service a single local government, where that local government is deemed to be a high-growth local government with enough development to support its

own panel, by determining applications made under the local planning scheme (and if applicable, the relevant region planning scheme); and

- *Joint development assessment panels*, which will be established to service two or more local governments that are not high-growth local governments, by determining applications made under each local planning scheme (and if applicable, the relevant region planning scheme).
- The Governor may prescribe regulations concerning the constitution, procedures and conduct of DAPs (s.171D).
- The Governor may prescribe regulations concerning the administration and costs of DAPs (s.171E).
- The DAP regulations are to be reviewed as soon as practicable after the expiry of 2 years from the day on which regulations made under this Part first come into operation (s.171F).

6. Summary of the new DAP regulations

To give effect to these new provisions in the PD Act, the *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP regulations') have been introduced. The DAP regulations contain six Parts, with three additional schedules.

This planning bulletin will now summarise the contents of each part and schedule. For details of the provisions summarised in this Planning Bulletin, please refer to the full regulations, which are available from the State Law Publisher.

6.1 Part 1 - Preliminary

This part states that regulations one and two come into operation on the day of gazettal and that the rest of the DAP regulations come into operation on the day on which section 43 of the 2010 Amendment Act comes into operation.

This part also contains the terms used in the DAP regulations (r.3). Readers should note that many terms used in the DAP regulations, such as the 'Development Assessment Panel' itself, are defined in section 4 of the PD Act rather than the DAP regulations.

The following definitions in the DAP regulations are of particular note:

- "DAP application", which includes mandatory applications (r.5) and opt-in applications (r.7). Importantly, delegated applications (r.19) are not technically "DAP applications", however, for the most part are practically treated as if they were DAP applications (r.21(2)(b));
- "DAP member" means both a specialist member and a local government member, and also includes an alternate member;
- "excluded development application", which makes it clear that even where a development application falls within the financial thresholds of a DAP application, certain types of applications, such as the construction of a single house, cannot be determined by DAPs. Furthermore, subsection (d) makes it clear that even when the DAP regulations commence operation, DAPs will not begin considering development applications until 60 days after they are established by the Minister.

6.2 Part 2 - Development applications and determinations

This part sets out what types of development applications will be determined by DAPs, and the process to be followed in the lodgement, assessment and determination of such applications.

The DAP regulations reflect the policy direction set out in the Policy Statement regarding mandatory DAP applications and applications that will be subject to the "opt-in" process. These applications are defined as follows:

- *Mandatory DAP Applications (r.5)*: An application for development where the estimated cost of development is \$7 million or more (and \$15 or more in the City of Perth), and which is not an excluded development application. Such an application must be determined by a DAP (s.171A(2)(a) of the PD Act).
- *Optional DAP Applications (r.6 & r.7)*: An application for development of a total value of more than \$3 million but less than \$7 million (more than \$10 million but less than \$15 million in the City of Perth) which is not an excluded development application and has not been delegated to the DAP by the relevant local government. Such

an application must be determined by a DAP when the applicant has elected to have the DAP determine the application (s.171A(2)(ba) of the PD Act).

This part also sets out the processes to be followed in relation to the making and assessment of DAP applications, including the role of local governments and the WAPC, as well as the role of the Department of Planning and the DAP. In summary, the process is as follows:

- The applicant lodges a DAP application (r.7(2)(a)) with the relevant local government (Form 1, sch.3, r.10(1)(a)), together with the new DAP determination fee (r.10(1)(b), sch.1). It should be noted that the DAP application and DAP fee is an addition, not a replacement, to the ordinary development application form prescribed under any planning scheme(s) (r.10(2)) and fee prescribed under the PDR (r.10(3)). Thus, an applicant will in many cases submit two forms and pay two fees, one for the DAP and one for the local government.
- The local government notifies the Department of the receipt of the DAP application and confirmation that the applicant has paid the DAP fee, within seven days of receipt (r.11). The local government also remits the DAP fee to the Department within 30 days (r.10(5)).
- The responsible authority (the local government or the Western Australian Planning Commission (WAPC) assesses the application in the usual way, in accordance with the relevant local or region planning scheme. Local governments and/or the WAPC will undertake the same advertising and referrals for DAP applications as currently apply under their schemes (r.9(b)).
- The responsible authority prepares a report containing its recommendations on how the DAP application should be determined (r.12).
- The DAP Secretariat, comprising officers of the Department (r.49), organises the DAP meeting where that application will be determined. This may involve administrative tasks not included in the regulations, such as notifying DAP members, organising deputy members to attend if required, and liaising with the local government in organising the venue for the DAP meeting. Local governments will

also usually assist in providing a venue, electronic equipment and catering for DAP members as required (r.50).

- At least 5 days before a DAP meeting the Department puts the agenda for the meeting on the DAP website, along with details of the time, date and location of the meeting (r.39(1)). It also provides this information to the applicant (r.15) and relevant local government (r.39(2)).
- The DAP conducts a public meeting (r.40) to determine the application(s) (r.16). The meeting procedures under Division two of part four of the DAP regulations are to be followed, as well as the procedures set out in any Practice Notes (i.e. Standing Orders) issued by the CEO. The DAP is otherwise required to determine a DAP application in accordance with the provisions of the relevant planning instrument (r.16(1)). Any determination made by a DAP will be taken to be a determination made by the responsible authority (r.8(1)(a)).
- The Department sends notification of the decision made by the DAP to the applicant in accordance with the relevant planning instrument (r.16(1)) and also gives a copy to the responsible authority (r.16(2)).
- Where a decision has been granted, an applicant may also make a minor application seeking to amend or cancel the approval or any conditions imposed (r.17). A minor amendment application is made by submitting the prescribed form (Form 2, sch.3) to the relevant local government with the prescribed minor fee.
- By contrast to other applications, the DAP will usually meet to determine any r.17 minor amendment application through means of instantaneous communication r.40(4)(a).
- If an applicant is dissatisfied with a decision of either a DAP application or r.17 minor amendment application, he or she can seek a review from the State Administrative Tribunal (r.18(2)). In any such review, the application will be defended by the DAP (r.18(3)).

6.3 Part 3 – Delegation to DAPs

This Part allows local governments and the WAPC to delegate the power to determine development applications that (s.171B & r.19):

- fall within the optional DAP application thresholds, being more than \$3 million but less than \$7 million (more than \$10 million but less than \$15 million in the City of Perth) and where the application is not an excluded development application; but
- where an applicant has decided not to opt-in to have the matter determined by a DAP; and
- where the responsible authority nevertheless decides that the application is of a class of development that should be delegated to a DAP for determination.

It is intended that local governments (and the Western Australian Planning Commission if relevant) will more likely use this section to delegate to the relevant DAP the power to determine development applications that are not of a mandatory class prescribed under section 171A.

All delegations made under this part will be published in the *Government Gazette* (r.20). In providing clarity about what types of applications have been delegated to a DAP, the Department will ensure that all delegation instruments relating to DAPs are listed on the DAP website (r.20(3)).

The fact that a local government has decided to delegate certain matters to a DAP does not preclude that local government from nonetheless making a determination on a delegated development application (r.21(1)). Furthermore, although delegated applications do not technically fall within the definition of a 'DAP application', the procedures mostly otherwise apply as if they were DAP applications (r.21(2)(b)).

Finally, it is important to note that an applicant is not required to pay a DAP fee for a delegated application, although the relevant local government fee under the Planning and Development Regulations 2009 will still be payable in the usual manner. Subject to any agreement with the CEO, if a local government chooses to delegate any matter to a DAP, the local government must pay the DAP fee (r.22). This is to ensure applicants are not imposed with an additional fee for an application they

did not choose to have determined by a DAP, whilst ensuring DAPs are still provided with the prescribed fee necessary to resource a DAP decision. It will remain wholly a matter for local governments whether they exercise their discretions in delegating any classes of applications to DAPs (r.23).

6.4 Part 4 – Development assessment panels

This part comprises of four divisions:

Division one – DAP members

Division two – Specialist members

Division three – Meetings

Division four – Conduct of DAP members.

Division one – DAP members

This Division concerns DAP members more generally, and sets out:

- the composition of DAPs (r.23 & r.25);
- the process by which local government members are nominated and appointed (r.23 & r.25);
- how alternate members will be appointed and used (r.28);
- the term of office for DAP members (r.29);
- the requirement for all DAP members to attend training before sitting on a DAP (r.30);
- fees and allowances that DAP members will be paid (sch.2, r.31); and
- the circumstances in which a DAP member's office becomes vacant or a member may be removed from office (r.32);
- leaves of absence for DAP members (r.33); and
- extension of terms of office during vacancy in membership (r.34).

All DAPs will comprise of the following membership (r.23(1) and r.25(1)):

- Two local government representatives; and
- Three specialist members – one of whom is the presiding member (with a planning qualification and experience), one of whom is the deputy presiding member

(also with a planning qualification and experience), and one who will otherwise possess relevant qualifications and/or expertise.

This division also sets out the process by which local government members are nominated and appointed to a DAP. Local government representatives are nominated by the relevant local government, and appointed by the Minister (r.24 and r.25).

All DAP members, with some exceptions, are paid sitting fees under Schedule two (r.31). DAP members who are already considered on the 'public payroll' will not ordinarily be entitled to sitting fees, including: all Commonwealth, State and Local Government employees, current and retired judicial officers and employees of public academic institutions (r.31(6)). However, there is scope for the Minister to give written consent on a case-by-case basis to allow such persons to be paid.

Alternate members will be appointed in the same way, and will sit on the DAP when a DAP member is unable to perform the functions of the member by reason of illness, absence or other cause. Obviously, only a local government alternate can sit in for a local government member (r.28(4)), as can a specialist alternate for a specialist member (r.28(5)).

The Minister is required to appoint one of the three specialist members as the presiding member of the DAP. The presiding member must be a planning expert. At all DAP meetings that the presiding member attends, that person will preside over the meeting. The Minister is also required to appoint a Deputy Presiding Member, to preside when the presiding member is absent. The Deputy Presiding Member must also be a planning expert (r.27).

All DAP members are appointed for two years (r.29(2)). The regulations allow for DAP members to continue sitting on a DAP for up to three months once their term has expired, or until the vacancy is filled (r.34). DAP members can be reappointed to the same DAP following the expiry of their term, or may be replaced by another person (r.29(3)).

This division also sets out the circumstances in which the Minister can remove a DAP member from office (r.32(3)). This includes:

- neglect of duty
- misconduct or incompetence

- mental or physical incapacity to carry out duties in a satisfactory manner; or
- absence from 3 DAP meetings without leave first being obtained.

Finally, this division states that a DAP member's office becomes vacant if the DAP member's situation changes in any of the following ways (r.32(1)):

- the DAP member dies, resigns or is removed from office by the Minister;
- the DAP member becomes a bankrupt or a person whose affairs are under insolvency laws;
- the DAP member is convicted of an offence punishable by imprisonment for more than 12 months; or
- the DAP member is convicted of an offence under section 266 of the PD Act which deals with failing to act honestly, failing to declare a conflict of interest, disclosing information or making improper use of information.

Division two – Specialist members

This Division set outs how specialist members and alternate special members are appointed. Specialist members with the required qualifications and experience are listed on a register (r.35). The register is then reviewed by a special short-list working group, which compiles a list of nominees for the Minister to consider (r.36 & r.38). Specialist members are then appointed by the Minister (r.37).

Division three – Meetings

This Division sets out the meeting procedures to be followed by all DAPs, including the taking of minutes. Meetings are to be conducted in accordance with this Division, as well as the Standing Orders published by the Department (referred to in the DAP regulations as practice notes, r.40(5)).

All DAP meetings will be open to the public (r.30(2)). The presiding member has the power to invite a person to make a presentation to the DAP on a DAP application (r.40(3)). The presiding member also has the power to allow a person to attend a DAP meeting by telephone or other means of instantaneous communication (r.43). The circumstances in which these powers will be exercised will be set out in the Standing Orders.

The quorum for a DAP is the presiding member (or deputy presiding member), one other specialist member and one local government member. Each DAP member has one vote. In the event of a deadlocked vote, the Presiding Member has the deciding vote (r.42).

Finally, this division also requires minutes of the DAP meeting to be kept by an officer of the local government hosting the DAP meeting, or another person approved by the CEO of the Department. Minutes will be provided to the Department within 5 days of the meeting, and put on the DAP website within 10 days after the meeting, after they have been confirmed by the DAP (r.44).

Division four – Conduct of DAP members

This division requires all DAP members to abide by certain rules of conduct (r.45). These requirements are in addition to the requirements regarding conflict of interest and use of information that are set out in section 266 of the PD Act.

This division requires the CEO of the Department to prepare a Code of Conduct (r.45(1)), which must be complied with by all DAP members (r.45(2)). The Minister can remove a member from a DAP for breaching the Code of Conduct (r.32(4)).

This division also sets out what rules apply regarding the acceptance of gifts (r.46). These requirements are similar to those currently in place under the *Local Government Act 1995* and the *Local Government (Rules of Conduct) Regulations 2007*. There are two types of gifts addressed in this Division:

- **Prohibited gifts** which are gifts worth \$300 or more, or two or more gifts that are in total worth \$300 or more; and
- **Notifiable gifts** which are gifts worth between \$50 and \$300, or two or more gifts that are in total worth between \$50 and \$300.

DAP members are not permitted to accept a prohibited gift from a known applicant, or a person "who it is reasonable to believe" may be intending to undertake development that the DAP will be required to determine (r.46(2)). However, DAP members are permitted to accept notifiable gifts as long as they notify the CEO of the Department that they have accepted such a gift (r.46(3)). Failure to notify the Department may result in the Minister removing that DAP member from the DAP (r.32(4)).

Finally, this Division also emphasises the professional behaviour expected of DAP members. DAP members are not to make statements about the competency or honesty of local government officers or public sector officers, or use offensive or objectionable expressions regarding those officers (r.47). Only the presiding member is permitted to publicly comment on determinations made by the DAP (r.48).

6.5 Part 5 – Administration

This part will set out how administrative support will be provided to each DAP. Most support will be provided by the DAP Secretariat, such as organising agendas, organising meetings, booking travel for DAP members and paying the sitting fees of DAP members (r.49). However, each local government will also be required to undertake some administrative tasks on behalf of the DAP, including taking minutes at DAP meetings, provide a venue for DAP meetings, organise catering and provide electronic equipment if required (r.50). The DAP Secretariat is also required to establish and maintain a DAP website, which will have information about each DAP created (r.51).

This part also contains the primary enforcement provisions for the successful operation of the DAP system (r.52). Where necessary, the Minister can order a DAP, a local government, the WAPC, or the Department to provide any necessary information or document to him or her (r.52(3) and s.18 PD Act). The Minister can also order that such information be provided to the DAP (r.52(2)(d)), or make use of the Western Australian Planning Commission's and local government's staff to obtain such information (r.52(3)(d)).

Finally, this division requires the CEO of the Department to prepare an annual report on the performance of DAPs (r.53).

6.6 Part 6 – Miscellaneous

This Part contains transitional provisions dealing with what happens to a DAP application if the Order establishing the DAP is amended or revoked before the application is determined (r.54). For example, if a DAP application has been forwarded to the DAP but not determined when the Order creating the DAP is revoked, then that application is to be forwarded to the new Local Development

Assessment Panel (LDAP) or Joint Development Assessment Panel (JDAP) created to serve that local government. The new LDAP or JDAP will determine the application. The provisions support section 171I of the PD Act.

In addition, this Part requires the Department to conduct an annual review of the new DAP fee (r.55). The Department will provide the information collected during each annual review to the Standing Committee of the Legislative Council that will review the DAP regulations after two years of operation, under new section 171F of the PD Act.

6.7 Schedule 1 – Fees for applications

Schedule 1 contains the item of fees payable by an applicant when submitting a DAP application (r.10 & r.17). The relevant fee is calculated on estimated cost of development. It is important to note the following:

- The DAP fee is in addition to any local government development application fee payable under the Planning and Development Regulations 2009 (PDR) (r.10(3)). Therefore, DAP applications may in effect require two fees be paid – one for the DAP under this schedule and one for the local government under the PDR.
- The fee for an r.17 minor amendment application is prescribed under item 2 (currently only \$150), as distinct from other ordinary DAP applications under item 1 (currently ranging from \$3,376 to \$6,320).

A delegated application (r.19) is not technically a DAP application, although in many other respects the application is treated the same way. Thus, an application is not required to pay the DAP fee under schedule one is required. The DAP fee will instead be paid by local government (r.22).

6.8 Schedule 2 – Fees for DAP members

Schedule two sets out the relevant sitting fees for DAP members (r.31). It is important to distinguish the relevant fees for:

- presiding members, compared with other members, where presiding members are entitled to a slightly higher fee to reflect additional responsibilities imposed under the regulations;

- ordinary DAP applications, compared with r.17 minor amendment applications, to reflect the scale and complexity of ordinary DAP applications, as well as to reflect that ordinary applications are open to the public whilst r.17 applications are determined through instantaneous means;
- fees for determining an applications, compared to attending a proceeding before the State Administrative Tribunal, where the fees are otherwise the same; and
- training fees, where both prospective presiding members and all other members are entitled to the same fee, and only at the satisfactory completion of the training.
- most DAP members, compared with those considered on the 'public payroll', who without the written consent of the Minister will not be entitled to sitting fees, including: all Commonwealth, State and Local Government employees, current and retired judicial officers and employees of public academic institutions (r.30(6) & r.31(6)).

6.9 Schedule 3 – Forms

Finally, Schedule 3 contains the relevant DAP forms. Again, it is important to distinguish between:

- DAP application forms compared with local government development application forms. As noted above, DAP application forms are submitted in addition to, not a replacement of, local government development application forms prescribed under each relevant local planning schemes (r.10(2)).
- An ordinary DAP application form, which is intended to cover mandatory (r.5), opt-in (r.6 & r.7) and delegated (r.19) applications, compared with minor amendment applications (r.17).

7. Further information

Legislation, including copies of the DAP regulations, the 2010 Amendment Act and amended PD Act can be obtained from the State Law Publisher at:

10 William Street
Perth WA 6000
Phone: (08) 9321 7688
Fax: (08) 9321 7536
Email: sales@dpc.wa.gov.au
Website: www.slp.wa.gov.au

Copies can also be obtained from the DAP website at www.daps.planning.wa.gov.au

Please note a range of manuals will also be available for local governments, DAP members and applicants. These documents will provide further details on the procedures outlined in this bulletin, and will be available on the DAP website.

For further information, please refer to the DAP website or contact the Department of Planning at:

Albert Facey House
469 Wellington Street
Perth 6000
Western Australia
Tel: (08) 9264 7777
Fax: (08) 9264 7566

Disclaimer

This planning bulletin is intended as a guide only. It is not intended to be comprehensive or to cover particular circumstances.

Readers are advised to refer to the legislation, which is available from the State Law Publisher, and to seek professional legal advice should they have specific legal questions in relation to their particular circumstances.

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TTY: 08 9264 7535
info line: 1800 626 477

This document is available in alternative formats on application to Communication Services.



9.7 LGS Enterprise – Software Agreement & Support Agreement

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Staff |
| Date: | 20 th May 2011 |
| Author: | G Tuffin |
| Item Approved by: | Chief Executive Officer |

5:47 – Cr Harris leaves the Council Chambers

5:51 – Cr Harris returns to the Council Chambers

Disclosure of Interest

No disclosure of interest has been tabled.

Proposal

Council are requested to give consideration to authorising the Shire President & Chief Executive Officer to sign and affix the Common Seal to the Software Licence & Software Support Agreements.

Tabled

LGS enterprise Software Support & Licence Agreement

Background

Council resolved at its meeting held on 17th December 2009;

Resolution 9.3

- (a) ***That Council advise SEAVROC that it wishes to participate in the LGS Integrated Software project.***
- (b) ***That the CEO be authorised to undertake public consultation, making the Plan available for viewing, advertising the Plan (period not less than 6 weeks), with any submissions received to be considered by Council before its final adoption, pursuant to Section 3.59 of the Local Government Act 1995.***

Moved Cr Todd Harris

Seconded Cr Doug Kelly

Carried unanimously (7/0)

Council further resolved at its meeting held on the 23rd June 2011

Resolution 9.7

That Council RESOLVE

- (a) ***to adopt the LGS Integrated Software Business Plan without amendment.***
- (b) ***to give local public notice of the adoption and availability of the business plan in accordance with section 3.59 (5a)***

Moved Cr Graham Cooper

Seconded Cr Todd Harris

Vote – Absolute majority

Carried 8/0

Comment

Council are requested to give consideration to authorising the Shire President & Chief Executive Officer to sign and affix the common seal to the Software Licence & Software Support Agreement.

Statutory Implications

Local Government Act 1995 (as amended) - S5.42

Local Government Act 1995 (as amended) - S5.42(1)

Policy Implications

No 12 **Date Adopted** 19 April 07 **Date Reviewed** 21 May 2009

Subject **Administration-Execution and affixing of Common Seal to documents**

Actual Delegation

Notwithstanding the provisions of Section 9.49 of the Local Government Act, the Chief Executive Officer is authorised to affix the Common Seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council.

Conditions

Council to be notified of executed documents via a report to be submitted to Council meeting.

.

Financial Implications

Subject to SEAVROC Member Local Governments making a once only capital contribution of \$30,000, this payment secured the following:

- (a) Exclusive West Australian marketing and sales rights.
- (b) LGS to make the LGE Windows software West Australian compliant.
- (c) The purchase price of the software be \$34,000 per Member Local Government.
- (d) Subject to (c) above, LGS will pay to the Host Local Government \$4,000 for each sale made.
- (e) The offer to purchase made in (c) and (d) above, is open to August 2010, a commitment is only required.
- (f) Subject to (e) above, a Member Local Government which commits has two (2) years to pay.
- (g) The current text LGS system is supplied free of charge.
- (h) The LGS annual support charges are currently set at:
 - Level 1 \$16,875.00 plus GST for Up to 1,200 Electors
 - Level 2 \$21,250.00 plus GST for 1,200 – 3,000 Electors
 - Level 3 \$25,312.50 plus GST for 3,000 – 5,000 Electors
 - Level 4 \$29,687.50 plus GST for Over 5,000 electors

Strategic Implications

There are no policy implications in considering this item.

Resolution 9.7

Resolved that the Shire President & Chief Executive Officer be authorised to sign and affixed the Common seal to the Software Licence & Software Support Agreement

Moved: Cr Graham Cooper

Seconded: Cr David Beard

Vote – Simple majority

Carried 7/0

9.8 Proposed building with an extraction unit at 37 Baxter Road (lot 11), Cunderdin - (late report)

| | |
|-------------------|---|
| Location: | 37 Baxter Road (lot 11), Cunderdin (Lot 11 on Deposited Plan 6801) |
| Applicant: | David John Hitch (Mortlock Timber Group) |
| Date: | 19 May 2011 |
| Author: | City of Canning as consultant to Shire of Cunderdin |
| Item Approved by: | Chief Executive Officer |

Proposal

To consider the proposed building with an extraction unit at 37 Baxter Road (lot 11), Cunderdin.

Background

Zoning: Mixed Business

Lot Area: 1012m²

The following report has been prepared in response to the application for a building with an extraction unit lodged with the Shire of Cunderdin. The proposed building is used to assist in the extraction of saw shavings from machinery within the existing building. A sawmill is not permitted within the mixed business zone and therefore, the current business operates as a non-conforming use.

The zoning of the land subject to this proposal was previously zoned "industrial" in lieu of the "mixed business" zoning. The local planning strategy states that the determination for a change of zoning in the area was based on *"More appropriate range of uses of permitted under the land's proposed 'Mixed Business' zoning classification with less potential for negative impacts on nearby residential development."*

Comments

The subject site is zoned mixed business under the Shire of Cunderdin Local Planning Scheme No. 3 (Scheme). A sawmill is a ('X') prohibited use within the mixed business zone. The existing sawmill operates as a non-conforming use.

Under clause 4.9.1 of the Shire's Local Planning Scheme No.3 a person must not:

- a) Alter or extend a non-conforming use;
- b) Erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- c) Change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

To which all applications for planning approval subject to clause 4.9.1 are to be advertised in accordance with clause 9.4 as stated in clause 4.9.2.

The proposed storage addition covers an area of 42sqm and is setback 3m to the Western and Southern boundary lines. Given the nature of the development together with the proposed setbacks it has been determined that the proposal will not cause a significant impact on the activities on site or the amenity of the locality. For this reason the Shire put into practice clause 4.9.1 and advertised the proposal in accordance with clause 9.4 of the Scheme.

This resulted in no submitted objections, allowing the proposal to be supported as it complies with the provisions established in the Scheme for extensions and changes to a non-conforming use. It is therefore recommended that the development proposal be approved given these circumstances.

Statutory Environment

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

Policy Implications

Nil

Public Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Local Planning Strategy – the approval of the proposed development maintains the aims and objectives of the Local Planning Strategy.

Resolution 9.8

Council approved the application for a proposed building with an extraction unit at 37 Baxter Road (lot 11), Cunderdin subject to the following conditions:

1. The proposed development is to comply in all respects with the submitted plans approved on 19.05.2011 and stamped accordingly.
2. No dust or wood particles shall be discharged beyond the boundaries of the premises.

Moved: Cr Todd Harris

Seconded: Cr David Beard

Vote – Simple majority

Carried 7/0

Shire of Cunderdin

Planning and Development Act 2005

Notice of public advertisement of planning proposal

The local government has received an application to develop land for the following purpose and public comments are invited.

Lot No.: 11 (No. 37)

Street: Baxter

Suburb: Cunderdin

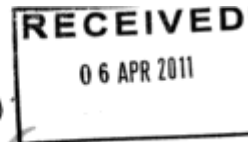
Proposal: Proposed Outbuilding (Dimensions 7m length, 6m width, 7.35m height) with attached extraction unit (overall height of 16.9m to top of extraction unit) to contain saw shavings from timber manufacturing business.

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before 18th May 2011.

G M Tuffin
Chief Executive Officer
PO Box 100
Cunderdin WA 6407
PH: 9635 1005



Scanned &
Emailed to
Shire of Canning



SHIRE OF CUNDERDIN
PO Box 100
CUNDERDIN W.A 6407



6th April 2011

41 Baxter Rd CUNDERDIN 6407
PO Box 137
Phone: (08) 9635 1400
Fax: (08) 9635 1896
Email: sales@mortlock.com.au

Dear Sir / Madam

RE: APPLICATION FOR PLANNING APPROVAL

We write to advise we seek council approval for a proposed building at our 37 Baxter Rd premises,
As you may know we provide high class timber building materials for the construction industry, timber decking, screening etc
Due to consistent growth within our business we require a building to contain the saw shavings that are produced from our manufacturing,
This building will also support an extraction system that removes the shavings from the machinery within the existing building,
This small addition will allow us to continually expand our operations and support the town of Cunderdin,
Please find enclosed drawings

We look forward to your prompt reply

Yours faithfully

David Hitch

Schedule 6 — Form of application for planning approval

[cl. 9.1.1]

Application for planning approval

| Owner details | | |
|--|-----------|----------------------|
| Name: DAVID JOHN HITCH / MORTLOCK TIMBER GROUP | | |
| Address: 46 MITCHELL ST CUNDERDIN | | |
| Postcode: 6407 | | |
| Phone: | Fax: | E-mail: |
| (work): 9635 1400 | 9635 1896 | dave@mortlock.com.au |
| (home): 9635 1158 | | |
| (mobile): 0458 477 146 | | |
| Contact person: DAVID HITCH | | |
| Signature: <i>[Signature]</i> | | Date: 6/4/11 |
| Signature: | | Date: |
| The signature of the owner(s) is required on all applications. This application will not proceed without that signature. | | |

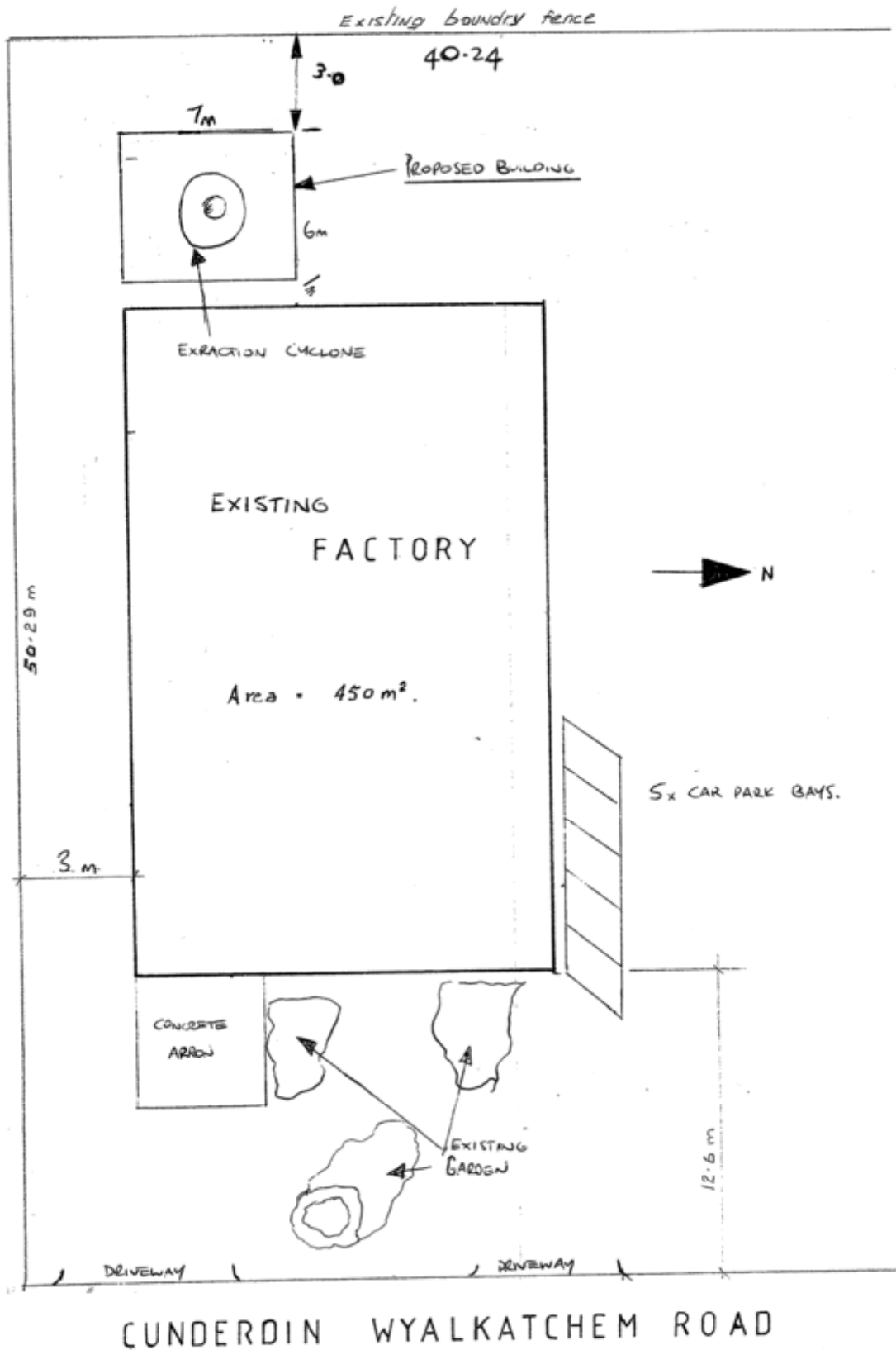
| Applicant details | | |
|------------------------------------|------|---------|
| Name: AS ABOVE | | |
| Address: | | |
| Postcode: | | |
| Phone: | Fax: | E-mail: |
| (work): | | |
| (home): | | |
| (mobile): | | |
| Contact person for correspondence: | | |
| Signature: | | Date: |

| Property details | | |
|---|-------------------------------|--------------|
| Lot No: 11 | House/Street No: 37 | Location No: |
| Diagram or Plan No: | Certificate of Title Vol. No: | Folio: |
| Diagram or Plan No: | Certificate of Title Vol. No: | Folio: |
| Title encumbrances (e.g. easements, restrictive covenants): NIL | | |
| Street name: BAXTER RD | Suburb: CUNDERDIN | |
| Nearest street intersection: OLYMPIC AVE | | |

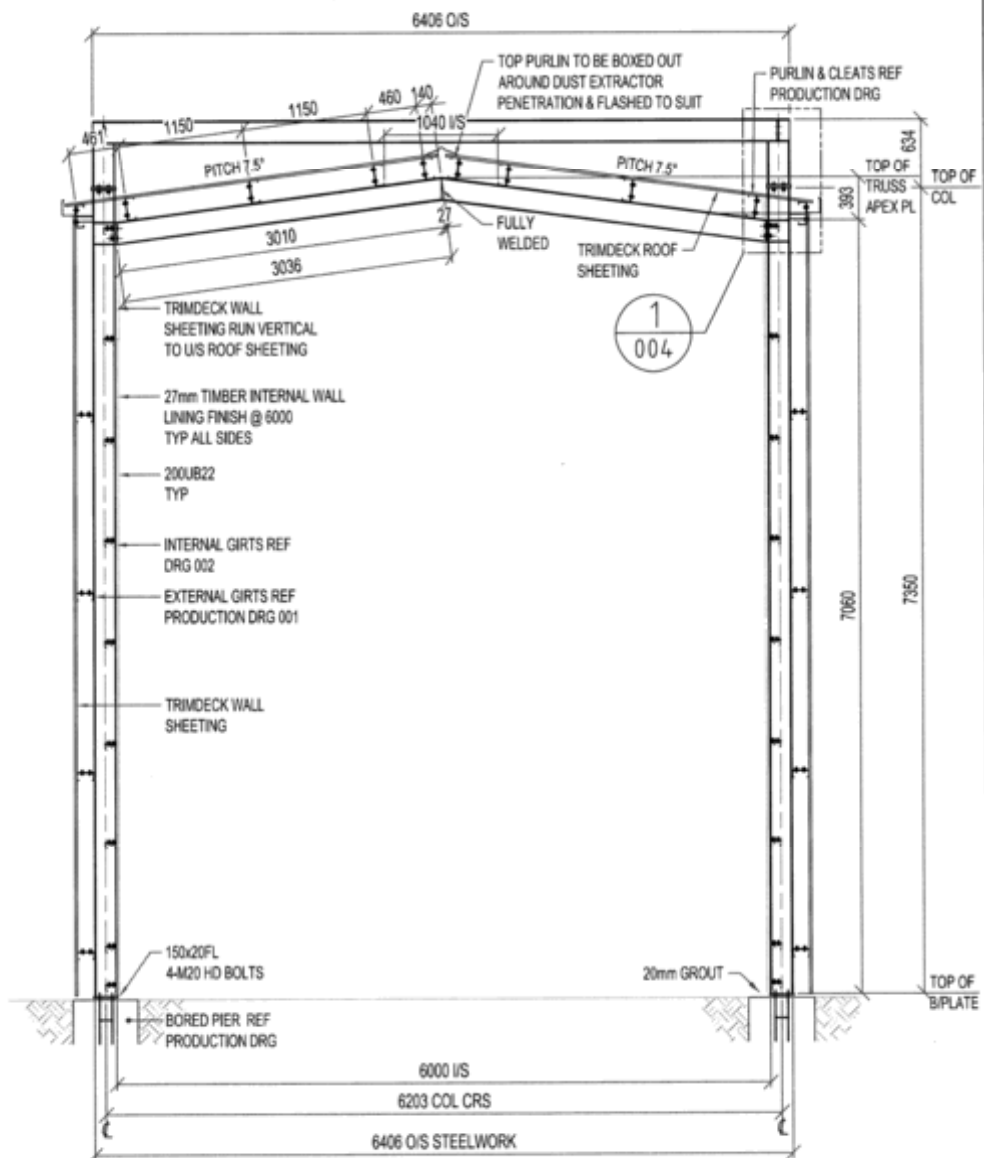
| Existing building/land use: | |
|---|--|
| Description of proposed development and/or use: BUILDING TO CONTAIN SAWDUST / ACT AS EXTRACTION SYSTEM | |
| Nature of any existing buildings and/or use: TIMBER PROCESSING WORKSHOP | |
| Approximate cost of proposed development: 25'000 | |
| Estimated time of completion: AS SOON AS APPROVAL GRANTED EOM (MAY) | |

| OFFICE USE ONLY | |
|--------------------------------|----------------|
| Acceptance Officer's initials: | Date received: |
| Local government reference no: | |

(The content of the form of application must conform to Schedule 6 but minor variations may be permitted to the format.)



R. PATEMAN MIE Aust CP Eng
 MARGARET RIVER STRUCTURAL ENGINEERS
 19 TOWNVIEW TCE
 MARGARET RIVER WA 6285
 PH +61 8 9757 9779 MOB +61 418 616 003
 SIGNED DATE



THIS DRG TO BE READ IN CONJUNCTION WITH 001
 © THIS DRAWING IS THE PROPERTY OF AUSPEX STEEL PT. LTD. THIS DRAWING AND ANY ASSOCIATED DRAWINGS AND / OR COMPUTATIONS MUST NOT BE MANUFACTURED FROM COPIED OR TRANSMITTED TO A 3rd PARTY WITHOUT WRITTEN PERMISSION FROM AUSPEX STEEL PT. LTD.

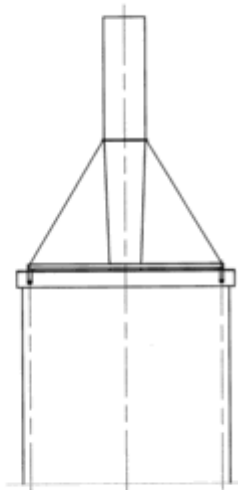
TYPICAL SECTION 6m SPAN

| | | | |
|------|-------------------------|------------|-----|
| 0 | ISSUED FOR CONSTRUCTION | 07.04.2011 | RJM |
| REV. | DESCRIPTION | DATE | BY |

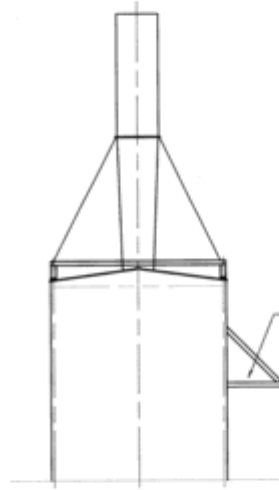


SCALE: 1:50 A4 CLIENT: **MORTLOCK TIMBER**
 DRAWN: RJM 7(0,1)x6(W)x7(H) FULLY ENCLOSED SHED
 DATE: 31.03.2011 BAXTER ROAD, CUNDERDIN, WA, 6407
 TYPICAL SECTION - 7m SPAN RURAL BUILDING

GOLDFIELDS DRAFTING SERVICE DRAWING No. **AUSPEX-82-003** REV. 0
 22 BAY WILLOWY 041 990 4670
 P.O. BOX 4308 AUSTRALIND W.A. 6253
 rjd@golddrafting.com.au

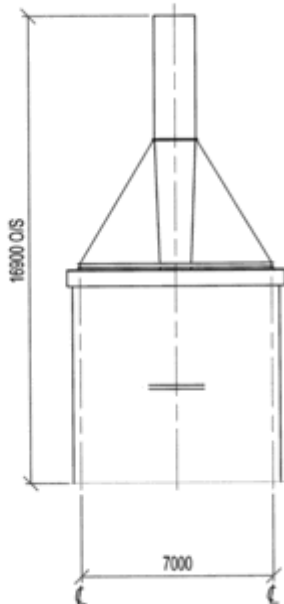


SIDE ELEVATION

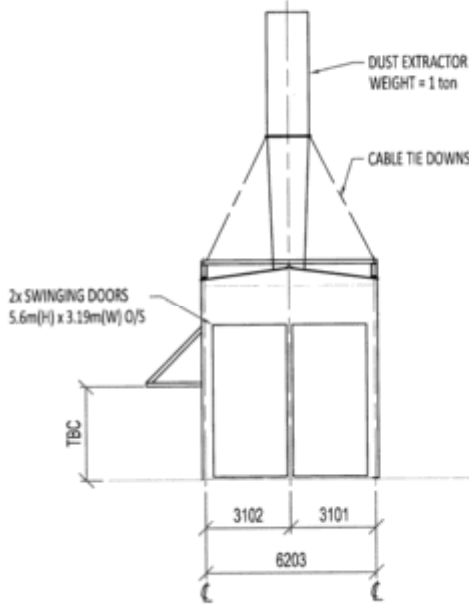


ELECTRIC MOTOR & FAN
SUPPORT
WEIGHT = 1.5 ton

REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION

THIS DRG TO BE READ IN CONJUNCTION WITH 001

| | | | |
|------|-------------------------|------------|-----|
| 0 | ISSUED FOR CONSTRUCTION | 07.04.2011 | RJM |
| REV. | DESCRIPTION | DATE | BY |



| | | |
|---|----|------------------------------------|
| SCALE: 1:200 | A4 | CLIENT: MORTLOCK TIMBER |
| DRAWN: RJM | | 7(L)x6(W)x7(H) FULLY ENCLOSED SHED |
| DATE: 30.03.2011 | | BAXTER ROAD, CUNDERDIN, WA, 6407 |
| | | ARCHITECTURAL DETAILS |
| GOLDFIELDS DRAFTING SERVICE | | DRAWING No. AUSPEX-82-006 |
| <small>RAY WALCANT 081 890 4872 P.O. BOX 4328 AUSTRALIND, W.A. 6033 ray@goldfieldsdrafting.com.au</small> | | REV. 0 |

10.0 Manager of Environmental Services Report

10.1 Section 135 Health Notice – Cunderdin Airfield

| | |
|-------------------|---------------------------|
| Location: | Cunderdin Airfield |
| Applicant: | Occupants of ex-RAAF huts |
| Date: | 19 th May 2011 |
| Author: | T Jurmann |
| Item Approved by: | Building Surveyor |

Cr Carter as a gliding club member declared an interest & left the chambers at 6:07pm
Deputy President Gibsone assumed the chair

Proposal

To issue a Section 135 of the *Health ACT 1911* (Section 135 Health Act Notice) to the occupants for them to vacate the building located at the above address.

Background

An inspection of the ex-RAAF residential huts located at the Cunderdin airfield was carried out on behalf of the Cunderdin Shire Council.

The inspection revealed that the roofing and cladding of the huts are manufactured from asbestos and that the south western most hut had partially collapsed due to the deterioration of the stumps supporting the floor and walls.

The painted asbestos cladding was in various states of disrepair, with some cladding broken exposing the asbestos material.

Broken asbestos sheeting is a health hazard and it is required that people working with such asbestos wear P2 breathing masks as a minimum. Of more concern was the severely weathered friable asbestos roof sheeting which has not been sealed in any way.

It has been shown that development of Asbestosis or Mesothelioma due to exposure to varying amounts asbestos fibres is highly variable meaning that some individuals may develop the disease with only limited exposure.

In this regard Shire should restrict access to any building or land it owns that has potential asbestos contamination or structures that contain asbestos that is not suitably sealed to prevent asbestos fibres becoming airborne.

Should people not vacate the area, the Shire has the ability to serve order on people who will not willingly vacate the building under Section 135 of the Health 1911 (Section 135 Health Act Notice).

It should be noted that the definition of house under The Health Act includes:

"...any building or structure, whether temporary or otherwise, including tents and vans, and includes a place of worship, school, factory, workroom, shop, hotel, public house, or other premises of a licensed victualler; the term also includes any vessel lying in any river, harbour, or other water within the territorial waters of Western Australia other than a vessel which is under the command or charge of any officer bearing Her Majesty's commission, or which belongs to the government of any foreign state. It is immaterial whether the house is on alienated land or Crown land:

Provided that where any building is let or occupied in flats, each flat shall be deemed to be a separate house;"

Comments

Given the seriousness of the situation and in the best interest of the occupants health and well being it is now considered that a Section 135 Health Act Notice be issued to occupants for them to vacate the property within fourteen days.

Statutory Environment

Health Act 1911

Statutory Planning

Nil

Local Health Laws

Shire of Cunderdin Local Health Laws.

Policy Implications

There are no notable policy implications in considering this item.

Financial Implications

The Shire may be responsible for repairing the buildings and decontamination of the site.

Strategic Implications

Nil

Resolution 10.1

Resolved that;

- a) Council serves a Section 135 Health Act Notice declaring that the airfield buildings unfit for human habitation and requiring that no persons occupy the building and for the occupants to vacate the building within 14 days of the notice being served.
- b) Council authorise the Chief Executive Officer & Deputy President to negotiate satisfactory terms and conditions with Bob Milligan, in regards to his tenancy.
- c) Council authorise the Chief Executive Officer & Deputy President to negotiate ownership of the huts that are allegedly privately owned.
- d) Council request the Chief Executive Officer to negotiate with the Asbestos Specialist to get prices to carry out necessary works at the airfield.
- e) Council request the Chief Executive Officer to investigate funding options to pay for necessary works to be carried out.

Moved: Cr Graham Cooper

Seconded: Cr David Beard

Vote – Simple majority

Carried 6/0

Council Break – 6:40pm

President Carter enters the Council Chambers – 6:42pm and was briefed on councils decision

Council resumes – 6:43pm

11.0 Works Supervisor's Report

11.1 Work Supervisors Report

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Manger Works and Services |
| Date: | 19 th May 2011 |
| Author: | Mark Burgess |
| Item Approved by: | Chief Executive Officer |

Proposal

Council is to receive the Manager of Works and Services Report for May 2011

Comment

Please find below a brief update in relation to the Works Program

Construction

Cunderdin Quairading Rd – Work has come to a stand still for the moment as I have had to direct my resources to Cunderdin Wylie Rd to ensure we can spend the RRG grant prior to the end of May to Mid June. Works will recommence on Cunderdin Quairading Rd when Cunderdin Wylie Rd is complete.

Cunderdin Wyalkatchem Rd – We have completed all clearing and formation works up to Matthews Rd, From Devenish Rd and we are presently upgrading the Shoulders within this area. Council would be aware from the Tour that some pavement repairs and shoulders have been completed already from the Minnivale turn off to Devenish Rd.

Bulgin Rd – Shoulders and Gravel sheeting has been carried out on this road.

Gravel Sheeting Works

All works have been completed within the 2010/11 Budget.

Maintenance Grading

All gravel sheets in and around Meckering Town site have been graded.

Maintenance grading will be starting regardless of rain Tuesday the 17th of May. We will be starting in the South west corner of the shire working our way anti clockwise around the shire.

Outside Staff

Red – Annual Leave

Plant Maintenance

Not available as red is on leave

General

Hockey oval at Meckering has been completed.

Statutory Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 11.1

Resolved;

That the Manager of Works and Services Report for May 2011 be received.

Moved : Cr Dennis Whisson

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried 7/0

Cr Dianne Kelly – Requested Leeming Rd be graded as its very corrugated after Bulgin Rd works.

Cr David Beard – Enquired about damage done on Gangell Rd from previous carting jobs carried out by the works crew.

The Manager of Works and Services provided an understanding to review both issues and attend to them accordingly.

12.0 Community Development Officer/Emergency Management Officer

12.1 Information Bulletin – CDO Report

| | |
|-------------------|-------------------------------|
| Location: | N/A |
| Applicant: | N/A |
| Date: | 19 May 2011 |
| Author: | S McQuistan |
| Item Approved by: | Community Development Officer |

Proposal

Council is to receive the Community Development Officers Report for April/May 2010.

Comment

FESA

- Attended Integrated Bush Fire Management System training
- Online system allows Shires to plan, manage and track bush fire mitigation work on Unallocated Crown Land and Shire Reserves

Strategic Community Consultation

- Attended the Community Consultation Workshop
- Continual liaison with Helen to provide written feedback from survey and answer any applicable questions relating to the project

Meckering Action Group

- Request from MAG to assist with obtaining funding for Meckering Christmas Party
- Application to Lotterywest will be combined with the funding request from the Cunderdin Christmas Carols Committee
- Assisting MAG to procure replacement plaques (17) that were recently stolen

RLCIP Funding

- Electrical upgrades (RCD/Smoke Alarm) project has come in under budget
- Awaiting final approval to allocate remaining funding to further Footpath work (as per previous approved Footpath funding from RLCIP)

Department for Communities Grant Application

- Application made for funding to hold a "Rural Resilience – Ladies Luncheon" at the Cunderdin Community Resource Centre with Guest Speaker Maggie Dent.

Cunderdin Museum

- Liaise between Kellerberrin Work Camp supervisor and museum to facilitate recent 2 day visit from the Work Camp to clean and clear up around the museum grounds.

Shire of York

- Approx. 1 day a week to manage ESL / Bush Fire Advisory Committee
-

Fire Management Plan

- Assist applicant to prepare Fire Management Plan for Proposed Lot 1 Cunderdin-Quairading Road, Cunderdin

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

Nil

Resolution 12.1

Resolved;

That Council receive and note report 12.1;

Moved: Cr Clive Gibsone

Seconded: Cr David Beard

Vote – Simple majority

Carried 7/0

12.2 Fire Management Plan – Proposed Lot 1 Carter Road, Cunderdin

| | |
|-------------------|---------------------------|
| Location: | Cunderdin |
| Applicant: | Staff |
| Date: | 19 th May 2011 |
| Author: | Stacey McQuistan |
| Item Approved by: | Chief Executive Officer |

Disclosure of Interest

No disclosure of interest has been tabled.

Proposal

To consider approving the submitted Fire Management Plan for the Proposed Lot 1 Carter Road Cunderdin.

Attachment

*WAPC Approval Letter
Fire Management Plan*

Background

At the Council Meeting 18th March 2010, Council considered an application from AJ Marsh Pty Ltd to Subdivide Lot 4667 on DP 109000, Lot 6949 on DP 117397, Lot 8447 on DP 122829 & Lot 25122 on DP 224906, Cunderdin Quairading Road, Cunderdin, where the following resolution was made:

Resolution 9.9

Resolved;

(a) *Approval; subject to the condition stated below:*

1. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.*

(b) *WAPC be advised of (a) above*

Moved Cr Graham Cooper

Seconded Cr David Beard

Vote – Simple majority

Carried 7/0

This resolution was subsequently forwarded to the Western Australian Planning Commission (WAPC) for consideration.

On the 24th March 2011 a letter was received by both the Shire and the developer to advise that WAPC have imposed additional conditions on the subdivision being –

- 1. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of suitable easements under the Energy Operators (Powers) Act 1979 for existing and/or future transmission (33,000 Volt or greater) electricity network infrastructure. (Western Power)***

2. A Fire Management Plan being prepared and implemented for Lot 1 to the specifications of the Local Government. (Local Government)

In order to this proposed subdivision to progress, the developer must comply with the above conditions, therefore a Fire Management Plan has been prepared for Council's consideration.

The aim of the Fire Management Plan is to reduce the threat to residents and fire fighters in the event of bush fire within or near the site. It is generally recognized that bush fires are an inevitable occurrence in the spring, summer and autumn months in the Northern Wheatbelt.

The subdivision will be designed so as to take into account the following fire protection measures:

- Firebreaks
- Dwelling Construction Standards
- Building Protection Zones
- Hazard Separation Zones
- Hazard Reduction
- Driveway Standards
- Planting of trees

Proposed Lot 1 (80Ha) consists of heavily vegetated virgin bushland with partial clearings to the Carter Road Frontage. The property is bounded by Carter Road to the East, and is surrounding by broad acre farm land. There is no recorded Rare or Declared flora or fauna on site.

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

There are no policy implications in considering this item.

Resolution 12.2

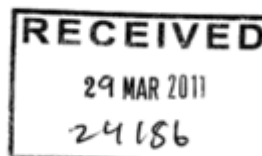
That Council approve the attached Fire Management Plan

Moved: Cr Todd Harris

Seconded: Cr Dennis Whisson

Vote – **Absolute majority**

Carried 7/0



Your Ref : 23861/SP143478
Enquiries : Kelsie Lewis (Ph 9264 7862)

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

Approval Subject To Condition(s) Freehold (Green Title) Subdivision

Application No : 143478

Planning and Development Act 2005

| | |
|---------------------|--|
| Applicant | : A J Marsh Pty Ltd P O Box 355 GOSNELLS WA 6990 |
| Owner | : Wendover Nominees Pty Ltd P O Box 46 CUNDERDIN WA 6407 |
| Application Receipt | : 22 December 2010 |

| | |
|------------------|--|
| Lot Number | : 6949, 8447, 4667, 25122, 10, 11, 22823, 24208 |
| Diagram / Plan | : DP 117397, 112829, 109000, 224906, 54757, 148236, 148489 |
| Location | : - |
| C/T Volume/Folio | : 2644/600, 2644/595, 2644/598, 2644/596, 2659/82, 2659/83, 2644/590, 2644/591 |
| Street Address | : Carter Road & Cunderdin-Quairading Road, Cunderdin |
| Local Government | : Shire of Cunderdin |

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 22 December 2010 once the condition(s) set out have been fulfilled.

This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 24 March 2015 or this approval no longer will remain valid.

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@wapc.wa.gov.au; web address <http://www.planning.wa.gov.au>
ABN 35 482 341 493

Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.



If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any site works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S)

1. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of suitable easements under the *Energy Operators (Powers) Act 1979* for existing and/or future transmission (33,000 Volt or greater) electricity network infrastructure. (Western Power)
2. A Fire Management Plan being prepared and implemented for Lot 1 to the specifications of the local government (Local Government)

ADVICE

1. The purpose of Condition 1 is to ensure that any existing or proposed development does not interfere with any existing and/or proposed Western Power assets. The applicant is advised to contact Western Power for further information and advice regarding easement requirements. All costs associated with the registration of easements are to be borne by the applicant.



2. David Jolliffe at the Department of Environment and Conservation in Northam is available to provide advice in regard to protection of the remnant vegetation on Lot 1. He can be contacted on 9622 8940.

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

Tony Evans
Secretary
Western Australian Planning Commission
24 March 2011

Fire Management Plan



Proposed Lot 1 Carter Road, Cunderdin

Shire of Cunderdin

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Disclaimer:

The measures contained in this fire management plan are considered to be minimum standards and they do not guarantee that a building will not be damaged in a bush fire. All surveys, forecasts, projections and recommendations made in this report associated with the project are made in good faith on the basis of information available at the time; and achievement of the level of implementation of fire precautions will depend among other things on the actions of the landowners or occupiers.

Underlying Bush Fire Principals:

In the making of these comments and recommendations in this fire management plan it should be understood that the focus of this document is to look into minimising the threat and impact of an bush fire in bush fire prone areas to people residing or staying within the District. It must be concluded that bush fires will occur within the District. If there is not an immediate response with sufficient resources, fuel loading and weather conditions prevailing at the time will in a short space in time, encourage high intensity fire to develop posing a risk to life and property.

1. Purpose of the Management Plan

The purpose of this Bush Fire Management Plan is to detail the Fire Management methods and requirements that will be implemented within the proposed Lot 1 of this subdivision.

The aim of the Bush Fire Management Plan is to reduce the threat to residents and fire fighters in the event of a fire within or near the subdivision.

2. Subdivision Location and Details

The subject land comprises of a portion of Lot 6949 (proposed Lot 1) Carter Road, Cunderdin, in the Shire of Cunderdin.

3. Site Details

Proposed Lot 1 (80Ha) consists of heavily vegetated virgin bushland with partial clearings to the Carter Road Frontage.

The property is bounded by Carter Road to the East, and is surrounding by broad acre farm land.

There is no recorded Rare or Declared flora or fauna on site.

4. Statutory Conditions

The occurrence of bush fires within this locality is inevitable. The Western Australian Planning Commission and the Shire of Cunderdin requires the preparation of a 'Bushfire Management Plan' as part of the approval process. This document has been prepared to satisfy that requirement.

As fire management strategies may require altering to meet changing climate, weather patterns, environment and land use needs landowners/occupiers are advised that provisions of the Bush Fires Act 1954 may still be enforced in addition to this Fire Management Plan.

Diagram 1 –Locality of Proposed Subdivision

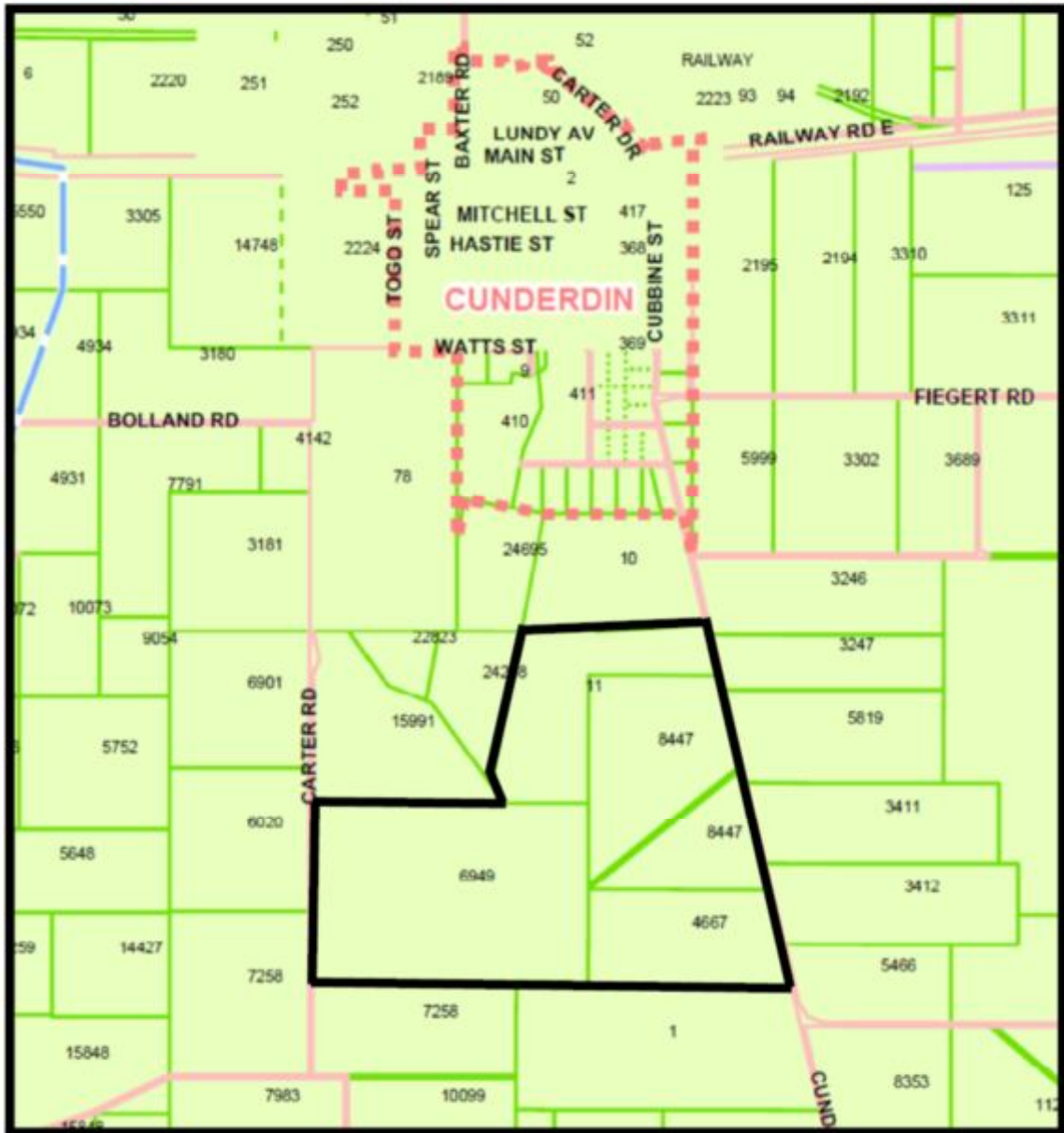
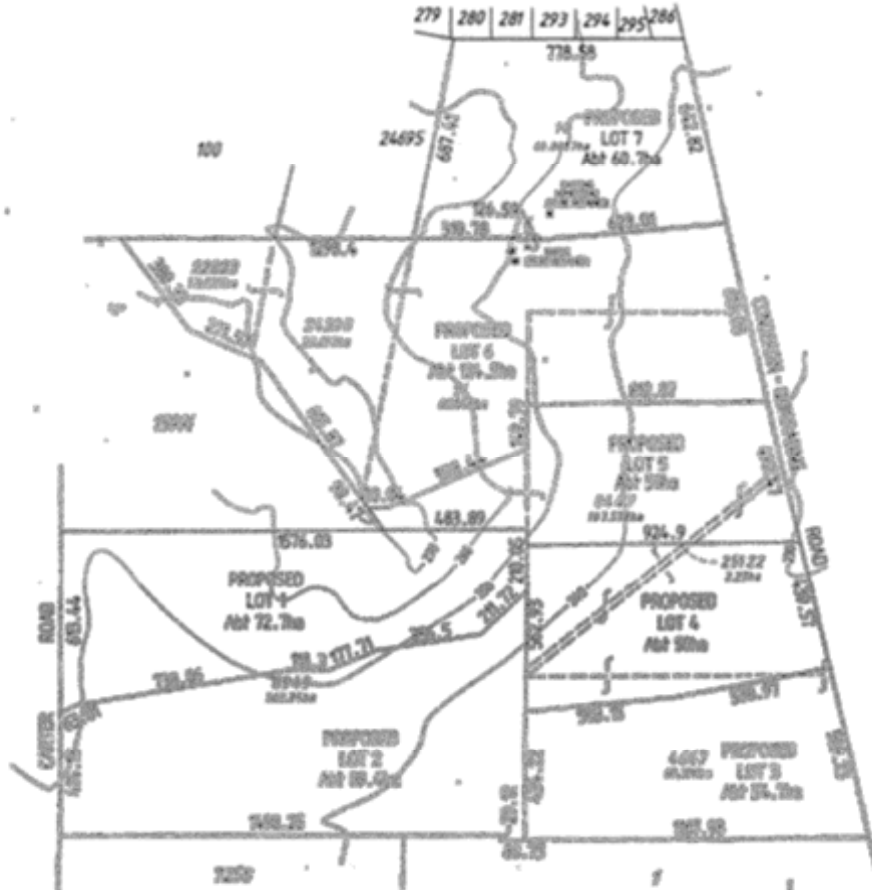


Diagram 2 – Proposed Subdivision

PROPOSED SUBDIVISION
 LOTS 10 & 11 ON DP54757, LOT 4667 ON DP109000
 LOT 6949 ON DP 117397, LOT 8447 ON DP122829,
 LOT 22823 ON DP 148236, LOT 24208 ON DP148489
 AND LOT 25122 ON DP224906



DATE: 9-9-09

SCALE: AS SHOWN
 NOTE: ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY



SCALE 1:12500

dwg no: 100-09

5. Bush Fire Hazard Assessment

The assessment of fire risk takes into account existing site conditions which include:

- Topography with particular reference to ground slopes and accessibility;
- Vegetation cover – both remnant and likely re-vegetation; and
- Relationship to surrounding development.

The Bush Fire Hazard Assessment for the proposed development area is rated '*Moderate*' to '*Extreme*'.

The Mediterranean climate experienced by this area is such that the majority of rain falls in late autumn through to early spring. This rainfall supports substantial vegetation growth which dries off in Summer/Autumn.

6. Fire Management Plan

The aim of the Fire Management Plan is to reduce the threat to residents and fire fighters in the event of bush fire within or near the site. It is generally recognized that bush fires are an inevitable occurrence in the spring, summer and autumn months in the Northern Wheatbelt.

The subdivision will be designed so as to take into account the following fire protection measures:

- Firebreaks
- Dwelling Construction Standards
- Building Protection Zones
- Hazard Separation Zones
- Hazard Reduction
- Driveway Standards
- Planting of trees

6.1 Road System

Access to the newly created Lots will be via Carter Road as per the attached plan. There is no internal road system proposed.

6.2 Firebreaks

Lot 1 will be required to comply with the requirements of the Shire of Cunderdin Firebreak Notice as published annually, in addition to this fire management plan.

6.3 Dwelling Standards

New dwellings on each lot shall be designed and built to conform with:

- Shire of Cunderdin Specification and Requirements; and
- The Building Code of Australia.

6.4 Building Protection Zone

The aim of the Building Protection Zones is to reduce the amount of accumulated bush fire fuel and to lower the intensity of the impact of a bush fire by flame contact or radiated heat.

Non-flammable features such as driveways, vegetable patches, reticulated lawn, or landscaped gardens (including deciduous trees) should form part of building protection zones. Isolated trees and shrubs may be retained within building protection zones.

A building protection zone of minimum 20 metres is to be constructed around all buildings as follows:

- Bush Fire fuels to be maintained at or below 2 tonnes per hectare and dry Grass must be maintained below a height of 50mm.
- The first 7 metres around all building is to be cleared of all flammable material. Reticulated gardens may be located in this zone.
- For the next 13 metres (i.e. from 7- 20metres surrounding any buildings the spacing of trees should be approximately 15 metres apart to provide for a separation of 10metres between crowns.
- Branches, must be removed at least 2 metres back from the eaves of all buildings.
- All leaves, twigs, logs, branches must be removed from within the building protection zone. Annual falls of leaf litter must be raked up and removed or burnt.
- The Building Protection Zone and Hazard Separation Zones are to be installed prior to the commencement of new dwelling construction.

6.5 Hazard Separation Zone

A minimum area of 20 metres outside the Building Protection Zone within each Lot is to be maintained as a Hazard Separation Zone and must fulfil the following criteria:

Note: To provide additional fire protection there must be a physical separation between the buildings and the surrounding vegetation to reduce the impact of bush fires upon the structures within the Building Protection Zone including ember attack. As the occurrence of bush fires in this district is inevitable and will burn in accordance with the prevailing weather and fuel conditions at the time, it is essential that property owners maintain HSZ on their land to have any degree of safety.

The following practices should therefore be maintained:

- Bush fire fuels within the HSZ should be kept below 4-6 tonnes per Ha.
- All dry grass must be slashed or grazed at or below 50mm.
- All accumulated litter, twigs, bark of trees, fallen tree branches and logs should be removed from the area on a regular basis prior to and during the Bush Fire Season.

6.6 Hazard Reduction Program

Hazard reduction in remnant vegetation areas, building protection zones and hazard separation zones can be achieved by slashing, the application of stock (grazing) or planned prescribed burning. Property owners have a responsibility to reduce bush fire hazards and maintaining properties annually in preparation for the summer season.

As a guide, property owners should carry-out the following Fire Prevention activities:

Autumn to Winter (May – August)

- Tree pruning – remove lower branches; check that power lines are clear.
- Reduce fuel levels around the house – clear long grass, leaves, twigs and flammable shrubs.
- Ensure petrol and other flammables are safely stored away from the main dwelling.
- Make sure your fire fighting equipment is in good working condition and serviced where required.
- Make sure all residents are aware of your emergency plan including evacuation routes.

Spring (September – November)

- Move woodpiles and stacked timber away from the main dwelling.
- Keep grass short – not to exceed 50mm in height.
- Clean gutters and roof debris.
- Install and maintain firebreaks in accordance with this plan and the firebreak notice.

Summer (November – May)

- Water lawns, trees and shrubs near the buildings to keep them green.
- Re-check fire fighting equipment, screens, water supplies and that gutters remain clear.

Long Term Precautions

- Ensure firebreaks are prepared in accordance with this fire management plan, the latest Firebreak Notice and any variation to the fire order issued by council.
- Ensure that any planting of wind breaks or trees is in accordance with this fire management plan and will not be detrimental to fire suppression requirements in years to come.
- Make sure that the buildings are safe – fit 'wire' fly screens and shutters, fill gaps in roof/wall spaces, fit fire screens to evaporative air conditioners and have them operable to provide a water only supply.
- Give consideration to installing external building sprinkler systems with static water supply and 'back-up' power for emergencies.
- Get basic training in fire fighting from your local bush fire brigade or even join your local brigade.

6.7 Driveways

Driveways are to be cleared to 6 metres wide and have a 4 metre trafficable surface and 4 metre vertical clearance.

6.8 Planting of Trees

Planting of new trees is not permitted within 6 metres of the centre of any firebreak. Trees planted within the building protection zone must comply with the standard outlined in Section 6.4.

7. Fire Fighting Facilities

Due to the unavailability of a reticulated water supply, individual property owners are required to collect water from roof run off and to supply storage vessels for potable and other water supply purposes.

7.1 Supply of water for domestic use

Property owners are required to supply their own domestic water (minimum 92,000 litre tank) for potable and other uses.

Each property shall at all times store a minimum of 10,000 litres of water for structural fire fighting purposes and each owner shall be responsible to replenish water used by fire fighters at the property owner's cost.

To enable standardisation of access to this supply, each private domestic vessel shall be fitted with a minimum 50 or 75mm Ball Valve and a 50mm camlock fitting with a blanking cap. This coupling and valve shall be installed and maintained in a correct operating condition at all times at the property owner's expense.

The domestic vessel shall be located in an area that will enable fire appliances unimpeded access to the tank.

7.2 Water for fire fighting

Due to the unavailability of a reticulated water supply, individual property owners are required to collect water from roof run off and to supply storage vessels for potable and other water supply purposes.

7.3 Fire Service

The development site is within the area covered by the Cunderdin Volunteer Bush Fire Brigade, located on Centenary Way, Cunderdin.

Summary

8.1 Overall Fire Threat

The design of this development and the facilities constructed at the time of development are such that with implementation of this Fire Management Plan, fire threat to persons and property within the subdivision is significantly reduced.

8.2 Property Owners Responsibilities

To maintain the reduced level of risk and threat of fire, any owners/occupiers of Lot 1 will be responsible for undertaking, complying and implementing measures protecting their own assets from the threat and risk of bush fire.

General measures -

- Construct and maintain firebreaks clear of flammable material on their property by the dates shown on the Shire of Cunderdin Firebreak Notice as detailed in Section 6.2
- Maintain in good order and condition all property fencing and gates ensuring that vegetation does not encroach over the firebreak;

Measures required if constructing a residential dwelling –

- Ensure all domestic dwellings are designed and constructed in full compliance with the requirements of the Shire of Cunderdin as detailed in Section 6.3;
- Implement and maintain Building Protection Zone as detailed in Section 6.4;
- Implement and maintain Hazard Separation Zone as detailed in Section 6.5.
- Implement Hazard reduction as detailed in Section 6.6;
- Install and maintain driveways as detailed in Section 6.7;
- Planting of trees is to be carried out as detailed in Section 6.8;
- Where reticulated water is not available, supply their own domestic water (minimum 92,000 litre tank) or as determined by the Shire of Cunderdin, for potable and other uses, as detailed in Section 7.1;
- Where reticulated water is not available, at all times store a minimum of 10,000 litres of water for structural fire fighting purposes and each owner shall be responsible to replenish water used by fire fighters at the property owner's cost, as detailed in Section 7.1.

8.3 Developers Responsibilities

Prior to subdivision being given Final approval by the W. A. Planning Commission the developer shall be required to carry out works as described below. Subsequent to Final Approval to subdivide, the developer shall have no further responsibilities to provision of fire fighting facilities on Lots which pass from their ownership.

- Lodging a 'Notification' on each Certificate of title proposed by this subdivision. The Notification shall alert purchasers of land and successors in Title of the responsibilities of this Fire Management Plan

8.4 Shire of Cunderdin Responsibilities

The responsibility for compliance with the law rests with individual property owners and occupiers and the following conditions are not intended to unnecessarily transfer some of the responsibilities to the Shire of Cunderdin.

The Shire of Cunderdin shall be responsible for:

- Developing and maintaining District Fire Fighting Facilities.
- Provide advice on appropriate techniques to achieve bush fire hazard reduction for individual properties.
- Maintaining in good order the condition of the district water tanks and the apparatus for fire fighting purposes.

13.0 Environmental Project Officer Report

No report.

14.0 Meeting be closed to Members of the Public

No reports

15.0 General Business

The President tabled a letter from residents of MacPherson Street, Cunderdin regarding an alleged stormwater drainage issue.

The Manager of Works & Services provided an option to address the issue – install a new culvert across the road, in addition to the existing.

After lengthy discussion was held on the matter, Council requested drainage works be done and the CEO write to the effected residents to advise them accordingly.

16.0 – Formal Support for the LCDC to wind up – Late Agenda Item

Resolution 16.0

Council resolved to;

Support the formal winding up of Cunderdin Land Conservation District Committee and will arrange for all archived information to be returned to the Department of Agriculture and Food.

Moved: Cr David Beard

Seconded: Cr Todd Harris

Vote – Simple majority

Carried 7/0

17.0 Closure of meeting at 7:26pm