



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 20 April 2017** in the Council Chambers, Lundy Avenue Cunderdin **commencing at 2.00pm**.

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

Peter Naylor
Chief Executive Officer

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AGENDA

1. Declaration of opening

The President declared the meeting open at 2:00pm

The Shire of Cunderdin disclaimer was read aloud.

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

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

2. Public Question Time

Response to previous public questions taken on notice

Declaration of public question time opened at

Declaration of public question time closed at

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

Record of attendances

Councillors

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

Apologies

Ian Bartlett	Manager Works & Services
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On Leave of Absence

Cr DG (Dianne) Kelly	OCM 16 th March 2017
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Staff

Peter Naylor	Chief Executive Officer
Paul Godfrey	Deputy Chief Executive Officer

Guests of Council

Greg Stephens	Works Supervisor, Shire of Tammin
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Mr Stephens was introduced to, and addressed Council at the Information Session prior to the commencement of the Council meeting.

Members of the Public

Applications for leave of absence

Resolution 3.1.1

That Leave of Absence be granted to:

Councillor Clive Gibsone for the Ordinary Meeting of Council scheduled to be held on Thursday 18th May 2017.

Moved: Cr Bernie Daly Seconded: Cr Norm Jenzen

Vote: Simple Majority Carried: 6/0

Declaration of Members and Officers Financial Interests

Item 12.1	Cr's C Gibsone & T Harris
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4. Petitions, Deputations, Presentations

5. Announcements by President without discussion

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on Thursday 16 March 2017

Location:	Cunderdin
Applicant:	Administration
Date:	12 April 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	1 Attachment (46 pages – circulated)

Proposal/Summary

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 16 March 2017.

Background

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

Comment

No business arising.

Consultation

Nil

Statutory Environment

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

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

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Nil

Resolution 6.1

That:

- 1. The Minutes of the Ordinary Council Meeting held on Thursday 16 March 2017, be confirmed as a true and correct record.**

Moved: Cr Clive Gibsone

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

Note to this item:

The President will sign the minute declaration.

6.2 Special Meeting of Council held on Thursday 30 March 2017

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

Proposal/Summary

Council to confirm the minutes of the Special Council Meeting held on Thursday 30 March 2017.

Background

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

Comment

No business arising.

Consultation

Nil

Statutory Environment

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

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

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Nil

Resolution 6.2

That:

- 1. The Minutes of the Special Council Meeting held on Thursday 30 March 2017, be confirmed as a true and correct record.**

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

Note to this item:

The President will sign the minute declaration.

6.3 Meeting of the Resource Sharing Committee held Tuesday 4 April 2017

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	6 April 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	33 pages (2 documents)

Proposal/Summary

Council to accept the minutes of the Resource Sharing Committee Meeting held on Tuesday 4 April 2017.

Background

The Resource Sharing Committee further considered the Potential Shared Manager Works and Services Position in conjunction with the Draft Shared Services Proposal (incorporating the overall cost analysis).

The Committee resolved as follows:

“that the draft Shared Services Proposal (incorporating the overall cost analysis) as presented, for the Shared Manager Works and Services position for the Shire of Tammin and Shire of Cunderdin be endorsed and that the Report be recommended to both the Shires of Tammin and Cunderdin for adoption.”

Comment

Copies of the meeting minutes and the Draft Shared Services Proposal for the Manager Works & Services Position have been circulated as attachments with the agenda.

Consultation

Darren Long Consulting

Statutory Environment

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

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

Policy Implications

Nil

Financial Implications

The Draft Report indicates that there are no negative financial implications with the Shared Manager Work & Services Proposal.

Strategic Implications

Nil

Resolution 6.3

That Council:

- 1. Receives the Minutes from the Resource Sharing Committee Meeting held on Tuesday 4 April 2017;**
- 2. Endorses the recommendation at item 5.1 of the Minutes, as follows:**

“that the draft Shared Services Proposal (incorporating the overall cost analysis) as presented, for the Shared Manager Works and Services position for the Shire of Tammin and Shire of Cunderdin be endorsed and that the Report be recommended to both the Shires of Tammin and Cunderdin for adoption.”

- 3. Endorses the appointment of Mr Greg Stephens to the position of Shared Manager Works & Services, in accordance with the terms and conditions as detailed in the aforementioned Report, for the Shires of Cunderdin and Tammin with effect from 1st July 2017.**

Moved: Cr Norm Jenzen

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 7/0

Note: Shire of Cunderdin is to meet at 2:00pm on Tuesday 13th June 2017, prior to the joint meeting in Tammin, to discuss the Chief Executive Officer KPI's / KRA's specific to the Cunderdin Shire.

7. Finance & Administration

7.1 Financial Reports for March 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	13 April 2017
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	3 Attachments (32 Pages)

Proposal/Summary

The financial reports as at 31 March 2017 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil

Consultation

Nil

Statutory Environment

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

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil

Resolution 7.1

That Council receives the monthly financial reports to 31 March 2017.

Moved: Cr Clive Gibsone

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

7.2 Accounts Paid – March 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	13 April 2017
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$450,023.82 for March 2017 as listed in the Warrant of Payments for the period 1 March to 31 March 2017.

Background

Nil

Comment

Nil

Consultation

Nil

Statutory Environment

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

Financial Management Regulations 12 & 13.

Policy Implications

Nil

Financial Implications

All financial implications are contained within the reports

Strategic Implications

Nil

Resolution 7.2

(a) That Council's payment of accounts amounting to \$450,023.82 for March 2017, from the Municipal Fund be confirmed and noted.

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

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – simple majority

Carried: 7/0

Listing of Accounts Paid During March 2017

Cheque /EFT No	Date	Supplier	Description	Amount
EFT1281	07/03/2017	Avon Waste	Scrap Steel Removal and Rubbish Hire	556.16
EFT1282	07/03/2017	Kayla James	CSRFF Meeting Travel Reimbursement 110Km	85.80
EFT1283	07/03/2017	Pestex Co	Treat Bees and Spiders in various locations	8,563.50
EFT1284	07/03/2017	C Planke & Son Pty Ltd	Meckering Dowering Road Labour and Machinery hire	15,400.00
EFT1285	07/03/2017	Moore Stephens	Bedget Workshop Paul	893.20
EFT1286	07/03/2017	Wendy Carter	Money for the band 2016	500.00
EFT1287	07/03/2017	Australian Mens Shed Association	AMSA Membership Subscription	480.00
EFT1288	07/03/2017	Structerre Consulting Engineers	Investigate and Report Cubbine St Cunderdin	3,674.00
EFT1289	07/03/2017	LGISWA	Actual Wages Adjustment for 15/16	151.34
EFT1290	07/03/2017	Shazmac Plumbing	Install Sink to Meckering Fire Shed	798.00
EFT1291	07/03/2017	JM Vanden Akker & JA Vanden Akker	Glass Maintenance Office	460.00
EFT1292	07/03/2017	Brooke Jasper	Reimbursement for travel and parking to attend training	375.66
EFT1293	07/03/2017	Tudor House	St Georges Tce Banners	253.00
EFT1294	07/03/2017	Damian Plumbing	Fit sink to football change room	2,853.40
EFT1295	17/03/2017	Cunderdin Co-Op	Fuel Purchase	13,050.00
EFT1296	22/03/2017	Jason Signmakers	road signs	485.10
EFT1297	22/03/2017	Landgate	Rural UV Interim valuation Shared	182.50
EFT1298	22/03/2017	Cunderdin Co-Op	Rivet, Downpipe, Gutter Seal	1,264.15
EFT1299	22/03/2017	Australia Post	Postal Charges	402.43
EFT1300	22/03/2017	Covs Parts Pty Ltd	Nozzle	17.20
EFT1301	22/03/2017	AIR LIQUIDE	Gas Cylinder	104.06

EFT1302	22/03/2017	Baileys	Energy, Energy Turf and Grosorb	4,475.90
EFT1303	22/03/2017	Avon Waste	rubbish service	12,176.14
EFT1304	22/03/2017	WA Contract Ranger Services	ranger services	1,262.25
EFT1305	22/03/2017	Glenwarra Development Services	Town Planning Consultancy Service	2,887.50
EFT1306	22/03/2017	IT Vision	Onsite Training	12,869.56
EFT1307	22/03/2017	George Johnson EHO Consultant	Meat Inspection Fees	660.00
EFT1308	22/03/2017	FILTERSPPLUS	Various Parts	697.51
EFT1309	22/03/2017	Combined Tyres Cunderdin	tyres and disposal	288.50
EFT1310	22/03/2017	Hitachi Construction Machinery (Aus) Pty Ltd	Turn Signal Light	107.01
EFT1311	22/03/2017	Shire of Northam	old quarry tipping fees	6,200.85
EFT1312	22/03/2017	Daves Tree Service	Trim and Shape Trees from Power Lines to Western Power Standards	2,860.00
EFT1313	22/03/2017	Peak Transport	Chlorine delivery	131.56
EFT1314	22/03/2017	Contract Aquatic Services	Contract manangement March	30,800.00
EFT1315	22/03/2017	AMJ Industries	Airfield Electrical Work	2,785.82
EFT1316	22/03/2017	Cunderdin Panelbeaters	Supply clean and fit Windscreen CM 1686	1,111.00
EFT1317	22/03/2017	Cunderdin Community Resource Centre	Lost Library Items	518.10
EFT1318	22/03/2017	Advanced Autologic PTY LTD	Blue Horizon and Solvent	1,600.00
EFT1319	22/03/2017	Eastern Hills Saws and Mowers	Filter, Air Filter, Nylon Line	205.00
EFT1320	22/03/2017	Cutting edge Equipment and Parts	Plow nut and Plow Bolt	677.81
EFT1321	22/03/2017	Marketforce	Advertising	476.92
EFT1322	22/03/2017	C Planke & Son Pty Ltd	Supply , Profile, Bocat , flowcon truck , tipper truck, xompactors and labour	24,640.00

EFT1323	22/03/2017	Meredith Lee-Curtis	Reimbursement for Kms travelled to attend workshop	109.20
EFT1324	22/03/2017	Westrac	Belt	390.19
EFT1325	22/03/2017	Baxters Rural Centre KB	Battery	826.17
EFT1326	22/03/2017	P&G Body Builders	heavy duty hydraulic door cylinders	1,309.00
EFT1327	22/03/2017	Northam & Districts Glass Service	supply aluminium windows and glass	657.80
EFT1328	22/03/2017	Freelance Handyman	Paint the Chambers	970.00
EFT1329	22/03/2017	Road Signs	Name Plates and Signs	851.40
EFT1330	22/03/2017	AAA Asphalt Surfaces	3 X 1000 Litre Emulsion Pods	1,347.50
EFT1331	22/03/2017	Ferguson Earthmoving Pty Ltd	gravel stockpiling for road maintenance	27,258.00
EFT1332	22/03/2017	Scouts WA- Northam Scout Group	2017 Northam Scout Group	200.00
EFT1333	22/03/2017	Scintex	Fogger	6,682.55
EFT1334	22/03/2017	Earthstyle Contracting Pty Ltd	Road Maintenance	102,744.88
EFT1335	22/03/2017	Courier Australia	Freight	468.51
EFT1336	22/03/2017	Country Ford	210000km service for CMT43	594.00
EFT1337	22/03/2017	Department of Fire and Emergency Services	16/17 ESL Quarter 3	19,676.71
EFT1338	22/03/2017	EASTWAYS	urinal blocks toilet roll	827.28
EFT1339	22/03/2017	Australian Tax Office	BAS for the Month of February 2017	16,379.00
EFT1340	28/03/2017	Jason Signmakers	Signs	1,285.24
EFT1341	28/03/2017	Goodfield Quality Meats	Water	27.00
EFT1342	28/03/2017	Daves Tree Service	Tree Lopping - Western Power	5,720.00
EFT1343	28/03/2017	Cunderdin Community Resource Centre	Rates Refund	321.00
EFT1344	28/03/2017	IXOM	Chlorine Cylinder Rent	92.75

EFT1345	28/03/2017	Data#3	Microsoft Office Professional Plus-Software	1,604.68
EFT1346	28/03/2017	Baxters Rural Centre KB	20-QF .505	29.35
EFT1347	28/03/2017	Envirosweep	Road Sweeping	6,318.40
EFT1348	28/03/2017	Daves Property Improvements	Second Instalment - Building Frames Stage	27,707.50
EFT1349	28/03/2017	Deanne Frear	Reimbursement for supplies for ELC	20.41
DD642.1	22/03/2017	WA Super	Payroll deductions	6,436.06
DD642.2	22/03/2017	Colonial First State	Superannuation contributions	193.47
DD642.3	22/03/2017	Club Plus Superannuation	Superannuation contributions	29.73
DD642.4	22/03/2017	Westscheme Superannuation	Superannuation contributions	370.96
DD642.5	22/03/2017	HOSTPLUS	Superannuation contributions	131.67
DD642.6	22/03/2017	BT Super for Life	Superannuation contributions	393.68
DD642.7	22/03/2017	One Path Superannuation Fund	Superannuation contributions	71.28
DD642.8	22/03/2017	Amp Superannuation Fund	Superannuation contributions	76.73
DD642.9	22/03/2017	MTAA Superannuation Fund	Superannuation contributions	196.84
DD643.1	08/03/2017	HOSTPLUS	Superannuation contributions	253.86
DD644.1	08/03/2017	WA Super	Payroll deductions	6,503.93
DD644.2	08/03/2017	HOSTPLUS	Superannuation contributions	131.67
DD644.3	08/03/2017	Westscheme Superannuation	Superannuation contributions	354.41
DD644.4	08/03/2017	BT Super for Life	Superannuation contributions	384.94
DD644.5	08/03/2017	MTAA Superannuation Fund	Superannuation contributions	196.84
DD644.6	08/03/2017	Australian Super	Superannuation contributions	176.86
DD644.7	08/03/2017	TWU Super	Superannuation contributions	196.84

DD644.8	08/03/2017	Colonial First State	Superannuation contributions	193.47
DD644.9	08/03/2017	Club Plus Superannuation	Superannuation contributions	99.28
DD648.1	15/03/2017	Westnet	Staff Internet	69.99
DD648.2	15/03/2017	SG Fleet	CESM Vehicle Lease	1,162.66
11180	07/03/2017	Water Corporation	Toilets Gabbody Place Meckering	2,118.04
11181	07/03/2017	Synergy	Streetlights	11,103.45
11182	07/03/2017	Quairading Ag Implements	Drug Testing	330.00
11183	22/03/2017	Synergy	Street Lights	5,176.00
11184	22/03/2017	Cunderdin Newsagency	day care stationery	626.17
11185	22/03/2017	Bunnings Group Limited	Hose, Poly, Hinges, MDF, Toolbox, Door flush	776.96
11186	22/03/2017	Telstra	Shire Phones	1,788.57
11187	22/03/2017	Autopro Northam	snatch strap and freight	390.52
11188	22/03/2017	HCT Rural Agencies 2015	Protective clothing	55.80
11189	22/03/2017	Government of WA Department of Transport	12 Months Rego	100.50
11190	22/03/2017	Wheatbelt Safety Wear	Safety Boots	240.00
11191	28/03/2017	Water Corporation	Water oval	26,799.71
11192	28/03/2017	Petty Cash	Key Cutting, Padlocks and Keys , Key Cutting and Mouse Traps	99.80
DD642.10	22/03/2017	Australian Super	Superannuation contributions	196.84
DD642.11	22/03/2017	TWU Super	Superannuation contributions	196.84
			TOTAL	450,023.82

7.3 Council Investments – As at 31 March 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	13 April 2017
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31 March 2017.

Background

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

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

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

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

Comment

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$787,180.68	Reserves Term Deposit 2.50% Expires : 9/6/2017		\$787,180.68	
Westpac Banking Corporation	\$1,225,681.18	Business Cash Reserve 22-3647 0.60%	\$1,225,681.18		
Westpac Banking Corporation	\$9,721.73	Trust Working Account 12-2981			\$9,721.73
TOTAL INVESTMENTS	\$2,022,583.59		\$1,225,681.18	\$787,180.68	\$9,721.73

Consultation

Nil

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Delegation #18 – Investments.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 7.3

That the reports on Council investments as at 31 March 2017 be received and noted.

Moved: Cr Doug Kelly

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 7/0

7.4 121 Cunderdin-Wyalkatchem Road, Cunderdin – Sale of Property

Location:	Shire of Cunderdin
Applicant:	Rates Officer
Date:	13 March 2017
Author:	Brooke Jasper
Item Approved by:	Peter Naylor
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	7 Pages (4 Attachments)

Proposal / Summary

That Council supports the sale of the property located at 121 Cunderdin-Wyalkatchem Road, Cunderdin, due to outstanding Rates in excess of 3 years.

Background

The property at 121 Cunderdin-Wyalkatchem Road has outstanding rates to the amount of \$9,182.51, which is in excess of 3 years of unpaid rates.

The owners of the property filed for bankruptcy in February 2009 which was discharged in February 2012, with the property to return to the owners February 2018. A letter received on 13 March 2017 advised that the Official Trustee has issued an extension as a safeguard against the property until February 2021.

Bluefield Nominees and the Official Trustee do not have the power to sell the property.

The mortgagee, Bluefield Nominees, has a caveat lodged on the property, as does the Official Trustee. Both Bluefield Nominees and the Official Trustee support the sale of the property and have confirmed this in an email (attached).

Comment

With approval from Council, the Shire would be required to;

1. Issue a Notice Requiring Payment (Form 4) to be served on the owner. Owner is then given 3 months in which to pay to avoid the sale of his land.
2. Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an interest in the property.
3. A copy of the Notice Requiring Payment (Form 4) to be displayed on Councils official noticeboard for a minimum of 35 days.
4. Serve a copy of Form 2 on the owner.
5. Attach a printed copy of Form 3 on the front door of the property and obtain an Affidavit of Service regarding Form 3.
6. Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice of Payment (Form 4) for public auction. A sale is to occur within 12 months of the date the land is offered for sale or proceedings lapse.
7. Issue a Statewide public notice.
8. Register at Landgate, a Memorial of the statewide Public Notice.
9. Organise the auction, sell property and arrange settlement.

Statutory Environment

The Local Government Act 1995 Section 6.64
Actions to be taken

- 1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - a. *from time to time lease the land; or*
 - b. *sell the land; or*
 - c. *cause the land to be transferred to the Crown; or*
- 2) *(d) cause the land to be transferred to itself.*
- 3) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- 4) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

Policy Implications

Nil

Financial Implications

All associated advertising and settlement costs for the property will come from the proceeds of the sale of the property

Strategic Implications

Nil

Resolution 7.4

That Council:

- 1. Supports the sale of the property located at 121 Cunderdin-Wyalkatchem Road, Cunderdin, for recovery of outstanding rates & charges; and**
- 2. Authorises the Chief Executive Officer to commence proceedings in accordance with the provisions of the *Local Government Act 1995* section 6.64.**

Moved: Cr Todd Harris

Seconded: Cr Alison Harris

Vote: Simple Majority

Carried: 7/0

7.5 WA Local Government Association – 2017 Local Government Convention

Location:	Perth Convention Exhibition Centre
Applicant:	WA Local Government Association
Date:	7 April 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	5 Pages (3 documents)

Proposal/Summary

For Council to consider the following in relation to the WA Local Government Association (WALGA) 2017 Annual Local Government Convention to be held at the Perth Convention Exhibition Centre from Wednesday 2 August to Friday 4 August 2017:

- 2017 Association Honours
- Notice of Annual General Meeting
- 2017 State and Local Government Forum

Background

- **2017 Association Honours**
Nominations for the 2017 WALGA Honours program close on Friday 5 May 2017. Member Local Governments are invited to submit nominations.

The six categories of awards are:

1. Local Government Medal – recognises outstanding achievement and significant contribution by Elected Members and officers to the Association and / or to Local Government.
 2. Life Membership – recognises the long and outstanding service of Elected Members and officers to the Association and / or Local Government.
 3. Eminent Service Award – recognises personal commitment, eminent service and contribution to Local Government or the Association.
 4. Long and Loyal Service Award – recognises Elected Members who have provided long service of a high degree as an executive member of the Association for 8 or more years, or as an Elected Member for 12 or more years.
 5. Merit Award – recognises Elected Members who have provided distinguished service to the community through their Local Government.
 6. Local Government Distinguished Officer Award – recognises Local Government officers or employees of Agencies of the sector to reward their achievements.
- **Notice of Annual General Meeting**
The Annual General Meeting for WALGA will be held on Wednesday 2 August 2017 as part of the Local Government Convention.

WALGA is inviting member local governments to submit motions for consideration at the AGM. Closing date for nominations is Monday 5 June 2017.

- **2017 State and Local Government Forum**

WALGA issues an invitation for Council to participate in the 2017 State and Local Government Forum to be held on Wednesday 2 August 2017 in the lead up to the Local Government Convention.

The event involves a limited audience of Chief Executive Officer and Mayors / Presidents (or their delegates) and can include a 10 minute 'speed date' style exchange with various Ministers and / or Departmental Directors of State Government Agencies.

Comment

For Council consideration please.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 7.5

Council resolved to register the Department of Regional Development and the Department of Health at the two preferred 10 minute 'speed date' style meetings.

7.6 Offer of Purchase - 21 Margaret Street, Cunderdin

Location:	21 Margaret Street, Cunderdin
Applicant:	Mr Dave Hitch
Date:	10 April 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	34335
Attachment/s:	Nil

Proposal/Summary

For Council to consider the sale of 21 Margaret Street, Cunderdin.

Background

Council has received correspondence from Mr Dave Hitch registering his interest in the purchase of Council owned property at 21 (Lot 254) Margaret Street, Cunderdin.

Council purchased the property in February 2010 for the purpose of future staff housing, however this has not eventuated.

Comment

A proposal was presented to Council for consideration on 17th March 2016 to consider the possible sale of this property along with Lot 1 Cubbine Street, Cunderdin.

On that occasion Council did not wish to proceed with the sale of the properties as it was considered that the real estate market in Cunderdin was not vibrant enough to warrant selling the assets.

There has been some recent comments that it may now be time to revisit the sale of the properties with the income being allocated to the Surfaces Replacement Reserve to assist and offset a potential liability that Council will need to absorb within the next 10 years or so.

A real estate search indicates that similar land parcels on the market in Cunderdin are in the price range of \$55,000 to \$69,000.

Section 3.58, *Local Government Act 1995*, provides for a local government to dispose of property. Full details pertaining to the legislation is below in this report.

Consultation

Mr Dave Hitch

Statutory Implications

Local Government Act 1995.

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.**
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and**
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.**
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.***
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.**

Policy Implications

Nil

Financial Implications

The sale of the properties will cover any outgoings, whilst the net proceeds can be invested for purposes determined by Council.

Strategic Implications

Cunderdin Community Strategic Plan

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Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.

- Build an active community, increasing participation and ownership.

Environmental

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

Economic

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

Resolution 7.6

That:

- 1. Council authorises the Chief Executive Officer to obtain updated market valuations for the potential sale of Council owned properties at 21 (Lot 254) Margaret Street, Cunderdin, and Lot 1 Cubbine Street, Cunderdin. Market valuations to be circulated to Councillors for general approval prior to proceeding to dot point 2.**
- 2. Council, subject to suitable market valuations being received, authorises the Chief Executive Officer to initiate actions, in accordance with the provisions of the *Local Government Act 1995*, for disposal of the two properties.**
- 3. Council, subject to dot point 2, informs Mr Dave Hitch of the processes required to meet the provisions of the *Local Government Act 1995*, and that Council is prepared to enter into a private treaty sale with Mr Hitch for property at 21 (Lot 254) Margaret Street, Cunderdin, subject to him agreeing to the valuation received.**
- 4. Council authorises the Shire President and Chief Executive Officer to execute the property sale documents on behalf of the Council.**
- 5. Council invests the net proceeds from the sale of the properties into a Shire of Cunderdin Reserve Account for the expressed purpose of replacement of the synthetic sports playing surfaces within the Shire of Cunderdin.**

Moved: Cr Norm Jenzen

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 7/0

8. Environmental Health & Building

Nil

9. Works & Services

9.1 Works & Services Reports

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

Proposal/Summary

Council to receive the Works and Services Report for March 2017.

Construction

- Meckering-Goomalling, Meckering-Dowerin, and Cunderdin-Wyalkatchem Roads have now been re sealed and works completed.
- The floodway on Cunderdin-Wyalkatchem Road between the two bridges has been cement stabilised and ready to be sealed
- Olympic Ave and Carter Road have been cement stabilised and ready to be sealed. The intersection of Baxter and Olympic along with the intersection with the CBH will be hot mixed in early May 2017.
- The pavement failure section on Loton Road caused by flooding has been stabilised and resealed
- The floodway on Woonwooring Road washed away by flood waters been stabilised and sealed and will have hot mix laid in early May 2017.

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

- Reinstated gravel pits at Harris, Watercarrin and Mt Anne Roads.
- Bitumen patching on Bedford Street and Cunderdin-Quairading Road.
- Verge clearing for site vision corner Fiegerts Road and Cubbine Street.
- Repaired blow outs on Hillam, Henderson, Leeson and Mt Anne Roads.
- Sprayed weeds around bridges.

Maintenance Grading

Harris Back, Matthew, RPF North, Antonio, Carter-Wilson, Hackett, Bourke, Wilson, Solomon Back, Coline, Mitchell, Hardy, Warding, Hills, Boundary, Broad, Burges North, Beebering, Watercarrin, Devenish, Snooke, Henderson, Whites, Quelagetting, Beard, Partridge, Wilding, Hagboom, Lallys, Gimbel, Mills, Thompson, Counsel, Cunderdin Hill, Main street East, Main street West, Edbroke, 17 Mile Gate and Stokes Roads.

Replaced/Repaired the following signs

- Cunderdin-Quairading, Donovan and Sheehan Roads, and the Earthquake site.

Parks and Gardens – Meckering

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

Parks and Gardens – Cunderdin and the Recreation Centre

- Carried out general mowing, weeding, wiper snipping and general clean up of parks, and oval.

Building and Other Maintenance

- Carried out minor repairs to main office.
- Finished minor repairs to Doctors Surgery (cracks in walls and cornice).

Road Side and Verge Spraying

- Sprayed weeds around bridges.

Cemeteries

- Prepared for (2) funeral one in Meckering and Cunderdin
- Sprayed weeds around Cunderdin cemetery

Airfield Maintenance

- General twice weekly inspections of runways conducted.
- Carried out weed spraying around fence line and around some buildings.
- Back hoe hired to dig test holes at air field.

Plant Maintenance

- No major breakdowns to report.

Waste Services

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

Works and Services Staff

- Garry Roulston commenced sick leave, annual leave and long service leave and will return to work in October 2017.
- Brian Calthorpe has tendered his resignation effective from Wednesday 19 April 2017.

Traffic Counters

Nil

Other Matters

Councils annual road inspection that was to be carried out in March was unable to be scheduled due to the extreme weather event that occurred in February. With seeding about to start the next possible time would be in late May or early June. Can Council please consider a suitable date for the annual road inspection.

Statutory Implications

Local Government Act 1995

Financial Implications

Nil

Resolution 9.1

That Council:

- 1. Receive the Works and Services Report for March 2017.**
- 2. Schedules the annual road inspection, for the road network north of the Great Eastern Highway, to be held on Thursday 15th June 2017, commencing at 9:00am.**
- 3. Approach Mr Darren Morrell in regards to the possible future closure of Sermon Road as a public road and then action in accordance with the provisions of the Land Administration Act 1997.**

Moved: Cr Doug Kelly

Seconded: Cr Clive Gibsone

Vote – Simple majority

Carried: 7/0

9.2 Application to keep four (4) Dogs

Location:	21 Baxter Road, Cunderdin
Applicant:	Brooke Jasper
Date:	14 April 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	2 Attachments (9 Pages)

Proposal/Summary

An application has been received requesting permission to keep four (4) dogs on the property at 21 Baxter Road, Cunderdin.

Background

It is a requirement of the Shire of Cunderdin Dogs Local Law 2015 that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

Comment

The Ranger, Matthew Sharpe of WA Contract Ranger Services has inspected the property and has found the fences to be adequate and in a suitable state of repair to contain the 4 dogs.

All four (4) dogs are currently registered with the Shire and have been microchipped.

Should Council be in favour of granting an exemption it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*, as mentioned above.

Consultation

Immediate neighbours

Statutory Implications

Dog Act 1976 (as amended)

Part V — The keeping of dogs

6. *Limitation as to numbers*

- (1) *A local government may, by a local law under this Act —*
 - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
 - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*
- (2) *A local law mentioned in subsection (1) —*
 - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
 - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*

- (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
 - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of —
 - (i) more than 6 dogs that have reached 3 months of age; or
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;

and

 - (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
 - (i) a local law mentioned in subsection (1); or
 - (ii) an exemption granted under subsection (3);

or

 - (b) more than —
 - (i) 2 dangerous dogs (declared); or
 - (ii) 2 dangerous dogs (restricted breed); or
 - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.
- Penalty:
- (a) for an offence relating to a dangerous dog —
 - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500; - (b) for an offence relating to a dog other than a dangerous dog —
 - (i) a fine of \$5 000;
 - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.
- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption under subsection (3); or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.
 - (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises within a townsite on which a dog is kept must -
- (a) cause a portion of the premises on which the dog is kept to be fenced or walled in a manner capable of confining the dog;
 - (b) ensure the fence or wall used to confine the dog and every gate or door in the fence or wall is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence or wall is kept closed at all times when the dog is on the premises, unless the gate or door is temporarily opened in a manner that ensures that the dog remains confined;
 - (d) maintain the fence or wall and all gates and doors in the fence or wall in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been-
- (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) On land within a townsite, or zoned "rural residential" under a local planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.
- (3) On land zoned "rural" under a local planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 4 dogs over the age of 3 months and young of those dogs under that age.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

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Social

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

Environmental

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

Economic

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

Resolution 9.2

That Council approves the application to keep four (4) dogs at 21 Baxter Road, Cunderdin, subject to the following conditions:

- 1) That the exemption be reviewed in twelve months' time to ensure that no adverse problems have been experienced as a result of the exemption;**
- 2) That Council reserves the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period;**
- 3) The exemption applies only to the dogs nominated by the applicant;**
- 4) Each dog must be registered with the Shire of Cunderdin; and**
- 5) Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.**

Moved: Cr Alison Harris

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

10. Planning & Development

10.1 Proposed Partial Closure of Woonwooring Road, Cunderdin

Location:	Woonwooring Rd, Cunderdin
Applicant:	Shire of Cunderdin / Ascent Aviation
Date:	13 th April 2017
Author:	Jacky Jurmann – Planner
Item Approved by:	Peter Naylor – Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Plans A and B; Schedule of Submissions

Proposal/Summary

A portion of Woonwooring Road between Dennis Road and Aerodrome Road will need to be closed to enable the extension of the runway at Cunderdin airfield associated with the redevelopment proposed by Ascent Aviation.

The purpose of this Report is for Council to resolve to formally close the subject portion of the road. Noting that if the airfield redevelopment does not go ahead, the road remains open and the new road construction is not required.

Background

Council at its Ordinary Meeting held on 16th February 2017 resolved:

“That Council:

- 1. Supports the partial closure of the subject portion of roadway indicated on the plan attached to this Report, subject to the provisions of the Land Administration Act being satisfied; and*
- 2. A further report being received by Council following the public consultation to formally approve the closure, subject to the consideration of any submissions received.”*

The proposal has been advertised to the community, nearby landowners and agencies in accordance with the provisions of the *Land Administration Act 1997*. No objections have been received. Refer to the Schedule of Submissions for further details.

Comment

The Water Corporation has a water reticulation main within the subject area, and accordingly may require relocation at the developer’s cost within a reserve. Similarly, Western Power have infrastructure within the area that may also be affected.

Statutory Implications

Section 58 of the Land Administration Act 1997 applies to this proposal. The procedures required have been followed and a request can now be made to the Minister for Lands.

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

To ensure the same level of access is provided to residents, the community and school it is proposed to construct a new road with the costs being borne by the Shire.

There may also be costs associated with the relocation of infrastructure that will be at the developer’s cost.

Strategic Implications

Cunderdin Community Strategic Plan

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- Build an active community, increasing participation and ownership.

Environmental

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

Economic

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

The proposal is consistent with the goals of the SCP.

Resolution 10.1

That Council:

- 1. Formally requests the Minister for Lands to close the subject portion of Woonwooring Road, Cunderdin as depicted in the Plan A attached to this Report in accordance with the provisions of Section 58 of the *Land Administration Act 1997*.**
- 2. Authorises the Chief Executive Officer to prepare a survey and development a plan for construction of a road on the dedicated road reserve between Woonwooring Rd and Cunderdin-Wyalkatchem Rd north of Lot 15442 and south of Lot 17287 as depicted in Plan B attached to this Report.**

Note: Both of the above actions are subject to Ascent Aviation signing the formal lease agreement to assume control of the Cunderdin Airfield.

Moved: Cr Clive Gibsone

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 7/0

11. Urgent Items

Nil

12. Matters for which the meeting may be closed

12.1 Replacement of Shades – Cunderdin Bowling Club

Location:	Cunderdin Bowling Club
Applicant:	Chief Executive Officer
Date:	10 April 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Yes
File Reference:	34234
Attachment/s:	Nil

Councillors Clive Gibsone and Todd Harris declare an Impartiality Interest as they are members of the Cunderdin Bowling Club.

Proposal/Summary

Council consider the disbursement of Insurance funds received for the replacement of the Shades at the Cunderdin Bowling Club.

Background

The former shades at the Bowling club, which were installed as part of the sports ground redevelopment project, became damaged as a result of a severe wind event in October 2016.

From that time the shades would not function correctly and the bowling club arranged for them to be replaced. The bowling club funded the project by taking out a loan for the full replacement value of \$53,060 through the Cunderdin Community Centre Trust Fund.

The bowling club have in good faith commenced repaying the loan and made an initial payment of \$40,000.

In the meantime Shire staff were attempting to receive compensation for the shades by virtue of the installers warranty. Unfortunately this process did not prove successful and therefore an insurance claim was lodged with Councils insurers.

The insurance claim has been successful to the full value of the replacement shades less \$1,000 excess.

Comment

Council direction please.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

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Environmental

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

Economic

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

Resolution 12.1

That Council refund the net balance of \$29,000, received from the Shades Structure Insurance Claim, to the Cunderdin Bowling Club.

Note: The payment amount of \$29,000 has been assessed as follows:

Total cost for Shade Structures:	-\$53,060
Balance of amount outstanding for the bowling club in regards to the new bowling green's surface:	-\$10,000
Less initial payment from the bowling club for the Cunderdin Community Centre Trust loan:	\$40,000
Less insurance payment amount:	\$52,060

Moved: Cr Doug Kelly

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 6/1

13. Closure of meeting

There being no further business the Shire President declared the meeting closed at 3.40pm.