



Shire of Cunderdin

CONFIRMED Minutes of an Ordinary Council Meeting

An Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 21st December 2017** in the Shire of Cunderdin Council Chambers, Lundy Avenue, Cunderdin, **commencing at 5.03pm.**

Stephen Tindale
Acting Chief Executive Officer

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AGENDA

1. Declaration of opening

The President declared the meeting open at 5:03pm

The Shire of Cunderdin disclaimer was read aloud.

“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

Nil

Declaration of public question time opened at 5:04pm

Mr Graham Cooper attended the meeting and asked the following questions of Council.

1. Is Lundy Avenue RAV4 rated?
2. With the new Health Centre, will the spoon drain in Lundy Avenue be left as is?
3. Can parking for delivery trucks be made available within the parking area for the new Health Centre?

Mr Cooper was advised that Lundy Avenue was RAV rated.

Questions 2 and 3 were taken on notice.

Public question time closed at 5:10pm.

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 J (Jayson) Goldson	
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr DG (Dianne) Kelly	

Staff

Stephen Tindale	Acting Chief Executive Officer (Appointed)
Greg Stephens	Shared Manager Works & Services
Paul Godfrey	Deputy Chief Executive Officer

Apologies

Nil

Guests of Council

Nil

Members of the Public

Nil

4. Applications for Leave of Absence

Nil

5. Declaration of Members and Officers Financial Interests

Nil

6. Petitions, Deputations, Presentations

Nil

7. Announcements by President without discussion

Nil

8. Confirmation of the Minutes of Previous Meetings

8.1 Ordinary Meeting of Council held on Thursday 16th November 2017.

Location:	Cunderdin
Applicant:	Administration
Date:	22 nd November 2017
Author:	Stephen Tindale
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	42 Pages (1 attachment - circulated)

Proposal/Summary

Council to confirm the minutes of the Ordinary Council Meeting held on Thursday 16th November 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 8.1

That the Minutes of the Ordinary Council Meeting held on Thursday 16th November 2017, be confirmed.

Moved: Cr Alison Harris

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 8/0

Note to this item:

The President will sign the minute declaration.

9. Finance & Administration

9.1 Financial Reports for November 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	14 th December 2017
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	32 Pages (3 attachments)

Proposal/Summary

The financial reports as at 30th November 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 9.1

That Council receives the monthly financial reports to 30th November 2017.

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

9.2 Accounts Paid – November 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	12 th December 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 \$392,987.18 for November 2017 as listed in the Warrant of Payments for the period 1 November to 30 November 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 9.2

- 1. That Council's payment of accounts amounting to \$392,987.18 for October 2017, from the Municipal Fund be confirmed and noted.**
- 2. That the Payments List as presented be incorporated in the Minutes of the Meeting.**

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 8/0

Creditors Payments for the Month of November 2017				
Cheque /EFT No	Date	Supplier	Invoice Description	Amount
EFT1837	03/11/2017	AIR LIQUIDE	Gas Cylinder Fees	111.49
EFT1838	03/11/2017	Combined Tyres Cunderdin	Tyre Remove, refit and disposal for truck	3,953.88
EFT1839	03/11/2017	AMJ Industries	CSRC Inspect and test Shower hot water System	4,286.78
EFT1840	03/11/2017	WALGA	Election Advertising	1,166.00
EFT1841	03/11/2017	Cunderdin Community Resource Centre	Reimbursement of Town Planning Fee RE: resolution 12.2	960.00
EFT1842	03/11/2017	Perfect Computer Solutions	Technology Support	510.00
EFT1843	03/11/2017	Wongamine Grazing Co	Gravel @ \$2/cu m	4,191.00
EFT1844	03/11/2017	Cunderdin Football Club	Drum Muster	1,647.90
EFT1845	03/11/2017	LGIS Risk Management	Traffic Management Rick Nelson	541.62
EFT1846	03/11/2017	IT Vision Users Group INC	subscription 17/18	715.00
EFT1847	03/11/2017	Avon Valley Toyota	Cap and Key Set	164.74
EFT1848	03/11/2017	Cr Jayson Goldson	OCM Sitting Fee October	236.00
EFT1849	07/11/2017	Michelle Samson	Reimbursement to attend Communtiy Heritage W/shop	554.73
EFT1850	09/11/2017	Jason Signmakers	Street Signage	1,426.67
EFT1851	09/11/2017	Cunderdin Co-Op	Bulk Fuel	14,128.21

EFT1852	09/11/2017	Australia Post	Postal Charges for the month	346.22
EFT1853	09/11/2017	Covs Parts Pty Ltd	LP & BRKT ASY Fog	182.92
EFT1854	09/11/2017	Cunderdin Newsagency	Papers and Stationery	438.24
EFT1855	09/11/2017	AIR LIQUIDE	Gas Cylinder Fee	120.86
EFT1856	09/11/2017	Avon Waste	Rubbish Services	13,440.51
EFT1857	09/11/2017	Goodfield Quality Meats	Water and account keeping Fee	56.00
EFT1858	09/11/2017	WA Contract Ranger Services	Ranger Services 18th and 25th of october	467.50
EFT1859	09/11/2017	Glenwarra Development Services	Town Planning Consultancy Service	4,262.50
EFT1860	09/11/2017	Cunderdin Elders Limited	1 X Cislin 1L	159.50
EFT1861	09/11/2017	LGIS	Motor Vehicle Premium Adjustment	1,902.34
EFT1862	09/11/2017	AMJ Industries	Electrical works carried out at the cunderdin Club	413.05
EFT1863	09/11/2017	Cunderdin Community Resource Centre	Hire of Function Rooms as per PO 68 and 79	234.00
EFT1864	09/11/2017	Eastern Hills Saws and Mowers	Pair Blade bolt and washer	270.00
EFT1865	09/11/2017	Avon Community Development Foundation Inc	Annual Subscription	550.00
EFT1866	09/11/2017	Signs Plus	Name Badge and Postage	18.50
EFT1867	09/11/2017	Macs Agencies	3 x Bags of Rags for the Workshop	96.00

EFT1868	09/11/2017	IXOM	Chlorine for the pool	888.80
EFT1869	09/11/2017	Hutton & Northey Sales	Off centre brass	23.55
EFT1870	09/11/2017	Australiasgoldenoutback.com	Shire Editorial in 2018 Australias Golden outback Holiday Planner	1,675.00
EFT1871	09/11/2017	Diamler Trucks Perth	Clutch Kit	1,158.76
EFT1872	09/11/2017	R&L Coltons Pty Ltd	Catering 11th October	300.00
EFT1873	09/11/2017	Earthstyle Contracting Pty Ltd	Gravel Cartage	14,289.00
EFT1874	09/11/2017	Courier Australia	Freight	85.26
EFT1875	09/11/2017	Country Ford	Annual Inspection	158.05
EFT1876	09/11/2017	EASTWAYS	Glass Cleaner, Hand Towel and Toilet Roll	661.12
EFT1877	09/11/2017	Pindan Modular Pty Ltd	D&C Cunderdin Age Appropriate Accommodation Progress Claim No. 6	191,600.76
EFT1878	09/11/2017	Peter Naylor	Reimbursement for Gift purchase as agreed by Dennis and Doug	100.00
EFT1879	28/11/2017	Landgate	Minimum Charge	65.50
EFT1880	28/11/2017	Cunderdin Newsagency	Copy Paper	32.08
EFT1881	28/11/2017	Wurth	tube joiners and Twst met and sawblades	475.46
EFT1882	28/11/2017	Avon Waste	Rubbish Charges	13,702.53
EFT1883	28/11/2017	WA Contract Ranger Services	Ranger Services 3/11/17 and	467.50

			21/11/17	
EFT1884	28/11/2017	Kayla James	Reimbursement for travel cunderdin to york	206.70
EFT1885	28/11/2017	Shire of Northam	Old Quarry Tipping Fees	3,641.65
EFT1886	28/11/2017	Cr Dennis Whisson	OCM Sitting Fee Nov 17	485.00
EFT1887	28/11/2017	Cr Todd Harris	OCM Sitting Fee Nov 17	236.00
EFT1888	28/11/2017	Cr Dianne Kelly	OCM Sitting Fee Nov 17	236.00
EFT1889	28/11/2017	Cr Norm Jenzen	OCM Sitting Fee Nov 17	236.00
EFT1890	28/11/2017	Claw environmental	Drum Muster charges	2,245.38
EFT1891	28/11/2017	Ag Implements	Key and Postage and handling	160.95
EFT1892	28/11/2017	Shire of Quairading	CESM Shared Costs July- September 2017	4,609.70
EFT1893	28/11/2017	Local Government Professionals Australia WA	LG Professionals Annual State Conference 17	425.00
EFT1894	28/11/2017	Cunderdin Community Resource Centre	Banidcoot Advertising	96.00
EFT1895	28/11/2017	T.A. Strategic Safety Alliance	Annual Approach Survey	5,500.00
EFT1896	28/11/2017	Pestex Co	50 % of the Pest treatments	1,177.00
EFT1897	28/11/2017	Cr. Alison Harris	OCM Sitting Fee Nov 17	236.00
EFT1898	28/11/2017	Cr. Bernard Daly	OCM Sitting Fee Nov 17	236.00
EFT1899	28/11/2017	HCT Rural Agencies 2015	Various protective clothing for staff	2,683.85

EFT1900	28/11/2017	Baxters Rural Centre KB	Hydraulic fittings and hoses	117.76
EFT1901	28/11/2017	Northam & Districts Glass Service	measure and re glaze cabinet at the museum	820.60
EFT1902	28/11/2017	Dunscar Farm	Supply 1268 M3 Gravel	2,789.60
EFT1903	28/11/2017	Cr Jayson Goldson	OCM Sitting Fee Nov 17	236.00
EFT1904	28/11/2017	Mr Naturally Clean	Vacate Clean Clean CEOs house	990.00
EFT1905	28/11/2017	CE BODY BUILDERS	Hydraulic and Air Brake Fittings	1,210.00
EFT1906	28/11/2017	Avon Car Upholsterers	Repair Bus upholstery	2,447.50
EFT1907	28/11/2017	Earthstyle Contracting Pty Ltd	Maintenance Grading	23,650.00
EFT1908	28/11/2017	Courier Australia	Freight Charges	89.79
DD882.1	01/11/2017	Westnet	Museum Internet Charges	44.95
DD902.1	29/11/2017	WA Super	Payroll deductions	4,898.01
DD902.2	29/11/2017	HOSTPLUS	Superannuation contributions	110.11
DD902.3	29/11/2017	Westscheme Superannuation	Superannuation contributions	382.59
DD902.4	29/11/2017	BT Super for Llife	Superannuation contributions	384.28
DD902.5	29/11/2017	One Path Superannuation Fund	Superannuation contributions	68.37
DD902.6	29/11/2017	MTAA Superannuation Fund	Superannuation contributions	203.10
DD902.7	29/11/2017	TWU Super	Superannuation contributions	203.10

DD902.8	29/11/2017	Colonial First State	Superannuation contributions	199.86
DD902.9	29/11/2017	Club Plus Superannuation	Superannuation contributions	30.71
DD903.1	15/11/2017	WA Super	Superannuation contributions	167.91
DD903.2	29/11/2017	WA Super	Payroll deductions	350.00
DD904.1	15/11/2017	WA Super	Payroll deductions	6,087.22
DD904.2	15/11/2017	HOSTPLUS	Superannuation contributions	140.22
DD904.3	15/11/2017	Westscheme Superannuation	Superannuation contributions	414.15
DD904.4	15/11/2017	BT Super for Life	Superannuation contributions	406.20
DD904.5	15/11/2017	One Path Superannuation Fund	Superannuation contributions	102.56
DD904.6	15/11/2017	MTAA Superannuation Fund	Superannuation contributions	203.10
DD904.7	15/11/2017	TWU Super	Superannuation contributions	176.07
DD904.8	15/11/2017	Colonial First State	Superannuation contributions	199.86
DD904.9	15/11/2017	Club Plus Superannuation	Superannuation contributions	61.42
DD905.1	01/11/2017	Westscheme Superannuation	Superannuation contributions	196.03
DD906.1	01/11/2017	WA Super	Payroll deductions	5,984.51
DD906.2	01/11/2017	HOSTPLUS	Superannuation contributions	80.00
DD906.3	01/11/2017	Westscheme Superannuation	Superannuation contributions	382.59
DD906.4	01/11/2017	BT Super for Life	Superannuation contributions	406.20

DD906.5	01/11/2017	MTAA Superannuation Fund	Superannuation contributions	203.10
DD906.6	01/11/2017	TWU Super	Superannuation contributions	203.10
DD906.7	01/11/2017	Colonial First State	Superannuation contributions	199.86
11298	03/11/2017	Water Corporation	Meckering Toilets	5,859.38
11299	03/11/2017	Synergy	Depot Power	1,389.75
11300	03/11/2017	Cr Douglas Brian Kelly	Reimbursement for Clive Retirement Gift	618.20
11301	09/11/2017	Synergy	Street Light Power	3,399.05
11302	09/11/2017	Telstra	Shire Phone Bills	1,381.10
11303	09/11/2017	Autopro Northam	Battery	739.50
11304	09/11/2017	Meckering Sporting Club	Facility Hire for Consultation 11th October	44.00
11305	28/11/2017	Water Corporation	Airport Water	2,098.75
11306	28/11/2017	Synergy	Pool Power	903.50
11307	28/11/2017	Telstra	Cunderdin Day Care Phone Charges	66.20
11308	28/11/2017	Autopro Northam	Battery exide	181.00
11309	28/11/2017	Cr Douglas Brian Kelly	OCM Sitting Fee Nov 17	236.00
11310	28/11/2017	Meckering Sporting Club	Refreshments for BFB meeting	47.00
11311	28/11/2017	Western Power Corporation	Residential Connection Lundy Ave	15,376.00
1718	01/11/2017	1 - BANK CHARGES	BANK CHARGES	160.56

			TOTAL	392,987.18

Cheque /E FT No	Date	Supplier	Invoice Description
EFT1682	01/09/2017	Landgate	GRV INT VALS CTRY and FESA 12001-100000
EFT1683	01/09/2017	Wurth	Cutting Discs, Grinding Discs, Saw Blades and Supp
EFT1684	01/09/2017	WA Contract Ranger Services	Ranger Services
EFT1685	01/09/2017	Glenwarra Development Services	Town Planning Consultancy Fee
EFT1686	01/09/2017	FILTERSPPLUS	Various parts for various plant
EFT1687	01/09/2017	Cr Dennis Whisson	Member Sitting Fee SCM 10 August 2017
EFT1688	01/09/2017	Cr Todd Harris	Member Sitting Fee SCM 10 August 2017
EFT1689	01/09/2017	Cr Norm Jenzen	Member Sitting Fee SCM 10 August 2017
EFT1690	01/09/2017	Ag Implements	Various parts for Plant
EFT1691	01/09/2017	Country Copiers	Copier Service and Toner
EFT1692	01/09/2017	Thompsons Signs	Safety Signs
EFT1693	01/09/2017	Cunderdin Community Resource Centre	Library Service Fee
EFT1694	01/09/2017	Cr. Alison Harris	Member Sitting Fee SCM 10 August 2017
EFT1695	01/09/2017	Cr. Bernard Daly	Member Sitting Fee SCM 10 August 2017
EFT1696	01/09/2017	Donovans Engineering	Angle Lengths and repair side tipper on truck
EFT1697	01/09/2017	Avon Paper Shred	Paper Shredding Service
EFT1698	01/09/2017	Wren Oil	OIL Waste Disposal and Oil Water Disposal , Admin
EFT1699	01/09/2017	JM Vanden Akker & JA Vanden Akker	Window Cleaning Museum
EFT1700	01/09/2017	Daves Property Improvements	Final Payment
EFT1701	01/09/2017	R&L Coltons Pty Ltd	Catering
EFT1702	01/09/2017	Heartlands Western Australia Inc	deposit for Development of an age friendly Commu
EFT1703	01/09/2017	Earthstyle Contracting Pty Ltd	Gravel Cartage Flowery Patch RD
EFT1704	04/09/2017	Pindan Modular Pty Ltd	D&C Cunderdin Age Appropriate Accommodation
EFT1705	04/09/2017	Ian Gordon Wilson	Rates refund for assessment A52911 10 CORONAT
EFT1723	19/09/2017	Cunderdin Co-Op	Morning Tea and Council Meeting Supplies

EFT1724	19/09/2017	Avdata	Airport Charges
EFT1725	19/09/2017	Cunderdin Newsagency	Day Care Stationary Supplies
EFT1726	19/09/2017	AIR LIQUIDE	Gas Cylinder Fee
EFT1727	19/09/2017	Avon Waste	Rubbish Charges
EFT1728	19/09/2017	Glenwarra Development Services	Town Planning Consultancy fees
EFT1729	19/09/2017	IT Vision	Annual Synergy Soft Fee 17 -18 financial year
EFT1730	19/09/2017	Shire of Northam	Old Quarry Tipping Fee
EFT1731	19/09/2017	Cr Dennis Whisson	Special Council Meeting Sitting Fees 7th Sept 2017
EFT1732	19/09/2017	Cr Todd Harris	Special Council Meeting 7th Sep 2017
EFT1733	19/09/2017	Cr Norm Jenzen	Special Council Meeting Sitting Fee 7th Sep 2017
EFT1734	19/09/2017	WALGA	Full Delegate Registration and Breakfast
EFT1735	19/09/2017	Star Track Express PTY Limited	Freight Charges
EFT1736	19/09/2017	Perfect Computer Solutions	Support for computers
EFT1737	19/09/2017	Marketforce	Advertising
EFT1738	19/09/2017	Cr. Alison Harris	Special Council Meeting Sitting Fee 7th Sep 2017
EFT1739	19/09/2017	Cr. Bernard Daly	Special Council Meeting Sitting Fees 7th Sep 2017
EFT1740	19/09/2017	BP Cunderdin Roadhouse	Mixed Drinks, Hot Food and Sandwiches
EFT1741	19/09/2017	IXOM	Chlorine Gas
EFT1742	19/09/2017	Shire of Tammin	Manager of Works Shared Staff Expenses
EFT1743	19/09/2017	R Munns Engineering Consulting Services	Consulting for the Town Dam Project
EFT1744	19/09/2017	Ampac Debt Recover Pty Ltd	Ampac Debt Recovery Service
EFT1745	19/09/2017	Courier Australia	Freight
EFT1746	19/09/2017	Department of Fire and Emergency Services	ESL Quarter 1 17-18
EFT1747	20/09/2017	Australian Tax Office	BAS for the Month of August 2017
EFT1748	29/09/2017	Cunderdin Co-Op	Bulk Distillate
EFT1749	29/09/2017	Daniel Birlson	REIMBURSEMENT FOR FRIDGE
DD822.1	01/09/2017	Westnet	Internet Charges

DD833.1	15/09/2017	SG Fleet	Cesm Vehicle Lease and Charges
DD839.1	20/09/2017	WA Super	Payroll deductions
DD839.2	20/09/2017	HOSTPLUS	Superannuation contributions
DD839.3	20/09/2017	Westscheme Superannuation	Superannuation contributions
DD839.4	20/09/2017	BT Super for Life	Superannuation contributions
DD839.5	20/09/2017	One Path Superannuation Fund	Superannuation contributions
DD839.6	20/09/2017	MTAA Superannuation Fund	Superannuation contributions
DD839.7	20/09/2017	TWU Super	Superannuation contributions
DD839.8	20/09/2017	Colonial First State	Superannuation contributions
DD839.9	20/09/2017	Club Plus Superannuation	Superannuation contributions
DD840.1	06/09/2017	WA Super	Payroll deductions
DD840.2	06/09/2017	HOSTPLUS	Superannuation contributions
DD840.3	06/09/2017	Westscheme Superannuation	Superannuation contributions
DD840.4	06/09/2017	BT Super for Life	Superannuation contributions
DD840.5	06/09/2017	One Path Superannuation Fund	Superannuation contributions
DD840.6	06/09/2017	MTAA Superannuation Fund	Superannuation contributions
DD840.7	06/09/2017	TWU Super	Superannuation contributions
DD840.8	06/09/2017	Colonial First State	Superannuation contributions
11264	01/09/2017	Water Corporation	Swimming Pool Water
11265	01/09/2017	Synergy	Depot Power
11266	01/09/2017	Bunnings Group Limited	Shelving Units
11267	01/09/2017	Telstra	Day Care Phones
11268	01/09/2017	Autopro Northam	Engine oil for Plant
11269	01/09/2017	Cr Ronald Clive Gibsone	Member Sitting Fee SCM 10 August 2017
11270	01/09/2017	Cr Douglas Brian Kelly	Member Sitting Fee OCM 16 August 2017
11271	01/09/2017	Meckering Sporting Club	Hire of Meckering Sporting Club
11272	19/09/2017	Water Corporation	Swimming Pool Water

11273	19/09/2017	Synergy	Street Lights
11274	19/09/2017	Telstra	Shire Phones
11275	19/09/2017	Shire of Cunderdin	120 watts st rates notice payment ESL
			TOTAL

9.3 Council Investments – As at 30 November 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	14 th December 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 30th November 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	\$940,070.97	Reserves Term Deposit 2.55% Expires : 08/1/2018		\$940,070.97	
Westpac Bank	\$1,452,086.65	Business Cash Reserve 22-3647 0.60%	\$1,452,086.65		
Westpac Bank	\$20,586.33	Trust Working Account12-2981			\$20,586.33
Westpac Bank	\$147,380.00	Reserve Term Deposit 2.1% Expires : 30/12/17		\$147,380.00	
TOTAL INVESTMENTS	\$2,959,243.38		\$1,452,086.65	\$1,087,450.97	\$20,586.33

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 9.3

That the reports on Council investments as at 30th November 2017 be received and noted.

Moved: Cr Dianne Kelly

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 8/0

9.4 Social Media Policy

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	11 th December 2017
Author:	Kayla James
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 attachment (4 pages)

Proposal/Summary

Council to review and consider implementation of Draft Social Media Policy.

Background

The Shire of Cunderdin recognises the importance of the internet and social media as a modern and widely popular tool for community consultation and engagement.

Recognising that some abuse of the Comments section of Facebook will occur from time to time, the policy has been significantly reworked to include social media rules that are designed to discourage commentary that would descend to the “lowest common denominator” level.

Comments

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Resolution 9.4

That Council endorses the Shire of Cunderdin's updated Social Media Policy that is currently up for review to council.

Moved : Cr Norm Jenzen

Seconded: Cr Jayson Goldson

Vote – Simple majority

Carried: 8/0

9.5 Corporate Business Plan

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	11 Dec 2017
Author:	Stephen Tindale
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 9.5 – Sample Spreadsheet

Proposal/Summary

A recommendation is made to introduce quarterly reporting to Council on the implementation of the Corporate Business Plan by staff.

Background

All local governments are currently required to produce a plan for the future under Sec. 5.56 (1) of the *Local Government Act 1995*.

Regulations made under the Act outline the minimum requirements of a plan for the future namely:-

- A **Strategic Community Plan** to cover a period of at least 10 financial years.
- A **Corporate Business Plan** to cover a period of at least 4 financial years.

The Shire of Cunderdin has recently undertaken a comprehensive review of its Strategic Community Plan.

The Corporate Business Plan should spill out of (and be driven by) the Strategic Community Plan if the Strategic Community Plan is to mean anything and not gather dust on the shelf.

In other words, it is the Corporate Business Plan that activates the Strategic Community Plan by responding to Council's broad objectives and prioritisation of the community's short, medium and long term goals.

The process by which the Corporate Business Plan is developed incorporates:

- Activating the Strategic Community Plan.
- Operations Planning
- Annual reviews and reprioritisation of the Corporate Business Plan

A critical accountability and transparency element is the reporting process that which the local government to inform the community and statutory bodies on its progress in delivering services, projects and other operations to meet the goals of the Strategic Community Plan.

Comment

If the Strategic Community Plan and reporting process is to be effective, then the Council (and the community) should be regularly informed by the CEO of progress made in completing specific actions identified in the Corporate Business Plan which are intended to bring life to the Strategic Community Plan.

An annual review and report on the implementation of the Corporate Business Plan is insufficient in terms of keeping Councillors (and the community) regularly and properly informed.

An argument in support of quarterly reporting it is that it is fairly typical for local government staff and elected members to be consumed by local issues of the day that see staff time and Council resources being diverted away from the achievement of the community aspirations identified in the Strategic Community

Plan and, in particular, the specific actions identified in the Corporate Business Plan intended to deliver on the Strategic Community Plan.

Attached to this agenda item is a sample spreadsheet developed by the Acting CEO for the Shire of Mt Marshall for the purpose of reporting to Council on a regular basis of the progress being made in implementing the Corporate Business Plan.

The spreadsheet identifies the strategies and actions for each Community Strategic Plan objective and the year/s of implementation for the four-year life of the Corporate Business Plan. It also identifies the particular Shire officer's position charged with responsibility for implementing the action while noting that ultimate responsibility for the officer concerned rests with the CEO.

As shown on the spreadsheets, the attainment of certain strategies and actions can be hampered by;

- insufficient funding and cost blowouts,
- scheduling difficulties arising from external blockages or narrow windows of opportunity,
- resource constraints (lack of staff time, knowledge, technology or materials).

A set of traffic lights alongside these three potential areas of constraint quickly flags to staff, Councillors and community members, those Corporate Business Plan actions that may need collective consideration and attention.

If a red or amber traffic light appears alongside any particular constraint, it doesn't necessarily mean the whole project is jeopardised.

Instead the 'Project Standing' traffic light is intended to disclose the **overall** standing of the project irrespective of minor glitches that may have been previously signalled. The comments field is intended to include brief notes on the project so that at any point in time staff and elected members can update, or remind themselves, on where a particular project is at a particular point in time.

The traffic light system also enables Council and staff discussion to be focussed on the things that matter rather than wading through page after page of the report.

It is recommended that the updated Corporate Business Plan be presented to quarterly meetings of Council in the months of September, December, March and June. The June Council meeting should be the meeting at which a comprehensive evaluation of progress made in the past year is discussed to better inform Council deliberations for the next financial year pending the adoption of the Annual Budget in July (or August). The September meeting should be the meeting where the CEO presents the revised Corporate Business Plan to Council for endorsement in light of the adopted Annual Budget for the year.

The Corporate Business Plan also presents the CEO with the opportunity of better managing the performance of Shire officers. The CEO in turn can then be better managed by the Council if certain (but not all) strategies and actions identified in the Corporate Business Plan are incorporated into his/her contract of employment and annual performance review in, say, August of each year when the previous year's efforts are known and the current year's revised Corporate Business Plan is about to be presented to Council in September.

Consultation

Shire President – Dennis Whisson

Statutory Implications

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Community Strategic Plan 2017

Strategic Priority 6: Civic Leadership

Our Councillors and community leaders have vision, are accessible, act with transparency and integrity, and act in good faith on behalf of their constituents.

CL6.1 Deliver sustainable governance through transparent and robust policy and processes.

CL6.4 Ensure sound long term financial management and deliver value for money.

Resolution 9.5

That Council adopt the format of the attached Corporate Business Plan spreadsheet report for quarterly reporting to the ordinary meetings of Council held in the months of September, December, March and June of each financial year.

Moved: Cr Alison Harris

Seconded: Cr Di Kelly

Vote – Simple majority

Carried: 8/0

9.6 Age Friendly Communities Plan

Location:	Shire of Cunderdin
Applicant:	Community Development Officer
Date:	13 th December 2017
Author:	Kayla James
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 9.6 - DRAFT - Age Friendly Communities Plan

Proposal/Summary

Council is requested to review and consider the adoption of the Cunderdin – Tammin Age Friendly Communities Plan.

Background

The Shires of Tammin and Cunderdin understand that our residents want to age where they have lived and that they deserve a quality of life afforded by well-planned and accessible community infrastructure and services.

The Draft Cunderdin-Tammin Age Friendly Communities Plan was informed through engagement with ~100 residents and service providers within the Cunderdin and Tammin Shires.

The plan outlines the actions that the Shires of Tammin and Cunderdin can undertake individually and collectively to make our communities better places for people of all ages and abilities to live and participate in.

Comment

Both shires have already committed to engaging and working with our communities and other stakeholders to implement the sorts of actions identified in the draft.

In adopting the plan, it should be recognised that we must be responsive to changes in the priorities of our communities by undertaking regular reviews of the plan. Of necessity this means being more proactive in engaging our older residents in conversations about how we can make our communities more age friendly.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Resolution 9.6

That Council adopt the Shire of Cunderdin's Draft Aged Friendly Communities Plan.

Moved: Cr Di Kelly

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

9.7 Shire of Cunderdin Audit Committee Minutes 11th December 2017

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	15 th December 2017
Author:	Paul Godfrey
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 9.7 – Audit Committee Minutes 11 th December 2017

Proposal/Summary

Council to receive the minutes of the Audit Committee Meeting held on Monday 11th December, 2017 and to consider the adoption of Committee recommendations contained therein.

Background

A copy of the Audit Committee Minutes have been circulated to all Councillors.

Comment

There were two items of business on the Audit Committee Agenda and the recommendations from the Committee are:

1. Shire of Cunderdin Audit Report 2015/16 Financial Year
Resolution 5.1
That the Audit Committee receives the Annual Audit Report for the Year Ending 30 June 2016.
2. Shire of Cunderdin Compliance Audit Return 2016
Resolution 5.2:
That the Audit Committee:
 - (a) *Receives the Shire of Cunderdin Compliance Audit Return for the period 1 January 2016 to 31 December 2016, as prepared;*
 - (b) *Notes that the Shire of Cunderdin complied in all areas of legislative requirements during the reporting; and*
 - (c) *Recommends to Council that the Shire of Cunderdin Compliance Audit Return 2016, as prepared, be adopted and submitted to the Department of Local Government.*

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.

Local Government Act 1995

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

Local Government (Audit) Regulations 1996

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Nil

Resolution 9.7

That the Minutes of the Shire of Cunderdin Audit Committee Meeting held on Monday 11th December 2017, be received and the recommendations contained therein be adopted.

Moved: Cr Doug Kelly

Seconded: Cr Jayson Goldson

Vote – Absolute majority

Carried: 8/0

9.8 Shire of Cunderdin Annual Report 2016/2017 Financial Year

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	14 th December 2017
Author:	Paul Godfrey
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 9.8 – Annual Report

Proposal/Summary

For Council to accept the Annual Report for the 2016/2017 Financial Year.

Background

The *Local Government Act 1995*, sections 5.53 & 5.54 provides for a local government to prepare an Annual Report in each financial year.

The Report is to be received by the local government no later than 31 December after that financial year, however if the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

The Report is to be prepared in accordance with the provisions of the Act and the Local Government (Financial Management) Regulations 1996.

Comment

The *Local Government Act 1995*, section 5.26 provides that Council holds a General Meeting of Electors within 56 days of receiving the Annual Report.

In previous years Council has held an informal meeting in Meckering prior to the general meeting in Cunderdin.

It is proposed that this continue, however the dates / times for both meetings need to be determined.

A copy of the Annual Report has been circulated to all Council members.

Consultation

Nil

Statutory

Local Government Act 1995

5.27. Electors' general meetings

(1) *A general meeting of the electors of a district is to be held once every financial year.*

- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - [(c), (d) deleted]*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - (i) *such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
** Absolute majority required.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 9.8

That Council:

- 1. Pursuant to section 5.54 of the *Local Government Act 1995*, accepts the Annual Report for the 2016/2017 Financial Year.**
- 2. Pursuant to section 5.27 of the *Local Government Act 1995*, schedules the Annual General Meeting of Electors at the Meckering Sporting Club on 8th February 2017 commencing at 6 pm.**

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Absolute majority

Carried: 8/0

Note: Copy of the Annual Report to be forwarded to the Department of Local Government.

10. Environmental Health and Building
Nil

11. Works and Services

11.1 Works & Services Reports

Location:	Shire of Cunderdin
Applicant:	Manager Works and Services
Date:	14 th December 2017
Author:	Greg Stephens
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachment/s:	Nil

Purpose of Report

To inform Council of the Works Manager, staff, infrastructure and maintenance program activities.

Background

A schedule of maintenance works that are undertaken throughout the Shire is provided for Council's information.

Administration, Meetings and Inspections during this Reporting Period

- Customer enquiries
- Capital Works Program
- Admin and staff meetings
- Works and Services Agenda
- Ordering parts and materials
- Staff meetings and works schedules
- Roads To Recovery - Works Schedule
- Long Term Financial Plan 2018 - 2033
- Meetings - Associated sporting Groups
- Regional Roads Group Secretarial works
- Works Budget, Works Meetings, Depot Staff meetings
- Site Inspections - Infrastructure, Bitumen Roads, Rural Roads
- Depot General Duties - phone, emails, design, and staff works program

Construction

- No civil construction has commenced.

General Maintenance – Town Streets, Bitumen, Rural Roads and Infrastructure

Maintenance Grading

- Lallys Road
- Bulgin Road
- Carter Road
- Antonio Road
- Throssell Road
- Hitchcock Road
- Southern Brook Road

Gravel Resheet

- Leeson Road – Gravel sheeting blow outs completed

Other Works

- Dunlop / Ridley Streets – Widen intersection

Bitumen patching -

- Town streets

Vegetation Management

- Ongoing
- Town streets and drains

Signage

- Goldfields, Meckering-Dowerin, Meckering-Goomalling, Cunderdin-Wyalkatchem, Minnivale, and Five Mile Gate Roads

Parks and Gardens – Meckering

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

Parks and Gardens – Cunderdin and the Recreation Centre

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

Building and Other Maintenance

- Shire housing – fence and rear yard repairs
- Test and tag program – Shire electrical
- Pool – shade sails
- Museum – car park, replaced pea gravel as requested, repairs to display cabinets

Road Side and Verge Spraying

- Slashing shoulders on bitumen roads

Cemeteries

- Weed control
- Grave preparation

Airfield Maintenance

- General twice weekly inspections of runways
- General Maintenance and vegetation management

Plant Maintenance

- No major breakdowns to report
- General maintenance and servicing

Waste Services

- General weekly service for rate payers

Statutory Implications

Local Government Act 1995

Financial Implications

There are no financial implications to Council in relation to this item

Strategic Implications

There are no known strategic implications related to this item.

Environment

There are no known significant environmental implications associated with this proposal

Economic

There are no known significant economic implications associated with this proposal

Social

There are no known significant social implications associated with this proposal

Policy Requirements

NIL

Legislative Requirements

There are no known legislative requirements related to this item

Resolution 11.1

That Council receives the Works and Services Manager's report for November 2017 and notes the contents of the report.

Moved : Cr Todd Harris

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 8/0

12. Planning & Development

12.1 Third Party Appeal Rights in Planning – WALGA Model

Location:	N/a
Applicant:	WALGA
Date:	12 December 2017
Author:	Jacky Jurmann – Consultant Planner
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	Attachment Item 12.1 – WALGA – 3 rd Party Appeal Rights - Discussion Paper

Proposal/Summary

Correspondence has been received from WALGA requesting Council consider their proposed model to support Third Party Appeal Rights for Planning for decisions made by Development Assessment Panels.

WALGA has requested members to advise their support or otherwise of their model Third Party Appeal Rights by Council resolution by 15 March 2018.

It is recommended that Council support WALGA's model.

Background

Attached to this Report is WALGA's discussion paper on the results of consultation carried out in relation to this matter.

Comments

Currently there are no third party appeal rights to decisions relating to planning matters in Western Australia, with the exception of appealing to the Supreme Court regarding process.

Western Australia is the only State in Australia that does not have third party appeal rights in their planning legislation.

If Council did not agree with the decision made by a Development Assessment Panel, at present there would be no avenue for an appeal and it is likely that Council would be excluded from any proceedings in the State Administrative Tribunal brought forward by the DAP or Applicant. This instance occurred during the appeal to refuse to grant approval for the Allawuna Landfill in the Shire of York. Although the Shire were invited to participate in the proceedings, their role was consultative and did not have any weight when decisions were made and the development was approved by SAT, which was contradictory to the community's wishes.

Consultation

The outcomes of the consultation indicates that WALGA members support third party appeal rights in some form. A number of options were presented during the consultation process and the highest support is for the establishment of third party appeal rights for decisions made by Development Assessment Panels.

Statutory Implications

Amendments would be required to the Development Assessment Panels Regulations and the State Administrative Tribunal Act to introduce third party appeal rights as proposed by WALGA.

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

There are no financial implications at this stage associated with this proposal. If legislative amendments were introduced, then Council would need to decide whether to allocate a budget for legal expenses should the need arise.

Strategic Implications

Third party appeal rights to decisions made by Development Assessment Panels would provide better representation for the community, which is consistent with the aims and objectives of the local planning scheme and other corporate strategic documents.

Resolution 12.1

That Council advise WALGA that they support the introduction of third party appeal rights for planning decisions made by Development Assessment Panels.

Moved: Cr Norm Jenzen

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried : 8/0

12.2 Development Application – Fuel Depot, Lot 52 Lundy Ave, Cunderdin

Location:	Lot 52 Lundy Ave, Cunderdin
Applicant:	Cunderdin Farmers' Co-Operative Co Ltd
Date:	14 th December 2017
Author:	Jacky Jurmann – Planner
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Councillor Goldson
File Reference:	DA 17/18 - 5
Attachment/s:	Attachment 12.2.1 – Plans Attachment 12.2.2 – DWER Advice

Proposal/Summary

A development application has been submitted requesting approval to redevelop the existing Co-Op fuel depot at Lot 52 Lundy Avenue, Cunderdin.

Council considered this matter at its Ordinary Meeting held on 16th November 2017 and resolved to approve the application, subject to undertaking community consultation and if no objections were received, to approve the application as per the Officer's recommendation.

The community consultation period concludes at 4.00pm on the 21st December 2017 and at the time of writing this Report no submissions had been received.

In accordance with Council's resolution, if no submissions are received, the application can be approved subject to the conditions listed in the Officer's Recommendation.

Background

The application proposes to redevelop the existing fuel depot at Lot 52 Lundy Avenue, Cunderdin that will include relocation of the existing fuel dispensing bowsers from the rear yard of the main Co-Op site in Main Street to the Lundy Avenue facility.

The new facility will consist of a multi-product dispenser, diesel dispenser and AdBlue dispenser within a covered forecourt with new above ground tanks at the rear of the site within a fenced area. The existing above ground tanks and bunded area will be removed.

Attached to this Report are the plans submitted with the development application.

Comments

The existing facility is under a notice from the Department of Mines, Industry Regulation and Safety, which directs the facility to be upgraded to minimise the risk to the community.

Consultation

- The Applicant and Consultant with regards to land use classification.
- Shire's Environmental Health Officer with regards to site contamination.
- The Department of Water and Environment Regulation has been consulted as part of the assessment process. Their advice has been provided to the Applicant and is attached to this Report. Of particular interest, is their advice in the second last paragraph "*The removal of existing infrastructure should be supervised by a suitably qualified environmental consultant, and the site assessed for potential soil contamination in accordance with DWER contaminated sites guidelines*". It is recommended that a condition be imposed to ensure compliance with the DWER's advice.

- Following Council’s resolution, community consultation was undertaken for a minimum period of 21 days in the Cunderdin Bandicoot, Shire Newsletter, Shire website and community noticeboards, and direct correspondence to nearby landowners.

Statutory Implications

Cunderdin Local Planning Scheme No. 3 (LPS3)

The subject property is zoned Industrial and is currently used as a fuel depot for the dispensing of bulk diesel fuel.

‘Fuel depots’ are a ‘D’ (discretionary) use and therefore are not permitted without development approval.

In accordance with the provisions of LPS3, the land use is defined as a ‘fuel depot’, which (in LPS3) means *“premises used for the storage and sale of in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises”*. LPS3 defines retail as *“the sale or hire of goods or services to the public”*. The Applicant has confirmed that the fuel will be available only to account customers and there will be no associated retail sales to the public.

The relevant provisions of LPS3 have been assessed as follows:

- Clause 4.7 requires a 10m minimum building setback from the front boundary. It is proposed to setback the bowsters 5m from the front boundary with the forecourt built up to the boundary. Boundary setbacks are intended to provide a consistent streetscape, however when taking into consideration the existing development on the northern side of Lundy Avenue, the setbacks are already inconsistent, including the new Primary Health Centre that will be setback between 5 and 7 metres from the front boundary. A variation of the setback to accommodate the forecourt and fuel bowsters is therefore considered acceptable.
- Clause 4.9.1 – the proposal is consistent with the objectives of the zone. As discussed above, it is proposed to vary the front setback requirement, which is considered acceptable.
- Clause 4.9.2 – the proposal has been referred to the Department of Water and Environment Regulation. Their comments are attached. As discussed in the Consultation Section of this Report, a condition is recommended.
- Clause 4.9.3 – facilities are proposed to manage liquid wastes.
- Clause 4.9.7 and 4.9.8 – the proposed fencing complies.
- Clause 4.9.9 and 4.20 – no details of landscaping on the plans. Landscaping to be required to improve the appearance of the development, a condition is recommended.
- Clause 4.17.1 – the site is currently being used as a fuel depot and it is not anticipated that the expanded redeveloped facility will have any impacts. The redevelopment will improve the appearance of the property.

Planning and Development (Local Planning Schemes) Regulations 2015

The development proposal does not meet the exempt provisions of clause 61, and therefore development approval is required.

Clause 67 outlines the matters to be considered when determining an application for development approval. Sub-clauses (a), (i), (m), (n), (p), (q), (r), (s), (t), (u), (v), (w), (x) and (za) have been considered in the assessment of this application.

There are no statutory implications associated with this development proposal.

Policy Implications

There are no policy implications associated with this development proposal.

Financial Implications

There are no financial implications associated with this development proposal.

Strategic Implications

There are no strategic implications associated with this development proposal.

Recommendation 12.2

That Council resolves to:

APPROVE the development application (No. 17/18 - 5) to redevelop the existing fuel depot at Lot 52 Lundy Avenue, Cunderdin, in accordance with the provisions of the Cunderdin Local Planning Scheme No. 3, subject to the following conditions and advice notes:

Conditions

1. Development must substantially commence within two (2) years from the date of determination.
2. Development shall take place in accordance with the stamped approved plans.
3. The removal of existing infrastructure should be supervised by a suitably qualified environmental consultant, and the site assessed for potential soil contamination in accordance with DWER contaminated sites guidelines.
4. A landscaping plan shall be submitted for approval by the local government and implemented prior to occupation of the development. Landscaping shall be maintained throughout the life of the development.
5. The sealing of all vehicular parking, manoeuvring and loading and unloading areas is to be maintained at all times.
6. All vehicular movement to and from the site shall be in a forward direction to ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.
7. Stormwater shall be managed on site in accordance with the guidelines of the Department of Water and Environment Regulation.

Advice Notes

8. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
9. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
10. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
11. Prior to commencement of the development hereby determined, a Building Permit or Demolition Permit may be required in accordance with the provisions of the Building Act 2011.

The Recommendation was withdrawn by the CEO due to no objections being received by 4pm on the 21st December 2017 and approval being automatically granted by virtue of Council's November 2018 resolution in the absence of any objections.

13. Urgent Items

13.1 Late Agenda Item - Licence to Use and Occupy Corridor Land

Location:	Shire of Cunderdin
Applicant:	CEO
Date:	20 th December 2017
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	<i>Licence to Use and Occupy Corridor Land</i>

Proposal/Summary

Council is asked to approve the attached *Licence to Use and Occupy Corridor Land* and the execution of the document by the Chief Executive Officer and Shire President.

Background

Council have received a total of \$200,000 in funding to complete the Town Dam Project, however works have been held up pending an agreement between Arc Infrastructure and the Shire of Cunderdin to use an existing road leading to the railway station within the rail corridor reserve.

The licence to use this road will enable Shire access to the proposed dam construction site which is situated on Cunderdin Agricultural School land.

Once the licence is executed, the Shire can then finalise dealings with the Cunderdin Agricultural School and Landgate in relation to the dam site land itself.

After that is all sorted, works on the project can commence.

Comment

There are grammatical errors within the proposed licence agreement that need to be rectified; however the content will remain the same.

Consultation

Arc Infrastructure

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 13.1

That Council approve the execution by the Chief Executive Officer and the Shire President of the *License to Use and Occupy Corridor Land* between the Shire of Cunderdin and Arc Infrastructure.

Moved: Cr Doug Kelly

Seconded: Cr Alison Harris

Vote – Simple majority

Carried: 8/0

14. Matters for which the meeting may be closed

Resolution

That Council move behind closed doors for the consideration of Agenda Item 14.1.

Moved: Cr Todd Harris

Seconded: Cr Diane Kelly

Vote – Simple Majority

Carried: 8/0

14.1 Shire of Cunderdin Australia Day Active Citizenship Award

Location:	Shire of Cunderdin
Applicant:	Community Development Officer
Date:	13 th December 2017
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Yes (to be advised at meeting)
File Reference:	Nil
Attachment/s:	2 Pages (1 Nominations)

Proposal/Summary

For Council to consider the nominations received for the Australia Day Active Citizenship Award.

Background

Australia Day Awards are presented annually at the Shire of Cunderdin Australia Day Breakfast held in O'Connor Park.

An advertisement was placed in the Bandicoot Newsletter on 21st September 2017 Facebook, calling for nominations for the Australia Day Awards. Notices were also displayed on local notice boards and on the Shire of Cunderdin Website, via Email and Facebook page.

Nominations closed COB Tuesday 31st October 2017. Re-advertisement within Sporting Clubs across the Shire was reopened 17th November 2017.

No Further Nominations have been made.

Comment

At the end of re-advertisement of nominations, council has received no further nominations.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Recommendation 14.1

The recommendation was withdrawn due to no nominations being received.

DCEO Paul Godfrey and MOWS Greg Stephens left the meeting at 6.12pm.

14.2 Appointment of a Chief Executive Officer

Location:	Shire of Cunderdin
Applicant:	Acting CEO
Date:	13 th December 2017
Author:	Stephen Tindale
Item Approved by:	Acting CEO
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	14.2.1 CONFIDENTIAL - Minutes of CEO Selection Panel Meeting held on 13th Dec 2017 14.2.2 CONFIDENTIAL - Curriculum Vitae

Proposal/Summary

Council is asked to receive the minutes and adopt the recommendation of the CEO Selection Panel Meeting held on 13 December, 2017 to appoint a permanent Chief Executive Officer.

Background

With the resignation of the former Chief Executive Officer, Peter Naylor, the CEO Selection Panel with the assistance of Lydia Highfield from WALGA Recruitment Services, has recently interviewed a candidate for the vacant position of Chief Executive Officer.

Shire President Cr Whisson, Cr Bernie Daley and Cr Alison Harris attended the interview meeting. The Acting CEO, Stephen Tindale, also sat in on the meeting.

CONFIDENTIAL copies of the minutes of the meeting and the candidate's curriculum vitae are attached (Attachments 14.2.1 and 14.2.2).

Subject to two conditions being met, the CEO Selection Panel recommends the appointment of the candidate to the vacant CEO position.

Comment

Councillors who were present at the meeting are best placed to speak to the merits of the candidate or otherwise at the Council meeting.

In the event that no appointment is made, it is intended that the vacancy be advertised again at the end of January 2018.

Consultation

Nil

Statutory Implications

Local Government Act 1995

5.36. Local government employees

- (1) *A local government is to employ —*
 - (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) *A person is not to be employed in the position of CEO unless the council —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*

*** Absolute majority required.**

5.39. Contracts for CEO and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
 - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
 - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract; and*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Resolution 14.2

That Council receives the minutes and adopts the recommendation of the CEO Selection Panel Meeting held on 13th December, 2017 to appoint a permanent Chief Executive Officer.

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Vote – Absolute Majority

Carried: 5/3

Resolution

That Council move from behind closed doors.

Moved: Cr Bernie Daly

Seconded: Cr Jayson Goldson

Vote – Simple Majority

Carried: 7/0

15. Closure of meeting

There being no further business the Shire President to declare the meeting closed at 6.47pm.