



## Shire of Cunderdin

### Notice of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council will be held on **Thursday 16<sup>th</sup> December 2021** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 4.00pm.**

Stuart Hobley  
**Chief Executive Officer**  
10<sup>th</sup> December 2021

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## AGENDA

### 1. Declaration of Opening

The Shire President declared the meeting open at \_\_\_\_pm

The Shire of Cunderdin disclaimer will be read aloud by

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. Record of Attendance, Apologies and Approved Leave of Absence

#### 2.1 Record of attendances

##### Councillors

Cr AE (Alison) Harris	Shire President
Cr A (Tony) Smith	Deputy Shire President
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr B (Bernie) Daly	
Cr W (Sam) Stewart	
Cr N (Natalie) Snooke	

##### In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Lauren Cole	Governance and Compliance Officer

##### Guests of Council

##### Members of the Public

#### 2.2 Apologies

#### 2.3 Leave of Absence Previously Granted

### 3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

### 4. Petitions, Deputations & Presentations

### 5. Applications for Leave of Absence

#### **Recommendation 5.1**

That Council approve Leave of Absence for Cr \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ inclusive

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple Majority

Carried/Lost: \_\_/\_\_

### 6. Confirmation of the Minutes of Previous Meetings

#### **6.1 Ordinary Meeting of Council held on 18<sup>th</sup> November 2021**

#### **Recommendation 6.1**

That the Minutes of the Ordinary Council Meeting held on Thursday 18<sup>th</sup> November 2021 be confirmed as a true and correct record.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple Majority

Carried/Lost: \_\_/\_\_

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

The President will sign the minute declaration on the previous minutes.

### 7. Declaration of Members and Officers Interests

### 8. Announcements by President without Discussion

**9. Finance & Administration**

**9.1 Financial Reports for November 2021**

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	8th December 2021
<b>Author:</b>	Hayley Byrnes
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 attachments – Monthly Report November 2021 & November Rates Report

**Proposal/Summary**

The financial reports as at 30th November 2021 are presented for Councils 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.

<b><u>Recommendation 9.1</u></b>	
That Council receives the monthly financial reports for the periods ending 30th November 2021.	
Moved: Cr ____	Seconded: Cr ____
Vote – Simple Majority	Carried/Lost: __/__

## 9.2 Accounts Paid – 30th November 2021

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	8th December 2021
<b>Item Approved By:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 attachments – Creditors list of payments September 2021 Credit Card Statement November 2021

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$388,516.79
Total for Trust -	\$0.00
TOTAL -	\$388,516.79

For November 2021 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 30th November 2021.

### **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.

**Recommendation 9.2**

1. That Council's payment of accounts amounting to \$388,516.79 being from Municipal Account for November , as follows:

<b>Municipal Account</b>	<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 5563 - 5693	\$352,890.64	
Direct Debit (Inc Bank Charges):	\$13,573.30	
Cheques: 11761 - 11771	\$22,052.85	
<b>TOTAL</b>		<b>\$388,516.79</b>

be confirmed and noted; and,

2. That the Payments List as presented be incorporated in the Minutes of the Meeting.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple Majority

Carried/Lost: \_\_ / \_\_

### 9.3 Council Investments – As at 30<sup>th</sup> November 2021

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	8th December 2021
<b>Item Approved By:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 Attachment- Bank Statements November 2021

#### Proposal/Summary

To inform Council of its investments as at 30th November 2021.

#### 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

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 30th November 2021.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$912,403.43	Municipal- 0000030	\$912,403.43		
Bendigo Bank	\$1,959,995.21	Municipal- 155971377	\$1,959,995.21		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$2,578.00	Bendigo Trust Account 164 488 686			\$2,578.00
Westpac Bank	\$1.00	Trust Working Account 12-2981			\$1.00
Bendigo Bank	\$1,228,299.01	Term Deposit 0.45% Exp 28 June 2022		\$1,228,299.01	
<b>TOTAL INVESTMENTS</b>	<b>\$4,103,423.43</b>		<b>\$2,872,398.64</b>	<b>\$1,228,445.79</b>	<b>\$2,579.00</b>



In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Acc# 000 073 - \$86,974.42 & Bendigo Account Ref#3030072- \$451,547.58.

<b>CUNDERDIN COMMUNITY TRUST DETAILS</b>		
<b>30th November 2021</b>		
Opening Balance as per Bank Statement & Term Deposits	INVESTMENT ACC	86,974.42
	TERM DEPOSIT	451,547.58
	<b>TOTAL</b>	<b>538,522.00</b>
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	<b>TOTAL</b>	<b>538,522.00</b>
<b>INCOMING</b>		
<i>Interest ( Investment account)</i>		0.00
		0.00
<b>OUTGOING</b>		
		0.00
<b>Balance as at end of month</b>	<b>TOTAL</b>	<b>538,522.00</b>

**Consultation**

Nil.

**Statutory Implications**

Financial Management Regulation 19.

**Policy Implications**

Nil.

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long Term Financial Plan when determining annual Council Budgets.

**Recommendation 9.3**

That the report on Council investments as at 30th November 2021 be received and noted.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple Majority

Carried/Lost: \_\_/ \_\_

#### 9.4 Development Assessment Panels – Local Government Nominations

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance and Compliance Officer
<b>Date:</b>	3 <sup>rd</sup> December 2021
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 attachments

#### **Proposal/Summary**

Correspondence has been received from the DAP secretariat regarding potential changes in the Shire's DAP membership following the local government elections.

#### **Background**

The last review of the DAP members was completed in November 2019 following the Ordinary Elections with the following resolution.

*That Council:*

- 1. Nominates Councillor AE (Alison) Harris and A (Anthony) Smith to be the Shire of Cunderdin Local Members to sit on the local Development Assessment Panel.*
- 2. Nominates Councillor B (Bernie) Daly and DA (Dennis) Whisson to be the Shire of Cunderdin Alternate Local Members to sit on the local Development Assessment Panel.*

*Request the DAP Secretariat to organise training for the nominated members at their earliest opportunity.*

The current existing local government DAP members are currently appointed for a term ending 26<sup>th</sup> January 2022. Prior to the expiry date, Council is required to nominate four (4) DAP members for appointment by the Minister for Planning.

#### **Comment**

The correspondence from the DAP Secretariat notes that the McGowan Government launched OnBoardWA as part of its commitment to increase the diversity and background of Government board and committees along with the total number of women appointed. Council is therefore encouraged to consider diversity of representation when putting forward the DAP nominations.

#### **Consultation**

Stuart Hobley, Chief Executive Officer  
Lauren Cole, Governance and Compliance Officer

#### **Statutory Implications**

Under regulation 24 of the Planning and Development (Development Assessment Panels) Regulations 2011, Council is required to nominate, as soon as possible following elections, four elected council members to sit as DAP members.

Nominations are to be complete on the attached authorised form.

#### **Policy Implications**

Nil

**Financial Implications**

Nominated Councillors are remunerated for their time and travel attending training and meetings. Councillors must attend training prior to being eligible to sit on a DAP.

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan 2022-2032

5. Civic Leadership

- 5.1 Shire communication is consistent, engaging and responsive.
- 5.2 Forward planning and implementation of plans
- 5.3 Implement systems and processes that meet legislative and audit obligations.

Representation of local interest is a key aspect of the DAPs systems and therefore it is important for Council to nominate members to the Mid-West / Wheatbelt Joint Development Assessment Panel.

**Recommendation 9.4**

That Council:

- 1. Nominated Councillor \_\_\_\_\_ and \_\_\_\_\_ to be the Shire of Cunderdin Local Members to sit on the local Development Assessment Panel.
- 2. Nominates Councillor \_\_\_\_\_ and \_\_\_\_\_ to be the Shire of Cunderdin Alternate Local Members to sit on the local development Assessment Panel.

Request the DAP Secretariat to organise training for the nominated members at their earliest opportunity.

Moved : Cr \_\_\_\_\_                      Seconded: Cr \_\_\_\_\_

Vote – Simple majority                      Carried/Lost: \_\_/\_\_

## 9.5 Shire of Cunderdin Councillor Representation

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	8 <sup>th</sup> December 2021
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 Attachment

### **Proposal/Summary**

For Council to request permission from the Electoral Commission to operate with seven (7) Councillors instead of eight (8) following the October 2021 elections, to allow Council to complete a representative review.

### **Background**

Following the October 2021 Ordinary Elections, Council only received three nominations for four (4) vacancies, with all three being nominated unopposed.

Council reviewed the Councillor Representation in October 2021, with the following resolution being made;

*That Council,*

- a) Undertake a review of the Shire of Cunderdin representation; and*
- b) Apply to the Minister of Local Government for approval to hold the vacant position until the Shire of Cunderdin can conduct a representation review and submit the findings to the Local Government Advisory Board for review.*

Council sent a letter requesting approval from the Minister of Local Government on the 10<sup>th</sup> November 2021.

### **Comment**

Council received correspondence from the Minister of Local Government on the 7<sup>th</sup> December 2021, requesting we forward out request to the Electoral Commissioner for review.

To forward the request we will need an amended resolution by absolute majority to send to the Western Australian Electoral Commission.

The Shire of Cunderdin does not have wards and at least 80% of the offices of member of Council are still filled. The current ratio for the Shire of Cunderdin is one (1) Councillor to 103 electors, a reduction in members to seven (7) would increase the ration to 1:117.

It is to be noted that the recent announcements regarding the package of reforms to the Local Government Act 1995 have proposed reforms to the Act that includes the number of elected members on any council being set based upon the population within the local government. This proposal would see the Shire of Cunderdin set to five councillors.

### **Consultation**

Minister of Housing; Local Government  
Stuart Hobley, Chief Executive Officer  
Lauren Cole, Governance and Compliance Officer

### **Statutory Implications**

Local Government Act 1995

### **2.32. How extraordinary vacancies occur in offices elected by electors**

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies; or
- (b) resigns from the office; or
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or
- (e) becomes the holder of any office or position in the employment of the local government; or
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.

[Section 2.32 amended by No. 55 of 2004 s. 686; No. 24 of 2005 s. 58; No. 1 of 2007 s. 5.]

## **Division 6 — Postponement and consolidation of elections**

### **4.16. Postponement of elections to allow consolidation**

- (1) This section modifies the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.
- (2) If a member's office becomes vacant under section 2.32 (otherwise than by resignation) on or after the third Saturday in July in an election year and long enough before the ordinary elections day in that year to allow the electoral requirements to be complied with, any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.
- (3) In the case of a member's office becoming vacant under section 2.32 by resignation, if —
  - (a) the resignation takes effect, or is to take effect, on or after the third Saturday in July in an election year but not later than one month after the ordinary elections day in that year; and
  - (b) the CEO receives notice of the resignation long enough before that ordinary elections day to allow the electoral requirements to be complied with,any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.
- (4) If a member's office becomes vacant under section 2.32 —
  - (a) after the third Saturday in January in an election year; but
  - (b) before the third Saturday in July in that election year,the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

[Section 4.16 amended: No. 66 of 2006 s. 7; No. 2 of 2012 s. 11.]

### **4.17. Cases in which vacant offices can remain unfilled**

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member's office becomes vacant under section 2.32 —
  - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
  - (b) before the third Saturday in July in that election year,the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

*\* Absolute majority required.*

- (4A) Subsection (3) applies —

(a) if —

- (i) the office is for a district that has no wards; and  
(ii) at least 80% of the number of offices of member of the council in the district are still filled;

or

(b) if —

- (i) the office is for a ward for which there are 5 or more offices of councillor; and  
(ii) at least 80% of the number of offices of councillor for the ward are still filled.

- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

*[Section 4.17 amended: No. 49 of 2004 s. 31; No. 66 of 2006 s. 8; No. 17 of 2009 s. 12.]*

**Schedule 2.2 - Clause 5. Local government may propose ward changes or make minor proposals**

*A local government may, whether or not it has received a submission —*

*(a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or*

*(b) propose\* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —*

*(i) one of a minor nature; and*

*(ii) not one about which public submissions need be invited;*

*or*

*(c) propose\* to the Minister the making of an order changing the name of the district or a ward.*

*\* Absolute majority required.*

**Policy Implications**

Nil.

**Financial Implications**

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan 2022 -2032

5. Civic Leadership

5.1 Shire communication is consistent, engaging, and responsive

5.2 Forward planning and implementation of plans

5.3 Implement systems and processes that meet legislative and audit obligations.

**Recommendation 9.5**

That Council resolves to:

1. Undertake a review of the Shire of Cunderdin representation; and
2. Apply to the Electoral Commissioner for approval to hold the vacant positions until the Shire of Cunderdin can conduct a representation review and submit the findings to the Local Government Advisory Board for review.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_/\_\_

## 9.6 Cunderdin Cemetery – Transfer of Land

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	8 <sup>th</sup> December 2021
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 x Map

### **Proposal/Summary**

For Council to review and consider the request of Transfer of Land from the Minister for Education to the Shire of Cunderdin.

### **Background**

The Shire of Cunderdin has been reviewing its cemeteries in Cunderdin and Meckering to ensure they will be able to meet the communities future needs.

The Cunderdin Cemetery is reaching its capacity based on the current direction of development. The cemetery has been developed in a northerly direction for many years and is coming close to reaching the northern boundary limiting its future potential.

The block slopes from west to east and the easterly section of the cemetery that remains undeveloped is covered in natural vegetation, has shallow rock throughout and slopes down to a lake system. It is not preferable to develop the cemetery to the east.

The Logical expansion of the cemetery is to the west. This will limit the effect on the natural vegetation and only require the removal of a minimal amount of trees (the majority of which have been planted).

During investigations, it has been discovered that the land to the west of the cemetery is not part of the cemetery reserve and is part of the paddock that is owned by the Cunderdin Agricultural College.

If Council wants to develop the cemetery to the west, it will need to request that that portion of the land owned by the Education Department be transferred to the Shire of Cunderdin.

As seen in the map, that portion of the land is not currently being used for agricultural purposes and is actually fenced as part of the cemetery.

### **Comment**

An assessment of the current plots at the Cunderdin cemetery has revealed that the cemetery is nearly at capacity. Shire staff have completed a review of all the reserved plots in the Cunderdin cemetery and this has allowed staff to gain a clearer understanding as to how much space is left for further allocation and how much space is reserved by families. During this review several families have relinquished reserved lots which has freed up some plots.

Much of the infrastructure at the Cunderdin cemetery is looking very aged and is in a state of disrepair. If the Shire was able to obtain the land from the education Department it is recommended that a plan be developed from the upgrade of the cemetery including, new entrance, gravel parking area and new fencing.

### **Consultation**

Stuart Hobley, Chief Executive Officer  
Lauren Cole, Governance and Compliance Officer  
Friends of the Cemetery Committee  
Matt Dowell, Principal Cunderdin Agricultural College



**Statutory Implications**

Local Government Act 1995

**Policy Implications**

Nil.

**Financial Implications**

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan 2022 -2032

5. Civic Leadership

5.2 Forward planning and implementation of plans

- Accountable and transparent decision making
- Financial sustainability in achieving community aspirations

**Recommendation 9.6**

That Council requests that the Education Department agrees transfers the section of land in Lot 20538 Plan P87686, which is currently fenced off as part of the Cunderdin cemetery, to the Shire of Cunderdin to be used for the development of the Cunderdin cemetery.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_/\_\_

## 9.7 Offer to Purchase – 44 Lundy Avenue

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Kate Retallack
<b>Date:</b>	7 <sup>th</sup> December 2021
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	NIL
<b>File Reference:</b>	A55340
<b>Attachment/s:</b>	1 Attachment

### Proposal/Summary

For Council to review the offer received from Kate Retallack to purchase 44 Lundy Avenue (Old Toy Library).

### Background

Council in the 2021/2022 Annual Budget allocated \$30,000.00 for the Demolition of the Building on property 44 Lundy Avenue, previously the Old Toy Library.

On the 16<sup>th</sup> September 2021, Council advertised Expression of Interest for anyone wanting to utilise the building with submissions closing on Tuesday the 19<sup>th</sup> of October at 4pm. No submissions were received.

Council requested quotes to get the building demolished, with a purchase order being issues to Bentnail Building for the amount of \$13,632.66. Termite Inspection and RCD & HWSA Checks were not completed due to demolition being scheduled. Demolition is scheduled to commence in early January 2022. Public Notice of the demolition was advertised in the Bandicoot on the 25<sup>th</sup> November 2021.

An offer to purchase the property was then received via email on Monday the 6<sup>th</sup> December 2021 from Kate Retallack.

### Comment

The purchase proposal received from Kate Retallack, is to refurbish and convert into an Aspire Clinic WA. In the proposal it is included the estimated basic refurbishment costings, these being;

- Roof repairs to broken tiles, facia, gutter, mould/water damage/cracked ceilings \$8,000.00
- Possible roof replacement \$18,000.00
- Floor covering throughout including tiling wet areas \$5,000.00
- Replace vanity x 2, Kitchen, toilet, upgrade plumbing, install a hot water unit (none currently) \$6,500.00
- Purchase and install 4 x split systems for each treatment room 2.4kw \$6,000.00
- Repair an painting to internal and external walls \$4,000.00
- Removal of trees close to power lines. Tidying up exterior of property, parking, level old bitumen \$5,000.00
- Replacing external and internal doors, locks \$1,500.00
- Internal building of walls to create clinic rooms \$3,000.00
- Clinic fit out: lockable storage cupboards, reception desk, shop displays for products, signage décor \$6,000.00
- Margin of 10% unexpected costs \$4,700.00

Total: \$51,700.00

Mrs Kate Retallack has provided a purchase offer of \$50,000.00 with the estimated costs of the refurbishment taken into consideration.

The Offer also states;

- This amount is fair market value of a vacant block of this size as it not a full ¼ acre residential lot.
- This is an offer to purchase freehold including land title.
- This is a cash offer, with funds available immediately and not reliant on loan conditions or financing.
- This offer is not dependant on a building or pest inspection.
- This offer is for an “as is where is” understanding of the property.
- This offer is assuming it either is or will be zoned for commercial/business use and not residential.
- This offer reflects the scale of risk for purchase and refurbishment.

The property currently zones Public Purpose, Council also does not currently have a current Market Valuation for the property. A current market value will be provided to Councillors before the meeting.

When reviewing this offer Council must consider several matters:

- What is the value of the lot to Council? Council does not have any vacant land on which to build and \$50,000 alone would not purchase another lot in Town. However any savings from the demolition of the block could also be put into the purchase price of another residential lot or the development of the hospital site or the purchase of the land on Watts Street.
- In order to operate a business from the lot the zoning will have to be changed from a reserve to either residential or commercial. This would be at the expense of Ms Retallack.
- The value of a vacant residential lot in Cunderdin is between \$50,000 and \$70,000. This does not include the value of the existing building. The offer of \$50,000 would seem to be low. A market valuation will be provided at the meeting.

### **Consultation**

Mr Stuart Hobley, Chief Executive Officer

Mrs Kate Retallack

### **Statutory Implications**

Local Government Act 1995 – Section 3.58

- (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.

**Policy Implications**

Nil

**Financial Implications**

Council had budgeted \$30,000.00 to demolish the building on the property.

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan 2022 – 2032

1. Community and Social

1.2 A healthy and safe community is planned for –

- Promotion and advocacy of community health and wellbeing

1.3 Advocate for the provisions of quality health services, health facilities and programs in the Shire.

- Retention of local health facilities, visiting allied health and volunteer health services.

2. Economy

2.1 Facilitate local business retention and growth

- Industry is diverse, supported and connected

**Recommendation 9.7**

That;

1)The Chief Executive Officer be delegated authority to negotiate the sale of Lot 44 Lundy Ave with a minimum sale price being \_\_\_\_\_

2) The net funds from the sale of the building be placed in the building reserve for the purchase or development of land in the future.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

### 9.8 Receiving Minutes of Local Emergency Management Committee

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	10 <sup>th</sup> December 2021
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	LEMC Meeting Minutes

#### **Proposal/Summary**

For Council to receive the minutes for the Local Emergency Management Committee held on the 7<sup>th</sup> December 2021.

#### **Background**

The Minutes listed above have been attached for Councillor Review and they have been made available to the public.

#### **Comment**

The Local Emergency Management Committee made one recommendation to Council, this is presented in the next Agenda item for Council to review and consider.

#### **Consultation**

Mr Simon Bell – CESM

#### **Statutory Implications**

Nil.

#### **Policy Implications**

Nil.

#### **Financial Implications**

Nil.

#### **Strategic Implications**

Nil.

#### **Recommendation 9.8**

That the Minutes of the Local Emergency Management Committee Meeting held on the 7<sup>th</sup> December 2021 be received.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

## 9.9 Local Emergency Management Arrangements

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	7 <sup>th</sup> December 2021
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 Attachment.

### Proposal/Summary

To adopt the Local Emergency Management Arrangements as recommended by the Local Emergency Management Committee (LEMC).

### Background

The LEMC met on Tuesday the 7<sup>th</sup> December and reviewed the draft Local Emergency Management Arrangements, the following recommendation was made;

#### **RECOMMENDATION: LEMC2– 21/22**

**MOVED Cr Stewart      SECONDED Mrs Whitelock**

*That the Committee recommend the Local Emergency Management Arrangements for the Shire of Cunderdin be endorsed by Council*

**CARRIED**

### Comment

The Local Emergency Management Arrangements (LEMA) outlines the Shire responsibility and undertaking of Emergency Prevention, Preparedness, Response and Recovery and includes contact list for Local, District and State Emergency Management/Response stakeholders.

A draft version of the Cunderdin LEMA was discussed at the July LEMC meeting and no major review were made. A final copy of the draft was forwarded to all members of the LEMC and only one response was received. The response is tabled below;

*This is looking great, simple and clear and not too large, however it still has most of the key information. I have taken the liberty of making 2 updates. The first is the Dept of Communities on call number has changed, its no longer the crisis centre 1300 number. For your information it is now the Dept of Communities on call # - 0418 943 835.*

*I also updated the recovery aide memoire and the action list with the latest upgrades, that you wouldn't have been aware of.*

*I have already checked it for compliancy, and more than meets the State EM requirements, so once the LEMC have endorsed it is definitely ready to go to Council.*

Regards

*Yvette*

### Consultation

Stuart Hobley, Chief Executive Officer  
Hayley Byrnes, Deputy Chief Executive Officer  
Lauren Cole, Governance and Compliance Officer  
Simon Bell, Community Emergency Services Manager  
Local Emergency Management Committee

## **Statutory Implications**

Emergency Management Act 2005

Division 2 — Emergency management arrangements for local governments

### 41. Emergency management arrangements in local government district

1. A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.
2. The local emergency management arrangements are to set out —
  - a) the local government's policies for emergency management; and
  - b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district; and
  - c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b); and
  - d) a description of emergencies that are likely to occur in the local government district; and
  - e) strategies and priorities for emergency management in the local government district; and
  - f) other matters about emergency management in the local government district prescribed by the regulations; and
  - g) other matters about emergency management in the local government district the local government considers appropriate.
3. Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.
4. Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.
5. A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## **Strategic Implications**

Shire of Cunderdin Strategic Community Plan 2022 -2032

### 5. Civic Leadership

- 5.1 Shire communication is consistent, engaging, and responsive
- 5.2 Forward planning and implementation of plans
- 5.3 Implement systems and processes that meet legislative and audit obligations.

**Recommendation 9.9**

That Council;

1. Adopt the Local Emergency Management Arrangements
2. Provide a copy to the State Emergency Management Committee

Moved : Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote – Simple majority

Carried/Lost: \_\_/\_\_



## 9.10 Chief Executive Officers Report

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	10 <sup>th</sup> November 2021
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachments

### Proposal/Summary

To provide an update on the matters the Chief Executive Officer has been addressing over the past month.

### Background

#### Department of Local Government - Local Government Reform

In November 2021 The State Government announced the most significant package of major reforms for WA Local Government since the Local Government Act 1995 was passed more than 25 years ago.

The Department of Local Government, Sport and Cultural Industries (DLGSC) advised that comments on the proposed reforms were due in January 2022. However this date has been extended to February 2022.

A report will be put to the February 2022 Council meeting detailing Council response to the reforms.

#### Local Roads and Community Infrastructure Program Projects

##### Round 1 Projects

Basketball Courts – Retaining Wall and Fencing \$30,000 – Completed.

AAA Garden - \$160,000 – Completed.

Oval Lights - \$270,000 (\$180,000 LRCIP) – Completed.

##### Cunderdin Irrigation Project \$40,000

This project will commence very shortly and will upgrade the water supply to the oval. It is expected to be completed by December 2021.

##### Round 2 Projects

##### Cunderdin Swimming Pool - \$170,000

Tenders to complete the repair works at the pool will be called in February 2022 with the works to commence at the conclusion of the pool season.

#### Road Closure

At the request of the Meckering Action Group, Dempster Street in Meckering will in front of the Meckering Sporting Club, 25 Dempster Street, on Saturday, December 18th 2021 between 5pm and 8pm.

This is to allow Children activities for the clubs Christmas Function.

#### CBH Development Approval – Emergency Bulkheads

CBH had submitted a development application to construct another emergency bulkhead on the land owned by CBH to the east of their existing facility.

The Development Application has been approved under Delegated Authority by the CEO. The DA and plans are attached for Councils information.

It is expected that work will commence on the project immediately.

30 Mitchell Street

The sub division application has been approved for 30 Mitchell St and the tenders will be called in mid January 2022 for the construction of two new houses.

The tender will not specify the type of house required which will leave it open to both transportable and brick and tile housing.

Airport Lights

The Shire will call tenders for the replacement of the lights at the Cunderdin Airport. Mr Ken Flecknell has been engaged to assist with drafting the scope of works in order to ensure the correct technical specifications are requested.

It is expected the tender will be advertised in January 2022.

**Comment**

Nil.

**Consultation**

Nil.

**Statutory Implications**

Nil.

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Nil.

**Recommendation 9.10**

That the Chief Executives Officers Report be received.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: \_\_\_\_\_

**10. Environmental Health and Building**

Nil Items

**11. Planning & Development**

Nil Items

**12. Works & Services**

Nil Items

**13. Urgent Items**

Nil Items

**14. Scheduling of Meeting**

**14.1 February 2022 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 17<sup>th</sup> February 2022 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

**15. Closure of meeting**

There being no further business the Shire President will declare the meeting closed at \_\_: \_\_pm.

**16. Certification**

**DECLARATION**

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 16<sup>th</sup> December 2021 as shown were confirmed at the ordinary meeting of Council held on 17<sup>th</sup> February 2022.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_