



## 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 19<sup>th</sup> April 2018** in the Shire of Cunderdin Council Chambers, Lundy Avenue, Cunderdin, **commencing at 5.00pm.**

A handwritten signature in black ink, appearing to read 'N. Hale', is positioned above the name of the Chief Executive Officer.

Neville Hale  
**Chief Executive Officer**  
13<sup>th</sup> April 2018

## Table of Contents

<b>Table of Contents</b> .....	<b>2</b>
<b>1. Declaration of Opening</b> .....	<b>3</b>
<b>2. Record of Attendance, Apologies and Approved Leave of Absence</b> .....	<b>3</b>
<b>3. Public Question Time</b> .....	<b>3</b>
<b>4. Applications for Leave of Absence</b> .....	<b>4</b>
<b>5. Confirmation of the Minutes of Previous Meetings</b> .....	<b>5</b>
5.1 Ordinary Meeting of Council held on Thursday 15 <sup>th</sup> February 2018. ....	5
<b>6. Declaration of Members and Officers Financial Interests</b> .....	<b>6</b>
<b>7. Petitions, Deputations, Presentations</b> .....	<b>6</b>
<b>8. Announcements by President without Discussion</b> .....	<b>6</b>
<b>9. Finance &amp; Administration</b> .....	<b>7</b>
9.1 Financial Reports for March 2018 .....	7
9.2 Accounts Paid – March 2018 .....	8
9.3 Council Investments – As at 31 <sup>st</sup> March 2018 .....	14
9.4 Age Appropriate Accommodation Grand Opening.....	16
9.5 Bush Fire Advisory Committee .....	18
9.6 Establishment of the Audit Committee and appointment of Delegates .....	20
9.7 Cunderdin Water Tower – Transfer of Responsibility.....	26
9.8 Gravel Extraction – Lot 278 Cubbine Street, Cunderdin .....	28
9.9 Meckering Earthquake Anniversary Contribution .....	33
<b>10. Environmental Health and Building</b> .....	<b>35</b>
<b>11. Planning &amp; Development</b> .....	<b>36</b>
11.1 Proposed Car Show – 20 <sup>th</sup> / 21 <sup>st</sup> October 2018.....	36
12.2 Proposed Purchase – Lot 7 Main St, Cunderdin .....	39
<b>12. Urgent Items</b> .....	<b>43</b>
<b>13. Scheduling of Meeting</b> .....	<b>43</b>
13.1 May 2018 Ordinary Meeting .....	43
<b>13. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23) ...</b>	<b>43</b>
<b>14. Closure of meeting</b> .....	<b>43</b>
<b>15. Certification</b> .....	<b>43</b>

## AGENDA

### 1. Declaration of Opening

The President will declare the meeting open at \_\_\_\_pm

The Shire of Cunderdin disclaimer will be read aloud.

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

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

### 2. Record of Attendance, Apologies and Approved Leave of Absence

#### 2.1 Record of attendances

##### Councillors

Cr DA (Dennis) Whisson	Shire President
Cr DB (Doug) Kelly	Deputy President
Cr J (Jayson) Goldson	
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	

##### **In Attendance**

Neville Hale	Chief Executive Officer
Greg Stephens	Shared Manager Works & Services
Kayla James	Community Development Officer

##### **Guests of Council**

##### **Members of the Public**

#### 2.2 Apologies

Cr B (Bernie) Daly

#### 2.3 Leave of Absence Previously Granted

### 3. Public Question Time

#### **Response to previous public questions taken on notice**

Mr Ray Lehman questioned the Shire President regarding 3<sup>rd</sup> party appeal rights in respect to the Joint Development Application Panel decision as outlined in the Presidents recent letter.

A written response has been provided to Mr Lehman.

Declaration of public question time opened at:

Declaration of public question time closed at:

**4. Applications for Leave of Absence**

**Resolution 4.1**

That Leave of Absence be granted to:

1.

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

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

Vote – Simple Majority

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

**5. Confirmation of the Minutes of Previous Meetings**

**5.1 Ordinary Meeting of Council held on Thursday 15<sup>th</sup> February 2018.**

**Recommendation 8.1**

That the Minutes of the Ordinary Council Meeting held on Thursday 15th March 2018, 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.

**6. Declaration of Members and Officers Financial Interests**

**7. Petitions, Deputations, Presentations**

**8. Announcements by President without Discussion**

**9. Finance & Administration**

**9.1 Financial Reports for March 2018**

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	5th April 2018
<b>Author:</b>	Paul Godfrey
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	69 Pages (6 attachments)

**Proposal/Summary**

The financial reports as at 31<sup>st</sup> March 2018 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

**Recommendation 9.1**

That Council receives the monthly financial reports to 31<sup>st</sup> March 2018.

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

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

Vote – Simple Majority

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

## 9.2 Accounts Paid – March 2018

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	5th April 2018
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling \$193,281.51 for March 2018 as listed in the Warrant of Payments for the period 1 March to 31 March 2018.

### **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 \$193,281.53 for March 2018, from :

<b>Municipal Account</b>	\$
Electronic Funds Transfer: EFT2008- EFT2082	152,285.28
Cheques: 11345-11355	40,996.25
Direct Debit:	0.00
Bank Charges:	0.00
	<b>193,281.53</b>
<b>Trust Account</b>	
NIL	NIL
<b>TOTAL</b>	<b>193,281.53</b>

be confirmed and noted.

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

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

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

Vote – Simple Majority

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

<b>Cheque /EFT No</b>	<b>Date</b>	<b>Supplier</b>	<b>Description</b>	<b>Amount</b>
EFT2083	07/03/2018	Combined Tyres Cunderdin	Yokohama RY103A Dutral Tyres	546.50
EFT2084	07/03/2018	Daves Tree Service	Tree Lopping and removal	5,720.00
EFT2085	07/03/2018	Major Motors	Tank Surge radiator	127.94
EFT2086	07/03/2018	Kiamia Pty Ltd	Side Tipper Hire 24.5 Hrs @ \$160 Per hr	4,312.00
EFT2087	07/03/2018	Momar Australia Pty Ltd	Twenty S 50 Litre and Delivery	1,113.75
EFT2088	07/03/2018	Baxters Rural Centre KB	Oil	139.85
EFT2089	07/03/2018	Airport Lighting Specialists Pty Ltd	Runway lights and windsock	645.70
EFT2090	07/03/2018	Avdata	Airfield Charges	2,674.75
EFT2091	07/03/2018	Avon Waste	Rubbish Services	12,429.38
EFT2092	07/03/2018	Goodfield Quality Meats	Toolbox meeting supplies	117.77
EFT2093	07/03/2018	Glenwarra Development Services	Town Planning Consultancy Services	4,262.50
EFT2094	07/03/2018	Perfect Computer Solutions	Tech Support - Assist CESM, admin and change CEO Details	170.00
EFT2095	07/03/2018	Department of Fire and Emergency Services	2017/18 ESL Quarter 3	21,795.57
EFT2096	07/03/2018	Jason Signmakers	Signage and Posts	3,109.70
EFT2097	07/03/2018	Landgate	Land Enquiry	25.30
EFT2098	07/03/2018	AIR LIQUIDE	Cylinder Hire Fees	109.16
EFT2099	07/03/2018	Shire of Northam	Old Quarry Tipping Fees	4,036.40
EFT2100	07/03/2018	Thompsons Signs	Supply Metal Shire Map	495.00
EFT2101	07/03/2018	Cunderdin Community	Bandicoot 2 pages Seniors	24.00

		<b>Resource Centre</b>		
<b>EFT2102</b>	<b>07/03/2018</b>	<b>Pestex Co</b>	<b>Termite Inspections</b>	<b>4,152.50</b>
<b>EFT2103</b>	<b>07/03/2018</b>	<b>VisiMax</b>	<b>Permit Fire Books</b>	<b>55.00</b>
<b>EFT2104</b>	<b>07/03/2018</b>	<b>Baxters Rural Centre KB</b>	<b>Hydraulic Hoses and Hydraulic Fittings</b>	<b>119.35</b>
<b>EFT2105</b>	<b>07/03/2018</b>	<b>Ampac Debt Recover Pty Ltd</b>	<b>Ampac Debt Recovery fees</b>	<b>90.79</b>
<b>EFT2106</b>	<b>07/03/2018</b>	<b>Courier Australia</b>	<b>Freight Charges</b>	<b>111.90</b>
<b>EFT2107</b>	<b>14/03/2018</b>	<b>Landgate</b>	<b>Minimum Charge</b>	<b>38.35</b>
<b>EFT2108</b>	<b>14/03/2018</b>	<b>Cunderdin Co-Op</b>	<b>Gas 45 Kg Delivery</b>	<b>301.87</b>
<b>EFT2109</b>	<b>14/03/2018</b>	<b>Cunderdin Newsagency</b>	<b>Stationery Supplies- Correction Pens, rubber bands and Printer cartridges</b>	<b>149.47</b>
<b>EFT2110</b>	<b>14/03/2018</b>	<b>WA Contract Ranger Services</b>	<b>Ranger Services 13/02/2018-27/02/2018</b>	<b>748.00</b>
<b>EFT2111</b>	<b>14/03/2018</b>	<b>Cr Dennis Whisson</b>	<b>OCM Sitting Fee</b>	<b>485.00</b>
<b>EFT2112</b>	<b>14/03/2018</b>	<b>Cr Todd Harris</b>	<b>OCM Sitting Fee</b>	<b>236.00</b>
<b>EFT2113</b>	<b>14/03/2018</b>	<b>Cr Dianne Kelly</b>	<b>OCM Sitting Fee</b>	<b>236.00</b>
<b>EFT2114</b>	<b>14/03/2018</b>	<b>Cr Norm Jenzen</b>	<b>OCM Sitting Fee</b>	<b>236.00</b>
<b>EFT2115</b>	<b>14/03/2018</b>	<b>Shire of Quairading</b>	<b>Duvelco 120 Elite Sweeper</b>	<b>5,500.00</b>
<b>EFT2116</b>	<b>14/03/2018</b>	<b>Triset Boss</b>	<b>3,000 Rates Notices and 3,000 Envelopes</b>	<b>1,199.00</b>
<b>EFT2117</b>	<b>14/03/2018</b>	<b>Cr. Alison Harris</b>	<b>OCM Sitting Fee</b>	<b>236.00</b>
<b>EFT2118</b>	<b>14/03/2018</b>	<b>Cr. Bernard Daly</b>	<b>OCM Sitting Fee</b>	<b>236.00</b>
<b>EFT2119</b>	<b>14/03/2018</b>	<b>Moore Stephens</b>	<b>Budgeting Workshop 22 feb 2018</b>	<b>907.50</b>
<b>EFT2120</b>	<b>14/03/2018</b>	<b>Brooke Jasper</b>	<b>Reimbursement for kms attend course in Merredin</b>	<b>121.60</b>
<b>EFT2121</b>	<b>14/03/2018</b>	<b>Heartlands Western Australia Inc</b>	<b>Age Friendly Community Plan</b>	<b>6,800.00</b>
<b>EFT2122</b>	<b>14/03/2018</b>	<b>Cr Jayson Goldson</b>	<b>OCM Sitting Fee</b>	<b>236.00</b>

EFT2123	14/03/2018	Courier Australia	Freight Charges	210.61
EFT2124	21/03/2018	Cunderdin Co-Op	Bulk Distillate	11,868.28
EFT2125	21/03/2018	Australia Post	Postal Charges for Period ending 28/02/2018	451.35
EFT2126	21/03/2018	Goodfield Quality Meats	Water and account keeping fee	56.00
EFT2127	21/03/2018	Wattleup Tractors	Oil Filter, Filter and Element Air	119.10
EFT2128	21/03/2018	Autopro Northam	Battery Exide	723.98
EFT2129	21/03/2018	Cunderdin Elders Limited	ester 680 LV 2 , 4-D 20 L Adama	141.90
EFT2130	21/03/2018	Regional Concrete & Plumbing	Test & Report Backflow device and Travel	303.60
EFT2131	21/03/2018	AMJ Industries	Repairs at the CSRc on sprinkler system and Repairs at the shire office to sliding Doors	604.33
EFT2132	21/03/2018	Eastern Hills Saws and Mowers	Protective helmet and chaps	561.00
EFT2133	21/03/2018	Major Motors	Set of front brakes and shoe linings	555.19
EFT2134	21/03/2018	HCT Rural Agencies 2015	Rates refund for assessment A53639 7 GABBEDY PLACE MECKERING WA 6405	150.66
EFT2135	21/03/2018	Daimler Trucks Perth	Various parts for gear box repairs	604.57
EFT2136	21/03/2018	Meckering Ladies Hockey Club	Catering for xmas function	374.00
EFT2137	21/03/2018	F-111 Engineering PTY LTD	Truck Repairs	8,005.80
EFT2138	21/03/2018	Northam Carpet Court	Replace carpets in CEOs House	10,306.00
EFT2139	22/03/2018	Cunderdin Co-Op	Bulk Distillate and Unleaded	9,611.35
EFT2140	22/03/2018	Truck Centre WA	Chamber Assy and freight	4,125.96
EFT2141	22/03/2018	Cunderdin Community Resource Centre	Advertising	36.00
EFT2142	22/03/2018	Shire of Tammin	Sand Delivered to CEOs House	210.00

<b>EFT2143</b>	<b>22/03/2018</b>	<b>Australian Tax Office</b>	<b>BAS for February 2018</b>	<b>19,214.00</b>
<b>11345</b>	<b>07/03/2018</b>	<b>Water Corporation</b>	<b>Swimming Pool Water</b>	<b>5,503.15</b>
<b>11346</b>	<b>07/03/2018</b>	<b>Telstra</b>	<b>Day Care Phone Bills</b>	<b>18.42</b>
<b>11347</b>	<b>07/03/2018</b>	<b>Autopro Northam</b>	<b>UHF Rugged Microphone</b>	<b>91.98</b>
<b>11348</b>	<b>07/03/2018</b>	<b>Crommelins Machinery</b>	<b>1 1/2" F/Fighting Pump S/Impellor EX17 6 Hp Engine</b>	<b>880.00</b>
<b>11349</b>	<b>07/03/2018</b>	<b>Water Corporation</b>	<b>Museum at Forrest St Water</b>	<b>5,696.94</b>
<b>11350</b>	<b>07/03/2018</b>	<b>Water Corporation</b>	<b>Sports Ground Water</b>	<b>20,483.33</b>
<b>11351</b>	<b>14/03/2018</b>	<b>Synergy</b>	<b>Street Lights</b>	<b>3,512.35</b>
<b>11352</b>	<b>21/03/2018</b>	<b>Telstra</b>	<b>Shire Phone Bills</b>	<b>1,424.81</b>
<b>11353</b>	<b>22/03/2018</b>	<b>Water Corporation</b>	<b>Airport Water</b>	<b>1,107.12</b>
<b>11354</b>	<b>22/03/2018</b>	<b>Synergy</b>	<b>Pool Power</b>	<b>2,200.65</b>
<b>11355</b>	<b>22/03/2018</b>	<b>Government of WA Department of Transport</b>	<b>Rego for CM1536</b>	<b>77.50</b>
			<b>TOTAL</b>	<b>193,281.53</b>

### 9.3 Council Investments – As at 31<sup>st</sup> March 2018

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Paul Godfrey
<b>Report Date:</b>	5th April 2018
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### Proposal/Summary

To inform Council of its investments as at 31<sup>st</sup> March 2018.

#### 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 totaling \$817,761.77 (Westpac - \$336,720.61 & Bendigo - \$481,041.16, as per attached statements, the following investment accounts are held as at 31 March 2018:

<b>COUNCIL INVESTMENTS</b>					
<b>Institution</b>	<b>Amount Invested</b>	<b>Investment type</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>	<b>Trust Funds</b>
Bendigo Bank	\$1,042,275.42	Reserves Term Deposit 2.35% Expires : 12/6/2018		\$1,042,275.42	
Westpac Bank	\$873,828.76	Business Cash Reserve 22-3647 0.60%	\$873,828.76		
Westpac Bank	\$20,916.33	Trust Working Account12-2981			\$20,916.33
<b>TOTAL INVESTMENTS</b>	<b>\$1,937,020.51</b>		<b>\$873,828.76</b>	<b>\$1,042,275.42</b>	<b>\$20,916.33</b>

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$83,215.66 and Bendigo Term Deposit Ref: 2466959 - \$427,377.50

**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.

**Recommendation 9.3**

That the reports on Council investments as at 31<sup>st</sup> March 2018 be received and noted.

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

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

Vote – Simple Majority

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

#### 9.4 Age Appropriate Accommodation Grand Opening

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	AAAP Committee
<b>Date:</b>	13 <sup>th</sup> April 2018
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	N/A
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	

#### **Proposal/Summary**

To consider contributing Shire funding toward the opening of the Age Appropriate Accommodation Project.

#### **Background**

The Shire is nearing completion of its Aged Appropriate Accommodation units and consideration is being given to a Grand Opening of these facilities.

Sharon Hook, from Western Australian Country Health Service (WACHS) has verbally approached the Shire with a request for an unspecified monetary contribution toward the Opening of the Shire's Age Appropriate Accommodation Precinct on the understanding that WACHS would be organising the Opening.

Alternatively, as the owner, Council may wish to organise the event using its own resources

#### **Comment**

As owner of the facilities, responsibility for organising the opening would fall to the Shire with the Shire President officiating in accordance with Council Policy.

In the absence of any written request it is difficult to determine what WACHS has in mind for the opening.

#### **Consultation**

Kelly Whisson – Records Officer Shire of Cunderdin

Sharon Hook – Western Australian Country Health Service

#### **Statutory Implications**

N/A

#### **Policy Implications**

Policy: 2.1 Building additions and/or new buildings will opened by Council president or proxy where applicable

#### **Financial Implications**

The funds required for any contribution to WACHS, or to self-manage the Grand Opening, can be sourced from "CDO Expenditure" A/C 11161030.



## **Strategic Implications**

### ***Shire of 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.

#### 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 9.5**

That Council advise WA Country Health Service that the Shire will organise the Grand Opening in accordance with its Policy.

Moved: Cr

Seconded: Cr

Vote – simple majority

Carried/Lost: \_/\_

## 9.5 Bush Fire Advisory Committee

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	10 <sup>th</sup> April 2018
<b>Author:</b>	Daniel Birleson
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 pages, 1 attachment.

### **Proposal/Summary**

Council is to consider the formation of a Bush Fire Advisory Committee to provide feedback and recommendations to Council on Bush Fire matters.

### **Background**

Consultation with the Shire of Cunderdin Bush Fire Brigades is undertaken through the Bush Fire Advisory Committee developed under Section 67 of the Bush Fires Act 1954. Previous incarnations of this committee had been elected with due procedure through the Shire of Cunderdin Council, in recent years this has not taken place in accordance with Council Procedure or the Legislation.

### **Comment**

That the Bush Fire Advisory Committee reflects (BFAC) the local brigade's requirements and councillor input. In the past the membership of the BFAC has consisted of Council Delegate, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Appointed FCO's and Brigade Captains.

The Bush Fire Advisory Committee operated in accordance with the requirements of Bushfires Act 1954 and is support by the Shire Community Emergency Services Manager

### **Consultation**

Bush Fire Advisory Committee

### **Statutory Implications**

The Bush Fire Advisory Committee is established in accordance with Bush Fires Act (1954) s67; and, Local Government Act (1995)

#### ***5.15. Reduction of quorum for committees***

*The local government may reduce\* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

*\* Absolute majority required.*

### **Policy Implications**

The Bush Fire Advisory Committee will have influence on all policy directly relating to the Prevention, Preparedness, Response and Recovery of Bush Fire.

### **Financial Implications**

There are no financial implications in considering this item.

### **Strategic Implications**

The formation of a Bush Fire Advisory Committee following correct Council procedure and legislative process will allow Council to accept recommendations and advice from the Committee in accordance with Legislation.

#### Social

- 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.

#### Civic Leadership

- CL6.1 Deliver sustainable governance through transparent and robust policy and process.

### **Recommendation 9.5**

1. Establish the Cunderdin District Bush Fire Advisory Committee and appoint the following members;

One (1) Shire of Cunderdin Councillor \_\_\_\_\_

- a. Meckering Captain – Mr Ashley Burges (CBFCO)
- b. Ygnattering Captain – Mr Digby Wilmott
- c. Cunderdin Captain – Mr Adam Whisson

Nominated Fire Control Officers

- d. Meckering
  - i. Meckering West – Mr Jeffrey Snooke
  - ii. Meckering South – Mr Douglas Kelly
  - iii. Meckering North – Mr Mervyn Burges
  - iv. Meckering Central – Mr Wayne Reynolds
- e. Ygnattering
  - i. Ygnattering Central – Mr Digby Wilmott
  - ii. Ygnattering West – Mr Ashley Teakle (DCBFCO)
  - iii. Ygnattering South East – Mr Norman Jenzen
  - iv. Ygnattering South – Vacant
- f. Cunderdin
  - i. Cunderdin East – Mr Stuart Mussared
  - ii. Cunderdin North – Mr Todd Harris
  - iii. Cunderdin South – Vacant
  - iv. Cunderdin East – Vacant

2. Endorse the Terms of Reference of the Bush Fire Advisory Committee for the Shire of Cunderdin.
3. In accordance with section 5.15 of the local government act 1995 that council set the required quorum for this committee at xx% of its membership.

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

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

## 9.6 Establishment of the Audit Committee and appointment of Delegates

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	27 March 2018
<b>Author:</b>	Neville Hale
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	None
<b>File Reference:</b>	
<b>Attachment/s:</b>	

### **Proposal/Summary**

For Council to establish its Audit Committees of Council for the period ending with the 2019 Elections and appoint delegates to external committees.

### **Background**

Council, at its 16 November 2017 Ordinary Meeting purported to establish a number of Committees of Council and appoint delegates. Regrettably, not all committees so established met the requirements of the Local Government Act, 1995 in that the resolution to establish the Committees was recorded as a simple majority when an absolute majority is required. Moreover reference is made to Committees consisting of one or two Councillors when a lawful committee has a minimum membership of three persons.

Furthermore, if appointing a committee consisting of persons other than councillors, all members of the committee must also be appointed and named.

Accordingly the appointments of 16 November 2017, as listed below, are to be reviewed and re-established where appropriate:

#### **Audit Committee**

Cr Dennis Whisson, Cr Doug Kelly, Cr Jayson Goldson & Cr Norm Jenzen

#### **Cunderdin Airfield Committee**

Cr Dennis Whisson & Cr Doug Kelly

#### **Local Emergency Management Committee (LEMC)**

Cr Dennis Whisson, Cr Doug Kelly & Cr Jayson Goldson

#### **Museum Management Committee**

Cr Todd Harris

#### **Other Committees and Groups**

##### **Cunderdin Aged Appropriate Accommodation Project Management Committee**

Cr Bernie Daly & Cr Dianne Kelly

##### **Department of Fire and Emergency Services Committee (DFES)**

Cr Todd Harris & Cr Norm Jenzen

##### **Primary Health Care Demonstration Site Project User Group**

Cr Dennis Whisson & Cr Dianne Kelly; Cr Jayson Goldson (Proxy Delegate)

##### **Regional Road Group Kellerberrin Sub Group**

Cr Doug Kelly & Cr Bernie Daly

##### **Shared CEO Resource Sharing Committee (with Shire of Tammin)**

Shire President & Deputy Shire President

##### **WALGA Great Eastern Country Zone (GECZ)**

Cr Dennis Whisson; Cr Alison Harris (Proxy Delegate)

### **Comment**

In accordance with the Local Government Act, 1995 Council may establish a number of varying types of committee.

Under the Local Government Act 1995 Committees can be classified as:

- Council committees, that is, a committee of three or more persons established by council to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees; or,
- Non council committees established by some other authority, e.g. Emergency Management Act; or,
- community groups that operate with no delegated authority in respect to Council's powers or duties but which have an interest in some of the activities of Council and to which Council wishes to have formal representation by way of Delegates.

### **Shire of Cunderdin Audit & Risk Committee**

Authority	Local Government Act, 1995 s5.9(2)(a)
Delegation	No delegated authority. Minutes are published and distributed to Councillors
Current Membership	Cr Whisson, Cr Doug Kelly, Cr Goldson, Cr Jenzen
Meetings	Quarterly, usually held before Council Meetings
Current Status	Active

The Audit & Risk Committee is established under the Local Government Act, 1995 s5.9(2) and s7.1A. Recommendations are made in Minutes of the Audit & Risk Committee meeting and should a Council resolution be required, recommendations are to be included as an item of business at the next available Ordinary Meeting of Council.

The function of the Committee is to provide guidance and assistance to the local government in respect to:

- The carrying out of its functions in relation to audits carried out under Part 7 of the Act;
- The development of a process to be used to select and appoint a person to be the Shire's auditor; and,
- May provide guidance and assistance to the local government as to matters to be audited, the scope of audits, its functions under Part 6 of the Act: and the carrying out of its functions relating to other audits and other matters related to financial and risk management.

Members are appointed for the two year period between elections, in this case the period ending October 2019 and are appointed in accordance with the Committees Terms of Reference which sets the committee membership as : Shire President, 2 councillors and a community representative.

Council sought to appoint a community member to the Committee in accordance with s5.9(2)(d) of the Local Government Act 1995.

### **Local Emergency Management Committee**

Authority	Emergency Management Act 2005 - s38
Delegation	No delegated authority. Minutes are published and distributed to members and councillors
Current Membership	Not formally appointed but listed in Local Plan
Meetings	As required
Current Status	Active

This Committee was not established.

The Local Emergency Management Committee is established under the Emergency Management Act 2005 and Local Government Act, 1995 s5.9(2). Recommendations are made in Minutes of the Committee meeting and should a Council resolution be required, recommendations are to be included as an item of business at the next available Ordinary Meeting of Council.

The constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

### **Appointment of Delegates**

Council may appoint delegates to external committee as it sees fit. The 16 November 2017 minutes did not clearly distinguish between committee and delegate appointments

The functions of a local emergency management committee are set out in s39 of the Emergency Management Act 2005 (see below in statutory implications).

### **Consultation**

The proposed community representative position on the Audit Committee was advertised in 2017 with no expressions of interest received. Accordingly, a third Councillor was appointed to that vacancy.

### **Statutory Implications**

#### **Local Government Act, 1995**

##### **5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\* Absolute majority required.*

##### **5.9. Committees, types of**

(1) In this section —

***other person*** means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

##### **5.10. Committee members, appointment of**

(1) A committee is to have as its members —

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\* Absolute majority required.*

### **7.1A. Audit committee**

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

*\* Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

*[Section 7.1A inserted by No. 49 of 2004 s. 5; amended by No. 5 of 2017 s. 11.]*

### **Local Government (Audit) Regulations 1996**

#### **17. CEO to review certain systems and procedures**

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
  - (a) risk management; and
  - (b) internal control; and
  - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

### **Emergency Management Act 2005**

#### **38. Local emergency management committees**

- (1) A local government is to establish one or more local emergency management committees for the local government's district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
  - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
  - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

#### **39. Functions of local emergency management committees**

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

**Policy Implications**

N/A

**Financial Implications**

Committee members are entitled to claim meeting fees and travel expenses.

Delegates are entitled to claim travel expenses only

**Strategic Implications**

**Strategic Community Plan**

**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 communities.

CL 6.1 Deliver sustainable governance through transparent and robust policy and processes

**Recommendation 9.6.1**

That Council:

1. in accordance with s5.9(2)(a) of the Local Government Act 1995, establish its Audit Committee and appoint:

Cr Dennis Whisson, Cr Doug Kelly, Cr Jayson Goldson & Cr Norm Jenson

as members of the Audit Committee: and

2. endorse the attached Terms of Reference.

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

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

Vote – Absolute Majority

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

**Recommendation 9.6.2**

That Council establish, in accordance with s5.9(2)(a) of the Local Government Act 1995 and s38 of the Emergency Management Act 2005, its Local Emergency Management Committee (LEMC) for the District of Cunderdin and appoint:

Shire President  
( proxy -D/Shire President

Dennis Whisson  
Doug Kelly

Shire of Cunderdin  
Shire of Cunderdin)

Chief Executive Officer  
(Proxy –CDO

Neville Hale  
Kayla James

Shire of Cunderdin  
Shire of Cunderdin)

Cr Goldson)

Shire of Cunderdin

Area Officer/Manager Lower Wheatbelt Murray McBride

DFES





## 9.7 Cunderdin Water Tower – Transfer of Responsibility

<b>Location:</b>	MRWA Road Reserve Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	11 April 2018
<b>Author:</b>	Neville Hale
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM
<b>Attachment/s:</b>	Plan, Letter from MRWA 1 attachment

### **Proposal/Summary**

For Council to re-confirm its previous agreement of 22 October 2002 to accept responsibility for the land and infrastructure assets, including the Water Tower and rail wagon, as shown on the attached plan.

### **Background**

Council, at its 22 October 2002 Ordinary Council Meeting, agreed:

*Moved Cr Fulwood      Seconded Cr Jasper  
That Council accept the recommendation from Main Roads WA to excise that portion of the road reserve bounded by Great Eastern Highway, Cubbine Street, Pemberton Street and Forrest Street currently controlled by Main Roads WA and transferred to Council. This area is to be retained as a road reserve under Council's control.*

At the time, Main Roads WA (MRWA) agreed to meet the costs of restoration (significant maintenance) which had been identified in the process of addressing the issues of preservation.

It was further agreed by MRWA that following agreement by the Shire to the land excision plan, MRWA was to arrange through "DOLA" the formal transfer of land and meet associated costs.

The required restoration works were undertaken in 2002 by the Shire for which MRWA met the cost.

Regrettably, the transfer of land has not taken place and the Tower has continued to deteriorate over time.

### **Comment**

It is noted from MRWA records that on 3 September 2001, the Heritage Council advised MRWA that the water tower had been permanently listed in the Register of Heritage Places. Moreover, notwithstanding that the Shire of Cunderdin and the local museum had both previously undertaken some maintenance of the structure, given that the water tower is on the Great Eastern Highway road reserve, the Heritage Council deemed MRWA to be the owner of the structure.

Given the Shire's desire to preserve the Water Tower as a key feature of the Museum Precinct and tourist point of interest, it agreed to accept the transfer of the necessary portion of road reserve.

The delay in arranging transfer of the land has in part been due to Native Title clearance requirements. Notwithstanding, Council has previously agreed to accept the land and the assets thereon.

However, given the elapse of time that has been beyond the control of Council and that maintenance has not been maintained on the Tower, it may be prudent to request a joint inspection of the Tower with a view that it be made safe by MRWA prior to handover.

**Consultation**

Main Roads WA – Northam Office

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

The Tower has been allowed to deteriorate over these past 15+ years and one could expect that the cost of restoration will be considerable. If made safe initially, restoration works could be undertaken subject to adequate grant funding being secured.

**Strategic Implications**

**Strategic Community Plan 2017 - 2027**

**Environment**

*We value, and work to nurture and enhance our natural environment and prioritise the protection of our natural resources in all endeavours, managing resource consumption and reducing waste, preserving and protecting buildings and places of heritage and indigenous significance.*

**E2.3** *Preserve and protect buildings and places of heritage and indigenous significance, burial sites and the natural environment*

**Recommendation 9.7**

That Council re-confirm its previous agreement of 22 October 2002 to accept responsibility for the land and infrastructure assets, including the Water Tower and rail wagon, as shown on the attached plan, subject to:

1. a joint Main Roads WA and Shire inspection (Engineering Survey if required) of the Water Tower to determine agreed works; and
2. requiring Main Roads WA to make safe the structure prior to handover.

Moved: Cr

Seconded: Cr

Vote – Absolute majority

Carried/Lost: \_ / \_

## 9.8 Gravel Extraction – Lot 278 Cubbine Street, Cunderdin

<b>Location:</b>	Lot 278 Cubbine Street, Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	9 April 2018
<b>Author:</b>	Neville Hale
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### Proposal/Summary

For Council to reconsider its resolutions of 24 October 2017 regarding the purchase of gravel and facilitation of mediation.

### Background

Gravel extraction from Lot 278 Cubbine Street, Cunderdin commenced in April 2017

A complaint was received from a neighbour in regard to whether an extractive industry licence would be or should be applicable. Whilst it was determined that an extractive industry licence would be inappropriate for the site, it was noted that some gravel had already been pushed up.

It was resolved that the gravel that had been pushed up could be used to improve the condition of the adjacent Fiegert Road, (i.e. community use) and that a \$2.00 per cubic metre royalty be paid in accordance with the Shire's Fees and Charges. This action would also allow for the site to be rehabilitated and to redistribute the unsightly top soil adjacent and close to the neighbouring property.

On the 5 May 2017 a letter was sent by the Shire to Mr Kim And Mrs Marian Rogers advising:

- *The gravel extraction is to proceed and is "only to be used for personal and community use (public purposes)";*
- *"that no further extraction will occur or is permitted due to the potential for adverse impacts on neighbouring properties and that any further earthworks, including those associated with the construction of any future buildings, requires prior development approval from the Shire"; and*
- *"Following removal of the current stockpile of gravel, the site will be rehabilitated in accordance with the Rehabilitation Plan submitted by the landowner within six months."*

On 7 June 2017, the Shire received advice from Kim and Marian Rogers that the matter had been referred to the office of Mia Davies (Local Member of Parliament) and to the Ombudsman's Office. On 16 June 2017, the then CEO advised Kim and Marian Rogers that the matter, which was considered at the 15 June 2017 Ordinary Council Meeting, *"had been deferred until such time as an outcome has been received in relation to their (Mia Davies & Ombudsmans) investigations."*

On 12 July 2017, the Shire advised the Ombudsman's Office that:

- *Mr Donovan did not apply for a gravel extraction permit nor had he lodged a development application;*
- *It appeared that Mr Donovan had intended to sell the gravel that he had pushed up but was informed by the Shire that he was not permitted to do so;*
- *Given the gravel may need to be removed from site for future development options the Shire was prepared to take the gravel but would limit payment to the standard \$2 per cubic metre*

- *The property whilst within the town boundary is zoned general agriculture so if an extractive industry licence is applied for it could be considered but probably wouldn't be approved given the close proximity of the neighbouring properties. But even in areas zoned residential property owners can move soil around and cut and fill if needed to develop a sand pad*

On 27 July 2017, the Ombudsman's Office notified Mr & Mrs Kim & Marian Rogers, copied to the Shire, that following its investigations and having satisfied itself in regards to the actions of the Shire, "it did not propose to take any further action at this time."

Following further discussions with the land owner Mr Steve Donovan and Mr & Mrs Rogers Council, at its 24 October 2017 Ordinary Meeting resolved:

Resolution 11.2.1

*That the Shire of Cunderdin does not purchase the pushed up gravel (est 3,500m3) from Lot 278 Cubbine Street, Cunderdin, unless both parties (owners of Lot 278 & Lot 287) agree that that is the best suitable arrangement for disposal of the gravel.*

*Moved: Cr Alison Harris*

*Seconded: Cr Bernie Daly*

*Vote – Simple Majority*

*Carried: 8/0*

Resolution 11.2.2

*That the Shire of Cunderdin attempt to facilitate a meeting between both parties (owners of Lot 278 & Lot 287) in an effort to resolve the dispute that has arisen as a result of the pushing up of the gravel on Lot 278.*

*The proposed meeting be facilitated by Cr Norm Jenzen with two representatives from each party being invited to attend.*

*Moved: Cr Bernie Daly*

*Seconded: Cr Todd Harris*

*Vote – Simple Majority*

*Carried: 8/0*

Following the departure of former CEO Peter Naylor, the matter has yet to be resolved.

Correspondence between Acting CEO, Stephen Tindale and Mr Rogers identified the continued concern of Mr Rogers about the amount of gravel that should be removed and the extent of any "hole" that would remain after rehabilitation. Mr Rogers also expressed concern that any payment to Mr Donovan could be seen as Mr Donovan having "succeeded in his original venture". (see attached emails)

On 23 February 2018, Acting CEO Stephen Tindale forwarded a copy of the proposed Rehabilitation Plan to Kim Rogers. No further response has been received.

I spoke with Mr Rogers on 10 April 2018 to advise that the Shire was moving to finalise this matter. Mr Rogers expressed his disappointment that the gravel could be removed leaving a sizable hole. I explained that the intent was to minimise the scale of any depression that remained and to resolve the issue in a way that has the least impact on all parties.

## **Comment**

It is noted that a considerable amount of time has elapsed since this matter was first raised. The Shire has endeavoured to meet the requests and concerns of all parties involved and to mitigate any impact the gravel extraction may have upon the neighbouring property owners. It is, however, not possible to meet all requests.

Given both the Ombudsman and Local Parliamentary Member Mia Davies have reviewed the circumstance of this dilemma and recognise that the Shire has acted openly and with due regard to the requests of each party, it is recommended that the Shire proceed to extract the remaining pushed up gravel to be used for Fiegert Road and limit payment to the \$2 per cubic metre it provides under its schedule of Fees and Charges.

That the rehabilitation works be undertaken under the direction of the Shire as outlined in the 1 February 2018 email to Mr Rogers by Mr Tindale, the then A/CEO.

## **Consultation**

Hon Mia Davies MLA, Member for the Central Wheatbelt  
Ombudsman's Office

## **Statutory Implications**

Local Government (Administration) Regulations, 1996

### 10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee,  
inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
  - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
  - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

*[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]*

## **Policy Implications**

N/A

### **Financial Implications**

The Shire would incur a cost of \$2 per cubic metre for each cubic metre required at a cost of \$7,000 based on 3,500 m<sup>3</sup> but would benefit from reduced transport costs due to the close proximity of the site of the road works. The cost of rehabilitation would be in accordance with standard practice for accessing gravel on private land and would incur a further \$1000 to \$1,500.

### **Strategic Implications**

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.

**Recommendation 9.8.1**

**NOTICE OF MOTION**

Moved Cr Norm Jenzen, supported by Councillors Dennis Whisson and Dianne Kelly, being 1/3 of the Offices of Council:

That Council:-

Give notice to Council that it consider revoking Resolution No 11.2.1 and Resolution 11.2.2 of the 24 October 2017 Ordinary Council Meeting which state:

**Recommendation 11.2.1**

*Moved Cr Alison Harris, Seconded Cr Bernie Daly*

*That the Shire of Cunderdin does not purchase the pushed up gravel (est. 3,500m<sup>3</sup>) from Lot 278 Cubbine Street, Cunderdin, unless both parties (owners of Lot 278 & Lot 287) agree that that is the best suitable arrangement for the disposal of the gravel.*

*Carried 8/0*

**Recommendation 11.2.2**

*Moved Cr Bernie Daly, Seconded Cr Todd Harris*

*That the Shire of Cunderdin attempt to facilitate a meeting between both parties (owners of Lot 278 & Lot 287) in an effort to resolve the dispute that has arisen as a result of the pushing up of the gravel on Lot 278*

*The proposed meeting be facilitated by Cr Norm Jensen with two representatives from each party being invited to attend.*

*Carried 8/0*

**Recommendation 9.8.2**

That the Notice to rescind be admitted for decision

Moved: Cr

Seconded: Cr

**Vote – Absolute majority**

Carried/Lost: \_/\_

**Recommendation 9.8.3**

That Council revoke Resolutions 11.2.1 and 11.2.2 of the 24 October 2017 Ordinary Meeting.

Moved: Cr

Seconded: Cr

**Vote – Absolute majority**

Carried/Lost: \_/\_

- Position the area as a regional strategic location and transport hub.



## 9.9 Meckering Earthquake Anniversary Contribution

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Meckering Earthquake Anniversary
<b>Date:</b>	13 <sup>th</sup> April 2018
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	N/A
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	

### **Proposal/Summary**

To consider contributing Shire funding toward the Meckering Earthquake Anniversary.

### **Background**

The Meckering Earthquake 50<sup>th</sup> Commemorative Anniversary will be held on Saturday 14<sup>th</sup> October 2018.

The community of Meckering formed a *Meckering Earthquake Anniversary Committee* in September 2017 who is organising a celebrative commemorative event for the 50<sup>th</sup> Anniversary of the infamous 1968 Meckering Earthquake.

The Shire of Cunderdin successfully applied for funding from Lotterywest on behalf of the Meckering Earthquake Committee to the amount of \$20,946 exc. GST. This funding will be utilised for entertainment and infrastructure costs for the event.

In addition to this, the event requires additional toilets to meet national event standards for gatherings of 500 – 1000 people. Therefore the Meckering Earthquake Anniversary Group has requested a contribution of \$2,128 to offset the cost of toilet hire.

### **Comment**

The Shire has been supportive in all aspects of the organisation of the event given the high profile of the 50<sup>th</sup> anniversary and the contribution will help offset a Shire regulatory requirement (environmental health).

### **Consultation**

Sharon Reynolds – Secretary, Meckering Sporting Club

Rebecca Burges – Meckering Earthquake Commemorative Anniversary Head Organiser

### **Statutory Implications**

N/A

### **Policy Implications**

Donations to community events and or groups are acceptable under the Shire of Cunderdin's Finance Policy 4 – Council Donations.

### **Financial Implications**

The funds required for a donation to Meckering Earthquake Anniversary Committee for the purpose of toilet hire for the Commemorative 50<sup>th</sup> Anniversary can be sourced from "Council Donations" A/C 10411060.

### **Strategic Implications**

Shire of 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.

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 9.9**

That Council donate \$2,128 to The Meckering Earthquake Anniversary Committee from account “Council Donations” A/C 10411060 for the additional toilets for the Meckering Earthquake 50<sup>th</sup> Anniversary Commemorative Event.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: \_/\_

**10. Environmental Health and Building**

Nil

## 11. Planning & Development

### 11.1 Proposed Car Show – 20<sup>th</sup> / 21<sup>st</sup> October 2018

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Mr Perry Jasper
<b>Date:</b>	4 <sup>th</sup> April 2018
<b>Author:</b>	Kayla James – Community Development Officer
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	2 Pages
<b>Attachment/s:</b>	

#### **Proposal/Summary**

For Council to consider supporting a proposal presented by Mr Perry Jasper to hold a “Car Show” in Cunderdin on the weekend of 20<sup>th</sup> – 21<sup>st</sup> October 2018.

#### **Background**

The proposal being presented by Mr Jasper includes utilisation of various Shire facilities, being the Museum, Cunderdin Oval & Sports Complex, and Cunderdin Airfield.

Catering for the various meals over the weekend is to be arranged with local clubs and groups.

The proponent is seeking Council consideration and support for free use of the facilities at the Cunderdin Sports and Recreation Grounds (including oval, change rooms, toilets & shower facilities), and access to the Cunderdin Airfield for three (3) hours from 9:00am to 12:00pm on the Sunday morning.

#### **Comments**

There will be a need for Mr Jasper to consult with other organisations and facility users / managers to ensure their approval for the use of the respective areas on the said weekend. These include the Cunderdin Sports & Recreation Centre Management Committee and the Gliding Club of WA. As well as other community groups / organisations that have been approached to cater and / or supply goods and / or accommodation.

From a Cunderdin Airfield perspective, providing the Gliding Club is consulted and support (ie does not interfere with a club event or fixture), it will be a straight forward process to issue a Notice To Airmen (NOTAM) in regards to the use of the Taxiway on the Sunday morning. However given that the Cunderdin Airfield is a Registered Airfield there are strict regulatory requirements that will need to be adhered to even though access is only to the Taxiway area.

This is a great opportunity to show case Cunderdin and for local businesses to attract economic benefit, and there is no reason why cannot be supported by Council.

#### **Consultation**

Various local community groups and / or organisations.

#### **Statutory Implications**

**Policy Implications**

Regulation 61(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* permits a temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period without development approval.

**Financial Implications**

Minor costs associated with waiver of hire fees & charges.

**Strategic Implications**

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 12.1**

That Council resolves:

1. To support the proposal presented by Mr Perry Jasper for a “Car Show” to be held in Cunderdin on the weekend of 20<sup>th</sup> October 2018.
2. To agree to waive fees and charges associated with the use of the Cunderdin Oval surrounds and associated facilities and amenities for the event, however payment of a \$400 bond will be required. Approval is also subject to the Applicant also gaining approval from the Cunderdin Sports and Recreation Centre Management Committee. Please note that repayment of the \$400 bond (or part thereof) is subject to satisfactory inspection by the Shire CEO and CSRC Management Committee President following the event.
3. To agree to the use of the Taxiway at the Cunderdin Airfield on Sunday 21 October 2018, from 9:00am to 12:00pm, subject to the Applicant engaging and obtaining approval from the Gliding Club of WA that it will not interfere with a club event / fixture.
4. Prior to the event, the Applicant shall provide details of how the spectator vehicle access to the Airfield Taxiway will be restricted, including an appointed Marshall/Safety Officer and the arrangements in place for emergency situations.
5. Prior to the event the Applicant shall provide a copy of their event/public liability insurance, which indemnifies the Shire of Cunderdin and any other privately owned property for any damage or otherwise that may be caused.
6. That the Applicant be informed that the aforementioned approval is subject to all areas of Shire property being left in a clean and tidy condition following the event. Any costs that may be associated with a clean-up by Shire staff will be on charged.
7. Only Display Vehicles will be permitted onto the oval and will be escorted to the parking site.
8. All other vehicles are not to be parked on the Cunderdin Oval Playing Surface and are to be restricted to the oval surrounds.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried:   /

## 12.2 Proposed Purchase – Lot 7 Main St, Cunderdin

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Graeme Cooper, Farmways
<b>Date:</b>	6 April 2018
<b>Author:</b>	Jacky Jurmann, Planning Consultant
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 – Applicant’s correspondence 2 – Council minutes 18/9/2014 3 – Council minutes 17/9/2015 4 – Survey plan

### Proposal/Summary

Correspondence has been received from Mr Graeme Cooper, owner of Farmways, proposing to purchase Lot 7 Main Street, Cunderdin for the purposes of legalising rear access to his adjoining property.

### Background

Lot 7 Main Street, the subject site, contains the Lions BBQ shelter and children’s playground on the front portion. The rear portion has been utilised for an extended period of time in conjunction with the operations of Farmways/Elders for storage of goods and to provide rear/through access for customer and service vehicles.

To provide certainty of occupancy to enable his business to operate efficiently and effectively, the Applicant approached the CEO in late 2014 to request formalisation of the use of the rear portion of Lot 7 Main Street, Cunderdin.

A number of options have been previously investigated with the initial preferred option being subdivision of a portion of the lot to leave the playground in the Shire’s ownership and then subsequent amalgamation into the Applicant’s lot.

Council considered a Report at its Ordinary Meeting held on 18 September 2014 and resolve to in principle support the sale of a portion of Lot 7. A copy of the Report is attached for Council’s reference.

Following Council’s resolution, a survey was carried out on behalf of the Applicant (copy attached) where a number of existing building encroachments were identified, which affected the proposed boundary alignments, including reducing the size of the proposed lot. To reduce the required setbacks costly building upgrades would be required.

At this time both options proved to be unviable and therefore, it was agreed that a lease was the preferred option. Council resolved on 17 September 2015 to approve, in principle, to lease the rear portion of Lot 7 to the Applicant. The Applicant agreed to pursue the drafting of the lease for consideration by Council, which to date had not been received. A copy of the Report is attached for Council’s reference.

The Applicant is now proposing to purchase the whole of Lot 7 for an amount of \$30,000 that includes the Lions playground and kiosk area. Following purchase, the Applicant proposes to maintain an agreement with the Cunderdin Lions Club for continuation of the community use of the playground and kiosk, and that public liability will be the responsibility of the Applicant.

## **Comment**

During the period of occupancy the land has been maintained and improved by the Applicant to meet the business requirements thereby reducing the maintenance liability for the Shire. There are risks for the Shire to continue to allow the land to be used informally.

## **Consultation**

Applicant; Surveyor; and Shire Building Surveyor.

Community consultation will be required in accordance with the requirements of the Local Government Act.

## **Statutory Implications**

Section 3.58, and in particular subclause (3), of the Local Government Act 1995 applies to the disposal of property by local government, which is reproduced for Council's information as follows:

### **Disposing of property**

(1) *In this section —*

*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
property includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

- (a) the highest bidder at public auction; or*
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

*(a) it gives local public notice of the proposed disposition —*

- (i) describing the property concerned; and*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

- (a) the names of all other parties concerned; and*
- (b) the consideration to be received by the local government for the disposition; and*
- (c) the market value of the disposition —*
  - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
  - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*



- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

### **Policy Implications**

Nil.

### **Financial Implications**

Costs associated with the required consultation and preparation of the lease will be borne by the Applicant.

### **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.

The formalisation of the use of the land will support the operations of a local business, which is a key objective of the CSP.

**Recommendation 12.2**

That Council resolves to:

1. Approve, in principle, the sale of the whole of Lot 7 Main Street, Cunderdin to the Applicant, Mr Graham Cooper of Farmways for an agreed amount of approximately \$30,000 (subject to a sworn valuation).
2. Commence the advertising process in accordance with the provisions of the section 3.58 of the *Local Government Act 1995*.
3. Advise the Applicant of the responsibility to bear the costs association with the preparation of the sale, including any advertising costs.
4. Advise the Applicant that a condition of the sale is the inclusion of the signed agreement between the Applicant and the Cunderdin Lions Club for continued community use of the playground and kiosk.
5. Receive a further report following close of the advertising period for Council to consider any submissions and to make a final resolution.

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

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

Vote –Simple majority

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

**12. Urgent Items**

**13. Scheduling of Meeting**

**13.1 May 2018 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 17<sup>th</sup> May 2018 commencing at 5pm at the Council Chambers, 800 Lundy Ave, Cunderdin, WA, 6407

**13. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23)**

Nil

**14. Closure of meeting**

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

**15. Certification**

**DECLARATION**

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 19<sup>th</sup> April 2018 as shown were confirmed at the ordinary meeting of Council held on 17<sup>th</sup> May 2018.

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

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