



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 16th September 2021** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer
10th September 2021

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AGENDA

1. Declaration of Opening

The President declared 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 AE (Alison) Harris	Deputy President
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr B (Bernie) Daly	
Cr W (Sam) Stewart	
Cr A (Tony) Smith	

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 18th August 2021

Recommendation 6.1

That the Minutes of the Ordinary Council Meeting held on Wednesday 18th August 2021 be confirmed as a true and correct record.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

6.2 Special Meeting of Council held on 24th August 2021

Recommendation 6.2

That the Minutes of the Ordinary Council Meeting held on Tuesday 24th August 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 July & August 2021

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	3 rd September 2021
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	3 attachments – Monthly Report July 2021 & Monthly Report August 2021 & August Rates Report

Proposal/Summary

The financial reports as at 31st July 2021 and 31st August 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.

Recommendation 9.1

That Council receives the monthly financial reports for the periods ending 31st July 2021 and 31st August 2021.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: ___/___

9.2 Accounts Paid – August 2021

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	3 rd September 2021
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 attachments – Creditors list of payments August 2021 Credit Card Statement August 2021

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$310,699.83
Total for Trust -	\$0.00
TOTAL -	\$310,699.83

For August 2021 as listed in the Warrant of Payments for the period 1st to 31st August 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 \$310,699.83 being from Municipal Account for August 2021, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 55317 - 5396	\$297,096.49	
Direct Debit (Inc Bank Charges):	\$0.00	
Cheques: 11744 - 11749	\$13,603.34	
TOTAL		\$310,699.83

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 31st August 2021

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	3 rd September 2021
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachment- Bank Statements August 2021

Proposal/Summary

To inform Council of its investments as at 31st August 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 31st August 2021.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$989,538.41	Municipal- 0000030	\$989,538.41		
Bendigo Bank	\$2,594,184.32	Municipal- 155971377	\$1,365,885.31	\$1,228,299.01	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$992.00	Bendigo Trust Account 164 488 686			\$992.00
Westpac Bank	\$1.00	Trust Working Account 12-2981			\$1.00
TOTAL INVESTMENTS	\$3,584,862.51		\$2,355,423.72	\$1,228,445.79	\$993.00

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

CUNDERDIN COMMUNITY TRUST DETAILS		
31st July 2021		
Opening Balance as per Bank Statement & Term Deposits	INVESTMENT ACC	86,974.42
	TERM DEPOSIT	451,547.58
	TOTAL	548,522.00
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	538,522.00
INCOMING		
<i>Interest (Investment account)</i>		0.00
		0.00
OUTGOING		
		0.00
Balance as at end of month	TOTAL	538,522.00

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 31st August 2021 be received and noted.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

9.4 Request for Exemption of Fees – GCWA Event

Location:	Cunderdin
Applicant:	Finance Officer
Date:	7 th September 2021
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	NIL
Attachment/s:	Flyer for Event - GCWA

Proposal/Summary

For Council to consider the request from gliding Club of WA to exempt all aircraft from landing fees for the weekend of the 8th – 10th October 2021 for the Gliding Club of WA event “Girls Fly 2”.

Background

The Gliding Club of WA contacted the Shire on the 25th August 2021 with a request to exempt all aircraft from landing fees for the weekend of the 8th – 10th October 2021, for their event “Girls Fly 2”.

They are hosting a gliding weekend specially aimed at women, and believe they could potentially increase numbers of participation by not having landing fees and this will encourage fly in pilots.

Comment

The Gliding Club of WA have said:

This initiative is to actively promote aviation sport to women. There is huge pressure from the DLGSC that is filtering down to club level to get more women involved in sports that have traditionally been male dominated. This will be the 3rd year we have run the event. We have a dedicated 3 days of just ladies flying gliders – those who are not solo pilots will fly with a GCWA instructor. For this year’s event, I have had interest from White Gum Airpark, Northam Aeroclub, Bindoon and Royal Aeroclub in Jandakot to fly interested ladies to Cunderdin to see what gliding is all about. I imagine at the most we may get 10 aircraft over the 3 days. Last year, we had over 40 vehicles attend the airfield.

For your information, I met with a number of Wheatbelt Aviation clubs and representatives last week which was a workshop hosted by RDA. The biggest issue preventing light aircraft from visiting Cunderdin is the higher than average landing fees. I was bombarded with this comment. We are hoping to promote more activity to our airfield by having these costs waived for gliding events and if so, and proves successful now, we would like to have a fly-in early next year and possibly make it a regular activity.

Consultation

Gliding Club of WA

Statutory Implications

NIL

Policy Implications

Shire of Cunderdin Policy Manual

3.4 Minor Request for Financial and Other Assistance

Shire of Cunderdin Delegation Register

3.11 Donation – Financial and In-kind Works/Services.

The item was presented to Council as the amount of the request is unknown.

Financial Implications

The 2021/22 Land Charges are:

Landing Charges Per 1000kg: \$10.90 GST Inc
Minimum Landing Charge: \$15.00 GST Inc
Glider Fees: EXEMPT
Defence Forces: EXEMPT

It is proposed that the above fees would be waived from the 8th – 10th October 2021.

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Recommendation 9.4

That Council:

1. Accept/Decline the request to exempt all aircraft from landing fees for the weekend of the 8th – 10th October 2021, who are participating in the event hosted by the Gliding Club of WA.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

9.5 Old Cunderdin Hospital Site – Demolition

Location:	Reserve 22160 (Cunderdin Hospital Site)
Applicant:	Administration
Date:	3 rd September 2021
Author:	Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 x Attachment

Proposal/Summary

For Council to review and reconfirm the request to retain Ian Roberts Lodge, the Shed and the Dome on the former Cunderdin Hospital Site and all other structures be removed and cleared.

Background

Following Council's April 2015 Ordinary Meeting, the Shire on 24 April 2015 wrote to the Western Australian Country Health Service (WACHS) advising that *Council had resolved:*

- *To advise WACHS of its "in principle" support for a land swap; and*
- *Its preference for the existing health centre land to be transferred to the Shire freehold (or under management order).*

Council, at its 17 December 2015 Ordinary Meeting, *resolved amongst other matters that:*

- *It formally agrees to the proposed land swap between the Shire of Cunderdin and WACHS for the identified land, being portion of Lot 50 Lundy Avenue, Cunderdin, for the Primary Health Care Demonstration Site in exchange for the existing Cunderdin Hospital Site, being Lots 296,297, 350 & 384 Cubbine Street, Cunderdin; and,*
- *It would continue to undertake a due diligence process on the existing buildings before a final decision on acceptance of the transfer with building/s on site. To be completed by 30 June 2016.*

Following Council's 15 September 2016 Ordinary Meeting, on 23 September 2016, the Shire wrote to WACHS to advise:

- That it requests that the Hospital and Ian Roberts Lodge Buildings be retained; and,
- Requests that the old out of use buildings on the Hospital Grounds, i.e. former nurses quarters and mortuary, be demolished and the site be left clean of all, especially contaminated, materials.

On 14 December 2016, WACHS responded advising the Shire that:

- Executive Council had approved for WACHS to transfer the Cunderdin Hospital site, Reserve 22160, to the Shire of Cunderdin once the new Health Centre is constructed to be arranged by a change of management order;
- should the Shire wish to seek freehold title of the reserve at a later date from the Department of Lands then WACHS Wheatbelt would be willing to support the request;
- It was agreed that the land swap will include the main hospital building and Ian Roberts Lodge;
- WACHS would demolish and remove building Blocks C, D, F & G as indicated on its Plan;
- The land swap arrangement with the Shire was based upon WACHS offering the old hospital site land to the Shire with or without the buildings. Should the Shire wish to retain the buildings then they would need to accept them in their current condition and any current or future maintenance liabilities would not be a WACHS responsibility.

Council, at its 21 June 2018 Ordinary Meeting, having considered similar land transfer arrangements, e.g. Pingelly hospital site, resolved to:

Advise the WA Country Health Service that:

- *The Council will only accept the land known as Reserve 22160, the former Cunderdin Hospital Site, as unencumbered freehold land at no cost to the Shire as a direct land swap for Lot 501 Lundy Avenue, Cunderdin.*
- *Council will accept the freehold land, once completion and operation of the new Primary Health Care Demonstration Site, on an as is basis following completion of the works outlined in their correspondence dated 14 December 2016.*
- *Request the Chief Executive Officer to determine the financial implications associated with the land swap and future use of the subject land for inclusion in budgetary planning processes.*

In July 2018, the St Simeon Group, part of the “*Serbian Orthodox Diocese Aged Care and Education Property Fund Ltd*” (SODACEPF), met with representatives of the Shire to discuss the possibility of it providing a range of aged care services to the community, utilizing the old hospital buildings. The services would include home care packages, private services, CHPS, residential, respite and palliative care. These services were recognized by the Shire as key to providing local residents a broad suite of services and would be complimentary to the Shire’s AAA housing development which itself is inclusive of a respite and palliative care facility.

In January 2019, the St Simeon Group:

- Provided the Shire with a copy of its Business Plan for the proposed services;
- Provided copies of applications it had submitted to the Commonwealth for funding approval that was unsuccessful;
- Advised its application for Major Refurbishment Funding cannot be submitted until it actually becomes an approved provider in the Cunderdin area; and,
- information on its plans for the renovation of the Old Hospital Buildings which were to be presented to its Board of Directors for consideration.

As mentioned above, WACHS has given the Shire the option to accept the Hospital Site on Cubbine Road with the old hospital building and Ian Roberts Lodge or as a site cleared of unwanted existing buildings.

In February 2019, a desk top assessment of the Shire’s Lundy Avenue property (6,357 m²) Lot 801 on Plan 407494, was valued at \$95,000 whilst the Cubbine Street property of the Health Department (2.1107 ha) Reserve 22160, was valued at \$210,000.

On 11 April 2019 Council resolved to:

That Council notify WA Country Health Services (WACHS) that:

- *it accepts the land known as Reserve 22160, the former Cunderdin Hospital Site, as unencumbered freehold land at no cost to the Shire as a direct land swap for Lot 801 on Plan 407494 Lundy Avenue, Cunderdin; and,*
- *It requests WACHS to defer demolition for a period of 3 months with option for a further 3 months if interest is shown in its development.*

The Shire advertised throughout Australia for parties interested in the development of the Old Hospital Site and did not have any interest. At the July 2019 Ordinary Meeting the Administration recommended that:

Council notify WA Country Health Services (WACHS) that:

- *It requests WACHS to demolish and, with the exception of Ian Roberts Lodge, remove the old hospital buildings prior to transfer of the freehold land to the Shire.*

This recommendation was not supported and Council resolved to:

That Council meets with Chair of WACHS Neil Fong and Hon. Mia Davies to discuss the current health situation within the Shire of Cunderdin prior to signing off on the demolition of the Old Hospital Site as soon as possible.

The reason for the change from the Administration recommendation was that Council was not satisfied with a Memorandum of Understanding between the Shire and WACHS with respect to the delivery of end of life care in the Shire managed Palliative Care Unit.

WACHS have contacted the Shire requesting confirmation of its intentions for the building.

As previously advised WACHS agreed to allow the Shire up to the end of July 2019 to explore options for the future use of the old hospital buildings prior to proceeding to demolition. As indicated below, WACHS is nearing finalisation of the demolition tender documentation in preparation to go to tender on advice from the Shire that no viable expression of interest for the buildings had been forthcoming. It is now becoming urgent that the matter is finalised as the capital works program funding for all SIHI projects within the Wheatbelt is nearing completion and hence funds allocated to the demolition (if required) needs to be committed shortly.

Additionally WACHS Wheatbelt is still incurring significant costs in maintaining the vacant buildings.

The Shire had exhausted all avenues in trying to find a party interested in the development of the site. The size of the building and the significant cost in maintaining and refurbishing the building work against it. It is estimated that the cost of demolition of the old Hospital is approximately \$700,000.

Council, at its 19 September 2019 Ordinary Meeting, resolved:

That Council notify WA Country Health Services (WACHS) that:

- *It requests WACHS to demolish and the site be left cleaned of all contaminated material, with the exception of Ian Roberts Lodge, remove the old hospital buildings prior to transfer of the freehold land to the Shire.*

Footnote: That Council acknowledges the previous recommendation at July 2019 ordinary council meeting resolution 9.6 and hasn't yet meet with Chair of WACHS Neil Fong and Hon. Mia Davies due to financial implication of this matter on the community. The council has decided to proceed with the demolition.

Council met with Chair of WACHS Neil Fong and Hon. Mia Davies on the 24th July 2020 and discuss the current health situation within the Shire of Cunderdin.

Comment

Council have received correspondence from Mr Sheldon Paice the Regional Manager of Infrastructure and Support Services, who is requesting Council re-confirm the request to retain Ian Roberts Lodge.

Mr Paice has advised that currently Consultants have been appointed to document and tender the demolition with the estimated time from being sent for Demolition over the Christmas School Holidays in order to eliminate any impact upon the adjacent Cunderdin district High School.

The Following questions have been raised for Council to confirm;

As requested the Ian Roberts Lodge shall remain and in addition we request Council confirm the following; -

- 1. Can Council confirm the Maintenance Shed and Dome Shelter structure can remain?*
- 2. Does Council also wish to keep the Ian Roberts Carport and street front garden?*
- 3. Would Council prefer the front Carpark to remain as it could form the basis of a new carpark? (refer attached schematic drawing)*
- 4. Does Council wish to retain the current fence along the boundary with the High School?*
- 5. It is proposed that the extent of demolition be limited to the area highlighted in blue on attached concept sit plan.*

*Everything within the area shall be demolished and removed from site. The ground shall be scraped to a depth of 600mm to remove services and the ground shall be trimmed by a Bobcat. All trees, natural bush, gardens and structures outside of this area shall remain in the current state.
Is the Council in agreement with this?*

With regard to services connections to the Lodge, our consultants are assessing and further advice shall be forthcoming.

We confirm that any items of historical value including artwork shall be removed prior to demolition.

Policy Implications

Nil

Financial Implications

If the Shire does not request the demolition of the Old Hospital site, it will be responsible for the upkeep and maintenance of the building in its current form. It is unclear what the cost would be, although it is expected it would be significant.

Strategic Implications

Shire of Cunderdin Community Strategic Plan

The proposed land swap and future use of the former Cunderdin Hospital is consistent with the social, environmental and economic goals of the CSP, which 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

- Nurture and enhance our natural environment and prioritise the protection of our natural resources;
- Manage resource consumption and reduce waste, preserve and protect buildings and places of heritage and indigenous significance;

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 notify WA Country Health Services (WACHS) that:

- The Ian Roberts Lodge and Carport to remain and the Street front Garden to be removed.
- For the Maintenance Shed and Dome Shelter to remain.
- The front Carpark to be removed.
- The Council wish to retain the current fence along the boundary with the High School.
- Council agrees that the extent of demolition be limited to the area highlighted in blue on attached concept site plan. Everything within the area shall be demolished and removed from site. The ground shall be scraped to a depth of 600mm to remove services and the ground shall be trimmed by a Bobcat. All trees, natural bush, garden and structures outside of this area shall remain in the current state.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _/_

9.6 Chief Executive Officers Report

Location:	Cunderdin
Applicant:	Chief Executive Officer
Date:	7 th September
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

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

Background

Election

The Shire held an Election Candidate Information Briefing on the 1st September 2021 at 6pm.

The briefing covered a range of topics, including:

- Purpose of Local Government
- Role of the Council and Council Members
- Playing Your Role on Council
- Declarations of Interest
- New Code of Conduct Behaviour Provisions Relating to Candidates
- Induction and Council Member Essentials Training

The aim of preparing successful election candidates for life as an Elected Member. The briefing was very successful as four prospective new candidates attended the session and the feedback was very positive.

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 October 2021.

Round 2 Projects

Cunderdin Swimming Pool - \$170,000

Quotes have been requested for solutions to fix the water leakage in the Cunderdin Swimming pool. The Quotes will be submitted to the September Council Meeting.

Toy Library Building

Council is advertising for expressions of interest for the use of the Old Toy Library building. If no expressions of interest are received the building will be demolished. If expressions of interest are received then an agenda item will be presented to Council.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Recommendation 9.6

That the Chief Executives Officers Report be received.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

10. Environmental Health and Building

10.1 Keeping of Three (3) Horses – Lot 234 Mitchell St, Meckering

Location:	Shire of Cunderdin
Owner:	Shire of Cunderdin
Date:	7 th of September, 2021
Author:	Tim Jurmann Building Surveyor and EHO
Item Approved by:	Stuart Hobley, CEO
Disclosure of Interest:	Nil
File Reference:	N/A
Attachment/s:	4 x Attachments

Proposal/Summary

The purpose of this Report is for Council to review the keeping of 3 horses at Lot 234 Mitchell St, Meckering and concerns from an adjoining owner regarding keeping of horses at the property.

Background

Approval was originally given on the 1st July 2020 for 12 months with licence conditions, this approval expired on the 30th June 2021.

The Shire has received complaints from an adjoining owner, Mr & Mrs Moore regarding dust and horse manure not being cleaned up on a regular basis.

Comment

Although the manure has not been cleaned up on a regular basis, the manure does not seem to be contributing to any fly or vector nuisance, during site visits.

Previous conditions of approval to keep the horses have required regular removal of horse manure, doing so, however and keeping it in an enclosed box, may in itself create an area for fly breeding.

The manure does seem to assist in reducing production of dust, by distributing a vegetative material layer at the ground surface.

Photos of the manure have been attached.

There was once instance however where vegetative matter and horse manure was burnt adjacent to Mr & Mrs Moore's boundary which did create a nuisance.

Should this matter go before the State Administrative Tribunal, the Shire of Cunderdin would have to demonstrate conclusively that a health issue exists.

Site visits have not conclusively shown this.

Consultation

Mr Tim Fleming and Mrs Alannah Fleming
Mr Tim Jurmann

Statutory Implications

There are no statutory implications associated with this Report, subject to legal advice being obtained, if required.

Policy Implications

Shire of Cunderdin Animals, Environment and Nuisances Local law 2016

Financial Implications

There may be a cost of up to an estimated \$3,000.00 to obtain legal advice.

Strategic Implications

The Cunderdin Strategic Community Plan sets out the vision for the Shire's future and captures the community's aspirations and vision. The goals to achieve this are:

Social

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

Environmental

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

Economic

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

Recommendation 10.1

That Council consider the following options for action, with respect to the keeping of 3 horses at Lot 234, Mitchell Street, Meckering.

1. Immediately revoke the approval to keep horses at the property.
2. Allow Mr Fleming and Mrs Fleming to keep a reduced number of horses.
3. Continue to allow Mr and Mrs Fleming to keep three (3), horses at the property.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried/Lost: _/_

11. Planning & Development

Nil

12. Works & Services

12.1 Move Behind Closed Doors

Recommendation 9.8

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried: 0/0

12.2 Purchase of Excavator

Location:	Cunderdin
Applicant:	Manager of Works and Services
Date:	1 st September 2021
Author:	Craig Robertson, Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 x Attachment

Recommendation 12.2

That Council accept the Vendor Panel submission by XXXXX for the supply of a XXXXX, for the amount of \$XXXX including GST.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/lost :0/0

12.3 Purchase of Backhoe

Location:	Cunderdin
Applicant:	Manager of Works and Services
Date:	1 st September 2021
Author:	Craig Robertson, Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 x Attachment

Recommendation 12.3

That Council;

- Accept the Vendor Panel submission by XXXXX for the supply of a XXXXX, for the amount of \$XXXX including GST.
- Send the existing 2008 Volvo BL 71 Backhoe to Perth for Public Auction.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/lost :0/0

12.4 2021/2022 Sealing Programme

Location:	Cunderdin
Applicant:	Manager of Works and Services
Date:	7 th September 2021
Author:	Craig Robertson, Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 x Attachment

Recommendation 12.4

That Council:

1. Accepts the Tender submitted by XXXXX for the amount of \$XXXX as per the attached schedule.
2. That the President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Contract Agreement for eQuote VP253456 – 2021/2022 Sealing Programme.
3. That all other tenders be advised of (1) above.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: 0/0

12.5 2021/2022 Stabilising Program

Location:	Cunderdin
Applicant:	Manager of Works and Services
Date:	7 th September 2021
Author:	Craig Robertson, Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 x Attachment

Recommendation 12.5

That Council:

4. Accepts the Tender submitted by XXXXX for the amount of \$XXXX as per the attached schedule.
5. That the President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Contract Agreement for eQuote VP253599 – 2021/2022 Stabilising Programme
6. That all other tenders be advised of (1) above.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: 0/0

12.6 Move from behind closed doors

Recommendation 12.6

That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried: 0/0

12.7 Proposed RAV Upgrade

Location:	Shire of Cunderdin
Applicant:	Manager of Works and Services
Date:	7 th September 2021
Author:	Craig Robertson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	RAV Assessment Vehicle

Proposal/Summary

Council is requested to consider the proposed RAV upgrade of the Shire of Cunderdin's road network as detailed below:

Background

Heavy Vehicle Services (HVS) has received an application to add the following section of road(s) onto the Restricted Access Vehicle (RAV) Network:

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060073	Hillam Rd	(0.00)	(4.58)	RAV 4	RAV 7
4060024	Coaling Rd	(6.48)	(9.18)	RAV 4	RAV 7
4060037	Mussared Rd	(0.00)	(4.80)	Nil	RAV 4
4060062	Fiegert Rd	(0.00)	(7.60)	Nil	RAV 4

The applicant has advised Main Roads the requested RAV Network 7 access is for Agriculture Haulage.

If the road is deemed unsuitable to be added to the relevant RAV network when assessed it may be considered for a Restricted Local Access Permit (RLAP). This permit is for individual access to a road with a specific combination and with suitable conditions to mitigate any risk.

Comment

Main Roads HVS have asked if the Shire will support amending the classification of this road under the Restricted Access Vehicle (RAV) Network.

For the process to move ahead the Shire will need;

- Support to have the road assessed with the view to upgrading the RAV classification of these road;
 - or
 - Decline the request
1. If the Shire is in favour of supporting the request, HVS will assess the mentioned road and a condition report will be sent to the Shire on its findings.
 2. If the road is suitable and is to the RAV requirements it then will be added to the network as per the requested RAV rating.
 3. Any road that requires maintenance or works will not be added to the network until the condition of the road is to the requirements of the assessment. (Noting that either the applicant or the shire will need to get the road to the required standard) for it to be upgraded to the RAV rating.

Any upgrade will require increased on-going maintenance.

Craig Robertson, Manager of Works and Services will provide comment on the conditions of the roads at the Council Meeting.

Consultation

Main Roads Heavy Vehicle Service (HVS)
Mr Stuart Hobley, Chief Executive Officer
Mr Craig Robertson, Manager of Works and Services

Statutory Implications

Road Traffic (Vehicles) Act, 2012

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Environmental – roadside vegetation
Infrastructure – appropriate for local business operations

Recommendation 12.7

That Council:

1. Accept/Decline the request for the amendment of the RAV rating of Hillam Road (0.00slk – 4.58slk) for the purpose of the Restricted Access Vehicle (RAV) Network;
2. Accept/Decline the request for the amendment of the RAV rating of Coaling Road (6.48slk – 9.18slk) for the purpose of the Restricted Access Vehicle (RAV) Network;
3. Accept/Decline the request for the amendment of the RAV rating of Mussared Road (0.00slk – 4.80slk) for the purpose of the Restricted Access Vehicle (RAV) Network;
4. Accept/Decline the request for the amendment of the RAV rating of Fiegert Road (0.00slk – 7.60slk) for the purpose of the Restricted Access Vehicle (RAV) Network;
5. Advise Main Roads – Heavy Vehicle services that it supports having the above mentioned road assessed.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _/_

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 October 2021 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 28th October 2021 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, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 16th September 2021 as shown were confirmed at the ordinary meeting of Council held on 28th October 2021.

Signed: _____

Date: _____