



Shire of Cunderdin

Ordinary Council Meeting Minutes

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 16th February 2023** in the Cunderdin Shire Council Chambers, WA, 6407 at **5.00pm**.

Stuart Hobley
Chief Executive Officer
16th February 2023

1.	Declaration of Opening	3
2.	Record of Attendance, Apologies and Approved Leave of Absence	3
3.	Public Question Time	4
4.	Petitions, Deputations & Presentations	4
5.	Applications for Leave of Absence	4
6.	Confirmation of the Minutes of Previous Meetings	4
6.1	Ordinary Meeting of Council held on 15 th December 2022.....	4
7.	Declaration of Members and Officers Interests	4
8.	Announcements by President without Discussion	4
9.	Finance & Administration.....	5
9.1	Financial Reports for December 2022 and January 2023.....	5
9.2	Accounts Paid – 31 st December 2022 and 31 st January 2023.....	6
9.3	Council Investments – As at 31 st December 2022 & 31 st January 2023.....	8
9.4	Application to Keep Three (3) Dogs.....	12
9.5	Ian Roberts Lodge Lease Agreement.....	16
9.6	Disposal of Asset – Lot 9001 (Proposed Lot 1) on Plan DP76419 for Light Industrial Area Development Stage 2.....	19
9.7	Chief Executive Officers Report	22
9.8	Move Behind Closed Doors	26
9.9	Offer to purchase 121 Cunderdin Wyalkatchem Road, Cunderdin.....	26
9.10	Meckering Earthquake Garden Quotes	26
9.11	Move from Behind Closed Doors	26
10.	Environmental Health and Building	27
11.	Planning & Development.....	27
12.	Works & Services	27
13.	Urgent Items.....	27
14.	Scheduling of Meeting.....	27
14.1	March 2023 Ordinary Meeting	27
15.	Closure of meeting.....	27
16.	Certification	27

AGENDA

1. Declaration of Opening

The Shire President declared the meeting open at 5:01 pm

The Shire of Cunderdin disclaimer will be read aloud by Cr AE (Alison) Harris

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

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

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

2.1 Record of attendances

Councillors

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

In Attendance

Stuart Hobley	Chief Executive Officer (via phone)
Hayley Byrnes	Deputy Chief Executive Officer

Guests of Council

Nil

Members of the Public

Nil

2.2 Apologies

Cr W (Sam) Stewart

2.3 Leave of Absence Previously Granted

3. Public Question Time

Nil

4. Petitions, Deputations & Presentations

Nil

5. Applications for Leave of Absence

Nil

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 15th December 2022

Resolution 6.1 OCM 16th February 2023

That the Minutes of the Ordinary Council Meeting held on Thursday 15th December 2022 be confirmed as a true and correct record.

Moved: Cr A (Tony) Smith

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

Note to this item:

The President signed the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

Nil

8. Announcements by President without Discussion

Nil

9. Finance & Administration

9.1 Financial Reports for December 2022 and January 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	6 February 2023
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – December 2022 Monthly Financial Report Attachment 9.1.2 – January 2023 Monthly Financial Report Attachment 9.1.3 - Rates Details January 2023

Proposal/Summary

The financial reports as at 31st of December 2022 and 31st of January 2023 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil.

Consultation

Nil.

Statutory Environment

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

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.1 OCM 16th February 2023

That Council receives the monthly financial reports for the periods ending 31st of December 2022 and 31st of January 2023.

Moved: Cr N (Natalie) Snooke

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.2 Accounts Paid – 31st December 2022 and 31st January 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	6 February 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – December 2022 Creditors Listing Attachment 9.2.2 – January 2023 Creditors Listing Attachment 9.2.3 - Credit Card Statement December 2022 Attachment 9.2.4 - Credit Card Statement January 2023

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$902,048.11
Total for Trust -	\$451.00
TOTAL -	\$902,499.11

For December 2022 as listed in the Warrant of Payments for the period 1st to 31st December 2022.

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$404,369.57
Total for Trust -	\$66.00
TOTAL -	\$404,435.57

For January 2023 as listed in the Warrant of Payments for the period 1st to 31st January 2023.

Background

Nil.

Comment

Nil.

Consultation

Nil.

Statutory Environment

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

Financial Management Regulations 12 & 13.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.2.1 OCM 16th February 2023

1. That Council's payment of accounts amounting to \$902,048.11 being from Municipal Account and \$451.00 from the Trust Account for December 2022, as follows, be confirmed and noted;

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 6760 – 6852	\$832,607.22	
Direct Debit (Inc Bank Charges): DD2720.1-DD2768.9	\$49,867.73	
Cheques: 11835-11842	\$19,574.16	
Trust Account		
Electronic Funds Transfer: EFT 6828	\$451.00	
TOTAL		\$902,499.11

Resolution 9.2.2 OCM 16th February 2023

2. That Council's payment of accounts amounting to \$404,369.57 being from Municipal Account and \$66.00 from the Trust Account for January 2023, as follows, be confirmed and noted;

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 5785 – 5843	\$364,870.99	
Direct Debit (Inc Bank Charges): DD2775.1-DD2791.1	\$23,301.64	
Cheques: 11843-11844	\$16,196.94	
Trust Account		
Electronic Funds Transfer: EFT 6860	\$66.00	
TOTAL		\$404,435.57

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

Moved: Cr A (Tony) Smith

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.3 Council Investments – As at 31st December 2022 & 31st January 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	6 February 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements December 2022 Attachment 9.3.2 - Bank Statements January 2023

Proposal/Summary

To inform Council of its investments as at 31st December 2022.

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 December 2022.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$618,131.99	Municipal- 0000030	\$618,131.99		
Bendigo Bank	\$604,076.09	Municipal- 155971377	\$604,076.09		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$2,643.00	Bendigo Trust Account 164 488 686			\$2,643.00
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,231,978.86	Term Deposit 3.10% Exp 10 Jan 2023		\$1,231,978.86	
Bendigo Bank	\$2,000,000.00	Term Deposit -4.00% Exp 10 May 2023	\$2,000,000.00		
Bendigo Bank	\$500,000.00	Term Deposit -3.45% Exp 10 Feb 2023	\$500,000.00		
Bendigo Bank	\$500,000.00	Term Deposit -3.65% Exp 10 March 2023	\$500,000.00		
TOTAL INVESTMENTS	\$5,456,976.72		\$4,222,208.08	\$1,232,125.64	\$2,643.00

Proposal/Summary

To inform Council of its investments as at 31st January 2023.

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 January 2023.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$316,385.13	Municipal- 0000030	\$316,385.13		
Bendigo Bank	\$819,876.97	Municipal- 155971377	\$819,876.97		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$2,643.00	Bendigo Trust Account 164 488 686			\$2,643.00
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,252,487.09	Term Deposit 4.20% Exp 28 Jun 2023		\$1,252,487.09	
Bendigo Bank	\$2,000,000.00	Term Deposit -4.00% Exp 10 May 2023	\$2,000,000.00		
Bendigo Bank	\$500,000.00	Term Deposit -3.45% Exp 10 Feb 2023	\$500,000.00		
Bendigo Bank	\$500,000.00	Term Deposit -3.65% Exp 10 March 2023	\$500,000.00		
TOTAL INVESTMENTS	\$5,391,538.97		\$4,136,262.10	\$1,252,633.87	\$2,643.00

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits as below & operating Ac#000073- \$22,162.38

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
31 January 2023

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit#	
	4217537	199,607.14
	TOTAL	199,607.14
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	TOTAL	199,607.14
INCOMING		
		0.00
		0.00
OUTGOING		
		0.00
Balance as at end of month		
	TOTAL	199,607.14

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
31 January 2023

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit#	
	4217529	369,862.05
	TOTAL	369,862.05
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	TOTAL	369,862.05
INCOMING		
		0.00
		0.00
OUTGOING		
		0.00
Balance as at end of month		
	TOTAL	369,862.05

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.

Resolution 9.3 OCM 16th February 2023

That the report on Council investments as at 31st January 2023 be received and noted.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

9.4 Application to Keep Three (3) Dogs

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	7 th February 2023
Author:	Samantha Pimlott
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.4.1 – Correspondence from Applicant Attachment 9.4.2 – Ranger Report

Proposal/Summary

An application has been received requesting permission to keep three (3) dogs at a property on Mitchel Street, Cunderdin.

Background

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

Comment

The Ranger, Sam DiCandilo, of WA Contract Ranger Services inspected the property on 23rd January 2023. Attachment 9.4.2 - Rangers report has found that the property is adequate to home and sustain the well fair of three (3) dogs.

All three (3) dogs are currently registered with the Shire and have been microchipped.

Consultation

Immediate neighbours by ranger, nil objections
Sam DiCandillo – WA Contract Ranger Services

Statutory Implications

Dog Act 1976 (as amended)

Part V — The keeping of dogs

6. Limitation as to numbers

- (1) *A local government may, by a local law under this Act —*
 - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government’s district; or*
 - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government’s district.*
- (2) *A local law mentioned in subsection (1) —*
 - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
 - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*
 - (c) *cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*
 - (d) *cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).*
- (3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the*

circumstances, the local government may grant an exemption in respect of those premises but any such exemption —

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
 - (b) cannot authorise the keeping in or at those premises of —*
 - (i) more than 6 dogs that have reached 3 months of age; or*
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;**and*
 - (c) may be revoked or varied at any time.*
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —*
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —*
 - (i) a local law mentioned in subsection (1); or*
 - (ii) an exemption granted under subsection (3);**or*
 - (b) more than —*
 - (i) 2 dangerous dogs (declared); or*
 - (ii) 2 dangerous dogs (restricted breed); or*
 - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or*
 - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.*
- Penalty:*
- (a) for an offence relating to a dangerous dog —*
 - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;*
 - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;*
 - (b) for an offence relating to a dog other than a dangerous dog —*
 - (i) a fine of \$5 000;*
 - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.*
- (5) Any person who is aggrieved —*
- (a) by the conditions imposed in relation to any exemption under subsection (3); or*
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.*
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

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

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

3.2 Limitation on the number of dogs

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Strategic Community Plan 2022 -2032.

5. Civic Leadership

- 5.1 Shire communication is consistent, engaging and responsive.
Residents and community groups believe they are being listened to and fairly treated.

Resolution 9.4 OCM 16th February 2023

That Council approves the application from Dan Byrnes to keep three (3) dogs at Mitchel Street, Cunderdin, subject to the following conditions:

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

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

9.5 Ian Roberts Lodge Lease Agreement

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	7 th February 2023
Author:	Samantha Pimlott
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.5.1– 1 st Expression of Interest Attachment 9.5.2 – 2 nd Expression of Interest Attachment 9.5.3 – Hutton and Northey Building Report

Proposal/Summary

That Council consider the Expressions of Interest from parties wishing to lease the Ian Roberts Lodge.

Background

Advertising commenced on 24th September 2022 on Facebook, Bandicoot, Shire Snippets and on public notice board located at the Cunderdin Co-op seeking Expression of Interest from parties for the use of Ian Roberts Lodge.

Ian Roberts Lodge was a low care facility located on the Old Cunderdin Hospital site.

The Lodge currently consists of four (4) bedrooms each with its own ensuite, a large shared living area and communal kitchen and laundry. The building is in sound structural condition and still has many of its original features with little to no improvements since the original construction of the building. There is undercover carparking at the front and rear of the building.

An opportunity to increase the number of bedrooms may be explored upon application.

Creative options were requested to see this building put back to full use.

Comment

Council received two Expression of Interest for the lease of the property.

EOI One - Dave Hitch

1. \$550p/week rent.
2. Shire to pay for all the improvement works to bring it up to basic specifications including bathrooms renovations, replace floor coverings, ceiling repairs and painting.
3. Shire to complete yard clen up.
4. Ability to sublease to other businesses as required.
5. Relatively short-term contract with the option to roll over into next period so that there is some flexibility for both parties.

EOI Two – Hutton and Northey

1. Five year lease rent free in lieu of costs associated with refurbishment and upgrades to the building. This is not inclusive of any works to repurpose the office area.
2. Lease to commence on completion of works and prior to occupancy.
3. Shire of Cunderdin to contribute funding in the amount of up to \$50,000.00 to assist with refurbishment and upgrade of the facility.
4. Hutton and Northey hold the right to sublet rooms or sublease the building in line with business needs.
5. Hutton and Northey to maintain the building and grounds to appropriate levels during the lease period.
6. Hutton and Northey can undertake additional enhancements to create an improved occupant environment subject to Shire of Cunderdin planning approval.
7. Shire of Cunderdin to set external boundaries to enable provision of fencing and entry/exit gates.
8. Shire of Cunderdin to provide insurance cover for building. Hutton and Northey to provide insurance for contents items.
9. Option for two extended five year lease periods at commercial rates agreeable to both parties

Hutton and Northey have produced a detailed report on the building and the works that are required to bring it up to a suitable standard. The amount of works is quite substantial and based on the quotes the Shire has received would be up to \$200,000.

Consultation

Nil

Statutory Implications

The lease of the building and grounds is a disposition of property which is subject to Section 3.58 of the Local Government Act 1995.

*Local Government (Functions and General) Regulations 1996
Part 6 reg 30. Dispositions of property excluded from Act s. 3.58*

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

Policy Implications

Nil

Financial Implications

Council has a budget of \$100,000 to complete repairs to the property in this years budget. It has not budgeted any lease income.

EOI One would see the shire expend its \$100,000 budget in this year and it would receive \$28,600 income per year. It is envisaged the majority of the income would be spent on further repairs and improvements to the building. The Shire is responsible for the organisation of all works.

EOI Two is more complex. The Shire would not receive any income for the first five years of the lease, however it would not be responsible for the upgrade of the building or ongoing maintenance and repairs. Hutton and Northey would organise and complete all works and the Shire have been requested to contribute \$70,000.

This would result in the building being completely renovated before the lease commences removing a majority of the risk for Council. If fully renovated it is estimated the building would have a value of upward of \$400,000.

Strategic Implications

IT5.2.2 Financial Sustainability and capacity

Effective use of Assets.

Resolution 9.5 OCM 16th February 2023

That Council lease Ian Roberts Lodge to Hutton and Northey under the following conditions being included in the lease;

1. Six-year lease rent free in lieu of costs associated with refurbishment and upgrades to the building. This is not inclusive of any works to repurpose the office area.
2. List of works to be completed agreed on by both parties (based on building report by Hutton and Northey).
3. Lease to commence on the signing of the lease agreement and conditions.
4. Shire of Cunderdin to contribute funding in the amount of up to \$50,000.00 to assist with refurbishment and upgrade of the facility.
5. Hutton and Northey hold the right to sublet rooms or sublease the building in line with business needs.
6. Hutton and Northey to maintain the building and grounds to levels satisfactory to council during the lease period.
7. Hutton and Northey can undertake additional enhancements to create an improved occupant environment subject to Shire of Cunderdin planning approval.
8. Shire of Cunderdin to set external boundaries to enable provision of fencing and entry/exit gates
9. Shire of Cunderdin to provide insurance cover for building. Hutton and Northey to provide insurance for contents items.
10. Option for two extended five-year lease periods at commercial rates agreeable to both parties.
11. All works being undertaken by Hutton and Northey to be approved by the Shire of Cunderdin before the works commence.
12. Shires building inspector to approve all works on completion.
13. Hutton and Northey responsible for the payment of all utilities.
14. All works to be completed within 12 months of the signing of the agreement

Moved: Cr NW (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

9.6 Disposal of Asset – Lot 9001 (Proposed Lot 1) on Plan DP76419 for Light Industrial Area Development Stage 2

Location:	Shire of Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	10 th February 2023
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A55336
Attachment/s:	Attachment 9.6.1 – Subdivision Map 1 Attachment 9.6.2 – Subdivision Map 2 Attachment 9.6.3 - Development WA Maps

Proposal/Summary

For Council to approve for the Chief Executive Officer to dispose of Council asset being Lot 9001 (Proposed Lot 1) Deposited Plan 76419 to Development WA for the purpose of further Light Industrial area development.

Background

Council has been receiving requests from the community with regards to the need of further industrial lots. The need was also identified in the community consultation while completing our integrated reporting. Investigations into completing a second stage to the light industrial are commenced.

At the Ordinary Council Meeting November 2020, Council were advised;

Industrial Land

At the request of Council, Development WA have drawn plans to develop the industrial lots at the eastern end of Centenary Way.

One option (Plan 4) includes a boundary adjustment with CBH. It involves approximately 6,600 square metres of CBH land being added into the Shire's title and the Shire forfeiting 50 square metres to CBH. This Option sets up an extended length of new boundary running parallel to CBH's access roads and concludes on the boundary of the existing Water Corporation's easement. In addition to survey costs, this option would require the Shire to provide compensation to CBH for the 6100 square metres of land they would relinquish for consideration includes purchasing land.

At the Ordinary Council Meeting February 2022, Council were advised;

Light Industrial Land – Stage 2

Development WA have advised the Shire that the Development WA Board has approved funding to allow Stage 2 of the Cunderdin Light Industrial Area to proceed to a feasibility and detailed civil design, which is required to bring Stage 2 of the Light Industrial Area to a 'shovel ready' state.

Development WA's has noted that the balance title of Stage 1 has the potential to yield 4 Industrial lots with a minor road extension, subject to a boundary adjustment between the Shire and a neighbouring owner.

Following a feasibility study and detailed civil design the project will progress to construction, provided there are no fatal flaws identified with the project, lot sales can be achieved, and subject to the financial capacity of the RDAP at the time of delivery.

The Shire is now negotiating a small land swap with CBH to bring about a better design outcome.

At the Ordinary Council Meeting March 2022, Council were advised;

Light Industrial Land – Stage 2

Development WA have advised the Shire that the Development WA Board has approved funding to allow Stage 2 of the Cunderdin Light Industrial Area to proceed to a feasibility and detailed civil design, which is required to bring Stage 2 of the Light Industrial Area to a 'shovel ready' state.

The Shire has commenced negotiations with CBH for a small land transfer that will bring about a better design outcome. CBH have advised that the request has been forwarded to the Projects Studies team and Operations GM & Area Manager for the Kwinana South area 10 for their consideration.

To help support the Shires industrial development, CBH in principle would agree for the small triangle sections to be excised out of CBH Lot 400 by the Shire of Cunderdin and included in the Shire land adjoining. This is on the basis that the:

- Shire to incur (& undertake) full costs of subdivision, survey & settlement costs (ie not to cost CBH)
- Shire seek valuation for the land and provide acceptable CBH offer for purchase of land
- CBH would also seek the Shire/DevWA placing a covenant on the industrial lot titles created in close proximity to CBH in this location advising of proximity to CBH's grain receival site and that there may be associated impacts from time to time of noise, dust, light emissions from the operational CBH site. (Within appropriate governing limits of course).

CBH do not wish to find that by giving up an area of land, which reduces the buffer zone between CBH use and other future sensitive land uses receptors (as example panel beaters/spray-paints etc) causes CBH issues in the longer term with potential neighbours developing in the triangular areas bring them

This advice has been forwarded to Councils' planner and Development WA for comment. Subject to no issues being identified that will affect the development the project will be progressed.

CBH have agreed to transfer the land to the Shire, the cost is yet to be determined however it is not believed to be of significance.

Comment

Industrial Area – Stage 1 is sold out and the demand for further lots has been increasing over time. Investigations commenced into further development and the implications to council for this to be completed.

Development WA have advised the Shire that the Development WA Board has approved funding to allow Stage 2 of the Cunderdin Light Industrial Area.

Throughout the investigations and planning it was identified that it would be necessary to acquire two small sections of land from CBH, negotiations have commenced with CBH. It is currently unknown what the purchase price of the CBH land will be, however it is not expected to be significant.

Development WA has completed the plans and has requested to initiate the acquisition of the land required to commence Stage 2 of the Light Industrial area. The sale of the land will be at nil cost to Development WA. Development WA will take on all costs with developing, Services, Marketing and selling the lots, they also assume all risks associated with the project.

Consultation

Development WA

Statutory Implications

Section 3.58 of the *Local Government Act 1995* describes the requirements of Disposing of property

Policy Implications

Nil

Financial Implications

Council will not receive any income from the sale lots.

Council will also have to purchase the 2 small lots from CBH, the cost is currently unknown but is not expected to be significant.

Strategic Implications

2.3 Build economic capacity - Land and infrastructure can accommodate commercial and residential growth.

2.4 Encourage local workforce participation- Traineeships and apprenticeships are offered in the Shire of Cunderdin

Resolution 9.6 OCM 16th February 2023

That with respect to Lot 9001 Deposited Plan 76419 Council:

1. Authorise the Chief Executive Officer to dispose of Council asset being Lot 9001 on Deposited Plan 76419 for nil value to Development WA for the purpose of Stage 2 development of the Light Industrial area; and
2. Authorise the Chief Executive Officer to negotiate with CBH the transfer of land; and
3. Authorise the Chief Executive Officer to advertise any intention to dispose, in accordance with s3.58 of the Local Government Act 1995; and
4. Authorise the Chief Executive Officer and President to sign the contract of sale for Lot 9001 Deposited Plan 76419.

Moved: Cr TE (Todd) Harris

Seconded: Cr N (Natalie) Snooke

Vote – Simple majority

Carried: 6/0

9.7 Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	8 th December 2022
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.7.1 - CEO Report Indicative Subdivision Plan on Aerial Photo - Lots 45-48 Hodgson, Watts & Togo St, Cunderdin Attachment 9.7.2 - CEO Report Indicative Subdivision Plan - B&W - Lots 45-48 Hodgson, Watts & Togo St, Cunderdin

Proposal/Summary

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

Background

Local Roads and Community Infrastructure Program Phase 3 Projects

O'Connor Park

Contractor has been appointed and work has commenced on the project. The site has been cleared and earthworks have commenced. The skate park is currently being formed. The contractor has advised that there are currently no significant delays with the equipment or materials. project is expected to be completed in May 2023.

Meckering Earthquake Memorial Garden

After advertising Council did not receive any Requests for Quotes to complete the works at the Earth Quake Garden. Since December Council has sought out potentially interested contractors and has had some success. Please see Confidential Agenda Item.

Cunderdin Golf Club – Shed

The Golf Club has been advised of the funding and the Golf Club has purchased the materials.

Gliding Club – Ablutions

The Gliding Club is obtaining quotes to complete the works. Once this is completed the Shire will meet with the Club to discuss the works and project management options.

Meckering Apex Park

The Meckering Action Group decided not to proceed with the redevelopment of the APEX park, opting to wait for the stage 3 redevelopment of Meckering concept plan. With the LRCI funding allocated to the project (\$20 000), we are planning to fence the front access of the playground and if budget allows provide a shade structure over the picnic area.

Tennis Club – Installation of the Soft Fall.

Completed

Cunderdin Sport and Recreation Club - Blinds

Completed.

Community Emergency Services Manager (CESM)

The CESM (Mr Davies) has moved to Cunderdin and is currently residing in Council's property on Robyn Street.

There have been multiple fires during the fire season and several more outside the Shire that we have requested to attend.

The Ygnattering Fire Truck has suffered a significant mechanical issue and will be out of action for some time. The Ygnattering Truck has been replaced with a loan bush fire truck for the Shire of Quairading.

The CESM is also organising an Emergency Services Day to raise awareness and help support our communities volunteers and volunteer numbers.

The Open Day will provide a great way to inform and educate the community about volunteering as well as support our current volunteers and Emergency Services Personnel.

The event is being organised for Friday 31st of March 2023 at 16:30 – 19:30 at the Cunderdin Oval. It will include the Bush Fire Brigades DFES, Department of Fire and Emergency Services, Cunderdin Volunteer Fire and Rescue Service, Northam Emergency Services Cadets, St Johns Ambulance and the WA Police and the Rapid Relief Team.

There is also interest in establishing a Cunderdin Bush Fire Brigade Cadets and this idea will be launched on the day. This will be a great way to get the community involved as well as help educate youth and give them an idea of how they can be involved in Emergency services and volunteering.

Cunderdin Industrial Lot Development

Development WA has advised that they have completed draft plans for the industrial development and have requested that Council transfer the land to Development WA to commence the subdivision process. See Confidential Agenda Item.

The proposed subdivision plan is attached, however it is intended to increase the size of Proposed Lot 19 and decrease the size of Proposed Lot 18. Proposed Lot 19 is being offered to the Donovan's Engineering as part of a presale agreement.

CBH have agreed to the transfer and sale of their portions of land to complete the subdivision.

Local Government Election Transition Arrangements

Council held a Special Council Meeting on the 2nd February to discuss the election transition arrangements and the decision from this meeting has been forwarded to the Department of Local Government.

Watts Street Land

After presenting to the December Council Forum, Councils Planner, (Mr Joe Douglas) has forwarded the plans to the Department of Planning requesting preliminary comment/feedback on the proposed new residential subdivision in the Cunderdin townsite.

The proposed plans are attached.

Establishment of Bush Fire Brigades - Bush Fire Local Law

Council has received correspondence from the Department of Emergency Services advising the following:

As you are aware, a local government (LG) may establish and maintain bush fire brigades (BFB) as a part of its organisation for the prevention, control and extinguishment of bush fires. If a BFB is established, then this must be done in accordance with a LG's local law, pursuant to the powers given by section 41 of the Bush Fires Act 1954 (BF Act).

In circumstances where there are no BFB local laws and BFBs have been set up informally by the LG (for example, by LG policies and procedures), the BFBs will not be in compliance with section 41 of the BF Act and will not be considered BFBs within the BF Act.

There is a very high risk that the volunteers in the BFBs not established in accordance with local laws, as required by section 41 of the BF Act, will not:

- 1. be able to exercise the powers of a "registered volunteer";*
- 2. be covered by the protection from personal liability in Part 7 of the Fire and Emergency Services Act 1988 (WA) (FES Act); or*
- 3. be covered by the compensation provisions in Part 6B of the FES Act.*

Given the risk to volunteers, the Department of Fire and Emergency Services (DFES) is undertaking a state-wide audit to confirm compliance with section 41 of the BF Act.

To assist DFES, please provide a copy of your LG's BFB local law or confirm that your LG does not have any BFBs, by email to legal.legislation@dfes.wa.gov.au. I note that DFES is considering changes to its procedures to ensure that this information is captured and regularly updated when new BFBs are registered.

The Shire does not have a Bush Fire Local Law and therefore its brigades may not be legally established. This matter is being further investigated and if required Council will develop and adopt a Bush Fire Local Law.

Council is a member of WALGA's Local Law subscription which provides Council access to a model Local Law which has been developed by WALGA in consultation with the industry. If Council chooses to use the Model Bush Fire Local Law it will streamline the process considerably.

WALGA Great Eastern Central Zone Conference

The Great Eastern Central Zone, of which Cunderdin is a member, is holding a conference in Merredin for its members on Tuesday 28th February. The theme is regional collaboration and working together to get the best result for all our communities and the region generally. Speakers will include The Hon Jackie Jarvis MLC, Minister for Agriculture and Food, Forestry, and Small Business and WALGA President Karen Chappel.

If you wish to attend the conference please advise the Governance Officer.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.7 OCM 16th February 2023

That the Chief Executives Officers Report be received.

Moved: Cr B (Bernie) Daly

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

9.8 Move Behind Closed Doors

Resolution 9.8 OCM 16th February 2023

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

Moved: Cr TE (Todd) Harris

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.9 Offer to purchase 121 Cunderdin Wyalkatchem Road, Cunderdin

9.10 Meckering Earthquake Garden Quotes

9.11 Move from Behind Closed Doors

Resolution 9.11 OCM 16th February 2023

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

Moved: Cr B (Bernie) Daly

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

10. Environmental Health and Building

Nil Items.

11. Planning & Development

Nil Items

12. Works & Services

Nil Items.

13. Urgent Items

Nil Items.

14. Scheduling of Meeting

14.1 March 2023 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 16th March 2023 commencing at 5:00pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

15. Closure of meeting

There being no further business the Shire President declared the meeting closed at 5:48 pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 16th February 2023, as shown, were confirmed at the ordinary meeting of Council held on 16th March 2023.

Signed: 

Date: 16.3.23.