



Shire of Cunderdin

Minutes of the Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 17th November 2022 at 5.00pm** in the Cunderdin Shire Council Chambers, WA, 6407.

Stuart Hobley
Chief Executive Officer
17th November 2022

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 20 th October 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 October 2022.....	5
9.2	Accounts Paid – 31st October 2022	6
9.3	Council Investments – As at 30th September 2022	8
9.5	Chief Executive Officers Report.....	13
9.6	Move Behind Closed Doors.....	16
9.7	Private & Confidential - Purchase Land Lots 45,46,47 & 48 Hodgson Street, Cunderdin	16
9.8	Australia Day Awards Nominations.....	16
10.	Environmental Health and Building	16
11.	Planning & Development.....	16
12.	Works & Services	16
13.	Urgent Items.....	16
13.1	Urgent Items	16
13.2	2022/2023 Sealing Works	16
13.3	Move from Behind Closed Doors	16
14.	Scheduling of Meeting.....	17
14.1	December 2022 Ordinary Meeting	17
15.	Closure of meeting	17
16.	Certification	17

AGENDA

1. Declaration of Opening

The Shire President declared the meeting open at 5pm.

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	Entered the Chambers at 5.10pm
Cr NW (Norm) Jenzen	
Cr N (Natalie) Snooke	
Cr W (Sam) Stewart	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance & Administration Officer

Guests of Council

Nil

Members of the Public

Nil

2.2 Apologies

Nil

2.3 Leave of Absence Previously Granted

Nil

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 20th October 2022

Resolution 6.1 OCM November 2022

That the Minutes of the Ordinary Council Meeting held on Thursday 20th October 2022 be confirmed as a true and correct record.

Moved: Cr N (Natalie) Snooke

Seconded: Cr W (Sam) Stewart

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

Cr AE (Alison) Harris declared a Financial Interest in Item 9.7 Private & Confidential - Purchase Land Lots 45, 46, 47, & 48 Hodgson Street, Cunderdin.

Cr TE (Todd) Harris declared a Financial Interest in Item 9.7 Private & Confidential - Purchase Land Lots 45, 46, 47, & 48 Hodgson Street, Cunderdin.

8. Announcements by President without Discussion

Nil

9. Finance & Administration

9.1 Financial Reports for October 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	8 November 2022
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 - October 2022 Monthly Financial Report Attachment 9.1.2 - Rates Details October 2022

Proposal/Summary

The financial reports as at 31st October 2022 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 November 2022

That Council receives the monthly financial reports for the periods ending 31st October 2022.

Moved: Cr A (Tony) Smith

Seconded: Cr N Jenzen

Vote – Simple Majority

Carried: 6/0

9.2 Accounts Paid – 31st October 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	8th November 2022
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – October Creditors Listing Attachment 9.2.2 - CC Statement October 2022

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$620,929.10
Total for Trust -	\$250.00
TOTAL -	\$621,179.10

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

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 OCM November 2022		
1. That Council’s payments of accounts amounting to \$320,622.56 being from Municipal Account & \$977.38 from Trust Account for October 2022, as follows:		
Municipal Account	\$	Total
Electronic Funds Transfer: EFT 6483 - 6668	\$589,685.67	
Direct Debit (Inc Bank Charges):	\$17,007.03	
Cheques: 11825 - 11832	\$14,236.40	
Trust Account		
	\$250.00	
TOTAL		\$621,179.10
Moved: Cr TE (Todd) Harris	Seconded: Cr N (Natalie) Snooke	
Vote – Simple majority	Carried: 6/0	

9.3 Council Investments – As at 30th September 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	9 th November 2022
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3 - Bank Statements October 2022

Proposal/Summary

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

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$518,189.48	Municipal- 0000030	\$518,189.48		
Bendigo Bank	\$4,726,179.13	Municipal- 155971377	\$4,726,179.13		
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	\$1.00	Trust Working Account 12-2981			\$1.00
Bendigo Bank	\$1,231,978.86	Term Deposit 3.10% Exp 10 Jan 2023		\$1,231,978.86	
TOTAL INVESTMENTS	\$6,479,138.25		\$5,244,368.61	\$1,232,125.64	\$2,644.00

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 October 2022

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit#	
	4032054	170,195.64
	TOTAL	170,195.64
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	TOTAL	170,195.64
INCOMING		
		0.00
		0.00
OUTGOING		
		0.00
Balance as at end of month		
	TOTAL	170,195.64

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
30 October 2022

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit#	
	4032053	370,603.80
	TOTAL	370,603.80
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	TOTAL	370,603.80
INCOMING		
		0.00
		0.00
OUTGOING		
		0.00
Balance as at end of month		
	TOTAL	370,603.80

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.

Cr B (Bernie) Daly entered the meeting at 5.10pm

Resolution 9.3 OCM November 2022

That the report on Council investments as at 31st October 2022 be received and noted.

Moved: Cr W (Sam) Stewart

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 7/0

9.4 Freedom of Information Statement 2022-2023

Location:	Shire of Cunderdin
Applicant:	Governance & Administration Officer
Date:	4 th November 2022
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley
Disclosure of Interest:	Nil
File Reference:	ADM275
Attachment/s:	Attachment 9.4 – Freedom of Information Statement 2022-2023

Summary

For Council to approve the Shire of Cunderdin Freedom of Information Statement 2022 – 2023.

Background

Under the Government of Western Australia, *Freedom of Information Act (FOI Act) 1992* Section 96(1) requires each government agency, including local governments, to prepare and publish annually an Information Statement. The Shire of Cunderdin Freedom of Information Statement has been developed in accordance with the *FOI Act 1992* Section 94 that details the requirements of an information statement, in relation to an agency.

Currently our Freedom of Information Statement is due to be reviewed and published to keep in line with the *Freedom of Information Act (FOI Act) 1992* Section 96(1).

Previous resolution:

Resolution 9.8 October 2020

That Council:

- 1. Adopt the Shire of Cunderdin Freedom of Information Statement 2021 – 2022; and,*
- 2. Publish the Information Statement as per the requirements of Freedom of Information Act 1992.*

Comment

Freedom of Information gives the public a right to access government documents, subject to some limitations. In Western Australia, under the *FOI Act 1992*, the right applies to documents held by most State government agencies (such as departments, public hospitals, public universities and State government authorities), Ministers and local government. Together, these bodies are referred to as “agencies”.

Documents accessible under the *FOI Act 1992* include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form. Agencies are required to assist applicants to obtain access to documents at the lowest reasonable cost. Anyone can also apply to have personal information about themselves in government documents amended if that information is inaccurate, incomplete, and out of date or misleading.

The Information Commissioner is an independent officer who reports directly to Parliament. The position is established by the *FOI Act* and is supported by staff of the Office of the Information Commissioner.

Consultation

Nil

Statutory Implications

Freedom of Information Act (1992)

Part 5 Publication of information about agencies

96. Information statement, each agency to publish annually

- (1) An agency (other than a Minister or an exempt agency) has to cause an up to date information statement about the agency to be published in a manner approved by the Minister administering this Act -
- (a) within 12 months after the commencement of this Act; and
 - (b) at subsequent intervals of not more than 12 months.

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains -

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - (ii) which kinds of documents can be purchased; and
 - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

6. Civic Leadership

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

Resolution 9.4 OCM November 2022

That Council:

1. Adopt the Shire of Cunderdin Freedom of Information Statement 2022 – 2023; and,
2. Publish the Information Statement as per the requirements of Freedom of Information Act 1992.

Moved: Cr N (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 7/0

9.5 Chief Executive Officers Report

Location:	Cunderdin
Applicant:	Chief Executive Officer
Date:	13 th October 2022
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.5.1 - 1st Expression of Interest Attachment 9.5.2 - 2nd Expression of Interest

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 Projects

Phase 3

O'Connor Park

Contractor has been appointed and work has commenced on the project. The project is expected to be completed in March 2023.

Meckering Earthquake Memorial Garden

The Request for Quote for the works is nearly completed which includes the planning and design of the design of the project. The Requests for Quotes have been called for and an on site meeting with the prospective contractors is planned for mid November 2022.

Cunderdin Golf Club – Shed

The Golf Club has been advised of the funding and has commenced planning.

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)

A new CESM has been appointed and will commence on the 21st November 2022.

The Shires of Quairading and Tammin have advised that they do not have accommodation for the proposed candidate. The Shire of Cunderdin has a private lease expiring in December 2022 and has advised the tenants that their lease will not be renewed and the new CESM will move into that dwelling.

This will result in the CESM spending more time in Cunderdin and may result in a rejuvenation of the existing DFES services.

Cunderdin Industrial Lot Development

The Heritage and Cultural Survey has been conducted on the proposed site. This has comprised of a site dig and an ethnological site visit. The planner has also completed design work for the entrance of the CBH facility.

Cemetery Update

The Department of Education has requested that the Shire provide a more evidence based assessment that the land currently owned by the Education Department to the west of the existing cemetery is required for the cemeteries expansion.

The Shire has been required to engage a suitably qualified engineer to assess the land to the east of the existing cemetery and advised why it is not suitable for expansion.

This work has been completed and the report will be forwarded to the Department of Education.

Local Government Election Transition Arrangements

The Shire of Cunderdin has commenced preparing the documents for the Community Consultation stage of the representation review. These reports will be circulated throughout the Shire by all means of communication.

Signage

New signage for the Shire has been designed with the assistance of Castledine and Castledine. The designs were reviewed by Council at the Forum on the 10 November 2022.

It was agreed that quotes would be sought for “banner style” signs on the Great Eastern Hwy and new signs at the Shire boundaries on the major (bitumen) roads.

New signs have also been sought for the office, depot, transfer station and pool. Road finger signs will be replaced with the new logo signage.

Town information sign and tourism sign will be replaced subject to individual project development and cost.

Quotes have been sought for new sign based on the designs agreed upon.

New Dwellings – 30 Mitchell Street

A tender document has been developed to construct two, three bedroom, two bathroom transportable dwellings at 30 Mitchell Street. It is intended to go to tender as soon as possible.

Cunderdin and Pingelly Primary Health Centre Review

The President Deputy President and CEO met with Rachele Ferrari (WACHS) and Karen Horsley (WACHS) to discuss the Cunderdin Primary Health Centre Review (the Review). It was advised by WACHS that the Review has not been approved by the WACHS CEO and is still in draft form.

The Shire advised WACHS that the Shire's preferred option was to have a new palliative care room added onto the existing building. Ms Ferrari advised she will convey the Shires request and report back to our next meeting in late November 2022. The shire also suggested several other factual changes to the document. These changes were taken on board by WACHS.

Ian Roberts Lodge

The Shire has sought expressions of Interest for the lease of Ian Roberts Lodge. There where multiple phone inquiries and several emails expressing interest in the premises.

Written submissions meeting the criteria of the advertised Expression of Interest were received by two (2) interested parties. Please see Attachment 9.5.1 - 1st Expression of Interest and Attachment 9.5.2 - 2nd Expression of Interest for further information on the applicants intended use of the property.

Councils preferred option is to lease the premises to a commercial operator in order to maximise the potential of the building. Staff are in continued discussions with interested parties and there will be an update given at the meeting.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.5 OCM November 2022

That the Chief Executives Officers Report be received.

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 7/0

9.6 Move Behind Closed Doors

Resolution 9.6 OCM November 2022

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

Moved: Cr TE (Todd) Harris

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 7/0

Cr AE Harris and Cr TE Harris declared a financial interest in Item 9.7 Private & Confidential - Purchase Land Lots 45, 46, 47, & 48 Hodgson Street, Cunderdin and left the room at 5.25pm

Cr A (Tony) Smith took the chair in Cr AE (Alison) Harris's absence.

9.7 Private & Confidential - Purchase Land Lots 45,46,47 & 48 Hodgson Street, Cunderdin

9.8 Australia Day Awards Nominations

10. Environmental Health and Building

Nil Items.

11. Planning & Development

Nil Items

12. Works & Services

Nil Items.

13. Urgent Items

13.1 Urgent Items

Resolution 13.1 OCM November 2022

That Council move to accept the late Agenda Items.

Moved: Cr B (Bernie) Daly

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 7/0

13.2 2022/2023 Sealing Works

13.3 Move from Behind Closed Doors

Resolution 13.3 OCM November 2022

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

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 7/0

14. Scheduling of Meeting

14.1 December 2022 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place Thursday 15th December 2022, commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407 with the end of year celebrations to follow at the Cunderdin Sports and Recreation Centre.

15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 5:49pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 17th November 2022, as shown, were confirmed at the ordinary meeting of Council held on 15th December 2022.

Signed: 

Date: 15-12-2022