



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 20th October 2022** in the Cunderdin Shire Council Chambers, WA, 6407 commenced at 5.00pm.

Stuart Hobley
Chief Executive Officer
20th October 2022

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MINUTES

1. Declaration of Opening

The Shire President declared the meeting open at 5.01pm

The Shire of Cunderdin disclaimer was 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 attendance

Councillors

Cr AE (Alison) Harris	Shire President
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
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

Members of the Public

2.2 Apologies

Cr NW (Norm) Jenzen

2.3 Leave of Absence Previously Granted

Cr A (Tony) Smith	Deputy Shire President
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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 September 2022

Resolution 6.1 OCM October 2022

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

Moved: Cr B Daly

Seconded: Cr W Stewart

Vote – Simple majority

Carried: 5/0

Note to this item:

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

7. Declaration of Members and Officers Interests

Cr. B Daly, Declared interest in item 9.6

Chief Executive Officer, Stuart Hobley, Declared a financial interest in Item 9.11

Cr AE Harris and Cr TE Harris Declared a financial interest in item 9.12

8. Announcements by President without Discussion

Nil.

9. Finance & Administration

9.1 Financial Reports for August 2022 & September 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	11 October 2022
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 August 2022 Monthly Financial Report-2 Attachment 9.1.2 September 2022 Monthly Financial Report Attachment 9.1.3 Rates details September

Proposal/Summary

The financial reports as at 31st August 2022 & 30th September 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 October 2022

That Council receives the monthly financial reports for the periods ending 31st August 2022 & 30th September 2022.

Moved: Cr N Snooke

Seconded: Cr W Stewart

Vote – Simple Majority

Carried: 5/0

9.2 Accounts Paid – 30th September 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	11th October 2022
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 Accounts Due and Submitted September 2022 Attachment 9.2.2 CC Statement September 2022

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$320,622.56
Total for Trust -	\$977.38
TOTAL -	\$321,599.94

For September 2022 as listed in the Warrant of Payments for the period 1st to 30th September 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.

Recommendation 9.2		
1. That Council's payments of accounts amounting to \$320,622.56 being from Municipal Account & \$977.38 from Trust Account for September 2022, as follows:		
Municipal Account	\$	Total
Electronic Funds Transfer: EFT 6395 - 6482	\$282,097.68	
Direct Debit (Inc Bank Charges):	\$21,968.88	
Cheques: 11818 - 11824	\$16,556.00	
Trust Account		
	\$977.38	
TOTAL		\$321,599.94
Moved: Cr TE Harris Vote – Simple majority		
Seconded: Cr B Daly Carried: 5/0		

9.3 Council Investments – As at 30th September 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	11 th October 2022
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3 - Bank Statements September 2022

Proposal/Summary

To inform Council of its investments as at 30th September 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 30th September 2022.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$1,124,934.13	Municipal- 0000030	\$1,124,934.13		
Bendigo Bank	\$3,692,294.11	Municipal- 155971377	\$3,692,294.11		
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	\$6,051,997.88		\$4,817,228.24	\$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#4032053 \$370,603.80 & #4032054 - \$170,195.64 & Ac#000073-\$22,162.38

CUNDERDIN COMMUNITY TRUST DETAILS		
<u>INTEREST ACCOUNT</u>		
30 September 2022		
Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit#	
	3864655	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		
<u>CAPITAL ACCOUNT</u>		
30 September 2022		
Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit#	
	3864633	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.

Resolution 9.3 OCM October 2022

That the report on Council investments as at 30th September 2022 be received and noted.

Moved: Cr W Stewart

Seconded: Cr N Snooke

Vote – Simple majority

Carried: 5/0

9.4 Shire of Cunderdin Quarterly Risk Management Report- September 2022

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	11 th October 2022
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	9.4.1 – 9.4.17 Quarterly Risk Management Reports- September 2022

Proposal/Summary

For Council to note the results of the Risk Dashboard review of the Risk Management Governance Framework.

Background

The Shire of Cunderdin Risk Management Policy in conjunction with the components of the Shire of Cunderdin Risk Management Framework sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks. All components of the Shire of Cunderdin Risk Management Framework are based on AS/NZS ISO 31000:2018 risk Management – Guidelines.

The Risk Management Framework is to be reviewed for appropriateness and effectiveness at least every three years.

The Shire of Cunderdin endorse the Risk Management Framework at the Ordinary Council Meeting in October 2021, with the following resolution;

Resolution 9.12 OCM OCTOBER 2021

That council endorses the Shire of Cunderdin Risk Management Framework.

Comment

The Framework is a comprehensive overview of how the Shire identifies risks that are likely to impact the operations of the Shire and reflect the appropriateness and effectiveness of the Shire's systems in regard to risk management, internal control and legislative compliance.

The Local Government (Audit) Regulations 1996 prescribes the requirements for local governments in relation to the engagement of auditors, the annual compliance Audit Return and the functions of the Audit Committee.

The amendments extend the responsibilities of the Audit Committee and Chief Executive Officer of the local government in relation to the reviewing and reporting of the local government's systems and procedures in regard to risk management, intern control and legislative compliance.

The Risk Management Framework, developed by LGIS, is in response to the requirements of Reg. 17 of the Local Government (Audit) Regulations 1996 and encapsulates those requirements.

A review had been completed on the Shire's systems in relation to risk management, internal control and legislative compliance and considers that they are appropriate and effective with the exception of those identified on the attached Dashboard Report.

The key controls that presented as Inadequate when the review was completed are as follows;

Asset Sustainability Practices

- Most assets photographed – this process has commenced

Business & Community disruptions

- Generator
- I.T. Disaster Recovery Plan – This was included as part of the IT Tender completed in 2021.

Environment management

- Environment Management Plan

IT or communications systems and infrastructure

- I.T. Disaster Recovery Plan - This was included as part of the IT Tender completed in 2021.

Consultation

Stuart Hobley, Chief Executive Officer

Hayley Byrnes, Deputy Chief Executive Officer

Statutory Implications

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

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

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

Policy Implications

Shire of Cunderdin Policy Manual

Policy 1.11 – Organisation Risk Management

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Strategic Community Plan 2022 -2032

Resolution 9.4 OCM October 2022

That Council accept the review of the Risk Dashboard Report identifying current and potential risks.

Moved: Cr N Snooke

Seconded: Cr B Daly

Vote – Simple majority

Carried: 5/0

9.5 Amendment to the Fees and Charges 2022/2023

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	11 th October 2022
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

It is proposed that Council adopt the following new/ amendments to our Fees and Charges:

Hire of Utility and Fogging machine (incl operator) \$150.00 per hour.

Background

Due to the rainfall and the amount of stagnant water the mosquitos have been an ongoing issue in areas of the community, whilst the Shire fogs the Cunderdin and Meckering townsites it is not feasible to fog outside of the townsites.

Comment

The Shire of Cunderdin has recently received requests from surrounding shires and community members to hire the fogging machine to utilise in their community or on privately owned properties. We have assessed the option of hiring the Fogging machine to surrounding local governments and community members and believe It would be best to hire this as a wet hire option including the experienced operator therefore the proposed fee is \$150.00 per hour.

Consultation

Mr Stuart Hobley, Chief Executive Officer

Mr Craig Robertson, Manager of Works and Services

Statutory Implications

Local Government Act 1995 – Section 6.16

6.16. Imposition of fees and charges

A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

A fee or charge may be imposed for the following —

providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

supplying a service or carrying out work at the request of a person;

subject to section 5.94, providing information from local government records;

receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

supplying goods;

such other service as may be prescribed.

Fees and charges are to be imposed when adopting the annual budget but may be —

imposed during a financial year; and*

amended from time to time during a financial year.*

*Local Government Act 1995 – Section 6.19
Local government to give notice of fees and charges*

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —its intention to do so; and the date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil.

Financial Implications

Amending the 2022/2023 Fees and Charges adopted by Council, of the following charges;
An additional fee for Hire of Utility and Fogging machine (incl operator) \$150.00 per hour.

Strategic Implications

Key Result Area – Infrastructure and Transport

We work together for the provision of essential services and assets to support our growing community.

Resolution 9.5 OCM October 2022

That Council,

1. Approve the addition of fee for Hire of Utility and Fogging machine (incl operator) \$150.00 per hour.

Moved: Cr B Daly

Seconded: Cr W Stewart

Vote – Absolute majority

Carried: 5/0

9.6 Cunderdin Community Gymnasium Terms of Reference

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	13 th October 2022
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley
Disclosure of Interest:	Cr B Daly
File Reference:	ADM0382
Attachment/s:	Attachment 9.6 – Cunderdin Community Gymnasium Committee Terms of Reference

Proposal/Summary

For the Shire to assume responsibility for the operation of the Cunderdin Gym whilst the Gym Committee puts in place a governance structure that will support its operation.

Background

The Cunderdin Community Gym was established approximately 10 years ago with gymnasium equipment supplied by the WA Police & Citizens Boys Club. The equipment was available for use in the Cunderdin Town Hall by financial members of the Cunderdin Community Gym. This equipment has now been relocated to the Cunderdin Community Recreation Centre facility.

A small committee was appointed to manage the gym however they have not met for some time and were not incorporated.

In 2018 the Gym entered into an Memorandum of Understanding (MOU) with the Cunderdin the Cunderdin Community Resource Centre (CRC) in order to assist in the daily management of the gym. The CRC process the memberships on behalf of the Gym and receive a small remuneration for their administration services. This MOU has now expired but the CRC have advised they will continue the agreement.

In July 2022 a new Committee was elected to govern the Gym. The Committee consists of Mr Aaron Cooper (President), Cr Bernie Daly, Mr Axel Thompson and Mr Eliah Berbari. The Committees investigations have discovered that the gym is not covered by insurance, the committee is not incorporated and they do not have a bank account.

The Committee have requested that the Shire finance the liability insurance for a two year period and enter the Gyms funds into the Shires Trust Account.

The Shire of Cunderdin Council at their Ordinary Council Meeting held on Thursday 15th September 2022, the Council;

- 1) *Agreed to govern the Cunderdin Gym for a period of up to 2 Years or until the Gym Committee is incorporated.*
- 2) *Include the Cunderdin Gym under its Public Liability Insurance.*
- 3) *Agreed to hold funds in trust for the Cunderdin Community Gymnasium.*
- 4) *Appointed Mr Aaron Cooper, Cr Bernie Daly, Mr Axel Thompson and Mr Eliah Berbari as members of Council Gym Committee. The gym Committee will be responsible for the management of the Cunderdin Gym and will report to Council on a Monthly basis.*

Comment

In order to have open and effective lines of communication between the Cunderdin Community Gymnasium Committee and the Shire of Cunderdin Council the attached Terms of Reference have will be adopted by both committees to be revised annually.

The purpose of the Terms of Reference are to establish a common understanding on how decisions will be made, how decisions are to be communicated, the objectives of the relationship between both parties and any operational processes being secretarial or financial.

Consultation

Gym Committee

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

The financial status of the Cunderdin Community Gymnasium is stable and will not require financial assistance from the Shire of Cunderdin.

Strategic Implications

1.1 Community members have the opportunity to be active, engaged and connected

- Inclusive access to Shire facilities and services
- The Shire supports positive leisure, learning and recreation outcomes

1.2 A healthy and safe community is planned for

- Promotion and advocacy of community health and wellbeing
- Volunteers and community groups feel supported and empowered

Resolution 9.6 OCM October 2022

That Council accept and endorse the Terms of Reference as outlined in Attachment 9.6 – Cunderdin Community Gymnasium Committee Terms of Reference.

Moved: Cr N Snooke

Seconded: Cr TE Harris

Vote – Simple majority

Carried: 5/0

9.7 Shire of Cunderdin Administration Christmas Closing Period

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	13 th October 2022
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the closure of the Shire Administration Office over the Christmas / New Year period.

This report recommends Council endorsement of the proposal as in recent years.

Background

In the past five (5) years Council has authorised the closure of the Administration Office as follows:

2017/18	22 nd December 2017, returning on Tuesday 2 nd January 2018
2018/19	21 st December 2018, returning on Wednesday 2 nd January 2019
2019/20	24 th December 2019, returning on Thursday 2 nd January 2020
2020/21	24 th December 2020, returning on Monday 4 th January 2021
2021/22	24 th December 2021, returning on Tuesday 4 th January 2022

No complaints and / or adverse comments have been received in relation to the office closure over the periods mentioned.

Comment

As a general rule no significant business is conducted between the Christmas and New Year period, therefore it is considered an ideal time to close the office and allow staff to clear some of their accrued leave entitlements, and enjoy a relaxed festive period with their families.

It is proposed the office be closed from the 4pm on Friday 23rd December 2022 to Monday 2nd January 2023 inclusive, reopening on Tuesday 3rd January 2023.

Monday 26 th December	Public Holiday - Boxing Day
Tuesday 27 th December	Public Holiday (Christmas Day Observed)
Wednesday 28 th December	TIL/Annual Leave/PSD
Thursday 29 th December	TIL/Annual Leave /PSD
Friday 30 th December	TIL/Annual Leave /PSD
Monday 2 nd January	Public Holiday (New Year's Observed)

During the proposed six (6) business day closure period staff time will be allocated to public holidays (3 days) and 3 days allocated to either Annual Leave, Public Service Day or Time in Lieu.

Notification of the office closure will be displayed in the Bandicoot, on local notice boards, the Shire website and Shire Facebook page.

Consultation

Shire Staff.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Cunderdin Community Strategic Plan 2022 - 2032

Community and Social

1.1 Community members have the opportunity to be active, engaged and connected

1.2 A healthy and safe community is planned for promotion and advocacy of community health and wellbeing.

Economy

2.1 Facilitate local business retention and growth

Resolution 9.7 OCM October 2022

That Council resolves to:

1. Approve the closure of the Shire of Cunderdin Administration Office during the Christmas / New Year period from 4pm Friday 23rd December 2022 to Monday 2nd January 2023 inclusive, reopening on Tuesday 3rd January 2023 at 8.30am.
2. Advertises the Administration Office closure in the Bandicoot, on local notice boards, the Shire website and Shire Facebook page.

Moved: Cr N Snooke

Seconded: Cr W Stewart

Vote – Simple majority

Carried: 5/0

9.8 Application to Keep Three (3) Dogs – Ms Bloodworth and Mr Jasper

Location:	98 Mitchell St, Cunderdin
Applicant:	Penny Burges and Perry Jasper
Date:	14 th October 2022
Author:	Stuart Holey
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.8.1 Application to Keep 3 Dogs – 2020 Attachment 9.8.2 Application to Keep 3 Dogs – 2022 Attachment 9.8.3 Photo of Dogs Attachment 9.8.4 Ranger Recommendation 2022

Proposal/Summary

An application has been received requesting permission to keep three (3) dogs on the property on 98 Mitchell 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).

Application (Attachment 9.8.1) was received from Penny Bloodworth and Perry Jasper on Thursday 8th September 2022 to keep three (3) dogs at their property.

The applicants have had three dogs at the property for several years and have advised Council that they submitted an application to keep three dogs in November 2020, however this application has not been able to be located by the Shire.

The applicants third dog (Toby) has recently been involved in an incident where it bit a child on it's rear while the child was walking on the verge outside their property. The dog is normally kept inside the yard and usually wears an electronic perimeter collar, however it was not wearing the collar at the time of the attack.

The dog was seized at the time of the attack and is currently being held by WA Contract Ranger Services.

The applicants wish to have the dog, Toby, returned and permitted to house three (3) dogs at their property.

Comment

The Ranger, Amber Frankuizen of WA Contract Ranger Services has conducted an investigation into the attack, has spoken to the neighbours and inspected the property to ascertain its suitability to house three dogs.

In summary, the Rangers Report (Attachment 2) states the following:

1. That there have not been any incidents with the dogs in the past,
2. The neighbours, including the one whose nephew was attacked did not have any concerns with Toby returning or the applicants having three dogs.
3. The property is suitable to keep three dogs.
4. The applicant has committed to improving the fencing.
5. If approved the dog (Toby) is required to wear an aided collar for boundary recognition at all times.

All three dogs are currently registered with the Shire of Cunderdin. There have not been any issues with the other two dogs.

The applicant has advised they are willing to work with a dog behaviourist and will also improve the fencing at her property.

The size of 98 Mitchell St is 2,083m² which is more than adequate to keep three dogs.

The applicants property has adjoining neighbours at 96 Mitchell St and 102 Mitchell St both are occupied. The properties across the road and to the rear are all vacant land.

Should Council be in favour of granting an exemption it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*, as mentioned above.

Consultation

Immediate neighbours by ranger, nil objections
Amber Frankuizen – 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.*

Shire of Cunderdin Dogs Local Law 2015

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 9.8 OCM October 2022

That Council approves the application from Penny Bloodworth and Perry Jasper to keep three (3) dogs at 98 Mitchell 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 fencing be improved to the satisfaction of the Ranger before the third dog is returned and that it be inspected on an annual basis;
3. That the dog, Toby, be required to wear an aided collar for boundary recognition at all times;
4. That within six (6) months the dog, Toby, and the owners complete training with a dog behavioralist and that a report be submitted to Council stating the dog, Toby's, suitability to remain at the property;
5. 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;
6. That Council reserves the right to withdraw the exemption at any time if any problems are experienced prior to the review period;
7. The exemption applies only to the dogs nominated by the applicant;
8. Each dog must be registered with the Shire of Cunderdin; and
9. 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 T Harris

Seconded: Cr N Snooke

Vote – Simple majority

Carried: 3/2
Cr B Daly and Cr W Stewart voted against the motion.

9.9 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 9.9.1 CEO Report - Notice of intent to disconnect phone services at CSRC Attachment 9.9.2 CEO Report - Category 5 - Reduce Size of Council

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 will be called for in the near future.

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)

Interviews for the position of CESM will be conducted on Monday 17th October in Quairading. The interviews will be conducted by the Chief Executives of Cunderdin, Quairading and Tammin Shires and a representative from the Department of Fire and Emergency Services.

Until a CESM has been appointed the Shire has made arrangements within its existing operational structure to manage the role. The Bush Fire Advisory Committee (BFAC) will be notified of these arrangements at the BFAC Meeting to be held on the 18th October 2022.

Cunderdin Industrial Lot Development

Development WA have appointed a suitably qualified person to conduct a Heritage Survey on the lots. This will comprise of a site dig and an ethnological site visit. These will occur in late October early November.

The planner has nearly completed the designs that are required to be lodged with the WAPC to approve the subdivision.

Cunderdin Town Hall

Corrective works on the Cunderdin Town Hall are scheduled to commence on the 14 November 2022. The scope of works include:

Internal Works

- Supply and install alcor damp membrane treatment to internal walls as mark up plan provided.
- Remove and reinstate single layer of bricks at floor level as required.
- Make good render and tiles on completion.
- No allowance to repaint affected surfaces

External Works

- Rake out and repoint deteriorated brick joints with lime based mortar to side elevation as mark up plan provided.
- Remove and replace badly fretted individual bricks (maximum 60no) to side elevation as mark up plan provided.
- Replace damaged air bricks to side elevation as required to match existing.

Cunderdin Sport and Recreation Club Telephone Line

The Cunderdin Sport and Recreation Club (CSRC) have advised Council that they no longer require a fixed telephone line into the building and are planning on disconnecting the service.

The CSRC building is used as an Emergency Accommodation in the case of an incident in which people are rehoused or evacuated. The building may also be used as a base of operations in an emergency.

It is imperative that the building continue to have a fixed land line in this case as mobile telephone reception in an emergency has proved on many occasions to be unreliable.

It is intended to advise the CSRC to maintain the fix telephone line into the building and the Shire will pay any line rental and associated costs.

Meckering Club Disabled Ablution Block and Bowling Green

Discussions are taking place with the Meckering Club regarding the transportable disabled toilet block that is being installed at the Meckering Club. Quotes have been requested and the project will commence when the final design is approved by both the Shire and the Club.

The Club has requested that a shower be included in the building. The Shire has advised the Club that if it requires a shower the Meckering Club will be required to meet the difference in cost between the stand alone toilet and a toilet/shower.

Quotes have been sought for corrective works at the Meckering bowling green. This will include replacing worn and mouldy sections of the surrounds and attempting to fix a significant crack in the base layer of the green.

The contractor has advised that the corrective works to the crack are not guaranteed. The Meckering Bowling Club have been involved in the process and are aware of the works being

Local Government Election Transition Arrangements

In July 2022, the State Government announced the final package of proposed local government reforms.

As part of the reforms new requirements will be introduced to provide for:

The introduction of optional preferential voting;
Directly elected Mayors and Presidents for band 1 and 2 local governments;
Councillor numbers based on population; and
The removal of wards for band 3 and 4 local governments.

The Amendment Bill is ongoing and expected to be introduced in early 2023, the Minister will be advising WA's local governments of the reforms and the impact on the 2023 ordinary local government elections.

The advice outlines two approaches.

Firstly, local governments can commence a ward and representation review now, with a view to gazetting the changes in time for the elections. Submissions need to be made to the Local Government Advisory Board by 14 February 2023.

Alternatively, local governments may choose the reform pathway, which may involve the following:

- all wards (if applicable) being abolished
- the number of positions set at the maximum allowed under the reforms (including a directly elected mayor/president if required)
- a directly elected mayor or president (if applicable).

Under this option, local governments will be able to conduct a ward and representation review after the election to re-introduce wards (applicable to band 1 and 2 local governments).

Local governments are required to advise the Department of Local Government, Sport and Cultural Industries (DLGSC) of their intended option by 28 October 2022.

The Amendment Act will also provide that optional preferential voting will apply for all local government elections. As you may know, optional preferential voting means that all electors have the choice to number preferences for as many or as few candidates as they wish to.

As the Shire of Cunderdin has commenced a representation review it is recommended that the Shire continue to proceed in this manner.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.9 OCM October 2022

That the Chief Executives Officers Report be received.

Moved: Cr B Daly

Seconded: Cr N Snooke

Vote – Simple majority

Carried: 5/0

9.10 Move Behind Closed Doors

Resolution 9.10 OCM October 2022

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

Moved: Cr B Daly

Seconded: Cr W Stewart

Vote – Simple majority

Carried: 5/0

Stuart Hobley left the room at 5.46pm.



9.11 Private & Confidential - Annual Performance Review – Chief Executive Officer

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

10. Environmental Health and Building

Nil

11. Planning & Development

Nil

12. Works & Services

12.1 Private & Confidential 2022/23 Sealing Project

12.2 Private & Confidential RFT02-2022-2023 Water Truck

12.3 Move from Behind Closed Doors

Resolution 12.3 OCM October 2022

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

Moved: Cr W Stewart

Seconded: Cr B Daly

Vote – Simple majority

Carried: 5/0

13. Urgent Items

Resolution 13 OCM October 2022

That Council move to accept the late Agenda Items.

Moved: Cr TE Harris

Seconded: Cr B Daly

Vote – Simple majority

Carried: 5/0



13.1 Shire of Cunderdin BFAC Meeting 18th October 2022 Minutes

Location:	Cunderdin
Applicant:	Bush Fire Advisory Committee
Date:	19 th October 2022
Author:	Samantha Pimlott
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 13.1 BFAC Meeting 18th October 2022 Minutes

Proposal/Summary

Council to receive the minutes of the Bush Fire Advisory Committee (BFAC) Meeting held on Tuesday 18th October 2022.

Background

A copy of the Bush Fire Advisory Committee Minutes have been circulated to all Councillors.

Comment

Under the Regulation of the Bush Fires Act 1954, The Bush Fire Advisory Committee meets twice a year, once preseason, and another post season.

Consultation

Stuart Hobley – Chief Executive Officer
Hayley Byrnes – Deputy Chief Executive Officer

Statutory Environment

Bush Fire Act 1954

Policy Implications

Shire of Cunderdin Policy Manual – Fire Control (Section 5)

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 13.1 OCM October 2022

That the Minutes of the Bush Fire Advisory Committee held on 18th October 2022, be received.

Moved: Cr B Daly

Seconded: Cr W Stewart

Vote – Absolute majority

Carried: 5/0

13.2 Proposed RAV Upgrade

Location:	Shire of Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	11 th August 2022
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 13.2.1 - Access Route Assessment Form Application & Road Owner Support To Add or Amend Attachment 13.2.2 - Map of Proposed Road Attachment 13.2.4 - RAV Benefits

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 roads onto the Restricted Access Vehicle (RAV) Network RAV N7.3:

Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060167	Dunlop St	Loton Rd & Richardson St (SLK 0.17)	Loton Rd & Richardson St (SLK 0.17)	Tandem Drive Networks 6	Tandem Drive Networks 7
4060004	Quellington Rd	Great Eastern Hwy (SLK 0.00)	Moore Rd (SLK 1.90)	Tandem Drive Networks 6	Tandem Drive Networks 7
4060012	Moore Rd	Quellington Rd (SLK 0.00)	Fleay Rd (SLK 10.52)	Tandem Drive Networks 4	Tandem Drive Networks 7
4060157	Fleay Rd	Coleman Rd 4060010 (SLK 4.46)	Moore Rd (SLK 9.04)	Tandem Drive Networks 4	Tandem Drive Networks 7
Mass Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Mass Level	Requested Mass Level
N/A	N/A	N/A	N/A	N/A	N/A

* Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.

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;

- To support having the road assessed with the view to upgrading the RAV classification of these roads; 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 has provided below comment on the conditions of the roads:

- Dunlop Street: Has current listing on the Tandem Drive Network 7.3 as it is the access road to CBH.
- Quellington Road: It is considered that this could be suitable for RAV 7.
- Moore Road: It is considered that this could be suitable for RAV 7.
- Fleay Road: It is considered that this could be suitable for RAV 7.

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

Resolution 13.2 OCM October 2022

That Council:

1. Grant permission for applicant to use Dunlop St.
2. Accept the request for the amendment of the RAV rating of Quellington Road (0.00slk – 1.90slk) for the purpose of the Restricted Access Vehicle (RAV) Network;
3. Accept the request for the amendment of the RAV rating of Moore Road (0.00slk – 10.52slk) for the purpose of the Restricted Access Vehicle (RAV) Network;
4. Accept the request for the amendment of the RAV rating of Fleay Road (4.46slk – 9.04slk) for the purpose of the Restricted Access Vehicle (RAV) Network;

Moved: Cr TE Harris

Seconded: Cr N Snooke

Vote – Simple majority

Carried: 5/0

14. Scheduling of Meeting

14.1 November 2022 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 17th November 2022 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 will declare the meeting closed at 6:20pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 20th October 2022 as shown were confirmed at the ordinary meeting of Council held on 17th November 2022.

Signed: 

Date: 17.11.22