



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Wednesday 22nd November 2023** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer
22nd November 2023

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MINUTES

1. Declaration of Opening

The Shire President declared the meeting open at 5pm.

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 attendances

Councillors

Cr AE (Alison) Harris	Shire President
Cr A (Tony) Smith	Deputy Shire President
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr HN (Holly) Godfrey	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance & Administration Officer
Robert Bell	Manager of Works and Services

Guests of Council

Nil.

Members of the Public

Nil.

2.2 Apologies

Cr N (Natalie) Snooke

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 25th October 2023

Resolution 6.1 OCM November 2023

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 25th October 2023 be confirmed as a true and correct record.

Moved: Cr NW (Norm) Jenzen

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

Cr B (Bernie) Daly declared an impartiality interest in Item 9.5 Community Grants Application as a member of the Cunderdin Mens Shed.

Cr A (Tony) Smith declared an impartiality interest in Item 9.5 Community Grants Application as a member of the Cunderdin Mens Shed.

8. Announcements by President without Discussion

Nil.

9. Finance & Administration

9.1. Financial Reports for October 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	9 November 2023
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – October 2023 Monthly Financial Report

Proposal/Summary

The financial reports as at 31st of October 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 November 2023

That Council receives the monthly financial reports for the periods ending 31st October 2023.

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried:6/0

9.2. Accounts Paid – 31st October 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	9 November 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – October 2023 Creditors Listing Attachment 9.2.2 - Credit Card Statement October 2023

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

1. Total for Municipal - \$789,692.13
Total for Trust - \$0.00
TOTAL - \$789,692.13

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

2. Total for Municipal - \$3,064.71
Total for Trust - \$0.00
TOTAL - \$3,064.71

For October 2023 as listed in the Corporate Credit Card Warrant of Payments for the period 18th September to 15th October 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 OCM November 2023

1. That Council's payments of accounts amounting to \$789,692.13 being from Municipal Account for October 2023, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 76587 77540	\$760,466.12	
Direct Debit (Inc Bank Charges):	\$19,652.85	
Cheques: 11882 - 11885	\$9,573.15	
Trust Account		
	\$0.00	
TOTAL		\$789,692.13

2. That Council's receive reports for payments of Corporate credit cards amounting to \$3,064.71 being from Municipal Account for period 18th September to 15th October 2023, as follows:

40030 - Westpac Banking Corporation Visa – Hayley Byrnes

Date	Job	Job Description	Comments	Line Total
15-Sep	11161030.520	Community Events Expenditure GEN	Tour De Cunderdin Expenses- Food	142.00
29-Sep	11451000.520	Expenses relating to Administration	Protective phone case, screen and camera protector and cord for DCEO I Phone	294.06
			TOTAL	436.06

40030 - Westpac Banking Corporation Visa – Craig Robertson

Date	Job	Job Description	Comments	Line Total
18-Sep	P3013	2021 Ford Ranger Ute (CM00) - MoW Ute	WMAN Diesel	163.13
25-Sep	P3013	2021 Ford Ranger Ute (CM00) - MoW Ute	WMAN Diesel	131.22
29-Sep	P3016	Water Truck Rego	Water Truck Rego	31.10
29-Sep	P3013	2021 Ford Ranger Ute (CM00) - MoW Ute	WMAN Diesel	146.74
06-Oct	P3013	2021 Ford Ranger Ute (CM00) - MoW Ute	WMAN Diesel	138.59
07-Oct	P3013	2021 Ford Ranger Ute (CM00) - MoW Ute	WMAN Diesel	149.77
11-Oct	TRAIN	Training	Meals Training	34.50
11-Oct	TRAIN	Training	Meals Training	14.30
			TOTAL	809.35

40030 - Westpac Banking Corporation Visa – Stuart Hobley				
Date	Job	Job Description	Comments	Line Total
16 Sept	11451110.521	Staff Uniform - Admin GEN	CEO Uniform	149.70
16 Sept	11451110.521	Staff Uniform - Admin GEN	CEO Uniform	149.98
17 Sept	11451110.520	Conference Expenses - Admin GEN	Conference Expenses	27.00
17 Sept	11451110.520	Conference Expenses - Admin GEN	Conference Expenses	60.00
18 Sept	11451110.520	Conference Expenses - Admin GEN	Conference Expenses	15.00
17 Sept	HOU11	Maintenance Staff Housing GEN	CEO Uniform	24.97
18 Sept	11451110.520	Conference Expenses - Admin GEN	Conference Expenses	582.74
19 Sept	11451110.520	Conference Expenses - Admin GEN	Conference Expenses	198.00
20 Sept	P3005	P3005 - 2020 Ford Territory - OCMT - N/A	CEO Diesel	140.21
27 Sept	10411040.520	Members Refreshments & Receptions Expense GEN	Council Meeting Dinner	182.31
7 Oct	P3005	P3005 - 2020 Ford Territory - OCMT - N/A	CEO Diesel	155.10
9 Oct	P3005	P3005 - 2020 Ford Territory - OCMT - N/A	CEO Diesel	104.84
12 Oct	11451000.520	Expenses relating to Administration GEN	CEO Lunch	29.45
			TOTAL	1,819.30
			TOTAL PAYMENTS	3064.71
<p>Moved: Cr B (Bernie) Daly Seconded: Cr NW (Norm) Jenzen Vote – Simple majority Carried: 6/0</p>				

9.3. Council Investments – As at 31st October 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	9 November 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements October 2023

Proposal/Summary

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

Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds June 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 2023.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$997,321.15	Municipal- 0000030	\$997,321.15		
Bendigo Bank	\$3,851,145.37	Municipal- 155971377	\$3,851,145.37		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$5,104.99	Bendigo Trust Account 164 488 686			\$5,104.99
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,386,843.67	Term Deposit 5.25% Exp 20 Dec 2023		\$1,386,843.67	
TOTAL INVESTMENTS	\$6,240,561.96		\$4,848,466.52	\$1,386,990.45	\$5,104.99

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits as following & operating Acc#000073- \$0.00

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
31 October 2023

Opening Balance as per Bank Statement & Term Deposits

Term Deposit#
 4399089
 Maturing 5 Dec 2023
 (4.9%) 211,249.28

TOTAL **211,249.28**

Credits 0.00
 Debits 0.00

Closing Balance as Per Bank Statements & Term Deposits

TOTAL **211,249.28**

INCOMING

*Interest earnt
 on TD @
 maturity* 0.00
0.00

OUTGOING

0.00

Balance as at end of month

TOTAL **211,249.28**

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
31 October 2023

Opening Balance as per Bank Statement & Term Deposits

Term Deposit#
 4399108
 Maturing 5 Dec 2023
 (4.9%) 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 November 2023

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

Moved: Cr NW (Norm) Jenzen

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

9.4. Move behind Closed Doors

Resolution 9.4 OCM November 2023

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

Moved: Cr B (Bernie) Daly

Seconded: Cr HN (Holly) Godfrey

Vote – Simple majority

Carried: 6/0

Cr B (Bernie) Daly declared an impartiality interest in Item 9.5 Community Grants Application as a member of the Cunderdin Mens Shed.

Cr A (Tony) Smith declared an impartiality interest in Item 9.5 Community Grants Application as a member of the Cunderdin Mens Shed.

9.5. Community Grants Application

9.6. Australia Day Awards Nominations

9.7. Move from behind Closed Doors

Resolution 9.7 OCM November 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 TE (Todd) Harris

Vote – Simple majority

Carried: 6/0

9.8. Delegations Register 2023 – Adoption

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	15 th November 2023
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.8.1 - Delegations Register 2023

Proposal/Summary

For Council to adopt the Delegations Register.

Background

Council's Delegations Register has been reviewed for relevance to current circumstances and operational effectiveness. The Local Government Act 21995 Section 5.46 (2) requires the Council to review the delegations to the CEO annually.

The Delegations Register fit into a hierarchy of requirements, which are noted within the Appendix to the draft document. Accordingly, it is necessary that it integrates with legislative requirements and the local laws, planning policy and general policy as made by Council.

Comments

Delegations may be made, amended, or revoked at any time by absolute majority.

The general hierarch of authority is –

legislation – including regulations and local planning scheme

local laws

delegations – being under direct authority of legislation or local laws, ad being made by absolute majority

policy – as it outlines how the above three authorities are to be implemented and being made by simple majority

Although every delegation is at Council's discretion, they are essential for the effective and efficient operation of the Shire. In keeping with the principle of the Local Government Act 1995 s.5.42, wherever possible the delegation is made to the CEO, even those where the actual exercise of the duty must be by a qualified or registered person. In these cases, the CEO has the duty to see that the task is carried out, even if not a qualified person.

Several delegations are not to the CEO. These are where the delegations –

- can only be to a qualified or registered person, as required by legislative head of power,
- are to persons who are not considered employees, as permitted by legislative head of power, or
- can only be to specified positions, as required by legislative head of power. Council's attention is drawn to the following delegations which have monetary aspects, or other limits, for consideration and confirmation –
- 3.1(3) – Maximum value of total credit card limits and store card account value
- 3.6 – Value of individual debt that may be written off
- 3.7(1)(d)(ii) – amount of % that a tender contract may be varied
- 3.8(1)(b) – amount of % that a general contract may be varied
- 3.9(c) – disposal of property other than land (maximum value for exempt transaction as per Regulations)

- 3.10(1) – disposal of property being land and buildings (maximum value for exempt transactions as per Regulations, but less time than permitted)
- 3.11(1)(b) and (2)(a) – maximum value of donations or works that may be approved at a single time or cumulative annual total.
- 11.1(1)(c) – maximum value of discounted facility hire fees per event.
- 13.7(1)(e) – maximum value of private infrastructure on public land that may be approved.

The Delegations are structured so that Council may place limits on each delegation, including who a secondary delegations is permitted to be made to. This does not require the CEO to further delegate, except in some instances as outlined. The CEO may impose further restrictions on any secondary delegations, so that the recipient of the delegation is required to comply not only with the limits as placed by Council, but also the restriction place by the CEO.

The following changes have been made to the Delegations Register
Increase Manager of Works (MOW) purchasing authority from \$50,000 to \$70,000. This is required to ensure the MOW has enough authority to authorise a payroll if required.

Consultation

Stuart Hobley, Chief Executive Officer

Statutory Implications

The Local Government Act 1995 allows the Council to delegate certain functions to the CEO. The Council is required under the Act to review these delegations each year.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO 28

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended: No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23; No. 16 of 2019 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
 - (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
 - (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,
 are subject to any conditions imposed by the local government on its delegation to the CEO.
 - (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
 - (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.
- [Section 5.44 amended: No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Policy Implications

A review of the Delegations Register for Council's consideration.

Financial Implications

Nil.

Strategic Implications

Delegations Register is to enable the effective and efficient implementation of Council's instructions, adopted annual budget, and legislative and local law obligations.

Resolution 9.8 OCM November 2023

That the attached Delegations Register 2023 be adopted.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr A (Tony) Smith

Vote – Absolute Majority

Carried: 6/0

9.9. Proposed RAV Upgrade

Location:	Shire of Cunderdin
Applicant:	Governance & Administration
Date:	17 th November 2023
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.9.1 – HVS Request Attachment 9.9.2 - AMMS Tandem Drive Prime Mover Trailer Combinations RAV Categories Attachment 9.9.3 - Tandem Drive Prime Mover Trailer Combinations RAV Categories

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) received an application to add the following sections of roads onto the Restricted Access Vehicle (RAV) Network RAV N7.3.

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Mass Level	Requested Network
4060004	Quellington Rd	Great Eastern HWY (0.00)	Moore Rd (1.90)	AMMS Level 1	AMMS Level 3
4060012	Moore Rd	Quellington Rd (0.00)	Quairading – Cunderdin Rd (21.88)	AMMS Level 1	AMMS Level 3

Cubbine Street and Quairading Road are currently both approved as Tandem Drive Network 6 without restrictions.

The applicant has advised Main Roads that the requested RAV 7.3 Network access is for Agricultural Haulage.

If the road is deemed unsuitable to be added to the requested RAV7.3 network when assessed by Main Roads, 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

HVS will conduct onsite assessments and consider the safety aspects of approving RAV access in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and Guidelines for Approving RAV Access.

To assist HVS in this process, estimated traffic volumes and any comments relating to road condition, that the Shire can foresee impacting the above roads can be reported to HVS.

If the Shire is in favour of supporting the request, HVS will assess the mentioned roads and a condition report will be sent to the Shire on its findings. If the roads are found to be suitable they will then be added to the network as per the requested RAV rating.

Any road that requires maintenance or works will not be added to the network until the condition of the road meets requirements of the HVS assessment. Either the applicant or the Shire will need to bring the road to the required standard prior to the road being upgraded to the requested RAV rating.

The approval of an upgrade in RAV rating may result in an increase of on-going maintenance to the requested road.

Robert Bell, Manager of Works and Services has provided below comments on the condition of the roads that the application refers to;

Quellington Road

- Does have some bitumen failures in sections, they do not appear to be rapidly deteriorating at this stage.
- Shoulder vegetation/re growth on sections which will become an inconvenience in the future. This will be attended to with planned future verge spraying.

Moore Road

- Does have some bitumen surface failures in sections. This does not appear to have deteriorated in the past 6 months.
- Thick vegetation in areas between SLK 7.29 and 9.25, could cause an inconvenience when we 2 trucks passing at the same time.

Consultation

Main Roads Heavy Vehicle Service (HVS)
Mr Stuart Hobley, Chief Executive Officer
Mr Robert Bell, 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 9.9 OCM November 2023

That Council;
Accepts and approves the request to amend the RAV rating of;
1. Quellington Road - Road number 4060004
2. Moore Road- Road number 4060012
to a Restricted Access Vehicle (RAV) Network rating of 7.3.

This approval is subject to the Shire receiving a favourable road condition report being received from Main Roads Heavy Vehicle Services on the completion of their road assessments.

Moved: Cr B (Bernie) Daly

Seconded: Cr HN (Holly) Godfrey

Vote – Simple majority

Carried: 6/0

9.10. Annual Report

Location:	Shire of Cunderdin
Applicant:	Governance & Administration Officer
Date:	17 th November 2023
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.10.1 – Draft Annual Report 2022/23

Proposal/Summary

For Council to accept the Annual Report for the 2022/2023 Financial Year and to set the date for the Annual Electors Meeting to be held.

Background

The *Local Government Act 1995*, sections 5.53 & 5.54 provides for a local government to prepare an Annual Report in each financial year.

The Report is to be received by the local government no later than 31 December after that financial year, however if the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

The Report is to be prepared in accordance with the provisions of the Act and the *Local Government (Financial Management) Regulations 1996*.

Comment

The *Local Government Act 1995*, section 5.26 provides that Council holds a General Meeting of Electors within 56 days of receiving the Annual Report. The dates and time for the electors meeting need to be determined.

A copy of the Annual Report has been circulated to all Council members.

Consultation

Mr Stuart Hobley, Chief Executive Officer
Mrs Hayley Byrnes, Deputy Chief Executive Officer
Cr AE (Alison) Harris, Shire of Cunderdin

Statutory Implications

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Strategic Plan 2022-2032

5.1 Shire communication is consistent, engaging and responsive.

Resolution 9.10 OCM November 2023

That Council;

1. Pursuant to section 5.54 of the *Local Government Act 1995*, Council accepts the Annual Report including the Annual Financial Report for the 2022/2023 Financial Year.
2. Set the Annual Electors Meeting to be held on Wednesday 20th December 2023 at 7pm at Shire of Cunderdin Council Chambers.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

9.11. Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	17 th November 2023
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.11.1 - WBN KBN SRRG Minutes - 07-11-23 (002)

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

The following have been completed under Stage 3 of the LRCIP

O'Connor Park

Cunderdin Golf Club – Shed

Tennis Club – Installation of the Soft Fall.

Cunderdin Sport and Recreation Club - Blinds

The projects below are still to be completed

Meckering Earthquake Memorial Garden

Oasis have completed their contract works at the Garden and we are awaiting the installation of the sign to complete the project. There has been a delay with respect to the installation of the signage and it is expected they will be installed before the end of the year.

Cunderdin Industrial Lot Development

Development WA have completed the final plans for the industrial development and prepared a Contract of Sale. Council has completed and returned the offer and acceptance to Co-operative Bulk Handling (CBH)

CBH have provided the details of the restrictive covenant and Development WA are proceeding with finalising the sale. The Western Australian Planning Commission (WAPC) have given their final consent for the unconditional approval of the subdivision plan.

McLeods Lawyers are now drafting final documents. It is expected the lots will be available for sale by June 2024.

Watts Street Subdivision and Cubbine Street Subdivision

Contractors have completed the subdivision concept design, contour and feature surveys, soil and site investigations and civil engineering services.

We are still awaiting the final cost estimates for the project. When these are available a report will be put to Council detailing the next stages of the project.

Elected Member Training

The Shire of Toodyay has advised that they will be hosting WALGA Elected Member training in Toodyay at dates in the new year to be confirmed. The courses being offered are as follows:

- Dealing with Conflict (2 days)
- Effective Community Leadership (1 day)
- Oversee Asset Management Strategy (1 day)
- Council Member Essentials courses (if enough interest)

If Elected Member wish to attend any or all of these training sessions, please let the administration know. Course outlines can be found on the WALGA website.

Refuse Site Electric Gates

The electric gates at the refuse site are now in operation with no reported issues so far. Security cameras will be installed before the the end of Januauary 2024, so it is anticipated that the Cunderdin refuse site will be unmanned from February 2024.

Advertising and marketing of the new opening times and hours will be completed before this changeover commences.

Cemetery Land Update

The Department of Education agreed to support the sale of a small portion of land adjoining the Cunderdin cemetery to enable its upgrade and expansion.

The Depart has advised its next steps will be for the Department to prepare a briefing note (for Ministerial approval) on the subdivision/sale/transfer of freehold land proposal and if supported their Acquisition Manger will procure a valuation of the proposed lot and lead negotiations with the Shire to achieve agreement/settlement.

The Department have reported they will require several conditions including

- A vegetation belt being planted along the amended lot boundary and
- New fencing (per principal request) and
- The Shire being responsible for the subdivision process and preparation of new deposited plans.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.11 OCM November 2023

That the Chief Executives Officers Report be received.

Moved: Cr B (Bernie) Daly

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 6/0

10. Environmental Health and Building

Nil.

11. Planning & Development

Nil.

12. Works & Services

Nil.

13. Urgent Items

Nil.

14. Scheduling of Meeting

14.1. December 2023 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Wednesday 20th December 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 will declare the meeting closed at 5.40pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 22nd November 2023, as shown, were confirmed at the ordinary meeting of Council held on 20th December 2023.

Signed: Alison Harris

Date: 20.12.2023