Shire of Cunderdin

Minutes of the Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Wednesday 25th September 2024** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer

25th September 2024

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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 NW (Norm) Jenzen.

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 N (Natalie) Snooke	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr HN (Holly) Godfrey	

In Attendance

Stuart Hobley	Chief Executive Officer
Samantha Pimlott	Governance & Administration Officer

Guests of Council

Nil.

Members of the Public

Nil.

2.2 Apologies

Hayley Byrnes	Deputy Chief Executive Officer

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 27th August 2024

Resolution 6.1 OCM September 2024

1. That the Minutes of the Ordinary Council Meeting held on Tuesday 27th August 2024 be confirmed as a true and correct record.

Moved: Cr A (Tony) Smith	Seconded: Cr N (Natalie) Snooke
Vote – Simple majority	Carried: 7/0

Note to this item:

The President signed the minute declaration on the previous minutes.

7 Declaration of Members and Officers Interests

Nil.

8 Announcements by President without Discussion

Nil.

9 Finance and Administration

9.1 Financial Reports August 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	19th September 2024
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 - August 2024 Monthly Financial Report Attachment 9.1.2 - Rates details August 24

Proposal/Summary

The financial reports as at 31st August 2024 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

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 September 2024

That Council:

1. Receives the monthly financial reports for the periods ending 31st August 2024.

Moved: Cr NW (Norm) Jenzen — Seconded: Cr B (Bernie) Daly

Vote – Simple majority — Carried: 7/0

9.2 Accounts Paid 31st August 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	19th September 2024
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 - August Creditors Listing Attachment 9.2.2 - CC Statement 16.07.2024 - 15.08.2024 Attachment 9.2.3 - Email Correspondence regarding CC Attachment 9.2.4 - Invoice HB regarding CC Attachment 9.2.5 - Receipt HB regarding CC

Proposal/Summary

Council is requested to confirm the payment of accounts totalling:

Total for Municipal -	$554,547.69
Total for Trust -	$0.00
TOTAL -	$554,547.69

For August 2024 as listed in the Warrant of Payments for the period 1st to 31st August 2024.

Background

Nil.

Comment

Upon receipt of the credit card statement, it was realised that the Shire credit card issued to Hayley Byrnes had been used in error through PayPal for personal purchases. The CEO and Shire President were notified immediately upon the realisation of the transaction errors. An invoice was raised for the transactions made in error. This reimbursement invoice was paid (as shown in Attachments 9.2.3,9.2.4 and 9.2.5).

The Shire card had been used through PayPal for shire related transactions on the internet when there were concerns for security as they were unknown sites and no other valid payment options, invoice or in store, were available.

The Shires credit card has been deleted from the PayPal system, and to avoid recurrence of this error purchases using PayPal (for security) will be processed on a personal card and staff will complete an application for reimbursement.

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 September 2024

1. That Council's payments of accounts amounting to $554,547.69 being from Municipal Account for August 2024, as follows:

Municipal Account	$	**Total**
Electronic Funds Transfer: EFT 8537- 8640	$524,040.25	
Direct Debit (Inc Bank Charges):	$22,197.04	
Cheques: 11922 - 11927	$8,310.40	
Trust Account	$0.00	
TOTAL		**$554,547.69**

2. That Council's receive reports for payments of corporate credit cards amounting to $2,503.00 being from Municipal Account for period 16th July to 15thAugust 2024, as follows:

40030 - Westpac Banking Corporation Visa – Stuart Hobley				
Date	**Job**	**Job Description**	**Comments**	**Line Total**
16-Jul	11451000.520	Expenses relating to Administration GEN	CEO Dinner	$13.00
19-Jul	11451000.520	Expenses relating to Administration GEN	CEO Meeting	$52.78
24-Jul	11451000.521	Expenses relating to Administration GEN	Post council meeting dinner	$151.37
31-Jul	11411200.521	Streets Alive Grant Expenditure GEN	Streets Alive	$271.00
31-Jul	11411200.521	Streets Alive Grant Expenditure GEN	Streets Alive	$175.05
6-Aug	P3009	2011 Toyota Coaster Community Bus (CM1491)	Bus Inspection	$251.55
6-Aug	11451000.520	Expenses relating to Administration GEN	CEO Dinner	$20.00
10-Aug	11451110.520	Staff Uniform - Admin GEN	CEO Uniform	$109.99
13-Aug	11451140.521	Expenses relating to Administration GEN	Local Planning Scheme Advertising	$175.89
14-Aug	11451000.520	Expenses relating to Administration GEN	CEO Lunch	$15.60
			TOTAL	**$1,236.23**

40030 - Westpac Banking Corporation Visa –Robert Bell				
Date	**Job**	**Job Description**	**Comments**	**Line Total**
29-Jul	P8020	2021 Komatusu PC138US-11 Excavator (CM1988)	Blower for Excavator	$170.00
			TOTAL	**$170.00**

40030 - Westpac Banking Corporation Visa – Hayley Byrnes				
Date	**Job**	**Job Description**	**Comments**	**Line Total**
16-Jul	11451000.521	Expenses relating to Administration GEN	Accidental charge to work Credit Card	$139.00
18-Jul	11451070.520	Training Expenses - Admin GEN	Training - Sam Pimlott	$214.50
28-Jul	11451000.521	Expenses relating to Administration GEN	Accidental charge to work Credit Card	$16.00
29-Jul	11451000.521	Expenses relating to Administration GEN	Accidental charge to work Credit Card	$145.23
31-Jul	11321010.521	CDO Projects GEN	Youth Event	$112.05
7-Aug	11451000.521	Expenses relating to Administration GEN	Accidental charge to work Credit Card	$19.99
			TOTAL	**$646.77**
			TOTAL PAYMENTS	**$2,053.00**

Moved: Cr B (Bernie) Daly	Seconded: Cr A (Tony) Smith
Vote – Simple majority	Carried: 7/0

9.3 Council Investments – At 31st August 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	19th September 2024
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements August 2024

Proposal/Summary

To inform Council of its investments as at 31st August 2024.

Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 31st August 2024

COUNCIL ACCOUNTS					
Institution	**Amount**	**Investment type/ Account details**	**Municipal Funds**	**Reserve Funds**	**Trust Funds**
Westpac Bank	$1,506,942.02	Municipal- 0000030	$1,506,942.02		
Bendigo Bank	$2,966,677.78	Municipal- 155971377	$2,966,677.78		
Westpac Bank	$281,625.05	Business Cash Reserve 22-3647 0.50%		$281,625.05	
Bendigo Bank	$10,167.86	Bendigo Trust Account 164 488 686			$10,167.86
Westpac Bank	$0.00	Trust Working Account 12-2981			$0.00
Bendigo Bank	$1,457,464.70	Term Deposit -5.06% Exp 20 Dec 2024		$1,457,464.70	
TOTAL INVESTMENTS	$6,222,877.41		$4,473,619.80	$1,739,089.75	$10,167.86

In addition to the above Shire funds, the Shire administers following accounts for the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits & operating Ac#000073.

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
31st August 2024

Opening Balance as per Bank Statement & Term Deposits

Term Deposit# 4785431
Maturing 4 Dec 2024 (5.01%)

		239,962.77
	TOTAL	**239,962.77**
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	**TOTAL**	**239,962.77**
INCOMING		
		0.00
		0.00
OUTGOING		0.00
Balance as at end of month	**TOTAL**	**239,962.77**

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
31st August 2024

Opening Balance as per Bank Statement & Term Deposits
Term Deposit# 4785433
Maturing 4 Dec 2024 (5.01%)

		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 September 2024	
That the report on Council investments as at 31st August 2024 be received and noted.	
Moved: Cr N (Natalie) Snooke	Seconded: Cr NW (Norm) Jenzen
Vote – Simple majority	Carried: 7/0

9.4 Receive Minutes for the Shire of Cunderdin Audit Committee

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	17th September 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.4.1 - Audit Committee Minutes - 27th August 2024

Proposal/Summary

For Council to receive and accept the Shire of Cunderdin Audit Committee Meeting Minutes for the meeting held on Tuesday, 27th August 2024.

Background

A copy of the Audit Committee Minutes have been circulated to all Councillors.

Comments

There were two items of business for the Audit Committee to consider. These were to:

- Receive Interim Audit Results for the year ended 30 June 2024.
- Consider concerns regarding the indicative audit fee increase for 2023-24

It is recommended that Council consider the resolutions contained within the minutes presented and adopt the Audit Committee resolutions.

Consultation

Shire of Cunderdin Staff
Audit Committee
Moore WA – Appointed Auditors

Statutory Implications

Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2)
The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Local Government Act 1995 - 7.12A. Duties of local government with respect to audits

(1) A local government is to do everything in its power to —
  (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
  (b) ensure that audits are conducted successfully and expeditiously.
(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
(3) A local government must –
  (aa) examine an audit report received by the local government; and
  (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
  (b) ensure that appropriate action is taken in respect of those matters.
(4) A local government must —
  (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
  (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

(5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

Local Government (Audit) Regulations 1996
Local Government (Financial Management) Regulations 1996

Policy Implications
Nil.

Financial Implications
Nil.

Strategic Implications
Shire of Cunderdin Strategic Community Plan.
5.3 Implement systems and processes that meet legislative and audit obligations
External Audits and Reviews confirm compliance with relevant legislation.

Resolution 9.4 OCM September 2024

That the Minutes of the Shire of Cunderdin Audit Committee Meeting held on 27th August 2024, be received and the resolutions contained therein be adopted.

Moved: Cr B (Bernie) Daly	Seconded: Cr TE (Todd) Harris
Vote – Simple majority	Carried: 7/0

9.5 Main Roads Heavy Vehicle Services RAV Request

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	5th September 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to permit Main Roads Heavy Vehicle Services to add Seventeen Mile Gate Road (4060074) from SLK 0.00 – SLK 2.36 to RAV Network 7 with access conditions.

Background

Council previously approved the RAV network increase for Seventeen Mile Gate Road from Rabbit Proof Fence Nth Rd (2.36) to Cunderdin - Wyalkatchem Rd (7.00) with the following resolution:

Resolution 9.5 OCM April 2024

That Council:

1. *Accepts the request to amend the RAV rating of:*
   - *Cunderdin – Minnivale Rd (SLK 7.86 – 18.71)*
   - *Seventeen Mile Gate Rd (SLK 2.36 – 7.00)*
   - *Rabbit Proof Fence Nth Rd (SLK 23.84 – 25.40)*
   - *Cunderdin - Wyalkatchem Rd (SLK 30.68 – 12.85)*

   for the purpose of the Restricted Access Vehicle (RAV) Network 7.3.
2. *Acknowledge that approval is subject to a favourable road condition report from Main Roads Heavy Vehicle Services being received on the completion of their road assessments.*

On 17th July 2024 correspondence was received from Main Roads HVS route assessment advising that the roads were approved for RAV 7.3 access. Conditions of approval are:

Cunderdin-Wyalkatchem Rd (4060166) SLK 12.86 to 30.68

No conditions

Seventeen Mile Gate Rd (4060074) SLK 2.36 to 7.00

No operation on unsealed road segment when visibly wet, without road owner's approval.

Rabbit Proof Fence Nth Rd (4060122) SLK 23.84 to 25.40

Low Volume Type A conditions

- Headlights to be switched on at all times
- Maximum speed 40 km/h
- When travelling at night, the RAV must travel at a maximum speed of 40km/h and display an amber flashing warning light on the prime mover.
- Direct radio contact must be maintained with other restricted access vehicles to establish their position on or near the road (suggested UHF channel 40).

Cunderdin-Minnivale Rd (4060003) SLK 0.00 to 18.71

No conditions

Comments

In addition to HVS approving roads from the April 2024 Resolution 9.5, Main Roads contacted the Shire requesting that we also approve Seventeen Mile Gate Road (4060074) from SLK 0.00 – SLK 2.36 to RAV Network 7 with access conditions.

Main Roads HVS route assessors have assessed the road and recommended that it be deemed suitable for RAV Network 7 use.

Consultation
Shire of Cunderdin Staff
Main Roads Heavy Vehicle Services

Statutory Implications
Road Traffic (Vehicles) Act, 2012

Policy Implications
Nil.

Financial Implications
Nil.

Strategic Implications
Strategic Community Plan 2022 – 2032
2. ECONOMY
2.3 Build economic capacity
Land and infrastructure can accommodate commercial and residential growth

3. BUILT ENVIRONMENT
3.1 Safe, efficient and well maintained road infrastructure
Environmental – roadside vegetation
Infrastructure – appropriate for local business operations

Resolution 9.5 OCM September 2024

That Council:

1. Approve addition of Seventeen Mile Gate Road (4060074) from SLK 0.00 – SLK 2.36 to RAV Network 7, with access conditions as applied by Main Roads Heavy Vehicle Services.

Moved: Cr TE (Todd) Harris	Seconded: Cr B (Bernie) Daly
Vote – Simple majority	Carried: 7/0

9.6 Receive Minutes of Local Emergency Management Committee Meeting

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	12th September 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.6.1 – Minutes – LEMC September 2024

Proposal/Summary

For Council to receive and accept the Shire of Cunderdin Local Emergency Community Management Committee Minutes from meeting held 11th September 2024.

Background

The Minutes listed above are attached for Councillor review and have been made available to the public.

Comments

At the recent LEMC the members and invited guests

There are no recommendations to Council from the Local Emergency Management Committee Meeting.

Consultation

Shire of Cunderdin Staff
Ben Davies, Community Emergency Services Manager

Statutory Implications

Emergency Management Act 2005

s36 Functions of local government

It is a function of a local government —

a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and
b) to manage recovery following an emergency affecting the community in its district; and
c) to perform other functions given to the local government under this Act.

s38. Local emergency management committees

1) A local government is to establish one or more local emergency management committees for the local government's district.
2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
3) A local emergency management committee consists of —
   a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
   b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.

s39. Local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

S41. Emergency management arrangements in local government district

1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.

Policy Implications

Nil.

Financial Implications

2023/24 Adopted Budget.

Strategic Implications

Shire of Cunderdin Strategic Community Plan.
COMMUNITY AND SOCIAL
1.4 Support emergency services planning, risk mitigation, response and recovery
CIVIC LEADERSHIP
5.3 Implement systems and processes that meet legislative and audit obligations
Capability of our organization is continually improved

Business Continuity Management Plan

Local Emergency Management Arrangement (LEMA)

Bush Fire Risk Management Plan

Resolution 9.6 OCM September 2024

That the Council:

1. Receive Local Emergency Management Committee Minutes from Meeting held 11th September 2024.

Moved: Cr A (Tony) Smith	Seconded: Cr HN (Holly) Godfrey
Vote – Simple majority	Carried: 7/0

9.7 Receive Minutes Shire of Cunderdin Bushfire Advisory Committee

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	11th September 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.7.1 - BFAC Minutes September 2024

Proposal/Summary

For Council to receive and accept the Shire of Cunderdin Bushfire Advisory Committee Minutes of the meeting held 9th September 2024 and endorse the appointments contained therein in accordance with the *Bush Fire Act 1954* for the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Fire Control Officers.

Background

The Minutes listed above are attached for Councillor review and have been made available to the public.

Comments

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

At the recent meeting resolutions were made for the appointments for Chief, Deputy Chief and Fire Control Officers. These resolutions are as follows:

Chief Bush Fire Control Officer

- Mr Norm Jenzen nominated Mr Ashley Burges
- Mr Ben Davies seconded this nomination

There being no further nominations, Mr Ashley Burges was appointed Chief Bush Fire Control Officer pending acceptance.

Deputy Chief Bush Fire Control Officer

- Mr David Beard nominated Mr Norm Jezen
- Mr Norm Jezen declined interest in the nomination
- Mr Todd Harris nominated Mr D Beard
- Mr David Beard declined interest in the nomination

There being no further nominations, position of Deputy Chief Bush Fire Control Officer was left vacant pending discussions to be held with the Bush Fire Brigade's at their upcoming meetings on the filling of this position.

Chairperson, Cr AE (Alison) Harris, thanked David for his service to the Shire of Cunderdin during his tenure as DBFCO.

Fire Control Officers

The following persons, subject to their acceptance and completion of Fire Control Officer training be elected as Fire Control Officers for the Shire of Cunderdin for the forthcoming year:
Mr Ashley Burges (CBFCO), Mr David Beard, Mr David Smith, Mr Todd Harris, Mr Digby Wilmott, Mr Norm Jenzen, Mr Jeff Snooke, Mr Philip Arnold, Mr David Fisher, Mr. Tim Ford, Mr Todd Rogers, (CESM), Mr Stuart Hobley (CEO), and Mrs Hayley Byrnes (DCEO).

At the Meckering Bush Fire Brigade meeting held 18th September 2024 Mr Ashley Burges confirmed acceptance of the CBFCO position with CESM Ben Davies. Mr Malcom Patton at this same meeting advised of his interest to become an FCO. It is recommended that Council include Malcom Patton in Councils resolution to appoint Fire Control Officers, pending completion of the FCO training.

Mr Darren Jasper since approached CESM, Ben, advising of his interest to be nominated as an FCO of his interest to become an FCO. It is recommended that Council include Darren in Councils resolution to appoint Fire Control Officers, pending completion of the FCO training.

Consultation

Shire of Cunderdin Staff
Ben Davies, Community Emergency Services Manager

Statutory Implications

Bush Fires Act 1954:

s38 Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

s48 Delegation by local governments

(1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.

s50 Records to be maintained by local governments

(1) A local government shall maintain records containing the following information —

(a) the names, addresses, and usual occupations of all the bush fire control officers and bush fire brigade officers appointed by or holding office under the local government;

(b) where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office;

(c) particulars of the nature, quantity, and quality of the bush firefighting equipment and appliances which are generally available within the district of the local government for use in controlling and extinguishing bush fires.

s67 Advisory committees

(1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

(2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.

(4) A committee appointed under this section —

(a) may from time to time meet and adjourn as the committee thinks fit;

(b) shall not transact business at a meeting unless the quorum fixed by the local government is present;

(c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Bush Fires regulations 1954

Reg 41. Bush fire brigades, local government to keep register of -

(1) A local government shall keep a register of bush fire brigades established by it in the form of Form 12 in the Appendix.

Policy Implications

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

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Strategic Community Plan.

COMMUNITY AND SOCIAL

1.4 Support emergency services planning, risk mitigation, response and recovery

CIVIC LEADERSHIP

5.3 Implement systems and processes that meet legislative and audit obligations

Capability of our organization is continually improved

Resolution 9.7 OCM September 2024

That the Council:

1. Receive the Bushfire Advisory Committee Minutes from meeting held 9th September 2024 as presented.
2. That Council endorse the following appointments under section 38 of the Bush Fire Act 1954:
    a. Chief Bush Fire Control Officer – Mr Ashley Burges
    b. Fire Control Officers - Mr Ashely Burges (CBFCO), Mr David Beard, Mr David Smith, Mr Todd Harris, Mr Digby Wilmott, Mr Norm Jenzen, Mr Jeff Snooke, Mr Philip Arnold, Mr David Fisher, Mr Tim Ford, Mr Todd Rogers, Darren Jasper, Mr Malcom Patton, (CESM) and Mr Stuart Hobley (CEO), and Mrs Hayley Byrnes (DCEO).

Moved: Cr HN (Holly) Godfrey — Seconded: Cr N (Natalie) Snooke

Vote – Simple majority — Carried: 7/0

9.8 Cunderdin Memorial Aquatic Centre and Wellness Hub

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	5th September 2024
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to approve and authorise submission of application to the Growing Regions Program, by the Chief Executive Officer, for the refurbishment of the Cunderdin Memorial Swimming Pool

Background

The Australian Government has committed $600 million over four years, commencing in 2023–24 for the Growing Regions Program to deliver investment in infrastructure across Australia's regional, rural and remote areas.

The program provides funding of between $500,000 and $15 million to local government entities and incorporated not-for-profit organisations for capital works projects that will enhance liveability, bolster social cohesion and support local amenity throughout Australia's regions.

The program is open competitive with funding awarded on a merit basis. The program has been funded to deliver two rounds, with $600 million available to invest in regional and remote communities.

Round 1 opened 5 July 2023 and closed 15 January 2024. On 16 May 2024, funding was announced for 40 approved projects, delivering approximately $207 million to support projects across Australia's rural and remote communities.

The Shire of Cunderdin submitted an application with several other Wheatbelt Council to construct dwellings in each of their communities. Councils' application was to build eight (8) dwellings on the old hospital site. This application did not receive funding.

Council was advised that housing programs were not considered favourably in Round 1 and that applicants should focus on projects that delivered community liveability and social cohesion.

Round 2 opened for applications on 5 September 2024 and will close 10 October 2024 and will provide $393 million to fund eligible capital works projects across rural and regional Australia.

Comments

Councils Community Strategic Plan identifies the projects that the community have prioritised through a consultation process. Some of these have been completed, O'Connor Park Upgrade, Meckering Earthquake Garden and others including an undercover sports area are currently being considered for government funding.

Out of the projects remaining, staff have identified the upgrade of the swimming pool for this funding program. The upgrade of the pool will meet all funding criteria and provides an essential service to the community.

The proposed upgrade will mainly focus on the buildings and the toddlers pool, with minimal work on the main pool shell, as the main pool was recently renovated.

The plan will see the male and female toilet blocks and the kiosk building demolished. This will be replaced by a new building that will incorporate a kiosk, office, male and female toilets, new gym and multi-purpose room. The facade of the building would reflect the current art deco look of the 1960's.

This grant needs to be completed and submitted by the 10th October 2024. Staff have engaged Donovan and Partners to provide a concept drawing and draft budget and to complete a cost benefit analysis.

Council endorsement of the project and commit to providing up to 30% of the funding required.

Consultation
Shire of Cunderdin Staff
Donovan and Partners
Contract Aquatics

Statutory Implications
Nil.

Policy Implications
Nil.

Financial Implications
The earliest the project would commence is in the 2025/26 financial year. The funding is 70% Federal Government and would require a commitment of up to 30% from Council or other funding sources.

Based on the estimated project cost below, Councils contribution requirements would be as follows:

Project Cost	Federal Government	Council
$1,000,000	$700,000	$300,000
$1,500,000	$1,050,000	$450,000
$2,000,000	$1,400,000	$600,000
$2,500,000	$1,750,000	$750,000
$3,000,000	$2,100,000	$900,000
$4,000,000	$2,800,000	$1,200,000
$5,000,000	$3,500,000	$1,500,000

Council may be able to source additional funding to complete the works such as Lotterywest or Community Sport and Recreation Fund.

Strategic Implications
Shire of Cunderdin Strategic Community Plan.
1. COMMUNITY AND SOCIAL
1.1 Community members have the opportunity to be active, engaged and connected
The Shire supports positive leisure, learning and recreation outcomes
3. BUILT ENVIRONMENT
3.3 Enhance public spaces and townscapes
Central business district amenities are welcoming and attractive
5. CIVIC LEADERSHIP
5.2 Forward planning and implementation of plans
Financial sustainability in achieving community aspirations

Resolution 9.8 OCM September 2024

That Council:

1. Approve the grant application to the Growing Regions Program for the upgrade of the Cunderdin Memorial Swimming Pool and commit to contributing up to 30% of the project costs in future budgets to a maximum total project cost of $4,200,000 (Council contribution $1,300,000).

Moved: Cr B (Bernie) Daly | Seconded: Cr A (Tony) Smith

Vote – Simple majority | Carried: 7/0

9.9 Request for Rates Exemption 47 Main Street, Cunderdin

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	16th September 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	A53095
Attachment/s:	Attachment 9.9.1 – Correspondence request

Proposal/Summary

For Council to consider rates exemption request from owner of 47 Main Street, Cunderdin.

Background

The new owner (Mr Trevor Thompson) of 47 Main St (also known as the Old CWA Building) has applied to Council for a rates exemption, with the reasoning being the building is being used for community purposes.

47 Main Street was purchased by the current owner on 7th February 2024. The previous owner was Cunderdin Fellowship Inc. who acquired the property from Country Women's Association Inc. in 2002. The Cunderdin Fellowship Inc was a registered Church and therefore was exempt from paying rates on the property however they were still responsible for the payment of the Emergency Services Levy (ESL) and waste charges.

The property is zoned "Public Purposes" in the Shire of Cunderdin Local Planning Scheme No.4. Public Purpose as defined in the scheme text is defined: 'To provide for a range of essential physical and community infrastructure'.

When the property sale was completed, and land transferred from the Fellowship to Mr Thompson Landgate produced an annual GRV of $3,680.00. A proportionate interim rate was raised for the 2023/2024 financial year of $269.67. This was paid on the 20th May 2024.

The 2024/25 GRV, as issued by the Valuer General, was $4,310.00. Minimum rates of $841 and ESL of $103.00 were raised and a notice totalling $944.00 was issued on 1st August 2024.

Comments

The correspondence from Mr Thompson states that the property is being used as a meeting place for local community groups and that three groups are currently holding meetings in the building.

Before Mr Thompson purchased the property, he met with the Chief Executive Officer and inquired as to the status and use of the property. He was advised by the CEO that the property would be subject to Shire rates when it was no longer owned by the Cunderdin Fellowship Inc. He was also advised that due to the current zoning of the land the uses of the premises would be very restricted. If he wished to change the zoning of the land through a Town Planning Scheme amendment, he could apply to Council but there would be significant costs involved.

Section 6.26 of the *Local Government Act* is very clear on what constitutes a rateable property. In this instance it does not appear that the applicant would meet any of these requirements.

If Council was to consider acquiescing to this request, they must consider any repercussions this may have in the future.

Council currently writes off the rates for the Cunderdin Resource Centre (CRC) on their application in writing each year. In this instance the property is owned by a "Not for Profit" community organisation that main function is to perform a community service.

Consultation
Shire of Cunderdin Staff

Statutory Implications
Local Government Act 1995,
s1.4 Terms Used
owner, where used in relation to land —
a) means a person who is in possession as —
i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple; or
iii) a mortgagee of the land; or

Division 5 Financing local government activities – Subdivision 1 – Introduction
s6.15 Local government's ability to receive revenue and income
1) A local government may receive revenue or income —
a) from –
i) rates, or
Division 6 — Rates and service charges
owner — otherwise has the meaning given in section 1.4;

6.26 Rateable Land
2) The following land is not rateable land —
a) land which is the property of the Crown and —
d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
e) land used exclusively by a religious body as a school for the religious instruction of children; and
g) land used exclusively for charitable purposes; and
6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

Valuation of Land Act 1978

Rates and Charges (Rebates and Deferments) Act 1995 **– Part 2 Eligibility and Entitlement, Division 1 Eligibility**
s24. Other persons prescribed as eligible
Subject to this Act, a person is eligible to apply to the administrative authority to have their entitlement as regards any land registered if a prescribed charge is payable on that land, on production to the administrative authority of proof of the kind prescribed and sufficient evidence of eligibility being accepted by the administrative authority under section 26, so long as —
a) the person —
i) possesses an eligibility of a kind prescribed for the purposes of this section; and

s26. Evidence of eligibility, production of relevant card or authorisation

1) For the purposes of determining whether or not a person may be eligible, within the meaning of this Act, an administrative authority may accept —
   f) evidence of eligibility in a form specified in the procedural manual, as sufficient evidence of the eligibility of a person
2) Where an applicant does not otherwise satisfy the administrative authority as to the eligibility of any person under this Act, the administrative authority may require the applicant to furnish a request and authority, in writing and signed by that person, addressed to the Secretary to the Department of the Commonwealth or other relevant person concerned, to furnish information relevant to the determination of the question of the eligibility of that person, and in default may decline to accept that person as being eligible.

Part 2 Division 2 — Entitlement

s27. Concept of land belonging to a person

3) Where land is to be treated as belonging to an applicant or registered person, but that person is not the sole holder of the estate or interest or the sole use of the land is not as the ordinary place of residence of that person —
   a) the extent of the entitlement which is to be, or is, registered; and
   b) any apportionment of the rebate —
      i) calculated in such a manner as to reflect the extent of that entitlement, as required by section 40(4); or
      ii) according to the extent of the use of the land for other purposes, as required by section 28(2),

   shall, subject to subsections (4), (5) and (5a) of this section, be determined by the administrative authority in accordance with section 28 and, where it applies, section 31(3).

S28. Proportionate interests

2) Where although land is used as the ordinary place of residence of an applicant or registered person it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable, according to —
   a) the extent to which the land is so used as a place of residence; and
   b) any other use,

   on a basis proportionate to the respective uses.

Policy Implications

Nil.

Financial Implications

Rates Payable $841.00
ESL Payable $103.00
Any future years annual rates.

Strategic Implications

Shire of Cunderdin Local Planning Scheme No.4

Shire of Cunderdin Strategic Community Plan.
5.2 Forward planning and implementation of plans
Accountable and transparent decision making
Financial sustainability in achieving community aspirations

Resolution 9.9 OCM September 2024

That Council:

1. Reject the application for a reduction on all current and future rates applied to 47 Main Street Cunderdin, with the reason being that the application does meet the criteria of Section 6.26 of the *Local Government Act.*

Moved: Cr A (Tony) Smith	Seconded: Cr TE (Todd) Harris
Vote – Absolute majority	Carried: 7/0

9.10 Move Behind Closed Doors

Resolution 9.10 OCM September 2024

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

Moved: Cr NW (Norm) Jenzen	Seconded: Cr TE (Todd) Harris
Vote – Simple majority	Carried: 7/0

9.11 Tender 3-23/24 Design & Construct Executive Housing

9.12 Move From Behind Closed Doors

Resolution 9.12 OCM September 2024

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

9.13 Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	20th June 2024
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.13.1 - CEO Report InfoPage - Elections Advocacy Positions V4

Proposal/Summary

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

Background

Cunderdin Industrial Lot Development

Development WA advised of the following with respect to the industrial subdivision.

- On the 28th August the WAPC Approved the application for the 5 lot subdivision, subject to conditions. This decision is valid for four (4) years.
- The application for amalgamation (Donovan's lot 19) is still awaiting a decision from WAPC. The WAPC have 90 days, which means a response should be received early to mid-October.
- Development WA have requested a design for the vegetation buffer, which is expected in November, the buffer will need to be planted in the winter so it's likely that this will be undertaken separately to construction as they anticipate practical completion of the lots early in the new year.
- Development WA have almost completed the tender documents and should have a release date in the coming weeks.
- Procurement for a real estate agent was on hold, to be progressed in a batch with other regional projects in coming months. Unfortunately, this process has fallen over, due to the lack of specialised agents. They are exploring alternate options.

WAPC subdivision review	Up to 3 months – finish August
Procurement	Up to 6 weeks – finish October
Construction /sales	9 weeks – October – mid December

Watts Street Subdivision

On August 29th 2024 Damian Partners carried out field works and will be producing a report. Once the report is completed and provided to the Shire, this will accompany the application to the WAPC.

Site investigation works will determine if deep sewerage connections are required for these initial lots. Based on the previous development of the lots on the south side of Watts Street it is not anticipated that deep sewerage will be required.

Councils Town Planner Mr Douglas will Project Manage the development with assistance from Council staff.

Mitchell Street and Yilgarn Street Housing Update

The President and Chief Executive Officer continue to meet with the contractor regarding the Yilgarn Street Executive House construction. The draft design has been amended which has reduced the previous estimate. An agenda item is presented at the OCM September 2024.

The CEO and CR A Harris and Cr N Snooke met with Modular WA for the prestart meeting for the two, three-bedroom dwellings on Mitchell Street.

Museum Visit

The Cunderdin Museum has invited Council to the Museum for a walk through and viewing and to receive a copy of the Museums Strategic Plan. The proposed time is the 23 October at a time convenient to Council prior to the Ordinary Council meeting being held that day.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.13 OCM September 2024

That the Chief Executives Officers Report be received.

Moved: Cr B (Bernie) Daly	Seconded: Cr HN (Holly) Godfrey
Vote – Simple majority	Carried: 7/0

10 Environmental Health and Building

Nil.

11 Planning & Development

Nil.

12 Works & Services

Nil.

13 Urgent Items

Nil.

14 Scheduling of Meeting

14.1 October 2024 Ordinary Meeting

The next ordinary meeting of Council is scheduled to take place on Wednesday 23rd October 2024 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 5.47pm.

16 Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 25th September 2024, as shown, were confirmed at the ordinary meeting of Council held on 23rd October 2024.

Signed: _____

Date: 23.10.24