



Shire of Cunderdin

Notice of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council will be held on **Thursday 27th April 2023** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer
20th April 2023

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AGENDA

1. Declaration of Opening

The Shire President declared the meeting open at ____pm

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

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

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

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

2.1 Record of attendances

Councillors

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

In Attendance

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

Guests of Council

Members of the Public

2.2 Apologies

Cr W (Sam) Stewart

2.3 Leave of Absence Previously Granted

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

5. Applications for Leave of Absence

Recommendation 5.1

That Council approve Leave of Absence for Cr _____ from _____ to _____ inclusive

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 16th March 2023

Recommendation 6.1

That the Minutes of the Ordinary Council Meeting held on Thursday 16th March 2023 be confirmed as a true and correct record.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

Note to this item:

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

7. Declaration of Members and Officers Interests

8. Announcements by President without Discussion

9. Finance & Administration

9.1 Financial Reports for March 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	3 April 2023
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – March 2023 Monthly Financial Report Attachment 9.1.2 - Rates Details March 2023

Proposal/Summary

The financial reports as at 31st March 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.

Recommendation 9.1

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

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.2 Accounts Paid – 31st March 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	7th March 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – March Creditors Listing Attachment 9.2.2 - Credit Card Statement March 2023

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$949,459.33
Total for Trust -	\$0.00
TOTAL -	\$949,459.33

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

Recommendation 9.2

1. That Council's payments of accounts amounting to \$949,459.33 being from Municipal Account for March 2023, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 6994 - 7105	\$781,340.08	
Direct Debit (Inc Bank Charges):	\$26,927.47	
Cheques: 11847 - 11851	\$141,191.78	
Trust Account		
	\$0.00	
TOTAL		\$949,459.33

Moved: Cr _____
Vote – Simple majority

Seconded: Cr _____
Carried/Lost: _____

9.3 Council Investments – As at 31st March 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	7th March 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3 - Bank Statements March 2023

Proposal/Summary

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

Background

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

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

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

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

Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 31st March 2023.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$248,226.22	Municipal- 0000030	\$248,226.22		
Bendigo Bank	\$535,882.19	Municipal- 155971377	\$535,882.19		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$2,643.00	Bendigo Trust Account 164 488 686			\$2,643.00
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,252,487.09	Term Deposit 3.10% Exp 28 Jun 2023		\$1,252,487.09	
Bendigo Bank	\$2,000,000.00	Term Deposit -4.00% Exp 10 May 2023	\$2,000,000.00		
Bendigo Bank	\$504,347.95	Term Deposit -3.45% Exp 09 June 2023	\$504,347.95		
Bendigo Bank	\$506,000.00	Term Deposit -3.65% Exp 8 June 2023	\$506,000.00		
TOTAL INVESTMENTS	\$5,049,733.23		\$3,794,456.36	\$1,252,633.87	\$2,643.00

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

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
31 March 2023

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit# 4217537 Maturing 7 June 2023 (4.1%)	199,607.14
	TOTAL	199,607.14
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	TOTAL	199,607.14
INCOMING		0.00
		0.00
OUTGOING		0.00
		0.00
Balance as at end of month	TOTAL	199,607.14

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
31 March 2023

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit# 4217529 Maturing 7 June 2023 (4.1%)	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
		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.

Recommendation 9.3

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

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.4 Shire of Cunderdin Quarterly Risk Management Report- March 2023

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	22nd February 2023
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	9.4.1 –Quarterly Risk Management Report- March 2023

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 – Quotes have been obtained and this will be included in the 23/24 Budget
- I.T. Disaster Recovery Plan – This was included as part of the IT Tender completed in 2021 and is currently being completed, scheduled to be finalised December 2023.

Environment management

- Environment Management Plan – Research is being undertaken with regards to having this completed.

IT or communications systems and infrastructure

- I.T. Disaster Recovery Plan - This was included as part of the IT Tender completed in 2021 and is currently being completed, scheduled to be finalised December 2023.

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

Recommendation 9.4

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

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.5 Shire of Cunderdin Audit Committee Minutes

Location:	Cunderdin
Applicant:	Governance and Administration
Date:	17 th April 2023
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.5.1 – Audit Committee Minutes

Proposal/Summary

Council to receive the minutes of the Audit Committee Meeting held on Thursday 27th April 2023.

Background

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

Comment

There were three items of business on the Audit Committee Agenda:

That the Audit Committee:

1. Adopt the 2021/2022 Annual Financial Report;
2. Receive the Auditor's Report and Management Report from Dry Kirkness Chartered Accountants for the 2021/22 financial year;
4. Recommend to Council that the Annual Electors Meeting be held on Thursday 18th May 2023 at 7pm in the Shire of Cunderdin Council Chambers

This report recommends that Council adopt the recommendations within this report.

Consultation

Nil

Statutory Environment

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 is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —*
 - (a) *determine if any matters raised by the report, or reports, 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 is to —*
 - (a) *prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and*
 - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.*

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

Policy Implications

Nil

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Good Governance Framework.

Recommendation 9.5

That the Minutes of the Shire of Cunderdin Audit Committee Meeting held on 27th April 2023, be received and the recommendations contained therein be adopted.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.6 Speed Zone Relocation – Goomalling Meckering Road, Carter Road, Dunlop Street and Meckering Dowerin Road

Location:	Shire of Cunderdin
Applicant:	Governance and Administration
Date:	17 th April 2023
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.6.1 – Map Area and Road Descriptions

Proposal/Summary

To make an application to Main Roads requesting a speed limit posting on Goomalling Meckering Road, Carter Road, Dunlop Street and Meckering Dowerin Road.

Background

The current limits on the roads listed above as per the Main Roads Road Mapping Information Mapping System website data, classifies the zone as a speed Limit of 50 km/h applying in built up areas or 110km/h outside built up areas.

Currently the only posted signs are 80km/hr yellow advisory speed signs at Carter Road 4060168 SLK 0.50 and 0.05.

Comment

According to the *Road Traffic Code 2000* a built-up area is defined by the following description:

Built-up area means the territory contiguous to and including any road –

- (a) on which there is provision for street lighting at intervals of not over 100 m for a distance of at least 500 m or, if the road is shorter than 500 m, for the whole road; or
- (b) which is built up with structures devoted to business, industry or dwelling houses at intervals of less than 100 m for a distance of 500 m or more.

Regulation 11 of the *Road Traffic Code 2000* also specifies that a person shall not drive a vehicle in a built up area, at a speed exceeding 50km/h, except within a speed zone in which a higher speed is permitted.

Dunlop Street, Carter Road and Meckering Dowerin Road are considered to have a movement function as a Regional Distributor Road. Goomalling Meckering Road has a movement function listed as Local Distributor.

A Primary Distributor Road is defined as a road that provides for major regional and inter-regional traffic movement and carries large volumes of generally fast-moving traffic. These roads can be strategic freight routes. Local Distributor roads are described as roads that carry local traffic, typically linking local areas to higher-order distributor roads.

Target speeds are determined by a variety of factors. One of those factors are the typical road application. On all of the aforementioned roads the typical road application could be considered to be low standard roads in rural/ semi-developed areas or rural or remote roads. These typical road applications alongside the movement functions, attract a indicative target speed of 80-100kms/hr as indicated in Attachment 9.6.2 - Table 2: Typical Target Speeds Range for Road Types taken from the Main Roads Speed Zoning Policy and application Guidelines.

The Shire is responsible for monitoring and reviewing posted speed limits on our roads but must seek formal approval to change speed limits. Main Roads are responsible for reviewing and or approving proposed changes to speed zones. The adopted boundary of the zone and the associated speed limit signing should appear logical and clear to drivers.

The speed limit changes recommended are to change the speed zone on Goomalling Meckering Road 4060002 SLK 2.00 to SLK 0.00, Meckering Dowerin Road 4060169 SLK 0.27 to SLK 0.00, Carter Road 4060168 SLK 0.00 - 1.11 and Dunlop Street 4060167 SLK 0.00 – 0.75to 80km/hr.

Consultation

Main Roads WA.

Craig Robertson, Manager of Works & Services

Stuart Hobley, Chief Executive Officer

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

3.1 Safe, efficient and well maintained road infrastructure.

Recommendation 9.6

That Council resolve to;

1. Request to the Traffic Management Services Manager that the speed limits on the following roads,
 - Goomalling Meckering Road 4060002 SLK 2.00 to SLK 0.00
 - Dunlop Street 4060167 SLK 0.00 – 0.75
 - Carter Road 4060168 SLK 0.00 - 1.11
 - Meckering Dowerin Road 4060169 SLK 0.27 to SLK 0.00be modified to 80km/hr.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.7 Relinquish Reserve Land - R19278

Location:	Shire of Cunderdin
Applicant:	Finance, Property & Executive Services Assistant
Date:	16 February 2023
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.7.1 - Request to Relinquish Land Attachment 9.7.2 - Lot 4 on Plan 223268 Attachment 9.7.3 - Lot 5 on Plan 223268 Attachment 9.7.4 - Map of Lots

Proposal/Summary

For Council to consider relinquishing the Management Order currently in place over Reserve 19278, containing Lot 4 on Plan 223268 (Certificate of Title LR3151/811) and Lot 5 on Plan 223268 (Certificate of Title LR3151/812).

Background

Mr Luke Pont contacted the Shire with a request to purchase lots 4 and 5 on Plan 223268 from the Shire of Cunderdin. He has recently purchased lots 1, 2 and 3 from a private owner, which are adjacent to lots 4 & 5. Mr Pont was informed that the land was owned by the State of WA and he would need to contact the Department of Lands.

The Department of Lands advised Mr Pont, that in order to purchase the land, the Shire would need to relinquish our Management Order over the land. Mr Pont would then deal directly with the Department regarding the sale.

WA Property Lawyers acting as settlement agents on behalf of Mr Pont advised the Council's administration that settlement for the purchase of Lots 1, 2 and 3 had taken place on the 3rd March 2023. However as of the 17th April 2023 a check on the Landgate portal for the ownership for this land currently lists the property owner as Mr Eaton.

Reserve 19278 is currently zoned as Environmental Conservation in the Shire of Cunderdin Local Planning Scheme No.4.

Comment

Reserve 19278, containing Lot 4 and 5 on 223268, is owned by the State of WA. A Management Order for the Reserve vests the responsibility for the land with the Shire of Cunderdin. The current purpose of the Reserve is "Hall Site & Recreation".

The Reserve is located on Yilgarn Road in Youndegin, adjacent to the Youndegin Police Station site which is situated on lot 35 on Plan 148178. The Youndegin Police Station site is currently privately owned, by Mr Edward Charles Eaton and holds significant historical value to the Cunderdin district listed on the Municipal Heritage Inventory Item No. 10.

The Shire contacted the Department of Lands directly to confirm the process to relinquish the Management Order over the Reserve. The Department advised the following:

In order to freehold Crown land there are a number of actions that need to occur. I have included information regarding the process for Mr Pont.

- *A formal request utilising the Crown land enquiry form. (By the shire)*
- *The Shire agree to relinquish its management order. (Council Resolution)*
- *The reserve to be cancelled.*
- *DMIRS providing statutory approval for the land to be sold.*
- *DPLH undertaking a referral and investigation process that provided no objections.*
- *Native title being cleared.*
- *Landgate valuation providing a current unimproved market valuation for the land (nb: - a valuation is not sought until all other approvals have been granted for the proposal)*
- *A contract of sale being entered into between the State of WA and the purchaser.*
- *All requested monies being paid (purchase price, doc prep fee, registration fees, stamp duty).*
- *Shire to provide statutory declaration (no contamination/contamination/interest)*

This process (on average) can take 18-24 months to complete and is provided as a general guide only.

The Shire has utilised part of this land as a laydown area for works equipment when plant is located in the southern areas of the district. The Shire however does not have any current or future development plans for Lots 4 and 5 on Plan 223268. There is also no intention from the Shire to make any changes to the current zoning applied to Lots 4 and 5 on P223268.

Reserve 19278 is currently zoned as Environmental Conservation in the Shire of Cunderdin Local Planning Scheme No.4. Due to the nature of the land it is recommended that Council advise Mr Pont that Council does not intend on changing the zoning of the Lots and they would remain “Environmental Conservation”. This does restrict what activities can be done on the lot, but does not preclude the future construction of a dwelling.

Consultation

Department of Lands

Brooke Davidson – Finance, Property & Executive Services Assistant

Stuart Hobley – Chief Executive Officer

Statutory Implications

Nil.

Policy Implications

Shire of Cunderdin Local Planning Scheme No.4

Environmental Conservation

- To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.
- To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.

Financial Implications

Nil.

Strategic Implications

2. Economy

2.3 Build economic capacity

Land and infrastructure can accommodate commercial and residential growth.

3.4 Protect and preserve heritage

4. Natural Environment

4.2 Conservation of our natural environment

Protection of nature reserves and reduction of invasive species

Recommendation 9.7

That Council

1. Agree to surrender the management order over Reserve 19278, containing Lot 4 on Deposited Plan 223268 (Certificate of Title LR3151/811) and Lot 5 on Deposited Plan 223268 (Certificate of Title LR3151/812).
2. Supports the application by Mr Luke Point to freehold Lot 4 on Deposited Plan 223268 (Certificate of Title LR3151/811) and Lot 5 on Deposited Plan 223268 (Certificate of Title LR3151/812) on the provision there are no costs to the Shire of Cunderdin.
3. Advise Mr Pont that it will not consider any future requests to change the zoning of Lots 4 and 5 and they will remain zoned "Environmental Conservation".

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.8 Shire of Cunderdin Councillor Representation

Location:	Shire of Cunderdin
Applicant:	Governance and Administration
Date:	14 th April 2023
Author:	Samantha Pimlott
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachments:	Nil

Proposal/Summary

For Council to consider future Councillor representation following the passing of Cr W (Sam) Stewart.

Background

The passing of Cr W (Sam) Stewart a vacant position within the Shire of Cunderdin's Councillor representation has occurred. Vacation of a councillor under *Local Government Act 1995 s2.32(a)* requires an extraordinary election to be held to fill the vacant position.

Comment

Section 4.9 of the *Local Government Act 1995* states that Council are required to set a date for an extraordinary election at a meeting within one month of the office position being vacated. The election day for an extraordinary election is to be a day that allows enough time for electoral requirements to be complied with and cannot be later than 4 months after the vacancy has occurred. There are also provisions in the act for the postponement and consolidation of elections with the approval of the Electoral Commissioner.

Local Government Ordinary Elections are due to be held in October of 2023. At this election there will be four vacant positions to be filled, including Cr W (Sam) Stewart's position.

As Cr W (Sam) Stewart's vacancy occurred after the third Saturday in January and before the third Saturday in July Council can seek to gain approval from the Electoral Commissioner to hold Cr W (Sam) Stewart's position as vacant until the October 2023 elections.

Approval was sought by Council from the Western Australian Electoral Commission, in December 2021, to operate with seven Councillors rather than its legislated eight councillors. Approval for this request was granted and the Council has therefore been operating with seven councillors since the October 2021 election.

A further review of Councillor representation has been conducted and it has been granted the council will operate legislatively with seven councillors beginning from the October 2023 Local Government Elections.

Cr W (Sam) Stewart has the following appointments to committees that may need to be reallocated until his vacant position is filled-

Local Emergency Management Committee (LEMC)

Cr Alison Harris, Cr Sam Stewart, Cr Tony Smith (Proxy Delegate)

Buildings

Cr Sam Stewart, Cr Alison Harris & Cr Natalie Snooke

Meckering Action Group

Cr Sam Stewart, Cr Natalie Snooke (Proxy)

Tourism and Marketing Issues

Cr Sam Stewart, Cr Alison Harris, Cr Todd Harris, Cr Tony Smith, Cr Natalie Snooke

Consultation

Stuart Hobley, Chief Executive Officer

Hayley Byrnes, Deputy Chief Executive Officer

Cr AE (Alison) Harris, Shire President

Statutory Implications

Local Government Act 1995

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member –

- (a) dies; or*
- (b) resigns from the office; or*
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or*
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or*
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or*
- (e) becomes the holder of any office or position in the employment of the local government; or*
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.*

[Section 2.32 amended by No. 55 of 2004 s. 686; No. 24 of 2005 s. 58; No. 1 of 2007 s. 5.]

4.17. Cases in which vacant offices can remain unfilled

(2) If a member's office becomes vacant under section 2.32 –

- (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*
- (b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

(3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

(4A) Subsection (3) applies –

- (a) if –*
 - (i) the office is for a district that has no wards; and*
 - (ii) at least 80% of the number of offices of member of the council in the district are still filled;**or*
- (b) if –*
 - (i) the office is for a ward for which there are 5 or more offices of councillor; and*
 - (ii) at least 80% of the number of offices of councillor for the ward are still filled.*

Policy Implications

Nil.

Financial Implications

If Council resolve to hold the position vacant there will be no additional costs as it will be part of the Ordinary Electoral process.

An extraordinary election process and associated advertising costs to hold an extraordinary election prior to the October 2023 Ordinary Election process it would be estimated that the costs would be somewhere between \$10,000 and \$15,000.

Strategic Implications

5. Civic Leadership

- 5.1 Shire communication is consistent, engaging and responsive
- 5.2 Forward planning and implementation of plans
- 5.3 Implement systems and processes that meet legislative and audit obligations

Recommendation 9.9

That Council;

1. Request the Electoral Commissioner to approve the reduction of the Shire of Cunderdin number of offices of Council from seven to six members with one vacancy being held over until the October 2023 Local Government Elections.
2. That Cr. _____ be appointed as the Council Representative for the Local Emergency Management Committee.
3. That Cr. _____ be appointed as the Council Representative for the Building Portfolio.
4. That Cr. _____ be appointed as the Council Representative for the Meckering Action Group.
5. That Cr. _____ be appointed as the Council Representative for the Tourism and Marketing Issues.

Moved: Cr _____

Seconded: Cr _____

Vote – Absolute majority

Carried/Lost: _____

9.9 Amendment to the Fees and Charges 2022/2023

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	6 April 2023
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.9.1 – Response letter from Mr. Valerio Attachment 9.9.2 - Theodore Valerio - Aircraft located at Cunderdin Airfield Response

Proposal/Summary

It is proposed that Council adopt the following inclusion to our Fees and Charges:

Airfield Lease Charge – Theodore Valerio \$7,600 annually (GST Inclusive)

Background

Following a recent review of the lease holders at the Cunderdin Airfield, it has come to our attention that there is no agreement in place between Mr Theodore Valerio and the Shire, to keep the Aerocorp aircraft (VH-NEP) and several sea containers at the Airfield.

Please refer to Attachment 9.9 – Response letter from Mr. Valerio for further explanation of how the aircraft came to be located at the Cunderdin Airfield.

It is believed the aircraft has been located at the Airfield for at least 15 years. The aircraft does not fly, however the owner of Soarability, Damian O’Reilly, has confirmed that it is regularly towed into his Hangar for maintenance and repairs in the hope that one day it will be airborne.

Comment

The Shire has made contact with Mr Valerio and advised him that should he wish for the aircraft and sea containers to remain at the Cunderdin Airfield, that he will be charged a per meter rate for the land in which is used.

It is common practice for Airfields to charge a plane parking fee. These fees are often charged on a per day/week/month/annual basis.

It is estimated that the land currently occupied by Mr Valerio’s plane and sea containers cover an area of 1,520 square meters.

A commercial lease rate of \$5.00 per square meter per annum should be considered as a reasonable and competitive rate for the use of the land.

Consultation

Mr Stuart Hobley, Chief Executive Officer
Mr Theodore Valerio

Statutory Implications

Local Government Act 1995 – Section 6.16 Imposition of fees and charges

(1) 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.

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.
- * Absolute majority required.

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 —

- (a) its intention to do so; and
- (b) 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 “Airfield Lease Charge – Theodore Valerio \$7,600 annually (GST inclusive)”

Strategic Implications

Key Result Area – Infrastructure and Transport

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

Recommendation 9.9

That Council;

1. Approve the Airfield Lease Charge – Theodore Valerio: \$7,600 annually (GST inclusive).

Moved: Cr _____

Seconded: Cr _____

Vote – Absolute majority

Carried/Lost: _____

9.10 Lease of Watts Street Land

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	20 th April 2023
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.10.1– Map of land available for lease Attachment 9.10.2 - Draft Lease Agreement

Proposal/Summary

Agree to advertise the recently purchased Watts Street land as available for lease for agricultural purposes and delegate authority to the Chief Executive Officer to negotiate the terms of the lease.

Background

Council recently purchased a Lots 45, 46, 47, and 48 Watts Street in Cunderdin for the purpose of subdivision for the expansion of the Cunderdin townsite.

The land was previously owned by Ellandsan Pty Ltd and Stonehaven Pty Ltd and been leased out for agricultural purposes for the some time. The size of the land totals 12 hectares land is currently zoned as residential land in the Shire of Cunderdin Local Planning Scheme No.4.

Comment

Council has engaged its planner Exurban (Joe Douglas) to commence the subdivision process. It is expected that this process will take at least 12 months before the first lots are available for sale due to the legislative requirements and processes that need to be undertaken.

In the meantime Council has the option of leasing the property out for agricultural purposes as the lots have been in the past. The main advantage of leasing the property out is that the Council will not be responsible for the maintenance of the lots including firebreaks, weed control and fencing. These responsibilities can be included in the lease..

There will also be a small economic benefit, however this is not considered to be material.

Ideally this lease would have been advertised earlier in the year in order to be organised before seeding, so timing is now critical. It is proposed to advertise the lots for lease immediately, for a period of two weeks and it is recommended that the Chief Executive Officer be delegated authority to select the successful leasee and to negotiate the terms of the lease.

It is recommended that the lease be for a period of one year with two further one year options.

Consultation

Nil

Statutory Implications

Local Government Act 1995 s3.58 Disposing of property

(1) In this section –

***dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

***property** includes the whole or any part of the interest of a local government in property, but does not include money.*

- (2) Except as stated in this section, a local government can only
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Policy Implications

Nil

Financial Implications

Through offering the lease of this property to the community will reduce the financial impacts on the Shire as the lessee of the land will be responsible for the maintenance of the property.

Strategic Implications

IT5.2.2 Financial Sustainability and capacity

Effective use of Assets.

Recommendation 9.10

That Council;

1. Advertise for the Lots 45, 46, 47, and 48 Watts Street Cunderdin for lease for a term of one year with two further one year options;
2. Delegate Authority to the Chief Executive Officer to negotiate the terms of the lease and to approve to successful lessee.

Moved: Cr

Seconded: Cr

Vote – Absolute majority

Carried/Lost: _____

9.11 Mid-Year Budget Review 2022/23

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	18 th April 2023
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.11.1 - Budget Review Document Attachment 9.11.2 - Detailed Income and Expenditure Statement

Proposal/Summary

The purpose of this report is for the Shire of Cunderdin to consider and adopt the Budget Review Report, with any amendments, for the period 1 July 2022 to 31 March 2023.

Background

The Local Government (Financial Management) Regulations 1996 require local governments to undertake a review of its Annual Budget.

33A. Review of Budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
 - (2A) The review of an annual budget for a financial year must —*
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
 - (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
 - (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

A detailed analysis at account level incorporating year to date actual results and budget projections to 30th June 2023, for the period ending 31 March 2023, is presented for consideration.

Comment

The budget review has been prepared to include the information required by the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996*, and the Australian Accounting Standards.

The adopted budget contained an estimated opening surplus of \$3,100,000 with a closing surplus at 30 June 2022 of \$50.00. The actual opening surplus is now anticipated to be \$2,988,333 and the closing surplus is estimated to be \$11,551.

An account listing is attached for councils review of each operating programme detailing any significant predicted variances to the original budget.

This review has been based on the facts know at this time and has been calculated using the predictive trends. A prudent view has been taken when calculating the estimated amounts.

Current Budget Amendments

The following previously adopted Budget amendments have been included in the budget review:

Recommendation 9.6

That Council;

1. Accepts the Tender variations submitted by Wetdeck pools for the amount of \$14,555.00 ex GST
2. That an amount of \$14,555.00 ex GST be transferred from the budgeted Building Projects - New Bathroom (2 Togo Street) \$25,000.00, New Kitchen (82 Mitchell Street) \$15,000.00, New Bathroom (82 Mitchell Street) \$15,000.00, Cracking on front of Museum \$40,000.00 or Drainage works (Museum) \$25,000.00 that will be unable to be completed in 2022/23 due to contractor and or material unavailability.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

Consultation

Nil.

Statutory Environment

Local Government Act 1995 Section 6.2

Local Government (Financial Management) Regulations 1996, Regulation 33A

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Recommendation 9.11

That Council:

1. Adopt the 2022/23 Annual Budget Review, as presented in the Attachments, and notes that the estimated closing funds are based on current revenue and expenditure trends.
2. That a copy of the review be sent to the Department of Local Government Sport and Cultural Industries within 30 days.

Moved: Cr

Seconded: Cr

Vote – Absolute majority

Carried/Lost: _

9.12 Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	8 th December 2022
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.12.1 - Email RE Bushfire Risk Mitigation Coordinator position Attachment 9.12.2 - LG Grant Agreement - BRMC Template Attachment 9.12.3 - CEO Report BRMC Overview Attachment 9.12.4 - Cunderdin - Letter advising CEO of Ministerial approval Attachment 9.12.5 - Cunderdin - WSN BUDGET Letter 2023-24 Attachment 9.12.6 - Private & Confidential - WEROC

Proposal/Summary

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

Background

Local Roads and Community Infrastructure Program Phase 3 Projects

O'Connor Park

The ninja warrior course has been installed, the concrete footpaths have been laid and the skate park is near completion, the toilets and bbq shelters have been constructed and the playgrounds are being formed. The contractor has advised that there are currently no significant delays with the equipment or materials. Project is expected to be completed in May 2023.

Meckering Earthquake Memorial Garden

The contractor has been appointed and the initial project planning has commenced. Works are expected to commence in May 2023.

Cunderdin Golf Club – Shed

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

Gliding Club – Ablutions

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

Meckering Apex Park

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

Tennis Club – Installation of the Soft Fall.

Completed

Cunderdin Sport and Recreation Club - Blinds Completed.

Community Emergency Services Manager (CESM)

The digital issuing of burning permits was enacted after the last Council meeting. There were some minor issues but on the whole it was a success. The digital permits will be discussed at the upcoming Bush Fire Advisory Committee Meeting, and it will be recommended by the administration that the Shire of Cunderdin continue to issue digital burning permits.

Cunderdin Industrial Lot Development

Development WA have completed the final plans for the industrial development and prepared a Contract of Sale. Council is waiting for CBH to advise if they have any further conditions on the sale of the land.

Council is responsible for the conveyancing and settlement costs and this should be completed in the near future. It is expected that contracts for the utility works will be let before the end of the financial year.

Bush Fire Risk Mitigation Officer

It was advised at the March 2023 Council Meeting that DFES are looking at appointing additional Bushfire Risk Mitigation Coordinators in the 2023-24 and have asked if the Shire of Cunderdin is interested.

Bushfire Risk Mitigation Coordinators (BRMC) plan, implement and evaluate LG mitigation programs. (MAF) Responsibilities include:

- Prepare and complete annual and long-term mitigation programs.
- Manage grant applications to secure funding for LG mitigation works. Coordinate the completion of treatments with contractors and Brigades.
- Report to LGs on the status and success of their mitigation program. Attached is an overview of the BRMC position.

DFES have advised that the approximate cost to Council for the Bushfire Risk Mitigation Coordinator position, for a three year contract would be as follows.

Allocation	2023-24	2024-25	2025-26
Tammin (1 day per FN)	\$7,917	\$11,227	\$11,613
Cunderdin (1 day per FN)	\$7,917	\$11,227	\$11,613
Wongan-Ballidu (4 days per FN)	\$31,666	\$44,908	\$46,451
York (4 days per FN)	\$31,666	\$44,908	\$46,451
DFES	\$79,165	\$48,116	\$49,769
Total	\$158,330	\$160,385	\$165,895

This is based on all the below LGs participating. Also included is the amount contributed by DFES. At this stage Wongan - Ballidu and York have expressed an interest in participating, with a follow up meeting to be held with the Shire of York next week.

DFES have advised that the, Business Development Manager Bushfire Risk Management Branch, is happy to travel to the Region to discuss the BRMC package in more detail if needed.

Wheatbelt Tourism MOU

The Shire of Cunderdin has been a part of an MOU with the Wheatbelt East Regional Organisation of Councils (WERO) regarding the delivery of tourism services in the region.

WERO are currently considering different proposals to develop an expanded tourism service at the Central Wheatbelt Visitors Centre (CWVC).

Council has been advised that WEROC are continuing to progress the matter and have provided the following update:

- Australia's Golden Outback were contacted to see if they could provide a costed proposal for a destination development officer based out of Merredin. This would be similar in principal to the model they adopted in the Goldfields where the Shires contribute toward the cost of a human resource as well as tourism projects. AGO have said that they are not in a position to assist us in this way because they are already fully committed to other projects in 2023. It could be revisited in future years.
- NEW Travel have been requested to comment on the Shire of Merredin's recommendation that our Shires request to join the established Wheatbelt Way brand. NEW Travel have said that "they are genuinely interested in and committed to exploring a potential partnership for developing Wheatbelt Tourism with WEROC and any other stakeholders". Buying into the Wheatbelt Way, however raises some concerns for them and they would need a detailed proposal from us and sufficient time to carefully consider the implications for their Shires.
- A Wheatbelt Tourism Working Group, which consists of representatives from WEROC, ROE Tourism, NEW Travel, NEWROC, AGO and the Wheatbelt Business Network has recently been formed. This group has convened to discuss potential collaborative action and to develop a concept for destination development that meets the needs of all parties. We have a working concept for the group and will be meeting again next month to discuss next steps.

The WEROC Board are meeting next week and will discuss the proposal put forward by the Shire of Merredin at its last meeting, in the context of this additional information.

Cunderdin Bowling Club

In accordance with Council's decision at the March 2023 Council Meeting a application has been submitted for a CSRFF grant for the reconstruction of the both greens at the Cunderdin Bowling Club. This is for information purposes only.

Local Government Advisory Board Representation Review

Council has been advised that its request to change from eight Councillors to seven Councillors has been approved. This change will take effect from the October 2023 Local Government Elections.

Wheatbelt Secondary Freight Network

Council has been advised that it has received advice from the Wheatbelt Secondary Freight Network (WSFN) that it has received ongoing funding for the upgrade of the Cunderdin Wyalkatchem Road. The funding should commence in 2023/24.

The Shire is still making application to the WSFN for additional funding to be allocated to the Cunderdin Quairading Road.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Recommendation 9.12

That the Chief Executives Officers Report be received.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

10. Environmental Health and Building

Nil Items.

11. Planning & Development

Nil Items

12. Works & Services

Nil Items.

13. Urgent Items

14. Scheduling of Meeting

14.1 May 2023 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 18th May 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 __: __pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 27th April 2023, as shown, were confirmed at the ordinary meeting of Council held on 18th May 2023.

Signed: _____

Date: _____