



Shire of Cunderdin

Minutes of Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Wednesday 27th September 2023** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer
27th September 2023

1.	Declaration of Opening	3
2.	Record of Attendance, Apologies and Approved Leave of Absence	3
3.	Public Question Time	4
4.	Petitions, Deputations & Presentations	4
5.	Applications for Leave of Absence	4
6.	Confirmation of the Minutes of Previous Meetings	4
6.1.	Ordinary Meeting of Council held on 23 rd August 2023.....	4
7.	Declaration of Members and Officers Interests	4
8.	Announcements by President without Discussion	4
9.	Finance & Administration.....	5
9.1.	Financial Reports for July 2023 and August 2023.....	5
9.2.	Accounts Paid – 30 th August 2023	6
9.3.	Council Investments – As at 31st August 2023	8
9.4.	Shire of Cunderdin Workforce Plan.....	11
9.5.	Field Solutions Group Site Licence – Lot 50 Vanzetti Street Meckering.....	13
9.6.	Chief Executive Officers Report	16
10.	Environmental Health and Building	18
11.	Planning & Development.....	18
12.	Works & Services	18
12.1.	Move Behind Closed Doors	18
12.2.	2023/24 Sealing Tender	18
12.3.	2023/2024 Stabilising Program.....	18
12.4.	Move From Behind Closed Doors.....	18
13.	Urgent Items.....	18
14.	Scheduling of Meeting.....	18
14.1.	October 2023 Ordinary Meeting.....	18
15.	Closure of meeting	18
16.	Certification	18

MINUTES

1. Declaration of Opening

The Shire President declared the meeting open at 5pm.

The Shire of Cunderdin disclaimer was read aloud by Cr AE (Alison) Harris.

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

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

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

2.1 Record of attendances

Councillors

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

Nil.

Members of the Public

Holly Godfrey

2.2 Apologies

Nil.

2.3 Leave of Absence Previously Granted

Nil.

3. Public Question Time

Nil.

4. Petitions, Deputations & Presentations

Nil.

5. Applications for Leave of Absence

Nil.

6. Confirmation of the Minutes of Previous Meetings

6.1. Ordinary Meeting of Council held on 23rd August 2023

Resolution 6.1 OCM September 2023

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 23rd August 2023 be confirmed as a true and correct record.

Moved: Cr N (Natalie) Snooke

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

Note to this item:

The President signed the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

Nil.

8. Announcements by President without Discussion

Congratulations to Tony Smith, Todd Harris and Bernie Daly for their unopposed re-election to Council and to Holly Godfrey for her unopposed nomination to Council.

9. Finance & Administration

9.1. Financial Reports for July 2023 and August 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	19 September 2023
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – July 2023 Monthly Financial Report Attachment 9.1.2 – August 2023 Monthly Financial Report

Proposal/Summary

The financial reports as at 31st of July 2023 and 31st of August 2023 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil.

Consultation

Nil.

Statutory Environment

The *Local Government Act 1995* Part 6 Division 3 requires that a monthly financial report be presented to Council.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.1 OCM September 2023

That Council receives the monthly financial reports for the periods ending 31st of July 2023 and 31st of August 2023.

Moved: Cr B (Bernie) Daly

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

9.2. Accounts Paid – 30th August 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	19 September 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – August 2023 Creditors Listing Attachment 9.2.2 - Credit Card Statement August 2023

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$650,621.98
Total for Trust -	\$0.00
TOTAL -	\$650,621.98

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

Background

Nil.

Comment

Nil.

Consultation

Nil.

Statutory Environment

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Financial Management Regulations 12 & 13.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.2 OCM September 2023

1. That Council's payments of accounts amounting to \$650,621.98 being from Municipal Account for August 2023, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 7377 - 7550	\$611,029.55	
Direct Debit (Inc Bank Charges):	\$30,420.14	
Cheques: 11875 - 11877	\$9,172.29	
Trust Account		
	\$0.00	
TOTAL		\$650,621.98

Moved: Cr A (Tony) Smith

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 6/0

9.3. Council Investments – As at 31st August 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	19 September 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements August 2023

Proposal/Summary

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

Background

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

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

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

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

Comment

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

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$830,779.04	Municipal- 0000030	\$830,779.04		
Bendigo Bank	\$3,200,575.48	Municipal- 155971377	\$3,200,575.48		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$5,104.99	Bendigo Trust Account 164 488 686			\$5,104.99
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,386,843.67	Term Deposit 5.25% Exp 20 Dec 2023		\$1,386,843.67	
TOTAL INVESTMENTS	\$5,423,449.96		\$4,031,354.52	\$1,386,990.45	\$5,104.99

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

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
31 August 2023

Opening Balance as per Bank Statement & Term Deposits

	Term Deposit# 4399089 Maturing 5 Dec 2023 (4.9%)	211,249.28
	TOTAL	211,249.28
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	211,249.28
INCOMING	<i>Interest earnt on TD @ maturity</i>	0.00
		0.00
OUTGOING		0.00
Balance as at end of month	TOTAL	211,249.28

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
31 August 2023

Opening Balance as per Bank Statement & Term Deposits

	Term Deposit# 4399108 Maturing 5 Dec 2023 (4.9%)	369,862.05
	TOTAL	369,862.05
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	369,862.05
INCOMING		0.00
		0.00
OUTGOING		0.00
Balance as at end of month	TOTAL	369,862.05

Consultation

Nil.

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long-Term Financial Plan when determining annual Council Budgets.

Resolution 9.3 OCM September 2023

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

Moved: Cr B (Bernie) Daly

Seconded: Cr N (Natalie) Snooke

Vote – Simple majority

Carried: 6/0

9.4. Shire of Cunderdin Workforce Plan

Location:	Shire of Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	20 th September 2023
Author:	Hayley Byrnes
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.4.1 – Workforce Plan 2023/2036.

Proposal/Summary

To complete a desktop review of the Shire of Cunderdin Workforce Plan as attached.

Background

The Local Government Act 195 Section 5.56(1) and 5.56(2) requires that each local government is ‘to Plan for the Future of the district’, by developing plans in accordance with the regulations. The Workforce Plan forms part of the Integrated Planning and Reporting Framework which is an essential planning tool not only for today but beyond tomorrow.

Comment

The Local Government Act 1995 and the Department of Local Government Advisory Standard on Integrated Planning and Reporting (IPR) Framework provides the direction for planning activities, including engagement and review.

Workforce Planning is one of the four key components of the Integrated Planning and Reporting Framework and Guidelines. Workforce planning is a continuous process of shaping the workforce to ensure it is capable of delivering organisational objectives into the future. It provides the framework for assessing the demand and supply of the workforce and aims to have the right people in the right place at the right time to affect the delivery of organisational goals, resourced through effective long term financial and business plans.

At the strategic level, the Integrated Workforce Plan should take into account the community aspirations, priorities and objectives identified in the Strategic Community Plan. The Integrated Workforce Plan is an essential component of the Corporate Business Plan, where it identifies the workforce requirements and strategies for current and future operations over the next four years or more.

Consultation

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

Statutory Implications

Local Government (Administration) Regulations 1996
Local Government Act 1995 – Section 5.56

Policy Implications

Nil.

Financial Implications

There will be ongoing financial implications to Council in relation to this item as the Workforce Plan integrates with the Corporate Business Plan. To achieve these outcomes necessary resources will be identified in the Shire’s Long Term Financial Plan and as determined during annual budget deliberations.

Strategic Implications

5. CIVIC LEADERSHIP

5.2 Forward planning and implementation of plans.

5.3 Implement systems and processes that meet legislative and audit obligations

Resolution 9.4 OCM September 2023

That Council accepts the review of the Shire of Cunderdin Workforce Plan.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 6/0

9.5. Field Solutions Group Site Licence – Lot 50 Vanzetti Street Meckering

Location:	Shire of Cunderdin
Applicant:	Governance & Administration
Date:	22 September 2023
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.5.1 - FSG Standard Facility Licence 1.1c - Shire of Cunderdin

Proposal/Summary

To consider the request from Field Solutions Group (FSG) to have a Site Licence on Lot 50 Vanzetti Street Meckering to construct a 45m free standing tower.

Background

Field Solutions have requested permission obtain a Site Licence on Lot 50 Vanzetti Street Meckering to construct a 45m free standing tower in the Reserve on the southwest corner of the intersection of Leeming Street and Vanzetti Street. The lot is currently owned by the Shire of Cunderdin.

The tower will form part of the Avon East Digital Farm Grants Program which will provide internet and telecommunications services to area.

Filed Solutions have had discussions with neighbouring landowners with respect to locating the tower on their property however these negotiations have not been successful.

Comment

This land is not currently being used by Council and Council does not have any plans for this site in the future.

The Meckering townsite has surrounding area has had poor and intermittent internet and telecommunications and the construction of a new digital network will improve telecommunications in the region.

Under the terms of the Licence FSG obligations are as follows:

1. FSG must reimburse Council's cost of any electricity used by the Facilities.
2. If any amount payable by FSG under this Licence is subject to GST, FSG must pay the GST if Council delivers a valid tax invoice for it.
3. In exercising Licence Rights, FSG must:
 - a. comply with the Carrier Obligations and all other all applicable laws;
 - b. give Council at least 5 days' written notice (Installation Notice) of the installation of Facilities (except in urgent or emergency circumstances);
 - c. comply with Council's reasonable rules and directions about safety;
 - d. not unreasonably impair Council's normal operations at the Land or the Building;
 - e. maintain public liability insurance of at least \$20m and provide to Council (within 30 days after Council's request) proof of currency of such insurance;
 - f. at the end of the Term, remove the Facilities and repair any damage caused by the removal (unless FSG is otherwise lawfully entitled to maintain the Facilities in place);
 - g. comply with its obligations to Council without unreasonable delay; and
 - h. except as otherwise stated by this Licence – pay its own costs and expenses.

Councils obligations are as follows:

1. at FSG's expense – give FSG any assistance it reasonably requires to exercise the Licence Rights;
2. sign any document (eg consent to separate power supply or meter; consent to application for local council approval) etc required by FSG for the purposes of enjoying the Licence Rights;
3. keep the Land and any Building in a safe and serviceable condition (but is not obliged:
 - a. to improve them relative to their condition at the Licence Date;
 - b. to repair any damage that is caused by FSG; or
 - c. to maintain the Facilities or any part of them);
 - d. if the Land is proposed to be transferred to any person – notify the proposed transferee of this Licence; and
 - e. if the Land is transferred to any person – notify FSG of the details of the transferee; and
 - f. except as otherwise stated by this Licence – pay its own costs and expenses of and in connection with this Licence.

The term of the licence is 20 years, and Council can terminate the agreement giving 12 months notice after this 20 year period has expired. FSG can terminate the licence on three (3) months notice at any time.

The proposed agreement does not include an annual licence fee. Council can request that an annual fee be included in the agreement.

Consultation

Nil.

Statutory Implications

Local Government Act 1995:

3.58. 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 dispose of property to –
(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.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Policy Implications

Nil.

Financial Implications

Council are not liable for any of the cost associated with this proposal.

The agreement put forward by FSG does not include an annual licence fee. Council can request that an annual fee be included in the agreement and that the fee be subject to CPI increases.

Strategic Implications

2.1 Facilitate local business retention and growth

Industry is diverse, supported and connected

Reduction in the number of mobile black spots across the Shire

Resolution 9.5 OCM September 2023

That Council:

- 1) Approve the Site Licence between the Shire of Cunderdin and Field Solutions Group as attached, with the added exception of a \$2,000.00 lease per annum subject to CPI increases payable beginning from the licence effective date.
- 2) Authorise the Chief Executive Officer and Shire President to sign and place the Common Seal on the Site Licence.
- 3) Advertise the Site Licence as per the Local Government Act and Regulations.

Moved: Cr B (Bernie) Daly

Seconded: Cr TE (Todd) Harris

Vote – Absolute majority

Carried: 6/0

9.6. Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	20 th September 2023
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Nil

Proposal/Summary

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

Background

Local Roads and Community Infrastructure Program Phase 3 Projects

The following have been completed under Stage 3 of the LRCIP

O'Connor Park

Cunderdin Golf Club – Shed

Tennis Club – Installation of the Soft Fall.

Cunderdin Sport and Recreation Club - Blinds

The projects below are still to be completed

Meckering Earthquake Memorial Garden

The project has commenced and is expected to be completed within four to six weeks. The contractors have been off site recently completing another project.

Cunderdin Industrial Lot Development

Development WA have completed the final plans for the industrial development and prepared a Contract of Sale.

Council has completed and returned the offer and acceptance to Co-operative Bulk Handling (CBH

Council are now responsible for obtaining sub division approval as per section 4.1 “Buyer must apply for Subdivision Approval” of the contract of sale.

A Form 1A will need to be prepared (signed by CBH) and lodged with the Dept of Planning to exercise the 5,880m² from the parent title – there is an anticipated 90 days for draft subdivision conditions to be provided.

Once conditions are met, a Deposited Plan can be lodged with Landgate for review and once approved the DP will be considered “in order for dealing” – to enable creation of new title / settlement.

2023 Elections

Council received four nominations for the four vacant positions on Council which means all nominees were elected unopposed.

As per the recent State Government reforms the Shire of Cunderdin had the number of Councillors reduced from eight (8) to seven (7).

As determined by the Electoral Commission the terms of the Shire of Cunderdin’s Councillors are as follows:

Term Expiring 2023: Three (3) Councillors

Term Expiring 2025: Four (4) Councillors

This resulted in one of the newly elected Councillors only being elected for a two (2) year term. Names where drawn, as per the Local Government Regulations and the following terms were determined.

Cr Todd Harris	Four (4) year term expiring 2027
Cr Bernie Daly	Four (4) year term expiring 2027
Cr Anthony Smith	Four (4) year term expiring 2027
Cr Holly Godfrey	Two (2) year term expiring 2025

The results of the election process have been advertised on the Shires web page and by the Department of Local Government as per the Regulations.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.5 OCM September 2023

That the Chief Executives Officers Report be received.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

10. Environmental Health and Building

Nil.

11. Planning & Development

Nil.

12. Works & Services

12.1. Move Behind Closed Doors

Resolution 12.1 OCM September 2023

That Council move 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: 6/0

12.2. 2023/24 Sealing Tender

12.3. 2023/2024 Stabilising Program

12.4. Move From Behind Closed Doors

Resolution 12.4 OCM September 2023

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

Moved: Cr NW (Norm) Jenzen

Seconded: Cr N (Natalie) Snooke

Vote – Simple majority

Carried: 6/0

13. Urgent Items

Nil.

14. Scheduling of Meeting

14.1. October 2023 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Wednesday 25th October 2023 commencing at 5:00pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 5.25pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 27th September 2023, as shown, were confirmed at the ordinary meeting of Council held on 25th October 2023.

Signed: _____



Date: _____

25.10.2023.

