



Shire of Cunderdin

MINUTES of an Ordinary Council Meeting

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 18 April 2019** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

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AGENDA

1. Declaration of Opening

The President declared the meeting open at 5pm

The Shire of Cunderdin disclaimer will be read aloud by Dennis Whisson.

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 DA (Dennis) Whisson	Shire President
Cr DB (Doug) Kelly	Deputy President
Cr J (Jayson) Goldson	
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr D (Di) Kelly	

In Attendance

Neville Hale	Chief Executive Officer
Stuart Hobley	Manager of Corporate Services and Finance
Kayla James	Governance and Compliance Officer
Fabian Houbrechts	Acting Manager of Works and Services
Hayley Byrnes	Senior Finance Officer

Guests of Council

Members of the Public

2.2 Apologies

2.3 Leave of Absence Previously Granted

Nil

2.4 Election of Deputy Shire President

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	7 th October 2016
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to elect the Deputy Shire President.

Background

After the formal resignation of Councillor Doug Kelly, Council is required to fill the position.

Provisions within the *Local Government Act 1995*, Schedule 2.3, Division 1, provide for the election of the Deputy Shire President by the Council.

Section 2.29 of the *Act* states that a person elected by the council as deputy president has to make a declaration in the prescribed form before acting in the office.

Local Government (Constitution) Regulations 1998, C13, provides for the format in which the person elected as the deputy president has to make the declaration.

Comment

Councillors are requested to provide written nominations to the CEO prior to the Ordinary Council Meeting. Nominations received will be presented at the Ordinary Meeting of Council. Late nominations will be called on the day.

Consultation

Nil

Statutory Implications

Local Government Act 1995

2.29. Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
 - (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
 - (3) *A declaration required by this section is to be taken or made before a prescribed person.*
 - (4) *A person who acts in an office contrary to this section commits an offence.*
- Penalty: \$5 000 or imprisonment for one year.*

Schedule 2.3 Division 2 — Deputy mayors and deputy presidents

1. *Terms used In this Division —*

extraordinary vacancy means a vacancy that occurs under section 2.34(1); office means the office of deputy mayor or deputy president.

2. *When the council elects the deputy mayor or deputy president*
 - (1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —*
 - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
 - (2) *If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —*
 - (a) *as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.*
 - (3) *If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*
3. **How deputy mayor or deputy president is elected**
 - (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
 - (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
 - (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
 - (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
 - (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
 - (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
 - (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
 - (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

4. *Votes may be cast a second time*
 - (1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
 - (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
 - (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
 - (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

Local Government (Constitution) Regulations 1998

13. Oaths, affirmations and declarations (s. 2.29, 2.42)

- (1) For the purposes of sections 2.29 and 2.42 — [(a), (b) deleted] (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7; (d) the form of declaration for a commissioner is that in Form 8.*
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
 - (a) the immediate predecessor of the person in the office of mayor or president; or*
 - (b) an authorised person.**
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.*
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.*
- (5) In this regulation —
authorised person means a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

SCP - Provide good governance for the Cunderdin and Meckering Community

Cr Whisson provided a written nomination in favour of Cr Norm Jenzen.

Cr Norm Jenzen declined due to work commitments.

The Chief Executive Officer then called for further nominations:

Cr Jayson Nominates Cr A Harris.

Cr Alison Harris accepted the nomination.

There being no further nominations the Chief Executive Officer declared Cr A Harris duly elected as the Deputy Shire President, Shire of Cunderdin.

Cr Alison Harris signed and read aloud the Declaration for Deputy President of the Shire of Cunderdin.

Cr Dennis Whisson thanked Doug Kelly for his time as the Deputy Shire President.

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 21 March 2019

Resolution 6.1 April 2019

That the Minutes of the Ordinary Council Meeting held on Thursday 21 March 2019 be confirmed as a true and correct record.

Moved: Cr Alison Harris

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

Note to this item:

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

6.2 Special Meeting of Council held on 28 March 2019

Resolution 6.2 April 2019

That the Minutes of the Special Council Meeting held on Thursday 28 March 2019 be confirmed as a true and correct record.

Moved: Cr Jayson Goldson

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

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

Resolution 8.1 April 2019

That item 12.1 Power line installation be brought forward as the next item of business.

Moved: Cr Jayson Goldson

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 8/0

12.1 Power line installation

Location:	Cunderdin
Applicant:	Acting Manager of Works and Services
Date:	10/04/2019
Author:	Fabian Houbrechts
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	DA 2016/17 -6A1 & DAP/16/01112
Attachment/s:	3 documents

Proposal/Summary

For Council to consider an application for the installation of an overhead power line on a 2km section of Fiegert Road, Cunderdin.

Background

The Proponent, Sun Brilliance Cunderdin Solar Farm Pty Ltd, has previously received JDAP approval for the construction of a Solar Farm with power connection to the existing Western Power NOR-MRT 81 line via an alignment along Fiegert Road. Attached to the conditions of the JDAP approval was an advice note No. 6 that states:

“The applicant is encouraged to negotiate with Western Power to have the reticulation cabling, running within Fiegert Road to connect the approved development with Western Power 132 KV line, placed underground.”

The Proponent, has provided written confirmation (see attached letter) from Western Power in regards to the recommended option for the Solar Farm to connect to the existing Western Power network. In this regard, Western Power recommends:

“The recommended option is Option 2 (a 132KV cut-in-cut-out connection with overhead lines to the existing NOR-MRT 81 line) based on affordability..., with all other criteria being similar in ranking between both Options”.

The recommended Option is underpinned by the Network Facilities Investment Test (NFIT).

Comment

To enable the power line to be installed, it will require vegetation clearing of one side of the road between SLK 3.51 to SLK 5.47 (approximately 2km). Currently, both sides have approximately the same amount of vegetation. It is recommended to have the power line installed on the East side of the road as this reduces the visual impact given it would be screened by vegetation that is on the West side of the road. (See Attachment 2). The Proponent is to provide a land clearing permit from the Department of Water and Conservation.

In assessing the request for the installation of overhead power lines within the road reserve, it is noted that the section of road will require a re-alignment and upgrade to address potential safety issues with vehicle and ag-implements traveling alongside a 132kV line. A condition of approval should include recovery of cost for assessment of the works, particularly for the re-alignment, by a civil engineer engaged by the Shire. Moreover, whilst Western Power would do the engineering design and certification etc for the power lines, one must also seek confirmation in regard to the projects suitability in respect to the current road infrastructure.

In this regard, whilst the work is being done by a contractor, on behalf of Sun Brilliance, the ultimate owner of the infrastructure/lines on the road reserve will be Western Power.

In arriving at a cost for re-alignment, consideration will need to be given to :

- Survey and design;
- Potential land acquisition if deemed necessary;
- Construction, drainage etc.

Consultation

Planning and Development Officer – Jacky Jurmann
Acting Manager of Works and Services – Fabian Houbrechts
Ian Duncan - WALGA

Statutory Implications

Local Government Act, 1995

Sch 9.1(8) Private works/infrastructure on, over, or under public places;

(1) Regulations may be made to prohibit or control the construction of anything on, over, or under a public thoroughfare or other public place that is local government property.

(2) Subclause (1) does not apply to the construction of things by or on behalf of the Crown or under the authority of an Act.

(3) Regulations cannot authorise permanent or unreasonable obstruction of the ordinary and reasonable use of the public thoroughfare or other public place for the purpose to which it is dedicated.

(4) Section 3.25 applies as if anything constructed as mentioned in this clause were land owned by the person who constructed it and occupied by the persons entitled to use it.

(5) Regulations may require anything constructed in accordance with regulations to be maintained and may require the person who constructs it to insure against any liability that the local government may incur in connection with its construction, maintenance, or use.

Local Government (Uniform Local Provisions) Regulations 1996
Reg.17 Private works on, over or under public places

*17. Private works on, over, or under public places — Sch. 9.1
cl. 8*

*(1) A person must not, without lawful authority, construct anything on, over, or under a public thoroughfare or other public place that is local government property.
Penalty: a fine of \$5 000.*

(2) Sub regulation (1) does not apply to the construction of things by or on behalf of the Crown.

(3) A person may apply to the local government for permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property.

(4) Permission granted by the local government under this regulation —

- (a) must be in writing; and*
- (b) must specify the period for which it is granted; and*
- (c) must specify each condition imposed under sub regulation (5); and*
- (d) may be renewed from time to time; and*
- (e) may be cancelled by giving written notice to the person*

to whom the permission was granted.

(5) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —

- (a) a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction;*
- (b) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the construction, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.*

(6) It is a condition of the permission granted under this regulation that —

- (a) the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed; and*
- (b) the person carrying out the construction work ensures that a footpath of a public thoroughfare or other public place that is local government property is covered during the period specified in writing by the local government so as to —*
 - (i) prevent damage to the footpath; or*

- (ii) prevent inconvenience to the public or danger from falling materials; and
- (c) damage to the public thoroughfare or public place resulting from the construction is repaired to the satisfaction of the CEO of the local government.

(7) A person granted permission under this regulation must comply with each condition of the permission.
Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.

(8) A person who constructs anything in accordance with permission granted under this regulation must —
(a) maintain it; and
(b) obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.
Penalty: a fine of \$5 000.

(9) For the purposes of section 3.37 of the Act, a contravention of sub regulation (1) or (7) is a contravention that can lead to impounding of goods comprising a thing constructed on, over, or under a public thoroughfare or other public place that is local government property.

Thoroughfares and public places Local Law 2015 (as amended)
Part – 2 Activities on thoroughfares and public places; Division 2

2.11 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

- (a) *is not liable to compensate any person for that disturbance;*
- (b) *may backfill with sand, if necessary, any garden or lawn; and*
- (c) *is not liable to replace or restore any—*
 - (i) *verge treatment and, in particular, any plant or any acceptable material or other hard surface; or*
 - (ii) *sprinklers, pipes or other reticulation equipment.*

Policy Implications

Nil

The approval of the proposed works is outside the scope of the delegation to the CEO, which is limited to works to a maximum of \$25,000

Financial Implications

Nil

Strategic Implications

Economic Development within the Shire of Cunderdin

Resolution 12.1 April 2019

That Council:

1. Advise Sun Brilliance Cunderdin Solar Farm Pty Ltd of its approval for the installation of a 132KV power line along the road verge on Fiegert Road, SLK 3.51 – SLK 5.47, between the solar farm and the existing NOR MRT 81 line situated approximately 2km South of the future solar farm, subject to:
 - Providing evidence of approval from the Department of Water and Conservation regarding the vegetation clearing permit for trees on the verge where the future power line is to be installed;
 - Provision of a detailed Plan, approved by Western Power, for any infrastructure to be constructed including but not limited to –
 - Road re-alignment requirements
 - Structures
 - Road and road drainage
 - Signage
 - Rehabilitation of the proposed verge location;
 - The applicant accepting all liability for every part of the work/infrastructure;
 - Obtaining the required building permit and structural engineering certification;
 - Provision of an insurance certificate indemnifying the Shire while the works are in progress;
 - Making good any damage or interference to public assets to the satisfaction of the Shire of Cunderdin;
 - A Traffic Management Plan to be provided and approved by the Shire prior to works commencing;
 - Agreement by the applicant to cover the full cost of required works for any re-alignment required, including but not limited to survey and design by a qualified civil engineer and construction works to re-align sections of Fiegert Road, SLK 3.51 to SLK 5.47, where the new power line is to be installed to accommodate the proposed infrastructure.

Moved: Cr Doug Kelly

Seconded: Cr Norman Jenzen

Vote – Simple majority

Carried: 8/0

Fabian Houbrechts left the room at 5.18pm and did not return.

9. Finance & Administration

9.1 Financial Reports for March 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services and Finance
Date:	9 April 2019
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 attachment – Monthly Report

Proposal/Summary

The financial reports as at 31 March 2019 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 April 2019

That Council receives the monthly financial reports for the period ending 31 March 2019

Moved: Cr Jayson Goldson

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 8/0

9.2 Accounts Paid – March 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Service and Finance
Author:	Stuart Hobley
Report Date:	9 April 2019
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 attachment – Creditors list of payments March 2019

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$384,345.78
Total for Trust -	\$77.20
TOTAL -	\$384,422.98

for March 2019 as listed in the Warrant of Payments for the period 1st to 31st March 2019.

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 9.2.1 April 2019

1. That Council's payment of accounts amounting to \$384,422.98 being \$384, 345.78 from Municipal Account and \$77.20 from Trust Account for March 2019, from :

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 2950 - 2998	\$309,235.68	
Direct Debit: DD1400.1 – 1419.11	\$15,772.29	
Cheques: 11478 - 11489	\$59,120.25	
Bank Charges	\$217.56	\$384,345.78
Trust Account		\$77.20
TOTAL		\$384,422.98

be confirmed and noted; and,

2. That the Payments List as presented be incorporated in the Minutes of the Meeting.

Moved: Cr Jayson Goldson

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

9.3 Council Investments – As at 31st March 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services
Author:	Stuart Hobley
Report Date:	9 April 2019
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31st March 2019.

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, being:

Westpac –A/C 000 030 \$ 314,664.87, &

Bendigo – A/C 155971377 \$ 807,489.45)

totaling \$1,122,154.32

as per attached statements, the following investment accounts are held as at 31st March 2019.

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$1,014,206.18	Reserves Term Deposit 2.5% Expires : 28/06/2019		\$1,014,206.18	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Westpac Bank	\$131,529.24	Trust Working Account 12-2981			\$131,529.24
Westpac Bank	\$1,116,152.62	Term Deposit 2.5% Expires: 12/04/2019	\$1,116,152.62		
TOTAL INVESTMENTS	\$2,262,034.82		\$1,116,299.40	\$1,014,206.18	\$131,529.24

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 52,741.05 and Bendigo Term Deposit Ref: 2818751 - \$ 438,466.58

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 April 2019

That the report on Council investments as at 31st March 2019 be received and noted.

Moved: Cr Todd Harris

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

Hayley Byrnes left the room at 5.26pm and did not return.

9.4 Shire of Cunderdin BFAC meeting minutes

Location:	Administration
Applicant:	Bush Fire Advisory Committee
Date:	9 th April 2019
Author:	Simon Bell
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item BFAC minutes

Proposal/Summary

Council to receive the minutes of the Bush Fire Advisory Committee (BFAC) Meeting held on Wednesday 3 April 2019

Background

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

Comment

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

The Post season meeting that was held on 3 April 2019 brought to light a few topics and problems that have arisen since the preseason meeting. The following recommendations have been put forward from the BFAC meeting.

The Committee resolves that;

- 1. All FCO's and Bushfire trucks receive keys, and that CBFCO, DCBFCO, CESM to determine who else requires keys.***
- 2. The Committee receives and notes the report.***

Due to the standpipes needing to be gazetted through the Water Corporation, all standpipes are now required to be locked. A discussion was held regarding who would be allocated keys to access the standpipes in the event of a fire. It was decided that all Fire Control Officers, the three Bush Fire trucks and that the CESM receives a key. It was also discussed that the nearest residents to the standpipes should also be allocated keys for quick access. This is to be discussed further between the CESM, Chief Fire Control Officer and Deputy Chief Fire Control Officer.

The Committee resolves that the CESM position reverts back to the way it previously stood, between the Shire's of Quairading and Cunderdin.

This item will appear in a separate Report to Council

The Committee decided that dates for prohibited burning were discussed for Easter and ANZAC, it was decided that the following dates will be prohibited burning under section 46 of the Bush Fires act 1954;

- Friday 19 April***

- **Sunday 21 April**
- **Thursday 25 April, Prior to 12pm**

These dates have been advertised locally.

The Committee requested that the proposed tank be moved from Ygnattering as a Standpipe will be installed and the extra water receival points should be placed within the Shire's Northern Black Spots. The CESM in conjunction with the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer will determine its future location.

The locations suggested are

Wilding Road X Nambling South Road or Wilding Road X Cubarting Rock Road

The final decision will be based on the ability to access scheme water and the accessibility of land

Consultation

Stuart Hobley - Manager of Corporate Services and Finance

Kayla James - Governance and Compliance Officer

Statutory Environment

Bush Fire Act 1954

Policy Implications

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

5.3 Harvest & Movement of Vehicles Bans

5.4 FCO Duties

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 9.4 April 2019

That the Minutes of the Bush Fire Advisory Committee held on 10 April 2019, be received and the recommendations, with the exception of the shared CESM arrangement, contained therein be adopted.

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Vote – Absolute majority

Carried: 8/0

9.5 Shared CESM

Location:	Administration
Applicant:	Manager of Corporate Services and Finance
Date:	10 th April 2019
Author:	Stuart Hobley
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item BFAC minutes

Proposal/Summary

The Shire of Cunderdin Bush Fire Advisory Committee (BFAC) has recommended to Council that the Council consider amending the Community Emergency Services Manager (CESM) - Memorandum of Understanding (MOU) the Council has with the Shires of Quairading, Tammin and Kellerberrin. The BFAC has recommended that the Shire advise the Shire of Quairading (the administrator of the MOU) that the position revert back to its previous agreement, which only included the Shires of Quairading and Cunderdin.

Background

CESM Officers are employed by Local Governments with part funding received from the Department of Fire and Emergency Services (DFES). The CESM that services the Shire of Cunderdin was established in XXX and included the Shires of Cunderdin and Quairading.

This agreement was in place until March 2018 when the MOU was amended to include the Shires of Tammin and Kellerberrin.

The MOU was amended on the recommendation of the CESM Mr Daniel Birleson. Mr Daniel Birleson holds the withstanding position of CESM Officer however he has been on leave since October 2018 and is not scheduled to return to his position until August 2019. During this time Mr Simon Bell has been acting in this role.

The agreement was expanded to include the two additional Shires because Mr Birleson advised that there was capacity within the existing resources to expand the service.

The CESM role includes the provision of the following services:

- *Contribute to the strategic direction and management of volunteer operations services*
- *Facilitate the mitigation of fire and other hazards impact on the community's by coordinating a range of strategies in partnership with the community's, local government, DFES and volunteers*
- *Ensure the implementation and delivery of fire preparedness, prevention, response and recovery services within designated Local Government areas.*
- *Provide leadership and expert technical and professional advice to the emergency volunteer groups.*
- *Identify, support and deliver quality training for emergency volunteer groups.*
- *In partnership with the Local Governments, develop and maintain professional relationships with stakeholders to ensure the delivery of services as specified in the Memorandum of Understanding between DFES and the designated Local Governments.*
- *Consults with stakeholders to facilitate the development and review of fire and emergency planning within the designated Local Governments.*
- *In partnership with the Local Governments and the community's, continuously seek to improve the mitigation of risk to the community's from fire and other hazards.*
- *Manage and take responsibility for the physical and financial resources of designated emergency volunteer groups.*

- *Recognises the community's and volunteers as customers and facilitates their needs within the corporate objectives of the organisations and the Local Governments.*
- *Report monthly on the Council Management Information System of progress on tasks allocated to the position in accordance with the agreed Business Plan.*
- *Assist with managing the budget requirements relevant to Fire and Emergency Services.*
- *Provide monthly reports and annual budget submissions.*
- *Develop and maintain Emergency Services programs and systems*
- *Provide a range of prevention services to increase community awareness of hazards and involvement in minimising their impact.*
- *Develop & implement mitigation plans for all council vested reserves in regard to fire prevention planning.*
- *Review & identify suitable awareness programs for the community's, prepare a calendar for the programs, and evaluate the effectiveness of programs.*
- *Coordinate relevant school program and engage BFBs to provide assistance in delivery of programs*
- *Assist in determining the origin, cause of accidental & suspicious fires*
- *Coordinate a strategic firebreak network for the Shires*
- *Advise on fire protection standards including building standards*
- *Review and comment on subdivision plans in consultation with relevant stakeholders and undertake site inspections as required*
- *Develop an unallocated crown land & unmanaged reserves program in relation to fire and risk protection.*
- *Develop and maintain appropriate and adequate infrastructure, equipment, skilled personnel, plans and programs in preparation for emergencies.*
- *Support the community's in their own preparations for emergencies.*
- *Coordinate pre-season forums and develop the program to meet the needs of the community's.*
- *Assist in development of programs of appropriate courses for Bush Fire Brigades.*
- *Develop & implement Shire contact emergency service directories.*
- *Identify & maintain bush fire safe havens in the Shires.*
- *Develop Bush Fire Ready Action Groups, and program and attend meetings.*
- *Attend and provide reports for Bush Fire Advisory Committees and BFB meetings.*
- *Assist in the management of Bush Fire Brigade administration.*
- *Undertake Incident Report evaluations.*
- *Inspect & maintain water supplies pre and post fire season.*
- *Program & coordinate BFB vehicle fleet servicing schedules.*
- *Ensure the development and maintenance of a list of all communications equipment & maintenance records.*
- *Review/Analyse the R2R (Resource to Risk) Model against the current resource inventory.*
- *Monitor Emergency Services levy Operating Grants and capital grants expenditure for all BFBs & SES.*
- *Assist with State Emergency service Units requirements as directed.*
- *Ensure rapid and comprehensive response to emergencies, to contain and minimise the impact of hazards.*
- *Support the community's in their own response to emergencies.*
- *Maintain & review mobilisation procedures and response plans for BFBs.*
- *Attend incidents within the Shires or neighbouring shires as required.*
- *Assist the community's, employees and volunteers affected by major emergencies to recover effectively and efficiently..*
- *Provide advice on the development of a recovery plan and monitor & review plan with LEMC.*
- *Hold the position of Executive Officer of the LEMC, attend LEMC meetings, provide information on emergency management planning, and coordinate LEMC involvement.*
- *Assist the local governments and FESA with special projects that may impact on the community's.*
- *Coordinate and manage projects for FESA & LG Emergency Management Act 2005 (Emergency Management Plan preparation and facilitation).*
- *Undertake further duties as directed and as relevant to the position.*

It should be noted that the majority of work on the Emergency Services Plans have been completed.

Comment

The following recommendation has been submitted by the BFAC for consideration by Council:

That; The CESM position reverts back to the way it previously stood, between the Shire's of Quairading and Cunderdin.

The Acting CESM has advised that:

"Due to the workload required by the four local Governments that the CESM is shared between, it has been noted that the Shire of Cunderdin does not get enough time with the CESM. It has been noted that all tasks are being prioritised when the CESM is available although some tasks are not being completed at all due to the lack of time (2 days per fortnight) in Cunderdin."

If the Shire was to amend the MOU then the CESM would be more of an asset as they would be able spend more time within the Shire. They will also be more readily available to respond to emergency as they occur due to the decreased work load.

To amend the existing MOU the Shire would need the agreement from at least two of the other three Council's involved. If the other Councils do not agree to the changes recommended then the Shire would have no option than to stay in the existing arrangement.

It should be noted that this recommendation is being received on the advice of the Acting CESM without input from Mr Birleson who has been in the position for about 5 years.

It is also brought to the attention of the Shire that during the 2018/19 fire season, the acting CESM was deployed at the request of DFES on three occasions thus reducing his availability.

Currently the arrangement is as follows;

Shire of Cunderdin	10%
Shire of Tammin	10%
Shire of Kellerberrin	10%
Shire of Quairading	10%
Department of Fire and Emergency Services	60%

Option 1 would be to request that the CESM be brought back to two (2) shires.

Alternatively

Option 2 would be the Shire of Cunderdin and Tammin renegotiate their 10% shares. For example, the Shire of Tammin pay 7.5% and the Shire of Cunderdin pay 12.5%

However, any variation would need to be made in the context of the existing MOU and discussion with the Employing Shire being the Shire of Quairading.

Consultation

CESM Mr Simon Bell
Cunderdin BFAC
Shire of Quairading

Statutory Environment

Bush Fire Act 1954

Policy Implications

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

5.3 Harvest & Movement of Vehicles Bans

5.4 FCO Duties

Financial Implications

The position is current funded under the following arrangement:

60% Department of Fire and Emergency Services (DFES)

40% Local Government (10% each Shires of Cunderdin Kellerberrin, Quairading and Tammin).

The annual cost of providing the CESM service is \$150,000 per annum with the Shire of Cunderdin's cost being \$15,000.

On the employing Shire's advice the following should be noted about the current Acting position " given the relative inexperience / lesser training of the incumbent in the Acting Position a Salary / Hourly Rate was negotiated with the assistance and Approval of the DFES Regional office as is set at 85-86% of the Permanent Position."

Before the MOU was expanded the funding arrangement was:

70% Department of Fire and Emergency Services

30% Local Government (15% each Shires of Cunderdin and Quairading).

If the MOU is amended there is no guarantee of the percentage of DFES funding available however it is expected that DFES would commit at least 60%.

Please also note that all secondment costs (inc AL accruals) for the CESM are being borne by DFES not the 4 participating Councils.

Any Overtime from the Acting CESM in DFES Regional Deployment is to be authorised by DFES Region and is fully reimbursed to MOU Administrator by DFES.

Strategic Implications

CL5-Objective 4 Ensure sound long term financial management and deliver value for money.

Resolution 9.5 April 2019

That the Shire of Cunderdin advise the Cunderdin Bush Fire Advisory Committee that it will investigate the possibility of returning to the previous CESM arrangement that consisted of the Shires of Cunderdin and Quairading.

Moved: Cr Doug Kelly

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

9.6 Property and Rates – 3 Year Sale

Location:	Cunderdin
Applicant:	Property & Rates Officer
Date:	9 th April 2019
Author:	Brooke Davidson
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A53616 & A53679
Attachment/s:	

Proposal/Summary

It is proposed that Council, under Section 6.64 of the *Local Government Act 1995*, utilise AMPAC Collection Services to sell parcels of land attached to Assessments A53616 & A53679 due to non-payment of rates and services for a period of three years or more.

Background

Council at its 15 February 2018 Ordinary Council Meeting resolved:

*“That Council, pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceed to sale of assessments A53560, A53602, A53614, **A53616**, A53667, A53669, A53675, A54849 and **A53679**.”*

Accordingly, the abovementioned two properties which have had rates outstanding of three or more years were referred to AMPAC for recovery action. Regrettably, AMPAC have been unsuccessful in its attempts to initiate recovery action, noting the owner of the properties is uncontactable.

The following Table provides further information regarding outstanding amounts and actions undertaken by AMPAC:

Property 1-	
Assessment	A53616
Zoning/Area	Shire of Cunderdin Scheme No. 3 - General Agriculture
Period Outstanding	7+ years as shown by our available systems - cannot see prior to 5/7/11
Amount Outstanding	\$28,815.94
Payment	No payments made from 5/7/11 - current, cannot see further back
Recovery Action	Bailiff provided a letter on the 4 th April 2019 stating there is insufficient equity to proceed with Auctioning the property. We will need to sell the property through a 3 year sale to recover the rates
Response	PSSO Failed as no equity in property.
Property 2-	
Assessment	A53679
Zoning/Area	Shire of Cunderdin Scheme No. 3 - General Agriculture
Period Outstanding	7+ years as shown by our available systems - cannot see prior to 5/7/11

Amount Outstanding	\$18,010.11
Payment	No payments made from 5/7/11 - current, cannot see further back
Recovery Action	<p>File with solicitors and skip trace completed. The solicitors have written to all family members confirming no one wants to take ownership of the property.</p> <ol style="list-style-type: none"> 1. Phil Charles said he is not interested in the properties; 2. Ronal Plenderleigh said he is not interested in the properties; 3. Shirley Walker did not respond to the letter that we posted to her; 4. Lorrain Ethel Charles said that she is not interested in the properties; 5. Shane Walker's email address keeps on bouncing back. <p>We now recommend Council proceed with the 3 year rule.</p>
Response	All known surviving relatives have been contacted and have no interest in the property. Owner is deceased

Comment

Given the high level of debt, minimum value of the land, building restrictions and the amount of time that has been afforded in searching for ratepayers to either clear or reduce this debt, it is appropriate to apply the relevant section of the *Local Government Act 1995* empowering the sale of land provision in relation to unpaid rates and charges.

It is suggested that Council apply the provisions of Section 6.64(1)(b) of the *Local Government Act 1995* and sell the properties to recover outstanding rates and charges, which are in arrears for a period in excess of three (3) years.

Where land has been offered for sale for non-payment of rates or service charges and a contract of sale has not been entered into at the expiration of 12 months from the date that the land is offered for sale by public auction, the land may be transferred in fee simple, to the Crown in right of the State or to the Local Government.

Consultation

AMPAC Debt Recovery
Price Sierakowski Corporate
Austral Mercantile Collections

Statutory Implications

Section 6.64 of the *Local Government Act 1995* States:

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate*

provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and-

- (A) From time to time lease the land;*
 - (B) Sell the land;*
 - (C) Cause the land to be transferred to the Crown; or*
 - (D) Cause the land to be transferred to itself.*
- (2) On taking possession of any land under this section, the local government is to give the owner of the land such notification as is prescribed and the to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) Where payment of rates and service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

Policy Implications

NIL

Financial Implications

The outstanding amounts for each assessment will not be recoverable via the sale of land and the rates and cost of legal proceedings will need to be written off.

Strategic Implications

CL5-Objective 4 Ensure sound long term financial management and deliver value for money.
IT5.5.4 Risk Management

Resolution 9.6 April 2019

That Council authorises the Chief Executive Officer:

1. Pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceed to sale of Assessment A53616, which has rates and services in arrears for 3 or more years
2. Having made reasonable efforts to do so, being unable to locate the owner of property A53679 is to, pursuant to Section 6.64 (1)(b) of the Local Government Act 1995, proceed to sale of Assessment A53679, which has rates and services in arrears for 3 or more years

Moved: Cr Todd Harris

Seconded: Cr Jayson Goldson

Vote – Simple majority

Carried: 8/0

9.7 Assessment A53674

Location:	Cunderdin
Applicant:	Property & Rates Officer
Date:	9 th April 2019
Author:	Brooke Davidson
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A53674
Attachment/s:	

Proposal/Summary

For Council to consider an offer from the owner of Lot 246 on Plan 222787, Moore North Road, Meckering to give up the land to the Shire in satisfaction of outstanding rates and service charges.

Background

The Shire has been negotiating with Mr Lionel Seymour, the owner of Lot 246 on Plan 222787, Moore North Road, Meckering (A53674), to hand back the land to the Shire in return for all rates and service charges being written off. It is proposed that Council accept the land from Mr Seymour who is prepared to sign a Transfer of Land document.

In 2014 Mr Seymour wrote to the Shire requesting that his Rate Notice be sent to the Australian Treasury to be paid under a Bill of Exchange. The Shire never responded to this letter until March 2017, where Mr Seymour was informed that a Bill of Exchange for his Rate payment was not a bonafide method of payment. Immediate payment of his outstanding rates and service charges was thereby requested or a suitable payment plan to be entered into.

In April 2018 Mr Seymour emailed the Shire requesting a concession on his annual rates, to be levied at \$100 per annum and all current interest written off. The Shire responded in June 2018 advising this request was rejected, and further confirmed that the Bill of Exchange payment request was not accurate or relevant.

Lionel Seymour has since expressed his concerns to the Shire that his block is of minimal value, unable to be developed and at certain times of the year unable to be accessed due to flooding. He does not wish to retain the block, nor pay the rates and service charges, and is struggling to sell it due to it being undesirable. He wishes to hand the block back to the Shire.

Comment

Mr Seymour currently owes \$8,779.97 in outstanding rates and service charges, which is increasing daily due to penalty interest.

Should Council take the required legal action for unpaid rates and service charges in excess of 3 years under Section 6.64 of the *Local Government Act 1995*, the legal costs are estimated to be between \$5,000 - \$7,000. These costs would be added to the outstanding charges and are recoverable in the successful sale of the block of land. However, the block of land has been valued at approximately \$1,000.

Prompt Settlements Northam have estimated that the cost to Council would be approximately \$1,300 for settlement and Landgate fees to transfer the land. These costs would need to be absorbed by the Shire.

Consultation

McLeods Barristers & Solicitors
Prompt Settlements Northam

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Council would be required to write off the outstanding debt, currently at \$8,779.97 and absorb the associated settlement fees of approximately \$1,300.

Further recovery action is seen as an unnecessary financial loss.

Strategic Implications

Community Leadership

CL5-Objective 4 - Ensure sound long term financial management and deliver value for money.

Resolution 9.7 April 2019

That Council

- 1) Accept the land offer from Mr Seymour being Assessment A53674, Lot 246 on Plan 222787, and in return agree to write off all rates and charges associated with the property; and,
- 2) Agree to pay all fees associated with the settlement of the property, being approximately \$1,300.00

Moved: Cr Jayson Goldson

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 8/0

9.8 Shire of Cunderdin Administration Office Closure Over Easter

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	11 April 2019
Author:	Kayla James
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to note the closure of the Shire Administration Office for one (1) day over the Easter Holiday Period.

This report recommends Council endorsement of the proposal.

Background

Previous years have not fallen with disruptive public holidays vs workings days as the 2019 year.

Friday 19 April 2019	Good Friday	Office Closed
Monday 22 April 2019	Easter Monday	Office Closed
Tuesday 23 April 2019		Office Open
Wednesday 24 April 2019		Office Open
Thursday 25 April 2019	ANZAC Day	Office Closed
Friday 26 April 2019		Proposed Office Closure

Comment

No significant business is projected to be conducted between Public Holidays as close at the above-mentioned periods as rate payments schedules will not begin until after Budget Adoption in July 2019 and dog registrations are due in September 2019.

Furthermore, the Shire of Cunderdin Works Department is closed for the period from 19 April until 26 April inclusive.

It is proposed the office be closed from the close of business on Wednesday 24 April 2019 to Sunday 28 April 2019 inclusive, reopening on Monday 29 April 2019.

During the proposed one (1) business day closure period staff time will be allocated to public holidays (1 day).

Notification of the office closure will be displayed on local notice boards and the Shire website as well as a text message distribution.

Consultation

Internal Management

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

Resolution 9.8 April 2019

That Council note the office will be closed from the close of business on Wednesday 24 April 2019 to Sunday 28 April 2019 inclusive, reopening on Monday 29 April 2019.

Moved: Cr Dianne Kelly

Seconded: Cr Bernie Daly

Vote – Simple majority

Carried: 5/3

9.9 Old Cunderdin Hospital Site - Demolition

Location:	Cunderdin
Applicant:	WA Country Health Service (WACHS)
Date:	8 April 2019
Author:	Neville Hale
Item Approved by:	Neville Hale
Disclosure of Interest:	N/A
File Reference:	N/A
Attachment/s:	Nil

Summary

For Council to determine what action it wishes to take in respect to the old Cunderdin Hospital site prior to the transfer of the old hospital Reserve/land to the Shire of Cunderdin.

Background

Following Council's April 2015 Ordinary Meeting, the Shire on 24 April 2015 wrote to WACHS advising that Council had resolved:

- To advise WACHS of its "in principle" support for a land swap; and
- Its preference for the existing health centre land to be transferred to the Shire freehold (or under management order).

Council, at its 17 December 2015 Ordinary Meeting, resolved amongst other matters that:

- It formally agrees to the proposed land swap between the Shire of Cunderdin and WACHS for the identified land, being portion of Lot 50 Lundy Avenue, Cunderdin, for the Primary Health Care Demonstration Site in exchange for the existing Cunderdin Hospital Site, being Lots 296,297, 350 & 384 Cubbine Street, Cunderdin; and,
- It would continue to undertake a due diligence process on the existing buildings before a final decision on acceptance of the transfer with building/s on site. To be completed by 30 June 2016.

Following Council's 15 September 2016 Ordinary Meeting, on 23 September 2016, the Shire wrote to WACHS to advise:

- That it requests that the Hospital and Ian Roberts Lodge Buildings be retained; and,
- Requests that the old out of use buildings on the Hospital Grounds, i.e. former nurses quarters and mortuary, be demolished and the site be left clean of all, especially contaminated, materials.

On 14 December 2016, WACHS responded advising the Shire that:

- Executive Council had approved for WACHS to transfer the Cunderdin Hospital site, Reserve 22160, to the Shire of Cunderdin once the new Health Centre is constructed to be arranged by a change of management order;
- should the Shire wish to seek freehold title of the reserve at a later date from the Department of Lands then WACHS Wheatbelt would be willing to support the request;
- It was agreed that the land swap will include the main hospital building and Ian Roberts Lodge;
- WACHS would demolish and remove building Blocks c, D, F & G as indicated on its Plan;
- The land swap arrangement with the Shire was based upon WACHS offering the old hospital site land to the Shire with or without the buildings. Should the Shire wish to retain the buildings then they would need to accept them in their current condition and any current or future maintenance liabilities would not be a WACHS responsibility.

Council, at its 21 June 2018 Ordinary Meeting, having considered similar land transfer arrangements, e.g. Pingelly hospital site, resolved to:

Advise the WA Country Health Service that:

- The Council will only accept the land known as Reserve 22160, the former Cunderdin Hospital Site, as unencumbered freehold land at no cost to the Shire as a direct land swap for Lot 501 Lundy Avenue, Cunderdin.
- Council will accept the freehold land, once completion and operation of the new Primary Health Care Demonstration Site, on an as is basis following completion of the works outlined in their correspondence dated 14 December 2016.
- Request the Chief Executive Officer to determine the financial implications associated with the land swap and future use of the subject land for inclusion in budgetary planning processes.

In July 2018, the St Simeon Group, part of the “*Serbian Orthodox Diocese Aged Care and Education Property Fund Ltd*” (SODACEPF), met with representatives of the Shire to discuss the possibility of it providing a range of aged care services to the community, utilizing the old hospital buildings. The services would include home care packages, private services, CHPS, residential, respite and palliative care. These services were recognized by the Shire as key to providing local residents a broad suite of services and would be complimentary to the Shire’s AAA housing development which itself is inclusive of a respite and palliative care facility.

In January 2019, the St Simeon Group:

- Provided the Shire with a copy of its Business Plan for the proposed services;
- Provided copies of applications it had submitted to the Commonwealth for funding approval that was unsuccessful;
- Advised its application for Major Refurbishment Funding cannot be submitted until it actually becomes an approved provider in the Cunderdin area; and,
- information on its plans for the renovation of the Old Hospital Buildings which were to be presented to its Board of Directors for consideration.

As mentioned above, WACHS has given the Shire the option to accept the Hospital Site on Cubbine Road with the old hospital building and Ian Roberts Lodge or as a site cleared of unwanted existing buildings.

In February 2019, a desk top assessment of the Shire’s Lundy Avenue property (6,357 m²) Lot 801 on Plan 407494, was valued at \$95,000 whilst the Cubbine Street property of the Health Department (2.1107 ha) Reserve 22160, was valued at \$210,000.

It is noted that should the Shire accept the property with current buildings intact and find no external party willing to undertake development of the site, the Shire may be left with no option than to fund the demolition of buildings. A cost in the order of \$450,000 to \$500,000, in addition to any maintenance issue that may arise during its ownership

Comments

Mr Leverington Senior Project Manager – Infrastructure & Planning, WA Country Health Service Wheatbelt has previously advised against the Shire taking on what is an aging, substantial building with specific issues in regard to water, power and contaminated materials.

Furthermore, in determining cost of renovation for alternative uses, the St Simeon Group has indicated that if used for its health related services the cost is likely to be in the order of \$8 - \$10 million. (refer to earlier information supplied on renovation)

Over the past three months, I have endeavoured to obtain confirmation from SODACEPF of its interest in the old hospital building but to no avail to date.

Earlier this month, I contacted WACHS to confirm my understanding:

“that should Council so decide, and request demolition of the old hospital building, then the cost associated with that will be met by the Health Department. The cleared site, retaining Ian Roberts Lodge, freehold will then be handed over to the Shire at no cost in exchange for the freehold land the Shire has provided to the Department for its new Health Centre”.

I am advised by Mr Sheldon Paice, in the absence of Graeme Leverington, that:

“That reflects our current understanding if you should wish to progress with a request for a cleared site can you please confirm in formal correspondence.

It will take time for WACHS to progress through all the appropriate channels and tender the works.

*Thank you
Sheldon Paice”*

Consultation

Consultation has been ongoing between WACHS, Department of Lands and the Shire regarding the project and the proposed land swap.

Furthermore, SODACEPF have been engaged in regard to its plans to utilize the old hospital building as a base for proposed aged care services.

Graeme Leverington -WACHS
Oksana Sadova - SODACEPF

Statutory Implications

Cunderdin Local Planning Scheme No. 3

The Cunderdin Hospital site is currently reserved for Public Purposes under the provisions of LPS3 and therefore the uses on the site must be consistent with the ultimate purpose of the reserve.

If the site is transferred under Management Order with a power to lease and it is envisaged that the site will be used for purposes other than public, then the site will need to be rezoned or additional uses added to the reserve, which can be undertaken as part of the current review.

If the site is transferred as freehold land, then the site could be rezoned as part of the current review to Residential or another appropriate zoning, including a Special Use Zone that could nominate specified uses, such as health services, tourist-type uses, commercial, conference and the like.

Land Administration Act 1997

WACHS first proposed to transfer the land forming the Cunderdin Hospital to the Shire by way of Management Order under the provisions of the LAA. A Management Order LAA does not convey ownership of the land – only as much control as is essential for the land’s management.

Management Order conditions or special statutes may convey leasing powers to management bodies in relation to reserves. Where a management body has power to lease land, the lease must accord with the purpose of the reserve and subject to the approval of the Minister for Lands under section 18 of the LAA. The Department of Lands generally do not support leasing by Shires for commercial purposes and may lease the land directly with the third party.

If the Shire wishes to convert the land from a Reserve under Management Order to freehold, Section 86 of the LAA provides for the sale or lease of Crown land to the Commonwealth, State or Local Government, which will be at unimproved land market value.

However, taking into consideration that the Shire has provided a freehold portion of land to WACHS at no cost, it is reasonable for the Shire to request that the land is transferred on the same condition as freehold land without any encumbrances. The State may, acting pursuant to section 11 of the LAA acquire land held in fee simple including by exchange and may transfer land in freehold under section 74 of the LAA.

WACHS have advised that they will support a request from the Shire to the Department of Lands for the land to be transferred freehold for a nominal fee. The Department of Lands have advised that to consider such a request from the Shire, a simple business case will need to be provided in support that includes information on the benefits and restrictions of both land tenures.

The same arrangement was afforded by WACHS and the Department of Lands to the Shire of Mukinbudin recently to facilitate their new Medical Facility, which could be a beneficial precedent in the Shire's submission/business case.

Policy Implications

N/A

Financial Implications

Short-term financial implications for the Shire resulting from the land swap will include the maintenance of the land and buildings on an ongoing basis, and upgrade of the buildings for future use, such as tourist or worker accommodation, conferences or the like. As indicated, the cost of such renovations would be significant. Moreover, should such ventures fail, the Shire would be left with potential significant cost of demolition, being \$450,000 to \$500,000.

Additionally, as indicated earlier in the Statutory Implications section of this Report, there may be financial implications if the Shire accepts the land under Management Order and in the future wishes to convert the land to freehold.

To date, there has been no whole of life assessment carried out to determine the financial implications resulting from the land swap (under Management Order or freehold), including any upgrades to facilitate future uses, for inclusion in Council's budgeting processes. However, one can take into consideration the SODACEPF cost estimate for renovation - \$6 - \$8 million and/or the WACHS Pingelly Hospital cost of demolition - \$450,000 +

Strategic Implications

Shire of Cunderdin Community Strategic Plan

The proposed land swap and future use of the former Cunderdin Hospital is consistent with the social, environmental and economic goals of the CSP, which are:

Social

- Grow and build the population base;
- Improve community spirit, collectively caring for each other;
- Build an active community, increasing participation and ownership.

Environmental

- Nurture and enhance our natural environment and prioritise the protection of our natural resources;
- Manage resource consumption and reduce waste, preserve and protect buildings and places of heritage and indigenous significance;

Economic

- Strengthen local business and employment capacity;
- Support and encourage sustainable business growth;

- Position the area as a regional strategic location and transport hub.

Officer Recommendation

That Council notify WA Country Health Services (WACHS) that:

- it accepts the land known as Reserve 22160, the former Cunderdin Hospital Site, as unencumbered freehold land at no cost to the Shire as a direct land swap for Lot 801 on Plan 407494 Lundy Avenue, Cunderdin; and,
- It requests WACHS to demolish and, with the exception of Ian Roberts Lodge, remove the old hospital buildings prior to transfer of the freehold land to the Shire.

Amendment

Point 2

Replace from demolish to Shire. with “defer demolition for a period of 3 months with option for a further 3 months if interest is shown”

Move: Doug Kelly

Seconded: Todd Harris

Carried: 7/1

Resolution 9.9 April 2019

That Council notify WA Country Health Services (WACHS) that:

- it accepts the land known as Reserve 22160, the former Cunderdin Hospital Site, as unencumbered freehold land at no cost to the Shire as a direct land swap for Lot 801 on Plan 407494 Lundy Avenue, Cunderdin; and,
- It requests WACHS to defer demolition for a period of 3 months with option for a further 3 months if interest is shown in its development.

Move: Norm Jenzen

Seconded: Bernie Daly

Vote: Simple Majority

Carried: 7/1

10. Environmental Health and Building
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Nil

11. Planning & Development

11.1 Cunderdin Caravan Park Development, 42 Olympic Ave, Cunderdin

Location:	Lot 74 (42) Olympic Ave, Cunderdin
Applicant:	B Fissioli
Date:	11 April 2019
Author:	Jacky Jurmann, Planner
Item Approved by:	CEO
Disclosure of Interest:	Nil
File Reference:	DA2018/19-11
Attachment/s:	Site & Building Plans

Proposal/Summary

A development application has been received to install four (4) single and two (2) double accommodation units for short-term accommodation; an office building; and new double ablution building at the existing Cunderdin Caravan Park.

The application has been assessed in accordance with the provisions of the Cunderdin Local Planning Scheme No. 3 (LPS3) and the *Planning and Development (Local Planning Schemes) Regulations 2015* and is being recommended for conditional approval.

Background

The Cunderdin Caravan Park is located at Lot 74 (42) Olympic Avenue, Cunderdin and has an area of 12,091m².

In 2018, Council approved the installation of three (3) short-term accommodation buildings; a disabled accommodation unit; and new ablutions building as part of the first stage of the redevelopment of the site by the new owners, which has now been completed.

The Applicant has advised that the new units will follow the current park colours of Colourbond Iron Stone and Shale Grey and have designated car parking bays. It is proposed to construct the office first and then gradually install the accommodation units over a period of 2 years.

A subdivision application for the realignment of the park boundaries has been approved by the Western Australian Planning Commission but to date has not been finalised by the park owners.

Comment

The proposed buildings are new and have received engineering certification in preparation for the submission of a building permit application.

Consultation

The application was not required to be advertised under the provisions of LPS3.

Ongoing consultation has occurred with the Shire’s Environmental Health/Building Surveyor regarding the redevelopment of the site.

Statutory Implications

Cunderdin Local Planning Scheme No. 3

The site has a dedicated Special Use zone (SU1) under the provisions of Schedule 4 of LPS3, which specifies the use of the site for a caravan park and caretaker's dwelling. The condition of SU1 is: "No extension or change of land use without local government development approval".

The applicable provisions of LPS3 have been assessed as follows:

Section	Criteria	LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
4.12.1, LPS3	Special use development	Conditions relating to lot area, minimum effective frontage, development type and style, plot ratio, car parking, landscaping, setbacks and any other provision affecting the development may be imposed.	Prefabricated units to be setback 3m from the existing property boundaries. Ablution building to be located centrally in park.	Complies.
4.17.1, LPS3	General appearance of building	(a) External appearance of building, structures and landscaping.	New prefabricated units proposed along western boundary.	Complies.
		(b) Design of all sides of building visible from public road.	New Office proposed at front of park.	Complies.
		(c) Building dimensions and proportions.	In proportion with existing buildings.	Complies.
		(d) Compatible building and landscape materials.	Buildings compatible. Colour scheme continued through park.	Complies.
		(e) Effect on existing and future buildings on nearby properties.	Forms part of park redevelopment.	No effects identified.
		(f) Environment resulting from building.	Located within park.	Complies.
		(g) Effect on existing and future services.	No impacts.	Complies.
		(h) Effect on landscape and environment.	No tree removal proposed.	Complies.
		(i) Any other matter.	Nil.	N/a
4.17.2, LPS3	Preservation of amenity	i) Building appearance	New buildings proposed.	Complies.
		ii) Building materials	Metal and colourbond. Colours consistent with new development.	Complies.
		iii) Building height, scale and roof pitch	Single storey; flat roof.	Complies.
		iv) Building location including setbacks	Units 3m from boundaries. Ablutions centrally located.	Condition regarding landscaping recommended.
		v) Landscaping and visual screening	No details provided.	As above.
		vi) Vehicle parking	Current licence: 32 vans, 8 camping sites, 7 cabins, 2 motel units,	Caravan Park & Camping Regulations require one space per

Section	Criteria	LPP / Scheme Provision	Proposed by Development	Criteria Met / Condition Required
			1x8 single bed lodge & 1 residence. Lodge to be removed together with 7 caravans. New units to replace existing.	20 caravan sites. Car parking previously calculated. Condition to be imposed from previous approval.
		vii) On-site traffic circulation and access to public roads	Existing.	Existing satisfactory. To be reassessed if use intensifies.
		viii) Location of loading docks and storage areas	N/a	N/a
		ix) Control of dust, management of wastes and stormwater disposal	Stormwater runoff contained within site.	Complies.
		x) Advertising signage	Nil proposed.	Advice note.
4.20.2, LPS3	Landscaping	Landscaping required as per Table 2 – at the discretion of the local government.	No details provided.	Condition recommended regarding provision of landscaping.
4.21, LPS3	Car parking	Car parking required as per Table 2 – at the discretion of the local government.	Designated car parking for each unit proposed.	Refer to 4.17.2.
4.34, LPS3	Fire protection	Meet relevant standards.	Nil.	Land is not in a designated bushfire prone area. Units to comply with provisions of BCA.

The proposal meets or can be conditioned to meet the provisions of LPS3 and can be conditionally approved.

Policy Implications

Council's Delegated Authority (specifically No. 34) does not provide authority to the Chief Executive Officer to determine applications on land in a Special Use zone.

Therefore, the application is being presented to Council for determination and as such, there are no policy implications associated with this proposal.

Financial Implications

The Applicant has paid the relevant application fee. There are no financial implications associated with this proposal.

Strategic Implications

The goals of the Cunderdin Strategic Community Plan are:

Social

- Grow and build the population base;
- Improve community spirit, collectively caring for each other;

- Build an active community, increasing participation and ownership.

Environmental

- Nurture and enhance our natural environment and prioritise the protection of our natural resources;
- Manage resource consumption and reduce waste, preserve and protect buildings and places of heritage and indigenous significance;

Economic

- Strengthen local business and employment capacity;
- Support and encourage sustainable business growth;
- Position the area as a regional strategic location and transport hub.

The proposal is consistent with the goals of the SCP, particularly the economic goals to strengthen and support local business.

Resolution 11.1 April 2019	
That Council grant development approval to M & B Fissioli for the construction of new short-term accommodation units, office building and double ablution facility at the Cunderdin Tourist Park at Lot 74 (42) Olympic Avenue, Cunderdin as outlined in the Application received 11 April 2019 (Application No. 2018/19-11), and indicated on the approved plans, subject to the following conditions:	
General conditions	
1.	Development shall be in accordance with the attached stamped approved plans and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2.	This approval constitutes development approval only and is valid for a period of two (2) years from the date of approval. If the development has not substantially commenced within the two (2) year period the approval shall lapse and be of no further effect.
3.	Any additional development, including advertising, which is not the subject of this approval or any condition of approval, will require further approval of the local government.
Conditions to be met prior to occupation	
4.	Prior to occupation all stormwater is to be contained on the subject site to the satisfaction of the local government.
5.	Prior to occupation the accommodation and ablution facilities shall be connected to an approved reticulated sewerage and potable water supply system.
6.	Prior to occupation a car parking plan shall be submitted to the local government for approval.
Conditions requiring ongoing compliance	
7.	A minimum of 45 car parking spaces, including 2 visitor spaces, shall be provided on site at all times to ensure that all vehicle parking associated with the use is accommodated on-site.
8.	The short-term accommodation units may only be occupied for a maximum period of three (3) months.
9.	Landscaping shall be maintained to a high standard at all times.
Advice Notes	
Note 1:	If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
Note 3:	If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the <i>Planning and Development Act 2005</i> Part 14. An application must be made within 28 days of the determination.

Note 4:	No other signage to be erected other than signs exempted from local government development approval pursuant to the Cunderdin Local Planning Scheme No 3.
Note 5:	A licence issued under the provisions of the Caravan Park and Camping Regulations must be current at all times. The operation of the caravan park shall be in compliance with the Caravan and Camping Grounds Regulations.
<p>Moved: Cr Jayson Goldson Vote – Simple majority</p> <p>Seconded: Cr Dianne Kelly Carried: 8/0</p>	

12. Works & Services

Brought forward as the first item of business within section 8.

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 May 2019 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 16 May 2019 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

15. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23)

15.1 Move Behind Closed Doors

Resolution 15.1 April 2019

That Council move behind closed doors in accordance with s.5.23(a) of the Local Government Act to discuss staff employment

Moved: Cr Bernie Daly

Seconded: Cr Jayson Goldson

Vote – Simple Majority

Carried: 8/0

15.2 Shared Services – CEO Resignation

Under separate cover.

15.3 Move from behind closed doors

Resolution 15.3 April 2019

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

Moved: Cr Alison Harris

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 8/0

The President read aloud the following resolution of Council:

Resolution 15.2 April 2019

That Council,

1. In accordance with section 5.8 of the Local Government Act 1995 and by absolute majority, establishes a CEO Selection Panel Committee, with the following membership:

Cr Alison Harris, Cr Norm Jenzen, Cr Dennis Whisson, Cr Jayson Goldson, Cr Doug Kelly,

2. In accordance with section 5.16 of the Local Government Act 1995 and by absolute majority, delegates authority to the CEO Selection Panel as follows:

- a. In accordance with Local Government (Administration) Regulations 1996, Regulation 18C, delegation is limited to:

- i. Determining the selection criteria for recruitment and selection for the position of CEO.
- ii. Determining the advertising, recruitment and preliminary selection process.
- iii. Determining the short-list of candidates and undertaking the interviews.
- iv. Making recommendations for Council's consideration of the Panel's Preferred Applicant.

- b. Local Government (Administration) Regulations 1996, Regulation 18A, limited to:

- i. Determining other information, relevant to the position and the recruitment process, to be provided to applicants.

- c. Local Government Act 1995, section 5.39(3)(b), limited to:

- i. Determining the performance criteria to be included in the employment contract.
- ii. Determining the total remuneration package to be offered in the recruitment advertisement.

Moved: Cr Todd Harris

Seconded: Cr Dianne Kelly

Vote – Absolute majority

Carried: 8/0

16. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 5.55pm

17. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 18 April 2019 as shown were confirmed at the ordinary meeting of Council held on 16 May 2019.

Signed: _____

Date: _____