



Shire of Cunderdin

Notice of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 19th April 2018** in the Shire of Cunderdin Council Chambers, Lundy Avenue, Cunderdin.

A handwritten signature in black ink, appearing to read 'N. Hale', is positioned above the printed name.

Neville Hale
Chief Executive Officer
13th April 2018

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AGENDA

1. Declaration of Opening

The President declared the meeting open at 5.02pm

The Shire of Cunderdin disclaimer was read aloud.

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 NW (Norm) Jenzen	
Cr DG (Dianne) Kelly	

In Attendance

Neville Hale	Chief Executive Officer
Kayla James	Community Development Officer

Guests of Council

Members of the Public

Kim Rogers

2.2 Apologies

Cr B (Bernie) Daly

2.3 Leave of Absence Previously Granted

3. Public Question Time

Declaration of public question time opened at: 5.06pm

No members of the public present

In response to Mr Ray Lehman's written questions tabled at the March 2018 Ordinary Council Meeting, regarding 3rd party appeal rights in respect to the Joint Development Application Panel decision, a written response was provided on 16 March 2018. The letter of response was read aloud by the CEO.

Declaration of public question time closed at: 5.08

4. Applications for Leave of Absence

No applications for Leave of Absence

5. Confirmation of the Minutes of Previous Meeting

5.1 Ordinary Meeting of Council held on Thursday 15th February 2018.

Resolution 8.1

That the Minutes of the Ordinary Council Meeting held on Thursday 15th March 2018, be confirmed as a true and correct record.

Moved: Cr Alison Harris

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 7/0

Note to this item:

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

6. Declaration of Members and Officers Financial Interests

The following Councillors Declared Financial Interests;

- Item 9.9 - Cr Dianne Kelly, declared an Interest of Impartiality as she is a member of the Meckering Earthquake 50th Anniversary Commemorative Committee
- Item 11.2 - Cr Norm Jenzen, declared an Interest of Impartiality as he is a member of the Cunderdin Lions Club

7. Petitions, Deputations, Presentations

Nil

8. Announcements by President without Discussion

That item 9.8 be brought forward as the first item of business;

Moved: Cr Alison Harris Seconded: Cr Jayson Goldson

Vote: Simple Majority Carried 7/0

9. Finance & Administration

9.1 Financial Reports for March 2018

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	5th April 2018
Author:	Paul Godfrey
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	69 Pages (6 attachments)

Proposal/Summary

The financial reports as at 31st March 2018 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

That Council receives the monthly financial reports to 31st March 2018.

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 7/0

9.2 Accounts Paid – March 2018

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	5th April 2018
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling \$193,281.51 for March 2018 as listed in the Warrant of Payments for the period 1 March to 31 March 2018.

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. That Council's payment of accounts amounting to \$193,281.53 for March 2018, from :

Municipal Account	\$
Electronic Funds Transfer: EFT2008- EFT2082	152,285.28
Cheques: 11345-11355	40,996.25
Direct Debit:	0.00
Bank Charges:	0.00
	193,281.53
Trust Account	
NIL	NIL
TOTAL	193,281.53

be confirmed and noted.

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: 7/0

Cheque /EFT No	Date	Supplier	Description	Amount
EFT2083	07/03/2018	Combined Tyres Cunderdin	Yokohama RY103A Dutral Tyres	546.50
EFT2084	07/03/2018	Daves Tree Service	Tree Lopping and removal	5,720.00
EFT2085	07/03/2018	Major Motors	Tank Surge radiator	127.94
EFT2086	07/03/2018	Kiamia Pty Ltd	Side Tipper Hire 24.5 Hrs @ \$160 Per hr	4,312.00
EFT2087	07/03/2018	Momar Australia Pty Ltd	Twenty S 50 Litre and Delivery	1,113.75
EFT2088	07/03/2018	Baxters Rural Centre KB	Oil	139.85
EFT2089	07/03/2018	Airport Lighting Specialists Pty Ltd	Runway lights and windsock	645.70
EFT2090	07/03/2018	Avdata	Airfield Charges	2,674.75
EFT2091	07/03/2018	Avon Waste	Rubbish Services	12,429.38
EFT2092	07/03/2018	Goodfield Quality Meats	Toolbox meeting supplies	117.77
EFT2093	07/03/2018	Glenwarra Development Services	Town Planning Consultancy Services	4,262.50
EFT2094	07/03/2018	Perfect Computer Solutions	Tech Support - Assist CESM, admin and change CEO Details	170.00
EFT2095	07/03/2018	Department of Fire and Emergency Services	2017/18 ESL Quarter 3	21,795.57
EFT2096	07/03/2018	Jason Signmakers	Signage and Posts	3,109.70
EFT2097	07/03/2018	Landgate	Land Enquiry	25.30
EFT2098	07/03/2018	AIR LIQUIDE	Cylinder Hire Fees	109.16
EFT2099	07/03/2018	Shire of Northam	Old Quarry Tipping Fees	4,036.40
EFT2100	07/03/2018	Thompsons Signs	Supply Metal Shire Map	495.00
EFT2101	07/03/2018	Cunderdin Community	Bandicoot 2 pages Seniors	24.00

		Resource Centre		
EFT2102	07/03/2018	Pestex Co	Termite Inspections	4,152.50
EFT2103	07/03/2018	VisiMax	Permit Fire Books	55.00
EFT2104	07/03/2018	Baxters Rural Centre KB	Hydraulic Hoses and Hydraulic Fittings	119.35
EFT2105	07/03/2018	Ampac Debt Recover Pty Ltd	Ampac Debt Recovery fees	90.79
EFT2106	07/03/2018	Courier Australia	Freight Charges	111.90
EFT2107	14/03/2018	Landgate	Minimum Charge	38.35
EFT2108	14/03/2018	Cunderdin Co-Op	Gas 45 Kg Delivery	301.87
EFT2109	14/03/2018	Cunderdin Newsagency	Stationery Supplies- Correction Pens, rubber bands and Printer cartridges	149.47
EFT2110	14/03/2018	WA Contract Ranger Services	Ranger Services 13/02/2018-27/02/2018	748.00
EFT2111	14/03/2018	Cr Dennis Whisson	OCM Sitting Fee	485.00
EFT2112	14/03/2018	Cr Todd Harris	OCM Sitting Fee	236.00
EFT2113	14/03/2018	Cr Dianne Kelly	OCM Sitting Fee	236.00
EFT2114	14/03/2018	Cr Norm Jenzen	OCM Sitting Fee	236.00
EFT2115	14/03/2018	Shire of Quairading	Duvelco 120 Elite Sweeper	5,500.00
EFT2116	14/03/2018	Triset Boss	3,000 Rates Notices and 3,000 Envelopes	1,199.00
EFT2117	14/03/2018	Cr. Alison Harris	OCM Sitting Fee	236.00
EFT2118	14/03/2018	Cr. Bernard Daly	OCM Sitting Fee	236.00
EFT2119	14/03/2018	Moore Stephens	Budgeting Workshop 22 feb 2018	907.50
EFT2120	14/03/2018	Brooke Jasper	Reimbursement for kms attend course in Merredin	121.60
EFT2121	14/03/2018	Heartlands Western Australia Inc	Age Friendly Community Plan	6,800.00
EFT2122	14/03/2018	Cr Jayson Goldson	OCM Sitting Fee	236.00

EFT2123	14/03/2018	Courier Australia	Freight Charges	210.61
EFT2124	21/03/2018	Cunderdin Co-Op	Bulk Distillate	11,868.28
EFT2125	21/03/2018	Australia Post	Postal Charges for Period ending 28/02/2018	451.35
EFT2126	21/03/2018	Goodfield Quality Meats	Water and account keeping fee	56.00
EFT2127	21/03/2018	Wattleup Tractors	Oil Filter, Filter and Element Air	119.10
EFT2128	21/03/2018	Autopro Northam	Battery Exide	723.98
EFT2129	21/03/2018	Cunderdin Elders Limited	ester 680 LV 2 , 4-D 20 L Adama	141.90
EFT2130	21/03/2018	Regional Concrete & Plumbing	Test & Report Backflow device and Travel	303.60
EFT2131	21/03/2018	AMJ Industries	Repairs at the CSRC on sprinkler system and Repairs at the shire office to sliding Doors	604.33
EFT2132	21/03/2018	Eastern Hills Saws and Mowers	Protective helmet and chaps	561.00
EFT2133	21/03/2018	Major Motors	Set of front brakes and shoe linings	555.19
EFT2134	21/03/2018	HCT Rural Agencies 2015	Rates refund for assessment A53639 7 GABBEDY PLACE MECKERING WA 6405	150.66
EFT2135	21/03/2018	Daimler Trucks Perth	Various parts for gear box repairs	604.57
EFT2136	21/03/2018	Meckering Ladies Hockey Club	Catering for xmas function	374.00
EFT2137	21/03/2018	F-111 Engineering PTY LTD	Truck Repairs	8,005.80
EFT2138	21/03/2018	Northam Carpet Court	Replace carpets in CEOs House	10,306.00
EFT2139	22/03/2018	Cunderdin Co-Op	Bulk Distillate and Unleaded	9,611.35
EFT2140	22/03/2018	Truck Centre WA	Chamber Assy and freight	4,125.96
EFT2141	22/03/2018	Cunderdin Community Resource Centre	Advertising	36.00
EFT2142	22/03/2018	Shire of Tammin	Sand Delivered to CEOs House	210.00

EFT2143	22/03/2018	Australian Tax Office	BAS for February 2018	19,214.00
11345	07/03/2018	Water Corporation	Swimming Pool Water	5,503.15
11346	07/03/2018	Telstra	Day Care Phone Bills	18.42
11347	07/03/2018	Autopro Northam	UHF Rugged Microphone	91.98
11348	07/03/2018	Crommelins Machinery	1 1/2" F/Fighting Pump S/Impellor EX17 6 Hp Engine	880.00
11349	07/03/2018	Water Corporation	Museum at Forrest St Water	5,696.94
11350	07/03/2018	Water Corporation	Sports Ground Water	20,483.33
11351	14/03/2018	Synergy	Street Lights	3,512.35
11352	21/03/2018	Telstra	Shire Phone Bills	1,424.81
11353	22/03/2018	Water Corporation	Airport Water	1,107.12
11354	22/03/2018	Synergy	Pool Power	2,200.65
11355	22/03/2018	Government of WA Department of Transport	Rego for CM1536	77.50
			TOTAL	193,281.53

9.3 Council Investments – As at 31st March 2018

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Paul Godfrey
Report Date:	5th April 2018
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 2018.

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 totaling \$817,761.77 (Westpac - \$336,720.61 & Bendigo - \$481,041.16, as per attached statements, the following investment accounts are held as at 31 March 2018:

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$1,042,275.42	Reserves Term Deposit 2.35% Expires : 12/6/2018		\$1,042,275.42	
Westpac Bank	\$873,828.76	Business Cash Reserve 22-3647 0.60%	\$873,828.76		
Westpac Bank	\$20,916.33	Trust Working Account12-2981			\$20,916.33
TOTAL INVESTMENTS	\$1,937,020.51		\$873,828.76	\$1,042,275.42	\$20,916.33

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$83,215.66 and Bendigo Term Deposit Ref: 2466959 - \$427,377.50

Consultation

Nil

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Delegation #18 – Investments.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

There are no strategic implications in considering this item.

Resolution 9.3

That the reports on Council investments as at 31st March 2018 be received and noted.

Moved: Cr Alison Harris

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 7/0

9.4 Age Appropriate Accommodation Grand Opening

Location:	Shire of Cunderdin
Applicant:	AAAP Committee
Date:	13 th April 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	

Proposal/Summary

To consider contributing Shire funding toward the opening of the Age Appropriate Accommodation Project.

Background

The Shire is nearing completion of its Aged Appropriate Accommodation units and consideration is being given to a Grand Opening of these facilities.

Sharon Hook, from Western Australian Country Health Service (WACHS) has verbally approached the Shire with a request for an unspecified monetary contribution toward the Opening of the Shire's Age Appropriate Accommodation Precinct on the understanding that WACHS would be organising the Opening.

Alternatively, as the owner, Council may wish to organise the event using its own resources

Comment

As owner of the facilities, responsibility for organising the opening would fall to the Shire with the Shire President officiating in accordance with Council Policy.

In the absence of any written request it is difficult to determine what WACHS has in mind for the opening.

Consultation

Kelly Whisson – Records Officer Shire of Cunderdin

Sharon Hook – Western Australian Country Health Service

Statutory Implications

N/A

Policy Implications

Policy: 2.1 Building additions and/or new buildings will opened by Council president or proxy where applicable

Financial Implications

The funds required for any contribution to WACHS, or to self-manage the Grand Opening, can be sourced from "CDO Expenditure" A/C 11161030.

Strategic Implications

Shire of 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.

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 9.4

That council agree to contribute up \$1,000 for refreshments on the day of the grand opening, however in accordance with Council policy, that the Shire reserves the right as owner of the accommodation units for the Shire President to formally open the facility.

Moved: Cr Dianne Kelly

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

9.5 Bush Fire Advisory Committee

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	10 th April 2018
Author:	Daniel Birleson
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 pages, 1 attachment.

Proposal/Summary

Council is to consider the formation of a Bush Fire Advisory Committee to provide feedback and recommendations to Council on Bush Fire matters.

Background

Consultation with the Shire of Cunderdin Bush Fire Brigades is undertaken through the Bush Fire Advisory Committee developed under Section 67 of the Bush Fires Act 1954. Previous incarnations of this committee had been elected with due procedure through the Shire of Cunderdin Council, in recent years this has not taken place in accordance with Council Procedure or the Legislation.

Comment

That the Bush Fire Advisory Committee reflects (BFAC) the local brigade's requirements and councillor input. In the past the membership of the BFAC has consisted of Council Delegate, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Appointed FCO's and Brigade Captains.

The Bush Fire Advisory Committee operated in accordance with the requirements of Bushfires Act 1954 and is support by the Shire Community Emergency Services Manager

Consultation

Bush Fire Advisory Committee

Statutory Implications

The Bush Fire Advisory Committee is established in accordance with Bush Fires Act (1954) s67; and, Local Government Act (1995)

5.15. Reduction of quorum for committees

The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

** Absolute majority required.*

Policy Implications

The Bush Fire Advisory Committee will have influence on all policy directly relating to the Prevention, Preparedness, Response and Recovery of Bush Fire.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

The formation of a Bush Fire Advisory Committee following correct Council procedure and legislative process will allow Council to accept recommendations and advice from the Committee in accordance with Legislation.

Social

- 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.

Civic Leadership

- CL6.1 Deliver sustainable governance through transparent and robust policy and process.

Resolution 9.5

1. Establish the Cunderdin District Bush Fire Advisory Committee and appoint the following members;

One (1) Shire of Cunderdin Councillor Norm Jenzen

- a. Meckering Captain – Mr Ashley Burges (CBFCO)
- b. Ygnattering Captain – Mr Digby Wilmott
- c. Cunderdin Captain – Mr Adam Whisson

Nominated Fire Control Officers

- d. Meckering
 - i. Meckering West – Mr Jeffrey Snooke
 - ii. Meckering South – Mr Douglas Kelly
 - iii. Meckering North – Mr Mervyn Burges
 - iv. Meckering Central – Mr Wayne Reynolds
- e. Ygnattering
 - i. Ygnattering Central – Mr Digby Wilmott
 - ii. Ygnattering West – Mr Ashley Teakle (DCBFCO)
 - iii. Ygnattering South East – Mr Norman Jenzen
 - iv. Ygnattering South – Vacant
- f. Cunderdin
 - i. Cunderdin East – Mr Stuart Mussared
 - ii. Cunderdin North – Mr Todd Harris
 - iii. Cunderdin South – Vacant
 - iv. Cunderdin East – Vacant

2. Endorse the Terms of Reference of the Bush Fire Advisory Committee for the Shire of Cunderdin.
3. In accordance with section 5.15 of the local government act 1995 that council set the required quorum for this committee at 40% of its membership.

Moved : Cr Doug Kelly

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 7/0

9.6 Establishment of the Audit Committee and appointment of Delegates

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	27 March 2018
Author:	Neville Hale
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	None
File Reference:	
Attachment/s:	

Proposal/Summary

For Council to establish its Audit Committees of Council for the period ending with the 2019 Elections and appoint delegates to external committees.

Background

Council, at its 16 November 2017 Ordinary Meeting purported to establish a number of Committees of Council and appoint delegates. Regrettably, not all committees so established met the requirements of the Local Government Act, 1995 in that the resolution to establish the Committees was recorded as a simple majority when an absolute majority is required. Moreover reference is made to Committees consisting of one or two Councillors when a lawful committee has a minimum membership of three persons.

Furthermore, if appointing a committee consisting of persons other than councillors, all members of the committee must also be appointed and named.

Accordingly the appointments of 16 November 2017, as listed below, are to be reviewed and re-established where appropriate:

Audit Committee

Cr Dennis Whisson, Cr Doug Kelly, Cr Jayson Goldson & Cr Norm Jenzen

Cunderdin Airfield Committee

Cr Dennis Whisson & Cr Doug Kelly

Local Emergency Management Committee (LEMC)

Cr Dennis Whisson, Cr Doug Kelly & Cr Jayson Goldson

Museum Management Committee

Cr Todd Harris

Other Committees and Groups

Cunderdin Aged Appropriate Accommodation Project Management Committee

Cr Bernie Daly & Cr Dianne Kelly

Department of Fire and Emergency Services Committee (DFES)

Cr Todd Harris & Cr Norm Jenzen

Primary Health Care Demonstration Site Project User Group

Cr Dennis Whisson & Cr Dianne Kelly; Cr Jayson Goldson (Proxy Delegate)

Regional Road Group Kellerberrin Sub Group

Cr Doug Kelly & Cr Bernie Daly

Shared CEO Resource Sharing Committee (with Shire of Tammin)

Shire President & Deputy Shire President

WALGA Great Eastern Country Zone (GECZ)

Cr Dennis Whisson; Cr Alison Harris (Proxy Delegate)

Comment

In accordance with the Local Government Act, 1995 Council may establish a number of varying types of committee.

Under the Local Government Act 1995 Committees can be classified as:

- Council committees, that is, a committee of three or more persons established by council to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees; or,
- Non council committees established by some other authority, e.g. Emergency Management Act; or,
- community groups that operate with no delegated authority in respect to Council's powers or duties but which have an interest in some of the activities of Council and to which Council wishes to have formal representation by way of Delegates.

Shire of Cunderdin Audit & Risk Committee

Authority	Local Government Act, 1995 s5.9(2)(a)
Delegation	No delegated authority. Minutes are published and distributed to Councillors
Current Membership	Cr Whisson, Cr Doug Kelly, Cr Goldson, Cr Jenzen
Meetings	Quarterly, usually held before Council Meetings
Current Status	Active

The Audit & Risk Committee is established under the Local Government Act, 1995 s5.9(2) and s7.1A. Recommendations are made in Minutes of the Audit & Risk Committee meeting and should a Council resolution be required, recommendations are to be included as an item of business at the next available Ordinary Meeting of Council.

The function of the Committee is to provide guidance and assistance to the local government in respect to:

- The carrying out of its functions in relation to audits carried out under Part 7 of the Act;
- The development of a process to be used to select and appoint a person to be the Shire's auditor; and,
- May provide guidance and assistance to the local government as to matters to be audited, the scope of audits, its functions under Part 6 of the Act: and the carrying out of its functions relating to other audits and other matters related to financial and risk management.

Members are appointed for the two year period between elections, in this case the period ending October 2019 and are appointed in accordance with the Committees Terms of Reference which sets the committee membership as : Shire President, 2 councillors and a community representative.

Council sought to appoint a community member to the Committee in accordance with s5.9(2)(d) of the Local Government Act 1995.

Local Emergency Management Committee

Authority	Emergency Management Act 2005 - s38
Delegation	No delegated authority. Minutes are published and distributed to members and councillors
Current Membership	Not formally appointed but listed in Local Plan
Meetings	As required
Current Status	Active

This Committee was not established.

The Local Emergency Management Committee is established under the Emergency Management Act 2005 and Local Government Act, 1995 s5.9(2). Recommendations are made in Minutes of the Committee meeting and should a Council resolution be required, recommendations are to be included as an item of business at the next available Ordinary Meeting of Council.

The constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

Appointment of Delegates

Council may appoint delegates to external committee as it sees fit. The 16 November 2017 minutes did not clearly distinguish between committee and delegate appointments

The functions of a local emergency management committee are set out in s39 of the Emergency Management Act 2005 (see below in statutory implications).

Consultation

The proposed community representative position on the Audit Committee was advertised in 2017 with no expressions of interest received. Accordingly, a third Councillor was appointed to that vacancy.

Statutory Implications

Local Government Act, 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

5.9. Committees, types of

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

** Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

[Section 7.1A inserted by No. 49 of 2004 s. 5; amended by No. 5 of 2017 s. 11.]

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

Emergency Management Act 2005

38. Local emergency management committees

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

39. Functions of local emergency management committees

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

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

Policy Implications

N/A

Financial Implications

Committee members are entitled to claim meeting fees and travel expenses.

Delegates are entitled to claim travel expenses only

Strategic Implications

Strategic Community Plan

6 Civic Leadership

Our councillors and community leaders have vision, are accessible, act with transparency and integrity and act in good faith on behalf of their communities.

CL 6.1 Deliver sustainable governance through transparent and robust policy and processes

Resolution 9.6.1

That Council:

1. in accordance with s5.9(2)(a) of the Local Government Act 1995, establish its Audit Committee and appoint:

Cr Dennis Whisson, Cr Doug Kelly, Cr Jayson Goldson, Cr Alison Harris, Cr Todd Harris, Cr Dianne Kelly, Cr Bernie Daly & Cr Norm Jenzen

as members of the Audit Committee: and

2. endorse the attached Terms of Reference.

Moved: Cr Doug Kelly

Seconded: Cr Norm Jenzen

Vote – Absolute Majority

Carried: 7/0

Resolution 9.6.2

That Council establish, in accordance with s5.9(2)(a) of the Local Government Act 1995 and s38 of the Emergency Management Act 2005, its Local Emergency Management Committee (LEMC) for the District of Cunderdin and appoint:

Shire President
(proxy -D/Shire President
Chief Executive Officer
(Proxy –CDO
Cr Goldson)

Dennis Whisson
Doug Kelly
Neville Hale
Kayla James

Shire of Cunderdin
Shire of Cunderdin
Shire of Cunderdin
Shire of Cunderdin

9.7 Cunderdin Water Tower – Transfer of Responsibility

Location:	MRWA Road Reserve Cunderdin
Applicant:	Chief Executive Officer
Date:	11 April 2018
Author:	Neville Hale
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	ADM
Attachment/s:	Plan, Letter from MRWA 1 attachment

Proposal/Summary

For Council to re-confirm its previous agreement of 22 October 2002 to accept responsibility for the land and infrastructure assets, including the Water Tower and rail wagon, as shown on the attached plan.

Background

Council, at its 22 October 2002 Ordinary Council Meeting, agreed:

*Moved Cr Fulwood Seconded Cr Jasper
That Council accept the recommendation from Main Roads WA to excise that portion of the road reserve bounded by Great Eastern Highway, Cubbine Street, Pemberton Street and Forrest Street currently controlled by Main Roads WA and transferred to Council. This area is to be retained as a road reserve under Council's control.*

At the time, Main Roads WA (MRWA) agreed to meet the costs of restoration (significant maintenance) which had been identified in the process of addressing the issues of preservation.

It was further agreed by MRWA that following agreement by the Shire to the land excision plan, MRWA was to arrange through "DOLA" the formal transfer of land and meet associated costs.

The required restoration works were undertaken in 2002 by the Shire for which MRWA met the cost.

Regrettably, the transfer of land has not taken place and the Tower has continued to deteriorate over time.

Comment

It is noted from MRWA records that on 3 September 2001, the Heritage Council advised MRWA that the water tower had been permanently listed in the Register of Heritage Places. Moreover, notwithstanding that the Shire of Cunderdin and the local museum had both previously undertaken some maintenance of the structure, given that the water tower is on the Great Eastern Highway road reserve, the Heritage Council deemed MRWA to be the owner of the structure.

Given the Shire's desire to preserve the Water Tower as a key feature of the Museum Precinct and tourist point of interest, it agreed to accept the transfer of the necessary portion of road reserve.

The delay in arranging transfer of the land has in part been due to Native Title clearance requirements. Notwithstanding, Council has previously agreed to accept the land and the assets thereon.

However, given the elapse of time that has been beyond the control of Council and that maintenance has not been maintained on the Tower, it may be prudent to request a joint inspection of the Tower with a view that it be made safe by MRWA prior to handover.

Consultation

Main Roads WA – Northam Office

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

The Tower has been allowed to deteriorate over these past 15+ years and one could expect that the cost of restoration will be considerable. If made safe initially, restoration works could be undertaken subject to adequate grant funding being secured.

Strategic Implications

Strategic Community Plan 2017 - 2027

Environment

We value, and work to nurture and enhance our natural environment and prioritise the protection of our natural resources in all endeavours, managing resource consumption and reducing waste, preserving and protecting buildings and places of heritage and indigenous significance.

E2.3 *Preserve and protect buildings and places of heritage and indigenous significance, burial sites and the natural environment*

Resolution 9.7

That Council re-confirm its previous agreement of 22 October 2002 to accept responsibility for the land and infrastructure assets, including the Water Tower and rail wagon, as shown on the attached plan, subject to:

1. a joint Main Roads WA and Shire inspection (Engineering Survey if required) of the Water Tower to determine agreed works; and
2. requiring Main Roads WA to make safe the structure prior to handover.

Moved: Cr Todd Harris

Seconded: Cr Norm Jenzen

Vote – Absolute majority

Carried: 7/0

9.8 Gravel Extraction – Lot 278 Cubbine Street, Cunderdin

Location:	Lot 278 Cubbine Street, Cunderdin
Applicant:	Chief Executive Officer
Date:	9 April 2018
Author:	Neville Hale
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to reconsider its resolutions of 24 October 2017 regarding the purchase of gravel and facilitation of mediation.

Background

Gravel extraction from Lot 278 Cubbine Street, Cunderdin commenced in April 2017

A complaint was received from a neighbour in regard to whether an extractive industry licence would be or should be applicable. Whilst it was determined that an extractive industry licence would be inappropriate for the site, it was noted that some gravel had already been pushed up.

It was resolved that the gravel that had been pushed up could be used to improve the condition of the adjacent Fiegert Road, (i.e. community use) and that a \$2.00 per cubic metre royalty be paid in accordance with the Shire's Fees and Charges. This action would also allow for the site to be rehabilitated and to redistribute the unsightly top soil adjacent and close to the neighbouring property.

On the 5 May 2017 a letter was sent by the Shire to Mr Kim And Mrs Marian Rogers advising:

- *The gravel extraction is to proceed and is "only to be used for personal and community use (public purposes)";*
- *"that no further extraction will occur or is permitted due to the potential for adverse impacts on neighbouring properties and that any further earthworks, including those associated with the construction of any future buildings, requires prior development approval from the Shire"; and*
- *"Following removal of the current stockpile of gravel, the site will be rehabilitated in accordance with the Rehabilitation Plan submitted by the landowner within six months."*

On 7 June 2017, the Shire received advice from Kim and Marian Rogers that the matter had been referred to the office of Mia Davies (Local Member of Parliament) and to the Ombudsman's Office. On 16 June 2017, the then CEO advised Kim and Marian Rogers that the matter, which was considered at the 15 June 2017 Ordinary Council Meeting, *"had been deferred until such time as an outcome has been received in relation to their (Mia Davies & Ombudsmans) investigations."*

On 12 July 2017, the Shire advised the Ombudsman's Office that:

- *Mr Donovan did not apply for a gravel extraction permit nor had he lodged a development application;*
- *It appeared that Mr Donovan had intended to sell the gravel that he had pushed up but was informed by the Shire that he was not permitted to do so;*
- *Given the gravel may need to be removed from site for future development options the Shire was prepared to take the gravel but would limit payment to the standard \$2 per cubic metre*

- *The property whilst within the town boundary is zoned general agriculture so if an extractive industry licence is applied for it could be considered but probably wouldn't be approved given the close proximity of the neighbouring properties. But even in areas zoned residential property owners can move soil around and cut and fill if needed to develop a sand pad*

On 27 July 2017, the Ombudsman's Office notified Mr & Mrs Kim & Marian Rogers, copied to the Shire, that following its investigations and having satisfied itself in regards to the actions of the Shire, "it did not propose to take any further action at this time."

Following further discussions with the land owner Mr Steve Donovan and Mr & Mrs Rogers Council, at its 24 October 2017 Ordinary Meeting resolved:

Resolution 11.2.1

That the Shire of Cunderdin does not purchase the pushed up gravel (est 3,500m³) from Lot 278 Cubbine Street, Cunderdin, unless both parties (owners of Lot 278 & Lot 287) agree that that is the best suitable arrangement for disposal of the gravel.

Moved: Cr Alison Harris

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 8/0

Resolution 11.2.2

That the Shire of Cunderdin attempt to facilitate a meeting between both parties (owners of Lot 278 & Lot 287) in an effort to resolve the dispute that has arisen as a result of the pushing up of the gravel on Lot 278.

The proposed meeting be facilitated by Cr Norm Jenzen with two representatives from each party being invited to attend.

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 8/0

Following the departure of former CEO Peter Naylor, the matter has yet to be resolved.

Correspondence between Acting CEO, Stephen Tindale and Mr Rogers identified the continued concern of Mr Rogers about the amount of gravel that should be removed and the extent of any "hole" that would remain after rehabilitation. Mr Rogers also expressed concern that any payment to Mr Donovan could be seen as Mr Donovan having "succeeded in his original venture". (see attached emails)

On 23 February 2018, Acting CEO Stephen Tindale forwarded a copy of the proposed Rehabilitation Plan to Kim Rogers. No further response has been received.

I spoke with Mr Rogers on 10 April 2018 to advise that the Shire was moving to finalise this matter. Mr Rogers expressed his disappointment that the gravel could be removed leaving a sizable hole. I explained that the intent was to minimise the scale of any depression that remained and to resolve the issue in a way that has the least impact on all parties.

Comment

It is noted that a considerable amount of time has elapsed since this matter was first raised. The Shire has endeavoured to meet the requests and concerns of all parties involved and to mitigate any impact the gravel extraction may have upon the neighbouring property owners. It is, however, not possible to meet all requests.

Given both the Ombudsman and Local Parliamentary Member Mia Davies have reviewed the circumstance of this dilemma and recognise that the Shire has acted openly and with due regard to the requests of each party, it is recommended that the Shire proceed to extract the remaining pushed up gravel to be used for Fiegert Road and limit payment to the \$2 per cubic metre it provides under its schedule of Fees and Charges.

That the rehabilitation works be undertaken under the direction of the Shire as outlined in the 1 February 2018 email to Mr Rogers by Mr Tindale, the then A/CEO.

Consultation

Hon Mia Davies MLA, Member for the Central Wheatbelt
Ombudsman's Office

Statutory Implications

Local Government (Administration) Regulations, 1996

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,
inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]

Policy Implications

N/A

Financial Implications

The Shire would incur a cost of \$2 per cubic metre for each cubic metre required at a cost of \$7,000 based on 3,500 m³ but would benefit from reduced transport costs due to the close proximity of the site of the road works. The cost of rehabilitation would be in accordance with standard practice for accessing gravel on private land and would incur a further \$1000 to \$1,500.

Strategic Implications

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.

Resolution 9.8.1

NOTICE OF MOTION

Moved Cr Norm Jenzen, supported by Councillors Dennis Whisson and Dianne Kelly, being 1/3 of the Offices of Council:

That Council:-

Give notice to Council that it consider revoking Resolution No 11.2.1 and Resolution 11.2.2 of the 24 October 2017 Ordinary Council Meeting which state:

Recommendation 11.2.1

Moved Cr Alison Harris, Secoded Cr Bernie Daly

That the Shire of Cunderdin does not purchase the pushed up gravel (est. 3,500m3) from Lot 278 Cubbine Street, Cunderdin, unless both parties (owners of Lot 278 & Lot 287) agree that that is the best suitable arrangement for the disposal of the gravel.

Carried 8/0

Recommendation 11.2.2

Moved Cr Bernie Daly, Secoded Cr Todd Harris

That the Shire of Cunderdin attempt to facilitate a meeting between both parties (owners of Lot 278 & Lot 287) in an effort to resolve the dispute that has arisen as a result of the pushing up of the gravel on Lot 278

The proposed meeting be facilitated by Cr Norm Jenzen with two representatives from each party being invited to attend.

Carried 8/0

Resolution 9.8.2

That the Notice to rescind be admitted for decision.

Moved: Cr Doug Kelly

Secoded: Cr Dianne Kelly

Vote – Absolute majority

Carried: 7/0

Resolution 9.8.3

That Council revoke Resolutions 11.2.1 and 11.2.2 of the 24 October 2017 Ordinary Meeting.

Moved: Cr Doug Kelly

Secoded: Cr Norm Jenzen

Vote – Absolute majority

Carried: 7/0

Resolution 9.8.4

That Council purchase one third of the gravel by way of a \$2/m3 royalty and pay for the rehabilitation of the area.

Moved; Cr Alison Harris

Secoded: Cr Todd Harris

Vote – Simple Majority

Lost: 3/4

Resolution 9.8.5

That Council purchase two thirds of the gravel by way of a \$2/m3 royalty and pay for the rehabilitation of the area.

Moved: Cr Alison Harris

Secoded: Cr Jayson Goldson

Vote – Simple Majority

Carried: 5/2

9.9 Meckering Earthquake Anniversary - Contribution

Cr Dianne Kelly declared an interest of impartiality, due to being a member of the Meckering Earthquake Commemorative 50th Anniversary Committee, but remained in the meeting.

Location:	Shire of Cunderdin
Applicant:	Meckering Earthquake Anniversary
Date:	13 th April 2018
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	

Proposal/Summary

To consider contributing Shire funding toward the Meckering Earthquake 50th Anniversary.

Background

The Meckering Earthquake 50th Commemorative Anniversary will be held on Saturday 14th October 2018.

The community of Meckering formed a *Meckering Earthquake Anniversary Committee* in September 2017 who is organising a celebrative commemorative event for the 50th Anniversary of the infamous 1968 Meckering Earthquake.

The Shire of Cunderdin successfully applied for funding from Lotterywest on behalf of the Meckering Earthquake Committee to the amount of \$20,946 exc. GST. This funding will be utilised for entertainment and infrastructure costs for the event.

In addition to this, the event requires additional toilets to meet national event standards for gatherings of 500 – 1000 people. Therefore the Meckering Earthquake Anniversary Group has requested a contribution of \$2,128 to offset the cost of toilet hire.

Comment

The Shire has been supportive in all aspects of the organisation of the event given the high profile of the 50th anniversary and the contribution will help offset a Shire regulatory requirement (environmental health).

Consultation

Sharon Reynolds – Secretary, Meckering Sporting Club

Rebecca Burges – Meckering Earthquake Commemorative Anniversary Head Organiser

Statutory Implications

N/A

Policy Implications

Donations to community events and or groups are acceptable under the Shire of Cunderdin's Finance Policy 4 – Council Donations.

Financial Implications

The funds required for a donation to Meckering Earthquake Anniversary Committee for the purpose of toilet hire for the Commemorative 50th Anniversary can be sourced from "Council Donations" A/C 10411060.

Strategic Implications

Shire of 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.

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 9.9

That Council donate \$2,128 to The Meckering Earthquake Anniversary Committee from account "Council Donations" A/C 10411060 for the additional toilets for the Meckering Earthquake 50th Anniversary Commemorative Event.

Moved: Cr Jayson Goldson

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 7/0

10. Environmental Health and Building

Nil

11. Planning & Development

11.1 Proposed Car Show – 20th / 21st October 2018

Location:	Cunderdin
Applicant:	Mr Perry Jasper
Date:	4 th April 2018
Author:	Kayla James – Community Development Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	2 Pages
Attachment/s:	

Proposal/Summary

For Council to consider supporting a proposal presented by Mr Perry Jasper to hold a “Car Show” in Cunderdin on the weekend of 20th – 21st October 2018.

Background

The proposal being presented by Mr Jasper includes utilisation of various Shire facilities, being the Museum, Cunderdin Oval & Sports Complex, and Cunderdin Airfield.

Catering for the various meals over the weekend is to be arranged with local clubs and groups.

The proponent is seeking Council consideration and support for free use of the facilities at the Cunderdin Sports and Recreation Grounds (including oval, change rooms, toilets & shower facilities), and access to the Cunderdin Airfield for three (3) hours from 9:00am to 12:00pm on the Sunday morning.

Comments

There will be a need for Mr Jasper to consult with other organisations and facility users / managers to ensure their approval for the use of the respective areas on the said weekend. These include the Cunderdin Sports & Recreation Centre Management Committee and the Gliding Club of WA. As well as other community groups / organisations that have been approached to cater and / or supply goods and / or accommodation.

From a Cunderdin Airfield perspective, providing the Gliding Club is consulted and support (ie does not interfere with a club event or fixture), it will be a straight forward process to issue a Notice To Airmen (NOTAM) in regards to the use of the Taxiway on the Sunday morning. However given that the Cunderdin Airfield is a Registered Airfield there are strict regulatory requirements that will need to be adhered to even though access is only to the Taxiway area.

This is a great opportunity to show case Cunderdin and for local businesses to attract economic benefit, and there is no reason why cannot be supported by Council.

Consultation

Various local community groups and / or organisations.

Statutory Implications

Policy Implications

Regulation 61(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* permits a temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period without development approval.

Financial Implications

Minor costs associated with waiver of hire fees & charges.

Strategic Implications

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 11.1

That Council resolves:

1. To support the proposal presented by Mr Perry Jasper for a “Car Show” to be held in Cunderdin on the weekend of 20th October 2018.
2. To agree to waive fees and charges associated with the use of the Cunderdin Oval surrounds and associated facilities and amenities for the event, however payment of a \$400 bond will be required. Approval is also subject to the Applicant also gaining approval from the Cunderdin Sports and Recreation Centre Management Committee. Please note that repayment of the \$400 bond (or part thereof) is subject to satisfactory inspection by the Shire CEO and CSRC Management Committee President following the event.
3. To agree to the use of the Taxiway at the Cunderdin Airfield on Sunday 21 October 2018, from 9:00am to 12:00pm, subject to the Applicant engaging and obtaining approval from the Gliding Club of WA that it will not interfere with a club event / fixture.
4. Prior to the event, the Applicant shall provide details of how the spectator vehicle access to the Airfield Taxiway will be restricted, including an appointed Marshall/Safety Officer and the arrangements in place for emergency situations.
5. Prior to the event the Applicant shall provide a copy of their event/public liability insurance, which indemnifies the Shire of Cunderdin and any other privately owned property for any damage or otherwise that may be caused.
6. That the Applicant be informed that the aforementioned approval is subject to all areas of Shire property being left in a clean and tidy condition following the event. Any costs that may be associated with a clean-up by Shire staff will be on charged.
7. Only Display Vehicles will be permitted onto the oval and will be escorted to the parking site.
8. All other vehicles are not to be parked on the Cunderdin Oval Playing Surface and are to be restricted to the oval surrounds.

Moved: Cr Norm Jenzen

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried: 7/0

11.2 Proposed Purchase – Lot 7 Main St, Cunderdin

Cr Norm Jenzen declared an interest of impartiality, due to being a member of the Lions Committee, but remained in the meeting.

Location:	Shire of Cunderdin
Applicant:	Graeme Cooper, Farmways
Date:	6 April 2018
Author:	Jacky Jurmann, Planning Consultant
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 – Applicant’s correspondence 2 – Council minutes 18/9/2014 3 – Council minutes 17/9/2015 4 – Survey plan

Proposal/Summary

Correspondence has been received from Mr Graeme Cooper, owner of Farmways, proposing to purchase Lot 7 Main Street, Cunderdin for the purposes of legalising rear access to his adjoining property.

Background

Lot 7 Main Street, the subject site, contains the Lions BBQ shelter and children’s playground on the front portion. The rear portion has been utilised for an extended period of time in conjunction with the operations of Farmways/Elders for storage of goods and to provide rear/through access for customer and service vehicles.

To provide certainty of occupancy to enable his business to operate efficiently and effectively, the Applicant approached the CEO in late 2014 to request formalisation of the use of the rear portion of Lot 7 Main Street, Cunderdin.

A number of options have been previously investigated with the initial preferred option being subdivision of a portion of the lot to leave the playground in the Shire’s ownership and then subsequent amalgamation into the Applicant’s lot.

Council considered a Report at its Ordinary Meeting held on 18 September 2014 and resolve to in principle support the sale of a portion of Lot 7. A copy of the Report is attached for Council’s reference.

Following Council’s resolution, a survey was carried out on behalf of the Applicant (copy attached) where a number of existing building encroachments were identified, which affected the proposed boundary alignments, including reducing the size of the proposed lot. To reduce the required setbacks costly building upgrades would be required.

At this time both options proved to be unviable and therefore, it was agreed that a lease was the preferred option. Council resolved on 17 September 2015 to approve, in principle, to lease the rear portion of Lot 7 to the Applicant. The Applicant agreed to pursue the drafting of the lease for consideration by Council, which to date had not been received. A copy of the Report is attached for Council’s reference.

The Applicant is now proposing to purchase the whole of Lot 7 for an amount of \$30,000 that includes the Lions playground and kiosk area. Following purchase, the Applicant proposes to maintain an agreement with the Cunderdin Lions Club for continuation of the community use of the playground and kiosk, and that public liability will be the responsibility of the Applicant.

Comment

During the period of occupancy the land has been maintained and improved by the Applicant to meet the business requirements thereby reducing the maintenance liability for the Shire. There are risks for the Shire to continue to allow the land to be used informally.

Consultation

Applicant; Surveyor; and Shire Building Surveyor.

Community consultation will be required in accordance with the requirements of the Local Government Act.

Statutory Implications

Section 3.58, and in particular subclause (3), of the Local Government Act 1995 applies to the disposal of property by local government, which is reproduced for Council's information as follows:

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

Costs associated with the required consultation and preparation of the lease will be borne by the Applicant.

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.

The formalisation of the use of the land will support the operations of a local business, which is a key objective of the CSP.

Resolution 11.2

That Council resolves to:

1. Approve, in principle, the sale of the whole of Lot 7 Main Street, Cunderdin to the Applicant, Mr Graham Cooper of Farmways for an agreed amount of approximately \$30,000 (subject to a sworn valuation).
2. Commence the advertising process in accordance with the provisions of the section 3.58 of the *Local Government Act 1995*.
3. Advise the Applicant of the responsibility to bear the costs association with the preparation of the sale, including any advertising costs.
4. Advise the Applicant that a condition of the sale is the inclusion of the signed agreement between the Applicant and the Cunderdin Lions Club for continued community use of the playground and kiosk.
5. Receive a further report following close of the advertising period for Council to consider any submissions and to make a final resolution.

Moved: Cr Doug Kelly

Seconded: Cr Jayson Goldson

Vote –Simple majority

Carried: 7/0

12. Urgent Items

13. Scheduling of Meeting

13.1 May 2018 Ordinary Meeting
The next ordinary meeting of council is scheduled to take place on Thursday 17th May 2018 commencing at 5pm at the Council Chambers, 800 Lundy Ave, Cunderdin, WA, 6407

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

14. Closure of meeting

There being no further business the Shire President declared the meeting closed at 6.50pm.

15. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 19th April 2018 as shown were confirmed at the ordinary meeting of Council held on 17th May 2018.

Signed: _____

Date: _____