



Shire of Cunderdin

Ordinary Council Meeting Minutes

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council was held on **Wednesday 27th November 2024** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer

27th November 2024

CONTENTS

1	Declaration of Opening	3
2	Record of Attendance, Apologies and Approved Leave of Absence	3
3	Public Question Time	4
4	Petitions, Deputations & Presentations	4
5	Applications for Leave of Absence	4
6	Confirmation of the Minutes of Previous Meetings	4
	6.1 Ordinary Meeting of Council held on 23 rd October 2024	4
7	Declaration of Members and Officers Interests	4
8	Announcements by President without Discussion	4
9	Finance and Administration.....	5
	9.1 Financial Reports October 2024.....	5
	9.2 Accounts Paid 31st October 2024	6
	9.3 Council Investments – At 31st October 2024.....	9
	9.4 Receive Cunderdin Museum Committee Strategic Plan 2024-2028	12
	9.5 2024 – 2025 Freedom of Information Statement Adoption.....	14
	9.6 Delegation Register.....	16
	9.7 Proposed Excision of Lot 4 on DP 223268, from Reserve 19278	21
	9.8 Cunderdin Bush Fire Brigade Appointments.....	24
	9.9 Amendment to Fees and Charges 2024/2025	27
	9.10 Shire of Cunderdin Council Policy Review – Multiple Policies	29
	9.11 Move Behind Closed Doors	31
	9.12 Australia Day Awards – Citizen of the Year Nominations.....	31
	9.13 Move From Behind Closed Doors.....	31
	9.14 Chief Executive Officers Report	32
10	Environmental Health and Building	34
11	Planning & Development.....	34
12	Works & Services	34
13	Urgent Items.....	34
14	Scheduling of Meeting.....	34
	14.1 December 2024 Ordinary Meeting.....	34
15	Closure of meeting	34
16	Certification.....	34

MINUTES

1 Declaration of Opening

The Shire President declared the meeting open at 5pm.

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

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

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

2 Record of Attendance, Apologies and Approved Leave of Absence

2.1 Record of attendances

Councillors

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

In Attendance

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

Guests of Council

Nil.

Members of the Public

Nil.

2.2 Apologies

Cr HN (Holly) Godfrey

2.3 Leave of Absence Previously Granted

Nil.

3 Public Question Time

Nil.

4 Petitions, Deputations & Presentations

Nil.

5 Applications for Leave of Absence

Nil.

6 Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 23rd October 2024

Resolution 6.1

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 23rd October 2024 be confirmed as a true and correct record.

Moved: Cr B (Bernie) Daly

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

Note to this item:

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

7 Declaration of Members and Officers Interests

Cr N (Natalie) Snooke declared an impartiality interest in Item 9.12 Cunderdin Community Grants Australia Day Awards – Citizen of the Year Nominations

Cr B (Bernie) Daly declared an impartiality interest in Item 9.12 Cunderdin Community Grants Australia Day Awards – Citizen of the Year Nominations

Cr A (Tony) Smith declared an impartiality interest in Item 9.12 Cunderdin Community Grants Australia Day Awards – Citizen of the Year Nominations

8 Announcements by President without Discussion

Nil.

9 Finance and Administration

9.1 Financial Reports October 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	13th November 2024
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 - October 2024 Monthly Financial Report Attachment 9.1.2 - Rates details October 24

Proposal/Summary

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

Background

The financial reports have been circulated to all Councillors.

Comment

Nil.

Consultation

Nil.

Statutory Environment

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

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.1 OCM November 2024

That Council:

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

Moved: Cr A (Tony) Smith

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.2 Accounts Paid 31st October 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	13th November 2024
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 - October Creditors Listing Attachment 9.2.2 - Credit Card Statement - 16.09.2024 - 15.10.2024

Proposal/Summary

Council is requested to confirm the payment of accounts totalling:

Total for Municipal -	\$493,271.51
Total for Trust -	\$0.00
TOTAL -	\$493,271.51

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

Background

Nil.

Comment

Nil.

Consultation

Nil.

Statutory Environment

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

Financial Management Regulations 12 & 13.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.2 OCM November 2024

1. That Council's payments of accounts amounting to \$493,271.51 being from Municipal Account for October 2024, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 8677- 8806	\$403,258.25	
Direct Debit (Inc Bank Charges):	\$79,449.50	
Cheques: 119406 11943	\$10,563.76	
Trust Account	\$0.00	
TOTAL		\$493,271.51

2. That Council's receive reports for payments of corporate credit cards amounting to \$4,490.20 being from Municipal Account for period 16th September to 15thOctober 2024, as follows:

40030 - Westpac Banking Corporation Visa – Hayley Byrnes				
Date	Job	Job Description	Comments	Line Total
20-Sep	11451000.520	Expenses relating to Administration GEN	Ice for Meckering Event	20.40
21-Sep	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	75.33
26-Sep	MECH	Mechanic Expenses	Mechanics Welder	880.15
2-Oct	11321010.521	CDO Projects GEN	Lazer Blaze Youth Event	-126.50
10-Oct	11130080.520	Youth Engagement Program GRANT Expenditure GEN	Lazer Blaze Youth Event	540.75
13-Oct	11130080.520	Youth Engagement Program GRANT Expenditure GEN	Lazer Blaze Youth Event	-8.00
				\$1,382.13
40030 - Westpac Banking Corporation Visa –Robert Bell				
Date	Job	Job Description	Comments	Line Total
8-Oct	P1040	2013 Bomag BW25RH Rubber Multi Tyre Roller (CM1536)	Parts for roller	375.10
			TOTAL	\$375.10

40030 - Westpac Banking Corporation Visa –Stuart Hobley				
Date	Job	Job Description	Comments	Line Total
9-Sep	MLHGPG	Mias Local Heros Grant Expenditure - GPG Project Painting Day	Grocery Supplies for Mural Project Painting Day	161.45
15-Sep	P3014	2021 Ford Everest Trend (OCMT) - CEO Car	CEO Diesel	113.90
24-Sep	11451000.520	Expenses relating to Administration GEN	CEO Lunch	14.22
24-Sep	P3014	2021 Ford Everest Trend (OCMT) - CEO Car	CEO Diesel	95.54
24-Sep	HOU1	Maintenance Staff Housing - 2 Togo St	CEO House Supplies	17.32
25-Sep	11451000.521	Expenses relating to Administration GEN	Dinner after Council Meeting	113.40
29-Sep	11451110.520	Staff Uniform - Admin GEN	CEO Uniform	518.00
30-Sep	P3014	2021 Ford Everest Trend (OCMT) - CEO Car	CEO Diesel	112.20
7-Oct	11451000.520	Expenses relating to Administration GEN	CEO Dinner	14.55
7-Oct	P3014	2021 Ford Everest Trend (OCMT) - CEO Car	CEO Diesel	75.02
8-Oct	11451100.521	Conference Expenses - Admin GEN	Accommodation Conference Expenses	1308.31
9-Oct	11451100.521	Conference Expenses - Admin GEN	Conference Expenses	10.65
9-Oct	11451100.521	Conference Expenses - Admin GEN	Conference Expenses	14.81
10-Oct	11451100.521	Conference Expenses - Admin GEN	CEO Brekky	11.50
10-Oct	11451100.521	Conference Expenses - Admin GEN	Conference Expenses	38.76
11-Oct	11451100.521	Conference Expenses - Admin GEN	Accommodation Conference Expenses	113.34
			TOTAL	\$2,732.97
			TOTAL PAYMENTS	\$4,490.20
Moved: Cr B (Bernie) Daly		Seconded: Cr A (Tony) Smith		
Vote – Simple majority		Carried: 6/0		

9.3 Council Investments – At 31st October 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	13th November 2024
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements October 2024

Proposal/Summary

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

Background

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

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

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

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

Comment

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

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$2,307,164.07	Municipal- 0000030	\$2,307,164.07		
Bendigo Bank	\$3,473,254.67	Municipal- 155971377	\$3,473,254.67		
Westpac Bank	\$282,271.22	Business Cash Reserve 22-3647 0.50%		\$282,271.22	
Bendigo Bank	\$10,167.86	Bendigo Trust Account 164 488 686			\$10,167.86
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,457,464.70	Term Deposit -5.06% Exp 20 Dec 2024		\$1,457,464.70	
TOTAL INVESTMENTS	\$7,530,322.52		\$5,780,418.74	\$1,739,735.92	\$10,167.86

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

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
31st October 2024

Opening Balance as per Bank Statement & Term Deposits

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

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

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
31st October 2024

Opening Balance as per Bank Statement & Term Deposits

Term Deposit# 4785433
 Maturing 4 Dec 2024 (5.01%)

		369,862.05
	TOTAL	369,862.05
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	369,862.05
INCOMING		0.00
		0.00
OUTGOING		0.00
		0.00
Balance as at end of month	TOTAL	369,862.05

Consultation

Nil.

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

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

Resolution 9.3 OCM November 2024

That the report on Council investments as at 31st October 2024 be received and noted.

Moved: Cr TE (Todd) Harris

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.4 Receive Cunderdin Museum Committee Strategic Plan 2024-2028

Location:	Shire of Cunderdin
Applicant:	Museum Manager
Date:	4 th November 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.4.1 - Cunderdin Museum - Revised Strategic Plan

Proposal/Summary

For Council to receive and endorse the Cunderdin Museum Committee Strategic Plan 2024-2028.

Background

The Museum Management Committee is an established Committee of the Shire of Cunderdin Council established in accordance with the *Local Government Act* s5.8. Committees assist Council in exercising the powers and duties in accordance with the Shire of Cunderdin Delegations Register.

In November 2023 Council met with the Museum Committee to discuss implementation of a business plan to ensure future requirements and strategic direction of the museum be maintained in accordance with strategic priorities identified in the Shire's Strategic Community Plan.

The Museum Committee have held several workshops completing a Strengths, Weaknesses, Opportunities and Threats Analysis (SWOT). Factors identified by the committee for each division of the SWOT have been listed in the attached action plan. These were then used to develop future goals and outcomes to be achieved over the four-year span of the Museums Action Plan.

The Museum Committee invited Councillors to attend the Museum during Council's Information Session 23 October 2024 presenting their completed Strategic Plan for Council to review and endorse.

Comments

In part 6 Evaluation it is stated that the plan be formally reviewed in 2026 and 2028. Council should consider a recommendation that the plan undergo a review in 2025 after the committees AGM where re-election of committee members may occur. And that a summary of the plans annual achievement form part of the Museums submission for the Shire's Annual Report.

It is also recommended that the plan adoption and implementation be included in the Museum Committee Terms of Reference. This may be reviewed after Council have endorsed the Strategic Plan.

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer
Michelle Samson, Museum Manager
Cunderdin Museum Management Committee

Statutory Implications

Local Government Act 1995

s5.8 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.

Policy Implications

Shire of Cunderdin Council Policy Manual

8.3 - Cunderdin Museum – Donations, loan of items etc

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Strategic Community Plan.

COMMUNITY AND SOCIAL

1.1 Community members have the opportunity to be active, engaged and connected

The Shire supports positive leisure, learning and recreation outcomes

1.2 A healthy and safe community is planned for

Volunteers and community groups feel supported and empowered

2.2 Renew and improve the visibility of the Shire of Cunderdin brand

Visitors receive timely and accurate information about our Shire attractions and services

Improved online presence and awareness of what we have to offer

3. BUILT ENVIRONMENT

3.4 Protect and preserve heritage

Promotion and improved awareness of the Cunderdin Museum and Pump Station

CIVIC LEADERSHIP

5.3 Implement systems and processes that meet legislative and audit obligations

Capability of our organization is continually improved

Administration Recommendation 9.4

That Council resolves to:

1. Accept and endorse the Cunderdin Museum Strategic Plan 2024/28 as presented.

After discussion Council agreed to accept the plan subject to minor wording edits.

Resolution 9.4 OCM November 2024

That Council resolves to:

1. Accept and endorse the Cunderdin Museum Strategic Plan 2024/28 subject to the following comments being removed:
 - i. Comment on page 6 under heading 'SWOT ANALYSIS', subheading 'WEAKNESSES', first bullet point 'Lack of interest shown from the Shire Council and CEO in progressing forward', and
 - ii. Comment on page 7 sub heading 'THREATS', third bullet point 'Shire not willing to spend money to make money'.

Moved: Cr TE (Todd) Harris

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 4/2

Cr B (Bernie) Daly and Cr NW (Norm) Jenzen voted against the resolution.

9.5 2024 – 2025 Freedom of Information Statement Adoption

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	9 th October 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.5.1 – 2024 – 2025 Freedom of Information Statement

Proposal/Summary

For Council to review and endorse the Shire of Cunderdin 2024 – 2025 Freedom of Information Statement.

Background

Under the Government of Western Australia, Freedom of Information Act (FOI Act) 1992 Section 96(1) requires each government agency, including local governments, to prepare and publish annually an Information Statement. The Shire of Cunderdin Freedom of Information Statement has been developed in accordance with the FOI Act 1992 Section 94 that details the requirements of an information statement, in relation to an agency.

Currently our Freedom of Information Statement is due to be reviewed and published keeping the Shire of Cunderdin in line with the Freedom of Information Act (FOI Act) 1992 Section 96(1).

Comments

Freedom of Information gives the public a right to access government documents, subject to some limitations. In Western Australia, under the FOI Act 1992, the right applies to documents held by most State government agencies (such as departments, public hospitals, public universities, and State government authorities), Ministers and local government. Together, these bodies are referred to as “agencies”.

Documents accessible under the FOI Act 1992 include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form. Agencies are required to assist applicants to obtain access to documents at the lowest reasonable cost. Anyone can also apply to have personal information about themselves in government documents amended if that information is inaccurate, incomplete, and out of date or misleading.

The Information Commissioner is an independent officer who reports directly to Parliament. The position is established by the FOI Act and is supported by staff of the Office of the Information Commissioner.

Consultation

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

Statutory Implications

Local Government Act 1995
Division 7 — Access to information

Freedom of Information Act (1992)-

Glossary cl1 Terms used:

agency means —

public body or office means —

(d) a local government, regional local government or regional subsidiary; or

Part 5 — Publication of information about agencies:

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Strategic Community Plan.

5. CIVIC LEADERSHIP

5.3 Implement systems and processes that meet legislative and audit obligations

Resolution 9.5 OCM November 2024

That the Council:

1. Adopt the Shire of Cunderdin 2024 – 2025 Freedom of Information Statement.
2. Publish the Information Statement as per the requirements of Freedom of Information Act 1992

Moved: Cr N (Natalie) Snooke

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

9.6 Delegation Register

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	19 th November 2024
Author:	Samantha Pimlott, Governance & Administration Officer
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.6.1 - Delegations Register 2024 Attachment 9.6.2 – Section 5 Fire Control

Proposal/Summary

For Council to adopt the revised Delegations Register Section 5 – Fire Control.

Background

Council's Delegations Register has been reviewed for relevance to current circumstances and operational effectiveness. The *Local Government Act 1995* Section 5.46 (2) requires Council review delegations to the CEO annually. Council last reviewed its delegations on 23rd October 2024.

The Delegations Register fit into a hierarchy of requirements, which are noted within the Appendix to the Delegations Register. Accordingly, it is necessary that it integrates with legislative requirements, local laws, planning policy and general policy as made by Council.

Comments

The current Delegation Register provide overall appropriate and effective for administrative efficiencies. The addition of the below delegations within Section 5 – Fire Control:

5.4 Firebreaks

5.5 Recovery of Expenses Incurred through Contraventions of this Act and

5.6 Prosecution of Offences

will bring additional effectiveness to the Shire's Roles and Responsibilities.

Council is asked to review expanded information on delegation 5.4, 5.5, and 5.6 in Attachment 9.6.2 -Section 5 - Fire Control.

Consultation

Stuart Hobley, Chief Executive Officer

Statutory Implications

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).
- *Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO 28

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

s5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.

s5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

s5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Bush Fires Act 1954

s33 Local government may require occupier of land to plough or clear fire-break

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
.....
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 —
 - (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;
 - (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.

s48 Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.

s58 General penalty and recovery of expenses incurred

- (1) A person who contravenes any of the provisions of this Act is guilty of an offence against this Act and is liable, if no other penalty is prescribed, to a fine of \$2 000.
- (2) *[Deleted]*
- (3) Where, as the result of an offence against this Act, any expense is incurred by an authorised CALM Act officer, bush fire control officer, any officer or member of a bush fire brigade, or by any other person acting under the provisions of this Act, in the performance of a duty imposed, or the doing of anything which he is empowered or required to do, the relevant body may —
 - (a) recover the amount of the expense so incurred from the person committing the offence as a debt due in a court of competent jurisdiction; or

- (b) apply to a court of summary jurisdiction convicting the person of the offence for an order for payment by that person of the amount of the expense, if the amount does not exceed \$1 000, in addition to any penalty inflicted in respect of the conviction; or
- (c) issue a certificate that the expense was incurred and as to the amount of the expense, and the certificate is evidence of the facts so stated in all courts until the contrary is proved.

s59 Prosecution of offences

- (1) A person authorised by the Minister, a person employed in the Department for the purposes of this Act, an authorised CALM Act officer, a member of the Police Force, or a local government, may institute and carry on proceedings against a person for an offence alleged to be committed against this Act.
- (2) The person instituting and carrying on the proceedings shall be reimbursed out of the funds of the local government within whose district the alleged offence is committed, all costs and expenses which he may incur or be put to in or about the proceedings.
- (3) A local government may by written instrument cancel, or from time to time vary, any instrument of delegation conferred under subsection (3).
- (4) A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.
- (5) Notwithstanding that a local government has under subsection (3) conferred authority on a delegate, the local government is not precluded from exercising but may itself exercise the authority.

s59A Alternative procedure — infringement notices

- (1) In this section prosecutor means a person or local government authorised by or under section 59 to institute and carry on proceedings against a person for an offence alleged to be committed against this Act.
- (2) Where a prosecutor has reason to believe that a person has committed any such offence against this Act as is prescribed for the purposes of this section, the prosecutor may serve on that person a notice, in the prescribed form (in this section called an infringement notice), informing the person that, if he does not wish to be prosecuted for the alleged offence in a court, he may pay to an officer specified in the notice, within the time therein specified, the amount of the penalty prescribed for the offence, if dealt with under this section.
- (3) An infringement notice may be served on an alleged offender personally or by posting it to his address as ascertained from him, at the time of, or immediately following, the occurrence giving rise to the allegation of an offence, or as shown (in the case of an owner of land) in a rate record, kept pursuant to the Local Government Act 1995, as his address for the service of rate notices.

Policy Implications

Shire of Cunderdin Policy Manual

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Strategic Community Plan.

5. CIVIC LEADERSHIP

5.1 Shire communication is consistent, engaging and responsive

5.2 Forward planning and implementation of plans

Accountable and transparent decision making

5.3 Implement systems and processes that meet legislative and audit obligations

External Audits and Reviews confirm compliance with relevant legislation.

Capability of our organization is continually improved

Resolution 9.6 OCM November 2024

That Council:

1. Adopt addition of 5.4 Firebreaks and 5.5 Recovery of Expenses Incurred through Contraventions of this Act and 5.6 Prosecution of Offences to Section 5 – Fire Control of the Shire of Cunderdin Delegations Register 2024 as presented.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Absolute majority

Carried: 6/0

9.7 Proposed Excision of Lot 4 on DP 223268, from Reserve 19278

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	4 th November 2024
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.7.1 - Aerial map showing Reserve 19278 Attachment 9.7.2- Tenure Map showing Reserve 19278#2

Proposal/Summary

For Council to finalise relinquishment of the Management Order held for Reserve 19278, containing Lot 4 on Plan 223268 (Certificate of Title LR3151/811) and Lot 5 on Plan 223268 (Certificate of Title LR3151/812).

Background

The property owner of Lots 1, 2 and 3 on Plan 223268 contacted the Shire requesting to purchase Lots 4 and 5 on Plan 223268 from the Shire of Cunderdin. These lots are in the locality of the old Youndegin Townsite.

Lot 4 and 5 on Plan 223268, are contained within Reserve number R19278 owned by the State of Western Australia and vested by Management Order to the Shire of Cunderdin. The current purpose of the Reserve is "Hall Site & Recreation" and zoned as Environmental Conservation in the Shire of Cunderdin Local Planning Scheme No.4.

Shire Administration Officers contacted the Department of Planning Lands and Heritage (DPLH) confirming the processes required to relinquish Management Order over the Reserve. The Department advised the following:

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

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

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

Council at its April 2023 Ordinary Council Meeting after deliberation, and noting that Council preferred to keep control of Lot 5 as it marks a buffer zone between potential residential properties and the historic Youdegin Police Station, made the following resolution:

Resolution 9.7 OCM April 2023

That Council

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

Department of Planning Land and Heritage were advised of Council's resolution and have since made the following response:

The Department of Planning, Lands and Heritage is considering a request in the Shire of Cunderdin. It relates to the proposed excision of Lot 4 on DP 223268 from Reserve 19278. The Shire will retain management of the balance of the reserve being Lot 5 on DP 223268.

Comments

In order for DPLH to continue with excision of Lot 4 on DP 223268 from Reserve 19278 it has been advised that Council made a resolution stating that the Shire agrees to surrender Lot 4 on DP 223268 from Reserve 19278 so it can be amalgamated into adjoining freehold Lot 3 on DP 223268. The Shire will retain management of the balance of the reserve being Lot 5 on DP 223268.

Mapping for your reference can be seen in Attachment 9.7.1 - 20241023 Aerial map showing Reserve 19278 and Attachment 9.7.2 - 20241023 Tenure Map showing Reserve 19278#2.

Consultation

Department of Planning Lands and Heritage
Brooke Davidson – Finance, Property & Executive Services Assistant
Stuart Hobley – Chief Executive Officer

Statutory Implications

Local Government Act 1995

s3.54 Reserves under control of local government

Land Administration Act 1997, Part 4 Reserves,

S46 Care, control and management of reserves

S46A Consultation with management body

s50 Management order, revocation of

s51 Minister's powers to cancel, change purpose of or otherwise affect reserve

- 1) Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of, reduce the area of, excise an area from or amend the boundaries of, or the locations or lots comprising, a reserve.
- 2) Without limiting subsection (1), the Minister may by order excise an area from a managed reserve (other than a class A reserve or a reserve referred to in section 45(2)) if the Minister considers that the excision is —
 - a) in the public interest; or
 - b) necessary for the purposes of a public work.
- 3) Before acting under subsection (2) in relation to a managed reserve, the Minister must consult the management body of the reserve in accordance with section 46A.

Policy Implications

Shire of Cunderdin Local Planning Scheme No.4

Environmental Conservation

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

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Strategic Community Plan.

2. ECONOMY

2.3 Build economic capacity

Land and infrastructure can accommodate commercial and residential growth

4. NATURAL ENVIRONMENT

4.2 Conservation of our natural environment

Protection of nature reserves and reduction of invasive species

Resolution 9.7 OCM November 2024

That Council:

1. Agrees to the surrender of Lot 4 on DP 223268 from Reserve 19278 so it can be amalgamated into adjoining freehold Lot 3 on DP 223268.
2. The Shire will retain management of the balance of the reserve being Lot 5 on DP 223268.

Moved: Cr A (Tony) Smith

Seconded: Cr NW (Norm) Jenzen

Vote – Absolute majority

Carried: 6/0

9.8 Cunderdin Bush Fire Brigade Appointments

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

Proposal/Summary

For Council to accept the appointment of a Deputy Chief Bush Fire Control Officer and the removal of Fire Control Officers.

Background

At the Bush Fire Advisory Committee meeting held Monday 9th September 2024 resolutions were made for the appointments of Deputy Chief Bush Fire Control Officer (DCBFCO) and Fire Control Officers (FCO). The resolution for these nominations were:

Deputy Chief Bush Fire Control Officer

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

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

Fire Control Officers

The following persons, subject to their acceptance and completion of Fire Control Officer training be elected as Fire Control Officers for the Shire of Cunderdin for the forthcoming year:

Mr Ashley Burges (CBFCO), Mr David Beard, Mr David Smith, Mr Todd Harris, Mr Digby Wilmott, Mr Norm Jenzen, Mr Jeff Snooke, Mr Philip Arnold, Mr David Fisher, Mr. Tim Ford, Mr Todd Rogers, (CESM), Mr Stuart Hobley (CEO), and Mrs Hayley Byrnes (DCEO).

At the Shire of Cunderdin Ordinary Council Meeting held 25th September 2024, Council made the following resolution in relation to the appointment of Fire Control Officers:

- 2. That Council endorse the following appointments under section 38 of the Bush Fire Act 1954:*
 - a. Chief Bush Fire Control Officer – Mr Ashley Burges*
 - b. Fire Control Officers - Mr Ashely Burges (CBFCO), Mr David Beard, Mr David Smith, Mr Todd Harris, Mr Digby Wilmott, Mr Norm Jenzen, Mr Jeff Snooke, Mr Philip Arnold, Mr David Fisher, Mr Tim Ford, Mr Todd Rogers, Darren Jasper, Mr Malcom Patton, (CESM) and Mr Stuart Hobley (CEO), and Mrs Hayley Byrnes (DCEO).*

The three (3) established Bush Fire Brigades within the Shire of Cunderdin are Cunderdin Bush Fire Brigade, Ygnattering Bush Fire Brigade and Meckering Bush Fire Brigade. During the latter dates of September and early October Brigades held their respective AGM's appointing Captains, Secretaries and Lieutenants.

Comments

The Deputy Chief Bush Fire Control Officer position remained vacant following the September BFAC meeting. Since this meeting Community Emergency Services Manager, Ben Davies, has had conversations with David Beard and he has agreed to resume the position of DBFCO for the 2024-2025 season. This appointment needs to be formalised as a resolution of Council.

Todd Rogers was nominated and appointed as an FCO at the September BFAC meeting and Shire's OCM on 25th September 2024. In consultation with CESM, Ben Davies, Todd has declined the appointment offer to be an FCO for the Shire of Cunderdin. Through resolution Todd's name will be removed from the list of appointed FCO's.

Consultation

Shire of Cunderdin Staff

Ben Davies, Community Emergency Services Manager

David Beard, Deputy Chief Bush Fire Control Officer

Todd Rogers, Fire Control Officer Nominee

Statutory Implications

Bush Fires Act 1954:

s38 Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

s48 Delegation by local governments

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

s50 Records to be maintained by local governments

- (4) A local government shall maintain records containing the following information —
 - (a) the names, addresses, and usual occupations of all the bush fire control officers and bush fire brigade officers appointed by or holding office under the local government;
 - (b) where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office;
 - (c) particulars of the nature, quantity, and quality of the bush firefighting equipment and appliances which are generally available within the district of the local government for use in controlling and extinguishing bush fires.

s67 Advisory committees

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

- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Bush Fires regulations 1954

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

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

Policy Implications

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

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Strategic Community Plan.

COMMUNITY AND SOCIAL

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

CIVIC LEADERSHIP

5.3 Implement systems and processes that meet legislative and audit obligations

Capability of our organization is continually improved

Resolution 9.8 OCM November 2024

That the Council:

1. That Council endorse appointments of David Beard, under section 38 of the Bush Fire Act 1954, as Deputy Chief Bush Fire Control Officer.
2. Acknowledge decision from Todd Rogers declining nomination to be appointed as a Shire of Cunderdin Fire Control Officer.

Moved: Cr TE (Todd) Harris

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.9 Amendment to Fees and Charges 2024/2025

Location:	Shire of Cunderdin
Applicant:	Community Development Officer
Date:	4 th November 2024
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil.
Attachments:	Nil.

Proposal/Summary

It is proposed that Council adopt the following amendment to our Fees and Charges:
Housing – Rent 20 Egeberg Street, Cunderdin - \$355.00 per week

Background

The Shire leases its property at 20 Egeberg Street, Cunderdin to the Department of Communities. This lease has been in place since 8th December 2020 renewed annually. The current lease term is due to expire on the 7th December 2024, and negotiations were entered into for renewal of the lease.

Comments

In October 2024, discussions were entered into the Department of Communities to renew the lease agreement at 20 Egeberg Street, Cunderdin. The Department agreed to renew for a 1 year term at the amount of \$355.00 per week.

Consultation

Hayley Byrnes, Deputy Chief Executive Officer
Brooke Davidson, Executive Assistant
Department of Communities

Statutory Implications

Local Government Act 1995

s6.16. Imposition of fees and charges

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

s6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil.

Financial Implications

Amending the 2024/2025 Fees and Charges adopted by Council, of the following charges:
Housing – Rent 20 Egeberg Street, Cunderdin from \$345.00 per week to \$355.00 per week

Strategic Implications

Shire of Cunderdin Strategic Community Plan

2. ECONOMY

2.3 Build economic capacity

Resolution 9.9 OCM November 2024

That Council:

1. Approve the amendment of fee for Rent of 20 Egeberg Street, Cunderdin to be set at \$355.00 per week.

Moved: Cr B (Bernie) Daly

Seconded: Cr N (Natalie) Snooke

Vote – Absolute majority

Carried: 6/0

9.10 Shire of Cunderdin Council Policy Review – Multiple Policies

Location:	Shire of Cunderdin
Applicant:	Community Development Officer
Date:	20 th November 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil.
Attachments:	Attachment 9.10.1 – Policy 5.3 Harvest and Vehicle Movement Bans Attachment 9.10.2 – Policy 8.15 Annual Leave

Proposal/Summary

Council are asked to review and give consideration to the adjustments made to the Shire of Cunderdin Council Policy Manual, Policy 5.3 Harvest and Vehicle Movement Bans and Policy 9.15 Annual Leave.

Background

In accordance with best practice governance principles, Council's policies are reviewed and updated on a regular basis. Review on a regular basis ensures policies reflect current operating practices and procedures.

The purpose of the policy is to provide a guide to Council and Administration, assisting it to function in an efficient and effective manner and, where relevant, respond to community enquiries in an efficient and consistent manner. The policies are a guide to Council's position regarding various subject matters enabling the Administration to act without unnecessary and repetitious reference to Council. The policy manual is not prepared as a reference manual of solutions to all problems that Council may be requested to investigate.

All Council policies are required to be presented to Council for consideration.

Comment

Section 5 Fire Control

5.3 Harvest & Movement Bans

Significant changes have been made to the policy, which can be viewed in Attachment 9.10.2 – Policy 5.3 Table of Amendments. Amendments to note include addition of guidelines for implementation and cessation of Harvest Vehicle Movement Bans (HVMB) within the Shire.

These changes have been after several instances in the 2023/24 and 2024/25 fire seasons in which the officers in control of bush fires have received criticism for the decision they have made. Council by way of implementing this policy, takes the decision out of the hands of the officers.

The implementation of this policy is supported by the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

Section 8 Personnel

8.15 Annual Leave

Policy changes reflect substantive amendments of the *Local Government (Long Service Leave) Regulations 2024* in force as of 3rd November 2024.

Changes made in the policies are considered necessary to establish clear guidelines, assisting smooth operation of Shire functions.

Consultation

Ben Davies, Community Emergency Services Manager

Stuart Hobley, Chief Executive Officer

Hayley Byrnes, Deputy Chief Executive Officer

Ashley Burges, Chief Bush Fire Control Officer

David Beard, Deputy Chief Bush Fire Control Officer

Statutory Implications

Local Government Act 1995:

Local Government (Long Service Leave) Regulations 2024

Policy Implications

Shire of Cunderdin Council Policy Manual

Financial Implications

Nil.

Strategic Implications

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive.

5.3 Implement systems and processes that meet legislative and audit obligations.

Resolution 9.10 OCM November 2024

That Council:

1. Acknowledge and accept the amendments made to the Shire of Cunderdin Policy Manual for:
 - i. Policy 5.3 Harvest and Vehicle Movement Bans accepted with the addition of *'and the Fire Behaviour Index is over 30'* to the subpoint '-Upon notification of any fires occurring within the Shire of Cunderdin' located under heading **'IMPLEMENTATION OF HARVEST VEHICLE MOVEMENT BANS DURING INCIDENTS UNDER REGULATION 38A'** and subheading **Fire Incidents within the Shire of Cunderdin.**
 - ii. Policy 8.15 Annual Leave
2. Endorse provision of reviewed Shire of Cunderdin Policy Manual on the Shire's official website and disseminated the purpose of policy conditions within Policy 5.3 Harvest and Vehicle Movement Bans on the Shires WhatsApp message group - Cunderdin Fire Alerts.

Moved: Cr TE (Todd) Harris

Seconded: Cr NW (Norm) Jenzen

Vote – Absolute majority

Carried: 6/0

9.11 Move Behind Closed Doors

Resolution 9.11 OCM November 2024

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

Moved: Cr B (Bernie) Daly

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

Cr N (Natalie) Snooke, Cr B (Bernie) Daly and Cr A (Tony) Smith declared an impartiality interest in Item 9.12 Cunderdin Community Grants Australia Day Awards – Citizen of the Year Nominations.

9.12 Australia Day Awards – Citizen of the Year Nominations

9.13 Move From Behind Closed Doors

Resolution 9.13 OCM November 2024

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

Moved: Cr B (Bernie) Daly

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 6/0

9.14 Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	17 th November 2024
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Nil

Proposal/Summary

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

Background

Cunderdin Industrial Lot Development

Development WA have advised that all the subdivision approvals have been received. The tender is nearly complete, and it should be released in the next few weeks, however it may be subject to Western Power delays.

The Shire have advertised for expression of interest in the lots and has forwarded the contact details of all interested parties to Development WA.

Watts Street Subdivision

Douglas Partners have advised that the data required for the soil report requested by the Department of Environment and Water has been returned and the report will be completed as soon as possible. If the soil report is acceptable the subdivision application will be lodged.

Mitchell Street and Yilgarn Street Housing Update

The President and Chief Executive Officer have completed the prestart process with Stallion Homes. Council will be updated with the final costs at the meeting.

The final contracts for the Modular WA homes have been signed and work has commenced on the two dwellings.

Local Government Professionals Conference

The Chief Executive Officer attended the Local Government Professionals conference at the Perth Convention Centre in the first week of November. The conference called to attention the changes in the way Local Governments are operating and how Local Government could look in the future. The development of Artificial Intelligence played a large role in this.

End of Year Function

The End of Year Function has been organised for the 18th December 2025 commencing at 6.00pm and will be held at the Cunderdin Golf Club. The Council Meeting on the 18th December will now commence at 4.00pm instead of 5.00pm.

Closed Circuit Television Cameras Update

The Shire was requested by The Hon Mia Davies to write to the Minister of Police to request funding to install more CCTV cameras in local communities. The Shire has honoured this request and has stressed the urgent need for a funding program to allow for more cameras to be installed in our communities to both deter crime and catch offenders.

Regional Airports Program Funding

The Shire has submitted a grant application to the Federal Governments Regional Airports Program (RAP) to fund several safety upgrades to the Cunderdin Airport, including the improvement of the drainage, fixing issues with the seal, line marking and the replacement of safety features. The total amount of funding applied for was \$306,000, with Council having to contribute 50% or \$153,000. If successful, the majority of the works would be carried out in 2025/26.

Museum Business Case

The Administration had previously committed to completing the Cunderdin Museum Business Case for the November 2024 Council Meeting. Unfortunately, with other urgent and pressing issues this has not been completed. It will be presented to the December 2024 meeting.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.14 OCM November 2024

That the Chief Executives Officers Report be received.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

10 Environmental Health and Building

Nil.

11 Planning & Development

Nil.

12 Works & Services

Nil.

13 Urgent Items

Nil.

14 Scheduling of Meeting

14.1 December 2024 Ordinary Meeting

The next ordinary meeting of Council is scheduled to take place on Wednesday 18th December 2024 commencing at **4:00pm** at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

15 Closure of meeting

There being no further business the Shire President will declare the meeting closed at 5pm.

16 Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 27th November 2024, as shown, were confirmed at the ordinary meeting of Council held on 18th December 2024.

Signed: 

Date: 18.12.24.