



## **Shire of Cunderdin**

### **Minutes of an Ordinary Council Meeting**

Dear Council Member,

An Ordinary Meeting of the Cunderdin Shire Council was held on Wednesday 15<sup>th</sup> September 2010 in the Council Chambers, Lundy Avenue Cunderdin commencing at 5:15pm.

G M Tuffin  
**Chief Executive Officer**

## TABLE OF CONTENTS

<b>1.0</b>	<b>Declaration of opening .....</b>	<b>4</b>
1.1	The President declared the meeting open at 5:15pm .....	4
1.2	The Shire of Cunderdin disclaimer was read aloud. ....	4
<b>2.0</b>	<b>Suspension of Clause 3.2 - Standing Orders.....</b>	<b>4</b>
<b>3.0</b>	<b>Public Question Time .....</b>	<b>4</b>
3.1	Response to previous public questions taken on notice .....	4
3.2	Declaration of public question time opened 5:16pm .....	4
3.3	Declaration of public question time closed 5:16pm.....	4
<b>4.0</b>	<b>Record of Attendance, Apologies and Approved Leave of Absence .....</b>	<b>4</b>
4.1	Record of attendances .....	4
4.2	Apologies .....	5
4.3	On Leave of Absence.....	5
4.4	Staff .....	5
4.5	Guests of Council.....	5
4.6	Members of the Public .....	5
4.7	Applications for leave of absence.....	5
4.8	Declaration of Members and Officers Financial Interests .....	5
<b>5.0</b>	<b>Petitions, Deputations, Presentations .....</b>	<b>5</b>
5.1	Petitions .....	5
5.2	Deputations.....	5
5.3	Presentations.....	5
<b>6.0</b>	<b>Council Discussion.....</b>	<b>5</b>
<b>7.0</b>	<b>Confirmation of the Minutes of Previous Meetings .....</b>	<b>6</b>
7.1	Confirmation of Minutes of Previous Meetings .....	6
<b>8.0</b>	<b>Finance Report.....</b>	<b>7</b>
8.1	Financial Report for August 2010.....	7
8.2	Accounts Paid and Payable – August 2010.....	8

8.3	Council Investments – August 2010 .....	13
8.4	Amendments to Fees & Charges 2010/2011.....	15
<b>9.0</b>	<b>Chief Executive Officer’s Reports .....</b>	<b>22</b>
9.1	Proposed Waste and Operation of Waste Disposal Facilities Local Law 2010 .....	30
9.2	Proposed Repeal Local Law 2010.....	45
9.3	Annual Performance Review.....	48
9.4	Sealing Tender 1 -2010/11.....	57
9.5	Proposed Extractive Industries Local Law 2010 .....	60
9.6	Proposed Soaring Centre for Disabled Pilots at Cunderdin Airfield, Cunderdin. ....	77
<b>10.0</b>	<b>Manager of Environmental Services Report .....</b>	<b>81</b>
10.1	Manager of Environmental Services report for August 2010 (Late report) .....	81
<b>11.0</b>	<b>Works Supervisor’s Report.....</b>	<b>81</b>
<b>12.0</b>	<b>Community Development Officer .....</b>	<b>82</b>
12.1	Information Bulletin – CDO Report.....	82
12.2	Total Fire Ban / Policy Amendment.....	83
12.3	Bush Fire Management Plan.....	94
12.4	Fire Control Officer Training Requirements.....	97
12.5	Australia’s Golden Outback 2011 Holiday Planner .....	101
<b>13.0</b>	<b>Environmental Project Officer Report .....</b>	<b>105</b>
13.1	SEAVROC Environmental Project Officer Report.....	105
<b>14.1</b>	<b>Matters for which the meeting may be closed .....</b>	<b>110</b>
<b>General items.....</b>		<b>110</b>
	WANTFA Dinner .....	110
	Day Care .....	110
	Cunderdin Medical Centre .....	111
<b>15.0</b>	<b>Closure of meeting .....</b>	<b>111</b>

## **MINUTES**

### **1.0 Declaration of opening**

1.1 The President declared the meeting open at 5:15pm

1.2 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”.

### **2.0 Suspension of Clause 3.2 - Standing Orders**

Location:	Cunderdin
Applicant:	Not applicable
Date:	15 <sup>th</sup> September 2010
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Resolution :**

Council suspends clause 3.2 – Order of Business – of the Shire of Cunderdin Standing Orders Local Law 2001

Moved: Cr Dianne Kelly

Seconded: Cr. Dennis Whisson

Vote – Simple majority

Carried 8/0

### **3.0 Public Question Time**

3.1 Response to previous public questions taken on notice

There were no questions from the public at the previous meeting of Council.

3.2 Declaration of public question time opened 5:16pm

3.3 Declaration of public question time closed 5:16pm

### **4.0 Record of Attendance, Apologies and Approved Leave of Absence**

4.1 Record of attendances

#### **Councillors**

Cr RL (Rod) Carter

President

Cr RC (Clive) Gibsone

Deputy President

Cr GJ (Graham) Cooper

Cr DA (Dennis) Whisson

Cr TE (Todd) Harris

Cr DB (Doug) Kelly

Cr DT (David) Beard

Cr DG (Dianne) Kelly



- 4.2 Apologies
- 4.3 On Leave of Absence
- 4.4 Staff
  - G M (Gary) Tuffin                      Chief Executive Officer
- 4.5 Guests of Council
- 4.6 Members of the Public
- 4.7 Applications for leave of absence

Cr Dianne Kelly requested leave of absence for the October meeting.

**Resolution**

Moved Cr Todd Harris

Seconded Cr David Beard

That Cr Dianne Kelly be granted leave of absence from the October Ordinary meeting of Council.

Carried 7/0

- 4.8 Declaration of Members and Officers Financial Interests

**5.0 Petitions, Deputations, Presentations**

- 5.1 Petitions
  - None

- 5.2 Deputations
  - None

- 5.3 Presentations
  - CBH – Mr Ian Gordon & Mr Brett Jeffrey (Kwinana Zone Manager) – Cunderdin upgrade

Provided council with two proposals for the upgrade of the Cunderdin CBH bins

Option 1 - storage capacity from 109,000 to 300,900 tonne

Option 2 - storage capacity from 109,000 to 469,900 tonne

**6.0 Council Discussion**

The Shire President will give a verbal report.

## **7.0 Confirmation of the Minutes of Previous Meetings**

### **7.1 Confirmation of Minutes of Previous Meetings**

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> September 2010
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Proposal**

Council to confirm the minutes of the

- Ordinary Council meeting held on 18<sup>th</sup> August 2010.
- Annual General Electors meeting held on 9<sup>th</sup> September 2010

#### **Background**

The minutes have been circulated to all Councillors and they have been made available to the public.

#### **Comment**

No business arising.

#### **Statutory Environment**

Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2) Regulations requires minutes of all meetings to be kept and submitted to the next full council meeting for confirmation.

#### **Financial Implications**

There are no financial implications in considering this item.

#### **Resolution 7.1**

That the minutes of the;

Ordinary Council meeting held on 18<sup>th</sup> August 2010

Annual General Electors Meeting held on 9<sup>th</sup> September 2010

be confirmed as a true and correct record.

Moved: Cr. Clive Gibsone

Seconded: Cr. Graham Cooper

Vote – Simple majority

Carried 8/0

#### **Note to this item:**

The President will sign the minute declaration.

## **8.0 Finance Report**

### **8.1 Financial Report for August 2010**

Location:	Cunderdin
Applicant:	Manager of Finance & Administration
Date:	15 <sup>th</sup> September 2010
Author:	Loren Hempel
Item Approved by:	Chief Executive Officer

#### **Proposal**

The financial position as at 31<sup>st</sup> August 2010 is presented for consideration.

#### **Appendices – August 2010 - Financial Statements**

- Statement of Financial Activity
- Operating Statement
- Statement of Surplus or Deficit
- Statement of Financial Position
- Statement of Cash Flows
- Details by Function & Activity
- Reserves Account Summary
- Loan Repayment Schedule
- Financial Activity Statement projected to 30 June 2011
- Municipal Bank Account Statement & Reconciliation (036-102 000030)
- Restricted Cash Account Statement & Reconciliation (036102 123263)
- Licensing Trust, Working Trust and REBA Trust Account Statements & Reconciliations

#### **Statutory Environment**

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

#### **Commentary**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

All financial implications are contained within the reports

#### **Strategic Implications**

Nil

#### **Resolution 8.1**

That council receive the financial report for August 2010.

Moved: Cr Graham Cooper

Seconded: Cr Dennis Whisson

Vote – Simple majority

Carried 8/0

## **8.2 Accounts Paid and Payable – August 2010**

Location:	Cunderdin
Applicant:	Manager of Finance & Administration
Date:	15 <sup>th</sup> September 2010
Author:	Loren Hempel
Item Approved by:	Chief Executive Officer

### **Disclosure of Interest**

No disclosure of interest has been tabled

### **Proposal**

Council is requested to confirm and authorise the payment of Accounts listed in the Warrant of Payments for August 2010.

### **Appendix**

Warrant of Payments for August 2010.

### **Statutory Environment**

Financial Management Regulations 12 & 13

### **Commentary on 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).

### **Policy Implications**

Nil

### **Financial Implications**

All financial implications are contained within the reports

### **Strategic Implications**

Nil

The accounts paid and payable are summarised as follows for August 2010.

1.0 Accounts Already Paid

1.1 Municipal Fund –

CHEQUE NUMBERS	AMOUNT
008808-008849	\$ 78,301.31
Electronic Payments - Various	\$ 1,362,701.10

1.2 Other Funds – Recoup of Municipal Fund Expenditure and Term Investment	
Nil.	

CHEQUE NUMBERS	AMOUNT \$
2.0 Accounts to be passed for payment	
2.1 Municipal Fund -	
Nil	
TOTAL MUNICIPAL FUNDS	\$1,441,002.41

3. Trust Fund – Accounts Already Paid

DATE	CHEQUE NUMBER	DETAILS	AMOUNT \$
Nil			0.00

**Resolution 8.2**

(a) That Council's payment of accounts amounting to \$ 1,441,002.41 for the Municipal Fund be received and noted.

(b) The Warrant of Payments as presented be incorporated in the Minutes of the Meeting.

Moved Cr. Clive Gibsone

Seconded Cr. Dianne Kelly

Vote – simple majority

Carried 8/0

Payments List - August 2010			
Date	Reference	Creditor	Amount
2/08/2010	Bank Fees	Westpac Banking Corporation	\$ 62.36
2/08/2010	Bank Fees	Westpac Banking Corporation	\$ 22.00
2/08/2010	Bank Fees	Westpac Banking Corporation	\$ 22.00
2/08/2010	Bank Fees	Westpac Banking Corporation	\$ 13.00
2/08/2010	Bank Fees	Westpac Banking Corporation	\$ 13.00
2/08/2010	Bank Fees	Westpac Banking Corporation	\$ 27.20
2/08/2010	Bank Fees	Westpac Banking Corporation	\$ 24.80
2/08/2010	Bank Fees	Westpac Banking Corporation	\$ 84.62
3/08/2010	Bank Fees	Westpac Banking Corporation	\$ 5.50
3/08/2010	Bank Fees	Westpac Banking Corporation	\$ 13.75
3/08/2010	Bank Fees	Westpac Banking Corporation	\$ 23.00
3/08/2010	Bank Fees	Westpac Banking Corporation	\$ 20.91
4/08/2010	EFT PAYS	Staff Salaries & Wages	\$ 30,249.66
10/08/2010	8808	Country Ford	\$ 198.00
10/08/2010	8809	Cunderdin Co-op FUEL	\$ 1,257.18
10/08/2010	8810	Cunderdin Newsagency	\$ 322.25
10/08/2010	8811	Cunderdin Co-op FUEL	\$ 1,040.00
10/08/2010	8812	Cunderdin Golf Club	\$ 4,000.00
10/08/2010	8813	Cunderdin Seniors Leisure Group	\$ 1,000.00
10/08/2010	8814	Fire & Emergency Services	\$ 4,435.20
10/08/2010	8815	Garry's Cleaning Service	\$ 270.00
10/08/2010	8816	LGIS Liability	\$ 10,626.00
10/08/2010	8817	LGIS Workcare	\$ 15,532.00
10/08/2010	8818	LG System Incorporated	\$ 5,801.50
10/08/2010	8819	Major Motors Pty Lt	\$ 429.62
10/08/2010	8820	Office of Shared Services	\$ 3,558.55
10/08/2010	8821	Prime Super	\$ 223.78
10/08/2010	8822	Shire of Quairading	\$ 11,121.00
10/08/2010	8823	Stevens Bros Carting	\$ 88.00
10/08/2010	8824	Telstra Corporation	\$ 65.39
10/08/2010	8825	Telstra (Bigpond)	\$ 99.95
10/08/2010	8826	Thompson Signs	\$ 242.00
10/08/2010	8827	Westnet Pty Ltd	\$ 44.95
10/08/2010	8828	Westscheme Superannuation	\$ 284.86
10/08/2010	EFT7458	Specialised Tree Services	\$ 8,953.56
10/08/2010	EFT7459	Air Liquide Pty Ltd	\$ 119.02
10/08/2010	EFT7460	Applied Climate Control	\$ 435.60
10/08/2010	EFT7461	Argent Electrical	\$ 118.80
10/08/2010	EFT7462	Ausco Modular Pty Ltd	\$ 308.00
10/08/2010	EFT7463	Ausrecord	\$ 476.58
10/08/2010	EFT7464	Avdata Australia	\$ 973.01
10/08/2010	EFT7465	Baxters Rural Centre	\$ 1,523.95
10/08/2010	EFT7466	Brookes Hire Service	\$ 19,418.63
10/08/2010	EFT7467	Dominic Carbone	\$ 4,228.50
10/08/2010	EFT7468	CJD Equipment Pty Ltd	\$ 2,144.73
10/08/2010	EFT7469	Coates Hire Operations	\$ 1,347.64
10/08/2010	EFT7470	Cody Express Transport	\$ 52.86
10/08/2010	EFT7471	Contract Aquatic Service	\$ 2,970.00
10/08/2010	EFT7472	Corporate Express	\$ 133.28
10/08/2010	EFT7473	Courier Australia	\$ 37.23

Payments List - August 2010			
Date	Reference	Creditor	Amount
10/08/2010	EFT7474	Coventrys	\$ 961.12
10/08/2010	EFT7475	The Cunderdin Mob	\$ 308.50
10/08/2010	EFT7476	Cutting Edges	\$ 7,718.22
10/08/2010	EFT7477	Department of Commerce	\$ 998.80
10/08/2010	EFT7478	Donovan's Engineering	\$ 3,278.00
10/08/2010	EFT7479	Eastern Hill Saws & Mowers	\$ 757.85
10/08/2010	EFT7480	Elders Limited	\$ 291.58
10/08/2010	EFT7481	Highline	\$ 10,528.10
10/08/2010	EFT7482	Hitachi	\$ 245.03
10/08/2010	EFT7483	Landgate	\$ 121.00
10/08/2010	EFT7484	LGIS Property	\$ 21,021.41
10/08/2010	EFT7485	Orica Australia Pty Ltd	\$ 77.75
10/08/2010	EFT7486	Peak Transport	\$ 72.05
10/08/2010	EFT7487	RBE Internet Service	\$ 20.00
10/08/2010	EFT7488	Shire of Tammin	\$ 2,275.60
10/08/2010	EFT7489	Startrack Express	\$ 202.46
10/08/2010	EFT7490	Sunny Sign Company	\$ 1,228.56
10/08/2010	EFT7491	Truck Centre WA Pty Ltd	\$ 509.63
10/08/2010	EFT7492	Verlindens Electrical	\$ 1,527.58
10/08/2010	EFT7493	WA Local Govt Superannuation	\$ 4,012.50
10/08/2010	EFT7494	Wanneroo Gas & Air Con	\$ 12,976.00
10/08/2010	EFT7495	Wattleup Tractors	\$ 220.20
10/08/2010	EFT7496	Wheatbelt Safety wear	\$ 562.60
10/08/2010	Intern Tfr	Transfer to Trust - Gym Key Bonds	\$ 250.00
16/08/2010	8829	Telstra Corporation	\$ 113.01
16/08/2010	Bank Fees	Westpac Banking Corporation	\$ 29.00
16/08/2010	Credit Card	Westpac Banking Corporation	\$ 1,188.08
16/08/2010	Loan 73	West Australian Treasury Corporation	\$ 11,061.72
16/08/2010	Loan 74	West Australian Treasury Corporation	\$ 7,706.13
18/08/2010	EFT PAYS	Staff Salaries & Wages	\$ 26,290.98
18/08/2010	EFT PAYS	Staff Salaries & Wages	\$ 2,999.32
18/08/2010	EFT PAYS	Staff Salaries & Wages	\$ 906.79
24/08/2010	8830	Petty Cash	\$ 17.90
31/08/2010	8831	Cr D Beard	\$ 140.00
31/08/2010	8832	Cr Rod Carter	\$ 280.00
31/08/2010	8833	City of Swan	\$ 1,326.74
31/08/2010	8834	Cunderdin Medical Practice	\$ 88.00
31/08/2010	8835	Cr Clive Gibsone	\$ 140.00
31/08/2010	8836	Cr Todd Harris	\$ 140.00
31/08/2010	8837	Cr Dianne Kelly	\$ 140.00
31/08/2010	8838	Elizabeth McKay	\$ 491.61
31/08/2010	8839	Parmelia Hilton Perth	\$ 3,331.80
31/08/2010	8840	Prime Super	\$ 184.68
31/08/2010	8841	C Smart	\$ 18.28
31/08/2010	8842	Synergy	\$ 8,520.75
31/08/2010	8843	Telstra Corporation	\$ 1,120.50
31/08/2010	8844	Telstra (Bigpond)	\$ 32.85
31/08/2010	8845	Water Corporation	\$ 964.10
31/08/2010	8846	Westnet Pty Ltd	\$ 44.95
31/08/2010	8847	Westscheme Superannuation	\$ 265.91

Payments List - August 2010			
Date	Reference	Creditor	Amount
31/08/2010	8848	Magnetic Resources NL	\$ 50.00
31/08/2010	8849	Mindax Pty Ltd	\$ 250.00
31/08/2010	EFT7497	Glen Aitchison	\$ 212.00
31/08/2010	EFT7498	Australia Post	\$ 256.19
31/08/2010	EFT7499	Austral Mercantile Collections Pty Ltd	\$ 390.23
31/08/2010	EFT7500	Avon Waste	\$ 4,811.82
31/08/2010	EFT7501	Avon Tractor & Implement	\$ 249.59
31/08/2010	EFT7502	Baxters Rural Centre	\$ 943.34
31/08/2010	EFT7503	Craig Buegge Carpet	\$ 180.00
31/08/2010	EFT7504	Cardno BSD	\$ 2,750.00
31/08/2010	EFT7505	CJD Equipment Pty Ltd	\$ 16.50
31/08/2010	EFT7506	Combined Tyrepower	\$ 2,949.00
31/08/2010	EFT7507	Cr Graham Cooper	\$ 140.00
31/08/2010	EFT7508	Corporate Express	\$ 244.12
31/08/2010	EFT7509	Country Copiers Northam	\$ 527.63
31/08/2010	EFT7510	Courier Australia	\$ 92.08
31/08/2010	EFT7511	The Cunderdin Mob	\$ 121.95
31/08/2010	EFT7512	Cunderdin Plant Hire	\$ 495.00
31/08/2010	EFT7513	Dallimore Nominees Pty Ltd	\$ 3,862.00
31/08/2010	EFT7514	Elders Limited	\$ 1,074.01
31/08/2010	EFT7515	Cr Doug Kelly	\$ 140.00
31/08/2010	EFT7516	Kelyn Training Services	\$ 5,141.90
31/08/2010	EFT7517	Landgate	\$ 76.00
31/08/2010	EFT7518	LGIS Liability	\$ 781.52
31/08/2010	EFT7519	LGIS Insurance Broking	\$ 41,598.15
31/08/2010	EFT7520	Local Health Authorities	\$ 391.00
31/08/2010	EFT7521	Metro Count	\$ 143.00
31/08/2010	EFT7522	Quairading Earthmoving	\$ 7,397.50
31/08/2010	EFT7523	Rural Press Regional Media WA	\$ 377.52
31/08/2010	EFT7524	Sandco Hire & Contracting	\$ 522.50
31/08/2010	EFT7525	Shire of Tammin	\$ 2,131.50
31/08/2010	EFT7526	Shire of York	\$ 798.60
31/08/2010	EFT7527	Shire of Beverley	\$ 262.00
31/08/2010	EFT7528	Truck Centre WA Pty	\$ 148,693.00
31/08/2010	EFT7529	WA Local Government Superannuation	\$ 4,014.16
31/08/2010	EFT7530	WesTrac Equipment	\$ 2,607.54
31/08/2010	EFT7531	Cr Dennis Whisson	\$ 140.00
31/08/2010	Funds Tfr	Tfr for new Term Deposit - Muni	\$ 250,000.00
31/08/2010	Funds Tfr	Tfr for new Term Deposit - Reserves	\$ 684,000.00
		<b>TOTAL</b>	<b>\$1,441,002.41</b>



### 8.3 Council Investments – August 2010

Location:	Westpac Banking Corporation
Applicant:	Administration
Date:	15 <sup>th</sup> September 2010
Author:	Loren Hempel
Item Approved by:	Chief Executive Officer

#### **Disclosure of Interest**

No disclosure of interest has been tabled

#### **Proposal**

To inform Council of its investments as at 31<sup>st</sup> August 2010.

#### **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
- 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.

#### **Commentary**

<b>COUNCIL INVESTMENTS AS AT 31<sup>st</sup> AUGUST 2010</b>				
<b>Institution</b>	<b>Amount Invested</b>	<b>Investment type</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>
Westpac Banking Corporation	\$1,254.08	Max-i Bonus Account 13-7729 1.95%	\$0.00	\$1,254.08
Westpac Banking Corporation	\$30,406.45	Max-i Bonus Account 13-8262 1.95%	\$30,406.45	\$0.00
Westpac Banking Corporation	\$250,000.00	Term Deposit 14-3790 5.35%	\$250,000.00	\$0.00
Westpac Banking Corporation	\$684,000.00	Term Deposit 14-3803 6.00%	\$0.00	\$684,000.00
<b>TOTAL INVESTMENTS</b>	<b>\$965,660.53</b>		<b>\$280,406.45</b>	<b>\$685,254.08</b>

#### **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 8.3**

That the report on Council investments as at 31<sup>st</sup> August 2010 be received and noted

Moved Cr. Graham Cooper

Seconded Cr. Doug Kelly

Vote – Simple Majority

Carried 8/0

## 8.4 Amendments to Fees & Charges 2010/2011

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> September 2010
Author:	Loren Hempel
Item Approved by:	Manager of Finance & Administration

### **Disclosure of Interest**

No disclosure of interest has been tabled.

### **Proposal**

Council to consider amending the 2010/2011 fees and charges to introduce the appropriate charges for food premises.

### **Attachment**

Food Act 2008 Fact Sheet – Fees & Charges

### **Background**

Further to advice from Environmental Health Officer Judith Anderson, on the proposed changes to the Food Act 2008 requiring all food outlets to complete an annual Notification and Registration of their facility.

As Council is required to monitor and ensure all food handling business / events are carried out within the new standards, Council is able to levy an annual fee.

### **Commentary**

The Food Act 2008 now requires Council to monitor all business outlets supplying food and to issue a certificate of registration to ensure compliance with the new regulations.

Council is able to levy a fee for this service to recover costs.

### **Statutory Implications**

Food Act 2008

Section 6.16 of the Local Government Act 1995 states;

#### **6.16 Imposition of fees and charges**

*(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.*

#### **6.19. Local government to give notice of fees and charges**

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

*(a) its intention to do so; and*

*(b) the date from which it is proposed the fees or charges will be imposed.*

### **Policy Implications**

There are no policy implications in considering this item.

### **Financial Implications**

Council adopted its budget on the 15<sup>th</sup> July 2010.

The annual fees structure will allow Council to recover monitoring and administration costs.

### **Strategic Implications**

There are no policy implications in considering this item.

### **Resolution 8.4**

***(1) That in accordance with section 6.16 the following Fees & Charges be imposed:***

***Food Act 2008 Notification \$50.00 (Inc GST)***

***Food Act 2008 Notification and Registration \$140.00 (Inc GST)***

***(2) That in accordance with section 6.19 of the Local Government Act council give local public notice of new fees & charges as detailed above.***

Moved Cr David Beard

Seconded Cr Clive Gibsone

Vote – **Absolute majority**

Carried 7/1



## SHIRE OF CUNDERDIN

### PUBLIC NOTICE

#### AMENDMENT TO FEES & CHARGES 2010/2011

In accordance with the Local Government Act 1995, public notice is hereby given of council's decision made at the council meeting held 15<sup>th</sup> September 2010 to amend its fees and charges. The following fees and charges have been adopted and will apply for the 2010/2011 financial year, effective from 1<sup>st</sup> November 2010.

#### Health

- ***Notification of a food business \$50.00 (Inc GST)***
- ***Notification & Registration \$140.00 (Inc GST)***

G M Tuffin  
Chief Executive Officer



Delivering a Healthy WA

## **Food Act 2008 FACT SHEET 6**

### **Fees and Charges**

Version 1 May 2010

#### **Purpose**

To provide information regarding the charging of fees by enforcement agencies under the *Food Act 2008* (the Act).

#### **Target Audience**

Food industry and local government.

#### **Relevant Provisions**

- Section 107 – Notification of conduct of a food business
- Section 110 – Registration of a food business
- Section 112 – Variation of conditions or cancellation of registration of food businesses
- Section 140 – Fees and charges may be imposed and recovered by local governments that are enforcement agencies

#### **Interpretation**

The Act provides enforcement agencies with the ability to charge fees in association with food regulatory activities such as registration, notification and surveillance.

The collection of fees by enforcement agencies is not mandatory under the Act. The Act enables enforcement agencies to make decisions relating to the imposition of fees associated with food regulatory activities so that they can recover costs associated with the administration and enforcement of the Act. If a local government enforcement agency chooses to set fees, the fees must be set in accordance with provisions of the *Local Government Act 1995*.

In addition to being able to charge fees for registration and notification, enforcement agencies can charge fees for the provision of information or for the carrying out of any services performed in accordance with their prescribed functions under the Act.



Government of Western Australia  
Department of Health





It is important to be aware that the registration provisions of the Act are substantially different to what existed under the *Health Act 1911*. Under the Act, a proprietor of a food business needs only to register once – the Act does not contain an annual registration or licensing scheme.

### Frequently Asked Questions

*Can food businesses that are exempt from registration still be required to pay any fees?*

The *Food Regulations 2009* prescribe certain food businesses as exempt from the registration requirements. These food businesses must however still notify the appropriate enforcement agency of their intention to operate as a food business and enforcement agencies are able to impose a fee for this notification process.

The Act enables enforcement agencies to impose fees in order to recover costs for the performance of functions such as inspections and requests for information. As such, businesses that are exempt from registration may still be required to pay annual or one-off fees that relate to food surveillance activities if these fees are imposed by the enforcement agency.

*It is important to note that certain types of food businesses that are operated solely not-for-profit are exempt from any notification fee.*

*What is the difference between a notification fee, a registration fee and annual fees?*

If the enforcement agency has imposed a notification fee, this fee must accompany all written notifications of intention to conduct a food business (except for those community and charitable activities that are exempt from the fee for notification). Notification only applies to those businesses exempt from the registration provisions. Please refer to 'Fact Sheet 3 – Exempted Food Businesses' for information on businesses to which the notification provisions apply.

A registration fee, if imposed, must accompany all applications for registration of a food business. The purpose of providing enforcement agencies with the ability to charge a







registration fee is to enable them to recover costs associated with the approval of food businesses.

The ability to charge businesses annual or other fees must correspond with the ongoing surveillance and monitoring activities undertaken by enforcement agencies on food businesses operating within their districts. A local government is able to impose under provisions of the *Local Government Act 1995* these types of fees regardless of whether a food business is registered or exempt from registration.

It may be the case that such a fee is being termed a 'registration fee' when in fact it reflects this ongoing surveillance or inspection charge.

#### *Where can I go for advice on fees?*

If you are a business operating in Kings Park, Rottnest Island or Hillary's Boat Harbour boardwalk extension, a dairy primary production or processing business or a business engaged in the primary production of seafood (bivalve molluscs only), your appropriate enforcement agency is the Department of Health. Fees imposed by the Department of Health are prescribed in the *Food Regulations 2009*.

For all other businesses, your appropriate enforcement agency is the local government where your premises are located. It is advisable that you seek a schedule of fees and charges from your local government to determine what basis fees are actually being charged. All queries relating to fees need to be directed to local government.

**Please note:** local governments have the ability to charge other fees for services or approvals provided by the local government under the *Local Government Act 1995* or other legislation. This means that not all fees being imposed on food businesses necessarily relate to the Act.

#### **Important Advice for Local Government**

If fees and charges are being imposed in relation to the administration of the Act, it is important that they reflect the relevant provision of the Act that enables them to be raised. For example, a registration fee collected in accordance with section 110(4)(b) should be separated from any annual surveillance fee imposed under section 112 or any other fee







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imposed under section 140. This will ensure that food businesses are clear about the nature of the fees being charged.

A food business that is required to be registered is exempt from the notification requirements of section 107 and clause 4 of Standard 3.2.2 of the *Australia New Zealand Food Standards Code*. This means that a food business cannot be charged both a registration fee and a notification fee.

#### **Further Information:**

For more information please contact either the appropriate local government or the Food Unit.

#### **Contact the Food Unit:**

Any feedback or concerns please utilise the "Food Unit Query Form" which can be downloaded from our website [http://www.public.health.wa.gov.au/2/786/3/food\\_informatio.pm](http://www.public.health.wa.gov.au/2/786/3/food_informatio.pm)

Email: [foodunit@health.wa.gov.au](mailto:foodunit@health.wa.gov.au)

Phone: (08) 9388 4999

Fax: (08) 9382 8119

[www.public.health.wa.gov.au](http://www.public.health.wa.gov.au)

*Note: The information contained in this document covers the food legislation requirements for Western Australia. It is current on the date of publication but may change without notice. The Department of Health is not liable for any costs arising from or associated with decisions based on information here and users should obtain expert advice to satisfy all requirements of the relevant food legislation applicable.*

## 9.0

ITEM	RESOLUTION/PARTICULARS	STAFF ACTION	COMPLETED
<b>Resolution 3</b> Ordinary Council Meeting 20th January 2010	<b>Amendment to Tree Cropping Policy</b>  "That Council resolves to adopt the Draft SEAVROC Tree Cropping Policy for advertising for public comment for a period of 21 days in accordance with Clause 2.4.1 of the Shire of Cunderdin Town Planning Scheme No. 3."	STACEY MCQUISTAN  Advertise Draft SEAVROC Tree Cropping Policy for 21 days  GARY TUFFIN Further report to be presented to council at the completion of advertising	<b>Actioned 25/05/2010</b>  <b>Advertised in the Avon valley Advocate 2 &amp; 9/06/10 &amp; Bandicoot</b>  <b>Report (9.4) 15/07/10</b>
<b>Resolution 8</b> Ordinary Council Meeting 18th January 2010	<b>Gliding Club of WA – Proposed 25 Year Lease</b> That subject to the GCWA agreeing to paying half costs for the preparation of the lease agreement, Council authorise the CEO to prepare a lease agreement for a period of 25 years in conjunction with Council's solicitors McLeod & Co incorporating the terms & conditions as outlined in Report 9.8.  (b) that prior to entering into the lease WAPC & Heritage Council consent be sort in accordance with section 136 of the Planning Development Act & Section 78 of the Heritage of WA Act 1990.  (c) that upon securing the necessary funding to renovate Hut 101 (clubhouse) the President & CEO be authorised to sign and affix the Common Seal to the proposed lease agreement.  (d) that the Gliding Club of WA be advised of (a) & (c) above	GARY TUFFIN/ MCLEOD & CO SOLICITORS	<b>First draft completed</b>
<b>Resolution 4</b> Ordinary Council Meeting 20th January 2010	(a) to receive Report 9.4 on the proposed GCWA draft lease.  (b) the following clauses be amended;  clause 24.1 from 6 months to 12 months notice clauses 10.1 & 10.2 as detailed in report 9.5  (c) That the CEO be authorised to seek further instruction from Council's solicitors for the following issues;  - Ensuring gliding club members have access to their hangars at all times – entry in & out.  - Introduction of a rent review mechanism in addition to the current CPI Provisions, that accounts for future growth in the clubs membership.  (d) That the proposed lease amount be amended to \$7,000 pa, increased annually in line with CPI movements.  (a) That council endorse the recommendations of the Audit Committee meeting, subject to amending Option 1 (Rent Review) to \$115.00 per member.  (b) That Council resolves to advise the Gliding Club of WA of the proposed final amendments to the terms of the lease document.  (b) That subject to the Gliding Club of WA accepting the Lease document (either option 1, 2 or 3 – rent review) as amended, the Shire President & CEO be authorised to sign and affix the Common Seal to the Lease document.	GARY TUFFIN Liaise with McLeods Solicitors to amend clauses 24.1, 10.1 & 10.2  Seek further instruction from McLeods as per (c)	<b>Council's solicitors have re-drafted lease document</b>  <b>(95% complete)</b>  <b>Further Report (9.6) to council after receiving comments from the gliding club</b>  <b>Final Draft sent 20/07/10</b>

<b>Resolution 9.5</b> Ordinary Council meeting 20th May 2010	<p align="center"><b>Proposed Agricultural Spraying Business and Workers Accommodation (Dongas) at Cunderdin Airfield, Cunderdin</b></p> <p>(a) That the CEO be authorised to prepare a commercial lease detailing the terms and conditions for the use of the Bellman Hangar and other associated areas (accommodation &amp; fuel facility) at an annual rental of \$10,000 pa, adjusted in line with CPI movements for a term of 5 years, with an option for a further 5 years.</p> <p>(b) That President &amp; CEO be authorised to sign and affix the Common Seal to the lease agreement</p> <p>(c) That Council approve the application for a commercial agricultural spraying business and associated workers accommodation (dongas) at Cunderdin Airport, subject to the following conditions:</p>	<p>GARY TUFFIN</p> <p>Liaise with McLeods Solicitors to prepare a commercial lease for Taurus Aviation</p> <p>To issue DA Approval outlining conditions as per Council's resolution</p>	<p><b>Council's solicitors have drafted a lease document (90% complete) - to be checked</b></p> <p><b>Development Approval issued (100% complete)</b></p>
<b>Resolution 12.3</b> Ordinary Council meeting 20th May 2010	<p align="center"><b>Royalties for Regions Funding – Meckering</b></p> <p>(a) to authorise the CEO to allocate \$20,000 to a Meckering based project and amend the Royalties for Regions funding agreement and 2009/10 budget accordingly.</p> <p>(b) to carry forward this funding into the 2010/11 Budget in accordance with (a) above.</p>	<p>GARY TUFFIN</p>	<p><b>To be allocated to the Meckering Transfer station upgrade</b></p>
<b>Resolution 12.4</b> Ordinary Council meeting 20th May 2010	<p align="center"><b>Cunderdin Co-location Centre</b></p> <p>Council did not want to make any commitment to this project until such time as further information is provided from staff indicating the likely cost to council.</p> <p><u>Notes</u>  Cr Todd Harris requested that the staff look at utilising the current Cunderdin Sports Club building as a possible site.</p>	<p>STACEY MCQUISTAN</p> <p>To follow up with FESA  Re: Cost to Council</p>	<p><b>10%</b></p> <p><b>Further report to be prepared for council's consideration – information still being gathered</b></p>
<b>General Items</b> Ordinary Council meeting 20th May 2010	<p align="center"><b>Car TV Show – Cunderdin Airfield</b></p> <p>General discussion was held in relation to this request and there was little support for the concept, mainly possible damage concerns, liability issues &amp; airfield operational logistics – need to close the airfield when being used.</p> <p>Council suggested that the CEO inform Mr Smith of these concerns and general lack of support at this stage. However, an invite should be extended to Mr Smith to inspect the site to determine whether the site is suitable to their requirements. If it is a suitable site, Mr Smith be requested to provide further detailed information about the project.</p>	<p>GARY TUFFIN</p> <p>To provide feedback to Mr Smith as per Council Resolution</p>	<p><b>Email sent to Mr Smith advising council's decision – no response</b></p>
<b>General Items</b>	<p align="center"><b>Main Street Redevelopment – Stage 1</b></p> <p>Arial power lines in front of Main Street Shopping district to be placed underground.</p> <p>Funding provided by the Country Local Government Fund</p>	<p>GARY TUFFIN</p> <p><b>Commence underground boring 16/07/10</b></p>	<p><b>Design 100% complete</b></p> <p><b>Contractor engaged by Western Power Due to commence 16/07/10</b></p>
<b>Resolution 9.1</b> Ordinary Council meeting 19th November 2010	<p align="center"><b>Cunderdin Airfield</b></p> <p>That Council proceed with the registration of the Cunderdin Airfield for a 12 month period, at which time a further review be conducted of the benefits (if any).</p> <p>Reseal 7 mm  Re-linemark airfield  Replacement of gable marker</p>	<p>GARY TUFFIN/  BRET HOWSON</p>	<p><b>To be reviewed 12 months from registration</b></p> <p><b>100% complete 100% complete</b></p>

<b>General Items</b>	CASA registration  Staff Training (Safety Reporting Officer)		Ordered yet to be placed on-site Report completed and submitted to CASA Training to be undertaken
<b>General Items</b> Ordinary Council Meeting 15th April 2010	<b>SOARability</b>  Proposal to establish a Gliding Centre for the Physically Challenged at the Cunderdin Airfield.  Project progressing Hangar design complete  Met with Damien 29/06/10 to further discuss project - development application to be lodged. – request a 25 year lease	GARY TUFFIN	Met with Damien O'Reilly on site to select hangar site. 30% complete
<b>General Items</b> Ordinary Council Meeting 15th April 2010	<b>Enterprise Metals Ltd</b>  Presentation provided by Mr Bruce Hawley (Metal Enterprises)  Copies of drilling locations provided – all within council's road reserves – refer to drilling maps  Letter received 9/06/10 from the Department of Mines & Petroleum requesting comment on the proposed drilling program  Wrote to the Department of Mines advising council's resolution;  <i>That Council advises the Hon Minister for Mines and Petroleum that it has no objections to the application by Gintan Pty Ltd for an Exploration Licence to drill test for iron ore within the road reserves nominated in the application, subject to the conditions specified in the referral letter dated 3 June 2010 from the Department of Mines and Petroleum</i>	GARY TUFFIN   MARCUS TUDEHOPE (PLANNER)	15 <sup>th</sup> April 2010  Further presentation provided to President & CEO 2 June 2010  Report (9.10) to June council meeting  Letter sent 29/06/10  Drilling commenced 7/09/10
<b>Resolution 9.10</b> Ordinary Council meeting 18th March 2010	<b>Proposed Mobile Telephone Base Station at Lot 60 Lundy Avenue, Cunderdin. (Telstra)</b>  That public consultation be undertaken for a period of 14 days seeking public comment on the proposed Telstra Mobile Tower, and subject to not receiving any adverse submissions Council authorise the CEO to approve the application for a mobile base station at Lot 60 Lundy Avenue Cunderdin, subject to the following conditions:  1. The proposed development is to comply in all respects with the submitted plans approved on 18.03.2010 and stamped accordingly.  Applied for a Building Licence to construct tower	GARY TUFFIN   JIM RIDDLE (BUILDING SURVEYOR)	Proposal advertised and wrote to adjoining landowners 100% complete No objections received  Development Approval issued  Building licence issued
<b>Resolution 9.2</b> Ordinary Council Meeting 15th April 2010	<b>Optus Mobile Tower</b>  That Council approve the application for a mobile base station at Lot 100 Carter Road Cunderdin, subject to the following conditions:  1. The proposed development is to comply in all respects with the submitted plans approved on 15th April 2010 and stamped accordingly.	GARY TUFFIN	Development Approval issued

	Received (4/06/10) an email requesting access licence agreement to use Cunderdin Hill road.		<b>Draft agreement received 17/08/10</b>  <b>Agreement has been sent to McLeods for review</b>
<b>Resolution 9.5</b> Ordinary Council meeting 24 <sup>th</sup> August 2009  <b>Resolution 9.7</b> Ordinary Council meeting 18th March 2010	<p align="center"><b>Proposed Amendment No. 1 to Local Planning Scheme No. 3.</b></p> <p>a) That Council resolve pursuant to Part 5 of the Planning and Development Act 2005, to initiate an amendment to the Local Planning Scheme, District Zoning Scheme No. 3 to rezone Lot 1 and Loc 2195 Coronation Street Cunderdin to 'Rural Residential'.</p> <p>b) Western Australian Planning Commission be advised of a) above.</p> <p>That Council resolve pursuant to TP Regulations 17(1) to adopt the recommendation contained within the attached Schedule of Submissions, and further resolve pursuant to TP regulations 17(2) that Amendment No. 1 to the District Zoning Scheme (Town Planning Scheme No. 3) be adopted for final approval without modification.</p> <p>b) Western Australian Planning Commission and those who made submissions be advised of a) above.</p> <p>c) The affixing of the Common Seal to be authorized with respect to the amending documents for Amendment No 1 to TP Scheme No. 3.</p>	GARY TUFFIN	<b>(90% complete)</b>  <b>All documentation completed, signed and sent to the WAPC</b>
<b>Resolution 9.10</b> Ordinary Council meeting 15th October 2009  <b>Resolution 9.7</b> Ordinary Council meeting 18th February 2010	<p align="center"><b>Eight Year Review of Local Laws (SEAVROC PROJECT)</b></p> <p>The Council at its meeting on the 15 October 2009 resolved as follows:</p> <p>"That Council:-</p> <ol style="list-style-type: none"> <li>1. Resolves to undertake a review of its existing local laws; and</li> <li>2. in accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws." <p>That Council</p> <ol style="list-style-type: none"> <li>1. NOTE that no community submissions were received by the close of the submission period on 6 January 2010 following advertising the review of the following local laws: <ul style="list-style-type: none"> <li>• By-laws relating to the Cunderdin and Meckering Cemeteries</li> <li>• Health Local Laws 1998</li> <li>• Activities in Thoroughfares and Trading in Thoroughfares and Public Places</li> <li>• Local Laws relating to Standing Orders</li> <li>• Local Government Property Local Law</li> <li>• Dogs Local Law 2008</li> <li>• By-Laws relating to Pest Plants</li> </ul> </li> <li>2. DETERMINE BY ABSOLUTE MAJORITY to accept the review report and to take the following action for each local law: <ul style="list-style-type: none"> <li>• By-laws relating to the Cunderdin and Meckering Cemeteries</li> <li>• Health Local Laws 1998</li> <li>• Activities in Thoroughfares and Trading in Thoroughfares and Public Places</li> <li>• Local Laws relating to Standing Orders</li> <li>• Local Government Property Local Law</li> <li>• Dogs Local Law 2008</li> <li>• By-Laws relating to Pest Plants</li> </ul> </li> </ol> </li></ol>	GARY TUFFIN  DARREN LONG CONSULTING	<b>80% Complete</b>

	3. DETERMINE BY ABSOLUTE MAJORITY to commence the process under Section 3.12 of the Local Government Act 1995 of amending or repealing the Local Laws as per (2) above		
<b>Resolution 9.3</b> Ordinary Meeting 17th December 2009   Resolution #SE-024-10	<p style="text-align: center;"><b>LGS Business Plan</b></p> <p>(a) That Council advise SEAVROC that it wishes to participate in the LGS Integrated Software project.</p> <p>(b) That the CEO be authorised to undertake public consultation, making the Plan available for viewing, advertising the Plan (period not less than 6 weeks), with any submissions received to be considered by Council before its final adoption, pursuant to Section 3.59 of the Local Government Act 1995.</p> <p>(a) That the participating Member Local Governments to the LGS Software Project, namely the Shires of:</p> <p style="padding-left: 40px;">Beverley, Cunderdin, Quairading and York</p> <p>be requested to give consideration to adopting the Business Plan, titled: "Integrated Software – Exclusive West Australian Marketing and SalesRights Proposal" on the basis that the submission period has now expired.</p> <p>(b) Subject to (a) above, the Host Local Government, the Shire of Cunderdin, be requested to finalise and sign the Grant Agreement on behalf of the participating local governments.</p> <p>(c) The Executive Officer be authorised to liaise with LG Systems Inc in relation to preparing a Deed of Agreement in accordance with the objectives and purpose set out in the Memorandum of Understanding and the Adopted Business Plan for the Project.</p>	GARY TUFFIN          GARY TUFFIN   DCA	<p><b>Joint notice placed advertising complete no submissions received by closing date 29<sup>th</sup> April 2010</b></p> <p><b>Report (9.7) to June council meeting</b></p> <p><b>Signed &amp; invoiced</b></p> <p><b>In progress</b></p> <p><b>McLeod have recieved agreement and recommended a number of changes</b></p>
<b>Resolution 9.7</b> Ordinary Meeting 17th December 2009	<p style="text-align: center;"><b>Staff Housing Project</b></p> <p>(1) That a Staff House Working Group be established to prepare the necessary tender specifications &amp; documentation for the supply and construction of one new staff house.</p> <p>(2) That the Staff House Working Group consist of the following membership;</p> <p style="padding-left: 40px;">Cr David Beard Cr Doug Kelly Cr Dianne Kelly Chief Executive Officer</p> <p>(3) That the CEO be authorised to invite tenders when the tender documentation has been completed by the Staff Housing Working Group &amp; purchase a suitable vacant lot.</p>		<p><b>Tender specifications Completed</b></p> <p><b>Project suspended due to withdrawal of CLGF for 2009/10</b></p>
<b>Resolution 12.4</b>  Ordinary Council meeting 18 February 2010	<p style="text-align: center;"><b>Honour Board</b></p> <p>(a) That Council agree to support the purchase and installation of the Imperial &amp; Australian Honour Board; and</p> <p>(b) That Council endorse staff to spend up to \$1,000 to undertake this project.</p>	STACEY MCQUISTAN	<p><b>100% complete</b></p> <p><b>Needs to be installed.</b></p>

**Outstanding matters**  
**Council Resolution Action List – 23 June 2010**

<b>9.6 Resolution</b>	<b>Authorised Persons – Gazette Notices</b> (a) All previous appointments are to be revoked. (b) That Council endorse the Authorised persons appointments as detailed in report 9.6 in relation to the following;  Caravan Parks & Camping Grounds Act 1995 Control of Vehicles (Off-Road Areas) Act 1978 Litter Act 1979 Local Government (Miscellaneous Provisions) Act 1960 Dog Act 1976  (c) Undertake all statutory procedures for the amendment of the Authorised Persons	GARY To place notice in Government Gazette	<b>Notice prepared</b>    <b>Gazetted</b>  <b>No. 138.</b> <b>16-Jul-2010</b> <b>Page: 3374</b>
<b>12.2 Resolution</b>	<b>Firebreak Notice</b> a) adopt the attached Firebreak Notice, subject to the following amendments;  1) the provision covering “ <i>Land Area 5ha and Above</i> ” be deleted from the notice  2) That the require Fire reduction Zone width be reduced from “3’ to 2.4 metres  3) That the notice date be moved to the 1 <sup>st</sup> October 2011, from 1 <sup>st</sup> October 2010.  b) advertise the Firebreak Notice in the Government Gazette, Bandicoot and Avon Valley Advocate  c) a copy of the notice be forwarded to all ratepayers in the Shire	STACEY To advertise notices	<b>Copy of policy mailed out to all residents 3/09/10</b>
<b>12.3 Resolution</b>	<b>Meckering Hockey Club Upgrades</b> That Council:  a) allocate \$15,000 in the 2010/11 Budget for works at the Meckering Hockey Field;  b) that Meckering Ladies Hockey Club sign the Council Donations Terms and Conditions, as well as provide a full acquittal of funds once the allocation has been spent; and  c) provide a cheque for the same amount to the Meckering Ladies Hockey Club	STACEY to draft letter advising Meckering Hockey	<b>Meckering Hockey Club have accepted the offer of \$15,000 (12/08/10)</b>

### **Outstanding matters**

#### **Council Resolution Action List – 15 July 2010**

<b>Resolution 9.3</b>	<b>Forward Capital Works Plans</b> That DCA & Associates be engaged to undertaken the preparation of the Forward Capital Works Plans as detailed in their submission dated 2nd July 2010.  DCA have accepted the appointment.	Wrote to DCA advising appointment  Work to commence 18/08/10	90%
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		First draft 90% complete	
<b>Resolution 9.4</b>	<b>Tree Cropping Policy</b> That Council resolves;  (a) to adopt the SEAVROC Tree Cropping Policy with minor modification in accordance with Clause 2.4 of the Shire of Cunderdin Town Planning Scheme No.3.  (b) to give local notice that it has adopted the amended Tree Cropping Policy.		

### **Outstanding matters**

#### **Council Resolution Action List – 18 August 2010**

<b>Resolution 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.8</b>	<b>Proposed New Cemeteries Local Law</b> <b>Proposed Dogs Local Law 2010</b> <b>Proposed Health Amendment Local Law 2010</b> <b>Proposed Pest Plants Local Law 2010</b> <b>Proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2010</b> <b>Proposed Parking Local Law 2010</b> <b>Proposed Local Government Property Amendment Local Law 2010</b>  That Council: (1) adopt the proposed Shire of Cunderdin _____ Local Law 2010, as contained in the Attachment;  (2) pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Cunderdin Local Government Property Amendment Local Law 2010, as contained in the Attachment:  (a) the purpose of which is to restrict and prohibit certain activities on reserves and review the modified penalties; and  (b) the effect is to control the use of local government property and create offences for inappropriate behaviour in or on local government property.	GARY TUFFIN/DARREN LONG  Darren Long to prepare joint SEAVROC advertisement	50%
<b>Resolution 9.7</b>	<b>Sale of proposed lot 23 Centenary Place, Cunderdin</b>  That Council resolve:  (a) to offer to sell the proposed Lot 23, Centenary Place, Cunderdin subject to Mr Troy Donovan agreeing to the following terms and conditions;  - Selling price be set at \$30,000.00  - That the CEO be authorised to negotiate finance terms, if required.  - That the buyer be responsible for all costs associated with the boundary adjustment to create lot 23, which is to be amalgamated with the existing lot 22.	GARY TUFFIN	Letter sent 24/08/10 advising council's decision - no response received from Mr T Donovan to date



	<p>- That the proposed lot 23 be no greater in size than 2,244m<sup>2</sup> as drawn in the proposed subdivision drawing prepared by D Considine &amp; G Foster</p> <p>(b) That if Mr. Troy Donovan agrees to the terms above in (a) that public notice of these terms be published for public information &amp; submission in accordance with section 3.58 of the Act prior to entering into a contract for sale.</p> <p>(c) That subject to not receiving any adverse submissions the Chief Executive Officer be granted delegated authority to finalise the matter.</p>		
<b>Resolution 10.0</b>	<p><b>Application to keep livestock in town</b></p> <p>(a) That a further 28 days be granted for the applicant to comply with the requirements of the Cunderdin Health Local Laws 1998 in accordance with sections 5.32, 5.3.3 &amp; 5.3.4.</p> <p>(b) That the applicant be advised that should they not comply with these requirements in this time, no further extensions will be granted and all livestock will need to be removed immediately without further notice, or action will be taken by council.</p>	GARY TUFFIN	Letter sent 20/08/10 Advising council decision
<b>General Business</b>	<p><b>Organise meetings with;</b></p> <p><u>Trotting Club</u> Update on track relocation</p> <p><u>Gym Committee</u> Cr Gibsone advised he had received complaints about the untidy state of the equipment.</p> <p>CEO to discuss with the Gym committee</p>	STACEY	
	<p><b>Country Local Government Fund (CLGF) – Local component</b></p> <p>That council lobby the Minister for Regional Development, WALGA and other relevant persons to ensure the retention of the Local Component of the Country Local Government Fund.</p>	GARY TUFFIN	

## 9.1 Proposed Waste and Operation of Waste Disposal Facilities Local Law 2010

Location:	Cunderdin
Applicant:	Administration
Date:	15 September 2010
Author	G Tuffin
Item Approved by:	Chief Executive Officer

### **Disclosure of Interest:**

No disclosure of interest has been tabled.

### **Attachments:**

A copy of the proposed Waste and Operation of Waste Disposal Facilities Local Law 2010 is attached.

### **Proposal:**

To allow:

- (1) the Presiding Person to give notice to the meeting of the intent to make a new Waste and Operation of Waste Disposal Facilities local law 2010;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Waste and Operation of Waste Disposal Facilities local law 2010;
- (3) for the Council to adopt the proposed Waste and Operation of Waste Disposal Facilities local law 2010 for advertising purposes; and
- (4) for advertising of the proposed Waste and Operation of Waste Disposal Facilities local law 2010 for public comment.

### **Background:**

The Shire's existing Health Local Laws 1999, Part 4, Division 2, Disposal of Refuse currently provides for the control of waste within the district.

The *Waste and Resource Recovery Act 2007* was proclaimed during 2008 repealing the relevant provisions of the *Health Act 1911* relating to the control of rubbish and waste. This makes it inappropriate to retain provisions relating to waste in the Health Local Law. Instead it is more appropriate to make a new local law which specifically deals with waste.

The purpose of this report is to allow the Presiding Person to:

- (1) the Presiding Person to give notice to the meeting of the intent to make a new Waste and Operation of Waste Disposal Facilities local law 2010;
- (2) the Presiding Person to give notice of the purpose and effect of the proposed Waste and Operation of Waste Disposal Facilities local law 2010;
- (3) for the Council to adopt the proposed Waste and Operation of Waste Disposal Facilities local law 2010 for advertising purposes; and
- (4) for advertising of the proposed Waste and Operation of Waste Disposal Facilities local law 2010 for public comment.

### **Comment:**

The existing provisions relating to waste and rubbish contained within the Health Local Laws 1999, (which have served the Shire well), form the basis of the proposed local law.

The proposed Waste and Operation of Waste Disposal Facilities Local Law 2010 is set out in the attachment to this report.

There are no National Competition Policy Competitive Neutrality issues as the provisions reflect those currently contained within the Health Local Law.

In making a new local law, the Shire must comply with the provisions of section 3.12 of the Act. The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Waste and Operation of Waste Disposal Facilities local law 2010 is to provide for the regulation, control, management and removal of domestic and commercial waste from premises, and regulate the conduct on, and use of, Waste Disposal Facilities, within the district.

The effect of the proposed Waste and Operation of Waste Disposal Facilities local law 2010 is to establish obligations that owners and occupiers of premises must observe relating to the storage, cleanliness, maintenance and placement of waste receptacles and containers, and the obligations they must observe when using a waste facility.

**Consultation:**

As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Waste and Operation of Waste Disposal Facilities Local Law, (gazettal copy), and the National Competition Policy review must be sent to the relevant Minister for comment.

**Policy Implications:**

There are no policy implications for this item.

**Statutory Environment:**

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Waste Avoidance and Resource Recovery Act 2007.

**Strategic Implications:**

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

### **Resolution 9.1**

That Council:

- (1) adopt the proposed Shire of Cunderdin Waste and Operation of Waste Disposal Facilities Local Law 2010, as contained in the Attachment for advertising purposes;
- (2) pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Cunderdin Waste and Operation of Waste Disposal Facilities Local Law 2010, as contained in the Attachment:
  - (a) the purpose of which is to provide for the regulation, control, management and removal of domestic and commercial waste from premises, and regulate the conduct on, and use of, Waste Disposal Facilities, within the district ; and
  - (b) the effect is to establish obligations that owners and occupiers of premises must observe relating to the storage, cleanliness, maintenance and placement of waste receptacles and containers, and the obligations they must observe when using a waste facility.

Moved      Cr Todd Harris

Seconded Cr Graham Cooper

Vote – **Simple Majority**

Carried 8/0

# **SHIRE OF CUNDERDIN**

## **WASTE AND OPERATION OF WASTE DISPOSAL FACILITIES LOCAL LAW 2010**

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

LOCAL GOVERNMENT ACT 1995

*Shire of Cunderdin*

WASTE AND OPERATION OF WASTE DISPOSAL FACILITIES LOCAL LAW 2010

ARRANGEMENT

<b>PART 1—PRELIMINARY .....</b>	<b>3</b>
1.1. CITATION .....	3
1.2. COMMENCEMENT.....	3
1.3. APPLICATION .....	3
1.4. DEFINITIONS.....	3
<b>PART 2—WASTE SERVICES .....</b>	<b>4</b>
2.1. PROVISION OF WASTE SERVICE .....	4
2.2. OBLIGATIONS OF THE OWNER OR OCCUPIER .....	4
2.3. RECEPTACLES.....	5
2.4. EXEMPTION .....	5
2.5. USE OF RECEPTACLES.....	5
2.6. OWNERSHIP OF RECEPTACLES.....	6
2.7. DAMAGE TO RECEPTACLES.....	6
2.8. USE OF OTHER CONTAINERS .....	7
2.9. SUITABLE ENCLOSURE .....	7
2.10. BUILDING CONSTRUCTION .....	8
2.11. DEPOSIT OF WASTE.....	8
2.12. REMOVAL FROM WASTE FACILITY.....	8
2.13. REMOVAL OF WASTE FROM PREMISES OR RECEPTACLE .....	9
2.14. BURNING WASTE.....	9
2.15. WASTE REMOVAL VEHICLES.....	10
2.16. METHOD OF REMOVAL OF WASTE.....	10
<b>PART 3—OPERATION OF WASTE DISPOSAL FACILITIES .....</b>	<b>10</b>
3.1. DEFINITIONS.....	10
3.2. APPLICATION .....	10
3.3. VEHICLE SPEED LIMITS .....	10
3.4. AUTHORISED PERSON TO BE OBEYED .....	10
3.5. PERSONS MAY BE DIRECTED TO LEAVE FACILITY .....	10
3.6. PERSON TO COMPLY WITH SIGNS AND DIRECTIONS .....	11
3.7. REMOVAL OF WASTE.....	11
3.8. LIABILITY FOR DAMAGE TO LOCAL GOVERNMENT PROPERTY .....	11
3.9. LIGHTING OF FIRES.....	11
3.10. REMOVING OR DAMAGING ANY FLORA.....	11
3.11. TAKING OR INJURING ANY FAUNA .....	11
3.12. FACILITY OPENING HOURS.....	11
3.13. ADMISSION AND WASTE DISPOSAL FEES.....	11
3.14. DUMPING OF SEWAGE, TOXIC, POISONOUS OR PROHIBITED WASTE .....	11
3.15. DUMPING OF TYRES .....	11
<b>PART 4 - OFFENCES AND PENALTIES.....</b>	<b>12</b>
4.1. GENERAL .....	12

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

LOCAL GOVERNMENT ACT 1995

*Shire of Cunderdin*

WASTE AND OPERATION OF WASTE DISPOSAL FACILITIES LOCAL LAW 2010

Under the powers conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Cunderdin resolved on the [Insert adoption resolution date here] to make the following local law.

PART 1—PRELIMINARY

**1.1. Citation**

This local law may be cited as the *Shire of Cunderdin Waste and Operation of Waste Disposal Facilities Local Law 2010*.

**1.2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Definitions**

In this local law unless the context otherwise requires—

“**Act**” means the *Waste Avoidance and Resource Recovery Act 2007*;

“**authorised person**” means a person authorised by the local government to carry out duties and functions at or in respect of the facility;

“**CEO**” means the Chief Executive Officer of the Shire of Cunderdin;

“**collection day**” means the day of the week on which waste is collected and removed by the local government or its contractor;

“**collection time**” where used in connection with any premises, means the time of the day on which waste is collected and removed from the premises by the local government or its contractor;

“**district**” means the district of the local government;

“**EHO**” means the local government’s Environmental Health Officer;

“**facility**” means the property and buildings at the Cunderdin Waste Disposal Facility, the Meckering Waste Disposal Facility and any other Shire operated Waste Disposal Facility used for the disposal, treatment and recycling of waste material;

“**local government**” means the Shire of Cunderdin;

“**Local Government Act**” means the *Local Government Act 1995*;

“**occupier**” where used in relation to land, has the meaning given in section 1.4 of the *Local Government Act 1995*;

“**owner**”, in relation to premises comprised of or on land, has the meaning given in section 1.4 of the *Local Government Act 1995*;



“**public place**” includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

“**receptacle**” where used in connection with any premises means—

- (a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or
- (b) a container provided by the local government or its contractor for the deposit, collection and recycling of specific materials; and supplied to the premises by the local government or its contractor;

“**regulations**” means the Waste Avoidance and Resource Recovery Regulations 2008;

“**street**” has the same meaning as in the Local Government Act 1995;

“**street alignment**” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed;

“**waste**” includes matter—

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment;
- (b) prescribed by the regulations to be waste;

“**waste facility**” means premises used for the storage, treatment, processing, sorting, recycling or disposal of waste; and

“**waste service**” means—

- (a) the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or
- (b) the provision of receptacles for the temporary deposit of waste; or
- (c) the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.

## **PART 2—WASTE SERVICES**

### **2.1. Provision of Waste Service**

The local government shall undertake or contract for the efficient execution of a waste service in those parts of the district to which this local law applies.

### **2.2. Obligations of the Owner or Occupier**

- (1) Owners or occupiers shall—
  - (a) not remove any waste from the premises other than in accordance with this local law;
  - (b) pay to the local government the annual waste collection rate imposed under section 66 of the Act;
  - (c) pay to the local government the annual receptacle charge made in lieu of, or in addition to the annual waste collection rate, under section 67 of the Act.
- (2) The local government may in writing authorise the occupier of premises within its district to remove or dispose of house and trade waste from or on the premises if—
  - (a) the waste on the premises is not available for removal at regular periods and is of such a nature or quantity as to be unsuitable for removal by the local government or its contractor; or



- (b) there is installed on the premises efficient apparatus for the destruction of the waste and the apparatus is used to dispose of the waste on the premises without causing a nuisance or permitting the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause annoyance to persons.
- (3) Where any waste is removed from the premises under a written authority of a local government, the person removing it shall—
  - (a) dispose of it at the place set apart by the local government for the disposal of waste; and
  - (b) pay to the local government the fee for the disposal as determined by the local government from time to time under sections 6.16 and 6.19 of the *Local Government Act 1995*.

### 2.3. Receptacles

An owner or occupier of premises shall—

- (a) ensure the premises are provided with a receptacle for the depositing of waste and maintain the receptacle in a serviceable condition;
- (b) at all times keep the lid of the receptacle closed except when depositing waste or cleaning the receptacle;
- (c) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
  - (i) behind the street alignment and so as not to be visible from a street or public place; or
  - (ii) in such other position as is approved by the local government;
- (d) on each collection day at or prior to 6.00am place the receptacle out in the street in a position, prescribed by the local government, where it is visible from the carriageway of the street or the right of way, but so that it does not obstruct any thoroughfare, land, footpath, cycleway or other carriageway and positioned with the handle facing away from the kerb line, or placed in such other position as is approved by the local government.

### 2.4. Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.3(c) or (d).
- (2) The local government may grant or refuse, with or without conditions, an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause shall state—
  - (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the local government.
- (4) The local government may rescind the exemption or from time to time vary conditions imposed by it under this clause by giving written notice of the variation to the person to whom the exemption was given.

### 2.5. Use of Receptacles

An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
  - (i) more than 70 kilograms of waste;

- (ii) hot or burning ash;
- (iii) oil, motor spirit or other flammable liquid;
- (iv) liquid paint, solvent or other liquid;
- (v) bricks, concrete, building rubble, asbestos, earth or other like substances;
- (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
- (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
- (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a durable, impervious and leak proof container;
- (ix) cytotoxics, radioactive substances and dangerous chemicals;
- (x) sewage, manure, nightsoil, faeces or urine;
- (xi) any object which is greater in length, width or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed;
- (xii) waste which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container; or
- (xiii) hazardous products including ammunition and flares;
- (b) at all times keep the receptacle in a clean condition;
- (c) whenever directed to do so by an EHO, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (d) take all reasonable steps to prevent—
  - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
  - (ii) the emission of offensive and noxious odours from the receptacle; and
- (e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

## **2.6. Ownership of Receptacles**

- (1) A receptacle supplied by the local government or its contractor, remains the property of the local government or its contractor, as the case may be.
- (2) The owner or occupier of a premises supplied with a receptacle remains responsible for any waste placed or deposited in the receptacle until such time as it has been removed by the local government or its contractor.

## **2.7. Damage to Receptacles**

- (1) Where a receptacle is supplied under section 2.6 a person shall not—
  - (a) damage, destroy or interfere with a receptacle; or
  - (b) except as permitted by this local law or as authorised by the local government, remove a receptacle from any premises.
- (2) If the receptacle of a premises is damaged, defective, lost or stolen, the owner or occupier of the premises shall notify the local government within 7 days after the event.



## **2.8. Use of Other Containers**

- (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or food premises, the local government may authorise waste to be deposited in a container other than a receptacle.
- (2) The owner or occupier of premises who is authorised under this clause to deposit waste in a container shall—
  - (a) unless approved by the local government not deposit or permit to be deposited in the container anything specified in clause 2.5(a) (ii) to (xiii);
  - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from the container;
  - (c) whenever directed by an EHO to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
  - (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the local government;
  - (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
  - (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.
- (3) An owner or occupier shall—
  - (a) ensure that there are a sufficient number of containers provided to contain all waste which accumulates or may accumulate in or from the premises;
  - (b) ensure that each container on the premises—
    - (i) has a close fitting lid;
    - (ii) is constructed of non-absorbent and non-corrosive material; and
    - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of waste;
  - (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
  - (d) place any waste in, and only in, a container marked for that purpose;
  - (e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and
  - (f) ensure that each container is emptied at least weekly or as directed by the EHO.

## **2.9. Suitable Enclosure**

- (1) An owner or occupier of premises—
  - (a) consisting of more than three (3) dwellings; or
  - (b) used for commercial or industrial purposes, or a food premises shall if required by the local government provide a suitable enclosure for the storage and cleaning of receptacles on the premises.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this clause shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this clause, a “suitable enclosure” means an enclosure—
  - (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the local government;

- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the local government;
- (c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
- (d) containing a smooth, non-slip and impervious floor—
  - (i) of not less than 75 millimetres in thickness; and
  - (ii) which is evenly graded to an approved liquid refuse disposal system;
- (e) which is easily accessible to allow for the removal of the receptacles;
- (f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the local government; and
- (g) provided with a tap connected to an adequate supply of water.

#### **2.10. Building Construction**

- (1) During all periods of construction on any building site, the builder shall—
  - (a) when requested by an EHO, provide and maintain on such site a waste disposal bin, being either—
    - (i) a bin of not less than 4 cubic metres in capacity; or
    - (ii) a receptacle or other container approved by the EHO;
  - (b) keep such site free of waste and offensive matter; and
  - (c) maintain the street verge immediately adjacent to such site free of waste or offensive matter.
- (2) On completion of construction, the builder shall immediately clear the site and the adjacent street verge of all waste, waste materials and offensive matter and all waste bins provided by the builder.
- (3) In subclauses (1) and (2), “waste” includes all discarded stones, brick, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter.

#### **2.11. Deposit of Waste**

- (1) A person shall not deposit or cause or permit to be deposited any waste in or on any street or on any land other than a waste facility.
- (2) The driver of a vehicle, upon entering a waste facility, shall present or display a current pass issued by the local government, to the attendant or person in charge of the site and shall not deposit any waste until authorised to do so by that attendant or person in charge.
- (3) A person shall not deposit waste in or on a waste facility except—
  - (a) at such place on the site as may be directed by the person in charge of the facility; or
  - (b) if the person in charge is not in attendance at the facility, as may be directed by a notice erected on the site.

#### **2.12. Removal from Waste Facility**

- (1) A person shall not remove any waste from a waste facility without the written approval of the local government.
- (2) A person who obtains approval from the local government shall comply with any conditions imposed by the local government and set out in the approval.



### **2.13. Removal of Waste from Premises or Receptacle**

- (1) A person shall not remove any waste from premises unless that person is—
  - (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the local government.
- (2) A person shall not, without the approval of the local government or the owner of a receptacle, remove any waste from the receptacle or other container provided for the use of the general public in a public place.
- (3) Where the local government provides—
  - (a) a collection service for recyclable material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that collection;
  - (b) a collection for bulk material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that collection.
- (4) Where additional collection services are provided upon request by the occupier of premises, fees as set by the local government from time to time under sections 6.16 and 6.19 of the *Local Government Act 1995* shall be paid.

### **2.14. Burning Waste**

- (1) A person shall not—
  - (a) without the approval of the local government; and
  - (b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any waste either—
    - (i) in any incinerator; or
    - (ii) on the ground.
- (2) Subject to subclause (3), an approval of the local government is issued subject to the following conditions—
  - (a) the material to be burnt—
    - (i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and
    - (ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government's waste collection service;
  - (b) there is no other appropriate means of disposal;
  - (c) burning shall not take place—
    - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
    - (ii) where there is no current dispersion alert, outside the hours of 10.00am to 6.00pm;
  - (d) an incinerator must meet the standards specified by the local government; and
  - (e) an incinerator unit used for fire must be located—
    - (i) at least 3 metres from a fence, building or inflammable matter; and
    - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to subclause (1) and (2), the local government may grant approval to clear by burning

fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation.

#### **2.15. Waste Removal Vehicles**

A vehicle used by the local government or its contractor for the collection and transport of waste shall—

- (a) be provided with a compartment in which all waste shall be deposited for removal, and of which the interior is constructed from or surfaced with impermeable material; and
- (b) have a cover over the compartment at all times when the vehicle is engaged in the transport of waste.

#### **2.16. Method of Removal of Waste**

A person engaged in the removal of waste from premises shall—

- (a) convey all waste from the receptacles of the occupier of the premises and deposit the waste in the portion of the collection vehicle intended to hold the waste; and
- (b) replace the receptacle in the position it was lifted from.

### **PART 3—OPERATION OF WASTE DISPOSAL FACILITIES**

#### **3.1 Definitions**

In this Part unless the context otherwise requires—

“Act” means the *Local Government Act 1995*;

“authorised person” means a person authorised by the local government to carry out duties and functions at or in respect of the facility;

“fauna” and “flora” have the meaning given to them in Section 6 of the *Wildlife Conservation Act 1950*.

“sewage” means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;

“toxic, poisonous or prohibited waste” means and includes all items listed under Schedule 1 of the *Environmental Protection (Controlled Waste) Regulations 2004*; and

“Waste” means all manner of material discarded as being no longer required by the person owning or in possession of that material.

#### **3.2 Application**

All persons using or entering upon a facility shall be subject to the provisions of this local law.

#### **3.3 Vehicle Speed Limits**

The drivers of all vehicles entering a facility shall observe the speed limits as depicted on standard signs erected in proximity to the access roadways.

#### **3.4 Authorised person to be obeyed**

All persons using or entering a facility shall act in accordance with any lawful instruction given by an authorised person.

#### **3.5 Persons may be directed to leave facility**

In the event of a person contravening any clause of this local law or failing to obey the instructions of an authorised person then, and in addition to any penalty imposed by this local law, an authorised



person may request the person to leave the facility and failure to do so shall constitute a contravention of this local law.

### **3.6 Person to comply with signs and directions**

No person shall place or dispose of waste at a facility other than at a place designated by notice or by an instruction of an authorised person under clause 3.4.

### **3.7 Removal of Waste**

No person shall remove or carry away from a facility any waste unless authorised to do so by an authorised person.

### **3.8 Liability for damage to local Government Property**

No person shall damage, deface or otherwise cause a loss in value in any building, sign, plant and equipment of the local government situated on a facility.

### **3.9 Lighting of Fires**

No person shall light any fire within the precincts of a facility unless so authorised by an authorised person for purposes of protection or lessening of a fire hazard.

### **3.10 Removing or Damaging any Flora**

No person shall dig up, remove or otherwise damage native flora and growth at a facility unless so authorised by an authorised person.

### **3.11 Taking or injuring any fauna**

No person shall trap, chase, worry or otherwise injure or maim any native fauna at a facility unless so authorised by an authorised person.

### **3.12 Facility Opening Hours**

The local government may from time to time set and amend the hours of operation of a facility and such hours will be displayed for public information.

### **3.13 Admission and Waste Disposal Fees**

- (1) The local government may, under and in accordance with sections 6.16 to 6.19 of the Act, from time to time set and amend a scale of fees and charges payable for admission to dispose of or dump waste at a facility and such scale may specify classes and differing classes to which differing fees and charges shall apply.
- (2) No person shall enter a facility to dispose of or dump waste without paying the appropriate admission fee or charge except in those circumstances where so authorised by the local government.
- (3) It shall be an offence for any person to enter upon a facility and dump any sewage or waste without paying the appropriate charge.

### **3.14 Dumping of Sewage, Toxic, Poisonous or Prohibited Waste**

No person shall dispose of or dump at a facility any sewage, toxic, poisonous or prohibited waste that does not comply with the facility operating licence or registration.

### **3.15 Dumping of Tyres**

No person shall dispose of or dump at a facility tyres of any kind, except for the purpose of recycling.

#### PART 4 - OFFENCES AND PENALTIES

##### 4.1 General

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a maximum penalty of \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

-----

Dated: [date].

The Common Seal of the Shire of Cunderdin was affixed by authority of a resolution of the Council in the presence of—

R CARTER, Shire President

G TUFFIN, Chief Executive Officer.

Consented to—

KEIRAN McNAMARA, Director General, Department of Environment and Conservation.

Dated [date].

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## 9.2 Proposed Repeal Local Law 2010

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> September 2010
Author	G Tuffin
Item Approved by:	Chief Executive Officer

### **Disclosure of Interest:**

No disclosure of interest has been tabled.

### **Attachments:**

A copy of the proposed Repeal Local Law 2010 is attached.

### **Proposal:**

To allow:

- (5) the Presiding Person to give notice to the meeting of the intent to make a new Repeal local law 2010;
- (6) the Presiding Person to give notice of the purpose and effect of the proposed Repeal local law 2010;
- (7) for the Council to adopt the proposed Repeal local law 2010 for advertising purposes; and
- (8) for advertising of the proposed Repeal local law 2010 for public comment.

### **Background:**

The Shire of Cunderdin has identified the following local laws for repeal –

- Standing Orders local law adopted in 2001, and published in the *Government Gazette* on 26 March 2002. This local law does not provide for the manner in which the Council wishes to conduct its meetings. This is recognised through the fact that the Council suspends Standing Orders at the commencement of each Council meeting;
- Pest Plants local law adopted in 1981, and published in the *Government Gazette* on 6 November 1981. This local law has been identified as being defunct.

### **Comment:**

In making a new local law, the Shire must comply with the provisions of section 3.12 of the Act. The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Repeal local law 2010 is to provide for the repeal of local laws that are defunct.

The effect of the proposed Repeal local law 2010 is more efficient and effective local government by removing defunct local laws from the public record.

### **Consultation:**

As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Repeal Local Law, (gazettal copy), and the National Competition Policy review must be sent to the relevant Minister for comment.

**Policy Implications:**

There are no policy implications for this item.

**Statutory Environment:**

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

**Strategic Implications:**

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

**Resolution 9.2**

That Council:

- (3) adopt the proposed Shire of Cunderdin Repeal Local Law 2010, as contained in the Attachment for advertising purposes;
- (4) pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Cunderdin Repeal Local Law 2010, as contained in the Attachment:
  - (a) the purpose of which is to provide for the repeal of defunct local laws; and
  - (b) the effect being more efficient and effective local government by removing defunct local laws from the public record.

Moved Cr Dennis Whisson

Seconded Cr Graham Cooper

Vote – **Simple Majority**

Carried 8/0

**LOCAL GOVERNMENT ACT 1995**  
*Shire of Cunderdin*  
**REPEAL LOCAL LAW 2010**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Cunderdin resolved on **[Insert Adoption Resolution date here]** to adopt the following local law.

**1 Citation**

This local law is cited as the *Shire of Cunderdin Repeal Local Law 2010*.

**2 Operation**

This local law comes into operation fourteen days after the date of its publication in the *Government Gazette*.

**3 Repeal**

The following Local Laws are hereby repealed—

- (a) Pest Plants, as published in the *Government Gazette* on 6 November 1981;
- (b) Standing Orders Local Law 2001 as published in the *Government Gazette* on 26 March 2002.

Dated: **[date]**.

The Common Seal of the Shire of Cunderdin was affixed by authority of a resolution of the Council in the presence of —

R CARTER, President.

G TUFFIN, Chief Executive Officer.

### 9.3 Annual Performance Review

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> September 2010
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Proposal**

To consider the annual performance review and remuneration package of the Chief Executive Officer.

#### **Attachments:**

Salary & Allowances Tribunal Report under section 7A of the Salaries and Allowance Act 1975, Local Government Chief Executive Officers.

#### **Background:**

Ordinary Council meeting held 15th June 2006  
Ordinary Council meeting held 20<sup>th</sup> September 2007  
Ordinary Council meeting held 18 September 2008  
Ordinary Council meeting 17<sup>th</sup> September 2009

Commencement date: 4th September 2006.

#### **Comment:**

##### **Review**

The Local Government Act 5.38 and the Chief Executive Officer's contract require that an annual review be undertaken of his performance in accordance with section 7.

A CEO performance review survey was sent to all Councillors via email on the 6<sup>th</sup> September 2010 for their completion.

The following assessment criteria have been nominated by Council in the CEO's contract. The CEO prepared and circulated a CEO Performance Review survey form to all Councillors based on these criteria.

#### **7.2 Key Result Areas (KRA)**

*Key Result Areas and associated strategies and actions will be varied by agreement between the employee and employer annually, during the term of the contract. Upon the commencement of employment these Key Result Areas will reflect:*

##### **KRA 1: Leadership**

- 1.1 *The CEO leads by example*
- 1.2 *High standards of ethical behaviours are displayed*
- 1.3 *Competent subordinates are employed and developed*
- 1.4 *The creative ideas of employees are encouraged and developed*

##### **KRA 2: Working with Council**

- 2.1 *The CEO contributes constructively to the Council meeting process.*
- 2.2 *The decisions of Council are implemented in accordance with Council directions*
- 2.3 *Councillors have an appropriate level of access to the CEO*
- 2.4 *The concerns of Councillors effectively and professionally managed*
- 2.5 *Council is provided with appropriate information and advice on relevant statutory requirements.*

##### **KRA 3: Working with External Groups**

- 3.1 *The organization reflects a customer service oriented modus operandi*

- 3.2 The community is provided with relevant and timely information and access regarding Council policies, procedures and decisions.
- 3.3 Effective working relationships with the media exist.
- 3.4 Effective working relationships with State and Federal Government agencies exist.
- 3.5 Effective working relationships with the public exist.

**KRA 4: Financial Management**

- 4.1 The Shire's annual budget is prepared, issued and monitored in accordance with Council needs and statutory requirements
- 4.2 Longer term financial forecasting occurs and assists with Council's planning processes.

**KRA 5: Organisation Management**

- 5.1 Organisational arrangements are in place so as to ensure the Council programmes and statutory requirements are achieved.
- 5.2 The Shire's strategic plan is effectively communicated and implemented by the organization.
- 5.3 Senior managers are appropriately delegated and empowered to achieve their functional objectives to the satisfaction of their customers.
- 5.4 Corporate planning allow the achievement of operational objectives.

**KRA 6: Undertake and Complete Significant Projects**

- 6.1 Residential and industrial sub-division projects.
- 6.2 Ongoing Road building and maintenance.

**Policy Implications**

There are no policy implications in considering this item.

**Financial Implications**

A provision for a 5% increase in staff wages was made in the 2010/11 Budget.

Recommended salary range for Cunderdin \$121,979 - \$165,700 – refer below

**Statutory Environment:**

Section 5.38 of the Act states;

**5.38. Annual review of certain employees' performances**

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

**Recommendation 9.3**

The performance of the Chief Executive Officer for the 2009/2010 Financial Year, was considered satisfactory in meeting the 6 Key Result Areas (KRA).

That the CEO's salary be increased by \_\_\_\_%

Moved Cr \_\_\_\_\_ Seconded Cr \_\_\_\_\_

Vote - Simple majority Carried/Lost \_\_\_\_/\_\_\_\_

**Note:**

Item referred to the Audit Committee – to be considered at the October Ordinary Meeting of Council.

## **Recommendation Report: Local Government CEOs - 2010 June 25th**

### **SALARIES AND ALLOWANCES TRIBUNAL**

#### **REPORT UNDER SECTION 7A OF THE SALARIES AND ALLOWANCES ACT 1975**

#### **LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS**

In accordance with Section 7A of the *Salaries and Allowances Act 1975* ("the Act"), the Salaries and Allowances Tribunal is required to "inquire into and make a report containing recommendations as to the remuneration to be paid or provided to Chief Executive Officers (CEOs) of local governments."

For the Tribunal to meet its obligation under Section 7A of the Act, it must ensure that not more than one year elapses between one report and the next.

#### **BACKGROUND**

The Tribunal last issued its report on the remuneration of local government CEOs on 26 June 2009.

The recommendations are made for the purpose specified in section 5.39(7) of the *Local Government Act 1995*, that is, "to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO".

The present determination is being made at a time when the Western Australian Government is implementing a local government reform agenda that includes voluntary amalgamations and resource sharing arrangements between local governments. Advice received by the Tribunal indicates that any new amalgamations and resource sharing arrangements will become evident in the middle of 2011 and beyond. Consequently, the outcomes of the local government reform process will be taken into account in future reports of the Tribunal.

#### **CURRENT ENQUIRY**

In discharging the responsibilities given to it by the Parliament, the Tribunal has in the context of its current enquiry adopted the following approach. The Tribunal has:

- advertised for public submissions;
- written to local governments and regional councils inviting submissions about their CEO positions;
- surveyed local government CEOs in respect of current remuneration packages;
- collected population, expenditure and staff employment data on local governments;
- interviewed a number of CEOs to clarify changes in responsibilities;
- considered relevant labour market and economic data; and
- sought advice from its Statutory Adviser.

#### **Public Submissions**

An advertisement calling for public submissions to the Tribunal's enquiry was placed in *The West Australian* newspaper on Monday, 16 April 2010 with a closing date of 14 May 2010.

Two individual submissions were received, one from a member of the public and one from an elected councillor, both of whom advocated a freeze on the salaries of local government CEOs.

#### **Invitations to Local Governments and Regional Councils**

On 6 May 2010, the Tribunal wrote by email to all Mayors, Presidents and Chairpersons of local governments and regional councils inviting submissions related to particular issues and characteristics relevant to the remuneration paid to their chief executive officers. The closing date for submissions was Friday, 26 May 2010.



In making submissions, local governments were provided with a template submission format to ensure that the Tribunal was able to capture data on a broad range of significant issues including:

- Major growth and development;
- Significant social and economic issues;
- Significant demand to service and support non-resident needs;
- High impact environmental management issues and responsibilities;
- Greater diversity of services delivered than normally provided by similar sized local governments;
- Recruitment issues; and
- Other distinguishing features.

A submission from the Local Government Managers Australia (LGMA) WA Division Inc was received. The submission was generally critical of the criteria used by the Tribunal's questionnaire sent to local government CEOs and offered their opinions on each of the criteria. LGMA was also critical of the Tribunal's 2009 decision to "freeze" the salaries of local government CEOs and recommended an appropriate increase in 2010 recognising that the increase is for a two year period.

Twelve submissions were received from local governments, namely the:

- City of Armadale;
- Town of Claremont;
- Shire of Collie;
- Shire of Harvey;
- City of Joondalup;
- City of Kalgoorlie-Boulder;
- Town of Kwinana;
- City of Melville;
- Town of Port Hedland;
- Shire of Roebourne;
- Town of Vincent; and
- Shire of Westonia.

### **Remuneration Survey**

To assist the Tribunal, the Department of Local Government (DLG) conducted a survey of current remuneration or "total reward packages" provided to all local government CEOs. The 2010 survey included the remuneration paid to regional local government CEOs.

### **Local Government Population, Expenditure and Staff Levels**

The Tribunal has requested and received the following data from the DLG:

- Population as at 31 March 2010 (*ABS Catalogue 3218.0*);
- Total FTEs 2008/09;
- Operating Expenditure 2008/09;
- 3 year averaged capital expenditure (2006/07 to 2008/09); and
- Annual average population growth 2000 to 2009.

### **Labour Market and Economic Data**

Relevant labour market and economic data were sought from a variety of sources. These included the Wage Price Index, Average Weekly Earnings, the Consumer Price Index and Total Employment Growth. Economic forecasts at a State level were also considered.

### **Advice from Statutory Advisor**

The Tribunal sought advice from its statutory advisor, Ms Jennifer Mathews, Director General, DLG, who has been appointed by the Premier in accordance with section 10(4)(c) of the Act to assist the Tribunal in its enquiries as they relate to the remuneration of local government CEOs.

Ms Mathews provided advice on a range of matters including current issues affecting local governments, changes to local government areas or positions and progress on amalgamations in the context of the Government's reform process.

## **CONSIDERATIONS**

In the context of its current enquiry, the Tribunal considered all CEO positions in local governments and regional councils, all submissions, work value assessments on the roles of regional local government CEOs, advice from the Tribunal's Statutory Adviser, data on the labour market and the economy, and remuneration structures for other classes of senior public sector offices.

### **Band Allocation Model**

The model applied by the Tribunal in recommending remuneration bands was renewed with fresh data related to the key parameters of population, expenditure and numbers of staff employed. The Tribunal also sought data in relation to its market position to assist in refining its remuneration band model.

### **Submissions**

Of the 13 written submissions received from local governments, 11 sought increases in their CEO's remuneration band allocation while the remaining 2 sought no change.

The Tribunal took into account the submission from the LGMA regarding the adequacy of the criteria used by the Tribunal in calling for submissions. The criteria were designed to elicit information about the social, environmental and economic factors facing local governments and their impact on the roles of the CEOs. A review of submissions made to the Tribunal using the criteria indicated that each of the local governments was able to adapt them to their own needs and describe the varying issues applying to their particular circumstances. The Tribunal found the quality of submissions was generally of a high standard and appreciated the contributions made by local governments to the inquiry.

### **Local Governments**

On the basis of the data collected by the Tribunal and information provided in submissions, the Tribunal identified those local governments with the potential to be allocated to a different remuneration band from their existing band allocation. Further analysis was undertaken and advice was considered in respect of these local governments.

The Tribunal determined that adjustments would be made to the recommended remuneration bands for 13 local governments characterised principally by sustained expenditure growth, increasing population and significant infrastructure development.

### **Regional Local Governments**

There are currently 11 regional local governments constituted under the *Local Government Act*:

- Bunbury- Harvey Regional Council;
- Eastern Metropolitan Regional Council;
- Mid West Regional Council (formerly Wildflower Country Regional Council);
- Mindarie Regional Council;
- Murchison Regional Vermin Council;
- Pilbara Regional Council;
- Rivers Regional Council (formerly South East Metropolitan Regional Council);
- South Metropolitan Regional Council;
- Tamala Park Regional Council;
- Western Metropolitan Regional Council; and
- Yarra Yarra Catchment Regional Council.

The Tribunal has been informed that the CEOs of the Murchison Regional Vermin Council, Pilbara Regional Council and the Western Metropolitan Regional Council are not in receipt of



remuneration. Accordingly, the Tribunal has not recommended remuneration bands for these positions.

Some regional local governments employ a part-time CEO, however the Tribunal's recommended remuneration band for these positions is based on a full-time role. It is expected that part-time CEOs would receive a proportion of the remuneration reflected in the recommended band.

Using the work value assessments undertaken by Mercer (Australia) Pty Ltd ('Mercer') in 2009 as a base line and after consideration of a range of other data relating to the scope of the CEO positions, the Tribunal determined that an adjustment would be made to the recommended remuneration band of three regional local government CEOs.

In making recommendations about the remuneration of regional local government CEOs, the Tribunal recognises that the roles of these CEOs tend to be subject to more rapid and marked change than the roles of their counterparts who are CEOs for a single municipality. For example, one regional local government has moved from the planning phase to the development phase for a major urban land development while another is moving from a planning phase to a project management phase on a major facilities construction project. These constitute significant changes to the roles of the CEOs. The Tribunal has recognised such changes and these are reflected in the recommendations in this report. The Tribunal is also conscious that when negotiating CEO contracts, the constituent councils are best placed to determine the specific salary point appropriate for their CEO, taking into account such factors as changing responsibilities, performance, experience and recruitment issues.

### **Labour Market and Economic Considerations**

In June 2009, when the Tribunal issued its report on the remuneration of local government CEOs, the state of the economy was the overriding consideration in determining the salaries of office holders within the Tribunal's jurisdiction. While Australia has fared much better than most western developed economies since June 2009, it is evident that Australia's economic future is not insulated from that of the rest of the world. The volatility of the global economic environment continues with the unfolding European debt crisis.

Economic events have affected and will continue to affect the labour market in Australia. In reviewing the market position for local government CEOs in Western Australia, the Tribunal found that its remuneration bands had fallen behind the market position it took in 2006. One indicator of this is that since the Tribunal's last general adjustment to CEO remuneration bands effective from 1 July 2008, the Wage Price Index for public sector employees in Western Australia for the has increased by 10.4 per cent.

While no general increase in the remuneration of local government CEOs was recommended in 2009, the Tribunal found that approximately 74 per cent of CEOs were awarded a salary package increase by their Councils. Approximately 26 per cent of those CEOs had contracts that included a Consumer Price Index (CPI) based increase. The cumulative increase in the Perth CPI has been 5.6 per cent for the two year period ending 31 March 2010.

In view of these labour market and economic considerations, the Tribunal has determined that there should be an adjustment both to the salary bands themselves and a general increase related to growth in the cost of living.

### **RECOMMENDATIONS**

The Tribunal recommends a general adjustment of 3.5 per cent to the remuneration payable to local government CEOs. This adjustment represents a modest increase in the cost of living and is also reflective of a more promising economic outlook. However, where a CEO's employment contract provides for an automatic indexed adjustment, the 3.5 per cent increase under this adjustment shall not apply.

In addition the Tribunal has adjusted its remuneration band framework for Local Government CEOs in line with the percentile ranking commensurate with the standard adopted by the Tribunal in the past. This maintains the band structure at the 25th percentile of the executive salaries.

These variations are reflected in the following schedule.

After consideration of the relevant information and application of its band allocation model, the Tribunal recommends that the following adjustments to band allocations for local governments be made:

- |                      |                       |
|----------------------|-----------------------|
| • Chittering         | Band 2 to Band 3;     |
| • Exmouth            | Band 2 to Band 3;     |
| • Irwin              | Band 2 to Band 3;     |
| • Waroona            | Band 2 to Band 3;     |
| • Gingin             | Band 3 to Band 4;     |
| • Capel              | Band 4 to Band 5;     |
| • Harvey             | Band 5 to Band 6;     |
| • Kwinana            | Band 6 to Band 7;     |
| • Mundaring          | Band 6 to Band 7;     |
| • Roebourne          | Band 6 to Band 7;     |
| • Vincent            | Band 6 to Band 7;     |
| • Kalgoorlie-Boulder | Band 7 to Band 8; and |
| • Wanneroo           | Band 8 to Band 9.     |

In addition, after consideration of the factors applicable to regional local government CEOs, the Tribunal recommends the following adjustments to band allocations be made:

- |                        |                       |
|------------------------|-----------------------|
| • Rivers               | Band 1 to Band 3;     |
| • Tamala Park          | Band 4 to Band 6; and |
| • Eastern Metropolitan | Band 6 to Band 7.     |

In considering these recommendations, local governments are referred to section 5.39(7) of the *Local Government Act 1995*.

The Tribunal recommends that with effect from 1 July 2010 the Total Reward Package paid or provided to local government and regional local government CEOs be as set out in the attached Schedule.

Signed at Perth this 25th day of June 2010.

W S Coleman AM  
CHAIRMAN

C A Broadbent  
MEMBER

B J Moore  
MEMBER

## **SALARIES AND ALLOWANCES TRIBUNAL SCHEDULE**

### **PART 1 - LOCAL GOVERNMENT TOTAL REWARD PACKAGE**

<b>BAND</b>	<b>TOTAL REWARD PACKAGE</b>	<b>NUMBER OF LOCAL GOVERNMENTS</b>
Band 1	\$109,321 - \$147,871	28
Band 2	\$121,979 - \$165,708	39
Band 3	\$134,638 - \$182,393	23
Band 4	\$144,994 - \$196,777	4
Band 5	\$158,803 - \$214,615	10
Band 6	\$176,065 - \$238,205	9
Band 7	\$195,627 - \$264,672	13
Band 8	\$231,464 - \$288,262	10
Band 9	\$231,875 - \$314,154	3

### **PART 2 - LOCAL GOVERNMENT CLASSIFICATIONS**

<b>LOCAL GOVERNMENT *</b>	<b>BAND</b>	<b>TOTAL REWARD PACKAGE</b>
Albany	7	\$195,627 - \$264,672
Armadale	7	\$195,627 - \$264,672
Ashburton	5	\$158,803 - \$214,615
Augusta-Margaret River	5	\$158,803 - \$214,615
Bassendean	5	\$158,803 - \$214,615
Bayswater	8	\$231,464 - \$288,262
Belmont	7	\$195,627 - \$264,672
Beverley	2	\$121,979 - \$165,708
Boddington	1	\$109,321 - \$147,871



Boyup Brook	2	\$121,979 - \$165,708
Bridgetown-Greenbushes	3	\$134,638 - \$182,393
Brookton	2	\$121,979 - \$165,708
Broome	6	\$176,065 - \$238,205
Broomehill - Tambellup	2	\$121,979 - \$165,708
Bruce Rock	2	\$121,979 - \$165,708
Bunbury	7	\$195,627 - \$264,672
Busselton	7	\$195,627 - \$264,672
Cambridge	7	\$195,627 - \$264,672
Canning	8	\$231,464 - \$288,262
Capel	5	\$158,803 - \$214,615
Carnamah	2	\$121,979 - \$165,708
Carnarvon	5	\$158,803 - \$214,615
Chapman Valley	2	\$121,979 - \$165,708
Chittering	3	\$134,638 - \$182,393
Claremont	4	\$144,994 - \$196,777
Cockburn	8	\$231,464 - \$288,262
Collie	3	\$134,638 - \$182,393
Coolgardie	3	\$134,638 - \$182,393
Coorow	2	\$121,979 - \$165,708
Corrigin	2	\$121,979 - \$165,708
Cottesloe	3	\$134,638 - \$182,393
Cranbrook	2	\$121,979 - \$165,708
Cuballing	1	\$109,321 - \$147,871
Cue	1	\$109,321 - \$147,871
Cunderdin	2	\$121,979 - \$165,708
Dalwallinu	2	\$121,979 - \$165,708
Dandaragan	3	\$134,638 - \$182,393
Dardanup	3	\$134,638 - \$182,393
Denmark	3	\$134,638 - \$182,393
Derby-West Kimberley	6	\$176,065 - \$238,205
Donnybrook-Balingup	3	\$134,638 - \$182,393
Dowerin	1	\$109,321 - \$147,871

#### 9.4 Sealing Tender 1 -2010/11.

Location:	n/a
Applicant:	Administration
Date:	15 <sup>th</sup> September 2010
Author:	G Tuffin
Item Approved by:	Chief Executive Officer

#### **Tabled**

Tender submission – Bitumen Surfacing  
Tender submission - RNR Contractors Pty Ltd  
Tender submission - Boral Resources (WA) Ltd  
Tender submission – Fulton Hogan

#### **Proposal**

*To give consideration to awarding Tender 1-2010/11 - Sealing Works.*

#### **Background**

A notice was placed in the West Australian newspaper on the 14<sup>th</sup> August 2010 inviting tenders for the supply of road sealing services.

#### **Comments**

The following tenders were received by the closing date and time (31<sup>st</sup> August 2010, 12:00 pm);

1. RNR Contractors Pty Ltd
2. Boral Resources (WA) Ltd
3. Fulton Hogan
4. Bitumen Surfacing

In accordance with Regulation 14 (3) the table below provides the results of the tender assessment in relation to the selection criteria as outlined in appendix A of the Tender documentation.

Selection Criteria	Maximum Score	Bitumen Surfacing	Boral	Fulton Hogan	RnR
Methodology	20%	20%	20%	20%	20%
Experience on Similar work	30%	25%	30%	30%	30%
Capacity	30%	25%	30%	30%	30%
Management Systems	20%	20%	20%	20%	20%
	100%	90%	100%	100%	100%

All tenderers are believed to be suitably capable to provide the required works, which has been reflected in the scores above

Bitumen Surfacing whilst they have a reduced capacity in terms of equipment, they represent the best value for money (refer to financial implications below) and were highly recommended by all contacted.

#### **Statutory Environment**

Section 3.57 of the Local Government Act states;

#### ***3.57. Tenders for providing goods or services***

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government (Function & General) regulation 11 states;

### **11. Tenders to be invited for certain contracts**

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.*

### **Consultation**

Shire of Wogan Ballidu – Highly recommended, good professional team  
 Shire of Gnowangerup – Highly recommended.

### **Policy Implications**

Shire of Cunderdin Purchasing policy

### **Financial Implications**

An analysis of the tenders submitted has been prepared on the basis of various application rates, a summary is provided below.

<b><u>BITUMEN SURFACING</u></b>	Approximate Area	Application Rate	<b><u>Rate</u></b> M <sup>2</sup>	Total
Reseal 10mm	35,000	2.3	\$2.70	\$94,500.00
Single Seal 14mm	21,000	1.7	\$2.40	\$50,400.00
				<b>\$144,900.00</b>
<b><u>FULTON HOGAN</u></b>				
Reseal 10mm	35,000	2.3	\$2.95	\$103,250.00
Single Seal 14mm	21,000	1.7	\$2.66	\$55,860.00
				<b>\$159,110.00</b>
Reseal 10mm	35,000	2.3	\$2.95	\$103,250.00
Single Seal 14mm	21,000	1.7	\$2.75	\$57,750.00
				<b>\$161,000.00</b>
<b><u>BORAL ASPHALT (WA)</u></b>				
Reseal 10mm	35,000	2.3	\$3.02	\$105,700.00
Single Seal 14mm	21,000	1.7	\$2.83	\$59,430.00
				<b>\$165,130.00</b>

Provision has been made in the 2010/11 Annual Budget for these works.

### **Strategic Implications**

There are no strategic implications in considering this item.

#### **Recommendations 9.4**

- (a) That the tender submitted by Bitumen Surfacing be accepted.
- (b) That the President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Formal Instrument of Agreement for tender 1 – 20010/11
- (c) That all other tenderers be advised of (a) above

Moved Cr Graham Cooper

Seconded Cr Doug Kelly

Vote – **Simple majority**

Carried 8/0

#### **Resolution s 9.4**

That subject to the Manager of Works & Services agreement as to the ability and reputation of Bitumen Surfacing that:

- (a) the tender submitted by Bitumen Surfacing be accepted.
- (b) the President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Formal Instrument of Agreement for tender 1 – 20010/11
- (c) all other tenderers be advised of (a) above

Moved Cr Graham Cooper

Seconded Cr Doug Kelly

Vote – **Simple majority**

Carried 8/0

## 9.5 Proposed Extractive Industries Local Law 2010

Location:	Cunderdin
Applicant:	Administration
Date:	9 September 2010
Author	G Tuffin
Item Approved by:	Chief Executive Officer

### **Disclosure of Interest:**

No disclosure of interest has been tabled.

### **Attachments:**

A copy of the proposed Extractive Industries Local Law 2010 is attached.

### **Proposal:**

To allow:

- (9) the Presiding Person to give notice to the meeting of the intent to make a new Extractive Industries local law 2010;
- (10) the Presiding Person to give notice of the purpose and effect of the proposed Extractive Industries local law 2010;
- (11) for the Council to adopt the proposed Extractive Industries local law 2010 for advertising purposes; and
- (12) for advertising of the proposed Extractive Industries local law 2010 for public comment.

### **Background:**

As developmental pressures continue to increase on fringe metropolitan local governments, there will be an increasing need to supply raw materials to meet development demands. The demands for raw materials from extractive industries, such as gravel, clay and sand, will inevitably extend into those local governments that adjoin the fringe metropolitan area as these resources become scarce.

Currently the Shire of Cunderdin does not have a local law that regulates extractive industries within the district. To ensure that appropriate regulatory measures are in place preceding potential future demand, it is proposed that the Shire consider making an Extractive Industries local law.

### **Comment:**

The proposed Extractive Industries local law will allow Council to regulate extractive industries through an application and licensing system where conditions can be imposed. The local law will:

1. apply through-out the district;
2. apply to every excavation activity, except where expressly exempted;
3. not apply to the extraction of minerals under the *Mining Act 1978*;
4. not apply to an extractive industry on Crown Land;
5. will not apply to an extractive industry on a lot by an owner or occupier where the material extracted is not sold and used solely on that lot or an adjacent lot owned or occupied by the person carrying out the extractive industry;
6. allow the Shire to grant an authorisation, with conditions, for the carrying out of an extractive industry where the extraction is carried out solely for the benefit of a local community or sporting organisation.

There are no National Competition Policy Competitive Neutrality issues related to this proposed local law as it is based predominantly on the WALGA model, and incorporates recent modifications made by other local governments and those identified by the SEAVROC member Councils.



In making a new local law, the Shire must comply with the provisions of section 3.12 of the Act. The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Extractive Industries local law 2010 is to establish requirements and conditions with which extractive industry proposals, within the district, must comply with.

The effect of the proposed Extractive Industries local law 2010 is to provide for the regulation, control and management of extractive industry proposals.

**Consultation:**

As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Extractive Industries Local Law, (gazettal copy), and the National Competition Policy review must be sent to the relevant Minister for comment.

**Policy Implications:**

There are no policy implications for this item.

**Statutory Environment:**

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

**Strategic Implications:**

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

**Resolution 9.5**

That Council:

- (5) adopt the proposed Shire of Cunderdin Extractive Industries Local Law 2010, as contained in the Attachment for advertising purposes;
- (6) pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Cunderdin Extractive Industries Local Law 2010, as contained in the Attachment:
  - (a) the purpose of which is to establish requirements and conditions with which extractive industry proposals, within the district, must comply with; and
  - (b) the effect is to provide for the regulation, control and management of extractive industry proposals.

Moved Cr Graham Cooper

Seconded Cr Dennis Whisson

Vote – **Simple Majority**

Carried 8/0

# **Local Government Act 1995**

## **SHIRE OF CUNDERDIN**

### **PROPOSED EXTRACTIVE INDUSTRIES LOCAL LAW 2010**

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## TABLE OF CONTENTS

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<b>PART 1 - PRELIMINARY.....</b>	<b>3</b>
1.1 CITATION.....	3
1.2 COMMENCEMENT.....	3
1.3 CONTENT AND INTENT.....	3
1.4 DEFINITIONS.....	3
1.5 APPLICATION.....	3
1.6 REPEAL.....	4
<b>PART 2 - LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY .....</b>	<b>4</b>
2.1 EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE.....	4
2.2 APPLICANT TO ADVERTISE PROPOSAL .....	4
2.3 APPLICATION FOR LICENCE .....	5
<b>PART 3 - DETERMINATION OF APPLICATION .....</b>	<b>7</b>
3.1 DETERMINATION OF APPLICATION .....	7
3.2 PAYMENT OF ANNUAL LICENCE FEE.....	9
<b>PART 4 - TRANSFER, CANCELLATION AND RENEWAL OF LICENCE.....</b>	<b>9</b>
4.1 TRANSFER OF LICENCE.....	9
4.2 CANCELLATION OF LICENCE .....	9
4.3 RENEWAL OF LICENCE .....	10
<b>PART 5 - SECURED SUM AND APPLICATION THEREOF .....</b>	<b>10</b>
5.1 SECURITY FOR RESTORATION AND REINSTATEMENT .....	10
5.2 USE BY THE LOCAL GOVERNMENT OF SECURED SUM.....	10
<b>PART 6 – LIMITATIONS, OBLIGATIONS OF THE LICENSEE AND PROHIBITIONS.....</b>	<b>11</b>
6.1 LIMITS ON EXCAVATION NEAR BOUNDARY.....	11
6.3 BLASTING.....	11
6.4 OBLIGATIONS OF THE LICENSEE .....	12
<b>PART 7 - MISCELLANEOUS PROVISIONS .....</b>	<b>13</b>
7.1 PUBLIC LIABILITY .....	13
7.2 MINES SAFETY AND INSPECTION ACT AND ENVIRONMENTAL PROTECTION ACT .....	13
7.3 NOTICE OF CESSATION OF OPERATIONS .....	13
7.4 WORKS TO BE CARRIED OUT ON CESSATION OF OPERATIONS .....	13
<b>PART 8 - OBJECTIONS &amp; APPEALS.....</b>	<b>14</b>
8.1 OBJECTIONS & APPEALS.....	14
<b>PART 9 – MODIFIED PENALTIES .....</b>	<b>14</b>
9.1 GENERAL .....	14
9.2 MODIFIED PENALTIES .....	14
<b>SCHEDULE .....</b>	<b>15</b>

**LOCAL GOVERNMENT ACT 1995**

Shire of Cunderdin

**EXTRACTIVE INDUSTRIES LOCAL LAW 2010**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Cunderdin resolved on [insert adoption resolution date here] to adopt the following local law.

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law is cited as the *Shire of Cunderdin Extractive Industries Local law 2010*.

**1.2 Commencement**

This local law comes into operation fourteen days after the date of its publication in the *Government Gazette*.

**1.3 Content and Intent**

This local law provides for the regulation, control and management of extractive industries within the district.

**1.4 Definitions**

In this local law, unless the context otherwise requires –

“Act” means the *Local Government Act 1995*;

“carry on an extractive industry” means quarrying and excavating for stone, gravel, sand, and other material;

“CEO” means the Chief Executive Officer of the local government;

“district” means the district of the local government;

“excavation” includes quarry;

“land”, unless the context otherwise requires, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates;

“licence” means a licence issued under this local law;

“licensee” means the person named in the licence as the licensee;

“local government” means the Shire of Cunderdin;

“occupier” has the meaning given to it in the Act;

“owner” has the meaning given to it in the Act;

“person” does not include the local government;

“secured sum” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 5.1;

“site” means the land specified by the local government in a licence.

**1.5 Application**

(1) The provisions of this local law –

(a) subject to paragraphs (b), (c), (d) and (e);

(i) apply and have force and effect throughout the whole of the district; and



- (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;
  - (b) do not apply to the extraction of minerals under the *Mining Act 1978*;
  - (c) do not apply to the carrying on of an extractive industry on Crown land;
  - (d) do not apply to the carrying out of an extractive industry on a lot by the owner or occupier of that lot where the material extracted is not sold and is used solely on that lot or on an adjacent lot owned or occupied by the person carrying out the extractive industry; and
  - (e) do not affect the validity of any licence issued under the local law repealed by clause 1.3 of this local law if that licence is currently in force at the date of gazettal of this local law.
- (1) Notwithstanding any other provision, the local government may waive any requirement or provision of this Local Law (including a requirement to hold a valid licence), where the local government is satisfied on receiving a written application for an exemption under this clause that the extractive industry is to be carried out solely for the benefit of a local community or sporting organisation (whether incorporated or not), provided that where the local government is so satisfied:
- (a) The extractive industry may only be carried out if the local government has authorised it in writing;
  - (b) The local government may impose conditions on the authorisation pursuant to which the extractive industry must operate (including in a case where the CEO otherwise waives the requirement to hold a valid and current licence);
  - (c) The person carrying out the extractive industry must comply with any conditions imposed by the local government on the authorisation;
  - (d) Failure to comply with any condition imposed by the local government is deemed to be an offence pursuant to clause 2.1(b);
  - (e) The local government may from time to time vary or delete and condition previously imposed, and may impose a new condition or conditions; and
  - (f) The local government may at any time determine that the extractive industry authorised pursuant to this clause must cease, provided that the local government must give written notice to the person carrying out the extractive industry which allows a minimum 28 days for the cessation of operations.

## 1.6 Repeal

### PART 2 - LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY

#### 2.1 Extractive Industries Prohibited Without Licence

A person must not carry on an extractive industry –

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

#### 2.2 Applicant To Advertise Proposal

- (1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before applying to the local government for a licence –

- (a) forward by registered mail a notice in the form determined by the local government from time to time to –
  - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government.
  - (ii) every authority or person having control or jurisdiction over any of the things referred to in clause 2.3(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and
- (b) as soon as practicable after complying with the requirements of paragraph (a) –
  - (i) forward a copy of the notice to the CEO; and
  - (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
- (2) The local government may, within 14 days after receiving a copy of a notice referred to in sub-clause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices –
  - (a) in the form determined by the local government from time to time;
  - (b) the content, size and construction of which have been approved by the CEO;
  - (c) specifying particulars of the proposed excavation; and
  - (d) inviting objections or comments within 21 days from the placement of the notice.

### **2.3 Application For Licence**

- (1) Subject to subclause (3), a person seeking the issue of a licence in respect of any land shall apply in the form determined by the local government from time to time and must forward the application duly completed and signed by each of the applicant, the owner of the land and any occupier of the land to the CEO together with –
  - (a) 3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing –
    - (i) where the proposed excavation surface area is:
      - (I) not to exceed 5ha, the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
      - (II) to be greater than 5ha, the existing and proposed land contours based on the Australian Height Datum and plotted at 5 metre contour intervals;
    - (ii) the land on which the excavation site is to be located;
    - (iii) the external surface dimensions of the land;
    - (iv) the location and depth of the existing and proposed excavation of the land;
  - (v) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
  - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
  - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;



- (viii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
  - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
  - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- b) 3 copies of a works and excavation programme containing -
- (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
  - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
  - (iii) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
  - (iv) details of the depth and extent of the existing and proposed excavation of the site;
  - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
  - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
  - (vii) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
  - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
  - (ix) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
  - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
  - (xi) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
  - (xii) a description of the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997;
  - (xiii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
  - (xiv) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and
  - (xv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;
- (c) 3 copies of a rehabilitation and decommissioning programme indicating -
- (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
  - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
  - (iii) the method by which topsoil is to be replaced and revegetated;
  - (iv) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;

- (v) how rehabilitated areas are to be maintained;
  - (vi) the programme for the removal of buildings, plant, waste and final site clean up; and
  - (vii) how any face is to be made safe and batters sloped.
- (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;
- (e) a certificate from a licensed surveyor certifying the correctness of -
- (i) the plan referred to in paragraph (a); and
  - (ii) the datum peg and related point referred to in paragraph (d);
- (f) evidence that the requirements of clause 2.2(1) and (2) have been carried out;
- (g) copies of all land use planning approvals required under any planning legislation;
- (h) the consent in writing to the application from the owner of the excavation site;
- (i) any other information that the local government may reasonably require;
- (j) the licence application fee specified by the local government from time to time;
- (k) copies of any environmental approval required under any environmental legislation; and
- (l) copies of any geotechnical information relating to the excavation site;
- (2) All survey data supplied by an applicant for the purpose of sub clause (1) shall comply with Australian Height Datum and Australian Map Grid standards.
- (3) Where in relation to a proposed excavation –
- (a) the surface area is not to exceed 5000m<sup>2</sup>; and
  - (b) the extracted material is not to exceed 5000m<sup>3</sup>;
- the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d), (e) and (i) of subclause (1).

### **PART 3 - DETERMINATION OF APPLICATION**

#### **3.1 Determination Of Application**

- (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.
- (2) The local government may, in respect of an application for a licence -
- (a) refuse the application; or
  - (b) approve the application -
    - (i) over the whole or part of the land in respect of which the application is made; and
    - (ii) on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for a licence, it shall -
- (a) determine the licence period, not exceeding 21 years from the date of issue; and
  - (b) approve the issue of a licence in the form determined by the local government from time to time.



- (4) Where the local government approves the issue of a licence, the CEO upon receipt by the local government of -
- (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 30<sup>th</sup> June, imposed and determined by the local government from time to time under and in accordance with sections 6.16 to 6.19 of the Act;
  - (b) payment of the secured sum if any, imposed under clause 5.1;
  - (c) the documents, if any, executed to the satisfaction of the CEO, under clause 5.1; and
  - (d) a copy of the public liability insurance policy required under clause 7.1(1) shall issue the licence to the applicant.
- (5) Without limiting subclause (2), the local government may impose conditions in respect of the following matters -
- a) the orientation of the excavation to reduce visibility from other land;
  - b) the appropriate siting of access thoroughfares, buildings and plant;
  - c) the stockpiling of material;
  - d) the approval of the number and size of trucks entering and leaving the site each day and the route or routes to be utilised by those trucks;
  - e) the hours during which any excavation work may be carried out;
  - f) the hours during which any processing plant associated with, or located on, the site may be operated;
  - g) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
  - h) the depths below which a person shall not excavate;
  - i) distances from adjoining land or thoroughfares within which a person must not excavate;
  - j) the safety of persons employed at or visiting the excavation site;
  - k) the control of dust and wind-blown material;
  - l) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
  - m) the prevention of the spread of dieback or other disease;
  - n) the drainage of the excavation site and the disposal of water;
  - o) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
  - p) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
  - q) requiring the licensee to meet all conditions imposed under the development approval issued by the local government in relation to the extractive industry;
  - r) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
  - s) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law;

- t) any other matter for properly regulating the carrying on of an extractive industry; and
- u) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence.

### **3.2 Payment Of Annual Licence Fee**

On or before 30 June in each year, a licensee shall pay to the local government the annual licence fee imposed and determined by the local government from time to time, under and in accordance with sections 6.16 to 6.19 of the Act.

## **PART 4 - TRANSFER, CANCELLATION AND RENEWAL OF LICENCE**

### **4.1 Transfer Of Licence**

- (1) An application for the transfer of a licence shall –
  - a) be made in writing;
  - b) be signed by the licensee and the proposed transferee of the licence;
  - c) be accompanied by the current licence;
  - d) be accompanied by the consent in writing to the transfer from the owner of the excavation site;
  - e) include any information that the local government may reasonably require; and
  - f) be forwarded to the CEO together with the fee determined by the local government from time to time.
- (2) Upon receipt of any application for the transfer of a licence, the local government may –
  - a) refuse the application; or
  - b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence, the local government shall transfer the licence by an endorsement on the licence in the form determined by the local government from time to time, signed by the CEO;
- (4) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

### **4.2 Cancellation Of Licence**

- (1) The local government may cancel a licence where the licensee has –
  - (a) been convicted of an offence against –
    - (i) this local law; or
    - (ii) any other law relating to carrying on an extractive industry; or
  - (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;
  - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;
  - (d) failed to pay the annual licence fee under clause 3.2; or
  - (e) failed to have a current public liability insurance policy under clause 7.1(1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2).
- (2) Where the local government cancels a licence under this clause –



- (a) the local government shall advise the licensee in writing of the cancellation;
- (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
- (c) the local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

#### **4.3 Renewal Of Licence**

- (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal –
  - (a) the fee determined by the local government from time to time;
  - (b) a copy of the current licence;
  - (c) a plan showing the contours of the excavation carried out to the date of that application;
  - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 2.3(1) (b) and (c); and
  - (e) any other things referred to in clauses 2.3 and 3.1.
- (2) The local government may waive any of the requirements specified in clause 4.3 (1) (d) or (e).
- (3) If –
  - (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
  - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,  
then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 2.3 and 3.1.
- (4) Upon receipt of an application for the renewal of a licence, the local government may –
  - (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it sees fit.

### **PART 5 - SECURED SUM AND APPLICATION THEREOF**

#### **5.1 Security For Restoration And Reinstatement**

- (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that –
  - (a) as a condition of a licence; or
  - (b) before the issue of a licence,  
the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government from time to time.
- (2) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.

#### **5.2 Use By The Local Government Of Secured Sum**

- (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either –
  - (a) within the time specified in those conditions; or

- (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions, then; subject to the local government giving the licensee 14 days notice of its intention to do so –
  - (c) the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone; and
  - (d) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 5.1.

## **PART 6 – LIMITATIONS, OBLIGATIONS OF THE LICENSEE AND PROHIBITIONS**

### **6.1 Limits On Excavation Near Boundary**

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within –

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare; or
- (d) 40 metres of any watercourse.

Penalty \$2,000

### **6.2 Prohibitions**

A licensee shall not -

- (a) remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any thoroughfare on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1;
- (b) store, or permit to be stored, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Minerals and Energy; or
- (c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government.

Penalty: \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

### **6.3 Blasting**

- (1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless –
- (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;



- (b) subject to sub-clause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
- (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant local laws of the local government; and
- (d) in compliance with any other conditions imposed by the local government concerning-
  - (i) the time and duration of blasting;
  - (ii) the purposes for which the blasting may be used; and
  - (iii) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.

Penalty: \$5,000.00 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

- (2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or Public Holiday except with the prior approval of the local government.

Penalty \$2,000

#### **6.4 Obligations Of The Licensee**

A licensee shall -

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign -
  - (i) is not more than 200 metres apart;
  - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
  - (iii) bears the words "DANGER EXCAVATIONS KEEP OUT";
- (c) except where the local government approves otherwise, drain and keep drained to the local government's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) otherwise comply with the conditions imposed by the local government in accordance with clause 3.1.

Penalty \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

## **PART 7 - MISCELLANEOUS PROVISIONS**

### **7.1 Public Liability**

- (1) A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.
- (2) The licensee shall provide to the local government a copy of the policy taken out under sub-clause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

### **7.2 Mines Safety and Inspection Act and Environmental Protection Act**

- (1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall –
  - (a) comply with all applicable provisions of that Act or those Acts; and
  - (b) provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.
- (2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

### **7.3 Notice Of Cessation Of Operations**

- (1) Where a licensee intends to cease carrying on an extractive industry –
  - (a) temporarily for a period in excess of 12 months; or
  - (b) permanently,the licensee shall, as well as complying with clause 7.4, give the local government written notice of the cessation not later than 1 week after those operations have ceased.
- (2) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.
- (3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

### **7.4 Works To Be Carried Out On Cessation Of Operations**

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 7.3 –

- a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee;
- b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is –
  - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and



- (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;
  - c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the local government;
  - d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
  - e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
  - f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
  - g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.
- Penalty      \$5,000 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

## **PART 8 - OBJECTIONS & APPEALS**

### **8.1 Objections & Appeals**

When the local government makes a decision as to whether it will -

- a) grant a person a licence under this local law; or
- b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision.

## **PART 9 – MODIFIED PENALTIES**

### **9.1 General**

An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

### **9.2 Modified Penalties**

The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

### **9.3 Forms**

For the purposes of this local law –

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

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**SCHEDULE  
PRESCRIBED OFFENCES**

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1	Carry on extractive Industry without licence or in breach of terms and conditions	500
6.1	Excavate near boundary	250
6.2(a)	Gateways not kept locked where required	350
6.2(b)	Warning signs not erected or maintained as required	350
6.2(c)	Excavation not drained as required	350
6.3(a)	Remove trees or shrubs near boundary without approval	300
6.3(b)	Store without required approval explosives or explosive devices	350
6.3(c)	Fill or excavate in breach of licence	350
6.4(1)(a)	Blasting without approval of the local government	250
6.4(1)(b)	Blasting outside times authorised	350
6.4(1)(d)	Blasting in breach of conditions imposed by the local government	350
6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	250

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Dated this [date]

The Common Seal of the Shire of Cunderdin was affixed by authority of a resolution of the Council in the presence of:

R CARTER, Shire President

G TUFFIN, Chief Executive Officer

## 9.6 Proposed Soaring Centre for Disabled Pilots at Cunderdin Airfield, Cunderdin.

Location:	Cunderdin Airfield
Applicant:	Damien O'Reilly – Soarability
Date:	<b>16.09.2010</b>
Author:	City of Canning as Consultant to Shire of Cunderdin
Item Approved by:	Chief Executive Officer

### **Proposal**

To consider an application for the construction of an aircraft hangar and incidental facilities including; administrative area, kitchen, equipment storage area and toilets to provide opportunities for disabled pilots to participate in soaring activities.

### **Background**

Zoning: Local Scheme Reserve (Aerial Landing Ground)  
Lot Area:

The following report has been prepared in response to the application for development approval lodged with the Shire of Cunderdin. The site is currently used for an aerial landing ground.

An assessment of the application in the context of the current statutory planning framework and a final recommendation regarding the general suitability of the proposed development is provided to assist in the decision making process.

### **Comments**

The application involves the construction of a new hangar structure on a currently vacant section of compacted gravel/hardstand within the Cunderdin Airfield. The hangar is to consist of a steel fabricated structure occupying a footprint of approximately 30m x 35m.

In preliminary discussions with the applicant; the existing section of hardstand was identified as a suitable location for the proposed hangar. The precise location of the hangar is not specified in the application, the applicant has indicated their wish to confirm this at building license stage. As such a condition is recommended that the hangar be setback no less than 4m from any boundary – as is the case with the existing hangar to the North of the subject area.

The hangar will house a workshop for maintenance of the aircraft; with an internal partition demarcating the workshop from the remainder of the hangar.

An area to the rear will be demarcated to provide for a combined open plan kitchen, rest area, administration area and disabled toilet facilities. Toilet facilities are to be built to specifications of the access and facilities for people with disabilities provisions of the Building Code of Australia (BCA2005). There are currently no disabled toilets on the airfield, the applicant has indicated that they are prepared to permit the use of these toilets by the general (disabled) public as and when required. A mezzanine floor is to be located above the administration area for the secure storage of aircraft parts and supplies.

As there is no deep sewerage available to the premises a 'bio leach' septic system utilizing waste water for irrigation is proposed to cater for the development. Given the nature of activities on site it is not anticipated that any more than four disabled persons and a carer will be on the premises at any one time. The standard condition relating to the effluent disposal system complying with Health Department regulations has been imposed.

Due to the low intensity of the proposed use the existing hardstand area is deemed adequate to accommodate parking. A condition requiring marked bays has not been imposed.

The site is a Local Scheme Reserve for the purposes of an aerial landing ground. Clause 3.4 of the Shire of Cunderdin Local Planning Scheme No. 3 (the Scheme) states:

*“3.4.1 A person must not –*

- (a) use a Local Reserve; or*
  - (b) commence or carry out development on a Local Reserve.*
- Without first having obtained planning approval under Part 9 of the Scheme.*

*3.4.2 In determining an application for planning approval the local government is to have due regard to –*

- (a) the matters set out in clause 10.2; and*
- (b) the ultimate purpose intended for the Reserve.”*

The proposal is generally in accordance with clause 10.2 of the Scheme and is in keeping with the ultimate purpose intended for the Reserve. The increase in air traffic will be minimal and due to the nature of gliding that increase is not anticipated to contribute to noise pollution.

Given that the development is in keeping with the ultimate intent of the Reserve, the proposal is considered supportable.

### **Statutory Environment**

Planning and Development Act 2005  
Shire of Cunderdin Town Planning Scheme No. 3

### **Policy Implications**

Nil

### **Public Consultation**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Recommendation 9.6**

That Council approve the application for a hangar and associated administrative area for the purpose of providing services to disabled pilots at Cunderdin Airport, subject to the following conditions:

1. The proposed development is to comply in all respects with the submitted plans approved on 16.09.2010 and stamped accordingly.
2. Application being made for the issue of a building licence. Prior to this application being submitted, plans shall be submitted to FESA and any conditions imposed by that authority shall form part of the building licence application/approval
3. All equipment is to be stored within the hangar itself at all times. No equipment of any sort is to be stored outside of the hangar.
4. Evidence of suitable public liability insurance to be provided in conjunction with the building license.
5. Unisex disabled toilet to be provided in accordance with BCA;
6. The effluent treatment system to be provided is to comply with Health Department regulations (Treatment of Sewage and Disposal of Effluent and Liquid Waste) and approval is to be obtained before installation.
7. No person shall use a commercial hangar site for industrial purposes or for human habitation.
8. The owners of the commercial hangar shall maintain the premises in a neat and tidy manner and ensure the surrounding lease site is kept free of rubbish and disused material.
9. The Hangar is to maintain a minimum setback of 4.0m from all boundaries.
10. That the applicant enter into a lease with Council prior to commencing develop of the proposed hangar and associated facilities.
11. That the lease agreement be prepared by McLeods in conjunction with the CEO on the following terms and conditions:
  - Lease term 20 years
  - Annual lease payment \$5,000.00 adjusted annually in accordance with CPI
12. That the President and CEO be authorised to Sign and affix the Common Seal to the lease agreement.

Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

Vote – **Simple majority**

Carried/Lost \_\_\_\_/\_\_\_\_

### **Resolution 9.6**

That Council approve the application for a hangar and associated administrative area for the purpose of providing services to disabled pilots at Cunderdin Airport, subject to the following conditions:

1. The proposed development is to comply in all respects with the submitted plans approved on 16.09.2010 and stamped accordingly.
2. Application being made for the issue of a building licence. Prior to this application being submitted, plans shall be submitted to FESA and any conditions imposed by that authority shall form part of the building licence application/approval
3. All equipment is to be stored within the hangar itself at all times. No equipment of any sort is to be stored outside of the hangar.
4. Evidence of suitable public liability insurance to be provided in conjunction with the building license.
5. Unisex disabled toilet to be provided in accordance with BCA;
6. The effluent treatment system to be provided is to comply with Health Department regulations (Treatment of Sewage and Disposal of Effluent and Liquid Waste) and approval is to be obtained before installation.
7. No person shall use a commercial hangar site for industrial purposes or for human habitation.
8. The owners of the commercial hangar shall maintain the premises in a neat and tidy manner and ensure the surrounding lease site is kept free of rubbish and disused material.
9. The Hangar is to maintain a minimum setback of 4.0m from all boundaries.
10. That the applicant enter into a lease with Council prior to commencing develop of the proposed hangar and associated facilities.
11. That the lease agreement be prepared by McLeods in conjunction with the CEO on the following terms and conditions:
  - Lease term 25 years
  - Annual lease payment to be negotiated and adjusted annually in accordance with CPI
12. That the President and CEO be authorised to Sign and affix the Common Seal to the lease agreement.

Moved Cr Graham Cooper

Seconded Cr Clive Gibsone

Vote – **Simple majority**

Carried 8/0



## **10.0 Manager of Environmental Services Report**

### **10.1 Manager of Environmental Services report for August 2010 (Late report)**

Location:	Cunderdin
Applicant:	Shire of York
Meeting Date:	15 <sup>th</sup> August 2010
Author:	G Tester
Item Approved by:	Chief Executive Officer

#### **BUILDING REPORT**

##### **Building Approval**

No Building Approval

##### **Building Issues and Complaints**

Ms Ratchada Chiawtada has complained to the Ombudsman relating to her alleged mistreatment by the Shire of Cunderdin.

In Summary, the Ombudsman Investigator has found that the Shire has not acted unreasonably towards Ms Chiawtada.

#### **ENVIRONMENTAL HEALTH REPORT**

##### **Septic Application Approval**

Lot 200 Mitchell Street Meckering

#### **Resolution 10.2**

That Council resolves to accept the report from the Manager of Environmental Services for August 2010.

Moved Cr Graham Cooper                      Seconded Cr Dennis Whisson

Vote - Simple majority                      Carried 8/0

## **11.0 Works Supervisor's Report**

No report

## **12.0 Community Development Officer**

### **12.1 Information Bulletin – CDO Report**

Location:	N/A
Applicant:	N/A
Date:	15 September 2010
Author:	S McQuistan
Item Approved by:	Chief Executive Officer

#### **Proposal**

Council is to receive the Community Development Officers Report for August / September 2010.

#### **Comment**

#### **LGMA Community Development Conference**

- Attended LGMA Community Development Conference

#### **Sport & Recreation**

- Finalised DSR CSRFF Grant Application
- Co-ordinated Council facilities tour to Nungarin, Merredin and Bruce Rock

#### **Emergency Management**

- Attended Annual FESA Bush Fire Forum
- Attended DEC Pollution Response Information Session
- Attended Water Corporation Emergency Exercise Planning Meeting
- Attended 'Introduction to Emergency Management' EMWA course
- Draft Local Emergency Management Arrangements referred to DEMC for approval

#### **Cunderdin Airfield Projects**

- Met with Heritage Consultant Laura Gray RE: Hut Restoration Project

#### **WANTFA**

- Liaise with WANTFA Marketing Manager to assist with Spring Field Day

#### **Rotary**

- Attended Rotary meeting as Guest Speaker

#### **Statutory Implications**

There are no statutory implications in considering this item.

#### **Policy Implications**

There are no policy implications in considering this item.

#### **Financial Implications**

There are no financial implications in considering this item.

#### **Strategic Implications**

Nil

#### **Resolution 12.1**

That Council receive and note report 12.1;

Moved Cr David Beard

Seconded Cr Todd Harris

Vote – Simple majority

Carried 8/0

## 12.2 Total Fire Ban / Policy Amendment

Location:	N/A
Applicant:	N/A
Date:	15 <sup>th</sup> September 2010
Author:	S McQuistan
Item Approved by:	Chief Executive Officer

### Proposal

Council is to receive the Total Fire Ban Report.

### Comment

In December 2009 FESA introduced the 'Total Fire Ban' system that is now included in the Bush Fire Regulations (section 24A & B).

*Total Fire Bans are declared because of extreme weather conditions or when widespread fires are seriously stretching resources.*

*They are declared on days where fires are most likely to threaten lives and property and consider local conditions such as how moist the soil is or the amount of trees and bush in an area that could burn during a fire.*

*When a Total Fire Ban is declared it is illegal to do anything that is likely to start a fire.*

*That means if you live in a shire where a Total Fire Ban is in place you must not:*

- cook outside using an open fire*
- move vehicles or equipment across a paddock*
- harvest*
- undertake 'hot work' such as metal work, grinding or the like unless you have an exemption*

As a result of the introduction of Total Fire Bans, community concern, recent coronial enquiries, the release of the Victorian bush fire recommendations and in an effort to ensure community safety, a review has been undertaken into farming operations including harvesting and movement in paddock during the Fire Danger times.

Total Fire Ban legislation has unintentionally impacted harvest activities and currently has the capacity to continue to do so under the current parameters. FESA has reviewed the Total Fire Ban process in consultation with a number of Local Governments and volunteers and is recommending changes to the current system to ensure more flexible arrangements to minimise disruption to local farming operations, on Total Fire Ban days.

FESA is recommending that Local Governments in the South West Forecast District as described by the Bureau of Meteorology instigate a ban on harvesting and the movement of vehicles in paddocks once an **actual Local GFDI of 35** is reached as determined by the CSIRO-modified McArthur Mk4 Grassland Fire Danger Meter during a Total Fire Ban. This would then exempt harvesting and the movement of vehicles in paddocks from the Total Fire Ban Legislation requirements.

As a result FESA have also advised the following –

1. Harvest and the movement of vehicles in paddocks are to be prescribed as an exempt activity from the Total Fire Ban provisions
2. Harvesting will be an exempt activity which is conditional to the following:
  - Individual Local Governments continue to place harvest and vehicle movement bans at an agreed Grassland Fire Danger Index (GFDI)
  - A fire fighting vehicle will be on site on days where a Total Fire Ban is in place.
3. FESA will consult with Local Governments on an agreed actual local GFDI for the exemption of harvesting and the movement of vehicles in paddocks during a Total Fire Ban.

### **Statutory Implications**

Bush Fires Act (1954)

Division 4 — Total fire ban

#### **22A. Minister may declare total fire ban**

(1) *If the Minister is of the opinion that —*

- (a) *the existing weather conditions in an area of the State are conducive to the outbreak or spread of bush fires; or*
- (b) *such weather conditions in an area of the State are imminent; or*
- (c) *it is otherwise necessary to declare a total fire ban in respect of an area of the State,*

*the Minister may declare a total fire ban in respect of that area.*

- (2) *A declaration of a total fire ban may be made by radio broadcast, television or other electronic means or in another manner that the Minister considers appropriate.*
- (3) *The declaration of a total fire ban is to specify —*
  - (a) *the period during which; and*
  - (b) *the area of the State in respect of which,*
  - (c) *the total fire ban is to have effect, and the total fire ban has effect accordingly.*
- (4) *The Minister may amend or revoke the declaration of a total fire ban by a declaration made in the manner in which the declaration of the total fire ban was made.*

### **Policy Implications**

Council's current Harvest, Vehicle Movement and Hot Works Ban Policy is based on the implementation of a Ban once the GFDI reaches 35, which complies with the FESA recommendation.

It is proposed that the Policy is amended to reference FESA recommendation that during harvesting activities –

*“A fire fighting vehicle will be on site on days where a Total Fire Ban is in place.”*

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

Nil

**Resolution 12.2**

- a) That Council amend the Harvest, Vehicle Movement & Hot Works Ban Policy to comply with FESA Recommendations; and
- b) Council staff are directed to advertise these changes Total Fire Bans and the Harvest, Vehicle Movement & Hot Works Ban Policy in the Bandicoot Paper.

Moved Cr Dennis Whisson

Seconded Cr Dianne Kelly

Vote – Simple majority

Carried 8/0

# FACTSHEET: FIRE DANGER RATING AND WHAT IT MEANS TO YOU

FIRE DANGER RATING	FIRE BEHAVIOUR	IMPACT POTENTIAL	WHAT SHOULD I DO?
<b>Catastrophic</b> <b>FDI 100+</b> <b>Total Fire Bans will be declared</b>	<ul style="list-style-type: none"> <li>Some fires will be unpredictable, difficult to control and move very fast</li> <li>Flames will be higher than roof tops</li> <li>Thousands of embers will be blown around your home causing other fires</li> <li>Spot fires may start 20 kilometres ahead of the main fire</li> </ul>	<ul style="list-style-type: none"> <li>People will die or be injured</li> <li>A lot of homes and buildings will be destroyed</li> <li>Well prepared, well constructed and actively defended homes are highly unlikely to be safe</li> </ul>	<ul style="list-style-type: none"> <li>Put your survival first and leave, it is the best option</li> <li>It is safest to leave early, that is hours or the day before a fire starts</li> <li>Under no circumstances will it be safe to stay and defend your home</li> </ul>
<b>Extreme</b> <b>FDI 75-99</b> <b>Total Fire Bans will be declared</b>	<ul style="list-style-type: none"> <li>Some fires will be unpredictable, difficult to control and move very fast</li> <li>Flames will be higher than roof tops</li> <li>Thousands of embers will be blown around your home causing other fires</li> <li>Spot fires may start six kilometres ahead of the main fire</li> </ul>	<ul style="list-style-type: none"> <li>There is a high chance you will die or be injured</li> <li>Many homes and buildings are likely to be destroyed or damaged</li> <li>Only very well prepared, well constructed and actively defended homes may offer any degree of safety</li> </ul>	<ul style="list-style-type: none"> <li>Put your survival first and leave if a fire starts, it is the best option</li> <li>Put your bushfire survival plan into action</li> <li>Only stay and defend your home if it is well prepared, well constructed and you can actively defend it</li> <li>If you are in doubt about defending</li> </ul>
<b>Severe</b> <b>FDI 50-74</b> <b>Total Fire Bans are likely</b>	<ul style="list-style-type: none"> <li>Some fires will be unpredictable, difficult to control and move very fast</li> <li>Flames may be higher than roof tops</li> <li>Embers are likely to be blown around your home causing other fires to start</li> <li>Spot fires may start four kilometres ahead of the main fire</li> </ul>	<ul style="list-style-type: none"> <li>There is a chance you will die or be injured</li> <li>Some homes and buildings will be destroyed or damaged</li> <li>Well prepared, well constructed and actively defended homes are likely to offer safety during a fire</li> </ul>	<ul style="list-style-type: none"> <li>Put your survival first and leave early, that is hours before a fire reaches you</li> <li>Put your bushfire survival plan into action</li> <li>Only stay and defend your home if it is well prepared, well constructed and you can actively defend it</li> <li>If you are in doubt about defending your home, leave</li> </ul>



<b>FIRE DANGER RATING</b>	<b>FIRE BEHAVIOUR</b>	<b>IMPACT POTENTIAL</b>	<b>WHAT SHOULD I DO?</b>
<b>Very High</b> <b>FDI 32-49</b> <b>Total Fire Bans may be declared</b>	<ul style="list-style-type: none"> <li>Some fires may be difficult to control quickly and fast moving</li> <li>Flames may burn into the tree tops</li> <li>Embers may be blown around your home causing other fires to start</li> <li>Spot fires may start two kilometres ahead of the main fire</li> </ul>	<ul style="list-style-type: none"> <li>It is unlikely you will die or be injured, or your home will be destroyed</li> <li>Well prepared and constructed homes that are actively defended are likely to offer safety during a fire</li> </ul>	<ul style="list-style-type: none"> <li>Put your survival first and leave early, that is hours before a fire reaches you</li> <li>Put your bushfire survival plan into action</li> <li>Only stay and defend your home if it is well prepared, well constructed and you can actively defend it</li> <li>If you are in doubt about defending your home, leave</li> </ul>
<b>High</b> <b>FDI 12-31</b>	<ul style="list-style-type: none"> <li>Fires can be controlled but there is still a potential threat to your life and home</li> <li>Embers may be blown ahead of the main fire causing other fires to start close to the main fire</li> <li>Spot fires can occur close to the main fire</li> </ul>	<ul style="list-style-type: none"> <li>It is highly unlikely you will die or be injured, or that homes will be destroyed</li> <li>Well prepared and constructed homes that are actively defended can offer safety during a fire</li> </ul>	<ul style="list-style-type: none"> <li>Put your survival first and leave early, that is hours before a fire reaches you</li> <li>Put your bush fire survival plan into action</li> <li>Only stay and defend your home if it is well prepared, well constructed and you can actively defend it</li> <li>If you are in doubt about defending your home, leave</li> </ul>
<b>Low</b> <b>Moderate</b> <b>FDI 0-11</b>	<ul style="list-style-type: none"> <li>Fires can be easily controlled and are slow moving</li> </ul>	<ul style="list-style-type: none"> <li>There is little risk to your life or home</li> </ul>	<ul style="list-style-type: none"> <li>Put your bushfire survival plan into action</li> <li>Ensure your family, home and property is well prepared for the risk of bushfires</li> </ul>

\*FDI means the Fire Danger Index. It is a number that represents the Fire Danger Rating based on how fast a fire would spread, difficulty for firefighters to put the fire out, temperature, relative humidity and wind speed.



# Total Fire Bans

## Harvesting and Vehicle Movement Bans Review

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TFB Discussion Document version 5 10/06/2010

Page 1

## **Executive Summary**

It is recognised that farming operations which include harvesting and movement of vehicles in paddocks start fires every year in Western Australia. Although these farming practices are not the cause of the greatest number of fires, those that occur as a result of this movement of vehicles in paddocks occur when fire weather conditions are such that the fires generally are difficult to control and losses can be expected to be high. A review of data from the Bureau of Meteorology indicates that harvesting occurs at times of high or very high and above fire dangers.

Substantial losses have occurred, including to neighbouring properties where civil action for damages has resulted. Realistically this is becoming a more common occurrence.

As a result of the introduction of Total Fire Bans, community concern, recent coronial enquiries, the release of the interim report in the Victorian bush fires and in an effort to ensure community safety, it is timely that a review be undertaken into farming operations including harvesting and movement of vehicles in paddocks during the Fire Danger Times.

Harvesting Bans (Section 38A of the Bush Fire Regulations), Use of Engines, vehicles, plant or machinery likely to cause a bush fire and Section 38C, Prohibition of use of harvesting machinery on certain days, have been used by the majority of Local Governments across Western Australia to responsibly limit the operations of vehicles in paddocks during adverse fire weather days. Recently introduced legislation (Section 24A and 24B) prescribes additional activities which are currently prohibited during Total Fire Bans.

FESA recognises that harvest and vehicle movement bans instigated by individual Local Governments are a more reactive process that employs actual local fire weather conditions which are an extremely effective and efficient way of managing these events. Unfortunately this is applied on an ad hoc basis across the state.

The Bush Fires Act provides for other preventative activities to occur, such as the ability for Local Governments to impose other measures such as the provision of Local Government fire break notices and local laws which often include the requirement to have a fire fighting vehicle in the paddock being harvested.

## **Current Legislation**

Recently introduced Total Fire Ban Legislation (Bush Fires Regulations section 24A and B) has unintentionally impacted harvest activities and currently has the capacity to continue to do so under the current parameters. FESA has reviewed the Total Fire Ban process in consultation with a number of Local Governments and volunteers and is recommending changes to the current system to ensure more flexible arrangements to minimise disruption to local farming operations, on Total Fire Ban days.

It is generally accepted that should self regulation fail the community expects legislation to ensure their protection.

## Discussion

1. Harvest and the movement of vehicles in paddocks are to be prescribed as an exempt activity from the Total Fire Ban provisions.
2. Harvesting will be an exempt activity which is conditional to the following:
  - Individual Local Governments continue to place harvest and vehicle movement bans at an agreed Grassland Fire Danger Index (GFDI)
  - A Firefighting vehicle will be on site on days where a TFB is in place ( This is in keeping with local law requirements on a day to day basis whilst harvesting)
3. FESA will consult with Local Governments on an agreed actual local GFDI for the exemption of harvesting and the movement of vehicles in paddocks during a Total Fire Ban.

## Variations in Local Government Procedures

There currently exists little variation in the Fire Danger Index utilised by Local Governments across Western Australia for the imposition of harvest and vehicle movement bans. Current parameters utilised by Local Governments are in the range of 20 -38 GFDI. However an area of concern is Local Governments who do not place bans or utilise GFDI's that cannot be supported by FESA or adjoining Local Governments.

## Measuring Fire Danger Index

It is imperative that a Fire Danger Index is agreed upon which will allow suppression of a fire upon outbreak. Many methods exist for measuring the Fire Danger Index including the use of the Crossley Meter and in more recent time the Grassland Fire Danger Meter(CSIRO-modified McArthur) both manual and computer based. Consistent advice from industry representatives is that the actual local Grassland Fire Danger Index (GFDI) not the forecast GFDI, is the most objective measure of expected local fire behaviour should an outbreak occur. This should be the measure employed.

The GFDI is calculated using a mathematical relationship between the following weather parameters and directly correlates to actual rates of spread of fire.

- Degree of Curing (normally 100% for harvesting)
- Air temperature
- Relative Humidity
- Wind speed

Measurement of the above weather parameters is easily conducted in the field with portable handheld weather meters or from fixed home or office based computer driven weather stations.

<http://www.csiro.au/products/Fire-Danger-And-Spread-Calculator.html>

### **Fire Suppression/Prevention**

A fire occurring at a GFDI of 40 or greater is unlikely to be controlled by the fire fighting resources available to an operator and will require considerable community assistance in extinguishing the fire.

A GFDI of 25 will enable successful suppression should a fire occur but can be restrictive to farming practices.

Local weather variations particularly between coastal and inland areas of any given Local Government areas are accommodated with **actual local** Grassland Fire Danger Index (GFDI) measurements and there use for managing harvesting and the movement of vehicles in paddocks by Local Governments. This will allow the coastal farmer experiencing higher humidity to continue farming operations in higher temperatures and wind speeds and inland farmers operating in lower humidity and lower winds speeds but higher temperatures to continue working within the same Grassland Fire Danger Index.

### **Safe Working Practices**

There will be two levels within the safe working practice for the movement of vehicles in paddocks during the Fire Danger Season.

- “Self Regulation”---The operator’s practice where local weather conditions are constantly monitored and employing their “duty of care” the operator voluntarily suspend operations until the GFDI falls below a voluntary level.(operator determined)
- Via Local Government/FCO’s. Suspension, based upon an agreed GFDI and implemented under Local Government arrangements, supported by revised Legislation.

### **Broadcasting**

*Section 38A of the Bush Fire Regulations, Use of Engines, vehicles, plant or machinery likely to cause bush fire paragraph (2)* requires a Local Government to give notice either by wireless broadcast or in writing. Local Governments currently utilise the ABC for wireless broadcast and have self employed other methods such as SMS messaging and dial in message services. These methods have proven to be very effective in providing details of ban currency in Local Government areas to ensure operators are fully aware.

### **Recommendation**

FESA is recommending that Local Governments in the South West Forecast District as described by the Bureau of Meteorology instigate a ban on harvesting and the movement of vehicles in paddocks once an **actual Local** GFDI of **35** is reached as determined by the CSIRO-modified McArthur Mk 4 Grassland Fire Danger Meter during a Total Fire Ban. This would then exempt harvesting and the movement of vehicles in paddocks from the Total Fire Ban Legislation requirements.

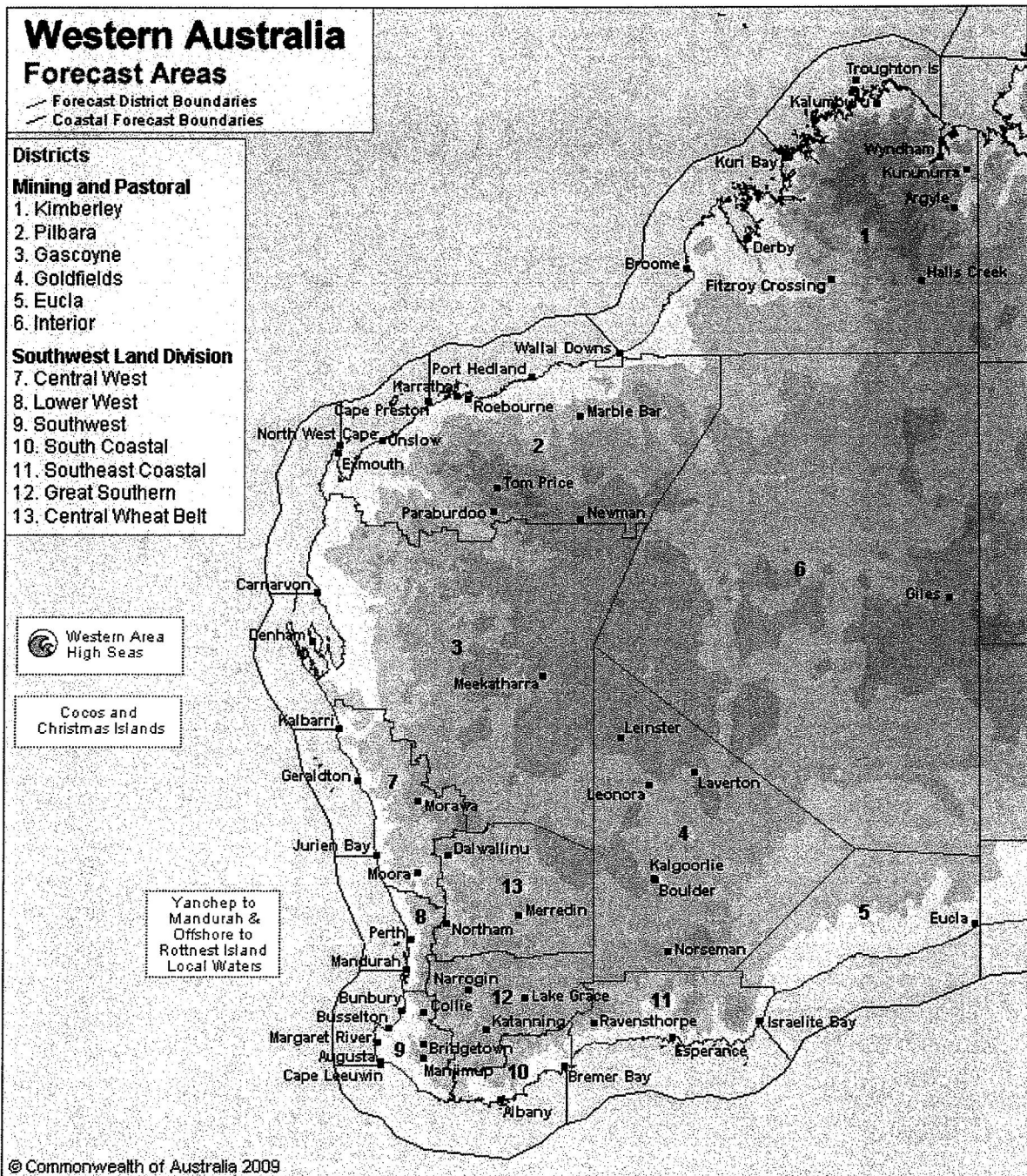
## Harvesting Fire Danger Table

GFDI	FDR	Difficulty of suppression	Head Of 1	Fire Spread 2	Rate Kmh 3	Area (ha) 0.5hr 1hr 2 hr	Water required @ 1 hour <sup>5</sup>
<2.5 (2.0)	Low	Head fire stopped by roads and tracks	0.8	0.7	0.3	0.25 1 2	3,600
2.5 - 7.5 (5)	Moderate	Head fire easily attacked with water	2.1	1.7	0.9	2 7 28	9,450
>7.5 (8)	High	Head fire attack generally successful with water	3	2.5	1.2	4 14 56	13,500
10			3.6	3	1.5	5 20 81	16,200
20			6.1	5.1	2.5	14 58 234	27,450
25			7.3	6.1	3	20 84 335	32,850
32	Very High	Head fire attack may succeed in favourable circumstances. Back-burning close to the head may be necessary	8.3	6.9	3.5	27 108 433	37,350
40	Very High	Fires unlikely to be controlled by fire fighting resources available to an operator	9.3	7.7	3.9	33.6 135 543	41,850
50	Severe	Direct attack will generally fail. Back-burns from a good secure line will be difficult to hold because of blown embers. Flanks must be held.	10.5	8.7	4.4	43 173 693	47,250
75	Extreme		12.9	10.7	5.4	65 261 1045	58,050
100	Catastrophic		15.1	12.6	6.3	88 358 1432	67,500

**Note:**

1. Assumes 100% cured
2. Head Fire Rate of Spread(HFRoS) -1 = Natural / undisturbed (~ 4.5 t/ha), 2 = Mowen/grazed, 3 = Eaten out
3. Area is based natural / undisturbed fuel load and HFRoS. It assumes no lag between ignition and the establishment of a head fire and from a single ignition point. Assumes no progressive fire fighting activities.
4. The area calculations utilises the formulae of the elliptical fire shape of fire length = HFRoS and fire width = ½ HFRoS. It must be noted that the area of the fire can alter by up to 25% depending of wind directions consistency, continuous fuel loads and slope.
5. Water required is based on 1.5 litres per perimeter metre on the HFRoS for natural / undisturbed fuel load and assumes a perimeter of 3 times the HFRoS.





<http://www.bom.gov.au/wa/forecasts/map.shtml>

### 12.3 Bush Fire Management Plan

Location:	N/A
Applicant:	N/A
Date:	15 September 2010
Author:	S McQuistan
Item Approved by:	Chief Executive Officer

#### **Proposal**

For Council to consider forming a working group to review the Bush Fire Response Plan (2007).

#### **Comment**

The Shire of Cunderdin Local Emergency Management Arrangements (including Local Recovery Plan) have been drafted and will be provided by the District Emergency Management Committee (DEMC) for comment. Upon DEMC's endorsement of the Arrangements, the full document will be referred to Council and recommended to replace the previous arrangements adopted in 2007.

The Plans adopted in 2007 included –

- Local Emergency Management Arrangements
- Local Recovery Plan
- Bush Fire Response Plan

When Council adopt the new Local Emergency Management Arrangements, the previous Plans will be superseded, and the current Bush Fire Response Plan that appears as an Annexure to the overall Emergency Management Arrangements will need to be replaced with a revised Plan – which is now generally known as a Bush Fire Management Plan.

The Bush Fire Response Plan (2007) includes the following information –

- Specific Bushfire Risk
- Special Elements At Risk of Bushfire
- Water Resources
- Incident Notification Procedures
- Call-out Procedures
- Handover Protocol
- Appliance & Resource Turnout
- Availability Rosters
- Current Brigade Membership
- An Overview of the Australasian Inter-service Incident Management System (AIIMS)
- Incident Management Structure
- Communications Plan
- Aerial Support
- Funding Arrangements
- Safety Protocol
- Traffic Management Protocols
- Post Incident Procedures
- Emergency Medical Services
- And several other miscellaneous topics.

It is worth noting that a new WESTPLAN Bushfire has been adopted since our Bush Fire Response Plan was endorsed by Council in 2007. A WESTPLAN is a State emergency management plan prepared by Hazard Management Agencies or Support Organisations to provide strategic, state-level arrangements for managing particular hazards for which they are

responsible. The revised WESTPLAN Bushfire will affect the required content of Local Bush Fire Management Plans.

Although we can ask the Local Emergency Management Committee to consider the plan, it would be advantageous to have senior Brigade members of the Meckering, Ygnattering and Cunderdin Bush Fire Brigades revise the content of the plan to ensure it meets current requirements.

Once reviewed, these plans can be referred to the Local Emergency Management Committee as an information item.

### **Statutory Implications**

*Emergency Management Act (2005)*

#### **36. Functions of local government**

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

*Emergency Management Act (2005)*

#### **41. Emergency management arrangements in local government district**

- (3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.

### **Policy Implications**

There are no policy implications in considering this item.

### **Financial Implications**

There are no financial implications in considering this item.

### **Strategic Implications**

Nil

**Resolution 12.3**

- a) That Council agree to form a Bush Fire Management Plan Working Group for the purpose of reviewing the Shire of Cunderdin Bush Fire Response Plan (2007);
- b) That Council request the following members become members of the Bush Fire Management Plan Working Group;

Shire President	Rod Carter
Deputy Shire President	Clive Gibsone
Chief Bush Fire Control Officer	Todd Harris
Deputy Chief Bush Fire Control Officer	Doug Kelly
Cunderdin Bush Fire Brigade Captain	Adam Whisson
Meckering Bush Fire Brigade Captain	Ashley Burges
Ygnattering Bush Fire Brigade Captain	Digby Willmott
FESA Area Manager	Torben Bendtsen
Chief Executive Officer	Gary Tuffin
Community Development Officer	Stacey McQuistan

Moved Cr Todd Harris

Seconded Cr Doug Kelly

Vote – Simple majority

Carried 8/0

## 12.4 Fire Control Officer Training Requirements

Location:	N/A
Applicant:	N/A
Date:	15 September 2010
Author:	S McQuistan
Item Approved by:	Chief Executive Officer

### **Proposal**

Council is to consider requiring all Fire Control Officers complete the Fire Control Officer Course.

### **Comment**

Recent fire events in Toodyay and Victoria have highlighted the need for Fire Control Officers (FCO) to be appropriately trained in the management of fires and modern fire fighting techniques. Currently, Council do not have a minimum training requirement for FCO's appointed in accordance with the Bush Fires Act.

All volunteers that are to be appointed Fire Control Officers should be aware that their position is backed and empowered by State Legislation (*Bush Fires Act 1954*) and therefore Fire Control Officers should have a sound working knowledge of the Act and the powers that are delegated and available to them in the task of prevention and extinguishment of fires. The Act is a 200 page document, and even though a majority of fires in the area are categorized as a Level One incident that can be controlled with local crews, the FCO in charge of that fire is responsible for everyone and everything that happens on the fire ground.

#### ***Level One Incident***

*Initial responding officer will maintain control. It is conceivable that this officer may maintain logistics and planning functions, but may pass operations to another officer, if the incident requires this. A report to the Chief Bush Fire Control Officer will be made with Situation Reports (SitReps), for Standard Operation Procedures (SOP B1). The incident will probably be made safe within less than 8 hours, with minor disruption to community. Local Brigade resources will be sufficient to contain and patrol until 'safe'.*

#### ***Level Two Incident***

*The escalation to a 'level II' incident would be obvious when the initial response is insufficient to manage the incident, due to its scale or complexity. It is conceivable that the competencies required for the control of the incident, would be such that a senior officer (CBFCO) would be required to relieve the first arriving officer, who may take a lesser role in the incident management structure. A full Incident Management Team (IMT) structure will be implemented, using the AIIMS structure (Incident Controller, Operations Officer, Logistics Officer, Planning Officer etc). Officers should be fully competent (formal training and experiential) in the roles that they will occupy, at the level that they are expected to operate.*

#### ***Level Three Incident***

*For an incident of this size and/or complexity, the Incident Controller should have already established contact with the Regional Duty Officer of FESA for assistance. At this stage, significant assistance should have been gained from FESA and resources from surrounding local government resources. The Incident Controller and the remainder of persons within the Incident Management Team should have sufficient competencies (formal training and experiential) for any functions that they are to perform.*

As provided by FESA, the following is a brief outline of the operational duties of a Fire Control Officer at a Level 1 (lowest level) Incident -

1. Know your role as a leader and lead by example – promote safety first
2. Set objectives and tasks that are clearly understood by all
3. Manage your incident – supervise activities, tasks and monitor work progress

4. Identify yourself to others
5. Know your role in the 'big picture'
6. Delegate to others
7. Obtain and deliver briefing as appropriate
8. Provide and receive regular sitreps and maintain a log of all activities
9. Confirm communication arrangements and follow the plan – maintain information flow
10. Interact with other crews. Agencies and the public
11. Ensure disciplined behaviour at all times – maintain morale
12. Provide post-incident debrief
13. Locating meals, welfare and fuel
14. Resolving issues as they arise
15. Recording essential information e.g. weather, topography, fuel, fire behaviour, critical events, communications and hazards
16. Obtaining a map of the area, knowing where fuel and water points are located
17. Knowing the use of anchor points and identifying safe areas and escape routes
18. Allocating tasks according to competencies, capabilities and experience
19. Ensuring job rotation and monitor progress
20. Ensuring adequate hydration of all crew members and frequency of breaks
21. Recording resources, location and task
22. Maintaining communications with you strike team leader, sector commander and other crew leaders
23. Determining need for assistance and support to carry out assigned tasks
24. Protecting the origin of fire
25. Briefing the incoming crew leader where appropriate
26. Maintain a log of all activities and objectives
27. Ensuring no areas of fire ground are overlooked
28. Continually reviewing risks, environment and consequences
29. Functions of the AIIMS management structure
30. Management guidelines for all incidents
31. SMEAC briefing – for use at all incidents
32. Monitoring performance and feedback

In taking into considerations recent events in Victoria, Toodyay, Badgingarra and Boorabbin, as well as the subsequent loss of both life and property during these incidents, there is an increased level of scrutiny being placed upon Bush Fire Responders across the Country.

In the event that a bushfire within the Shire was to result in a loss of life or property, or serious injury, Council could potentially become involved in coronial inquests, major incident reviews, civil court proceedings, and increased media attention. In the event of loss of life at a fire, the Shire President and Chief Bush Fire Control Officer would more than likely be asked to present evidence at a Coronial Inquest detailing the Shire's preparedness, Incident Control System/AIIMS awareness, Fire Control Officers abilities and training as well as aspects of general Brigade response to the incident.

Taking these issues into consideration, it is vital that Council are aware of the current level of training and awareness of Brigade members, and specifically the volunteers appointed to the role of Fire Control Officer – taking into account the legislative requirements and level of accountability placed upon these officers whilst undertaking fire suppression activities on behalf of Council.

### **Statutory Implications**

Council are Responsible for the appointment of Fire Control Officers in accordance with the *Bush Fires Act 1954*



### **38. 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)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*
- (2) (e) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.*
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.*
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*
  - (a) carrying out normal brigade activities;*
  - [(b), (c) deleted]*
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
  - (e) procuring the due observance by all persons of the provisions of Part III.*

### **39. Special powers of bush fire control officers**

- (1) Subject to the provisions of this Act a bush fire control officer appointed under this Act by a local government may, in the exercise of his functions and the performance of his duties under this Act, do all or any of the following things —*
  - (a) exercise any of the appropriate powers of the Director of Operations under the Fire Brigades Act 1942, in so far as the same may be necessary or expedient, for extinguishing a bush fire or for preventing the spread or extension of the fire;*
  - (b) enter any land or building, whether private property or not;*
  - (c) pull down, cut, and remove fences on land, whether private property or not, if in his opinion it is necessary or expedient so to do for the purpose of taking effective measures for extinguishing a bush fire, or for preventing the spread or extension of the fire;*
  - (d) cause fire-breaks to be ploughed or cleared on land, whether private land or not, and take such other appropriate measures on the land as he may deem necessary for the purpose of controlling or extinguishing a bush fire or for preventing the spread or extension of the fire;*

- (e) *take and use water, other than that for use at a school or the domestic supply of an occupier contained in a tank at his dwelling-house, and other fire extinguishing material from any source whatever on land, whether private property or not;*
- (f) *take charge of and give directions to any bush fire brigade present at a bush fire with respect to its operations or activities in connection with the extinguishment or control of the bush fire, or the prevention of the spread or extension of the fire;*
- (g) *any other thing which in his opinion is incidental to the exercise of any of the foregoing powers;*
- (h) *employ a person or use the voluntary services of a person to assist him, subject to his directions in the exercise of any of the foregoing powers; and*
- (i) *either alone or with others under his command or direction enter a building which he believes to be on fire and take such steps as he considers necessary to extinguish the fire or prevent it from spreading, but except as arranged with or requested by an officer in charge of a fire brigade under the Fire Brigades Act 1942, this power shall not be exercised in a townsite in an area which has been declared a fire district under that Act or in a townsite in which there is a fire brigade or volunteer fire brigade formed under the provisions of that Act.*

#### **Policy Implications**

There are no policy implications in considering this item.

#### **Financial Implications**

There are no financial implications in considering this item.

#### **Strategic Implications**

Nil

#### **Resolution 12.4**

1. That Council write to all appointed Fire Control Officers within the Shire of Cunderdin outlining the following –
  - a) their role and responsibilities under the Bush Fires Act 1954
  - b) they are required to complete the Fire Control Officers course, provided free of charge by FESA
2. That Council formally request that FESA conduct the Fire Control Officers course at a venue within the Shire prior to the commencement of the 2010/11 Bush Fire Season.

Moved Cr Dennis Whisson

Seconded Cr Todd Harris

Vote – Simple majority

Carried 8/0

## **12.5 Australia's Golden Outback 2011 Holiday Planner**

Location:	N/A
Applicant:	N/A
Date:	15 September 2010
Author:	S McQuistan
Item Approved by:	Chief Executive Officer

### **Proposal**

To consider purchasing ½ page advertisement in 'Australia's Golden Outback 2011 Holiday Planner'.

### **Comment**

The 'Australia's Golden Outback 2011 Holiday Planner' is a 100 page brochure produced by the Western Australia Visitors Centre, with 80,000 copies of the Planner distributed to Visitors Centres, Tourist Bureaus and other Tourism businesses State wide.

Previously we have been provided with a complimentary ¼ advertisement that provides the location of the Cunderdin Museum and a brief explanation of the Shire (refer to Attachment 1 – Shire of Cunderdin). This year, due to their own budget constraints they cannot provide this free advertising. We have been invited to advertise a ½ page (similar in size to the Shire of Kellerberrin advertisement in Attachment 1) at a substantially reduced rate.

The increased exposure that Cunderdin receives through this publication can only be a positive for our Tourism operators and the community in general. Travellers reading this publication would be more likely to stay in the area, have a look at our tourist attractions, and spend funds within the community based on the pictorial references and explanations included for each of our primary tourist attractions. Attachment 2 outlines the suggested content for a ½ page advertisement, to be formatted by the Golden Outback team.

### **Statutory Implications**

There are no statutory implications in considering this item.

### **Policy Implications**

There are no policy implications in considering this item.

### **Financial Implications**

The cost of increasing our coverage from ¼ to ½ page is \$1,675 (inc GST).

This figure has been reduced from previous cost for a commercial ½ page of \$2,450 (inc GST).

Councils has not made an allocation of for Tourism promotion, therefore, it is recommended that a new account be created and budget allocation made when the Budget Review is undertaken in January 2011.

### **Strategic Implications**

Nil

### **Resolution 12.5**

That Council authorise expenditure of \$1,675 (inc GST) for the purchase of ½ page advertisement in the Australia's Golden Outback 2011 Holiday Planner.

Moved Cr Dennis Whisson

Seconded Cr Dianne Kelly

Vote – Simple majority

Carried 7/1

# Shire of Cunderdin

Population 1,490

## Cunderdin

156km east of Perth

Cunderdin was settled with the arrival of the railway in 1894. In 1901, the Goldfields Water Scheme reached the town increasing its population. Visit the Cunderdin Museum, see old machinery, 1968 Meckering earthquake displays, original steam pump used on the water scheme, Tiger Moth plane, an original bush school and pioneering artefacts. The results of the earthquake can be seen 11 kilometres from Meckering on the Quellington (York) Road.



Cunderdin Tourist Centre  
100 Forrest Street, Cunderdin  
Tel: (08) 9635 1291

# Shire of Tammin

Population 450

## Tammin

178km east of Perth

Tammin derives its name from a small marsupial, the Tammar. Visit Hunts Well, a historical site a few kilometres south of the town. These wells mark explorer Charles Hunt's early exploration route. Visit a granite outcrop 26 kilometres north, 341 metres high providing good climbing. The 600 hectare Charles Gairdner National Park, is best visited during spring and winter with colourful wildflowers.



Tammin Tourist Centre  
Shire Office, Donnan Street, Tammin  
Tel: (08) 9637 1101  
Email: shire@tammin.wa.gov.au

# Shire of Westonia

Population 250

## Westonia

310km east of Perth

Owing its origins to gold mining between 1915-17, Westonia had two mines and a population exceeding 2,000. Today visitors can view the reopened Edna May Gold Mine and the many granite outcrops including Elachbutting, Baladjie and Sandford Rocks. Chiddarcooping Reserve is the place for flora and fauna.



Westonia Visitor Information  
Wolfram Street, Westonia WA 6423  
Tel: (08) 9046 7063  
Email: shire@westonia.wa.gov.au

# Shire of Kellerberrin

Population 1,165

## Kellerberrin

203km east of Perth

Kellerberrin is situated in the hub of the historically rich Wheatbelt region.

A comfortable 2½ hours drive from Perth along the Goldfields Trail makes Kellerberrin the perfect town to set up base for self drive discoveries in the surrounding regions. The town offers all the modern facilities for visitors who are passing through or stopping over including a supermarket, accommodation, caravan park, chemist, doctor's surgery, hospital and much more. The countryside around Kellerberrin just beckons to be explored. Sweeping golden plains lead to stunning natural attractions, rocky outcrops and scenic hills, to give a panoramic perspective of the region.

In spring, the countryside blooms as a parade of wildflowers adorn the roadside, hills and plains. Discover a bygone era along the heritage walking trail. Start at the historical museum then take a leisurely hour-long walk through the town past charming historic buildings and churches, concluding at the stunning Kellerberrin Hill Lookout.

## Places of interest

### Folk Museum

Truly unique, the Agricultural Hall was the first building to be built in Kellerberrin in 1897. The Hall itself has had a colourful life, also serving as a school, courthouse and Road Board Offices. Don't miss the surrounding Pioneer Park; it sets the scene, displaying farming machinery through the ages.

### Centenary Park

Relax in the centre of town in this shady park featuring children's playground, in-line skate and BMX tracks and heritage walkway and barbecue facilities.

### Kellerberrin Hill Lookout

Walk or drive to take in the breathtaking views from the lookout. This is a special treat in spring as the hill supports a mass of native wildflowers.

### Kokerbin Rock

30 kilometres from Kellerberrin, Kokerbin Rock is the third largest monolith in WA. The area contains a mini wave rock, dog rock, devils marbles and a historic well. A walk to the top of the rock provides panoramic views of the countryside.



Enjoy great views of Mt Stirling

## Wildflowers

From August to November, follow the flowers along the Kellerberrin/Bencubbin Road to Durokoppin Reserve. This 1,500 acre reserve of woodland, heath and mallee supports a wide variety of flora and fauna. Discover tea trees, wattle and grevillea amongst a colourful array of species. Free information maps are available from the Kellerberrin Community Resource Centre.

## Milligan Homestead

While taking the Kellerberrin/Bencubbin Road, look out for the homestead some 10 kilometres north of the town. Built from local field stone in 1871, it can be viewed from the roadside.

## Mt Stirling / Mt Caroline

Head 25 kilometres south of Kellerberrin to capture the magnificent views of these giant granite outcrops. These formations hold great importance to the Njaki Njaki people through their association to the Dreamtime sacred snake, the Moulack. Today these rocks are inhabited by a rare species, the black footed rock wallaby.

## Doodlakine Well site

The well was the reason for the existence of this once bustling town. Today follow a heritage walk trail to the well.

## Baandee Ski Lake

Depending on the time of year and the rainfall, the lakes may be full of water or nothing more than a layer of salt. When full, enjoy the excitement of water skiing.



Kellerberrin Community Resource Centre  
94 Massingham St, Kellerberrin WA 6410  
Tel: (08) 9045 4991  
Email: coordinator@kecrc.org.au



**Succulent foods**

- The fresh alternative to highway food
- Great coffee, fresh food & delicious cakes
- All Day breakfast • Gourmet gifts

Great Eastern Hwy, Kellerberrin Tel: (08) 9045 5350

## Shire of Cunderdin

Population 1,490

### Cunderdin

158km east of Perth

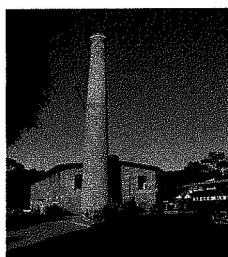
Located a two hour drive east of Perth on the Great Eastern Highway is the town of Cunderdin. Cunderdin was first settled with the arrival of the railway in 1894. In 1901, the Goldfields Water Scheme reached the town, bringing with it an increase in population.

### Places of Interest

#### Cunderdin Museum

Location: Forrest Street, Cunderdin

Arguably the central attraction in the Shire, you shouldn't leave without visiting the Cunderdin Museum. Even if museum's aren't usually on your 'to do' list, make an exception – you won't be disappointed.



#### Cunderdin Hill Lookout

Location: 1km south of Main Street.

It appears quite inconspicuous, but it's definitely worth taking the time to venture to the top of Cunderdin Hill – situated 1km south of the main street. You'll be greeted by 360-degree panoramic views of the town and surrounding farmland – a view that gives a real sense of the open spaces and big sky.

#### Ettamogah Pub

Location: Main Street, Cunderdin

There's one landmark you certainly won't miss when you visit Cunderdin – the brightly coloured and rather distinctive Ettamogah Pub. Based on the well known comics of Ken Maynard – made famous by the Australian Post magazine - the pub is not only a novelty for tourists but an important central hub for residents in the Shire.



#### Bulgin Rock Reserve

Location: Collins Road

Bulgin Rock is the perfect place to absorb the rolling landscape and it's easy to see why it's been a popular picnic spot for more than 100 years. Sitting amongst the she oak woodland you'll probably glimpse a variety of birds and, at the right time of year, beautiful displays of wildflowers.

### Youndegin

Location: 19km south of Cunderdin

Immerse yourself in our past by taking a trip to Youndegin – 19km south of Cunderdin along the Cunderdin-Quairading Road (and then left on the Goldfields Road) – where you'll find the original police outpost. Built from stone and mud with a thatched roof, the outpost's answer to the modern day 'lock-up' was a nearby York Gum.

### Meckering

132km east of Perth

Probably most famous thanks to the 1968 earthquake - one of the worst in Australia's history - Meckering today is still a vibrant and successful country community. Although relatively small in terms of population the town manages to largely ignore this and achieve more than many areas twice its size.

### Places of Interest

#### Meckering Earthquake Gazebo & Memorial Rose Garden

Location: Gabbedy Place, Meckering

Experience the devastation of the 1968 Meckering Earthquake firsthand at this impressive display which includes a section of the damaged railway line, a mangled piece of the Golden Pipeline, photographs, statistics and information. Take a stroll across the road to the beautiful memorial rose garden - a tribute to the dedication and hard work of many local volunteers.



#### Meckering Earthquake Farm Ruins

Location: 2km north of Meckering, turn off Meckering to Goomalling Road

The Meckering Earthquake registered 6.9 on the Richter scale, crushing many of the town's buildings and residential properties. 'Salisbury' – an old stone homestead built in 1904 – was flattened during the quake and the ruins give an eerie insight into the scale of the devastation experienced by the town.



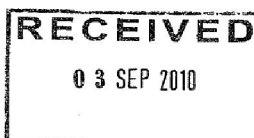
#### Meckering Earthquake Fault line

Location: 12km south of Meckering on the York-Meckering Road

While only lasting 40 seconds, the Meckering Earthquake had a lifetime impact on this small Wheatbelt town. Leaving a scar 32kms long and up to 2m high, the earthquake literally tore open the earth on October 14th, 1968. Today you can still see 1km of the fault line that's been preserved for viewing.



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PO Box 6788, East Perth WA 6892  
T: +61 8 9325 1511  
F: +61 8 9325 1515  
E: [marketing@goldenoutback.com](mailto:marketing@goldenoutback.com)  
[www.australiasgoldenoutback.com](http://www.australiasgoldenoutback.com)



30 August 2010

Gary Tuffin  
Shire of Cunderdin  
PO Box 100  
CUNDERDIN WA 6407

Dear Gary

**AUSTRALIA'S GOLDEN OUTBACK 2011 HOLIDAY PLANNER - SHIRE CONTENT**

Australia's Golden Outback (AGO) has commenced production on its 2011 HOLIDAY PLANNER. Enclosed please find a copy and a new 2011 advertising prospectus, which has already been sent to all regional tourism operators.

As you will appreciate, AGO is the largest tourism region in Western Australia covering some 54% of the state. Most Shires and operators in our region have limited funds, yet use our planner as their major advertising vehicle for the year, with 80,000 copies of the planner handed out to consumers.

Most Shires in AGO recognise tourism is a significant driver of regional economic development and as such financially contribute towards their editorial space in the planner. They recognise only a fraction of visitor spending actually occurs in places such as accommodation and attractions, the rest takes place in shops, cafes, restaurants, petrol stations, roadside stalls and elsewhere.

The last 12 months has seen a significant review of WA's Regional Tourism Organisation structure and of Tourism WA itself. Budgets have been reduced and Tourism WA's staffing is being cut by half. The good news is that Regional Tourism Organisations such as AGO have been re-contracted by TWA to continue for another 5 years, albeit with reduced funding.

Last year your Shire was unable to contribute to the cost of your editorial space on page 49 of the planner. Despite this we still gave you some exposure, but unfortunately for 2011 we need to reassess the planner's production and distribution costs. Any Shire not financially contributing towards the information shown for their area will next year simply receive a one line listing at the end of their sub-regional section, showing the Shire's name, website and a phone contact.

Please understand that Australia's Golden Outback is a not-for-profit organisation. We spend all our funds promoting tourism to and in our region and would like to think that for 2011 your Shire might see merit in taking out some editorial space. For a reduced cost of \$1,675 we will gladly provide at least half a page for your desired editorial content and 2 images. This is cheaper than the normal commercial half page advertising cost of \$2,450.

Please let us know if you might be able to partner with us in promoting your area in the 2011 planner. We are able to assist you putting this content together and recommend your information includes a brief introduction, followed by an overview of your local tourism attractions.

To allow for your possible inclusion, can you please complete the enclosed **Local Government Registration Form** and return it to AGO by Friday 8 October and if you have any questions don't hesitate to contact Gabby Simoni 9325 1511, or email [marketing@goldenoutback.com](mailto:marketing@goldenoutback.com)

Warmest regards

**JAC EERBEEK**  
Chief Executive Officer



Out of the way. Out of this world.





### **13.0 Environmental Project Officer Report**

#### **13.1 SEAVROC Environmental Project Officer Report**

Location:	Cunderdin
Applicant:	Administration
Date:	15 <sup>th</sup> September 2010
Author:	J Vincent
Item Approved by:	Chief Executive Officer

#### **Disclosure of Interest**

No disclosure of interest has been tabled.

#### **Proposal**

To receive the Environmental Project Officers Report for August 2010.

#### **Attachments**

SEAVROC Environmental E-News August 2010

#### **Background**

Ordinary Council meeting 18<sup>th</sup> February 2010 – Report 9.10

#### **Commentary**

##### **Caring for our Country Wind Erosion Project**

*Perennial farming systems targeting wind erosion within the North Eastern and Southern Wheatbelt regions of WA*

Organised and facilitated the Young Farmer Field Day – *Paddock Options for Proactive Farmers* held in Beverley on the 2<sup>nd</sup> of September. Speakers from DAFWA, Tiger Grains Energy, Oil Mallee Association, Sandalwood Association, DEC and CSIRO presented information on variable rate technology, alley farming, precision agriculture, biochar, 'straw to diesel', oil mallees, soil health and sandalwood tree cropping. 12 landholders attended and feedback received was very positive on the speakers and content. Two Journalists from Farm Weekly attended and will publish a story in one of the next few editions.

Researched and distributed current articles and media releases to Project Staff for placement in local newsletters/papers to continue extension of the project.

Monthly meetings with CFoC Project Officers from NEWROC and WEROC.

Managed the content of the Project facebook page.

Carried out final edits and refinement of the Expression of Interest for the 2011 planting season. This EOI will be distributed in September for farmers to register their interest in receiving seedlings and seed for planting in 2011.

#### **SEAVROC Environmental Services – Cunderdin**

Have undertaken baiting for rabbits in the Cunderdin cemetery reserve with Pindone oat baits. Baiting has been done weekly since 13<sup>th</sup> July. Baiting has now stopped, and will resume in summer when the current green feed that is available dies out.

Produced the first edition of 'SEAVROC Environment E-News'. This has been sent via email to those residents who have requested it. This month's e-news included information on the SEAVROC clearing guidelines, updates on the CFoC Wind Erosion project, field days and grant opportunities in the region, and current local environment news articles. It is attached for your information with this report.

### **Native Vegetation Clearing**

Liaison with DEC regarding clearing permits CPS3221/1 and CPS1558/1. Currently working on the offset proposal for CPS 1558/1, just waiting to confirm the offset site from Mark Burges.

Distributed the SEAVROC Native Vegetation Clearing Guidelines to farmers and landholders via email and advertising. All Shires now have access to the guidelines and I have requested they be placed on all Shire websites.

### **Landholder advice**

The SEAVROC Environmental team is available to provide general environment and NRM advice to landholders. No calls have been received from Cunderdin landholders in August.

### **Meetings/training**

Attended August Project Officer meeting for the Wind Erosion Project.

Attended 'Winning Grants' (Grant writing seminar) run by the Australian Institute for Community Practice and Governance on the 18<sup>th</sup> August.

### **Upcoming tasks**

Carry out 18 site visits to farmers before October 15 who participated in the 2010 CFOC Wind Erosion Project. This site visit is to visit the planting site, take photos and ascertain whether the planting site was a success. A survey will also be undertaken with the farmers.

Distribute the 2011 EOI for the CFOC Wind Erosion Project to farmers and landholders in the Project Region via email, media release, newspapers, and local newsletters.

Draft and submit the report for the 2010 Red Card for the Red Fox Program to Wheatbelt NRM.

Revise and re-submit offset proposal for clearing permit 1558/1.

Send out the second SEAVROC E-news for those who have responded to the 'E-news' EOI.

Attending Wheatbelt NRM Wheatbelt Means Health seminar on the current stress level of the farming community.

### **Statutory Implications**

There are no statutory implications in considering this report

### **Policy Implications**

There are no policy implications in considering this report

### **Financial Implications**

There are no financial implications in considering this item.

### **Strategic Implications**

There are no strategic implications in considering this item.

### **Resolution 13.1**

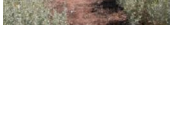
That Council receive and note report 13.1

Moved Cr David Beard

Seconded Cr Todd Harris

Vote - Simple majority

Carried 8/0



## SEAVROC Environment E-News August 2010

Welcome to the first edition of SEAVROC's Environment E-news!

This e-newsletter aims to provide you with the latest news in NRM, landcare and agricultural conservation, local events, publications, grant opportunities and much more.

SEAVROC employs two Environmental Staff to provide environmental management services to Cunderdin, Quairading, Brookton, Beverley and York.

Please feel free to contact us with any Environment enquiries including native vegetation clearing, re-vegetation, fox and rabbit control, perennial pastures, wind erosion, remnant vegetation management, saltland management or any other agricultural conservation issues.

Jen Vincent  
Environmental Project Officer  
9645 0016 / 0447 898 995  
[qshireepo@westnet.com.au](mailto:qshireepo@westnet.com.au)

Emma Wilson  
Environment Officer  
9645 0236 / 0427 450 236  
[qshireclc@westnet.com.au](mailto:qshireclc@westnet.com.au)

Kind regards,  
Jen

### General news

#### Native vegetation clearing legislation for SEAVROC landholders

The current regulations for clearing native vegetation in Western Australia can be somewhat confusing, so we have developed some fact sheets for landholders summarising the legislation and answering some of the more common clearing enquiries. Download the guidelines below!

SEAVROC Native Vegetation Clearing Fact Sheet

[http://www.quairading.wa.gov.au/council\\_services/envservices/envimages/natvegfact](http://www.quairading.wa.gov.au/council_services/envservices/envimages/natvegfact)

SEAVROC Guidelines for Native Vegetation Clearing

[http://www.quairading.wa.gov.au/council\\_services/envservices/envimages/natvegguide](http://www.quairading.wa.gov.au/council_services/envservices/envimages/natvegguide)

#### Caring For Our Country Wind Erosion Project

*Perennial farming systems targeting wind erosion within the north eastern and southern regions of WA*

Landholders across the North Eastern and Southern Wheatbelt have been busy planting Saltbush, Oil Mallee, Brushwood, *Casuarina obesa* and Sandalwood host seedlings and perennial pastures to reduce soil loss through wind erosion. Over 320,000 seedlings and 20 kg of perennial pasture seed were offered to 65 successful Project applicants including 111,000 Oil Mallee and 95,000 saltbush seedlings.

As the focus of this project is Wind Erosion, these species have been planted in wind breaks, alley farming systems and through improved perennial pasture systems. However, these species can also be successfully integrated into farming systems to combat secondary salinity and improve soil health, enterprise diversity and water management.

Expression of Interest Forms to participate in the Project in 2011 will be released in September 2010. If you would like to participate and are located within the regions of NEWROC, WEROC or SEAVROC, ring your local Shire Office and ask to speak to your local Natural Resource Management or Environment Officer.

#### Field day: Paddock Options for Proactive Farmers

NEWROC, WEROC and SEAVROC are excited to announce 3 Field Days to be held in Westonia, Bencubbin and Beverley from the 31<sup>st</sup> of August – 2<sup>nd</sup> September. Please see more details in the 'Events' section further down the page.





### Wind Erosion Project goes online!

The Caring For Our Country Wind Erosion Project now has its own facebook page. Please visit and join as a member for regular Project updates, events and photos. Click here to go straight to the page:

<http://www.facebook.com/group.php?gid=138867719486022&ref=ts>

facebook



## Opportunities

### 2011 RIRDC Awards creating opportunities for rural women

Nominations for the Rural Industries Research and Development Corporation (RIRDC) Rural Women's Award 2011 are now open. WA women working in agriculture, fisheries, forestry, natural resource management and related service industries are encouraged to enter the award.

The winner receives a \$10,000 bursary aimed at supporting them to develop their skills and contribute to leadership and decision making in primary industries and resource development in WA. State and Territory winners and runners-up will be offered the opportunity to participate in an Australian Institute of Company Director based leadership program to enable them to build on their leadership, management and business skills.

For nomination forms and further information visit [www.ruralwomensaward.gov.au](http://www.ruralwomensaward.gov.au) contact Edwina Close on 0417 727 544 or call Katrina Hayes on 9368 3182.

### Caring for our Country - Community Action Grants 2010-11

In the 2010-11 round up to \$8 million is available to help community groups protect the environment and to support sustainable farming practices. Investment proposals are sought from environmental, Indigenous, Landcare, Coastcare and sustainable agriculture community groups for grants of between \$5000 and \$20 000 (GST exclusive) to take action to help protect and conserve Australia's environment.

Applications will close 31 August 2010. More information about the 2010-11 round is available on the website [www.nrm.gov.au](http://www.nrm.gov.au)



### Drought Reform: Building Farm Businesses – WA pilots Drought Reform Program

The main program areas are listed below, designed to provide support and opportunities for farmers in various stages of life and business to adapt to the challenges of living and working in rural areas:

- Building Farm Business
- Farm Planning
- Stronger Rural Communities
- Farm Social Support
- Farm Family Support
- Farm Exit Support
- Beyond Farming

The guidelines and criteria are available on the following website – note that geographic, financial and general criteria are provided for all areas of the program. For more Information on all the programs, contact DAFF on 13 23 16 Website: [droughtpilot@daff.gov.au](mailto:droughtpilot@daff.gov.au).



## Events

### Field Day: Paddock Options for Proactive Farmers

Tramlining, yield mapping and variable rate, working with tree alleys, options to value add the land you have and future farm sustainability.

You are invited... Take your pick!

**WESTONIA: 31st August**

**BENCUBBIN: 1st September**

**BEVERLEY: 2nd September**

Running from 9am-5pm, events will showcase well renowned speakers who will discuss current technologies and cropping systems with options for future farm viability. Lunch provided with a few beverages to end the day





For further information please contact:

Bencubbin event : Jessica Smith (08) 9685 1202

Westonia Event: Kara Hatch (08) 9046 7063

**Beverley Event:** Jen Vincent (08) 9645 0016 or Emma Wilson (08) 9645 0236.



Download the field day flyer here:

[http://www.quairading.wa.gov.au/council\\_services/envservices/envimages/vyfdflyer](http://www.quairading.wa.gov.au/council_services/envservices/envimages/vyfdflyer)



### WANTFA Spring Field Day

9.30am Wednesday 22 September 2010

WANTFA Centre for Stubble Retention, Cunderdin

See [www.wantfa.com.au](http://www.wantfa.com.au) for more details and registration.



### Australian Sandalwood and Brushwood Growers Field Day

Can we grow brushwood and sandalwood in belts?

Can we intercrop these belts with pastures and/or crops?

Will pastures have a beneficial impact on subsequent crops?

These answers and more...



wheatbelt  
natural resource  
management



Department of  
Agriculture and Food



Friday 10<sup>th</sup> September 2010, 10:30am-2:30pm

Stoney Ridge Farm, Clydesdale Road (just past Grass Valley), off the Great Eastern Highway

All are welcome! The Field Day will commence with morning tea at 10:30am with a light lunch included. To register your interest and for catering, contact Bethan Lloyd: 9574

5882, [exec@sandalwood.org.au](mailto:exec@sandalwood.org.au) or Helen Job: 9622 3634, [brushwood@iinet.net.au](mailto:brushwood@iinet.net.au)

## Subscription

If you no longer wish to receive SEAVROC's Environment E-News, please send an email to [qshirepo@westnet.com.au](mailto:qshirepo@westnet.com.au).



#### 14.1 Matters for which the meeting may be closed

None.

#### General items

Cr Todd Harris

Reported on a recent FESA meeting

- Concern is held generally in regards to the dryness of the land – fire hazard
- New radio training to be provided by FESA
- Wind speeds should be multiplied by 1.25 when being read off hand held gauge
- FESA are recommending brigades apply for the \$25,000.00 lotterywest grants.
- New hangar at Wylie Airfield to store a Water bomber.

#### WANTFA Dinner

Cr Carter reminded councillors of the dinner on the 21<sup>st</sup> September 2010 with board members from WANTFA – Ettamogah Pub

#### Day Care

Prior to the Council meeting Mrs Jo Fulwood & Mrs Natalie Beard provided council with an update on the Cunderdin Day Care service.

Recent resignations by staff and committee members have presented a number of problems for the ongoing operations of the Day Care Centre.

Council were requested to give consideration to providing assistance to the Cunderdin Day Care Centre.

#### Resolution

That the CEO be authorised to progress the matter in providing assistance to the Day Care Centre to ensure the centre continues to deliver its services to the community.

Moved Cr Graham Cooper

Seconded Cr Dianne Kelly

Simple majority

Carried 7/1



**Cunderdin Medical Centre**

Cr Beard & Cr Harris both declared an interest in the item

A request was received from the Cunderdin Medical Centre requesting the purchase of 2 x Ansa Hibac Chairs (\$345.00 each) to provide for suitable seating for elderly and disabled patients in the waiting area.

**Resolution**

- (a) That funding of \$690.00 be provided to the Cunderdin Medical Centre to purchase 2 x Ansa Hibac chairs
- (b) Proof of purchase be provided by the Cunderdin Medical Centre to acquit the donation
- (b) That the account 417054904 "Council donations" be used.

Moved Cr Graham Cooper

Seconded Cr Dennis Whisson

Simple majority

Carried 5/1

**15.0 Closure of meeting**