



Shire of Cunderdin

Notice of an Ordinary Council Meeting

Dear Council Member,

The next Ordinary Meeting of the Cunderdin Shire Council will be held on **Thursday 15th October 2020** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer
9th October 2020

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AGENDA

1. Declaration of Opening

The President declared the meeting open at ____pm

The Shire of Cunderdin disclaimer will be read aloud.

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

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

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

2.1 Record of attendances

Councillors

Cr DA (Dennis) Whisson	Shire President
Cr AE (Alison) Harris	Deputy President
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr B (Bernie) Daly	
Cr J (Jayson) Goldson	
Cr W (Sam) Stewart	
Cr A (Tony) Smith	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Lauren Cole	Governance and Compliance Officer

Guests of Council

Members of the Public

2.2 Apologies

2.3 Leave of Absence Previously Granted

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

5. Applications for Leave of Absence

Recommendation 5.1

That Council approve Leave of Absence for Cr _____ from _____ to _____ inclusive

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 17th September 2020

Recommendation 6.1

That the Minutes of the Ordinary Council Meeting held on Thursday 17th September 2020 be confirmed as a true and correct record.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

Note to this item:

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

7. Declaration of Members and Officers Interests

8. Announcements by President without Discussion

9. Finance & Administration

9.1 Financial Reports for September 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	8th October 2020
Author:	Hayley Byrnes
Item Approved by:	Stuart Hopley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	2 attachments – Monthly Report September 2020 – Rates & Refuse Report September 2020

Proposal/Summary

The financial reports as at 30th September 2020 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil.

Consultation

Nil.

Statutory Environment

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

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Recommendation 9.1

That Council receives the monthly financial reports for the period ending 30th September 2020.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: ___/___

9.2 Accounts Paid –September 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	8th October 2020
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 attachment
	- Creditors list of payments September 2020
	- Credit Card Statements for September 2020

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$435,234.94
Total for Trust -	\$0.00
TOTAL -	\$435,234.94

For June 2020 as listed in the Warrant of Payments for the period 1st to 30th September 2020.

Background

Nil.

Comment

Nil.

Consultation

Nil.

Statutory Environment

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

Financial Management Regulations 12 & 13.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Recommendation 9.2

1. That Council's payment of accounts amounting to \$435,234.94 being from Municipal Account for September 2020, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 4460 – 4530	\$403,096.16	
Direct Debit (Inc Bank Charges): DD1917.1- DD1943.10	\$17,503.81	
Cheques: 11654-11661	\$14,634.97	
TOTAL		\$435,234.94

be confirmed and noted; and,

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

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __ / __

9.3 Council Investments – As at 30th September 2020

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	8th October 2020
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachment- Bank Statements

Proposal/Summary

To inform Council of its investments as at 30th September 2020.

Background

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

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

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

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

Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 30th September 2020.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$1,084,148.28	Municipal- 0000030	\$1,084,148.28		
Bendigo Bank	\$2,704,458.08	Municipal- 155971377	\$1,394,611.49	\$858,299.01	\$451,547.58
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Bendigo Bank	\$0.00	Bendigo Trust Account 164 488 686			\$0.00
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Westpac Bank	\$251,320.00	Westpac Term Deposit 0.65% Expires:31/10/2020	\$251,320.00		
TOTAL INVESTMENTS	\$4,040,073.14		\$2,730,266.55	\$858,299.01	\$451,547.58

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 96,973.26 and Bendigo Muni - \$451,547.58.

CUNDERDIN COMMUNITY TRUST DETAILS		
31 July 2020		
Opening Balance as per Bank Statement & Term Deposits	INVESTMENT ACC	96,972.47
	MUNI ACC	451,547.58
	TOTAL	548,520.05
		<hr/>
Credits		0.79
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits	TOTAL	548,520.05
		<hr/>
INCOMING		
<i>Interest (Investment account)</i>		0.79
		<hr/>
		0.79
		<hr/>
OUTGOING		
		<hr/>
		0.00
		<hr/>
Balance as at end of month	TOTAL	548,520.05
		<hr/>

Consultation

Nil.

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

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

Recommendation 9.3

That the report on Council investments as at 30th September 2020 be received and noted.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

9.4 Hand land back to shire in lieu of rates and charges

Location:	Cunderdin
Applicant:	Finance Officer
Date:	1 st October 2020
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A53543, A53602, A53614
Attachment/s:	2 Attachment

Proposal/Summary

For Council to review the proposal to accept the land parcels in return for outstanding rates and service charges.

Ms Evelyn Parnell

A53543 Lots 248 and 281 on P222787

Watts Street, Meckering

Mr Mark Nugent

A53602 Lot 296 on P222787

A53614 Lot 285 on P222787

Cameron Street, Meckering

Collins Street, Meckering

Mr Robert Young

A53600 Lot 291 on P222787

A53601 Lot 292 on P222787

Cameron Street, Meckering

Cameron Street, Meckering

Background

A53543

The Shire has been in contact with Ms Evelyn Parnell, the owner of Lots 248 & 281 on Plan 222787, Watts Street, Meckering (A53543) to hand back the land to the Shire in return for all rates and service charges being written off. It is proposed that Council accept the land from Ms Parnell who has indicated she is prepared to sign a Transfer of Land document.

Ms Parnell has routinely paid her rates and charges, up until Billing 2019/20. Mr Stuart Hobley has recently spoken with Ms Parnell and explained that should she not pay her rates or sign a Transfer of Land document handing the property back to the Shire that legal action will recommence.

Ms Parnell has expressed her concerns to the Shire that her blocks are of minimal value, unable to be developed and at certain times of the year unable to be accessed due to flooding and struggling to sell due to them being undesirable.

A53602 & 53614

The Shire has been negotiating with Mr Mark Nugent, the owner of Lot 296 on Plan 222787, Cameron Street, Meckering (A53602), and Lot 285 on Plan 222787, Collins Street, Meckering (A53614) to hand back the land to the Shire in return for all rates and service charges being written off. It is proposed that Council accept the land from Mr Nugent who had indicated he is prepared to sign a Transfer of Land document.

Legal action was started in 2018 for both assessments and a Judgement Debt was granted to the Shire. Due to lack of Shire budget, the matter was put on hold. A Judgement Debt can stay open for 12 years, and the Shire is able to recommence legal action at any point.

The rates and charges for both assessments, have been outstanding in excess of 10 years. Mr Stuart Hobley has recently spoken with Mr Nugent and explained that should he not pay his rates for both assessments, or sign a Transfer of Land document handing the property back to the Shire, that legal action will recommence.

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

A53600 & A53601

The Shire has been in contact with Mr Robert Young, the owner of Lot 291 on Plan 222787, Cameron Street, Meckering (A53600), and Lot 292 on Plan 222787, Cameron Street, Meckering (A53601) to hand back the land to the Shire in return for all rates and service charges being written off.

One payment of \$500 was made in March 2017, however despite several attempts to contact Mr Young, no further payments were made. At this stage, Mr Young was not interested in parting with the land, nor did he express any indication of paying the outstanding rates and charges.

The rates and charges for both assessments, have been outstanding in excess of 5 years. Mr Stuart Hobley has recently spoken with Mr Young and explained that should he not pay his rates for both assessments, or sign a Transfer of Land document handing the property back to the Shire, that legal action will recommence.

It is proposed that Council accept the land from Mr Young who has now indicated he is prepared to sign a Transfer of Land document.

Comment

Mr Nugent currently owes \$38,754.78 in outstanding rates and service charges, and Ms Parnell currently owes \$1,672.75, and Mr Young currently owes \$14,316.23 which are increasing daily due to penalty interest.

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

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

Consultation

McLeods Barristers & Solicitors
Prompt Settlements Northam

Statutory Implications

NIL

Policy Implications

NIL

Financial Implications

Council would be required to write off the outstanding debt, currently at \$40,427.53 and absorb the associated settlement fees of approximately \$2,600.

Further recovery action is seen as an unnecessary financial loss.

Strategic Implications

Community Leadership

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

Recommendation 9.4

That Council authorises the Chief Executive Officer:

1. Accept the land offer from Mr Mark Nugent being Assessment A53602, Lot 296 on Plan 222787, and Assessment A53614, Lot 285 on Plan 222787 and in return agree to write off all rates and charges associated with the property; and,
2. Accept the land offer from Ms Evelyn Parnell being Assessment A53543, Lots 248 and 281 on Plan 222787, and in return agree to write off all rates and charges associated with the property; and,
3. Accept the land offer from Mr Robert Young being Assessment A53600, Lot 291 on P222787, and Assessment A53601, Lot 292 on P222787 and in return agree to write off all rates and charges associated with the property; and
4. Agree to pay all fees and associated with the settlement of the property, being approximately \$2,600.00

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

9.5 Proposed renumber of some properties along Cubbine Street

Location:	Shire of Cunderdin
Applicant:	Finance Officer
Date:	2 nd October 2020
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	NIL
Attachment/s:	1x attachment (MAP)

Proposal/Summary

For Council consideration to renumber the properties along a portion of Cubbine Street, Cunderdin, beginning at Lot 13 on D53308 through to the South end of town Lot 287 on P201975.

Background

The portion of road located between Lot 13 on D53308 through to the South end of town Lot 287 on P201975, is officially approved as Cubbine Street.

A recent enquiry from a rate payer about the correct street number for his new house, prompted a further look at the current numbering along this portion of road.

The properties have incorrectly allocated numbering. Some properties have an odd number allocated, however the east side of the street should be even numbers and the numbering is not sequential.

Comment

The Shire will need to advise the effected property owners along this portion of road that they will need to be using the correct road name and in line with that the Shire will be allocating them a new street address with the correct number.

The numbering allocated would continue on from 28 Cubbine Street (corner of Third and Cubbine Street), and allow for any potential subdivisions of the large lots.

With the assistance of Landgate, street numbers starting at 30 will be allocated to the properties along the portion of Cubbine Street.

Consultation

Landgate

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Advertising costs associated with this item.

Strategic Implications

Cunderdin Strategic Community Plan

The Goals of the SCP are:

Social

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

Environmental

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

Economic

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

Recommendation 9.5

That Council approve for the renumbering of properties located along the Cubbine Street, beginning at Lot 13 on D53308 through to Lot 287 on P201975, with the assistance of Landgate, and the allocation of a new street address with the correct road number.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

9.6 Appointments – Bush Fire Act 1954

Location:	Shire of Cunderdin
Applicant:	Simon Bell
Date:	9 th October 2019
Author:	Governance and Compliance Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 Attachment – BFACM Meeting

Proposal/Summary

This report is provided to Council to consider and endorse appointments in accordance with the Bush Fire Act 1954.

Background

In accordance with legislative requirements the Council is required to formally appoint its Bush Fire Control Officers. This is done to ensure compliance and lawfully legitimise their authorisation under the Bush Fires Act 1954, in fulfilling their duty. The Annual General meeting of the Cunderdin Bushfire Brigade was held on the 29th September 2020 and included the appointments of officers. Council is required to endorse the appointments in order to meet requirements as an appointed Bush Fire Control Officer under the Bush Fire Act 1954.

The Resolutions from the Bush Fire Advisory Committee Meeting Minutes are;

RESOLUTION: BFAC1– 20/21

MOVED Norm Jenzen

SECONDED Digby Wilmott

That the minutes of the Bush Fire Advisory Committee Meeting Held on 7th October 2019 be confirmed as a true and correct record of that Meeting.

CARRIED

RESOLUTION: BFAC2– 20/21

MOVED Norm Jenzen

SECONDED Jeff Snooke

That the Meeting recommend to Council that Mr Ashley Burges be appointed as Chief Bush Fire Control Officer for the forthcoming year.

CARRIED

RESOLUTION: BFAC3– 20/21

MOVED Norm Jenzen

SECONDED Mervyn Burges

That the Meeting recommend to Council that Mr Ashley Teakle be appointed as Deputy Chief Bush Fire Control Officer for the forthcoming year.

CARRIED

RESOLUTION: BFAC4– 20/21

MOVED Jeff Snooke

SECONDED Ashley Teakle

That the Meeting recommend to Council that the following persons, subject to their acceptance be elected as Fire Control Officers for the Shire of Cunderdin for the forthcoming year:-

Mr A Burges, Mr A Teakle, Mr M Burges, Mr T Harris, Mr M Burges, Mr D Wilmott, Mr N Jenzen, Mr J Snooke, Mr S Mussared, Mr D Kelly, Mr D Beard, Mr D Fisher, Mr S Bell, Mr S Hobley and Ms H Byrnes.

CARRIED

RESOLUTION: BFAC5– 20/21

MOVED Jeff Snooke

SECONDED Mervyn Burges

That the Meeting recommend to Council that that the below dates be Prohibited burning for 2021;
Friday 2nd April and;
Sunday 4th April

CARRIED

Comment

Consultation

Cunderdin Bushfire Brigade Committee
Chief Executive Officer – Stuart Hobely
Community Emergency Services Manager – Simon Bell

Statutory Implications

Bush Fire Act 1954

Policy Implications

Shire of Cunderdin Policy Manual – Section 5, Fire Control

Financial Implications

There are no financial implications in relation to this item.

Strategic Implications

Outcome 1.2 A growing, healthy and safe community

- 1.2.1 Maintain and enhance sport and recreation facilities
- 1.2.2 Improve recreation for all ages
- 1.2.3 Support provision of emergency services and encourage
community volunteers

Recommendation 9.6

That Council makes the following appointments under section 38 of the Bush Fire Act 1954:

1. That Ashley Burges be appointed as the Shire of Cunderdin Chief Bush Fire Control Officer.
2. That Ashley Teakle be appointed as the Shire of Cunderdin Deputy Chief Bush Fire Control Officer.

Moved: Cr _____

Seconded: Cr _____

Vote: Simple Majority

Carried/Lost ___/___

9.7 Shire of Cunderdin Administration Christmas and Works Department Closing Period

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	22 nd October 2020
Author:	Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the closure of the Shire Administration Office over the Christmas / New Year period and the Shutdown period for the Shire works department.

This report recommends Council endorsement of the proposal as in recent years.

Background

In the past five (5) years Council has authorised the closure of the Administration Office as follows:

2015/16	24 th December 2015, returning on Tuesday 5 th January 2016
2016/17	24 th December 2016, returning on Tuesday 3 rd January 2017
2017/18	22 nd December 2017, returning on Tuesday 2 nd January 2018
2018/19	21 st December 2018, returning on Wednesday 2 nd January 2019
2019/20	24 th December 2019, returning on Thursday 2 nd January 2020

No complaints and / or adverse comments have been received in relation to the office closure over the periods mentioned.

In previous years the works department has had a two week shut down over the Christmas/ New Year period, due to the increased works programme the Manager of Works would like to keep operations going to ensure the programme progresses on schedule. Staff will be able to apply for Annual leave if they wish to increase the time away and applications will be assessed as per normal taking into consideration the Works Programme.

Comment

As a general rule no significant business is conducted between the Christmas and New Year period, therefore it is considered an ideal time to close the office and allow staff to clear some of their accrued leave entitlements, and enjoy a relaxed festive period with their families.

It is proposed the office be closed from the close of business on Thursday 24th December 2020 to Friday 1st January 2021 inclusive, reopening on Monday 4th January 2021.

Friday 25 th December	Public Holiday (Christmas Day)
Monday 28 th December	Public Holiday (Boxing Day Observed)
Tuesday 29 th December	TIL/Annual Leave/PSD
Wednesday 30 th December	TIL/Annual Leave /PSD
Thursday 31 st December	TIL/Annual Leave /PSD
Friday 1 st January	Public Holiday (New Year's)

During the proposed six (6) business day closure period staff time will be allocated to public holidays (3 days), public service day (1) and annual leave entitlements (2 days).

Notification of the office closure will be displayed in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.

It is proposed the Works Department shutdown period be from the close of business on Thursday 24th December 2020 to Friday 1st January 2021 inclusive, recommencing on Monday 4th January 2021.

Friday 25 th December	Public Holiday (Christmas Day)
Monday 28 th December	Public Holiday (Boxing Day Observed)
Tuesday 29 th December	Works Crew RDO
Wednesday 30 th December	TIL/Annual Leave /PSD
Thursday 31 st December	TIL/Annual Leave /PSD
Friday 1 st January	Public Holiday (New Year's)

During the proposed six (6) business day closure period staff time will be allocated to public holidays (3 days), public service day (1) , Works Crew RDO (1) annual leave entitlements (1 day).

Consultation

Shire Staff.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

It is proposed the office be closed from the close of business on Thursday 24th December 2020 to Friday 1st January 2021 inclusive, reopening on Monday 4th January 2021

Recommendation 9.7

That Council resolves to:

1. Approve the closure of the Shire of Cunderdin Administration Office and works department shutdown period during the Christmas / New Year period from close of business on Thursday 24th December 2020 to Friday 1st January 2021 inclusive, recommencing on Monday 4th January 2021 at 8:30 am (Administration) and 7:00 am (Works Department) .
2. Advertises the Administration Office closure in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: __/__

9.8 Freedom of Information Statement 2019-2020

Location:	Cunderdin Shire Office
Applicant:	Governance and Compliance Officer
Date:	29 th September 2020
Author:	Lauren Cole
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 x Attachment - Freedom of Information Statement

Summary

For Council to approve the Shire of Cunderdin Freedom of Information Statement 2020 - 2021

Background

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

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

Previous resolution:

Resolution 9.4 October 2019

That Council:

1. adopt the Shire of Cunderdin Freedom of Information Statement 2019 – 2020; and,
2. Publish the Information Statement as per the requirements of Freedom of Information Act 1992.

Comment

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

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

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

Consultation

Nil

Statutory Implications

Freedom of Information Act (1992)

Part 5 Publication of information about agencies

96. Information statement, each agency to publish annually

- (1) An agency (other than a Minister or an exempt agency) has to cause an up to date information statement about the agency to be published in a manner approved by the Minister administering this Act —

- (a) within 12 months after the commencement of this Act; and

(b) at subsequent intervals of not more than 12 months.

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - (ii) which kinds of documents can be purchased; and
 - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

6. Civic Leadership

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

Recommendation 9.8

That Council:

1. Adopt the Shire of Cunderdin Freedom of Information Statement 2020 – 2021; and,
2. Publish the Information Statement as per the requirements of Freedom of Information Act 1992.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _ / _

9.9 Chief Executive Officers Report

Location:	Cunderdin
Applicant:	Chief Executive Officer
Date:	11 September 2020
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

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

Background

Doctor

The Shire has been advised that Karis Medical Group have engaged the services of a second Doctor to operate from the Cunderdin practice. The Doctor will be housed in the Respite Care unit and will have the use of the Ford Focus that was used by a previous Doctor. The Doctor moved into the unit on the 2nd October 2020.

WA Country Health Service Wheatbelt

WACHS have requested a written confirmation from Council in the future of the old Hospital site. Council has previously decided not to keep the building due to ongoing maintenance costs. Council has advised WACHS that the Shire would like to keep the Ian Roberts Lodge, the dome shelter and the shed at the rear of the lot. WACHS have advised that the demolition would most likely occur after Christmas and as it is adjacent to the school site, this will also be considered when demolishing.

Industrial Land

At the request of Council, Development WA have drawn plans to develop the industrial lots at the eastern end of Centenary Way. After discussing the options with Development WA we are moving forward with the most cost effective model, and plans will be presented to Council in the near future.

Granite Way Geopark Concept

A Geopark is a UNESCO initiative which starts with geology and landscape to foster sustainable regional economic development. A geopark is a vehicle for delivering sustainable regional economic development, Geotourism is the engine that powers geoparks. It is comprised out of the 'ABC' environment elements (Abiotic – Landforms/Climate, Biotic – Animals/Plants & Cultural – People past & present) and thus promoting tourism by focussing on different tourism types (e.g. geological, weather, outback, astro-tourism, eco-tourism, wildlife, wildflower, cultural, indigenous & heritage). By establishing a Geopark, the associated LG's use the Geopark to create tourism marketing tools, thus Geotourism (shared by the LG's) e.g. brochures, trails, apps, advertising campaigns. LG's work together to create a connection between towns, promoting visitation and tourism between towns.

The Granite Way drive trail was initiated through the auspices of the Local Government Authorities of Tammin, Kellerberrin, Bruce Rock and Quairading. The Granite Way, established during the late 1990s and early 2000s, was considered a means of promoting tourism opportunities within the shires and to bring visitors into the region. During a meeting of the then CEO's of Tammin, Kellerberrin, Bruce Rock and Quairading, a proposition was tabled to establish a Geopark within this region. In 2017 Alan Briggs (PhD Candidate – Murdoch University) completed a research report into the creation of the Granite Way Geopark in the Wheatbelt. In this report it was identified that the targeted area for the project need to include Cunderdin (with Meckering as the western entrance), Tammin, Kellerberrin, Merredin (as the eastern entrance), Bruce Rock, Kondinin (for Wave Rock) and Quairading.

During September 2020 Local Government Authorities representatives from Cunderdin, Tammin, Kellerberrin, Bruce Rock, Quairading and Merredin; agreed that there is interest from all the LG

representatives to establish a Geoparks Working Group. This Working Group (under the guidance of Allan Briggs) will host a representative from each LG (CEO/CDO), who will be committed to work together over the next 12-24 months for the development of a schedule to establish a Geopark following UNESCO and Global Geopark Network requirements. At current there is no financial requirement (other than time – Shire Representative & fuel – vehicle usage for meetings), however there will be financial requirement if the Geopark is developed (as agreed by all LG's).

Cunderdin Airfield – Blue Tree Project

Council has recently received correspondence from Pam McLennan on behalf of the Gliding Club of WA requesting permission to paint a large dead tree located at the Cunderdin Airfield.

They are planning to paint the tree under the “Blue Tree” project and would like to start with dark blue going lighter towards the top. They have also requested to stencil some white planes near the top.

Below are photos of the tree mentioned.



Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Recommendation 9.9

That the Chief Executives Officers Report be received.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

10. Environmental Health and Building

Nil

11. Planning & Development

11.1 Proposed Container Deposit Infrastructure Policy

Location:	Cunderdin
Applicant:	Town Planner
Date:	16 August 2020
Author:	Natasha Jurmann
Item Approved by:	Stuart Hopley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	2 Attachments

Proposal/Summary

For Council to consider the Shire of Cunderdin Local Planning Policy – Container Deposit Scheme Infrastructure for adoption.

This policy is recommended by the Western Australian Planning Commission to provide a guideline as to how the infrastructure should be considered and assessed within the Western Australian Planning system. In accordance with the Deemed Provisions from Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) the Policy will need to be advertised for a period of 21 days.

Background

In May of 2019 the Western Australian Planning Commission released their Position Statement (Attachment 11.1.2) on the new Container Deposit Schemes required Infrastructure. The Commission recommends that the Councils of Western Australia adopt a version of the Model Policy (Please see attachment 11.1.1). This policy is based off the Model Policy with only minor changes.

We are proposing to adopt this policy now as a result of an application for Container Deposit Infrastructure in Cunderdin. The Policy was adopted for advertising at the Ordinary Council Meeting on the 17th of September 2020.

The advertising as then completed via the Bandicoot on the 23rd September 2020, as well as via Facebook and the Shire website.

Comment

The purpose of the Container Deposit Scheme Infrastructure Policy is to provide an exemption and framework for the new infrastructure to be assessed against within the Shire of Cunderdin. It is also intended that the CDS Policy would prevent negative impacts as well as allow for the timely and cost effective delivery of the Infrastructure to residents.

Consultation

As such the CDS Policy was advertised for 21 days in accordance with the Regulations and no submissions were made to date.

Submissions close on the 14th of September, any submissions received will be tabled at the Council Meeting.

Statutory Implications

Planning and Development (Local Planning Scheme) Regulations 2015

- Schedule 2, Part 7, Clause 61(1)(i) and (2)(e)
- Schedule 2, Part 2, Clause 4(1)

Policy Implications

The proposed Local Planning Policy will establish an appropriate and consistent regulatory framework for the assessment of proposed container deposit infrastructure.

Financial Implications

Advertising costs associated with the consultation period.

Strategic Implications

The Policy Manual is to enable the effective and efficient implementation of Council’s instructions, adopted annual budget, and legislative and local law obligations.

Recommendation 11.1

That Council:

1. Resolve to adopt the advertised Container Deposit Scheme Infrastructure Policy

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried: 0/0

11.2 Proposed Shires of Cunderdin Local Planning Scheme No.4

Location:	Cunderdin
Applicant:	Town Planner
Date:	2 September 2020
Author:	Natasha Jurmann
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

The Council to consider adopting the proposed Shire of Cunderdin Local Planning Scheme No. 4 (Scheme) with the recommended changes.

Background

The current Shire of Cunderdin Local Planning Scheme No. 3 was gazetted in May of 2007 making it over 13 years old. It currently uses terms and zones that have since been replaced in the new Planning and Development Regulations 2015. In addition to this there were not enough uses listed in the scheme, meaning that some people had to go to council for a use not listed.

The new Planning and Development Regulations 2015 requires that council's review their Town Planning Schemes once every 5 years, with this report being submitted to the Western Australian Planning Commission within 6 months of the due date.

The Town Planning Scheme review report found that;

- The format of the Scheme is out-dated and not in keeping with the latest standards and provisions prescribed in Schedule 1 – Model Scheme Text of the Planning and Development (Local Planning Schemes) Regulations 2015.
- The Scheme text does not incorporate good definitional principals to determine a policy or action, resulting in vague provisions to control and guide land use and development in the local government area.
- The Scheme maps need to be updated to reflect a number of changes to the purpose of various reserves and cadastral boundaries that have occurred as a result of subdivision/ amalgamation approvals issued by the Western Australian Planning Commission.
- The Scheme reflects the pattern of land use and development within the Shire that prevailed in 2007 and does not provide a strategy or concise guidelines for development options in line with anticipated local government and community desires. As such the Scheme does not fulfil ideal development controls or long term planning objectives.
- The Scheme has limitations in terms of land use options and is generally ineffective in terms of development control as there are insufficient provisions within the Scheme to safeguard and enhance the character, amenity, environmental values and natural resources of the Shire and to promote ecologically sustainable land use and development; and
- The Scheme will require updating following the adoption of the new Regional Local Planning Strategy. It does not reflect or assist in the implementation of recent Regional or State Planning Strategies and Policies.

As a result the Draft Shire of Cunderdin Local Planning Scheme No. 4 was prepared and advertised.

Comment

Advertising for the Shire of Cunderdin proposed Local Planning Scheme No. 4 commenced on the 31st October 2019 and submission were open for a three month period, closing on the 31st January 2020. Letters were

issues to all affected property owners, relevant government departments and two information session were held for community consultations.

During the submission period for the Shire of Cunderdin proposed Local Planning Scheme No.4 many of the local property owners and departments contacted the shire for discussions regarding the proposed zoning changes. This resulted in some feedback from the departments in particular the Department of Water, Environment and Reserves. In addition to this the Cunderdin Business Group and the Meckering Action Group requested meetings/presentations to their members regarding the proposed changes. In Meckering this resulted in a number of significant changes, requiring the Scheme to be readvertised for a further 21 days.

At the 20th February 2020 Ordinary Council Meeting resolved the following;

That Council:

1. Notes all the submissions received during advertising period.
2. Resolve to adopt the amended proposed Shire of Cunderdin Local Planning Scheme No.4.
3. Advertise the amended proposed Shire of Cunderdin Local Planning Scheme No. 4 for 21 days.

No further submissions were received during the second round of advertising.

The proposed Shire of Cunderdin Local Planning Scheme No. 4 has undergone a number of changes as a result of the feedback from the residents of Meckering and how they wish to see their townsite develop in the near future.

At the 17th September 2020 Ordinary Council Meeting resolved the following;

That Council:

1. *Resolve to adopt the Shires of Cunderdin Local Planning Scheme subject to the previously approved and advertised modifications.*

The items is being represented to Council as it requires approval for the Common Seal to be affixed to the scheme.

Consultation

The scheme was advertised for a period of three (3) months as required by the Planning and Development regulations 2015. The feedback resulted in a number of significant changes to the scheme, which resulted in it being advertised for a period of 21 days.

No further changes were required after the last round of advertising as there were no further submissions.

Statutory Implications

The current Shire of Cunderdin Local Planning Scheme No. 3 would be superseded by the new Shire of Cunderdin Local Planning Scheme No.4.

Policy Implications

No policy implications, all the current policies would continue to be in effect.

Financial Implications

Nil

Strategic Implications

Local planning schemes are the principal statutory tool for implementing the local planning strategy and achieving the local government's aim and objectives with respect to the development of its local area. While schemes deal mainly with land use, development control and infrastructure coordination, they must be

developed in the context of the strategic framework and the broader environmental, social and economic goals and objectives.

Recommendation 11.2

That Council:

1. Resolve to adopt the Shires of Cunderdin Local Planning Scheme subject to the previously approved and advertised modifications.
2. Affix the Common Seal of the Shire of Cunderdin to the Scheme.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried: 0/0

12. Works & Services

Nil

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 November 2020 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 19th November 2020 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at __: __pm.

16. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 15th October 2020 as shown were confirmed at the ordinary meeting of Council held on 19th November 2020.

Signed: _____

Date: _____