



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 21st May 2020** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm**

Stuart Hobley
Chief Executive Officer
15th May 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 (William) Stewart | |
| Cr A (Anthony) Smith | |

In Attendance

| | |
|---------------|-----------------------------------|
| Stuart Hobley | Chief Executive Officer |
| Lauren Cole | Governance and Compliance Officer |

Guests of Council

Members of the Public

2.2 Apologies

| | |
|---------------|--------------------------------|
| Hayley Byrnes | Deputy Chief Executive Officer |
|---------------|--------------------------------|

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 16th April 2020

Recommendation 6.1

That the Minutes of the Ordinary Council Meeting held on Thursday 16th April 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.

6.2 Plant & Vehicles Committee Meeting of the Cunderdin Shire Council held on 26th March 2020

Recommendation 6.1

That the Minutes of the Plant & Vehicles Committee Meeting of the Cunderdin Shire Council held on Thursday 26th March 2020 be confirmed as a true and correct record.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

7. Declaration of Members and Officers Interests

8. Announcements by President without Discussion

9. Finance & Administration

9.1 Financial Reports for April 2020

| | |
|--------------------------|--|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Date: | 12 May 2020 |
| Author: | Hayley Byrnes |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| File Reference: | Nil |
| Attachment/s: | 1 attachment – Monthly Report |

Proposal/Summary

The financial reports as at 30 April 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 30 April 2020.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

9.2 Accounts Paid – April 2020

| | |
|--------------------------------|--|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Author: | Hayley Byrnes |
| Report Date: | 12 May 2020 |
| Item Approved By: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 1 attachment – Creditors list of payments April 2020 |

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

| | |
|-----------------------|--------------|
| Total for Municipal - | \$210,768.65 |
| Total for Trust - | \$0.00 |
| TOTAL - | \$210,768.65 |

For March 2020 as listed in the Warrant of Payments for the period 1st to 30th April 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 \$210,768.65 being from Municipal Account for April 2020, as follows:

| Municipal Account | \$ | Total |
|---|--------------|---------------------|
| Electronic Funds Transfer: EFT 4081 – 4144 | \$186,084.44 | |
| Direct Debit (Inc Bank Charges): DD1816.1.1-DD1817.11 | \$12,222.43 | |
| Cheques: 11611-11618 | \$12,461.78 | |
| | | |
| TOTAL | | \$210,768.65 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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 April 2020

| | |
|--------------------------------|--|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Author: | Hayley Byrnes |
| Report Date: | 13 May 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 April 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 April 2020.

| COUNCIL ACCOUNTS | | | | | |
|------------------------------|-----------------------|---|---------------------|---------------------|-------------------|
| Institution | Amount | Investment type/ Account details | Municipal Funds | Reserve Funds | Trust Funds |
| Westpac Bank | \$256,050.26 | Municipal- 0000030 | \$256,050.26 | | |
| Bendigo Bank | \$611,490.53 | Municipal- 155971377 | \$611,490.53 | | |
| | | | | | |
| Bendigo Bank | \$990,594.47 | Reserves Term Deposit 1.9% Expires : 23/06/2020 | | \$990,594.47 | |
| Westpac Bank | \$146.78 | Business Cash Reserve 22-3647 0.50% | \$146.78 | | |
| Bendigo Bank | \$1,098.37 | Bendigo Trust Account 164 488 686 | | | \$1,098.37 |
| Westpac Bank | \$1,248.71 | Trust Working Account 12-2981 | | | \$1,248.71 |
| Westpac Bank | \$250,000.00 | Westpac Term Deposit 1.75% Expires:20/06/2020 | \$250,000.00 | | |
| TOTAL INVESTMENTS | \$1,243,088.33 | | \$250,146.78 | \$990,594.47 | \$2,347.08 |
| | | | | | |

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 95,720.75 and Bendigo Term Deposit Ref: 3030072 – \$ 448,062.49.

| CUNDERDIN COMMUNITY TRUST DETAILS | | |
|--|-------------------|-------------------|
| 30 April 2020 | | |
| Opening Balance as per Bank Statement & Term Deposits | INVESTMENT ACC | 95,719.75 |
| | TERM DEPOSIT | 448,062.49 |
| | TOTAL | 543,782.24 |
| Credits | | 0.78 |
| Debits | | 0.00 |
| Closing Balance as Per Bank Statements & Term Deposits | TOTAL | 543,783.02 |
| INCOMING | | |
| <i>Interest (Investment account)</i> | | 0.78 |
| | | 0.78 |
| OUTGOING | | |
| | | 0.00 |
| Balance as at end of month | TOTAL | 543,783.02 |

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 April 2020 be received and noted.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple Majority

Carried/Lost: __/__

9.4 Shire of Cunderdin Meeting Dates for 2020/2021

| | |
|--------------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Governance and Compliance Officer |
| Date: | 4 May 2020 |
| Author: | Lauren Cole |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | Nil |

Proposal/Summary

For Council to consider the Council and Committee meetings dates and times for the 2020/21 financial year.

Background

Each year Council is required to set the dates for their Ordinary and Committee meetings for the next financial year.

Currently Ordinary Meetings of Council are held on the third (3rd) Thursday of each month, with the exception of the month of January (when there is no scheduled meeting), commencing at 5:00pm.

Comments

The current meeting schedule has been in place for some time and appears to work well for the Council members, and provides reasonable opportunity for members of the community to attend the meetings if they desire.

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, Council must give local public notice of the times, dates and place for Ordinary and Committee meetings.

Consultation

Nil.

Statutory Implications

Local Government Act 1995 – section 5.3 Ordinary and Special Meetings of Council

5.3. Ordinary and special council meetings

- (1) *A council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than 3 months apart.*
- (3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Local Government (Administration) Regulations 1996 – Regulation 12 Public Notice of Council and Committee meetings

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,**are to be held in the next 12 months.*

- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Recommendation 9.4

That Council adopts and provides Local Public Notice for the following Ordinary Council and Committee Meeting dates, time and places for the 2020/2021 financial year:

1. The date for Ordinary Council Meetings to be as follows, commencing at 5:00pm and being held in the Council Chambers, Lundy Avenue, Cunderdin, or at the Meckering Sporting Club, Dempster Street Meckering, where indicated :

| Month | Meeting Date |
|----------------|---|
| July 2020 | Thursday 16 July 2020 |
| August 2020 | Thursday 20 August 2020 |
| September 2020 | Thursday 17 September 2020 – (held in Meckering) |
| October 2020 | Thursday 15 October 2020 |
| November 2020 | Thursday 19 November 2020 |
| December 2020 | Thursday 17 December 2020 |
| January 2021 | No meeting |
| February 2021 | Thursday 18 February 2021 |
| March 2021 | Thursday 18 March 2021 |
| April 2021 | Thursday 15 April 2021 |
| May 2021 | Thursday 20 May 2021 |
| June 2021 | Thursday 17 June 2021 |

2. Audit Committee meetings will be held as and when required with local public notice given on those occasions where the public are invited to attend.
3. Local Emergency Management Committee (LEMC) meetings are to be held four (4) times per year in, August, November, February & May, commencing at 5:30pm in the Council Chambers, Lundy Avenue, Cunderdin.

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried/Lost:

9.5 Proposed renumber of some properties along Great Eastern Highway

| | |
|--------------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Finance Officer |
| Date: | 1 st May 2020 |
| Author: | Brooke Davidson |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | NIL |
| File Reference: | NIL |
| Attachment/s: | 1x attachment |

Proposal/Summary

For Council consideration to renumber the properties along the Great Eastern Highway, beginning at Lot 86 on DP 222359 through to the West end of town lot 5 on P87542.

Background

The portion of road located between Lot 86 on DP 222359 (corner of Great Eastern Highway and Pemberton Street) through to the West end of town lot 5 on P87542 (Manta Performance), is officially approved as the Great Eastern Highway and has been since the realignment of Great Eastern Highway happened in 1991.

At the time of the realignment the properties along this road should have had their addresses changed to a Great Eastern Highway address. They are currently still using a Forrest Street address.

These properties cannot use a Forrest Street address as they are not accessing from Forrest Street.

Comment

The Shire will need to advise the affected 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 and road name. It will need to be reiterated to the occupants that they are not on Forrest Street and to continue to use Forrest Street as their address may result in them being unlocatable in an emergency situation.

The numbering allocated would fit within the two known Rural Street Addresses currently in place of 12752 Great Eastern Highway (DP255540 Lot 2224) and 13032 Great Eastern Highway (DP255011 Lot 2194).

With the assistance of Landgate, street numbers starting at 12888 will be allocated to the properties along the portion of Great Eastern Highway.

Consultation

Landgate.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

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 Great Eastern Highway, beginning at Lot 86 on DP 222359 through to Lot 5 on P87542, with the assistance of Landgate, and the allocation of a new street address with the correct road name and number.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

9.6 Property Seizure and Sale Order on Lot 127, 119 Cubbine Street, Cunderdin

| | |
|--------------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Finance Officer |
| Date: | 12 May 2020 |
| Author: | Brooke Davidson |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | NIL |
| File Reference: | A52937 |
| Attachment/s: | Nil |

Proposal/Summary

That Council, approve to proceed with a Property Seizure and Sale Order on Lot 127, 119 Cubbine Street, Cunderdin.

Background

The current owners of 119 Cubbine Street, Cunderdin purchased the property in December 2016. The Rates and Charges have remained outstanding since Billing 2017/18.

Since the 15/08/2017, a total of \$3,150.00 has been paid off of the debt of the assessment to date. Numerous phone calls and conversations have taken place to try and set up a suitable payment arrangement during this time. A written payment agreement was signed in July 2019 on which the ratepayers agreed to pay \$100.00 per week, however this was not adhered to.

No payments have been received since 19/12/2019. The ratepayers expressed in December 2019 that they were looking to access their superannuation to pay out the total of the debt. The Shire has been unable to get in touch with them since, to confirm if this eventuated, despite several phone call attempts.

Comment

The current outstanding debt on the property, including legal fees, is \$3,517.13.

The ratepayers have been unable to enter into a suitable payment arrangement which meets the requirements of Councils Delegation Register, section 3.5 – Sundry and rate debtors – Recovery and agreements, which requires the ratepayer to enter into a payment arrangement that will clear the outstanding debt by June 30 of the current financial year.

Consultation

AMPAC Debt Recovery

Statutory Implications

Local Government Act 1995 –

- s.6.49 – Agreement as to payment of rates and service charges
- s.6.56(1) – recovery of rates by complaint or action

Policy Implications

Councils Delegation Register

3.5 Sundry and rate debtors – Recovery and agreements

FUNCTION DELEGATED

1. The CEO is delegated authority to negotiate an agreement for the payment of rates, service charge and sundry debts, together with the costs of proceedings, if any, for that recovery, subject to any administrative or instalment charges, penalty interest etc. being incorporated into the agreement.

2. The CEO is delegated authority to recover unpaid rates or service charges after becoming due and payable, together with the costs of proceedings, if any, for that recovery –

- a) by use of a debt collection agency,
- b) in a court of competent jurisdiction;
- c) by serving notice on a tenant to pay rent to the Shire;
- d) other such means as is provided for and appropriate.

3. The CEO is delegated authority to recover unpaid sundry debtors, together with the costs of proceedings, if any, for that recovery –

- a) by use of a debt collection agency,
- b) in a court of competent jurisdiction;
- c) other such means as is provided for and appropriate.

APPLICATION

1. The arrangements agreed are to be on the basis that the total debt outstanding will be extinguished by 30 June following.

OBJECTIVE

To ensure timely recovery of sundry and rates debtors.

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.49 – Agreement as to payment of rates and service charges
- s.6.56(1) – recovery of rates by complaint or action
- s.6.60(2) – recovery of rates by requiring payment of rent to Shire

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SECONDARY DELEGATION PERMITTED TO

Manager of Corporate Services and Finance

FORMAL RECORD OF USE

- i) File copy of instruction to court or debt collection agency etc., written agreement with debtor, notice to tenant etc.
- ii) Property file

HISTORY

Former Delegation 47, 51, 52

Adopted 20 June 2019

REFERENCES

Nil

Financial Implications

The time period to sell a property under the PSSO will be approximately 12-18 months provided all instructions from Shire of Cunderdin are given in a timely matter.

The sale period is ONLY active for 6 months; there will need to be an extension of the PSSO at least once during this period. The approximate cost for each extension is \$700.00.

The first set of costs to register the Shire's interest to sell the land with Landgate is approximately \$1,000 this includes lawyer's time, receiving the official documents for the Bailiff and appropriate Landgate charges. These fees can be on charged to the ratepayer and will be collected in a successful sale of the property.

Once the document is lodged at Landgate, the Bailiff will require payment of \$1800 to prepare for sale. This preparation includes mortgagee information, rates (both land and water) and valuations of the land.

If the bailiff deems there to be insufficient equity they CAN NOT proceed to auction. This then means we can invoke the 3 Year Rule process.

If an auction cannot proceed any funds from the \$1800 that remain will be refunded.

If we are able to proceed to auction, we can request for extra advertising to be added to help with a successful sale.

As the property may not sell at auction the Shire of Cunderdin will need to be prepared to begin the 3 year process.

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 9.6

That Council, approve to proceed with a Property Seizure and Sale Order on Lot 127, 119 Cubbine Street, Cunderdin.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

9.7 National Redress Scheme (Participation of WA Local Governments)

| | |
|--------------------------------|---|
| Location: | Meckering Sporting Club |
| Applicant: | Department of Local Government, Sport and Cultural Industries |
| Date: | 15 th May 2020 |
| Author: | Lauren Cole |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | Local Government Information Paper |

Proposal/Summary

This item is for the Shire of Cunderdin to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Cunderdin to participate in the National Redress Scheme;
- Formally endorse the Shire of Cunderdin's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Cunderdin will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution. (Section 111(1)(b))

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Comment

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and

- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Cunderdin's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Cunderdin formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Cunderdin will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Cunderdin to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Council formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Cunderdin include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Cunderdin having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Cunderdin.

Considerations for the Shire of Cunderdin

Detailed below is a list of considerations for the Council to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Cunderdin will receive a Redress application. A Service Agreement will only be executed if the Council receives a Redress application.

The Shire of Cunderdin needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Council will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Cunderdin's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Shire of Cunderdin should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Cunderdin do not have any influence on the decision made and there is no right of appeal.

Consultation

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

Statutory Implications

The Shire of Cunderdin in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

Policy Implications

Nil

Financial Implications

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Position the area as a regional strategic location and transport hub

Recommendation 9.7

That Council:

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;
- 2) Notes that the Shire of Cunderdin will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Cunderdin makes a specific and formal decision to be included;
- 3) Endorses the participation of the Shire of Cunderdin in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
- 4) Grants authority to Shire of Cunderdin to execute a service agreement with the State, if a Redress application is received;
- 5) Notes that a confidential report will be provided if a Redress application is received by the Shire of Cunderdin;

Moved: Cr

Seconded: Cr

Vote – Simple Majority

Carried/Lost: _____

9.8 Chief Executive Officers Report

| | |
|--------------------------|--|
| Location: | Cunderdin |
| Applicant: | Chief Executive Officer |
| Date: | 14 May 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

Corona Virus Update

The Shire is receiving daily updates from the Department of Health with respect to the Corona Virus.

At this stage the Shire is planning for a disruption to its normal business at some stage in the next six months.

The State Government have recently relaxed the intrastate border travel restriction. It is expected that this will result in an increased number of vehicles and people traveling through both Cunderdin and Meckering.

The following facilities remain closed:

- Pool
- Museum
- Playgrounds (Cunderdin and Meckering)

The following facilities will reopen with phase two of the State Governments COVID 19 policy.

- Town Halls (Cunderdin and Meckering)
- Town Hall Public Toilets
- Overnight Camping facility Meckering

The Shire Office will return to normal operating hours as of the 18 May 2020.

The Shire Depot will remain closed to the public and will only be open via appointment. The refuse sites in Cunderdin and Meckering remain open, however we will continue to keep in place processes to provide a safe working environment for staff.

Some administration staff will continue to work from home due to personal reasons however this will be phased out in the upcoming weeks.

The outside staff continue to work as normal with the standard precautions being taken.

The Shire has not yet received any requests from the business community for economic assistance. The manufacturing and agricultural based businesses do not appear to be effected as yet however this could change. The industries that are suffering the most at the moment are the Hotel/Clubs, cafes, gyms and health related services (massage, physio).

The Shire continues to keep the community updated as much as possible via its social media outlets. Our Community Development Officer is also trying new ways to keep people busy and active over this period while they are locked down.

Community Trust

Staff are seeking a legal opinion on clauses within the Community Trust to ascertain if the Trustees are able to act on the requested of the Cunderdin Sport and Recreation Committee. It is planned to have a Community Trust Meeting before June 2020 Council Meeting. Not action will be taken on the outstanding loan amount before the matter is considered by Council.

Wheatbelt Secondary Freight Network

The Shire has been advised it is in line for funding for a Stage 1 Projects in the WSFN program. The program is to be delivered over 5 years commencing 2020/21. A recent WSFN Steering Committee Meeting approved the commencement of "Project Development" work that is able to be completed in the remainder of 2019/20 financial year, in order for initial projects to be included in your budget planning and subsequent delivery processes for 2020/21.

The Shire of Cunderdin has been allocated \$30,000 to complete investigation and planning on the Meckering Goomalling Road SLK 12.44 to 18.5. The cost to the Shire is \$2,000 which will be sourced from existing expenditure accounts.

Interim Audit

The interim audit has been completed and it is expected the audit report will be received shortly. In consultation with the auditors it was decided to conduct the audit off site via electronic means. This has resulted in a significant increase in workload for the DCEO over the past two weeks.

The Commonwealth Department of Infrastructure, Transport, City and Regional Development (the Department) have advised the Shire that they are undertaking an assessment of the projects which are within the scope of Roads to Recovery Program (R2R). This is a standard audit and will draw on the resources of the DCEO and MOW.

Budget

It is planned to have a draft budget meeting at the Council Information Session scheduled to be held on the 4th June 2020. If any Councillors have any requested to be included in the budget could they please forward them in as soon as possible.

It is anticipated to have the buildings budget, 5 year roadworks plan and plant and machinery replacement plans available at this time.

Department of Local Government - Changes to the Local Government Act

The Local Government Act 1995 provides the power to enable the Minister to modify or suspend provisions of the Act and Regulations while a State of Emergency declaration is in force and where the Minister considers that such an order is necessary.

The Minister has made several Orders under this legislation including:

- requirements to hold public meetings,
- for access to information when council offices are closed due to the COVID-19 pandemic,
- budgetary matters.

The budgetary matters include reducing the amount of interest that can be charged on instalments from 5.5% to 3% if the Shire does not have a hardship policy. It is intended that the Shire will develop a Hardship Policy to be adopted by Council at the June 2020 Council Meeting.

The development of Hardship Policy will mean the Shire can determine if a ratepayer's hardship is from the effects of COVID 19 or whether it is another issue. It places the decisions back in the hands of the local Council.

It is estimated that if Council does not develop a hardship policy it could cost Council up to \$4,000 in 2020/21.

Interest rates that can be charged for late payments are to be capped at 8%, from 11% which aligns with the interest rate charged by the Australian Taxation Office. It is estimated that this change could cost Council up to \$7,000 in 2020/21.

REED – Cunderdin Early Learning Centre

The Shire has completed the final grant acquittal for the funding received to operate the Cunderdin ELC. The Deed of Novation transferring the license to operate an Early Learning Centre to REED has also been signed and returned to the Department of Education, Skills and Employment. A final acquittal of the ELC budget will be presented when the grant acquittal is approved.

Gliding Club of Western Australia

At the April Council Meeting it was decided to not charge the Gliding Club its lease fees until they could return to the airfield. The Club have recently advised that with the recent lifting of travel restriction they will return to gliding on 1 July 2020.

Government Regional Officer Housing

The Department of Communities – Housing has recently contacted Council requesting the availability of housing in Cunderdin for a new teacher. 14 Robyn Street is expected to be vacant in the near future and consideration is being given to leasing this premises to GROH for a period of time.

Great Eastern Country Zone meeting

The Great Eastern Country Zone Meeting was held via zoom on the with the President, Cr A Harris and the CEO in attendance.

- Issues of note that were discussed included:
- Cost of Audits for 2020/21
- Movement of oversize vehicles on major roads
- COVID 19 issues including school boarding and grocery supplies.
- An update on the National Redress Scheme.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Recommendation 9.8

That the Chief Executives Officers Report be received.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/Lost: _____

10. Environmental Health and Building

Nil Items

11. Planning & Development

11.1 Proposed Shire of Cunderdin Local Planning Scheme No. 4 – Amendments

| | |
|--------------------------|--|
| Location: | Cunderdin |
| Applicant: | Town Planner |
| Date: | 13 February 2020 |
| Author: | Natasha Jurmann |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| File Reference: | Nil |
| Attachment/s: | 3 Attachments |

Proposal/Summary

The Council is to receive the Town Planner's update for May 2020 and consider the changes for the proposed Shire of Cunderdin Local Planning Scheme No. 4 for adoption for advertising purposes.

Background

The Shire of Cunderdin resolved at its Ordinary Meeting held in February 2020 that Council:

1. Make the proposed changes to the draft Shire of Cunderdin Local Planning Scheme No. 4.
2. That the Shire re-advertise the draft Shire of Cunderdin Local Planning Scheme No.4 for a period of 21 days as requested by the residents of Meckering.

Advertising for the Shire of Cunderdin proposed Local Planning Scheme No.4 commenced on the 31st October 2019 and submissions were open for a three month period, closing on the 31st January 2020. Letters were issued to all affected property owners and two information sessions held for community consultation, one in Cunderdin and one in Meckering.

During the submission period for the Shire of Cunderdin proposed Local Planning Scheme No.4 many of the local property owners contact the shire of discuss the zoning changes to their properties. A number of changes were made to reflect this consultation.

Comment

Upon liaising with our contact at the Department of Planning, all the proposed changes were approved with the exception of allowing the use Agriculture-Intensive in the Rural Townsite zone in Meckering. The new maps and the modified zoning table are attached.

Consultation

Additional consultation will occur once the changes have been adopted by council for a further 21 days as decided at the February Council Meeting.

Statutory Implications

The *Planning and Development (Local Planning Schemes) Regulations 2015* require every local government have a local planning scheme and any new scheme prepared to be accompanied by a local planning strategy.

The Regulations also require local governments to review their local planning schemes every five years with initial review periods for existing schemes prepared under the previous regulations stipulated as follows:

- 2020 – If the scheme is less than five years old (i.e. Gazetted from 19 October 2010 to present).
- 2017 – If the scheme is more than five years old (i.e. Gazetted from 18 October 2010 or older).

The Scheme Review Report received by Council in September 2017 was endorsed by the WAPC and recommends that due to the age of the Scheme and the non-conformance with the new Model Scheme Text, that a new local planning scheme be developed, in conjunction with the development of a regional local planning strategy.

Local Planning Scheme

Part 5 of the *Planning and Development Act 2005* and Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* set out the requirements for the development, content, advertising and approval of a new local planning scheme. A flowchart depicting the process has been published by the Department of Planning, Lands and Heritage and has been attached to this report for Council's reference.

The draft documents have been prepared in accordance with the requirements of the Regulations and the Department of Planning, Land and Heritage's (DPLH) Local Planning Manual.

Policy Implications

The Shire's Local Planning Policies adopted under the provisions of LPS3 will continue to operate under a transitional clause in LPS4 until such time the review has been completed. It is important that the LPPs are current and consistent with the provisions of LPS3, and represent the needs of the community.

Financial Implications

Additional advertising costs

Strategic Implications

Local planning schemes are the principal statutory tool for implementing the local planning strategy and achieving the local government's aims 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.

The local planning scheme will be developed utilising existing local and regional strategic planning documents.

Recommendation 11.1

That Council:

1. Notes the changes made as a result of the advertising period
2. Resolve to adopt the amended proposed Shire of Cunderdin Local Planning Scheme No.4 and maps for advertising.

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried/ Lost:

12. Works & Services

Nil

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 June 2020 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 18th June 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 21st May 2020 as shown were confirmed at the ordinary meeting of Council held on 18th June 2020.

Signed: _____

Date: _____