



## 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 **Wednesday 28<sup>th</sup> February 2024** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley  
**Chief Executive Officer**

21<sup>st</sup> February 2024

1.	Declaration of Opening.....	3
2.	Record of Attendance, Apologies and Approved Leave of Absence .....	3
3.	Public Question Time.....	4
4.	Petitions, Deputations & Presentations.....	4
5.	Applications for Leave of Absence .....	4
6.	Confirmation of the Minutes of Previous Meetings .....	4
6.1.	Ordinary Meeting of Council held on 20 <sup>th</sup> December 2023 .....	4
7.	Declaration of Members and Officers Interests .....	4
8.	Announcements by President without Discussion .....	4
9.	Finance & Administration .....	5
9.1.	Financial Reports for December 2023 and January 2024 .....	5
9.2.	Accounts Paid – 31 <sup>st</sup> December 2023 and 31 <sup>st</sup> January 2024 .....	6
9.3.	Council Investments – As at 31 <sup>st</sup> December 2023 & 31 <sup>st</sup> January 2024 .....	10
9.4.	Corporate Business Plan – Quarterly Review .....	14
9.5.	Receival of the Local Emergency Management Committee Meeting Minutes .....	16
9.6.	Amendment to the Fees and Charges 2023/2024 – 18 Egeberg Street .....	17
9.7.	Amendment to the Fees and Charges 2023/2024 - Airfield .....	19
9.8.	Request for exemption from bin services .....	21
9.9.	Freedom of Information Statement .....	25
9.10.	Transfer of land to Shire in lieu of rates and charges .....	27
9.11.	Cunderdin and Pingelly Primary Health Centre Review .....	29
9.12.	Minutes of the Annual Electors Meeting .....	31
9.13.	Shire of Cunderdin Quarterly Risk Management Report – December 2023 .....	33
9.14.	Request for Comment – South West Native Title Settlement .....	36
9.15.	Move behind Closed Doors.....	39
9.16.	PRIVATE & CONFIDENTIAL - Cunderdin Bowling Club – Bowling Green Reconstruction ....	39
9.17.	Move from behind Closed Doors.....	39
9.18.	Chief Executive Officers Report.....	40
10.	Environmental Health and Building.....	42
11.	Planning & Development.....	42
11.1.	Proposed Amendment No.1 to the Shire of Cunderdin Local Planning Scheme No.4.....	42
12.	Works & Services .....	44
13.	Urgent Items .....	44
14.	Scheduling of Meeting.....	45
14.1.	March 2024 Ordinary Meeting.....	45
15.	Closure of meeting .....	45
16.	Certification .....	45

## AGENDA

### 1. Declaration of Opening

The Shire President declared the meeting open at \_\_\_\_pm.

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

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

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

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

#### 2.1 Record of attendances

##### Councillors

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

##### In Attendance

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

##### Guests of Council

##### 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 20<sup>th</sup> December 2023

#### Recommendation 6.1

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 20<sup>th</sup> December 2023 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 December 2023 and January 2024

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	12 February 2024
<b>Author:</b>	Hayley Byrnes
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.1.1 – December 2023 Monthly Financial Report Attachment 9.1.2 – January 2024 Monthly Financial Report Attachment 9.1.3 - Rates Details January 2024

#### **Proposal/Summary**

The financial reports as at 31<sup>st</sup> of December 2023 and 31<sup>st</sup> of January 2024 are presented for consideration.

#### **Background**

The financial reports have been circulated to all Councillors.

#### **Comment**

Nil.

#### **Consultation**

Nil.

#### **Statutory Environment**

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

#### **Policy Implications**

Nil.

#### **Financial Implications**

All financial implications are contained within the reports.

#### **Strategic Implications**

Nil.

#### **Recommendation 9.1**

That Council receives the monthly financial reports for the periods ending 31<sup>st</sup> of December 2023 and 31<sup>st</sup> of January 2024.

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

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

Vote – Simple majority

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

## 9.2. Accounts Paid – 31<sup>st</sup> December 2023 and 31<sup>st</sup> January 2024

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	12 February 2024
<b>Item Approved By:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.2.1 – December 2023 Creditors Listing Attachment 9.2.2 – January 2024 Creditors Listing Attachment 9.2.3 - Credit Card Statement December 2023 Attachment 9.2.4 - Credit Card Statement January 2024

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$426,683.48
Total for Trust -	\$0.00
TOTAL -	\$426,683.48

For December 2023 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 31<sup>st</sup> December 2023.

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$370,072.98
Total for Trust -	\$0.00
TOTAL -	\$370,072.98

For January 2024 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 31<sup>st</sup> January 2024.

### **Background**

Nil.

### **Comment**

Nil.

### **Consultation**

Nil.

### **Statutory Environment**

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

Financial Management Regulations 12 & 13.

### **Policy Implications**

Nil.

## **Financial Implications**

All financial implications are contained within the reports.

## **Strategic Implications**

Nil.

<b><u>Recommendation 9.2</u></b>				
1. That Council's payments of accounts amounting to \$426,683.48 being from Municipal Account for December 2023, as follows:				
<b>Municipal Account</b>			<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 7803- 7925			\$390,046.16	
Direct Debit (Inc Bank Charges):			\$22,366.23	
Cheques: 1188 - 11893			\$14,271.09	
<b>Trust Account</b>				
			\$0.00	
<b>TOTAL</b>				<b>\$426,683.48</b>
2. That Council's receive reports for payments of corporate credit cards amounting to \$4,166.72 being from Municipal Account for period 16 <sup>th</sup> November to 17 <sup>th</sup> December 2023., as follows:				
<b>40030 - Westpac Banking Corporation Visa – Stuart Hobley</b>				
<b>Date</b>	<b>Job</b>	<b>Job Description</b>	<b>Comments</b>	<b>Line Total</b>
16- Nov	11421000.520	Expenses Relating to Public Works Overheads GEN	Gratuity Payment - Peter Eaton	405.95
17-Nov	P3013	Licences - Plant GEN	Plate Change	31.10
17-Nov	P3013	Licences - Plant GEN	Plate Change	6.90
23-Nov	10411040.521	Members Refreshments & Receptions Expense GEN	Council Meeting Dinner	120.99
23-Nov	P3013	Licences - Plant GEN	Registration	18.90
01-Dec	11321010.521	CDO Projects GEN	Survey Monkey Subscription	349.09
01-Dec	P1014	Parts & Repairs GEN	Trailer Parts	17.00
01-Dec	P1014	Parts & Repairs GEN	Trailer Parts	15.39
02-Dec	P3014	Parts & Repairs GEN	CEO Diesel	122.52
04-Dec	P3014	Parts & Repairs GEN	CEO Diesel	118.74
07-Dec	11161030.521	Community Events Expenditure GEN	Youth Council Leadership Conference	428.00
07-Dec	11451000.520	Expenses relating to Administration GEN	End of year celebration	727.50
			<b>TOTAL</b>	<b>2,362.08</b>

<b>40030 - Westpac Banking Corporation Visa – Hayley Byrnes</b>				
<b>Date</b>	<b>Job</b>	<b>Job Description</b>	<b>Comments</b>	<b>Line Total</b>
16-Nov	12100300.521	CMT SENIORS EXPENSES Trust - Payments GEN	Seniors Bus Trip Roast Meal	870.00
20-Nov	11161030.521	Community Events Expenditure GEN	Wristbands for events	80.75
21-Nov	11451140.520	Advertising GEN	Job Advertisement	401.50
21-Nov	T122	Rabbit Proof Fence Nth Rd- Roads to Recovery	Plastic Bags	105.30
23-Nov	P1511	2020 Kubota Baroness LM2700 Mower (CM1888) - Cunderdin	Licence Renewal	84.25
24-Nov	11451000.520	Expenses relating to Administration GEN	Coffee	9.70
30-Nov	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO ULP	88.35
02-Dec	10511050.521	BFB Other Goods and Services and Incidents GEN	BFB Breakfast	61.69
03-Dec	10511050.521	BFB Other Goods and Services and Incidents GEN	Fire Training	49.40
04-Dec	P1021	Ingersoll Rand Portable Air Compressor CMT 2492	Coupling	53.70
			<b>TOTAL</b>	<b>1,800.64</b>
			<b>TOTAL PAYMENTS</b>	<b>\$4,166.72</b>
3. That Council's payments of accounts amounting to \$370,072.98 being from Municipal Account for January 2024, as follows:				
<b>Municipal Account</b>			<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 7926- 8015			\$297,530.43	
Direct Debit (Inc Bank Charges):			\$26,192.94	
Cheques: 11894 - 11898			\$46,349.61	
<b>Trust Account</b>				
			\$0.00	
<b>TOTAL</b>				<b>\$370,072.98</b>
4. That Council's receive reports for payments of corporate credit cards amounting to \$1,791.31 being from Municipal Account for period 16 <sup>th</sup> October to 15 <sup>th</sup> November 2023., as follows:				
<b>40030 - Westpac Banking Corporation Visa – Stuart Hobley</b>				
<b>Date</b>	<b>Job</b>	<b>Job Description</b>	<b>Comments</b>	<b>Line Total</b>
22-Dec	11451000.520	Expenses relating to Administration GEN	CEO Lunch	22.50
29-Dec	P3005	2020 Ford Territory - 0CMT - N/A	CEO Diesel	116.50
02-Jan	P3005	2020 Ford Territory - 0CMT - N/A	CEO Diesel	103.49
06-Jan	P3005	2020 Ford Territory - 0CMT - N/A	CEO Diesel	125.66
10-Jan	11451110.521	Staff Uniform - Admin GEN	CEO Uniforms	119.60
			<b>TOTAL</b>	<b>487.75</b>
<b>40030 - Westpac Banking Corporation Visa – Hayley Byrnes</b>				





### 9.3. Council Investments – As at 31<sup>st</sup> December 2023 & 31<sup>st</sup> January 2024

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	12 February 2024
<b>Item Approved By:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.3.1 - Bank Statements December 2023 Attachment 9.3.2 - Bank Statements January 2024

#### Proposal/Summary

To inform Council of its investments as at 31<sup>st</sup> December 2023.

#### Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds June 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 31<sup>st</sup> December 2023.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$455,853.51	Municipal- 0000030	\$455,853.51		
Bendigo Bank	\$4,001,530.48	Municipal- 155971377	\$4,001,530.48		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$5,104.99	Bendigo Trust Account 164 488 686			\$5,104.99
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,421,752.23	Term Deposit 5.25% Exp 20 Dec 2023		\$1,421,752.23	
<b>TOTAL INVESTMENTS</b>	<b>\$5,884,387.99</b>		<b>\$4,457,383.99</b>	<b>\$1,421,899.01</b>	<b>\$5,104.99</b>

## **Proposal/Summary**

To inform Council of its investments as at 31<sup>st</sup> January 2024.

## **Background**

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

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

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

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

## **Comment**

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

<b>COUNCIL ACCOUNTS</b>					
<b>Institution</b>	<b>Amount</b>	<b>Investment type/ Account details</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>	<b>Trust Funds</b>
Westpac Bank	\$26,446.61	Municipal-0000030	\$26,446.61		
Bendigo Bank	\$3,840,668.43	Municipal-155971377	\$3,840,668.43		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$5,104.99	Bendigo Trust Account 164 488 686			\$5,104.99
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,421,752.23	Term Deposit 5.01% Exp 20 Jun 2024		\$1,421,752.23	
<b>TOTAL INVESTMENTS</b>	<b>\$5,294,119.00</b>		<b>\$3,867,115.04</b>	<b>\$1,421,899.01</b>	<b>\$5,104.99</b>

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

**CUNDERDIN COMMUNITY TRUST DETAILS**

**INTEREST ACCOUNT**

**31 January 2024**

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit# 4589480	
	Maturing 5 June 2024	
	(4.89%)	211,249.28
	<b>TOTAL</b>	<b>211,249.28</b>
Credits		14,120.21
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	<b>TOTAL</b>	<b>225,369.49</b>
<b>INCOMING</b>		
	<i>Interest earned on TD @ maturity</i>	0.00
		0.00
<b>OUTGOING</b>		0.00
<b>Balance as at end of month</b>	<b>TOTAL</b>	<b>225,369.49</b>

**CUNDERDIN COMMUNITY TRUST DETAILS**

**CAPITAL ACCOUNT**

**31 January 2024**

Opening Balance as per Bank Statement & Term Deposits		
	Term Deposit# 4589492	
	Maturing 5 June 2024	
	(4.89%)	369,862.05
	<b>TOTAL</b>	<b>369,862.05</b>
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term Deposits		
	<b>TOTAL</b>	<b>369,862.05</b>
<b>INCOMING</b>		
		0.00
		0.00
<b>OUTGOING</b>		0.00
<b>Balance as at end of month</b>	<b>TOTAL</b>	<b>369,862.05</b>

**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 31st January 2024 be received and noted.

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

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

Vote – Simple majority

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

#### 9.4. Corporate Business Plan – Quarterly Review

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance & Administration
<b>Date:</b>	24 <sup>th</sup> January 2024
<b>Author:</b>	Samantha Pimlott
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.4.1 - Shire of Cunderdin Corporate Business Plan 2021 - 2025 - Adopted 15.06.2023 Attachment 9.4.2 – Quarterly Corporate Business Plan Report as at 31 December 2023

#### **Proposal/Summary**

For Council to receive the Corporate Business Plan Report as attached.

#### **Background**

Local government are required to produce a plan for the future under Sec. 5.56 (1) of the Local Government Act 1995. Regulations made under the Act outline the minimum requirements of a plan for the future namely:

- A Strategic Community Plan to cover a period of at least 10 financial years.
- A Corporate Business Plan to cover a period of at least 4 financial years.

On the 15th of June 2023, Council adopted the revised Corporate Business Plan. This plan is subject to a review by staff on a quarterly basis to ensure the Shire is meeting Social and Community, Environmental, Housing and Facilities, Economic Development, Infrastructure and Transport and Civic Leadership strategies as outlined in the Corporate Business Plan 2021/2022 – 2024/2025.

The traffic light based Quarterly Update to report progress against the priorities as detailed in the Corporate Business Plan driven by the outcomes of the Strategic Community Plan and actioned through the Annual Budget.

#### **Comment**

Attachment 9.4.2 – Quarterly Corporate Business Plan Report at 31 December 2023 identifies the strategies and actions for each Strategic Community Plan objective and the year/s of implementation for the four-year life of the Corporate Business Plan.

On review of the required actions, it can be seen that the Shire is achieving good overall results. A number of projects have been undertaken or are in progress to deliver on the strategic outcomes of the Plan.

#### **Consultation**

Shire of Cunderdin Staff.

#### **Statutory Implications**

*Local Government Act 1995 - 5.56 (1)*

*Local Government (Administration) Regulations 1996 - 19DA. Corporate business plans, requirements for (Act s. 5.56)*

#### **Policy Implications**

Nil.

#### **Financial Implications**

2023/24 Adopted Budget.

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan.

**Recommendation 9.4**

That Council receive and endorse the Corporate Business Plan Quarterly Report for the period between October and December 2023.

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

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

Vote – Simple majority

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

### 9.5. Receival of the Local Emergency Management Committee Meeting Minutes

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Community Emergency Services Manager
<b>Date:</b>	16 <sup>th</sup> February 2024
<b>Author:</b>	Samantha Pimlott
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.5.1 – Emergency LEMC Minutes 22.01.2024 Attachment 9.5.2 – LEMC Minutes 14.02.2024

#### **Proposal/Summary**

For Council to receive the minutes for the Local Emergency Management Committee Meetings held 22<sup>nd</sup> January 2024 and 14<sup>th</sup> February 2024.

#### **Background**

The Minutes listed above have been attached for Councillor Review and they have been made available to the public.

#### **Comment**

There are no recommendations to Council from the Local Emergency Management Committee Meeting.

#### **Consultation**

Mr. Benjamin Davies – CESM.

#### **Statutory Environment**

*Emergency Management Act 2005*

s36 Functions of local government

s38. Local emergency management committees

#### **Policy Implications**

Nil.

#### **Financial Implications**

Nil.

#### **Strategic Implications**

1. COMMUNITY AND SOCIAL

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

5. CIVIC LEADERSHIP

5.3 Implement systems and processes that meet legislative and audit obligations

#### **Recommendation 9.5**

That the Minutes of the Local Emergency Management Committee meetings held on 22<sup>nd</sup> January 2024 and 14<sup>th</sup> February 2024 be received.

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

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

Vote – Simple majority

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



## 9.6. Amendment to the Fees and Charges 2023/2024 – 18 Egeberg Street

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	7 <sup>th</sup> February 2024
<b>Author:</b>	Brooke Davidson
<b>Item Approved by:</b>	Stuart Hoble, Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For Council to consider and adopt the following an amendment to the Shire's Fees and Charges increasing the weekly rent for 18 Egeberg Street Cunderdin from \$287.00 per week to \$331.00 per week.

### **Background**

Council adopted the Annual Budget 2023/2024 at the Ordinary Council Meeting held on 26<sup>th</sup> July 2023.

Within the 2023/2024 budget funds were allocated to Council owned property at 18 Egeberg Street for a bathroom renovation.

Due to availability of contractors, this job was unable to be scheduled for completion until mid way through the financial year. The bathroom upgrade was completed on 15<sup>th</sup> December 2023.

This property is owned by the Shire to allow for availability of adequate staff housing. The property is a three bedroom, one bathroom house and has not received any tenancy income during the current financial year 1<sup>st</sup> July 2023 to 31<sup>st</sup> December 2023 as the property remained vacant whilst the bathroom renovations were awaiting completion.

### **Comment**

It is proposed that now the bathroom renovation has been completed, that the weekly rent would be increased to reflect the property improvements and subsequent property value increase.

Increasing the weekly rent on 18 Egeberg from \$287.00 to \$331.00 will align the properties rental value with Council owned and neighbouring property of 20 Egeberg Street. 20 Egeberg Street is an identical house to 18 Egeberg has also recently received a bathroom renovation.

The Shire has recently leased the 18 Egeberg Street property to an employee for 6 months, at \$331.00 per week.

### **Consultation**

Mrs Hayley Byrnes, Deputy Chief Executive Officer

Mrs Brooke Davidson, Finance and Property Assistant - Executive Services

### **Statutory Implications**

*Local Government Act 1995 – Section 6.16 - Imposition of fees and charges*

1. A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

\* Absolute majority required.

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

*Local Government Act 1995 – Section 6.19 - Local government to give notice of fees and charges*

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

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

**Policy Implications**

Nil.

**Financial Implications**

Amending the 2023/2024 Fees and Charges adopted by Council, of the following charges;

Rent Housing: 18 Egeberg Street Cunderdin (3 Bedroom, 1 Bath) per week - \$331.00

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan

2. ECONOMY

2.3 Build economic capacity

**Recommendation 9.6**

That Council;

1. Approve the amendment of fee for Rent of 18 Egeberg Street, Cunderdin - \$331.00.

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

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

Vote – Absolute majority

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

## 9.7. Amendment to the Fees and Charges 2023/2024 - Airfield

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Administration
<b>Date:</b>	3 <sup>rd</sup> January 2024
<b>Author:</b>	Brooke Davidson
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Attachment 9.7.1 - correspondence from Mr Valerio Attachment 9.7.2 - correspondence sent to Mr Valerio

### **Proposal/Summary**

For Council to accept and adopt addition and amendment to the 2023/24 Fees and Charges:

### **Background**

In April 2023 a review was conducted of the Cunderdin Airfield lease holders. At this time was brought to the attention of the Shire that there was no agreement in place between Mr Theodore Valerio and the Shire, to keep the Aerocorp aircraft (VH-NEP) and several sea containers located at the Airfield.

It is understood that the aircraft has been located at the Airfield for at least 15 years.

The Shire made contact with Mr Valerio through correspondence on 6<sup>th</sup> April 2023 and advised that should he wish for the aircraft and sea containers to remain at the Cunderdin Airfield, that he will be charged \$5.00 per square meter for the area occupied by Mr Valerio's aircraft and sea containers. This area is estimates to be 1,520m<sup>2</sup> and therefore he would be liable for an annual fee of \$7,600.00. This fee was applicable for the 2023/2024 financial year and due in advance on 1<sup>st</sup> July 2023.

Mr Valerio responded to this notification, Attachment 9.7.1, requesting a meeting Chief Executive Officer, Stuart Hobley, to discuss the new charges.

A meeting was held with Mr Valerio on 19<sup>th</sup> December 2023 for the purpose of discussing Mr Valerio's aircraft located at the airfield. Correspondence as seen in Attachment 9.7.2 was sent to Mr Valerio advising him that as per discussions at the meeting the "Shire has agreed to a 50% reduction of fees until the 30<sup>th</sup> June 2025, allowing you time to relocate your aircraft. If your aircraft has not been removed from the Cunderdin Airfield by the 30<sup>th</sup> June 2025 the annual fees for 2025/2026 (1 July 2025 – 30 June 2026) will be at full cost."

It was also agreed to reduce the size applicable from 1,520m<sup>2</sup> to 1,500m<sup>2</sup> as the sea container was not his property.

### **Comment**

The Shire of Cunderdin 2023/2024 Fees and Charges were adopted at the Ordinary Council Meeting on 26<sup>th</sup> July 2023 which included the annual airfield lease fee of \$7,600.00 payable by Theodore Valerio.

Council are required to endorse amendments or additions to the Shire's Fees and Charges by absolute majority. On this occasion it is requested that the fee for "Theodore Valerio Lease" (Cunderdin Airfield) - \$7,600.00 be amended to \$7,500.00 and additional item "Subsidised Lease Theodore Valerio (until 30 June 2025)" - \$3,750.00 be endorsed by Council.

### **Consultation**

Stuart Hobley, Chief Executive Officer

Brooke Davidson, Finance and Property Assistant - Executive Services

Theodore Valerio

**Statutory Implications**

*Local Government Act 1995 – Section 6.16 - Imposition of fees and charges*

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

*Local Government Act 1995 – Section 6.19 - Local government to give notice of fees and charges*

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

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

**Policy Implications**

Nil.

**Financial Implications**

Amending the Shire of Cunderdin 2023/2024 Fees and Charges:

An amendment of Fee for “Theodore Valerio Lease (Cunderdin Airfield) - \$7,500.00

An additional fee for “Subsidised Lease Theodore Valerio (until 30 June 2025) - \$3,750.00

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan

2. ECONOMY

2.3 Build economic capacity

**Recommendation 9.7**

That Council;

1. Approve the amendment of fee for Theodore Valerio Lease (Cunderdin Airfield) - \$7,500.
2. Approve the addition of fee for Subsidised Lease Theodore Valerio (until 30 June 2025) - \$3,750.

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

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

Vote – Simple majority

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

## 9.8. Request for exemption from bin services

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Finance, Property & Executive Services Officer
<b>Date:</b>	13 <sup>th</sup> February 2024
<b>Author:</b>	Brooke Davidson
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Attachment 9.8.1 – Correspondence 38870 Attachment 9.8.2 – Correspondence 38875 Attachment 9.8.3 – Correspondence 38877

### **Proposal/Summary**

For Council to consider the request from Tim and Alanah Fleming for an exemption from the bin services levy applicable to their rates notice for 42 Mitchell Street, Meckering, Assessment A53668.

### **Background**

Tim Fleming owns the property at 42 Mitchell Street, Meckering. He and his wife Alanah Flemming reside at this address.

Mr and Mrs Flemming do not currently receive a bin collection service from the Avon Waste, the Shires contracted bin collection service provider.

On Tuesday 23<sup>rd</sup> January 2024 the Shire Administration received phone call from a resident advising he would like to report that a trailer located at Lot 234 Mitchell Street was overflowing with rubbish and that it had been in that state for a period in excess of two weeks.

A complaint in relation to refuse collection in a trailer at the Flemming's Mitchell Street property has been received in previous years. The Shire responded to this complaint with a letter advising that any waste material stored in a trailer at their property be disposed of as soon as practicable.

Adjoining property owners have also previously lodged complaints with the Shire in relation to the condition of the Flemming's property and foul odours that they have observed coming from there.

Upon receipt of the recent complaint on the 23<sup>rd</sup> of January the Shire wrote to Mr and Ms Fleming, Attachment 9.8.1 – Correspondence 38870, advising them that bin service collection was now available for Mitchell Street, Meckering and requested that they contact the Administration Office to arrange a suitable time for the Shire to deliver the new bins. They were advised that the bins are provided free of charge with a new service, however that there would be an annual service charge levied to their rates for the weekly bin collection.

No response was received following this letter. Brooke Davidson followed up with a phone call on the 6<sup>th</sup> of February to Mr Fleming. Mr Fleming requested for the Chief Executive Officer to call him to discuss the matter. CEO, Stuart Hobley, spoke with both Mr and Mrs Fleming on the 6<sup>th</sup> of February and advised that it is a requirement for them to have bins for their property as a service is now available. Mrs Fleming stated that they would not accept the bins and wanted to be exempt from the bin service, due to them not residing at the property often enough to require the service.

Mrs Fleming wrote to the Shire on the 12<sup>th</sup> of February 2024 requesting to be exempt from the bin service and outlined her reasonings as seen in Attachment 9.8.2 - Correspondence 38875. A response to this correspondence was sent to Mr & Mrs Flemming on 13<sup>th</sup> February 2024 reiterating the Shires intentions and that her request will be brought to Council at the next Ordinary Council Meeting, Wednesday, 28<sup>th</sup> February 2024.

## **Comment**

In previous years Mitchell Street, Meckering could not be provided a service for waste collection as Avon Waste, the Shires waste removal contractor, could not turn their truck around at the end of the street due to the condition of the road and the roadside vegetation restricting the access to the properties on Mitchell Street.

The Shire completed vegetation clearing and gravel road maintenance in August 2023 to allow the Avon Waste truck service accessibility to Mitchell Street. This maintenance works was prompted by the property owners from 63 Mitchell Street, Meckering, after lodging a request with Avon Waste for their property to receive a bin collection service.

At the completion on the works on Mitchell Street, an interim rate for the bin service charge was generated for 63 Mitchell Street and their waste collection service began in November 2023.

## **Consultation**

Stuart Hobley, Chief Executive Officer

Hayley Byrnes, Deputy Chief Executive Officer

Brooke Davidson, Finance & Property Assistant – Executive Services

Tim Jurmann, Building & Health Officer

## **Statutory Implications**

*Local Government Act 1995 – Part 6 Financial Management – Division 5 Financing local governments – Subdivision 2 – Fees and charges*

*s6.16 – Imposition of fees and charges*

1. A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed. \* Absolute majority required.
2. A fee or charge may be imposed for the following —
  - (f) such other service as may be prescribed.

*Waste Avoidance and Resource Recovery Act 2007 - Part 6 Waste services*

*Division 3 Local laws and local government rates, fees and charges*

*s66. Local government may impose waste collection rate*

1. A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides.
2. The annual rate must not exceed —
  - a. 12 cents in the dollar on the gross rental value; or
  - b. where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.
3. The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection (1).

*s67. Local government may impose receptacle charge*

1. A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.

2. The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.
3. The provisions of the Local Government Act 1995 relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).
4. In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.
5. Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the *Local Government Act 1995*, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.
6. A charge may be limited to premises in a particular portion of the area under the control of the local government.
7. Charges under this section may be imposed in respect of and are to be payable for all premises in respect of which a waste service is provided, whether such premises are rateable or not.
8. A local government may make different charges for waste services rendered in different portions of its district.

*s68. Fees and charges fixed by local government*

Nothing in this Part prevents or restricts a local government from imposing or recovering a fee or charge in respect of waste services under the *Local Government Act 1995* section 6.16.

*Health (Miscellaneous Provisions) Act 191 - Part IV Sanitary Provisions*

*Division 4 Sanitary conveniences*

s.105 Public sanitary conveniences

1. The local government may provide and maintain, in proper and convenient situations —
  - (a) sanitary conveniences for public accommodation;
  - (b) receptacles for the temporary deposit and collection of dust, ashes, and rubbish.
2. The local government may levy and collect charges for the use of such conveniences and receptacles.
3. The local government may also provide and maintain fit buildings and places, either within or beyond the district, for the deposit of any matters collected by it in pursuance of this Part.

**Policy Implications**

Nil.

**Financial Implications**

The annual bin service charge is \$345.00. Mr & Mrs Fleming would have this amount levied to their rates (pro-rata for the 2023/2024 financial year).

**Strategic Implications**

1. COMMUNITY AND SOCIAL

1.1 Community members have the opportunity to be active, engaged and connected  
Inclusive access to Shire facilities and services

2. ECONOMY

2.3 Build economic capacity

Land and infrastructure can accommodate commercial and residential growth

4. NATURAL ENVIRONMENT

4.1 Maintain a high standard of environmental health services

Compliance with environmental health legislation

**Recommendation 9.8**

That Council;

1. Decline the request from Mr and Mrs Flemming for the property at 42 Mitchell Street, Meckering to be exempt from the Shires bin service.
2. Interim rate the bin service to assessment A53668 and deliver a green general waste bin and yellow lid recycling waste bin to 42 Mitchell Street.

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

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

Vote – Simple majority

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



## 9.9. Freedom of Information Statement

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance & Administration Officer
<b>Date:</b>	8 <sup>th</sup> February 2024
<b>Author:</b>	Samantha Pimlott
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Attachment 9.9.1 – Freedom of Information Statement 2023 - 2024

### **Proposal/Summary**

For Council to approve the Shire of Cunderdin Freedom of Information Statement 2023 - 2024

### **Background**

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

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

### **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**

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

### **Statutory Implications**

*Local Government Act 1995*

Division 7 — Access to information

*Freedom of Information Act (1992)-*

Glossary cl1 Terms used:

agency means —

public body or office means —

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

Part 5 — Publication of information about agencies:

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

5. CIVIC LEADERSHIP

5.3 Implement systems and processes that meet legislative and audit obligations

**Recommendation 9.9**

That Council;

3. Adopt the Shire of Cunderdin Freedom of Information Statement 2023 - 2024; and,
4. Publish the Information Statement as per the requirements of Freedom of Information Act 1992

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

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

Vote – Simple majority

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

## 9.10. Transfer of land to Shire in lieu of rates and charges

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Finance & Property Assistant – Executive Services
<b>Date:</b>	14 <sup>th</sup> February 2024
<b>Author:</b>	Brooke Davidson
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>Disclosure of Interest:</b>	NIL
<b>File Reference:</b>	A53673
<b>Attachment/s:</b>	Attachment 9.10.1 – Accountable and transparent decision making

### **Proposal/Summary**

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

### **Background**

Property owned by Mr Frederick Arthur & Mrs Nola Christine Skeers, Assessment A53673, Lots 283 and 284 on P222787, Moore North Road, Meckering. Certificate of Title: 2734/886

Mr and Mrs Skeers purchased the blocks of land in 2009, which are vacant and unoccupied. Mr and Mrs Skeers are currently up to date with all payments on the properties.

Brooke Davidson has had regular contact with Mr Skeers in previous years as he has often expressed an interest in acquiring the parcels surrounding his land. This interest has arisen as the surrounding land parcels have been either handed back to the Shire in lieu of rates and charges being written off, or the Shire has exercised its rights under the *Local Government Act 1995* and taken ownership of the land due to outstanding rates and charges.

Brooke Davidson spoke with Mr Skeers in November 2023 during a courtesy call reminding him that his second rate instalment payment was overdue. Mr Skeers indicated that he was struggling with the rates and unsure what to do with the land as he could not sell it and was unable to develop it. A suggestion was made to Mr Skeers that he may be able to hand the land back to the Shire in lieu of any rates and charges owing being written off. This would result in Mr Skeers no longer being liable for future rates payments. Mr Skeers advised that he would have a conversation with his wife about pursuing the option of transferring the to the Shire of Cunderdin.

Brooke Davidson spoke with Mr Skeers on the 7<sup>th</sup> February 2024 following up his 3<sup>rd</sup> rates instalment. It was during this call that Mr Skeers advised he would like to hand the land back to the Shire.

### **Comment**

A Contract of Sale of Land was drafted by the Shire on the 7<sup>th</sup> February 2024 and sent to Mr and Mrs Skeers for their signatures. Mr and Mrs Skeers returned to the Contract of Sale of Land documents to the Shire on 13<sup>th</sup> February 2024, however a required signature is still pending.

The Shire owns land parcels surrounding Mr and Mrs Skeers properties, with the exception of one. This land is zoned Environmental Conservation in the Shire of Cunderdin Local Planning Scheme No.4.

### **Consultation**

Stuart Hobley, Chief Executive Officer

Brooke Davidson, Finance & Property Assistant – Executive Services

**Statutory Implications**

*Local Government Act 1995, Division 6 – Rates and Service Charges*

Subdivision 3 — Imposition of rates and service charges - s6.39 - Rate record

- 1) As soon as practicable after a local government has resolved to impose rates in a financial year it is to ensure that a record is compiled, at the time and in the form and manner prescribed, for that financial year of —
  - (a) all rateable land in its district; and

*Local Government Act 1995, Subdivision 5 — Recovery of unpaid rates and service charges*

s6.55. Recovery of rates and service charges

- 1) Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —
  - (i) the owner at the time of the compilation of the rate record; or

s6.73. Discharge of liability on sale of land

A sale of land by a local government or a transfer or conveyance of land to the Crown or a local government under this Subdivision discharges —

- (a) the land; and
- (b) the owners (present and past) of the land,

from any liability to the local government for rates, service charges or other money due to the local government which were, at the time of the sale, transfer or conveyance —

- (c) secured by a charge over the land; or
- (d) otherwise recoverable, whether under this Act or another written law, by the local government in respect of the land.

**Policy Implications**

Nil.

**Financial Implications**

Council would be required to write off the outstanding debt, currently at \$474.72 and absorb the associated settlement fees of approximately \$2,000.

**Strategic Implications**

5. CIVIC LEADERSHIP

5.3 Implement systems and processes that meet legislative and audit obligations

Capability of our organization is continually improved.

**Recommendation 9.10**

That Council authorises the Chief Executive Officer to:

- 1. Accept the land offer from Mr & Mrs Skeers being Assessment A53673, Lots 283 and 284 on Plan 222787, Certificate of Title 2734/886 and in return agree to write off all rates and charges associated with the property; and,
- 2. Execute the Transfer of Land documents and affix the Shire of Cunderdin Common Seal; and,
- 3. Agree to pay all fees and associated with the settlement of the property, being approximately \$2,000.00

Moved: Cr

Seconded: Cr

Vote – Simple majority

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

### 9.11. Cunderdin and Pingelly Primary Health Centre Review

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	21 <sup>st</sup> February 2024
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment 9.11.1 - Cunderdin and Pingelly Health Services Independent Review 2021.22 - Summary

#### **Proposal/Summary**

To review and receive the Cunderdin and Pingelly Primary Health Centre Review conducted by the WA Country Health Service (WACHS) and to consider any suggestions the Shire has with respect to the report.

#### **Background**

In May 2011, the WA Government established the Southern Inland Health Initiative (SIHI) to address issues related to regional health service delivery. The initiative was expected to transform health service design and delivery through four strategic outcomes:

- i) Sustainable, safe, high-quality emergency and acute services,
- ii) Primary health care services that integrate with and reduce reliance on emergency and hospital care,
- iii) Health related infrastructure that supports contemporary clinical and support services, and
- iv) Increase telehealth enabled services closer to home.

Two sites in the Wheatbelt, Pingelly and Cunderdin, were identified as pilot projects to demonstrate this health service model, redeveloping small acute care hospitals into comprehensive primary health care centres (PHC). These innovative centres were to provide access to 24/7 emergency care and offer facilities for a range of health professionals, designed to develop a multidisciplinary approach to health care which offers collegiate support, training opportunities and improved staff satisfaction.

At the request of the Cunderdin Shire Council, in July 2021, the Western Australian Country Health Services (WACHS) contracted SDF Global Pty Ltd to undertake a Review of the Primary Health Care Demonstration Sites (PHCDS) at both Cunderdin and Pingelly. The purpose of the Review was to evaluate whether what was intended to be delivered by the new PHCDS, had been delivered and help WACHS to understand the areas that require improvement.

A Review Governance Committee was formed to oversee the project. A comprehensive desk review was conducted, and key stakeholder interviews conducted. A community and key stakeholder survey were circulated. Four days of onsite consultation were conducted within the Shires. Drop-in sessions and focus groups discussions were held. Data analysis and triangulation assisted in understanding and validating the data in line with the Review questions.

#### **Comment**

The purpose of the review was to explore three main questions?

What was intended, what was delivered and how well was the change process managed?

What are the current services and are they effective, efficient and contemporary?

What is working well and what could be improved?

A copy of the Cunderdin & Pingelly Health Services Independent Review 2021/22 - Summary is attached.

The most important section of the document for Council is 6.0 Next Steps and Key Priorities. This outlines seven (7) priorities that WACHS will work towards.

Although being general in nature the Council through its regular meetings with WACHS has identified and prioritised a several items of urgency. These include

- A new room to be constructed for palliative care / 24hr stay patients.
- Formalisation of roles within the Cunderdin PHC.
- Delivery of ambulance services.
- Suitable housing options for WACHS Staff.

### **Consultation**

Rachele Ferrari (Wheatbelt Executive Director - WACHS)

Jacinta Herbet (operations Manager Eastern Wheatbelt – WACHS)

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

#### 1. COMMUNITY AND SOCIAL

1.3 Advocate for the provision of quality health services, health facilities and programs in the Shire.<sup>[HB1]</sup>

#### 5. CIVIC LEADERSHIP

5.1 Shire communication is consistent, engaging and responsive

Residents and community groups believe they are being listened to and fairly treated

5.2 Forward planning and implementation of plans

Accountable and transparent decision making

### **Recommendation 9.11**

That Council

1. Receive the Cunderdin and Pingelly Primary Health Centre Review conducted by the WA Country Health Service (WACHS)
2. That the President and Chief Executive Officer be authorised to respond to the Cunderdin and Pingelly Primary Health Centre Review requesting that the following items be prioritised.
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

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

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

Vote – Simple majority

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

## 9.12. Minutes of the Annual Electors Meeting

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance & Administration
<b>Date:</b>	22 <sup>nd</sup> February 2024
<b>Author:</b>	Samantha Pimlott
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Attachment 9.12.1 - Annual Electors Meeting Minutes

### **Proposal/Summary**

For Council to receive and accept the minutes of the Annual Electors Meeting held at the Shire of Cunderdin Council Chambers on 20<sup>th</sup> December 2023.

### **Background**

Council held the Annual Electors Meeting for 2022/2023 on 20<sup>th</sup> December 2023 at the Shire of Cunderdin Council Chambers.

At this meeting the Annual Report which includes the Annual Financial Statements for 2022/23, the Auditors Report and reports from the President and Chief Executive Officer were received by the community.

The Local Government Act 1995 requires any resolutions requiring further Council decisions made at the Annual General Meeting of Electors to be referred through to Council for further consideration. There were no resolutions of this type made at the Annual Electors Meeting.

### **Comment**

There were very few people in attendance at the Electors Meeting. The issues raised were not indifferent to the issues discussed at the previous Annual General Meeting of Electors held in May 2023.

The queries were discussed were in relation to road maintenance, road funding and land development.

All queries were answered on the night.

### **Consultation**

Nil.

### **Statutory Implications**

*Local Government Act 1995, s5.27. Electors' general meetings.*

*Local Government (Administration) Regulations, Part 3 Electors meetings.*

*Local Government (Administration) Regulations ,Part 5 — Annual reports and planning.*

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

**Strategic Implications**

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive.

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

**Recommendation 9.12**

That Council;

1. Receive the minutes of the Annual General Electors Meeting for 2022/2023 held on 20<sup>th</sup> December 2023.

2. Note there were no decisions of the meeting that require further consideration by Council.

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

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

Vote – Simple majority

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



### 9.13. Shire of Cunderdin Quarterly Risk Management Report – December 2023

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Deputy Chief Executive Officer
<b>Date:</b>	22 <sup>nd</sup> February 2024
<b>Author:</b>	Hayley Byrnes
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Attachment 9.13.1 – Quarterly Risk Management Report December 2023

#### **Proposal/Summary**

For Council to note the results of the Risk Dashboard review of the Risk Management Governance Framework.

#### **Background**

The Shire of Cunderdin Risk Management Policy in conjunction with the components of the Shire of Cunderdin Risk Management Framework sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks. All components of the Shire of Cunderdin Risk Management Framework are based on AS/NZS ISO 31000:2018 risk Management – Guidelines.

The Risk Management Framework is to be reviewed for appropriateness and effectiveness at least every three years.

The Shire of Cunderdin endorse the Risk Management Framework at the Ordinary Council Meeting in October 2021, with the following resolution;

Resolution 9.12 OCM OCTOBER 2021

That council endorses the Shire of Cunderdin Risk Management Framework.

#### **Comment**

The Framework is a comprehensive overview of how the Shire identifies risks that are likely to impact the operations of the Shire and reflect the appropriateness and effectiveness of the Shire's systems regarding risk management, internal control, and legislative compliance.

The Local Government (Audit) Regulations 1996 prescribes the requirements for local governments in relation to the engagement of auditors, the annual compliance Audit Return and the functions of the Audit Committee.

The amendments extend the responsibilities of the Audit Committee and Chief Executive Officer of the local government in relation to the reviewing and reporting of the local government's systems and procedures regarding risk management, intern control and legislative compliance.

The Risk Management Framework, developed by LGIS, is in response to the requirements of Reg. 17 of the Local Government (Audit) Regulations 1996 and encapsulates those requirements.

A review had been completed on the Shire's systems in relation to risk management, internal control and legislative compliance and considers that they are appropriate and effective except for those identified on the attached Dashboard Report.

The key controls that presented as Inadequate when the review was completed are as follows;

Asset Sustainability Practices

Most assets photographed – this process has commenced and is ongoing

## Business & Community disruptions

Generator – Quotes have been obtained and this is included in the 23/24 Budget this will be completed as part of the Disaster Relief Grant it is expected works will be completed prior to 1 July 2024.

## IT or Communication systems and infrastructure

I.T. Disaster Recovery Plan – Quotes have been received and work has commenced, scheduled to be finalised June 2024 (First Draft has been reviewed, updated, and returned to IT).

Access Control- Ensure that there are strict controls on who can access the server room. Implement electronic access controls with logs, like key cards or biometric systems, and maintain an updated list of authorized personnel.

Surveillance and Monitoring- Install security cameras and monitoring systems to oversee the server room. Ensure that these systems are regularly maintained and monitored.

Environmental Controls- Verify that there are proper environmental controls in place, such as climate control systems to prevent overheating and humidity control to avoid moisture damage.

Fire Suppression and Detection- Install and regularly inspect fire suppression systems (like clean agent systems) and smoke detectors, ensuring they are designed to protect electronic equipment without causing damage.

## Environment management

Environment Management Plan – Research is being undertaken with regards to having this completed.

## IT or communications systems and infrastructure

I.T. Disaster Recovery Plan - Quotes have been received and work has commenced, scheduled to be finalised December 2023 (First Draft has been reviewed, updated, and returned to IT).

## **Consultation**

Stuart Hobley, Chief Executive Officer

Hayley Byrnes, Deputy Chief Executive Officer

## **Statutory Implications**

*Local Government (Audit) Regulations 1996*

17. CEO to review certain systems and procedures

- 1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
  - (a) risk management; and
  - (b) internal control; and
  - (c) legislative compliance.

The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.

The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

## **Policy Implications**

Shire of Cunderdin Policy Manual

Policy 1.11 – Organisation Risk Management

## **Financial Implications**

Nil

**Strategic Implications**

Shire of Cunderdin Strategic Community Plan 2022 -2032

5. CIVIC LEADERSHIP

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

Capability of our organization is continually improved.

<b>Recommendation 9.13</b>	
That Council accept the review of the Risk Dashboard Report identifying current and potential risks.	
Moved: Cr _____	Seconded: Cr _____
Vote – Simple majority	Carried/Lost: _____

#### 9.14. Request for Comment – South West Native Title Settlement

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Finance & Property Executive Officer
<b>Date:</b>	22 <sup>nd</sup> February 2024
<b>Author:</b>	Brooke Davidson
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Attachment 9.14.1 – Map – South West Native Title Settlement Attachment 9.14.2 - Landgate photos of land parcels Attachment 9.14.3- Spreadsheet of land parcels

#### **Proposal/Summary**

For Council to consider the request for comment from Department of Planning, Lands and Heritage (DPLH) on proposed transfer of land under the South West Native Title Settlement.

#### **Background**

The South West Native Title Settlement (SWNTS) is a landmark native title agreement reached between the State Government (State) and six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the SWNTS commencing on 25 February 2021.

The SWNTS recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia. The area subject to the Settlement is depicted in the Attachment 9.14.1-Map – South West Native Title Settlement.

The Noongar Land Estate is planned to contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next five years, DPLH will be responsible for progressing selected land parcels through to transfer under the SWNTS. This process will be subject to all necessary consultation and approvals with stakeholders.

Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust/Aboriginal Affairs Planning Authority; and
- land owner or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

On 6<sup>th</sup> February 2024 the Shires administration received an email from the DPLH requesting comment on land parcels within the Shire of Cunderdin which have been identified for inclusion in the South West Native Title Settlement Land Base Consultation. This list can be found in Attachment 9.14.3.

In accordance with Annexure J of the ILUAs, the Shire is required to comment on the proposed land parcels within 40 days of receiving the above mentioned email. If no response is received by DPLH from the Shire prior to 13<sup>th</sup> March 2024 it will be perceived by DPLH that the Shire has no comment to give on the referred land parcels as seen in Attachment 9.14.3.

## **Comment**

DPLH have identified land parcels for possible transfer within the Shire of Cunderdin as part of the SWNTS. DPLH are required to refer to the relevant local government authority requesting that they provide consideration and comment on each of the identified land parcels.

DPLH would like following questions to be answered, by the Shire, in relation to each parcel of land:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

<b>Map No.</b>	<b>Location</b>	<b>Comments</b>	<b>Retain</b>
1	Richardson St, Meckering	Old Meckering Refuse Site. Building rubble from earthquake dumped on site. Adjoining Meckering Cemetery. No current or foreseeable future Shire use.	No
2	Old Youndegin Townsite	Does not include private property on north and south side of Goldfelds Rd. Does not include Old Police Station, old well/soak or community sheep dip. Does include section of Taylor South Rd that is not in a Road Reserve. Lots of remnant vegetation and bushland.	Yes. Especially the section that includes a portion of Taylor South Rd. If this is granted then landholders will not be able to use Taylor South Rd.
3	R12916 Adjacent to Coleman Rd & Carter Doodenanning Rd intersection, Warding East.	Landlocked, only accessible via unmade road reserve. Shire will not construct road access. No current road or vehicle access. Salt effected land. No current or foreseeable future Shire use.	No. – No vehicle access.
4	Bulgin Rd, Waeel	Remnant vegetation. No current use by Shire. Could be used in the future for fill from roadworks	No.

5	Cnr RabbitProof Fence Rd and Five mile Gate Road.	Rabbit Proof Fence Road is located within this Reserve. Yellow sandpit is located within the Reserve, however it is nearly extinguished and sand is of poor quality.	Yes. Rabbit Proof Fence Road currently located within the reserve.
6	Ynattering Rd, Watercarrin. Old Flowery Patch School Site.	Site of Old Flowery Patch School. Possible future gravel pit.	Yes
7	Great Eastern Hwy, Meckering.	Low lying land adjoining GEH. No current or foreseeable future Shire use.	No
8	Adjacent to Quellington Rd, Warding East.	Large natural rock formation. Landlocked, only accessible via unmade road reserve. Shire will not construct road access. No current road or vehicle access. Currently used by neighbouring land holder for access. No current or foreseeable future Shire use.	No

### **Consultation**

Robert Bell, Manager of Works & Services  
Stuart Hobley, Chief Executive Officer

### **Statutory Implications**

*Local Government Act 1995, s3.54. Reserves under control of local government.*

*Land Administration Act 1997, s14 Minister to consult local governments before exercising certain powers in relation to Crown land.*

### **Policy Implications**

Shire of Cunderdin Council Policy Manual  
1.13 Legislative Compliance

### **Financial Implications**

Nil.

### **Strategic Implications**

#### 4. NATURAL ENVIRONMENT

##### 4.2 Conservation of our natural environment

Protection of nature reserves and reduction of invasive species

#### 5. CIVIC LEADERSHIP

##### 5.1 Shire communication is consistent, engaging and responsive

Accountable and transparent decision making

**Recommendation 9.14**

That Council

1. respond to Department of Planning, Lands and Heritage on proposed transfer of land under the South West Native Title Settlement with comments on each of the identified land parcels.
2. Resolve that the Shire has no identifiable reason to retain land in:
  - a. Map 1 – Lot 27355 P206725
  - b. Map 2 – R12916
  - c. Map 4 – Land ID No. 3108704
  - d. Map 7 - 3108704
  - e. Map 8 – R1422

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

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

Vote – Simple majority

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

**9.15. Move behind Closed Doors**

**Recommendation 9.15**

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

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

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

Vote – Simple majority

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

**9.16. PRIVATE & CONFIDENTIAL - Cunderdin Bowling Club – Bowling Green Reconstruction**

**9.17. Move from behind Closed Doors**

**Recommendation 9.17**

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

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

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

Vote – Simple majority

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

## 9.18. Chief Executive Officers Report

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	17 <sup>th</sup> November 2023
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Nil.

### Proposal/Summary

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

### Background

#### Local Roads and Community Infrastructure Program Phase 3 Projects

The following have been completed under Stage 3 of the LRCIP

O'Connor Park

Cunderdin Golf Club – Shed

Tennis Club – Installation of the Soft Fall.

Cunderdin Sport and Recreation Club - Blinds

The projects below are still to be completed

Meckering Earthquake Memorial Garden

Oasis have completed their contract works at the Garden and we are awaiting the installation of the signage to complete the project. There has been a delay with respect to the installation of the signage and it is expected they will be installed as soon as possible.

#### Cunderdin Industrial Lot Development

Development WA have completed the final plans for the industrial development and prepared a Contract of Sale. Council has completed and returned the offer and acceptance to Co-operative Bulk Handling (CBH) with the transfer scheduled for completion Thursday 22<sup>nd</sup> of February at 2pm.

CBH have provided the details of the restrictive covenant and Development WA are proceeding with finalising the sale. The Western Australian Planning Commission (WAPC) have given their final consent for the unconditional approval of the subdivision plan.

McLeod's Lawyers are now drafting final documents. It is expected the lots will be available for sale by June 2024.

#### Watts Street Subdivision and Cubbine Street Subdivision

Contractors have completed the subdivision concept design, contour and feature surveys, soil and site investigations and civil engineering services.

We are still awaiting the final cost estimates for the project. When these are available a report will be put to Council detailing the next stages of the project.

#### New Executive Housing

Council has budgeted \$700,000 for the construction of a new Shire residence. It was proposed that the dwelling be of an executive standard so tender documents are being drawn up based on a four bedroom two bathroom dwelling.

Council has not determined the location of the new residence. Council currently has vacant land at 44 Lundy Ave (the old Toy Library site) which could be utilised for the dwelling.



Council may consider purchasing another lot in Cunderdin either on the open market or by approaching the owners of suitable vacant lots.

**Comment**

Nil.

**Consultation**

Nil.

**Statutory Implications**

Nil.

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Nil.

**Recommendation 9.18**

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 Amendment No.1 to the Shire of Cunderdin Local Planning Scheme No.4

<b>Location:</b>	Lot 14 (No.35) & Lot 15 (No.31) Bedford Street, Cunderdin
<b>Applicant:</b>	Akron Pty Ltd on behalf of Woodthorpe School – Eastern Campus Pty Ltd (Landowner)
<b>Date:</b>	16 February 2024
<b>Author:</b>	Joe Douglas – Town Planner
<b>Item Approved by :</b>	Stuart Hobley - CEO
<b>File Reference:</b>	
<b>Attachment/s</b>	Attachment 11.1.1 – Scheme Amendment Documentation & Plans Attachment 11.1.2 – EPA Approval Attachment 11.1.3 – Copy of Submissions Attachment 11.1.4 - Schedule of Submissions

#### **Proposal / Summary**

This report considers all submissions received during public advertising of proposed Amendment No.1 to the Shire of Cunderdin Local Planning Scheme No.4 to allow for the development of a shop and various associated improvements on Lot 14 (No.35) & Lot 15 (No.31) Bedford Street, Cunderdin including recommendations in respect of each submission and the scheme amendment proposal as a whole.

#### **Background**

At its Ordinary Meeting held on 23 August 2023 Council considered and unanimously resolved to initiate a standard amendment to the Shire of Cunderdin Local Planning Scheme No.4 to allow for the development of a shop and various associated improvements on Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin (see Attachment 1).

The scheme amendment proposal was subsequently referred to the Environmental Protection Authority (EPA) for review in accordance with the specific requirements of section 81 of the *Planning and Development Act 2005*.

On 27 September 2023 the EPA determined, and subsequently advised, the scheme amendment proposal is unlikely to have a significant effect on the natural environment and does not warrant formal assessment under Part IV of the *Environmental Protection Act 1986* (see Attachment 2).

In accordance with the procedural requirements of section 83A of the *Planning and Development Act 2005* the scheme amendment proposal was subsequently referred to the Western Australian Planning Commission by the Shire requesting the Minister for Planning's approval to commence public advertising.

On 26 October 2023 the Department of Planning, Lands and Heritage provided written confirmation of the Minister for Planning's approval to advertise the scheme amendment for public comment pursuant to the specific requirements of section 84 of the *Planning and Development Act 2005*.

The scheme amendment proposal was then advertised for public comment for the minimum required period of forty two (42) days which included:

- i) publication of a notice in a local newspaper circulating throughout the Shire's municipal district (i.e. The West Australian) as well as the Shire's Facebook page;
- ii) public display of the advertising notice and scheme amendment documentation at the Shire administration centre;
- iii) correspondence to all immediately adjoining and other nearby landowners;

- iv) correspondence to a number of public authorities considered likely to have an interest in the proposed amendment; and
- v) publication of the advertising notice and scheme amendment documentation on the Shire's website.

At the conclusion of the public advertising on Friday 22 December 2023 a total of two (2) submissions had been received by the Shire, both of which were from public authorities (see Attachment 3). No submissions were received from any immediately adjoining or other nearby landowners. A summary of the submissions received and a recommendation in respect of each is provided in Attachment 4. It is significant to note no objections were raised.

Under the terms of regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is now required to consider all submissions received and determine whether to:

- a) support the amendment without modification; or
- b) support the amendment with proposed modifications to address any issues raised in the submissions; or
- c) not support the amendment.

### **Comment**

Having regard for:

- a) the proposal's general consistency with the aims and objectives of the State, regional and local planning frameworks;
- b) the ability to develop and use the land for the intended purpose in accordance with all regulatory requirements and standards with minimal potential impact given its small scale and low intensity;
- c) the potential local economic and community benefits; and
- d) the outcomes from public advertising, including agency referrals.

It is concluded that the proposal is well founded, has considerable merit and therefore worthy of Council's final approval/endorsement. As such, it is recommended Council support the scheme amendment proposal without modification and refer it to the Western Australian Planning Commission for review, assessment and final determination by the Minister for Planning.

Council should note the proposal will be subject to further detailed assessment at State government level with significant scope for further discussion and negotiation with the applicant/proponent and the Shire if required. For now however Council is required to follow due process and make a final determination regarding final adoption of the scheme amendment to enable it to be formally referred to the Western Australian Planning Commission for further consideration and final determination by the Minister for Planning thereafter. The recommendation provided in this report enables the proposal to proceed to the final stage of the scheme amendment process without delay.

If the Minister for Planning ultimately approves the proposed amendment, a development application will then need to be prepared by the proponent and submitted to the Shire for consideration and final determination. As such, any issues associated with the future proposed development and use of the land for shop purposes, including but not limited to light and heavy vehicle access and parking, the location and timing for the loading/unloading of goods, and the scale and finish any future proposed built form improvements including advertising signage, will be considered and addressed during the development application stage of statutory planning process.

### **Consultation**

Consultation was undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes.

### **Statutory Environment**

- *Environmental Protection Act 1986*
- *Planning and Development Act 2005 (as amended)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Cunderdin Local Planning Scheme No.4*

### **Policy Implications**

Nil.

### **Financial Implications**

No immediate financial implications for the Shire aside from the administrative costs associated with processing the scheme amendment proposal which will be offset in full by the application fee paid by the landowner pursuant to the *Planning and Development Regulations 2009*. All costs associated with the proposed development will be met by the landowner.

### **Strategic Implications**

The scheme amendment proposal for Lots 14 and 15 is generally consistent and does not conflict with the following strategic planning documents:

- i) State Planning Strategy 2050 as it applies specifically to economic development and growth, physical infrastructure, social infrastructure and the natural environment;
- ii) Shire of Cunderdin, Quairading & Tammin Joint Local Planning Strategy 2022 as it applies specifically to local growth and settlement, employment and tourism, infrastructure and transport, and environmental and heritage protection; and
- iii) Shire of Cunderdin Strategic Community Plan 2022-2032 and Corporate Business Plan 2021/22-2024/25 as they apply specifically to social and community, economic, built environment, natural environment and civic leadership objectives and outcomes.

#### **Recommendation 11.1**

That Council resolve to:

1. Acknowledge receipt of and determine each submission received in respect of Amendment No.1 to the Shire of Cunderdin Local Planning Scheme No.4 during public advertising in accordance with the recommendations contained in the Schedule of Submissions provided in Attachment 2 to this report;
2. Support Amendment No.1 to the Shire of Cunderdin Local Planning Scheme No.4 as proposed without modification; and
3. Authorise the Shire Administration to refer Amendment No.1 to the Shire of Cunderdin Local Planning Scheme No.4 to the Western Australian Planning Commission confirming Council's resolution and requesting the Honourable Minister for Planning's favourable consideration and final approval, including final endorsement of the scheme amendment documentation by affixing the Shire's common seal and authorising the Shire President and Chief Executive Officer to sign the documentation accordingly.

**Moved: Cr** \_\_\_\_\_

**Seconded: Cr** \_\_\_\_\_

**Vote: Simple Majority**

**Carried/Lost:**

#### **12. Works & Services**

Nil.

#### **13. Urgent Items**

Nil.

#### 14. Scheduling of Meeting

##### 14.1. March 2024 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Wednesday 27<sup>th</sup> March 2024 commencing at 5:00pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

#### 15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at \_\_:\_\_pm.

#### 16. Certification

##### DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 28<sup>th</sup> February 2024, as shown, were confirmed at the ordinary meeting of Council held on 27<sup>th</sup> March 2024.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_