



## 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 20 February 2020** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm**

Stuart Hobley  
**Chief Executive Officer**  
14 February 2020

<b>1.</b>	<b>Declaration of Opening.....</b>	<b>3</b>
<b>2.</b>	<b>Record of Attendance, Apologies and Approved Leave of Absence.....</b>	<b>3</b>
<b>3.</b>	<b>Public Question Time.....</b>	<b>4</b>
<b>4.</b>	<b>Petitions, Deputations &amp; Presentations.....</b>	<b>4</b>
<b>5.</b>	<b>Applications for Leave of Absence.....</b>	<b>4</b>
<b>6.</b>	<b>Confirmation of the Minutes of Previous Meetings.....</b>	<b>4</b>
	6.1 Ordinary Meeting of Council held on 19 <sup>th</sup> December 2019 .....	4
	6.2 Special Meeting of Council held on 6 <sup>th</sup> February 2020 .....	4
<b>7.</b>	<b>Declaration of Members and Officers Interests .....</b>	<b>5</b>
<b>8.</b>	<b>Announcements by President without Discussion.....</b>	<b>5</b>
<b>9.</b>	<b>Finance &amp; Administration .....</b>	<b>6</b>
	9.1 Financial Reports for December 2019 & January 2020.....	6
	9.2 Accounts Paid – December 2019 & January 2020 .....	7
	9.3 Council Investments – As at 31 <sup>st</sup> December 2019 & 31 <sup>st</sup> January 2020 .....	9
	9.4 Amendment to the Fees and Charges 2019/2020.....	12
	9.5 Request for part payment of Fence – 11 Egeberg Street, Cunderdin.....	15
	9.6 Chief Executive Officers Report.....	17
	9.7 Shire of Cunderdin Compliance Audit Return 2019.....	19
	9.8 Shire of Cunderdin Budget Amendment – Purchase of new Truck .....	22
	9.9 Property – Reserve 13505, 2 Cubbine Street Cunderdin .....	24
	9.10 Shire Council Mural and Map Placement.....	26
	9.11 Move Behind Closed Doors .....	28
	9.12 Sale of 8 Kelly Street .....	28
	9.13 Move from behind closed doors .....	28
<b>10.</b>	<b>Environmental Health and Building .....</b>	<b>29</b>
<b>11.</b>	<b>Planning &amp; Development.....</b>	<b>30</b>
	11.1 Proposed Shire of Cunderdin Local Planning Scheme No. 4 – Amendments.....	30
<b>12.</b>	<b>Works &amp; Services .....</b>	<b>33</b>
<b>13.</b>	<b>Urgent Items.....</b>	<b>33</b>
<b>14.</b>	<b>Scheduling of Meeting.....</b>	<b>33</b>
	14.1 March 2020 Ordinary Meeting.....	33
<b>15.</b>	<b>Closure of meeting .....</b>	<b>33</b>
<b>16.</b>	<b>Certification.....</b>	<b>33</b>

## 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
Hayley Byrnes	Manager of Corporate Services and Finance
Lauren Cole	Governance and Compliance Officer

##### Guests of Council

##### Members of the Public

#### 2.2 Apologies

#### 2.3 Leave of Absence Previously Granted

### 3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

### 4. Petitions, Deputations & Presentations

### 5. Applications for Leave of Absence

#### Recommendation 5.1

That Council approve Leave of Absence for Cr \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ inclusive

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

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

Vote – Simple Majority

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

### 6. Confirmation of the Minutes of Previous Meetings

#### 6.1 Ordinary Meeting of Council held on 19<sup>th</sup> December 2019

#### Recommendation 6.1

That the Minutes of the Ordinary Council Meeting held on Thursday 19<sup>th</sup> December 2019 be confirmed as a true and correct record.

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

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

Vote – Simple Majority

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

#### 6.2 Special Meeting of Council held on 6<sup>th</sup> February 2020

#### Recommendation 6.2

That the Minutes of the Special Council Meeting held on Thursday 6<sup>th</sup> February 2020 be confirmed as a true and correct record.

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

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

Vote – Simple Majority

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

#### Note to this item:

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

**7. Declaration of Members and Officers Interests**

**8. Announcements by President without Discussion**

## 9. Finance & Administration

### 9.1 Financial Reports for December 2019 & January 2020

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services and Finance
<b>Date:</b>	10 February 2020
<b>Author:</b>	Hayley Byrnes
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 attachments – Monthly Report December 2019 & January 2020

#### **Proposal/Summary**

The financial reports as at 31 December 2019 & 31 January 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 periods ending 31 December 2019 & January 2020.

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

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

Vote – Simple Majority

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

## 9.2 Accounts Paid – December 2019 & January 2020

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Service and Finance
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	10 February 2020
<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>	4 attachments – Creditors list of payments December 2019 & January 2020 Credit Card Statement December 2019 & January 2020

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$259,530.98
Total for Trust -	\$0.00
TOTAL -	\$259,530.98

For November 2019 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 31st December 2019.

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$294,186.94
Total for Trust -	\$0.00
TOTAL -	\$294,186.94

For November 2019 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 31st January 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**

1. That Council's payment of accounts amounting to \$259,530.98 being from Municipal Account for December 2019, as follows:

<b>Municipal Account</b>	<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 3766 – 3869	\$218,343.11	
Direct Debit (Inc Bank Charges): DD1689.1-DD1701.11	\$12,684.39	
Cheques: 11568-11579	\$28,503.48	
<b>TOTAL</b>		<b>\$259,530.98</b>

**Recommendation 9.2.2**

2. 1. That Council's payment of accounts amounting to \$294,186.94 being from Municipal Account for January 2020, as follows:

<b>Municipal Account</b>	<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 3766 – 3869	\$248,178.71	
Direct Debit (Inc Bank Charges): DD1689.1-DD1701.11	\$8,999.91	
Cheques: 11568-11579	\$37,0008.32	
<b>TOTAL</b>		<b>\$294,186.94</b>

be confirmed and noted; and,

3. 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 31<sup>st</sup> December 2019 & 31<sup>st</sup> January 2020

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	10 February 2020
<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>	2 Attachment- Bank Statements December 2019 & January 2020

#### Proposal/Summary

To inform Council of its investments as at 31<sup>st</sup> December 2019.

#### 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 31<sup>st</sup> December 2019.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$61,900.25	Municipal- 0000030	\$61,900.25		
Bendigo Bank	\$339,613.55	Municipal- 155971377	\$339,613.55		
Bendigo Bank	\$990,594.47	Reserves Term Deposit 1.9% Expires : 23/12/2019		\$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	\$60,485.29	Trust Working Account 12-2981			\$60,485.29
Bendigo Bank	\$250,000.00	Bendigo Term Deposit 1.65% Expires:09/12/2019	\$250,000.00		
Westpac Bank	\$1,000,000.00	Westpac Term Deposit 1.75% Expires:09/02/2020	\$1,000,000.00		
<b>TOTAL INVESTMENTS</b>	<b>\$2,703,838.71</b>		<b>\$1,651,513.80</b>	<b>\$990,594.47</b>	<b>\$61,583.66</b>

## **Proposal/Summary**

To inform Council of its investments as at 31<sup>st</sup> January 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 31st January 2020.

<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	\$79,531.14	Municipal- 0000030	\$79,531.14		
Bendigo Bank	\$96,939.27	Municipal- 155971377	\$96,939.27		
Bendigo Bank	\$990,594.47	Reserves Term Deposit 1.9% Expires : 23/12/2019		\$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	\$60,485.29	Trust Working Account 12-2981			\$60,485.29
Bendigo Bank	\$250,000.00	Bendigo Term Deposit 1.65% Expires:09/12/2019	\$250,000.00		
Westpac Bank	\$1,000,000.00	Westpac Term Deposit 1.75% Expires:09/02/2020	\$1,000,000.00		
<b>TOTAL INVESTMENTS</b>	<b>\$2,478,795.32</b>		<b>\$1,651,513.80</b>	<b>\$990,741.25</b>	<b>\$61,583.66</b>

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 95,718.19 and Bendigo Term Deposit Ref: 3030072 – \$ 448,062.49.

## **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 31<sup>st</sup> December 2019 & 31<sup>st</sup> January 2020 be received and noted.

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

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

Vote – Simple Majority

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

#### 9.4 Amendment to the Fees and Charges 2019/2020

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Finance Officer
<b>Author:</b>	Brooke Davidson
<b>Report Date:</b>	10 February 2020
<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>	Nil

#### **Proposal/Summary**

It is proposed that Council adopt the new Fees and Charges for the Standpipe swipe card and amend the cost of the current charge for Standpipe water to \$15.00 per kilolitre.

#### **Background**

Due to the significant cost to the Shire for standpipe water, Council approved for the installation of a swipe card system to the standpipes on Lundy Avenue in Cunderdin and Dempster Street in Meckering, to ensure that all water usage is accounted for.

#### **Comment**

People will be able to purchase a card from the Shire Administration Office for \$25.00, which will be theirs to keep. For contractors and people who only wish to access the standpipe on rare occasions, they can collect a card from the Shire Administration Office by providing a bond of \$50.00, which will be refunded to the person once the card is returned.

Upon collection of the card, the person or company will need to provide their details in order for the Shire to provide them with an invoice.

The standpipe can be accessed at any time by swiping the card. The information, including the card user and the usage amount, can then be accessed through a program by the Shire staff. This assists with issuing invoices to the users, to ensure that all usage is accounted for.

The cost of monitoring this system is \$40.00 per month, with an additional \$2,000 charge per year for the software program. To cover the cost of the water usage and the new system, the cost per kilolitre is to be increased from \$10.00 to \$15.00 per kilolitre.

In comparison, the following Shire's do not have a swipe card system in place and their current per kilolitre charges are;

Kellerberrin: \$10.50  
Quairading: \$12.00  
Northam: \$9.10 with a minimum fee of \$20.50

The Following Shire's do have a swipe card system in place and their current per Kilolitre charges and bond for swipe cards are;

York: \$6.00 plus Administration Fee per invoice of \$25.00  
\$50.00 Standpipe Bond per card

#### **Consultation**

Waterman Irrigation (installers of the new system)

#### **Statutory Implications**

Local Government Act 1995 – Section 6.16

## 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

## 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**

Addition to the 2019/2020 Fees and Charges adopted by Council, of the following charges;

\$25.00 – Purchase of a Standpipe Swipe Card.

\$50.00 – BOND for the Standpipe Swipe Card.

Amending the current charge of the standpipe water per kilolitre from \$10.00 to \$15.00.

### **Strategic Implications**

E2- Objective 1:

Foster and promote sustainable water, waste management and energy management practices including continued participation in the Water Efficiency Management Plan (WEMP) and SEAVROC Regional Waste Management Strategic Plan.

**Recommendation 9.4**

That Council,

- a) approve the two additions to the 2019/2020 Fees and Charges, being;
  - \$25.00 – Purchase of a Standpipe Swipe Card
  - \$50.00 – BOND for temporary hire of a Standpipe Swipe Card
- b) approve to amend the current standpipe water charge from \$10.00 per kilolitre to \$15.00 per kilolitre

Moved: Cr

Seconded: Cr

Vote – Absolute majority

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

## 9.5 Request for Part Payment of Fence – 11 Egeberg Street, Cunderdin

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services and Finance
<b>Date:</b>	13 February 2020
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 x Attachment

### **Proposal/Summary**

Council has received correspondence from Robyn Lynn requesting that Council pay 1/6<sup>th</sup> of her proposed fencing costs. One of the neighbouring blocks is owned by the State of WA and the Council currently has a management order on it.

### **Background**

Mrs Lynn has previously been in contact with the Shire Administration office to enquire about this issue, and advised by Council staff members that generally speaking we do not pay any contributions to fencing on property we do not own. She has since written correspondence to Council requesting payment due to Council having a management order on the block.

### **Comment**

As per the quote that have been provided by Mrs Lynn from Avon Fencing they are proposing;

*To supply and install 118.14m of 1.8 meter high Colourbond Neetascreen fencing as per plan, includes 3 panels at 1.2m high to either side at front of property and one set of double gates at rear of property.*

They have been quoted \$12,936.00 for this fencing in which they are asking Council to pay 1/6, as they believe that is half of the east side fence. This would be a cost of \$2156.00 to Council.

The block is owned by the State government, and the Shire has a management order over the block. The Shire has no infrastructure on the block and has no intention of developing the site.



Lot 225, 11 Egeberg Street.

Lot 224, Owner by the State of WA.

The Dividing Fences Act does not require State or Local Government to contribute to fences on blocks such as these.

If the Shire had a dwelling or other infrastructure on the site it would usually contribute to the fence. The Shire has management orders on several vacant blocks around town and by contributing to the fence on this occasion it would set a precedent.

### **Consultation**

Stuart Hobley, Chief Executive Officer

Hayley Byrnes, Manager of Corporate Services and Finance

### **Statutory Environment**

Nil

### **Policy Implications**

Nil.

**Financial Implications**

\$2,156.00 if the Council agree to pay the 1/6 of the Quote.

**Strategic Implications**

Nil.

**Recommendation 9.5**

That Council advise Mrs Lynn that it will not be contributing to the installation of the Fence at Lot 224, Egeberg Street, Cunderdin.

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

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

Vote – Simple Majority

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



## 9.6 Chief Executive Officers Report

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	14 February 2020
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### Proposal/Summary

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

### Background

#### Extension of Prohibited Burning Period

In accordance with the provisions of Section 17 (7) of the Bush Fires Act 1954, the Prohibited Burning Period for the Shire of Cunderdin has been extended a further fourteen (14) days from 14th February 2020 until midnight 28th February 2020 all inclusive. Restricted Burning for the Shire of Cunderdin will commence from Saturday 29th February 2020.

The decision was reached by agreement of the Chief Fire Control Officer, the Community Emergency Services Officer and CEO. Most of our neighbouring Shires have all decided to extend their prohibited burning periods as well.

#### Early Learning Centre

The Shire will official handover the daily operations of the Early Learning Centre (ELC) to REED on the 24<sup>th</sup> February 2020. A morning tea will be held at the Shire Office on the 21 February 2020 to thank the Shire Staff who have been involved with the ELC during its operation.

As the Council operated the ELC for a period of six month longer than it was budgeted for a detailed report on the financial operations of the ELC centre will be presented to the April 2020 Council Meeting.

#### Pindan Final Payment

The final payment has been made to Pindan for the construction of the Sandalwood Village. All of the items on the defects list have completed and the Shire is not aware of any further issues. The amount is approximately \$69,000.

#### Auction of Land for Non Payment Rates

The following lots will be auctioned for sale on the 20 February 2020 for non payment of rates:

- 121 Cunderdin Wyalkatchem Road
- Lot 286 Collins Street Meckering.

#### Sale of Cat Grader

The old Cat Grader has been sent to Perth and will be sold by auction later in the month. A reserve has been set at \$60,000.

### Comment

Nil.

### Consultation

Nil.

### Statutory Implications

Nil.

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Nil.

**Recommendation 9.6**

That the Chief Executives Officers Report be received.

Moved: Cr

Seconded: Cr

Vote – Simple majority

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

## 9.7 Shire of Cunderdin Compliance Audit Return 2019

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Manager of Corporate Services and Finance
<b>Date:</b>	15 <sup>th</sup> February 2019
<b>Author:</b>	Lauren Cole
<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>	Compliance Audit Return 2019

### Proposal/Summary

The Council is requested to review and give consideration to the Shire of Cunderdin Compliance Audit Return 2019, as presented.

### Background

Each year, Council is required to complete and submit a Local Government Compliance Audit Return (CAR) for the period 1 January to 31 December. Completing the Return is a statutory requirement under the provisions of the *Local Government Act 1995*, and associated Regulations.

It is a requirement for the CAR to be:

- a) Submitted to the Audit Committee for review and a report to Council.
- b) Presented to the Council at a meeting of the Council.
- c) Adopted by the Council; and
- d) Recorded in the minutes of the meeting at which it is adopted.

Below is recommended resolution for the Audit Committee Meeting that is occurring prior to the Ordinary Council Meeting, should the motion be amended Council will be advised accordingly at the meeting.

Councils Audit Committee Meeting – 20<sup>th</sup> February 2020

*That the Audit Committee:*

- *Receives the Shire of Cunderdin Compliance Audit Return for the period 1 January 2019 to 31 December 2019, as prepared; and,*
- *Recommends to Council that the Shire of Cunderdin Compliance Audit Return 2019, as prepared, be adopted and submitted to the Department of Local Government.*

### Comment

The Compliance Audit Return (CAR) for the Shire of Cunderdin for period 1 January 2019 to 31 December 2019 has been completed and a copy circulated to Councillors with the Audit Committee Meeting Agenda. The CAR is to be submitted to the Department of Local Government by 31 March each year.

While completing the Compliance Audit it was noted that the Shire has not complied with the following part of the Compliance Audit:

#### *Integrated Planning and Reporting, Question 5:*

#### *Reference – S5.56 Admin Reg 19DA (3)*

*Has the local government developed an Asset Management Plan(s) that covers all asset classes, If Yes, please provide the date of the most recent plan adopted by Council in Comments?*

*Response: No*

*Comments: The Asset Management Plan is scheduled to be completed by April 2020.*

#### *Integrated Planning and Reporting, Question 6:*

Reference – S5.56 Admin Reg 19DA (3)

*Has the local government developed a Long Term Financial Plan. If yes, please provide the date of the most recent plan adopted by Council in Comments?*

*Response: No*

*Comments: The Long Term Financial Plan is scheduled to be completed by April 2020.*

Optional Questions, Question 1:

Reference – Financial Management Reg 5 (2)(c)

*Did the CEO review the appropriateness and effectiveness of the local government’s financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5 (2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?*

*Response: No*

*Comments: The review has been completed and will be presented to the next Audit Committee Meeting.*

**Consultation**

Chief Executive Officer – Stuart Hobley

Manager of Corporate Services and Finance – Hayley Byrnes

Governance and Compliance Officer – Lauren Cole

**Statutory Implications**

*Local Government Act 1995, section 7.13 (1)(i)*

**7.13. Regulations as to audits**

*(1) Regulations may make provision —*

- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*
  - (i) of a financial nature or not; or*
  - (ii) under this Act or another written law.*

*Local Government (Audit) Regulations 1996, clauses 13, 14 & 15*

**13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))**

*For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.*

**14. Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
  - (a) presented to the council at a meeting of the council; and*
  - (b) adopted by the council; and*
  - (c) recorded in the minutes of the meeting at which it is adopted.*

**15. Compliance audit return, certified copy of etc. to be given to Executive Director**

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
- (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
  - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation —*
- certified** *in relation to a compliance audit return means signed by —*
- (a) *the mayor or president; and*
  - (b) *the CEO.*

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

*“Shire of Cunderdin Strategic Community Plan*

*Civic Leadership*

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

**Recommendation 9.7**

That Council adopted to Audit committees recommendation of;

- *Receives the Shire of Cunderdin Compliance Audit Return for the period 1 January 2018 to 31 December 2018, as prepared; and,*
- *Recommends to Council that the Shire of Cunderdin Compliance Audit Return 2018, as prepared, be adopted and submitted to the Department of Local Government.*

Moved:

Seconded: Cr

Vote - Simple majority

Carried:

## 9.8 Shire of Cunderdin Budget Amendment – Purchase of new Truck

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Stuart Hobley, Chief Executive Officer
<b>Date:</b>	14 February 2020
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### Proposal/Summary

To consider the purchase of a new truck in the 2019/2020 financial year.

### Background

The Shire owns three six wheel trucks all of which are used by the construction team. Two trucks are used to cart gravel and cleared vegetation whilst the third truck (usually the oldest truck) is used as a water cart.

The Shire truck and bodies are in varying states of repair and a summary of their condition follows:

2003 Iveco Truck CMT1450 – This is the oldest truck and is used as the water truck. It is in a poor state of repair and is constantly breaking down. There has been ongoing issues with engine fumes being blown into the cab of the truck which has caused problems for the operators. In 2019/20 over \$16,000 has been spent on repairs to the 2003 Iveco. The Iveco is currently being repaired and it is expected that these repairs will cost at least \$4,000. This truck is scheduled to be replaced in 2022/23. It is recommended that this truck be placed immediately.

2010 UD Nissan Truck Side/End Tipper - The UD is in a reasonable condition and has had just over \$8,000 spent on repairs and maintenance (not including tyres) in 2019/20. This truck is scheduled to be replaced in 2024-25.

2016 Mitsubishi FV51 Truck Side/End Tipper – This is the newest truck however has had issues with in the tipper in 2019/20 and over \$19,000 has been spent on repairs to the truck and tipper. This truck is also being used to tow the new trailer that was purchased this year.

Council is aware that the level of maintenance that was being undertaken on the trucks over the past few years was not of the standard that was expected. Council budget significantly more in 2019/20 to complete general repairs and maintenance on its entire fleet.

### Comment

The 2003 Iveco is causing significant problems for construction crew at present. The truck is constantly breaking down and represents an occupational hazard to the operators. Not only does it cost the Council to repair the truck it should be noted the cost of hiring in a water truck to replace the Iveco when it is broken down is \$400 per day.

Council has been advised that it should receive significant funding over the next five years to upgrade its road network through the Wheatbelt Secondary Freight Network Program is preparing to complete as much of this work as possible with its own resources.

With its current state of its truck fleet it would make it extremely difficult to complete this work.

It is recommended that Council go to tender to purchase a new truck in the 2019/20 financial year.

The Manager of Works will meet the Plant Selection Committee prior to the Council meeting to discuss the type of truck to purchase.

**Consultation**

Craig Robertson, Manager of Works and Services  
Plant Selection Committee

**Statutory Implications**

Council will need to complete a budget amendment and will be required to go to tender for the purchase of the truck. The Local Government (Function and General) Regulations will be required to be adhered to with respect to the tender process.

**Policy Implications**

Nil.

**Financial Implications**

It is estimated that a new six wheel truck and body would cost approximately \$200,000.

Council budgeted \$110,000 for the purchase of a skid steer loader in its 2019/20 Budget. It is recommended that this purchase be put on hold and the funds be transferred to the purchase of a new truck.

The remainder of the funding can be made up from the Plant Reserve. The Plant reserve currently has a balance of \$221,297.

**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 9.8**

That Council:

- 1) Call tenders for a new truck and sell the 2003 Iveco.
- 2) Approve the following budget amendment –  
Delete Purchase of Skid Steer Loader \$110,000  
Add Purchase of Truck \$250,000  
Add transfer from plant reserve \$140,000

Moved: Cr

Seconded: Cr

Vote – Absolute majority

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

## 9.9 Property – Reserve 13505, 2 Cubbine Street Cunderdin

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Stuart Hobley, Chief Executive Officer
<b>Date:</b>	14 February 2020
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	3 x Attachments

### **Proposal/Summary**

To consider the purchase of 2 Cubbine Street (Lots 159,160,161 being Reserve 13505), Cunderdin from the Department of Planning, Lands and Heritage (DPLH).

### **Background**

The Lots 159,160 and 161 are vested in the Shire of Cunderdin and previously the Shire has built the Doctors house and surgery on these lots (see Attachment 1 and 2).

The Doctors house has significant structural issues and has not been used as a residence for a number of years, however the shire has had several parties interested in purchasing the house.

The Shire can not currently sell the house as it does not own the land as it is only vested in the Shire. The Shire needs to acquire the freehold titles to the lots.

At the July 2019 Council Meeting Council resolved the following:

*That Council start the process of acquiring the land known as Reserve 13505 / Lots 159, 160 & 161 on Deposited Plan 222359.*

The Shire has contacted the DPLH and requested to purchase the lots. The DPLH has advised that the indicative purchase price of the lots is \$70,000 subject to the approval by the Director.

### **Comment**

Recent valuations and sales would indicate that \$70,000 for the purchase of the three lots would be a fair price.

The Shire has budgeted \$60,000 for the purchase of land in its 2019/20 Budget. The purpose of the budget allocation was to purchase land to build staff housing on, however Council has indicated that it would prefer to build on land that it already owns.

Although the house has substantial structural issues it would be expected that the funds from the sale would be significantly more than \$70,000. The funds from the future sale of the house could be used for the construction of new staff/community housing.

### **Consultation**

Nil

### **Statutory Implications**

Nil

### **Policy Implications**

Nil



**Financial Implications**

Council has budgeted \$60,000 in its 2019/20 Budget for the purchase of land the remaining \$10,000 would be unbudgeted expenditure.

**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 9.9**

That Council advise the Department of Planning, Lands and Heritage that it will proceed with the purchase of Lots 159, 160 and 160 being Reserve 13505 for a price of no more than \$70,000.

Moved: Cr

Seconded: Cr

Vote – Absolute Majority

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

## 9.10 Shire Council Mural and Map Placement

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Cunderdin Museum Management Committee
<b>Date:</b>	3 February 2020
<b>Author:</b>	Michelle Samson
<b>Item Approved by:</b>	Stuart Hobley, Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### Proposal/Summary

To determine a location for the Shire of Cunderdin Map and painted mural that was relocated from the Shire chambers to the museum.

### Background

Cunderdin Museum Committee and Cunderdin Historical Society have collaborated to improve the onsite storage facilities for the museum archival collection. The Historical Society have purchased a compactus for \$6,380.00 for installation in the museum office area to store the archival, photographic and ephemera collections. The installation requires modifications to the office and relocating furniture to meet the project aims of expanding the current storage facilities for the collection's current and future requirements. The compactus will close off the access and only smaller items as the access will be reduced to one metre in width. This means that only small hand held sized collection items can and will be stored in the alcove.

The Council chambers were refurbished in January 2019, and both the map and mural were removed. The direction from Council at the time was that they were to be displayed at the museum.

The painted mural and regional map which hung in the Council Chambers for many years were transferred to the museum collection in January 2019. They have been stored in the office alcove as there is simply no other suitable location to store them. This has blocked in the costume and textile collections making accessing these collection items impossible.

The alcove has limited space and will be repurposed to house filing cabinets and wire shelves to house small items as part of the office refit. There will not be room to store the map and mural in the alcove once the refit has occurred. Once the compactus is installed it will be impossible to remove them.

There are 40 costume boxes stored the alcove that cannot be accessed due to the sheer size of the murals. These boxes store the following items many of which are highly significant. The numbers are based on a desktop survey of Mosaic database and the number of items may actually be higher.

Costumes (period clothing)	103
Costume accessories (hats belts stoles)	62
Uniforms and accessories	25
Manchester and textiles	30
<b>Total items</b>	<b>193</b>

They are constructed of wood panels and wooden frames and measure 1.8 x 2.3 metres. It requires two men to move them safely. The mural is painted directly onto the wood panel and the paper map is adhered to the wood panelling.

The map is of low significance as it is of the Cunderdin region and the museum has other maps which provide greater details of the region and property/farm ownership.

The mural has some significance as the piece was commissioned to be displayed in the council chambers. The mural has been identified as being painted by Paul Rigby, an Australian political cartoonist of some renown.

The mural has been evaluated and council received a recommendation from McKenzie's Auctioneers that the mural could be insured to the value of \$5000 for replacement costs, however it is largely worthless on the art market with little to no resale worth. It has low significance to the museum as a display piece and the only location it can be displayed in will be detrimental to the mural's condition.

### **Comment**

Several options have been considered for the map and mural and these are as follows:

1. Rehang mural in Chambers in keeping with the mural's original purpose and function. The ambient environment in the Chambers is conducive to the ongoing preservation of the mural.
2. Rehang the Map in the Chief Executive Officer Office or in the Shire chambers. Rehang the Mural at the Cunderdin Town Hall.
3. Display in Pavilion. If it is determined the items are to remain onsite at the museum the only feasible option is to place them in the pavilion. They will be on the floor and leant against the wall until they can be hung properly. This put them at risk of damage from visitors and the exposed dusty environment. There is no protection for the fragile elements that will degrade in the pavilion's environment which experiences large temperature fluctuations which will damage the paintwork and paper of the two items.
4. Store both items in the archive room in the Shire Depot. Limited to no protection to the fragile elements of the items – map paper and mural paintwork will degrade rapidly.

### **Consultation**

Stuart Hoble, Chief Executive Officer  
Michelle Samson, Cunderdin Museum Manager  
Hayley Byrnes, Manager of Corporate Services and Finance

### **Statutory Environment**

Nil.

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

### **Strategic Implications**

Nil.

### **Recommendation 9.10**

That the mural be \_\_\_\_\_ in the \_\_\_\_\_ and;  
The Shire of Cunderdin Map be rehung in the Chief Executives Officers Office.

Moved: Cr \_\_\_\_\_  
Vote – Simple Majority

Seconded: Cr \_\_\_\_\_  
Carried/Lost: \_\_\_/\_\_\_

**9.11 Move Behind Closed Doors**

**Recommendation 9.11**

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: \_\_/\_\_\_\_

**9.12 Sale of 8 Kelly Street**

Under separate cover.

**9.13 Move from behind closed doors**

**Recommendation 9.13**

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: \_\_/\_\_\_\_

**10. Environmental Health and Building**

Nil

## 11. Planning & Development

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

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

#### **Proposal/Summary**

The Council is to receive the Town Planner's update for February 2020 and consider the proposed 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 October 2018 that Council:

1. Adopt for advertising purposes the draft Shires of Cunderdin, Quairading and Tammin Regional Local Planning Strategy and Shire of Cunderdin Local Planning Scheme No. 4 for submission to the Western Australian Planning Commission for certification to advertise.
2. That Council forwards the draft Strategy and Scheme to:
  - (a) The Heritage Council for advice, pursuant to section 79 of the *Planning and Development Act 2005*.
  - (b) The Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act 2005*.
  - (c) The Western Australian Planning Commission for review, pursuant to Regulation 21 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. Following receipt of the Western Australian Planning Commission's certification, with or without modifications, advertise the draft documents in accordance with Regulations 13 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Following the advertising period, receive a further Report including details of consideration of the submissions, to endorse the Strategy and Scheme, with or without modifications, for submission to the Western Australian Planning Commission for approval.

Advertising for the Shire of Cunderdin proposed Local Planning Scheme No.4 commenced on the 31<sup>st</sup> October 2019 and submissions were open for a three month period, closing on the 31<sup>st</sup> 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.

#### **Comment**

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. The huge interest in the changes resulted in 8 submissions to the proposed Town Planning Scheme, which has resulted in around 10 proposed changes at this stage. A summary of these changes have been included in an attachment.

The largest change proposed is to rezone a portion of Meckering, between Johnston St and Clifton St, and those that were previously zoned as mixed business to rural town site to allow for more flexibility and businesses in the Meckering town site.

In additional to this we are proposing a number of modifications to the zoning table to ensure that the majority of business's to stay where they are without becoming non-conforming uses's.

Currently (indicated by the red circle in local planning scheme flowchart attachment) we are in the process of analyzing the submissions by the various agencies and discussing the required changes with the Department of Planning Lands and Heritage.

After we make these changes to the Scheme document and the Mapping, the residents of Meckering have requested that we notify them and do further consultation.

As the proposed changes are as a direct result of the submissions received, we are not required to re-advertise the proposed scheme, but I would recommend that we do, as a lot of the changes to Meckering are quite significant. This advertising could be for a period of 14-21 days.

### **Consultation**

Statutory Consultation Processes set out in the Regulations apply to Local Planning Strategies and Schemes, including Community Consultation Periods.  
Department of Planning Lands and Heritage

### **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**

The local planning strategy is the framework for local planning and the strategic basis for local planning schemes. It provides the interface between regional and local planning, and is increasingly being seen by other agencies as the means by which to address economic, resource management, environmental and social issues at a strategic level.

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 strategy and scheme will be developed utilising existing local and regional strategic planning documents, including each Shire's Strategic Community Plan.

**Recommendation 11.1**

That Council:

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

Moved: Cr

Seconded: Cr

Vote – Simple majority

Carried: 0/0



**12. Works & Services**

Nil

**13. Urgent Items**

Nil

**14. Scheduling of Meeting**

**14.1 March 2020 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 19 March 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 20 February 2020 as shown were confirmed at the ordinary meeting of Council held on 19 March 2020.

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

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