



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 27th March 2024** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer

20th March 2024

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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 28th February 2024

Recommendation 6.1

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 28th February 2024 be confirmed as a true and correct record.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

Note to this item:

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

6.2. Shire of Cunderdin Audit Committee Minutes

Recommendation 6.2

That Council:

1. Receive and endorse the Minutes of the Audit Committee Meeting held 13th March 2024, and
2. Endorse the resolutions contain therein.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

Note to this item:

Audit Committee Minutes can be seen in Attachment 6.2.1 – SOC Audit Committee Minutes

7. Declaration of Members and Officers Interests

8. Announcements by President without Discussion

9. Finance & Administration

9.1. Financial Reports for February 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	15 th March 2024
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – February 2024 Monthly Financial Report Attachment 9.1.2 - Rates Details February 2024

Proposal/Summary

The financial reports as at 29th February 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 29th February 2024.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.2. Accounts Paid – 29th February 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	15 th March 2024
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – February 2024 Creditors Listing Attachment 9.2.2 - Credit Card Statement February 2024

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$221,309.62
Total for Trust -	\$0.00
TOTAL -	\$221,309.62

For February 2024 as listed in the Warrant of Payments for the period 1st to 29th February 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.

Recommendation 9.2

1. That Council's payments of accounts amounting to \$221,309.62 being from Municipal Account for February 2024, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 7755- 7802	\$186,677.73	
Direct Debit (Inc Bank Charges):	\$17,738.91	
Cheques: 11886 - 11887	\$16,892.98	
Trust Account		
	\$0.00	
TOTAL		\$221,309.62

2. That Council's receive reports for payments of corporate credit cards amounting to \$2,786.24 being from Municipal Account for period 16th January to 15th February 2024, as follows:

40030 - Westpac Banking Corporation Visa – Stuart Hobley

Date	Job	Job Description	Comments	Line Total
23-Jan	11451000.520	Expenses relating to Administration GEN	Express Postage – Transfer documents	10.50
30-Jan	11161030.521	Community Events Expenditure GEN	Youth Group Stationary	93.76
30-Jan	P1512	Kubota F3690 Diesel Out Front Mower - Meckering (CM10061)	DOT - Mower Registration	128.65
30-Jan	P1513	Kubota F3690 Diesel Out Front Mowers - Cunderdin (CM10059)	DOT - Mower Registration	115.35
06-Feb	11451110.520	Staff Uniform - Admin GEN	Uniform Allowance - CEO	163.95
13-Feb	P3014	2021 Ford Everest Trend (OCMT) - CEO Car	Diesel - CEO	74.03
15-Feb	TRAIN	Staff training	Georgie - Training	201.00
			TOTAL	787.24

40030 - Westpac Banking Corporation Visa – Hayley Byrnes				
Date	Job	Job Description	Comments	Line Total
18-Jan	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	96.13
19-Jan	11161030.520	Community Events Expenditure GEN	Rob W Training	100.50
18-Jan	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	132.27
21-Jan	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	131.97
30-Jan	P3012	2023 Isuzu D-Max Ute (CM0) - DCEO Ute	DCEO Diesel	100.00
06-Feb	11161030.521	CDO Projects GEN	Youth Wellness 2024 - Catering Expenses Subway	827.00
07-Feb	11140110.112	Young Legends Tidy Towns - Youth Council Income GEN	YACWA 2024 - Giftcards	150.00
07-Feb	11161030.521	CDO Projects GEN	Youth Wellness 2024	75.00
07-Feb	11140110.112	Young Legends Tidy Towns - Youth Council Income GEN	YACWA 2024 - Giftcards	300.00
07-Feb	11161030.521	Community Events Expenditure GEN	Youth Wellness 2024 – Catering Expenses	86.13
			TOTAL	\$1,999.00
			TOTAL PAYMENTS	\$2,786.24
Moved: Cr _____		Seconded: Cr _____		
Vote – Simple majority		Carried/Lost: _____		

9.3. Council Investments – As at 29th February 2024

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	19 th March 2024
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements February 2024

Proposal/Summary

To inform Council of its investments at 29th February 2024

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 29th February 2024

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$997,000.35	Municipal- 0000030	\$997,000.35		
Bendigo Bank	\$1,566,335.58	Municipal- 155971377	\$1,566,335.58		
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	
Bendigo Bank	\$1,000,000.00	Term Deposit -4.76% Exp 20 Jun 2024	\$1,000,000.00		
Bendigo Bank	\$500,000.00	Term Deposit -4.76% Exp 20 Jun 2024	\$500,000.00		
TOTAL INVESTMENTS	\$5,490,339.93		\$4,063,335.93	\$1,421,899.01	\$5,104.99

In addition to the Council Accounts, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits, and operating Acc#000073- \$0.00

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
29 February 2024

Opening Balance as per Bank Statement & Term Deposits

Term Deposit#
 4589480
 Maturing 5 June 2024
 (4.89%) 225,369.49

TOTAL **225,369.49**

Credits 0.00
 Debits 0.00

Closing Balance as Per Bank Statements & Term Deposits

TOTAL **225,369.49**

INCOMING

*Interest earnt
 on TD @
 maturity* 0.00
0.00

OUTGOING

0.00

Balance as at end of month

TOTAL **225,369.49**

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
29th February 2024

Opening Balance as per Bank Statement & Term Deposits

Term Deposit#
 4589492
 Maturing 5 June 2023
 (4.89%) 369,862.05

TOTAL **369,862.05**

Credits 0.00
 Debits 0.00

Closing Balance as Per Bank Statements & Term Deposits

TOTAL **369,862.05**

INCOMING

0.00
 0.00

OUTGOING

0.00

Balance as at end of month

TOTAL **369,862.05**

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.

<u>Recommendation 9.3</u>	
That the report on Council investments as at 29 th February 2024 be received and noted.	
Moved: Cr _____	Seconded: Cr _____
Vote – Simple majority	Carried/Lost: _____

9.4. Mid-Year Budget Review 2023/24

Location:	Shire of Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	20 th March 2024
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.4.1 – SOC –2023-24 Budget Review Document

Proposal/Summary

Council to consider and adopt the Budget Review Report, with any amendments, for the period 1 July 2023 to 29 February 2024.

Background

The Shire of Cunderdin Annual Budget 2023/2024 was adopted by Council on 26th July 2023.

Local Government (Financial Management) Regulations 1996 require local governments to undertake a review of its Annual Budget between 1 January and 31 March each financial year.

The adopted annual budget contained an estimated opening surplus of \$3,801,219 with a closing surplus at 30 June 2024 of \$520.00. The actual opening surplus is now anticipated to be \$4,337,031 and the closing surplus is estimated to be \$581.

A detailed analysis at account level incorporates year to date results, and budget projections to 30th June 2024 is presented for Council's consideration.

Comment

The budget review has been prepared to include the information required by the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996*, and the Australian Accounting Standards.

Attachment 9.4.1 details any predicted variances to the original budget and provides comment on the reason for those variances.

This review has been based on the facts know at this time and has been calculated using the predictive trends. A prudent view has been taken when calculating the estimated amounts.

Consultation

Nil.

Statutory Environment

Local Government Act 1995 Section 6.2

Local Government (Financial Management) Regulations 1996, Regulation 33A

33A. Review of Budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must —*
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

(3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the attached reports.

Strategic Implications

Nil.

Recommendation 9.4

That Council:

1. Adopt the 2023/24 Annual Budget Review, as presented in Attachments, and notes that the estimated closing funds are based on current revenue and expenditure trends.
2. Endorse lodgement of the 2023/24 Annual Budget Review, as presented, to the Department of Local Government Sport and Cultural Industries within 30 days.

Moved: Cr _____

Seconded: Cr _____

Vote – Absolute majority

Carried/Lost: _____

9.5. Adoption of Audit Committee Terms of Reference

Location:	Cunderdin
Applicant:	Governance Officer
Date:	16 th February 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.5.1 – Shire of Cunderdin Audit Committee Terms of Reference

Proposal/Summary

For Council to support a review of the Audit Committee Terms of Reference.

Background

The *Local Government Act 1995* requires that all local governments establish an Audit Committee. The role of the Audit Committee is to give recognition to the importance of, and legislative obligation for, the establishment and maintenance of an effective internal audit function, best practice governance systems, oversight of the risk management and governance frameworks, and performance, and maintenance of strong financial management controls and processes.

The Audit Committee is a committee of Council. The members of this committee shall consist of all elected Council members as resolved at the 25th October 2023 Ordinary Council Meeting.

Audit Committee Terms of Reference were last received in October 2021.

Comment

Reviewal of the Terms of Reference biannually, following the Local Government Ordinary Elections ensures that the Terms of Reference are inline with current legislation.

There have not been any legislative changes since the last revision of the the TOR; no amendments were made to the TOR.

Consultation

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

Statutory Environment

Local Government Act 1995
Local Government (Audit) Regulations 1996

Policy Implications

Shire of Cunderdin Policy Manual
1.13 – Legislative Requirements

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.

- External Audits and Reviews confirm compliance with relevant legislation.

Recommendation 9.5

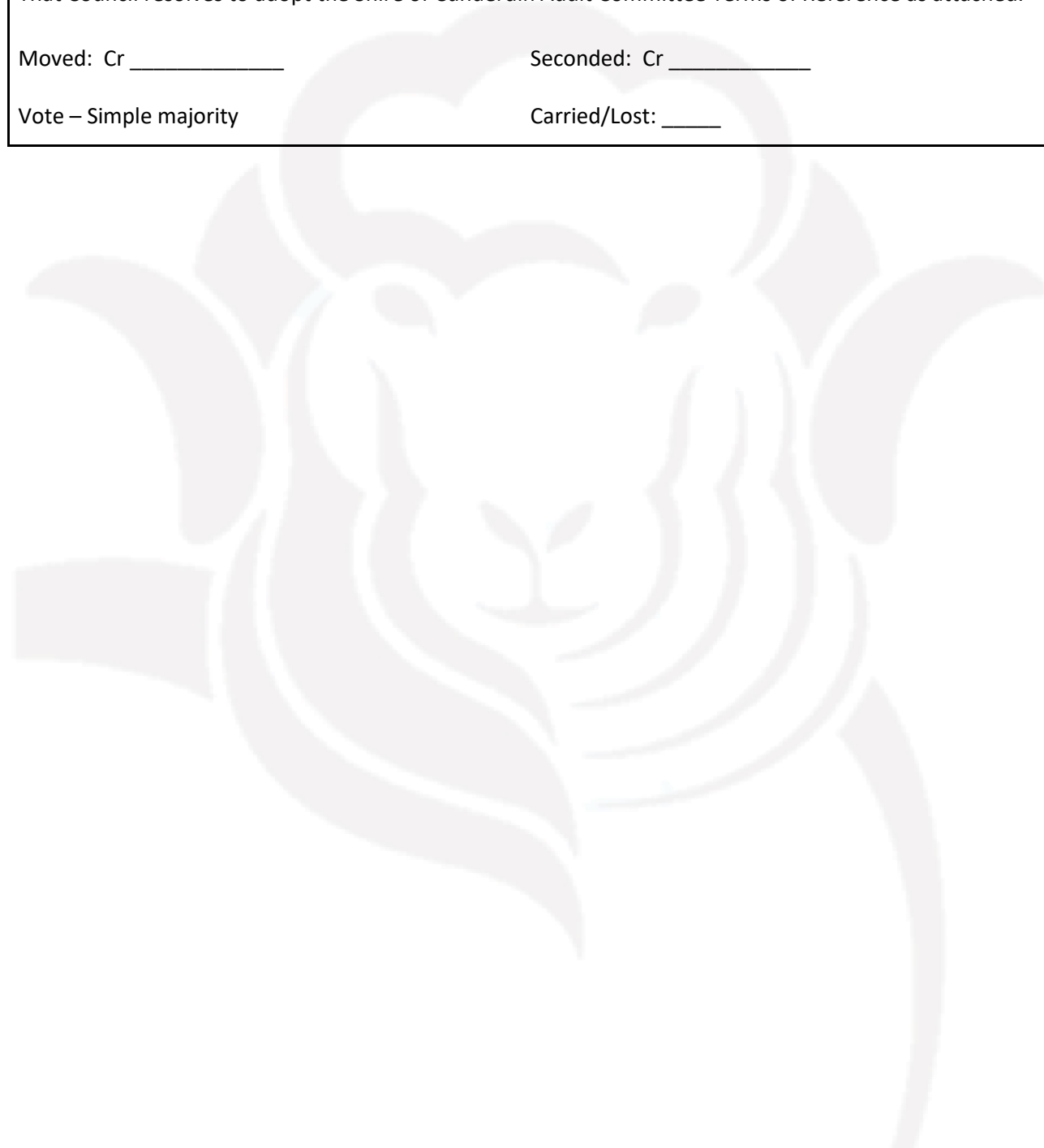
That Council resolves to adopt the Shire of Cunderdin Audit Committee Terms of Reference as attached.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____



9.6. Shire of Cunderdin Compliance Audit Return 2023

Location:	Cunderdin
Applicant:	Governance and Compliance Officer
Date:	14 th March 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.6.1 – Compliance Audit Report

Proposal/Summary

For Council to give consideration to the Shire of Cunderdin Compliance Audit Return 2023, as presented.

Background

It is a requirement of all Local Governments to complete the annual Compliance Audit Return as part of its regulatory obligations to the Department of Local Government, Sport and Cultural Industries.

The Compliance Audit Return (CAR) is completed for the period 1 January to 31 December, and is required to be submitted to the Audit Committee for review prior to being presented to Council.

The CAR was received on 13th March 2024 at an Audit Committee Meeting. The following resolution was made:

Resolution 5.2 ACM March 2024

That the Audit Committee:

- 1. Receives the Shire of Cunderdin Compliance Audit Return for the period 1 January 2023 to 31 December 2023, as prepared and,*
- 2. Recommends to Council that the Shire of Cunderdin Compliance Audit Return 2023, as prepared, be adopted and submitted to the Department of Local Government.*

Comment

The Shire of Cunderdin CAR, for 1 January 2023 to 31 December 2023 has been completed and can be viewed in Attachment 9.6.1 - Compliance Audit Report. The CAR is to be submitted to the Department of Local Government by 31 March each year.

Consultation

Mr Stuart Hobley, Chief Executive Officer
Mrs Hayley Byrnes, Deputy Chief Executive Officer
Mrs Samantha Pimlott, Governance and Administration Officer

Statutory Environment

Local Government Act 1995, section 7.13 (1)(i)
Local Government (Audit) Regulations 1996, clauses 13, 14 & 15

Policy Implications

Nil.

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.
External Audits and Reviews confirm compliance with relevant legislation.

Recommendation 9.6

That Council endorses the Audit Committees resolution and agrees that the 2023 Compliance Audit Return:

1. Be received by the Shire of Cunderdin;
2. Recommends that the Shire of Cunderdin Compliance Audit Return 2023, as prepared, be adopted and submitted to the Department of Local Government

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.7. Disability Access and Inclusion Plan 2024-2029

Location:	Shire of Cunderdin
Applicant:	Governance & Administration Officer
Date:	19 th March 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.7.1 – Shire of Cunderdin Disability Access and Inclusion Plan 2024-2029

Proposal/Summary

For Council to review and adopt the Shire of Cunderdin Disability Access and Inclusion Plan 2024-2029 as seen in Attachment 9.7.1.

Background

The Disability Services Act 1993 requires all local governments and selected State Government agencies to develop a Disability Access and Inclusion Plan (DAIP).

The DAIP's purpose is to ensure that people with disabilities have access to services provided by public authorities in Western Australia, and to participate, and be included in the community. The goal is to provide people with a disability, the highest practicable level of access people without a disability enjoy, and ensure people are not discriminated against.

The Shire of Cunderdin Disability Access and Inclusion Plan is reviewed annually; public consultation is required for these reviews bi-annually.

The previous (DAIP) 2016 – 2021 was adopted 19 May 2016 at an Ordinary Council Meeting. The Shire of Cunderdin DAIP was desktop reviewed in May 2017 and again in May 2018.

Comment

The Shire consulted with the Cunderdin Community during the review of the DAIP. Consultations included:

- Attendance at workshops held at local Community Group Meetings
- Invitations for participation in a DAIP Survey – Surveys were available to be completed on the Shire's website, the Administration Office, and Cunderdin Community Resource Centre.

Advertising for the review occurred in the Bandicoot, Shire Snippets, the Shire of Cunderdin Facebook page, community notice boards in Cunderdin and Meckering.

Seven outcome areas required to be met in the DAIP are integrated in the Shires Corporate Business, and Strategic Community Plans. This integration ensures that the Shire is continually meeting DAIP's desired outcome areas.

Consultation

Richard Struik, Department of Communities
Stuart Hobley, Chief Executive Officer
Samantha Pimlott, Governance & Finance Officer

Statutory Implications

Disability Services Act 1993
Disability Services Regulations 2004.

Policy Implications

Shire of Cunderdin Policy Manual

8.7 Equal Employment Opportunity

Financial Implications

Nil.

Strategic Implications

Shire of Cunderdin Strategic Community Plan 2022 -2032

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

2.4 Encourage local workforce participation

3. Built Environment

3.3 Enhance public spaces and townscapes
Clean, accessible and modern public toilets

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
Performance against targets reported to the community

5.3 Implement systems and processes that meet legislative and audit obligations.
External Audits and Reviews confirm compliance with relevant legislation.

Recommendation 9.7

That the Council:

1. Adopt the Shire of Cunderdin Disability Access and Inclusion Plan 2024-2029 as presented.
2. Endorse registration of the adopted Shire of Cunderdin Disability Access and Inclusion Plan 2024-2029 with the Disability Services Commission.
3. Advertise the adoption of the plan to the community.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

9.8. Council Member Continuing Professional Development Policy

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	19 th March 2024
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.8.1 - Councillor Member Continuing Professional Development Policy

Proposal/Summary

For Council to adopt a Councillor Member Continuing Professional Development Policy to be included in the Shires Policy Manual.

Background

The current Councillor training regulations gazetted in 2019 prescribe that all councillors attend mandatory training. It is a requirement for Council to adopt a Continuing Professional Development (CPD) policy.

Council Member Essentials was developed to provide sitting members with the skills and knowledge required to perform their roles.

A Councillor training report is generated each financial year and published on the Shires website.

Comment

Councillors represent electors, ratepayers, and residents in the Shire of Cunderdin. They are responsible for service and project delivery, finance, and legislative functions of the Shire.

Education of Councillors is important for ensuring they are able to make informed decisions on behalf of the community. Councillors are encouraged to attend trainings and conferences when they become available to ensure they are up to date on legislative information and changes.

All current sitting members of Council have or are in the process of completing the Council Members Essential courses.

Consultation

Nil.

Statutory Implications

Local Government Act 1995

s5.128

- 1. A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*

Local Government (Administration) Regulations 1996

r35 - Training for council members.

Policy Implications

Shire of Cunderdin Policy Manual

1.8 – Elected Members – Conference, Training, Travel and out of pocket Expenses

1.14 – Council Member Continuing Professional Development Policy

Financial Implications

As per Annual Budget allocation for Councillor Training.

Strategic Implications

5. Civic Leadership

- 5.3 Implement systems and processes that meet legislative and audit obligations.
External Audits and Reviews confirm compliance with relevant legislation.

Recommendation 9.8

That the Council:

- 1. Adopt the Council Member Continuing Professional Development Policy to be included in the Shire of Cunderdin Policy Manual.

Moved: Cr _____

Seconded: Cr _____

Vote – Absolute majority

Carried/Lost: _____

9.9. Transfer land to Local Government – Lot 289 Collins Street, Meckering

Location:	Shire of Cunderdin
Applicant:	Finance and Property Assistant Executive Services
Date:	19 th March 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	A53617
Attachments:	Attachment 9.9.1 – Property Map

Proposal/Summary

For Council to approve the appointment of McLeod's Lawyers to sell Lot 289 on Deposited Plan 222787. Possession and sale of the land will be acted upon under *Local Government Act 1995, Section 6.64*.

Background

Lot 289 Collins Street, Meckering; identified as Lot 289 on Deposited Plan 222787; within Certificate of Title 2129/821; is owned by Orphan Aid.

Orphan Aid acquired the property in 2012; at this time, they were a registered charity and exempt from paying general property rates, however, the land's Emergency Services Levies and accruing interest was not exempt. The charity status for the company was revoked in 2015.

In 2020 company directors were contacted in regard to outstanding Emergency Services Levies and accruing interest, and fire breaks that their land was required to be maintained according to the Shire of Cunderdin Fire Break Order. During this contact, the Shire suggested that if they were not able to maintain the property, they could transfer land ownership to the Shire of Cunderdin.

Soad Eltoukhi, a director of Orphan Aid, advised via email that the company would relinquish the land to the Shire. Council resolved at the December 2020 Ordinary Council Meeting to accept the transfer of ownership from Orphan Aid to the Shire, and upon this transfer the companies associated rates charges of \$459.72 would be written off.

Contract for Sale documents were posted to the company's directors and not returned to the Shire.

The Shire became aware that Orphan Aid was no longer a charitable organisation and 5 years of general rates were raised in March 2021. Rates have continued to be raised annually. The Shire is currently owed \$9,571.29. This amount includes accrued interest and legal charges.

The company was served with a General Procedure Claim on 31st January 2024; the Shire was granted Default Judgement on 20th February 2024, for the outstanding amount.

Orphan Aid has made no payments to date.

Comment

The property is zoned "Environmental Conservation" under the Shire's Town Planning Scheme No.4; and is located in the flood plain of the Mortlock River.

Lots adjoining this property are owned by State of Western Australia, Shire of Cunderdin and another private landowner.

Land offered for sale for non-payment of rates or service charges, and a contract of sale has not been entered into at the expiration of 12 months from the date that the land is offered for sale by public auction notice, the land may be transferred in fee simple, to the Crown in right of the State or to the Local Government.

Consultation

McLeod's Barristers and Solicitors

Statutory Implications

Local Government Act 1995

Subdivision 6 — Actions against land where rates or service charges unpaid

S6.64 Actions to be taken

1. If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - a. from time to time lease the land; or
 - b. sell the land; or
 - c. cause the land to be transferred to the Crown; or
 - d. cause the land to be transferred to itself.
2. On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
3. Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land and may withdraw caveats so lodged by it.

s6.71. Power to transfer land to Crown or to local government

1. If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —
 - a. the Crown in right of the State; or
 - b. the local government.
2. When a local government exercises the power referred to in subsection (1)(a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, is to give effect to this section.
3. When exercising the power referred to in subsection (1)(b) the local government is required to pay the sum secured by, or payable under, a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State.
4. Schedule 6.3 has effect in relation to the exercise of the power referred to in subsection (1).

Policy Implications

Nil.

Financial Implications

If the property is not sold at auction, the Shire will be required to write off the rates and charges amounting to \$9,517.63, causing a reduction in rates sundry debtors.

Fees for assistance from McLeods Lawyers will also be incurred.

Strategic Implications

Nil.

Recommendation 9.9

That the Council:

1. Authorise the Chief Executive Officer to apply section 6.64 (1)(b) of the Local Government Act 1995, to sell Lot 289 on Deposited Plan 222787, within Certificate of Title 2129/821.
2. Approve the appointment of Mcleods Lawyers for legal assistance during the property sale proceedings.

Moved: Cr _____

Seconded: Cr _____

Vote – Absolute majority

Carried/Lost: _____

9.10. Waive Fly in fees for Cunderdin Airport

Location:	Shire of Cunderdin
Applicant:	Governance and Administration
Date:	19 th March 2024
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Nil.

Proposal/Summary

For Council to consider request from Gliding Club of WA to waive all landing charges for the weekend of Saturday, 6th April, and Sunday, 7th April 2024

Background

The Gliding Club of WA (GCWA) contacted the Shire requesting that Cunderdin Airfield landing fees be waived for duration of their a 'Fly -in' event – Saturday, 6th April 2024, and Sunday, 7th April 2024.

Cr AE (Alison) Harris, Hayley Byrnes, and Stuart Hobley have attended meetings with the members of the GCWA. The 'Fly -in' event planned by GCWA is one of four events that GCWA plan to host in 2024 to celebrate the 80th anniversary of the club.

Comment

It is proposed that waiving the landing fees for the event will encourage a higher participant attendance. The Club is hoping to attract 20 – 50 aircraft with potentially 100 people travelling by air to Cunderdin for the event.

The club propose that the event will present an opportunity for tourism promotion within the Shire. Tourism promotion will be enabled through the hire of the community bus, transporting visitors who arrived via air, to popular places of interest in the Shire. Accommodation for the visitors has been secured with the Cunderdin Agricultural College.

Consultation

Gliding Club of WA
Cr AE (Alison) Harris
Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer

Statutory Implications

Local Government Act 1995

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.
3. Fees and charges are to be imposed when adopting the annual budget but may be —
 - b. amended* from time to time during a financial year.

Policy Implications

Shire of Cunderdin Policy Manual
3.4 Minor Request for Financial and Other Assistance

Shire of Cunderdin Fees and Charges 2023/2024
Airfield – Landing Charges

Financial Implications

The 2023/24 Fees and Charges for Landing Charges are:

Landing Charges Per 1000kg: \$12.00 Inc GST
Minimum Landing Charge: \$16.00 Inc GST
Glider Fees: EXEMPT
Defence Forces: EXEMPT

Minimum number of proposed aircraft landing – 20 x \$16 minimum landing charge = \$320.00
Additional charges may also be incurred by aviation billing company, Avdata Pty Ltd, who are contracted by the Shire to record airfield landing operations.

Strategic Implications

Shire of Cunderdin Strategic Community Plan 2022 -2032

1. Community and Social

- 1.1 Community members have the opportunity to be active, engaged and connected
Inclusive access to Shire facilities and services
The Shire supports positive leisure, learning and recreation outcomes
Well attended local events and celebrations

2. ECONOMY

- 2.2 Renew and improve the visibility of the Shire of Cunderdin brand
Visitors receive timely and accurate information about our Shire attractions and services

Recommendation 9.10

For Council to:

- 1. Waive Landing Charges for all aircraft landing at the Cunderdin Airfield on the Saturday, 6th April and Sunday, 7th April 2024.

Moved: Cr _____

Seconded: Cr _____

Vote – Absolute majority

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. Land Acquisition

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: _____

9.14. Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	19 th March 2024
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.14.1 - Standardised-Meeting-Procedures-Consultation-Paper

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 sign to complete the project. There has been a delay with respect to the installation of the signage and 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. The sale of land has now been completed and the land is now being transferred to Development WA.

Development WA has advised that the project is being held up due to two issues with the first being the issuing of titles from Landgate. This matter is being dealt with by the surveyors and should be resolved in the near future.

The second matter is with Western Power and obtaining engineering drawings. This is a concern with many projects throughout the state and Western Power are several months behind in design works.

Once engineering drawings are received it has been advised that the project should be complete within 4 months.

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. Councils Planner has advised that the cost estimates are being held up by Western Power and the completion of the electrical engineering drawings for the subdivisions.

When these are available a report will be put to Council detailing the next stages of the project.

Standardised Meeting Procedure

The Department of Local Government Sport and Cultural Industries (DLGSCI) is implementing a number of reforms to the Local Government Act 1995 (the Act) to improve transparency and accountability in local government in Western Australia and deliver benefits to ratepayers and residents.

Standardising council and committee procedures is part of these reforms. The reforms are attempting to establish a consistent approach to all local government council and committee meetings which may make it easier and simpler for people to participate in and observe council meetings, wherever they are held.

Establishing one standard is expected to simplify and improve training for council members and local government staff and it should strengthen the enforcement of breaches of meeting procedures.

Currently, it is usual practice for local governments to have local laws and policies in place to govern the conduct of council meetings. However, this approach means that there can be variation in how members of the public can engage with council meetings.

The Act allows standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions, the State Government intends to make Regulations that apply to all local governments and to repeal all existing local government meetings procedures, standing orders or council meeting local laws.

It is intended that the new standard meeting procedures (also known as 'standing orders') apply to all council and committee meetings held by local governments. It is also intended that Regulations will contain consistent rules for how meetings are held.

The Shire of Cunderdin does not have an existing Standing Order Local Law and Council operates under the current legislation. The new Regulation will result in some changes to our meeting procedures including:

Calling Meetings

- a minimum of 24 hours' notice to convene a special council meeting
- that notice to convene a special council meeting may be done with less than 24 hours' notice if an absolute majority of council members call the meeting
- that a meeting cannot commence any earlier than 8 am or later than 8 pm.

Agendas and Orders of Business

Regulations are proposed to outline the following order of business:

- opening (local governments will still be able to continue their own practices for opening meetings, such as making acknowledgements, prayers, opening statements, etc.)
- recording attendance
- public question time (see section 6)
- public presentations and petitions (see sections 7 and 8)
- members' question time (see section 12)
- confirmation of previous minutes (see section 15)
- reports from committees and the CEO
- motions from members
- urgent business
- matters for which the meeting may be closed
- closure.

Urgent Business

Regulations are proposed to allow the CEO to introduce an item without notice in cases of urgency if:

- an absolute majority of the council resolve to hear the matter at the meeting, and
- the item is clearly marked as urgent business.

It is proposed that DLGSC must be notified each time this occurs, within 7 calendar days, to ensure this process is only used in exceptional circumstances.

Adjourning a Meeting

It is also proposed that if a meeting is continuing and it reaches 10:45 pm:

- the council or committee may decide to either extend the meeting for a further 15 minutes to allow for any remaining business to be concluded or determine to adjourn the meeting
- if any business remains at 11 pm, the meeting must adjourn to a day and time which is at least 10 hours later to deal with any outstanding agenda items and a notice must be published on the local government's website listing when the meeting will resume.

Public Question Time

New standardised requirements are proposed to expand the existing Regulations to require that:

- a member of the public only needs to provide their name and suburb/locality (and not any other information) before asking a question
- a person is not required to lodge a question in writing in advance of a meeting (although a person may choose to do so, for instance if they have a very specific or technical question)
- a local government may still require a person, or their personal representative, to attend a meeting to ask a question lodged in writing in advance of the meeting for it to be addressed at that meeting
- questions must not take more than 2 minutes to ask, including a relevant preamble, unless the presiding member grants an extension of time
- if other people are waiting to ask questions, the presiding member will seek to provide equal opportunity for people to ask questions (for instance, by moving to the next person waiting after someone has asked 3 questions, and returning to the first person if time allows)
- any questions are to be answered by the presiding member, or a relevant member (nominated by the presiding member), the CEO, or an employee nominated by the CEO
- if a question, or a question of a similar nature, was asked and answered in the previous 6 months, the presiding member may direct the member of the public to the minutes of the meeting that contains the question and answer
- no debate of a question or answer is to take place
- questions may be taken on notice by the person who is answering the question
- when a question is taken on notice, a response is to be given to the member of the public in writing and a copy of the answer is to be included in the agenda of the next ordinary meeting
- the presiding member may reject questions that contain offensive language or reflect adversely on others but must provide opportunities for the question to be rephrased

Motions and Amendments

Existing meeting procedures address many matters relating to the processes of decision making. This includes motions and amendments (including foreshadowed and alternate motions), notices of motion by members, reasons for changes to the CEO's recommended motion, passing motions "en bloc", and how voting occurs. The existing system of motions (including foreshadowed, amendment, alternate and revocation motions) are proposed to be broadly maintained.

Council members may raise motions that are not part of the agenda of a meeting to recommend a proposal for consideration. For instance, a motion might propose a new policy or decision.

Local governments commonly require notice of a motion to be provided in advance of a council meeting. This is to allow council members time to review the motion and for the CEO and administration to provide advice needed to assist council members with making a decision on a motion.

Providing notice to other council members, the CEO and administration can support a more fulsome consideration of the motion.

Regulations are proposed to require council members to provide written notice of motions at least 1 calendar week before the council meeting commences. This would generally allow those motions to be included in the meeting agenda, which must be published 72 hours before the commencement of the meeting.

It is proposed that council members will still be able to move amendments and alternative motions during debate on agenda items without providing written notice in advance of the meeting. This provides for members to be able to consider all options and suggestions for an item included in the agenda of a meeting.

It is proposed that reasons for notices of motion, amendments and other decisions that are changed at a meeting would still be required.

Debate on a Motion

The practice of motions being moved and seconded and debate alternating between speakers for and against the motion is used in meeting procedures statewide.

Some local governments have a further requirement where if a motion is not opposed, no debate occurs, and the motion is recorded as passing unanimously.

Regulations are proposed to provide for the following rules for formal debate on a motion or amendment:

- any motion must be seconded before it may be debated (or carried without debate)
- a motion is carried without debate if no member is opposed to the motion
- if a member is opposed, the mover and seconder may speak and are followed by alternating speakers against and for the motion, with a final right of reply for the mover
- speeches must be relevant to the motion under debate and no member must speak twice – except for the mover’s right of reply, or if the council decides to allow further debate
- no member can speak for longer than 5 minutes without the approval of the meeting.

Questions by Members

The current practices for members asking formal questions at meetings varies throughout the sector. Some local governments have a “questions from council members” period; other local governments allow members to place questions on notice for future meetings.

Regulations are proposed to provide that:

- council members can ask the CEO questions related to any item on an agenda by providing the question in writing by 12 noon the day before the meeting
- council member questions are to be answered during the “questions from council members” agenda item
- council members must seek permission from the presiding member to ask the CEO clarifying questions during debate.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Recommendation 9.14

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

Nil.

12. Works & Services

Nil.

13. Urgent Items

Nil.

14. Scheduling of Meeting

14.1. April 2024 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Wednesday, 24th April 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 27th March 2024, as shown, were confirmed at the ordinary meeting of Council held on 24th April 2024.

Signed: _____

Date: _____