



Shire of Cunderdin

Minutes Ordinary Council Meeting

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 20 June 2019** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

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AGENDA

1. Declaration of Opening

The President declared the meeting open at 5pm

The Shire of Cunderdin disclaimer was read aloud by Cr Bernie Daly.

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

Cr Dianne Kelly advised the Council of her intent not to stand for re-election at the upcoming October 2019 Local Government Elections.

2.1 Record of attendances

Councillors

Cr AE (Alison) Harris	Deputy President
Cr J (Jayson) Goldson	
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr D (Di) Kelly	

In Attendance

Neville Hale	Chief Executive Officer
Kayla James	Governance and Compliance Officer
Fabian Houbrechts	Acting Manager of Works and Services
Hayley Byrnes	Senior Finance Officer

Guests of Council

Members of the Public

2.2 Apologies

Stuart Hobley	Manager of Corporate Services and Finance
Cr DB (Doug) Kelly	

2.3 Leave of Absence Previously Granted

Cr DA (Dennis) Whisson	Shire President
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3. Public Question Time

Open 5.02pm

Closed 5.03pm

4. Petitions, Deputations & Presentations

Nil

5. Applications for Leave of Absence

Resolution 5.1 June 2019

That Council approve Leave of Absence for Cr Dianne Kelly from 24 June 2019 to 9 September 2019 inclusive.

Moved: Cr Bernie Daly

Seconded: Cr Jayson Goldson

Vote – Simple Majority

Carried: 6/0

Resolution 5.2 June 2019

That Council approve Leave of Absence for Cr Jayson Goldson for the 19 September 2019 Ordinary Meeting of Council.

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 6/0

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 16 May 2019

Resolution 6.1 June 2019

That the Minutes of the Ordinary Council Meeting held on Thursday 16 May 2019 be confirmed as a true and correct record.

Moved: Cr Jayson Goldson

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 6/0

Note to this item:

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

6.2 Special Meeting of Council held on 6 June 2019

Resolution 6.2 June 2019

That the Minutes of the Special Council Meeting held on Thursday 6 June 2019 be confirmed as a true and correct record.

Moved: Cr Jayson Goldson

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 6/0

Note to this item:

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

7. Declaration of Members and Officers Interests

- Alison Harris declared an interest of impartiality for item number 9.7 – CSRC Lease Agreement as she is the Chair of the Cunderdin Sport and Recreation Centre Committee.
- Norm Jenzen declared an interest of impartiality for item number 9.7 – CSRC Lease Agreement as he is an executive committee member of the Cunderdin Sport and Recreation Centre Committee.
- Todd Harris declared an interest of impartiality for item number 9.7 – CSRC Lease Agreement as he is the husband of the Chair of the Cunderdin Sport and Recreation Centre Committee.

8. Announcements by President without Discussion

9. Finance & Administration

9.1 Financial Reports for May 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services and Finance
Date:	6 June 2019
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachment/s:	1 attachment – Monthly Report

Proposal/Summary

The financial reports as at 31 May 2019 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

Resolution 9.1 June 2019

That Council receives the monthly financial reports for the period ending 31 May 2019.

Moved: Cr Jayson Goldson

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 6/0

9.2 Accounts Paid – May 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Service and Finance
Author:	Stuart Hobley
Report Date:	6 June 2016
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	2 attachment – Creditors list of payments May 2019

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$647,016.14
Total for Trust -	\$151.56
TOTAL -	\$647,167.70

for May 2019 as listed in the Warrant of Payments for the period 1st to 31st May 2019.

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

Resolution 9.2 June 2019

1. That Council's payment of accounts amounting to \$647,167.70, being \$647,016.14 from Municipal Account and \$151.56 from Trust Account for May 2019, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 3164 - 3256	\$581,101.49	
Direct Debit (Inc Bank Charges): DD1442.1-DD1460.11	\$25,732.92	
Cheques: 11497-11506	\$40,181.73	
		\$647,016.14
Trust Account		\$151.56
TOTAL		\$647,167.70

be confirmed and noted; and,

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

Moved: Cr Norm Jenzen

Seconded: Cr Todd Harris

Vote – Simple Majority

Carried: 6/0

9.3 Council Investments – As at 31st May 2019

Location:	Cunderdin
Applicant:	Manager of Corporate Services
Author:	Stuart Hobley
Report Date:	6 June 2019
Item Approved By:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

To inform Council of its investments as at 31st May 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, being:

Westpac –A/C 000 030	\$ 182,867.49
Bendigo – A/C 155971377	\$ <u>382,777.34</u>
totaling	\$ 565,644.83

as per attached statements, the following investment accounts are held as at 31st May 2019.

COUNCIL INVESTMENTS					
Institution	Amount Invested	Investment type	Municipal Funds	Reserve Funds	Trust Funds
Bendigo Bank	\$1,014,206.18	Reserves Term Deposit 2.5% Expires : 28/06/2019		\$1,014,206.18	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Westpac Bank	\$130,904.58	Trust Working Account 12-2981			\$130,904.58
Westpac Bank	\$325,402.93	Term Deposit 2.5% Expires: 28/06/2019	\$325,402.93		
TOTAL INVESTMENTS	\$1,470,660.47		\$325,549.71	\$1,014,206.18	\$130,984.72

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 61,383.39 and Bendigo Term Deposit Ref: 2936003 - \$ 441,371.48

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.

Resolution 9.3 June 2019

That the report on Council investments as at 31st May 2019 be received and noted.

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 6/0

9.4 Making of Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	27 May 2019
Author:	Darren Long
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	N/A
Attachment/s:	2 Pages

Proposal/Summary

The report proposes that Council:

1. Consider the submission received on the proposed *Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019*;
2. Make the *Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019*, incorporating the amendments outlined;
3. Authorise the local laws' gazettal in the *Government Gazette*;
4. Give local public notice of the date the *Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019* will commence;
5. Authorise the submission of the adopted local law to the Joint Standing Committee on Delegated Legislation for review.

Background

The Joint Standing Committee on Delegated Legislation wrote to Council on 12 October 2017 advising that clauses 3.10(c) and 4.12(1) of the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*, published in the *Government Gazette* on 4 January 2017, offends terms of reference 10.6(b). The Committee sought an undertaking from Council to amend the local law and remove the offending clauses.

The Council considered this matter at its Ordinary Meeting on 20 July 2017 and resolved as follows:

RESOLUTION: 230-17/18

MOVED Cr Norm Jensen SECONDED Cr Todd Harris

That Joint Standing Committee on Delegated Legislation be advised that the Council of the Shire of Cunderdin agrees to the following undertakings in relation to the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*: -

1. Delete Clauses 3.10(c) and 4.12(1) of the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016*;
2. Make all necessary consequential amendments.
3. Until Clause 3.10(c) is deleted, post a notice on the Shire's website next to the local law alerting residents to the error and the fact that the Commonwealth now regulates this field through a licensing system.
4. Not enforce the Local Law in a manner contrary to the undertakings that the Council gives.
5. That the shire provide a copy of the minutes of the meeting at which the Council resolves to provide the undertakings.
6. Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

CARRIED 8/0

The Council at its Ordinary Meeting on 21 February 2019 resolved to commence the local law making process to complete the amendments to the Animals, Environment and Nuisance Local Law in accordance with the undertaking given to the Joint Standing Committee on Delegated Legislation.

Resolution 9.4 February 2019

That Council:

1. *Adopt the proposed Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019, as contained in Attachment 1 for advertising purposes;*
2. *Pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice and local public notice that it intends to make the Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019, as contained in the Attachment:*
 - a) *the purpose of which is provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District; and*
 - b) *the effect is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance, must comply;*
3. *Send copies of the proposed local law to the Minister for Local Government, Sports and Cultural Industries, and the Minister for Health for comment.*

Moved: Cr Todd Harris

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 7/0

The public consultation period closed at 4:00pm on 12 April 2019.

Comments

At the close of the submission period, one submission had been received from the Department of Local Government, Sports and Cultural Industries.

The comments contained in the submission, along with the proposed action to be taken are detailed in the table below:

CLAUSE NO.	HEADING	PROPOSED AMENDMENT	SHIRE'S POSITION
4	Clause 2.18 amended	In subclause (1) replace the word "subclause" with "clause".	Agreed. Clause 4 updated as suggested.
7(b)	Clause 4.12 amended	Reword paragraph to read "Remove the designation (2)"	Agreed. Clause 7(b) updated as suggested.
General drafting amendments		For best drafting principles, it is suggested that double quotation marks instead of single quotation marks be used.	

The Local Government (Functions and General) Regulations (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Animals, Environment and Nuisance Amendment Local Law 2019 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

The effect of the proposed Animals, Environment and Nuisance local law is to establish the requirements with which any person keeping animals, or undertaking activities, that have the potential to impact the environment or create nuisance, must comply.

Consultation

Section 3.12(3) of the Local Government Act 1995 requires a local government to give state-wide and local public notice inviting submissions from the community on the proposed local law. A 6 week statutory advertising period must be undertaken.

In addition, copies of the proposed Animals, Environment and Nuisance Amendment Local Law 2019, (gazetted copy), must be sent to the relevant Ministers for comment (Minister for Health and Minister for Local Government, Sports and Cultural Industries).

The public consultation period closed at 4:00pm on 12 April 2019.

Statutory Implications

Joint Standing Committee on Delegated Legislation Terms of Reference
Local Government Act 1995 – S3.12

3.12. Procedure for making of local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give statewide public notice stating that—
 - (i) the local government proposes to make a local law the purpose of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

*** Absolute majority required.**
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

- (6) After the local law has been published in the Gazette the local government is to give local public notice —
 - (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Policy Implications

Nil

Financial Implications

The amendment to the Local Law will result in additional advertising and gazettal costs.

Strategic Implications

Cunderdin Community Strategic Plan

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

Social

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

Environmental

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

Economic

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

Resolution 9.4 June 2019

That Council:

1. Notes the submission from the Department of Local Government, Sports and Cultural Industries in relation to the proposed *Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019*;
2. Resolve to adopt and make the *Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019*, as contained in Attachment 1 incorporating all amendments, in accordance with Section 3.12 of the *Local Government Act 1995*;
 - (a) the purpose of which is provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District; and
 - (b) the effect is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance, must comply;
3. Publish the adopted *Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019*, as per (2) above, in the *Government Gazette* and provide copies of the local law to the Minister for Local Government, Sports and Cultural Industries, and the Minister for Health.
4. Give local public notice after gazettal of the local law advising the date on which the local law commences;
5. Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review; and
6. Authorise the affixing of the Common Seal of the Shire to the original copy of the *Shire of Cunderdin Animals, Environment and Nuisance Amendment Local Law 2019*.

Moved: Cr Todd Harris

Seconded: Cr Bernie Daly

Vote – Absolute Majority

Carried: 6/0

9.5 Disability Access & Inclusion Plan Review

Location:	Shire of Cunderdin
Applicant:	Kayla James
Date:	14 th June 2019
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	DAIP

Proposal

The Disability Services Amendment Act 2004 requires the Shire (and all other public authorities) to develop a Disability Access and Inclusion Plan (DAIP), which is required to be completed and lodged with the Disability Services Commission by 31 July 2019.

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 purpose of a DAIP is to ensure that people with disabilities can access services provided by public authorities in Western Australia, and to participate and be included in their community. The goal is to provide, as much as is reasonable, the same level of access as people without a disability enjoy, and to ensure that people are not discriminated against on the basis of their disability.

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

The Shire of Cunderdin Disability Access and Inclusion Plan (DAIP) 2016 – 2021 was adopted 19 May 2016 at the ordinary council meeting. The Shire of Cunderdin DAIP was desktop reviewed in May 2017 and again reviewed in May 2018.

Comment:

The Shire of Cunderdin reviewed the DAIP in May 2019 and will advertise to the community on the progress of the DAIP.

The following directions have been met in the last 12 months;

- Ensure that all emergency evacuation plans safeguard people with disability.
- Aged Appropriate Accommodation Project in Cunderdin is completed.
- Assessment of the footpaths has been undertaken in June 2019.
- Review website to ensure it complies with the World Wide Web Consortium (W3C) guidelines was completed during the website refresh October 2018
- A current up to date Policy has been adopted by Council.

Consultation

Nil

Statutory Environment:

Disability Services Amendment Act 2004.

Policy Implications:

Nil.

Financial Implications:

May increase costs for future infrastructure and building projects. Items for Budget Deliberations in 2019/20.

Strategic Implications:

The plan is designed to help create a culture of inclusion and universal access for people of all abilities.

Resolution 9.5 June 2019

1. That Council note the Shire of Cunderdin Disability Access and Inclusion Plan 2016-2021;
2. Register a copy with the Disability Services Commission; and,
3. Advertise the progress of the Disability Access and Inclusion Plan 2016-2021 to the community.

Moved Cr Norm Jenzen

Seconded Cr Jayson Goldson

Vote – Simply majority

Carried: 6/0

9.6 Corporate Business Plan Quarterly Report.

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	10 June 2019
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1 attachment.

Proposal/Summary

To receive the Corporate Business Plan Report as attached.

Background

All local governments are currently required to produce a plan for the future under Sec. 5.56 (1) of the *Local Government Act 1995*.

Regulations made under the Act outline the minimum requirements of a plan for the future namely:-

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

On 21st December 2017, Council adopted the format of the attached Corporate Business Plan spreadsheet report for quarterly reporting to the ordinary meetings of Council held in the months of September, December, March and June of each financial year.

Comment

The spreadsheet identifies the strategies and actions for each Community Strategic Plan objective and the year/s of implementation for the four-year life of the Corporate Business Plan.

Red means: No Budget, No Schedule, No Resource or No Project Standing

Orange means: Minimal Budget, Not on Schedule, Minimal Resource, and average overall Project Standing

Green Means: Adequate Budget, On Schedule, Enough Resource and good overall Project Standing

On review of the strategic directions, it was noted that;

- The Municipal Heritage Inventory is currently under review by the Planning Consultant
- The Age Appropriate Accommodation Project has now be completed and acquitted
- The Shire have employed a Community Development Officer which is achieving outcomes we did not previously have outcomes for.
- The Long Term Financial Plan and Asset Management Plan require urgent review
- The Shire and/or its consultants need to complete an IT Disaster Recovery Plan.

Consultation

Staff

Statutory Implications

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*

- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cunderdin Community Strategic Plan 2017

Strategic Priority 6: Civic Leadership

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

Civil Leadership

CL6.1 Deliver sustainable governance through transparent and robust policy and processes.

CL6.4 Ensure sound long term financial management and deliver value for money.

Resolution 9.6 June 2019

That Council receive and endorse the Corporate Business Plan Report June 2019.

Moved : Cr Jayson Goldson

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 6/0

9.7 CSRC Lease Agreement

- Alison Harris declared an interest of impartiality for item number 9.7 – CSRC Lease Agreement as she is the Chair of the Cunderdin Sport and Recreation Centre Committee.
- Norm Jenzen declared an interest of impartiality for item number 9.7 – CSRC Lease Agreement as he is an executive committee member of the Cunderdin Sport and Recreation Centre Committee.
- Todd Harris declared an interest of impartiality for item number 9.7 – CSRC Lease Agreement as he is the husband of the Chair of the Cunderdin Sport and Recreation Centre Committee.

Location:	Shire of Cunderdin
Applicant:	Cunderdin Sport and Recreation Centre
Date:	10 June 2019
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	CSRC Lease Agreement and Letter from CSRC

Proposal/Summary

For Council to consider the adoption of the revised Cunderdin Sport and Recreation Inc. Management (Lease) Agreement.

Background

The original Management (Lease) Agreement between the Shire of Cunderdin and the Cunderdin Sport and Recreation Centre (CSRC) Inc. commenced July 2014. The lease was meant to be reviewed annually, however this is the first time the lease has been assessed since the original agreement. Accordingly the Lease has gone back and forth between the Committee and Council to try and find a happy medium.

In December 2018, Council adopted the following based on requests from the Cunderdin Sport and Recreation Centre;

That Council adopt the revised Lease Agreement between the Shire and the Cunderdin Sports & Recreation Centre (CSRC) as attached with the following amendments:

The Organisation (CSRC) to:

- *Retain responsibility for cl 6.5 with the exclusion of the repair of gas fittings & fixtures and repair and replacement of door and window locks;*
- *The Cunderdin Sport and Recreation Centre pay for the lease of the facility, subject to the review of the annual lease and Shire costs during the 2019/20 budget deliberations; and,*
- *Add Schedule 10.9 – Map of areas of responsibility and make reference where applicable.*

The Shire agree to accept responsibility for:

- *To clean and repair the Cunderdin Change Room Building;*
- *Contribute 25% of the CSRC power cost to reflect the usage of the change rooms; and,*
- *Confirm that the Shire will continue to meet the cost of water.*

Unfortunately the Cunderdin Sport and Recreation Centre still required further amendments to the Lease Agreement.

The Shire has since met with the CSRC to discuss their issues with the proposed Lease Agreement from December 2018. The CSRC were advised that a request would need to be made in writing to Council for further adjustments to the Lease Agreement Document.

Comment

On 29 May 2019 the CSRC wrote to the Shire with additional changes to the lease (as attached) which include the following;

1. Clause 6.5 Maintenance and Repair to include “the organisation agrees to undertake building maintenance and repairs up to a value of \$500 inclusive of”
2. Add an additional signatory to the lease.

The CSRC has also requested that Council waive all current outstanding fees of \$5864.70 and request that a peppercorn lease be entered into; to ensure that the club find financial stability as it is currently at a financial loss.

It is recommended that Council agree to set the CSRC fee within Councils Fee’s and Charges at \$1 rather than agree to a permanent peppercorn lease as this will give Council and opportunity to review the costs annually.

Consultation

Cunderdin Sport and Recreation Centre Committee

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

The Shire will consume the costs of the unpaid lease and cleaning bills of \$5864.70

Strategic Implications

Shire of Cunderdin Community Strategic Plan

Social / Community

We are a connected, friendly, industrious and diverse community that fosters inclusion, resilience and self-sufficiency, where people feel safe, capable and supported in their endeavours.

Officer Recommendation

That Council;

1. Write off outstanding lease and cleaning payments of \$5864.70
2. Set the CSRC annual fee as \$1 to be included in the Budget Deliberations Fee’s and Charges for 2019/20
3. Authorise the President and the Chief Executive Officer to affix the common seal to the Lease Agreement Document

Moved: Cr

Seconded: Cr

Vote – Absolute majority

Lapsed

Resolution 9.7 June 2019

That this item lay on the table for consideration at the next Meeting of Council.

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote – Simple Majority

Carried: 5/1

9.8 Delegations Register 2019 – Adoption

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	11 June 2019
Author:	Kayla James
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Delegations Register 2019

Proposal/Summary

For Council to adopt the Delegations Register revised as revised in June 2019.

Background

Council's Delegations Register has been reviewed for relevance to current circumstances and operational effectiveness. It has also been updated to incorporate the amended Delegations 10.1 to 10.6 adopted in August 2018.

The Delegations Register fit into a hierarchy of requirements, which are noted within the Appendix to the draft document. Accordingly, it is necessary that it integrates with legislative requirements and the local laws, planning policy and general policy as made by Council.

Comments

Delegations may be made, amended or revoked at any time by absolute majority.

The general hierarchy of authority is –

1. legislation – including regulations and local planning scheme
2. local laws
3. delegations – being under direct authority of legislation or local laws, and being made by absolute majority
4. policy – as it outlines how the above three authorities are to be implemented and being made by simple majority

Although every delegation is at Council's discretion, they are essential for the effective and efficient operation of the Shire. In keeping with the principle of the Local Government Act 1995 s.5.42, wherever possible the delegation is made to the CEO, even those where the actual exercise of the duty must be by a qualified or registered person. In these cases the CEO has the duty to see that the task is carried out, even if not a qualified person.

Several delegations are not to the CEO. These are where the delegations –

- can only be to a qualified or registered person, as required by legislative head of power,
- are to persons who are not considered employees, as permitted by legislative head of power, or
- can only be to specified positions, as required by legislative head of power.

It is considered that the delegations made in 2018 remain appropriate, with the exception of –

- Delegation 1.1 – Appointment of authorised person

This delegation is amended to reflect advice from WA Local Government Association in relation to Building Act particularly, but also impacts on all infringements notices that may be issued. In effect, the CEO may appoint a person with power to issue an infringement, but any decision to withdraw or extend time to pay an infringement under any legislative power may only be made by the CEO. If the CEO is the issuing officer, the matter is to be referred to Council for decision.

- Delegation 10.4 Building Act – Authorised persons

New clause 3 inserted, and other re-numbered. This clause is to provide a clear direction to Delegation 1.1 restricting withdrawal or extension of time to pay an infringement to the CEO.

The amendment to Delegation 1.1 was triggered by recent changes to the Building Act and Building Regulations, but is considered to be appropriate for all infringements in order for there to be separation and independence of decisions made.

The explanatory portions of the two delegations have therefore also been amended –

- Delegation 1.1 – Statutory Context refers to the Criminal Procedure Act 2004
- Delegation 10.4 – Corporate Context refers to the restrictions imposed in Delegation 1.1 (4) relating to infringement notices, their withdrawal or extension of time to pay.

The proposed Delegations Register 2019 also includes the Planning Delegations adopted in August 2018.

The Delegations are structured so that Council may place limits on each delegation, including who a sub-delegation is permitted to be made to. This does not require the CEO to further delegate, except in some instances as outlined. The CEO may impose further restrictions on any sub-delegation, so that the recipient of the sub-delegation is required to comply not only with the limits as resolved by Council, but also the restriction place by the CEO.

Consultation

Niel Mitchell – Conway - Highbury

Statutory Implications

Compliance with various Local Government Act requirements, and the provisions of other legislation relating to delegations.

Policy Implications

A review of the Delegations Register for Council's consideration

Financial Implications

Nil

Strategic Implications

Delegations Register is to enable the effective and efficient implementation of Council's instructions, adopted annual budget, and legislative and local law obligations.

Resolution 9.8 June 2019

That the attached Delegations Register 2019 be adopted.

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Absolute Majority

Carried: 6/0

9.9 Property And Rates – Property Seizure and Sale Order

Location:	Cunderdin
Applicant:	Property & Rates Officer
Date:	4 th June 2019
Author:	Brooke Davidson
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	NIL
File Reference:	A53527 & A53592
Attachment/s:	

Proposal/Summary

It is proposed that Council utilise AMPAC Collection Services to proceed with a Property Seizure and Sale Order (PSSO) to sell the parcel of land attached to Assessments A53527 and A53592 due to non-payment rates and services, under the Civil Judgements Enforcement Act 2004, section 74.

Background

Property 1- Lot 5 Centenary Place, Cunderdin	
Assessment	A53527
Zoning/Area	Shire of Cunderdin Scheme No. 3 - Industrial (No R-code)
Amount Outstanding	\$7,039.48
Payment	Last payment made 23/06/2017 - \$200.00
Recovery Action	<p>The Ratepayers were first sent to AMPAC Debt Recovery in 2017 and a payment arrangement was entered into in February 2017. The ratepayer paid \$1,400.00 off of the arrears in 4 different payments, with the last being on the 23/06/2017.</p> <p>The Ratepayers were then sent to AMPAC Debt Recovery again in October 2018, following the 2018/19 Billing and first instalment due date. They were issued with a Demand Notice, a General Procedure Claim (GPC), and a Judgement Claim, all with no correspondence or payment from the Ratepayers.</p> <p>The next legal step is to issue a PSSO, to sell the property at Auction.</p>

Property 2- 17 Byfield Street, Meckering	
Assessment	A53592
Zoning/Area	Shire of Cunderdin Scheme No. 3 - Residential (R20)
Amount Outstanding	\$10,772.50
Payment	Last payment made 04/08/2016 - \$100.00
Recovery Action	<p>This property has burnt down.</p> <p>The Ratepayer was sent to AMPAC Debt Recovery in October 2018, following the 2018/19 Billing and first instalment due date. They were issued with a Demand Notice, a General Procedure Claim (GPC), and a Judgement Claim, all with no payment from the Ratepayers.</p> <p>The Ratepayer called offering a \$50 per fortnight payment plan which was declined.</p> <p>The next legal step is to issue a PSSO, to sell the property at Auction.</p>

Comment

It is proposed that Council proceed with issuing the Ratepayers of both properties a PSSO, which allows the properties to be sold at Auction, regardless of payments being made within the last 3 years.

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

However, should it be determined that there is not enough equity in the properties for sale, we cannot proceed with sale through Auction. The Shire would then need to wait for rates outstanding of at least 3 years, before proceeding with the 3 year sale rule. In the case of these Assessments, this can be done following the 2019/20 Billing run.

Consultation

AMPAC Debt Recovery
Price Sierakowski Corporate
Austral Mercantile Collections

Statutory Implications

Section 74 of the Civil Judgements Enforcement Act 2004.

Local Government Act, Section 6.56 - Rates or service charges recoverable in court

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

(2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

[Section 6.56 amended: No. 84 of 2004 s. 80.]

Policy Implications

NIL

Financial Implications

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

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

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

Strategic Implications

CL5-Objective 4 Ensure sound long term financial management and deliver value for money.
IT5.5.4 Risk Management

Resolution 9.9 June 2019

That Council:

1. That Council utilise AMPAC Collection Services to proceed with a Property Seizure and Sale Order (PSSO) to sell the parcels of land attached to Assessment A53527 and A53592 due to non-payment rates and services, under the Civil Judgements Enforcement Act 2004, section 74.

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 6/0

9.10 Annual Electors Meeting

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	13 June 2019
Author:	Kayla James
Item Approved by:	CEO
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council decided that the Annual General Meeting of Electors would be held on Tuesday 21 May 2019 at the Cunderdin Community Resource Centre.

Background

Council at its Special Meeting of Council held 2 May 2019, Council adopted the Financial Statement, Audit Report and Management Letter for the 2018/19 financial year.

The Annual Report (which includes the Annual Financial Statements and the Audit Report referred to above) was accepted by Council and a date set for the Annual General Meeting of Electors.

Under the *Local Government Act 1995* decisions made at the Annual General Meeting of Electors are to be referred through to Council for further consideration

Comment

Minutes of the Annual General Meeting of Electors will be distributed prior to the Council meeting and to the extent that any decisions are made at the elector's meeting, recommendations on those decisions will be made by Administration to Council. Those recommendations will be published and distributed as soon as practicable after the elector's meeting.

A number of matters were brought to Councils attention to which advice was given at the time.

Consultation

Nil

Statutory Environment

Local Government Act 1995

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*

- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose,

whichever happens first.

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 9.10 June 2019

That Council:

1. Receive the minutes of the Annual General Electors Meeting held on Tuesday 21 May 2019.
2. Note there were no decisions of the meeting that require further consideration by Council.

Moved: Cr Bernie Daly

Seconded: Cr Jayson Goldson

Vote: Absolute Majority

Carried: 6/0

9.11 Significant Accounting Policies

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	13 June 2019
Author:	Kayla James / Stuart Hobley
Item Approved by:	CEO
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

That Council adopt the amendment Significant Accounting Policies.

Background

Recently changes have been made to the Australian Accounting Standards which in turn effects the way in which Council reports in Annual Financial Statements.

The only change that will effect the Shire is an amendment that states that only assets with a purchase or fir value of more than \$5,000 need to be recorded as assets in the Assets Register.

Assets under the \$5,000 will need to be recorded in an Attractive Items Register.

Council needs to amend its policies Significant Accounting Policies to reflect this change. Significant Accounting Polices govern the forming of the Councils Financial Reports.

The Shire reviews these polices annual with the adoption of the Annual Financial Statements and any further changes to these policies and require Council endorsement.

Comment

Councils Policies currently don't make provisions for Local Government (Financial Management) Regulation 17A(5) therefore it is suggested the following additional paragraph to Section 10. Fixed Assets:

"Attractive Items Register

In accordance with Local Government (Financial Management) Regulation 17A(5), assets vauled under \$5,000 will be excluded from the Asset Register. These assets are to be included in the Attractive Item's Register."

Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulation 17

17A . Assets, valuation of for financial reports etc.

(1) In this regulation —

carrying amount , in relation to an asset, means the carrying amount of the asset determined in accordance with the AAS;

fair value , in relation to an asset, means the fair value of the asset measured in accordance with the AAS.

(2) Subject to subregulation (3), the value of an asset shown in a local government's financial reports must be the fair value of the asset.

(3) A local government must show in each financial report —

- (a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and
- (b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government —
- (i) that are plant and equipment; and
- (ii) that are —
- (I) land and buildings; or
- (II) infrastructure;
- and
- (c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.
- (4) A local government must revalue an asset of the local government —
- (a) whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and
- (b) in any event, within a period of at least 3 years but no more than 5 years after the day on which the asset was last valued or revalued.
- (5) An asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5 000.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Resolution 9.11 June 2019

That Council adopt the amended Significant Accounting Policies as outlined.

Moved: Cr Norm Jenzen

Seconded: Cr Dianne Kelly

Vote: Simply Majority

Carried: 6/0

10. Environmental Health and Building

Nil

11. Planning & Development

12. Works & Services

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 July 2019 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 18 July 2019 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

15. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23)

15.1 Move Behind Closed Doors

Resolution 15.1 June 2019

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act to consider a matter relating to staff employment.

Moved: Cr Todd Harris

Seconded: Cr Jayson Goldson

Vote – Simple Majority

Carried: 6/0

15.2 CEO Contract

Under separate cover.

15.3 Move from behind closed doors

Resolution 15.3 June 2019

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

Moved: Cr Dianne Kelly

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 6/0

The Presiding member read aloud the resolution pertaining to the confidential item.

Resolution 15.2 June 2019

That Council:

1. approve the attached Contract of Employment inclusive of a remuneration package of \$176,467 in accordance with Salaries and Tribunal Determination 2019; and,
2. authorise the Deputy President and Chief Executive Officer to affix the Common Seal of the Shire of Cunderdin to the Contract of Employment, Chief Executive Officer, Stuart Hobley.

Moved: Cr Bernie Daly

Seconded: Cr Todd Harris

Vote – Simple majority

Carried: 6/0

16. Closure of meeting

Cr Alison Harris thanked Chief Executive Officer Neville Hale, for his contribution during his term in office.

There being no further business the Shire President will declare the meeting closed at 5.50pm

17. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 20 June 2019 as shown were confirmed at the ordinary meeting of Council held on 18 July 2019.

Signed: _____

Date: _____