



## Shire of Cunderdin

### Minutes

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 21 March 2019** in the Cunderdin Shire Council Chambers, WA, 6407 **at 5.00pm.**

## Table of Contents

Table of Contents.....	2
1. Declaration of Opening .....	3
2. Record of Attendance, Apologies and Approved Leave of Absence .....	3
3. Public Question Time .....	4
4. Petitions, Deputations & Presentations .....	5
5. Applications for Leave of Absence .....	5
6. Confirmation of the Minutes of Previous Meetings .....	6
6.1 Ordinary Meeting of Council held on 21 February 2019.....	6
7. Declaration of Members and Officers Interests .....	6
8. Announcements by President without Discussion .....	7
8.1 Motion to bring item 12.1 forward .....	7
12.1 Proposed RAV Upgrade .....	8
9. Finance & Administration.....	11
9.1 Financial Reports for February 2019 .....	11
9.2 Accounts Paid – February 2019.....	12
9.3 Council Investments – As at 28 <sup>th</sup> February 2019.....	14
9.4 Old Tennis Club, 51 Lundy Ave, Cunderdin WA 6407.....	16
9.5 Recordkeeping Plan 2019.....	20
9.6 Mid Year Budget Review 2018/19.....	22
10. Environmental Health and Building .....	27
11. Planning & Development.....	27
12. Works & Services .....	27
13. Urgent Items.....	28
14. Scheduling of Meeting.....	28
14.1 April 2019 Ordinary Meeting.....	28
15. Matters for which the meeting may be closed – as per Local Government Act 1995 (s.5.23)....	28
15.2 Shared Services – Confirmation of Minutes.....	28
15.3 Shared Services Termination.....	28
LATE ITEM 15.4 Legal Representation – cost of legal advice and representation .....	28
15.5 Move from behind closed doors .....	28
16. Closure of meeting .....	30
17. Certification.....	30

## Minutes

### 1. Declaration of Opening

#### **The President declared the meeting open at 5pm**

The president requested a minute silence in recognition of the recent passing of John Harris, a previous Council member of 15years and President for 5years.

#### **The Shire of Cunderdin disclaimer was read aloud.**

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

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

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

#### **2.1 Record of attendances**

##### **Councillors**

Cr DA (Dennis) Whisson	Shire President
Cr DB (Doug) Kelly	Deputy President
Cr J (Jayson) Goldson	
Cr AE (Alison) Harris	
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	
Cr D (Di) Kelly	

##### **In Attendance**

Neville Hale	Chief Executive Officer
Stuart Hobley	Manager of Corporate Services and Finance
Kayla James	Governance and Compliance Officer
Fabian Houbrechts	Acting Manager of Works and Services

##### **Guests of Council**

##### **Members of the Public**

Ashley Burges  
Mervyn Burges

#### **2.2 Apologies**

Nil

#### **2.3 Leave of Absence Previously Granted**

Nil

### **3. Public Question Time**

**Declaration of public question time opened at:**

**Declaration of public question time closed at:**

#### **4. Petitions, Deputations & Presentations**

##### **Resolution 4.1 March 2019**

Motion to allow Dianne Kelly and Doug Kelly to participate in the conversation as they have declared a financial interest but are not allowed to vote on item 12.1

Moved: Cr Jayson Goldson

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 8/0

Presentation by Mr Ashley Burges and Mr Mervyn Burges in regard to the proposed RAV rating for Johnston Street Meckering to be determined by Council during item 12.1

#### **5. Applications for Leave of Absence**

Nil

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

### **6.1 Ordinary Meeting of Council held on 21 February 2019**

#### **Resolution 6.1 March 2019**

That the Minutes of the Ordinary Council Meeting held on Thursday 21 February 2019 be confirmed as a true and correct record.

Moved: Cr Alison Harris

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

#### **Note to this item:**

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

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

#### **Item 9.4 – Bowling Club**

Alison Harris -- Impartiality - Submission made submission

Todd Harris-- Impartiality - Submission made

#### **Item 12.1 – Proposed RAV Upgrade**

Kayla James – Financial Interest - as partner is the applicant

Dianne Kelly – Financial Interest - as she business with applicant

Dennis Whisson – Impartiality Interest - as he has done business with applicant

Doug Kelly – Financial and Proximity Interest - as he does business with the applicant

#### **Item 15.2 – Shared Services Agreement**

Neville Hale – Financial Interest – as it directly affects his employment

**8. Announcements by President without Discussion**

**8.1 Motion to bring item 12.1 forward**

**Resolution 8.1 March 2019**

That item 12.1 Proposed RAV Upgrade be brought forward as the first item of business.

Moved: Cr Todd Harris

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

## 12.1 Proposed RAV Upgrade

Kayla James declared a Financial Interest as she is the partner of the applicant but remained in the room as the officer is not a decision maker.

Dennis Whisson declared an interest of Impartiality Interest he does with businesses on Johnston St but remained in the room

Dianne Kelly declared a Financial Interest as she does business with applicant and left the room at 5.41pm.  
Doug Kelly declared a Financial and Proximity as he does business with the applicant and left the room at 5.41pm.

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	A/Manager of Works and Services
<b>Date:</b>	12 <sup>th</sup> of March 2019
<b>Author:</b>	Fabian Houbrechts
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Kayla James – Financial Interest
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	One document attached (Map)

### Proposal/Summary

Council is requested to consider the proposed RAV upgrade of the Shire of Cunderdin's road network as detailed below:

### Background

Heavy Vehicle Services (HVS) has received an application to add the following section of road onto the Restricted Access Vehicle (RAV) Network:

<b>Road No.</b>	<b>Road Name</b>	<b>From Location (SLK)</b>	<b>To Location (SLK)</b>	<b>Current Network</b>	<b>Requested Network</b>
4060108	Johnston Street, Meckering	Throssel St (0.00)	Vanzetti St (0.67)	None	RAV 4

### Comment

Main Roads HVS have asked if the Shire will support amending the classification of this road under the Restricted Access Vehicle (RAV) Network.

For the process to move ahead the Shire will need;

- Support to have the road assessed with the view to upgrading the RAV classification of these road;
  - or
  - Decline the request
1. If the Shire is in favour of supporting the request, HVS will assess the mentioned road and a condition report will be sent to the Shire on its findings.
  2. If the road is suitable and is to the RAV requirements it then will be added to the network as per the requested RAV rating.



3. Any road that requires maintenance or works will not be added to the network until the condition of the road is to the requirements of the assessment. (Noting that either the applicant or the shire will need to get the road to the required standard) for it to be upgraded to the RAV rating.

Any upgrade will require increased on-going maintenance.

The applicant is seeking direct access from their transport Depot to Great Eastern Highway and has requested the use of Johnston Street for that purpose.

Council should be aware that Johnston St, Meckering was resealed in the 2017/18 financial year and is already showing deterioration to the surface from the unauthorised movement of heavy vehicles. It is noteworthy that three businesses using heavy vehicles currently access this road.

Johnston Street provides the only vehicle access for the Meckering Primary School and the use of heavy vehicles in this proximity is cause for concern in regards to both pedestrian and vehicle safety.

Alternatively, access to Johnston Street could be limited to SLK 0.44 to SLK 0.67 and utilising Vanzetti Street from SLK 0.00 to SLK 0.74 using that combination of roads for the required access without impacting on the school precinct. Accordingly, Council may wish to advise Main Roads that whilst not supportive of the sole use of Johnston Street that the alternative be considered. Else Council may wish to decline the request.

#### **Consultation**

Main Roads Heavy Vehicle Service (HVS),

#### **Statutory Implications**

Road Traffic (Vehicles) Act, 2012

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Environmental – roadside vegetation

Infrastructure – appropriate for local business operations

### **Recommendation**

That Council:

1. Decline the request for the amendment of the RAV rating of the whole of Johnston Street, Meckering for the purpose of the Restricted Access Vehicle (RAV) Network;
2. Advise Main Roads – Heavy Vehicle services that it supports having the above mentioned road assessed;
3. Advise Main Roads – Heavy Vehicle Services of its support for upgrade of Johnston St if limited to SLK 0.44 to SLK 0.67 and together with Vanzetti Street from SLK 0.00 to SLK 0.74 for RAV upgrade.

### **Amendment**

In reference to the recommendation

Point 1. Delete “decline” from point one and insert “support” and inset “4” after RAV

Point 2. Delete from “if” to “upgrade” and replace with

“subject to conditions

1. No trucks are to use Johnston Street whilst the 40km/hr sign is flashing (between 7.30am and 9.00am, and, between 2.30pm and 4.00pm during school days)
2. All trucks are to stick to a 20km/hr speed limit within the school zone; and,
3. Only local traffic to use Johnston Street “

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

### **Resolution 12.1 March 2019**

That Council:

1. Support the request for the amendment of the RAV rating of the whole of Johnston Street, Meckering for the purpose of the Restricted Access Vehicle (RAV) Network;
2. Advise Main Roads – Heavy Vehicle services that it supports having the above mentioned road assessed;
3. Advise Main Roads – Heavy Vehicle Services of its support for upgrade of Johnston St subject to conditions:
  - a) No trucks are to use Johnston Street whilst the 40km/hr sign is flashing (between 7.30am and 9.00am, and, between 2.30pm and 4.00pm during school days)
  - b) All trucks are to stick to a 20km/hr speed limit within the school zone; and,
  - c) Only local traffic to use Johnston Street

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Vote – Simple majority

Carried: 6/0

Cr Doug Kelly and Cr Dianne Kelly returned to the room at 5.46pm

## 9. Finance & Administration

Cr Todd Harris left the room at 5.47pm

### 9.1 Financial Reports for February 2019

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services and Finance
<b>Date:</b>	13 March 2019
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 attachment – Monthly Report

#### Proposal/Summary

The financial reports as at 28 February 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

Cr Todd Harris returned to the room at 5.50pm

#### Resolution 9.1 March 2019

That Council receives the monthly financial reports for the period ending 28 February 2019

Moved: Cr Dianne Kelly

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

## 9.2 Accounts Paid – February 2019

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Service and Finance
<b>Author:</b>	Stuart Hobley
<b>Report Date:</b>	13 March 2019
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 attachment – Creditors list of payments December and January

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$112,465.37
Total for Trust -	\$9,980.51
TOTAL -	\$122,445.88

for February 2019 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 28th February 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 9.2.1 March 2019**

1. That Council's payment of accounts amounting to \$112,465.37 from Municipal Account and \$9,980.51 from Trust Account for February 2019, from :

<b>Municipal Account</b>	<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 2950 - 2998	\$99,194.49	
Direct Debit: DD1383.1 – 1383.10	\$6,358.36	
Cheques: 11473 - 11477	\$6,300.85	
Bank Charges	\$611.67	\$112,465.37
<b>Trust Account</b>		\$9,980.51
<b>TOTAL</b>		\$122,445.88

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 Doug Kelly

Vote – Simple Majority

Carried: 8/0

### 9.3 Council Investments – As at 28<sup>th</sup> February 2019

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services
<b>Author:</b>	Stuart Hobley
<b>Report Date:</b>	13 March 2019
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

#### Proposal/Summary

To inform Council of its investments as at 28<sup>th</sup> February 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 totaling \$749,651.36 (Westpac - \$ 425,980.93 & Bendigo - \$ 323,670.43) as per attached statements, the following investment accounts are held as at 28<sup>th</sup> February 2019.

<b>COUNCIL INVESTMENTS</b>					
<b>Institution</b>	<b>Amount Invested</b>	<b>Investment type</b>	<b>Municipal Funds</b>	<b>Reserve Funds</b>	<b>Trust Funds</b>
Bendigo Bank	\$993,725.07	Reserves Term Deposit 2.75% Expires : 14/03/2019		\$993,725.07	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Westpac Bank	\$124,149.98	Trust Working Account 12-2981			\$124,149.98
Westpac Bank	\$1,116,152.62	Term Deposit 2.5% Expires: 12/04/2019	\$1,116,152.62		
<b>TOTAL INVESTMENTS</b>	<b>\$2,234,174.45</b>		<b>\$1,116,299.40</b>	<b>\$993,725.07</b>	<b>\$124,149.98</b>

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 52,738.96 and Bendigo Term Deposit Ref: 2818751 - \$ 438,466.58

**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 March 2019**

That the report on Council investments as at 28<sup>th</sup> February 2019 be received and noted.

Moved: Cr Dianne Kelly

Seconded: Cr Doug Kelly

Vote – Simple Majority

Carried: 8/0

#### 9.4 Old Tennis Club, 51 Lundy Ave, Cunderdin WA 6407.

Cr Todd Harris and Cr Alison Harris declared an Interest of Impartiality as they both made submissions, but remained in the room.

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	12 March 2019
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	
<b>Attachment/s:</b>	Submissions

#### **Proposal/Summary**

For Council to consider its options for the Old Tennis Club Building.

#### **Background**

Council at its 15 September 2016 Ordinary Meeting considered options for the future use of the Tennis Club Building and its Common Room, and resolved as follows;

#### **Resolution 8.1**

1. *That Council:*
  - a. *Demolishes the former Incorporated Club building.*
  - b. *Retains the former Tennis Club Common Room.*
  - c. *Authorises the Chief Executive Officer to obtain quotes for the services of a building engineer and external / interior designer to provide recommendation/s to Council on building requirements and refurbishment designs / costs for the Tennis Common Room.*
  - d. *Restores the façade to the former Tennis Common Room and refurbishes the building, subject to design and cost estimates provided by the building engineer and external / interior designer.*

In accordance the above resolution, Structerre Consulting Engineers were engaged and produced a report “upon the feasibility of demolishing additions to the original building and reinstating the building to its original 1950 form”.

The report identified a number of issues in regard to the structure of the building that would require extensive works. This report had been presented to Council for its information previously and was the basis of ongoing discussion.

Subsequently, quotes were also obtained for refurbishment, replacement and/or demolition but no definitive decision has been made. Following the 2018/19 Budget deliberations it was further agreed that updated costings be obtained for the refurbishment of the Tennis Club Building or for its replacement with a modern structure. Alternatively, quotes were requested in respect to its demolition.

The extent of works required and the previously mentioned loss of funding has delayed any resolution of this matter.



Moving forward, Council at its 15 November 2018 Ordinary Meeting resolved the following:

*Resolution 9.9 November 2018*

*That Council;*

- 1. Prepare and distribute community survey in respect to the three options discussed by Council being, demolition, refurbishment or construct a new fit for purpose building; and,*
- 2. Authorise the CEO to make minor repairs to the Club building to the value of up to \$3,000*

*Moved: Dianne Kelly*

*Seconded: Jayson Goldson*

*Vote – Simple Majority*

*Carried: 5/3*

The community survey was prepared with 3 options;

**Option One:**

**Upgrade the current building structure \$411,000**

- Cost to upgrade the current building structure is estimated to be \$411,000 being structural repair for an estimated \$263,000 plus \$50,000 project development and design requirements and \$5,000 landscaping together with Floor Coverings , replacement of Ceilings and Painting inclusive of 10% contingency allowance.
- This project is subject to grant funding

**Option Two:**

**Demolish the old building \$51,000**

- Cost of demolishing and removal is \$44,000
- Then tidying the area with landscaping is estimated at \$7,000
- This option could be considered in 2019/20 budget deliberations

**Option Three:**

**New building \$412,648**

- Demolition of the old building \$44,000
- Cost for a new building is \$330,648 plus \$5000 landscaping plus a 10% contingency
- This project is subject to grant funding

Subsequently the Shire advertised for public comment from 11 February 2019 across the Shire Snippets, Bandicoot, Email, Facebook and Website. The submission period closed 1 March 2019.

**Comment**

The Shire received 9 submissions from the Community (Confidential attachment).

The below table shows the tally of submissions received;

<b>Option 1 - Upgrade</b>	<b>Option 2 - Demolish</b>	<b>Option 3 - New</b>
<b>5</b>	<b>3</b>	<b>1</b>

Given the above information, it would appear that the community is in favour of upgrading the current building for historical reasons. However, Council needs to consider that only 9 submissions were received, from a population of 1,466 in the Shire of Cunderdin. This would indicate that less than 1% of the entire

population has expressed a view in this regard; not a statistically significant representation of the community.

Subsequently, in an effort to obtain additional feedback from a user perspective, an officer of the Shire visited each resident of Sandalwood Village. In this regard, 6 out of 8 unit occupants were able to provide feedback. All residents indicated that the building should be demolished and replaced with a garden / common area. Of the six (6) respondents, three (3) residents also suggested a community garden would more likely bring their community together.

It is noted, that if there was a building to remain, they would use it, but believe for the cost, it's not worth building when a garden would suffice. It is interesting to note that each respondent referred to the underutilization of the Town Hall.

Two residents also commented that if the Shire went ahead with having a building that a new building should be built rather than restoration of the old one.

Based on the feedback and financial implications, Council may wish to consider the least cost option, i.e. demolition of the building and subsequent community landscaping preferences.

### **Consultation**

Age Appropriate Accommodation Project Management Committee  
Pindan Modular Homes  
Andrew Swann  
Yarra Building Services  
JM Building Services  
J A Building  
Josh Byrne and Associates  
Community of Cunderdin & Meckering  
Sandalwood Village Residents

### **Policy Implications**

N/A

### **Financial Implications**

- Costs of Refurbishment/demolition/rebuild
- Possible costs of clean-up on surrounding buildings if demolition is required
- Costs of landscaping the area and ongoing costs from that.

## **Strategic Implications**

### **Strategic Community Plan 2017 – 2027**

#### **3. Housing and Facilities**

*Our communities will have choices as their housing needs change, and have access to a choice of facilities and services.*

#### **5. Infrastructure and Transport**

*We work together to advocate for the needs of our residents for improved levels of health, water, energy, communications and transport infrastructure to be provided by State Government, to meet increasing demand and to support our growth as a community.*

#### **Foreshadowed motion**

To retain the building until all avenues of funding has been exhausted and more inclusive community consultation is undertaken.

Moved: Cr Todd Harris

#### **Resolution 9.4 March 2019**

That Council;

1. Endorse the demolition of the Old Tennis Club Building;
2. Request staff, in consultation with the community, to prepare a landscape plan; and,
3. Authorise the Chief Executive Officer to arrange the building demolition subject to further quotes being obtained and approved in the Shire's 2019/20 Budget.

Moved: Cr Norm Jenzen

Seconded: Cr Bernie Daly

Vote – Simple Majority

Carried: 4/4

Carried on the casting vote of the President

Todd Harris left the room at 6.12pm

## 9.5 Recordkeeping Plan 2019

<b>Location:</b>	Shire Administration
<b>Applicant:</b>	Administration
<b>Date:</b>	14 March 2019
<b>Author:</b>	Kayla James
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 x Recordkeeping Plan 1 x Recordkeeping Report

### **Proposal/Summary**

To adopt the Shire's "Recordkeeping Plan 2019" and endorse the Recordkeeping Report to be sent to the State Records Office.

### **Background**

Under the provisions of the State Records Act 2000, the Shire is required to undertake a periodical review and submit a Record Keeping Plan to the State Records Office by the 23 March 2019.

The purpose of the Record Keeping Plan is to set out the minimum requirements for the keeping of records created by the Shire of Cunderdin and how it is to manage those records. Record Keeping Plans are to provide an accurate reflection of the record keeping program within the organisation, including information regarding the Shire's records keeping system(s), disposal arrangements, policies, practices and processes. The Record Keeping Plan is the primary means of providing evidence of compliance with the Act

### **Comment**

The Shire of Cunderdin staff have reviewed the existing Recordkeeping Plan and incorporated improved practices implemented since it was last approved by the State Records Commission on the 23 March 2009.

The Recordkeeping Plan applies to all of the Shire of Cunderdin's:

1. Employees;
2. Contractors;
3. Organisations performing outsourced services on behalf of the Shire of Cunderdin; and
4. Elected Members.

The Recordkeeping Plan applies to all records created or received by any of the above parties, regardless of:

1. physical format;
2. storage location; and
3. date created.

### **Consultation**

Governance and Compliance Officer – Kayla James  
Chief Executive Officer – Neville Hale  
Technical Services Officer – Anja Walker  
Manager of Corporate Services and Finance – Stuart Hobley  
Shire of Quairading  
Shire of Merredin

**Statutory Implications**

State Records Act 2000

**Policy Implications**

*Shire of Cunderdin Policy Manual*

*Policy 1.3 Elected Member Records – Capture and Management*

**Financial Implications**

There are no financial implications to this document

**Strategic Implications**

*Shire of Cunderdin Strategic Community Plan*

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

Cr Alison Harris left the room at 6.15pm

**Resolution 9.5 March 2019**

That Council:

1. Endorse the Recordkeeping Review Form;
2. Adopt the Recordkeeping Plan 2019; and,
3. Authorise the Chief Executive Officer to send the Recordkeeping Report and Recordkeeping Plan 2019 the State Records Office by 23 March 2019 in accordance with the State Records Act 2009.

Moved: Cr Jayson Goldson

Seconded: Cr Dianne Kelly

Vote – Simple majority

Carried: 6/0

## 9.6 Mid Year Budget Review 2018/19

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Service and Finance
<b>Author:</b>	Stuart Hobley
<b>Report Date:</b>	13 March 2019
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	2 attachments – Statement of Financial Position and Detailed Income and Expenditure Statement

### **Proposal/Summary**

The purpose of this report is for the Shire of Cunderdin to consider and adopt the Budget Review Report, with any amendments, for the period 1 July 2018 to 31 December 2019.

### **Background**

The Local Government (Financial Management) Regulations 1996 require local governments to undertake a review of its Annual Budget.

#### *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.*

A detailed analysis at account level incorporating year to date actual results and budget projections to 30 June 2018, for the period ending 30 January 2018, is presented for 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.

The adopted budget contained an opening surplus of \$1,630,962 with a closing surplus at 30 June 2018 of - \$32,472. The actual opening surplus is now anticipated to be \$1,593,022, and the closing deficit is estimated to be -\$34,422.

A brief summary is provided below detailing accounts that are significantly over or under budget.

#### **General Purpose Funding**

Legal Fees Income Rates – (Income over budget \$26,500) these are the costs that are on charged to the landholder for the recovery of rates.

Interest Received – (Income over budget \$8,000) Surplus funds have been invested instead of being left in the Municipal Account.

#### **Governance**

Members Refreshment and Receptions Expenses - (Expense under budget \$7,000) The full amount budgeted will not be spent in this financial year.

#### **Law Order and Public Safety**

CBH Grass Roots Infrastructure Grant – (Income over budget \$9,062) A grant has been received to install a water tank for fire fighting purposes . An equal amount of expenditure will also be recognised.

#### **Health**

Doctors House and Surgery Maintenance - (Expense under budget \$7,000) Until a strategic review of the Shire's housing stock is completed it is not planned to expend further funds on maintenance of the Doctors House.

#### **Housing**

Income from Staff Housing – (Income over budget \$12,580) Rents on staff housing were significantly increased at the beginning of the financial year.

#### **Community Amenities**

Income Relating to Sanitation Household Refuse – (Income over budget \$16,062) There was a significant increase in revenue at the time the Rubbish Rates were raised.

#### **Recreation and Culture**

Basketball Courts Grant Income – (Income under budget \$44,000) This amount is the income expected to be received from the Basketball Association after the upgrade of the Courts. It has been advised that the Basketball Association advised that they would be paying the amount off over an extended term. It is not anticipated that the full amount will be received in this financial year.

Meckering 50<sup>th</sup> Celebration – (Expense over budget approximately \$29,000) The Meckering Celebrations was over budget by approximately \$20,000 in Materials and Contract and \$9,000 in Wages and plant operating costs. The wages and plant costs have been transferred from other accounts. The remainder is over budget.

### Transport

Grant RRG Project – (Income under budget \$86,041) On the preliminary advice from Main Roads \$321,348 was budgeted to be received in Income. However this amount was later amended to \$235,397 which should be offset by reduces project cost.

Grant MRWA Direct - (Income over budget \$47,515) On the preliminary advice from Main Roads \$68,000 was budgeted to be received in Income. However this amount was later amended to \$115,515 an increase of \$47,515 – see project costs.

Grant WANDRRA – (Income over budget \$154,575) - The grant funding from the WANDRRA claim for the flooding that occurred in January and February 2017 has been received.

Roads Maintenance- (Expense over budget \$20,000) Due to the cost of purchasing and pushing up gravel.

Power Street Light – (Expense under budget \$18,000) It is estimated this account will not be fully expended.

Minor Plant Purchases – (Expense under budget \$15,000) No minor plant has been purchased.

Townsite Street Sweeping – (Expense under budget \$13,000) No contractors have been engaged to complete street weeping.

### Other Property and Services

Income for Private Works – \$154,106 has been budgeted to be received in income for Private Works completed in the Shire of Tammin. This work has yet to be completed and will have a significant impact on Council budget if not completed before the end of the financial year. Works are currently underway.

Expenses Relating to Public Works Overheads – (Expense over budget \$75,880) The Shire budgeted to pay the Shire of Tammin for the services of a Works Manager. However with resignation of the Works Manager at the start of the financial year the Shire employed the shared Works Manager and therefore has all of the costs associated. This is offset by an increase in income received from the Shire of Tammin. The net effect should be neutral. See below.

Fuel and Oil - (Expense over budget \$40,000) An increase in amount of fuel being used and price fluctuations has resulted in over expenditure. Partly recouped through private works for Tammin.

Parts and Repairs - (Expense over budget \$35,000) Several major breakdowns have resulted in over expenditure due to age of plant and issues with servicing.

Tammin Staff Reimbursement - (Income over budget \$79,239) Result of the Shire of Cunderdin employing the Manager of Works and Technical Officer and charging the cost back to the Shire of Tammin (see above).

Tammin Staff Expenses - (Expense under budget \$20,000) this account will not be fully expended in this financial year.

IT Support Admin - (Expense over budget \$10,000) Related to the NBN coming in and the commencement of new staff.

### Capital Works



Aged Appropriate Project - (Expense over budget \$77,781) It has been previously advised the AAA project would go over budget. This was due to an increase in provision amounts for earthworks, roadworks and driveways.

AAA Landscaping - (Expense under budget \$17,784) The project has been completed under budget.

AAA Rear Fencing - (Expense under budget \$12,800) The project has been completed under budget.

Community Dam Project - (Expense over budget \$59,372) It has been previously advised that this project would go over budget. The over expenditure was to be transferred from Reserve.

Road Construction Council - (Expense over budget \$97,783) The amount of materials and contracts used in these projects were over budget by \$97,783. This was due to a number of factors including use of contractors instead of Shire resources, the high price of gravel and insufficient budgets for some parts of the projects.

Roads to Recovery Construction - (Expense over budget \$62,099) The amount of materials and contracts used in these projects were over budget by \$62,099. This was due to a number of factors including use of contractors instead of Shire resources, the high price of gravel and insufficient budgets for some parts of the projects.

Road Plant Purchase – Grader (Expense under budget \$34,550) Savings made on the purchase of the grader.

Proceeds from Sale of Plant - (Income under budget \$30,000) It is not expected to receive the budgeted amount for the sale of the plant.

It is suggested that the following projects be removed from this years budget to decrease the deficit. With the following two projects removed, it is anticipated the deficit will be -\$34,422. If the projects are not removed from the budget the deficit will be -\$124,422.

Capital Expenditure

Swimming Pool \$70,000 - Paint the bowl of the pool.

Administration Furniture and Equipment \$20,000 – Computer upgrade

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*

### **Policy Implications**

Nil

### **Financial Implications**

All financial implications are contained within the reports

**Strategic Implications**

The budget targets Strategic Community Plan Objectives yearly, therefore allows implementation of the Integrated Planning and Reporting Process.

Cr Todd Harris returned to the room at 6.17pm  
Cr Alison Harris returned to the room at 6.18pm

Kayla James left the room at 6.21pm  
Kayla James returned to the room at 6.23pm

**Resolution 9.6 March 2019**

That Council:

1. Adopt the 2019/19 Annual Budget Review, as presented in the Attachments, and notes that the estimated closing funds are based on current revenue and expenditure trends.
2. That a copy of the review be sent to the Department of Local Government Sport and Cultural Industries within 30 days.

Moved: Cr Doug Kelly

Seconded: Cr Jayson Goldson

Vote – Absolute majority

Carried:

**10. Environmental Health and Building**

Nil

**11. Planning & Development**

**12. Works & Services**

**13. Urgent Items**

Nil

**14. Scheduling of Meeting**

**14.1 April 2019 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 18 April 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 March 2019**

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

Moved: Cr Dianne Kelly

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8/0

Neville left the room at 6.47pm

**15.2 Shared Services – Confirmation of Minutes**

**15.3 Shared Services Termination**

**LATE ITEM 15.4 Legal Representation – cost of legal advice and representation**

The matter was discussed and resolved. The resolution is to remain confidential until the matter has been finalised.

**15.5 Move from behind closed doors**

**Resolution 15.4 March 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 Norm Jenzen

Vote – Simple Majority

Carried: 8/0

Neville Hale returned to the room at 6.56pm

The President read the following resolution aloud:

**Resolution 15.2 March 2019**

That the Minutes of the Shire of Cunderdin and Shire of Tammin Resource Sharing Committee meeting held on Tuesday 12 March 2019 be received and noted.

The Committee recommendation in regard to the continuation of shared services be addressed by way of a separate item of business.

Moved: Cr Doug Kelly

Seconded: Cr Bernie Daly

Vote – Absolute majority

Carried: 8/0

**Resolution 15.3 March 2019**

That Council advises the Shire of Tammin of its intention to withdraw from the Shared Services Agreement and that it:

1.

- Nominates 1 July 2019 as the end date for its involvement in the Shared Services Agreement;
- Agrees not to be bound by the Shared Service Agreement in respect to this termination but is open to separately negotiated terms with both the Shire of Tammin and Mr Hale;
- Resolves that the requirement of clause 14.2(a), i.e. to “attempt to resolve any issues by participating in the Dispute Settlement procedures set out under clause 13 of the Resource Sharing Agreement”, is deemed not applicable to the termination;
- Would not pursue the Shire of Tammin for costs associated with clause 14.3(b) of the Agreement, being the margin payment associated with the Shared Services remuneration package;
- Identifies any specific matter to be resolved by the CEO prior to the termination of the shared service taking effect; and,

2. That the Resource Sharing Committee:

- Undertake the necessary processes to dissolve the current arrangements to give effect to the termination of the Shared Services Agreement and set in place the required documentation and agreements.

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Vote – Absolute majority

Carried: 8/0

**Motion of No Confidence**

That a motion of no confidence in the Shire President be “put” as the casting vote was not used to preserve the status quo of item 9.4 – Old Tennis Club, 51 Lundy Avenue Cunderdin, WA 6401.

**Moved:** Todd Harris

Motion lapsed for want of a seconder

**16. Closure of meeting**

There being no further business the Shire President will declare the meeting closed at 6.58pm

**17. Certification**

**DECLARATION**

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 21 March 2019 as shown were confirmed at the ordinary meeting of Council held on 18 April 2019.

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

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