

*A progressive, diverse and caring community,
with access to modern services and infrastructure,
in a unique part of the world*

AGENDA

for the

Ordinary Meeting of Council

to be held

2PM, WEDNESDAY 18th MARCH 2020

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Cuballing for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Cuballing disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person’s or legal entity’s own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing. The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

1.	DECLARATION OF OPENING:	2
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	2
2.1.1	Attendance	2
2.1.2	Apologies	2
2.1.3	Leave of Absence	2
3.	STANDING ORDERS:	2
4.	PUBLIC QUESTION TIME:	2
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:	2
4.2	WRITTEN QUESTIONS PROVIDED IN ADVANCE:	2
4.3	PUBLIC QUESTIONS FROM THE GALLERY:	3
5.	APPLICATIONS FOR LEAVE OF ABSENCE:	3
6.	CONFIRMATION OF MINUTES:	3
6.1.1	Ordinary Meeting of Council held on Wednesday 19 th February 2020	3
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:	3
7.1.1	Water Corporation	3
8.	DISCLOSURE OF FINANCIAL INTEREST:	4
9.	REPORTS OF OFFICERS AND COMMITTEES:	5
9.1	DEPUTY CHIEF EXECUTIVE OFFICER:	5
9.1.1	List of Payments – February 2020	5
9.1.2	Statement of Financial Activity	10
9.1.3	Local Government Trust – Deed of Variation	34
9.1.4	Payment of Utility Accounts	49
9.1.5	Annual Report 2018/2019	57
9.1.6	Capital Purchase – Reinstatement of Storm Damaged Property – Out of Budget Expenditure	69
9.2	CHIEF EXECUTIVE OFFICER:	82
9.2.1	Application for Development Approval of Piggery Expansion: Lot 9081 (No. 290) Gaths Road, Commodine	82
9.2.2	2019 Compliance Audit Return	109
9.2.3	Application to Keep Additional Dogs – 49 Beeston Street Cuballing	126
9.2.4	Application to Keep Additional Dogs – 272 Bullara Street Cuballing	135
9.2.5	Elected Member Training And Continuing Professional Development	141
9.2.6	Draft Policy - Payment To Employees Who Are Absent From Work During A Pandemic	147
9.3	MANAGER OF WORKS AND SERVICES:	151
9.3.1	10 Year Road Construction Program – 2020 – 2030	151
9.3.2	2020/21 Plant Replacement Program	156
10.	ELECTED MEMBERS’ MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	159
11.	URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:	159
12.	CONFIDENTIAL MATTERS:	159
13.	NEXT MEETING:	159
14.	CLOSURE OF MEETING:	159

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Nil at this time.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil at this time.

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Wednesday 19th February 2020

OFFICER'S RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Thursday 19th February 2020 be confirmed as a true record of proceedings.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

7.1.1 Water Corporation

At Council's request Mr Mick Irving, Manager - Customer & Stakeholder Great Southern and South West Regions, Water Corporation, will present to Council. Mr Irving will make a presentation on Water Corporation activities and then respond to enquiries regarding other areas as well.

To ensure a complete response at the presentation, if Councillors have queries regarding Water Corporation activities that would require research or investigation prior, Councillors can inform staff who will provide the query to Mr Irving. Council has requested Mr Irving address the following areas

- Residents on farms east of Cuballing have noticed a drop off in pressure and quantities of water able to be accessed on their farming properties. These properties have had to modify their facilities because the water pressure is no longer sufficient to operate in the same manner as previously.
- The continued drying climate is impacting on water supplies across our Shire. Farmers are now more reliant on reticulated water for their households and operations are needing to cart more and more water. Local residents, farmers and Council are looking for information about the strategic plans of the Water Corporation and how such plans will impact on them before investing in water infrastructure.
- Local residents have noticed that water is slightly "dirtier" than it has been in the past. Is there some reason for this?
- The Shire of Cuballing has a relatively large number of residential/rural residential properties that for historical reasons do not have access to reticulated water. The largest

area is east of Hotham River in Popanyinning around Popanyinning East Victoria/Alexandra/Daylesford streets. In Cuballing the areas are smaller. To give access to potable water Council has commercial standpipes in Cuballing and Popanyinning. What is the process for extending the provision of reticulated water around Cuballing and Popanyinning? Are there any significant issues preventing this?

- Council is about to commence planning to upgrade the rail reserve in Cuballing. The Water Corporation main pipeline runs above ground on the eastern edge of the reserve and currently restricts access into the reserve. What is the process for to improve access across the pipeline should Council wish to pursue this?

8. DISCLOSURE OF FINANCIAL INTEREST:

DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1 List of Payments – February 2020

File Ref. No: NA
Disclosure of Interest: Nil
Date: 31st January 2020
Author: Nichole Gould
Attachments: 9.1.1A List of February 2020 Municipal Accounts

Summary

Council is to review payments made under delegation in February 2020.

Background – Nil

Comment

Council is provided at Attachments 9.1.1A with a list of payments made from Council's bank account during the month of February 2020.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. to not note the list of accounts.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council receives the List of Accounts paid in February 2020 under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, including payments from Council Municipal Fund totalling \$320,598.75 included at Attachment 9.1.1A.

LIST OF FEBRUARY 2020 MUNICIPAL FUND ACCOUNTS

Chq/EFT	Description	Amount
20200203	Police Licensing Payments	366.35
20200204	Police Licensing Payments	830.65
20200205	Rent for Grader Driver House	360.00
20200205	Police Licensing Payments	31,679.45
20200206	Police Licensing Payments	770.15
20200207	Police Licensing Payments	426.70
20200207	Interest on Graders	325.47
20200207	Loan Repayment No. 63 Graders	3,388.81
20200210	Police Licensing Payments	2,152.00
20200212	Police Licensing Payments	980.85
20200213	Police Licensing Payments	1,198.85
20200214	Police Licensing Payments	1,177.65
20200217	Police Licensing Payments	147.80
20200218	Police Licensing Payments	988.00
20200219	Rent for Grader Driver House	360.00
20200219	Police Licensing Payments	871.05
20200220	Police Licensing Payments	67.40
20200221	Police Licensing Payments	258.35
20200224	Police Licensing Payments	919.20
20200225	Police Licensing Payments	939.30
20200226	Police Licensing Payments	1,373.30
20200227	Police Licensing Payments	695.30
20200228	Police Licensing Payments	1,311.85
EFT4961	10, 000km service and fix LH indicator that is faulty and shorting out	1,526.80
EFT4962	Monthly Meter Reading for Photocopier	328.97
EFT4963	Refund of Hall Hire Bond	200.00
EFT4964	50 x grader blade bolts and nuts	257.40
EFT4965	Gold Heavyweight Envelopes	451.00
EFT4966	12,000KM Service CNO	310.00
EFT4967	Tie Down Straps for Cargo Cover	83.60
EFT4968	9 x Pairs of Oliver Black Fire Boots	1,339.80
EFT4969	Monthly Fuel Delivery to Above Ground Tank	5,452.60
EFT4970	Supply and install Chainmesh Fencing and Electric sliding gate to Shire Depot	6,572.50
EFT4971	Freight Charges - Cutting Edges	170.67
EFT4972	Account for January 2020	95.50

Chq/EFT	Description	Amount
EFT4973	Advertising - Council Meeting Dates 2020	267.48
EFT4974	Face Painting at Cuballing Christmas Tree event	140.00
EFT4975	1 x Spindal for ride on mower	154.00
EFT4976	Fix Bush Fire Radio	496.96
EFT4977	Hire of Water Truck	1,320.00
EFT4978	Freight Charges - Corsign	93.50
EFT4979	1 x Honda HSKKGC-35 waste oil pump.	2,990.00
EFT4980	Freight Charges - DX Print	12.71
EFT4981	Design Fee for lifting Power wires	3,300.00
EFT4982	Refund of Bond Hall Hire	100.00
EFT4983	Reinstate No Parking Lines	198.00
EFT4984	Digging of grave	286.00
EFT4985	Reseal Wandering Narrogin rd SLK 22.77 - 20.46 2.31kms	117,657.41
EFT4986	January 2020 Building Forms	236.60
EFT4987	Water Charges for War Memorial 25/11/19 to 23/01/20	242.83
EFT4988	50% Reimbursement of Internet as per contract	55.00
EFT4989	37 x 3.2m x 3.2m long Galv Posts and Caps	895.40
EFT4990	5lt of Linseed oil 5lt Mineral Turps	54.50
EFT4991	Council Sitting Fee October - December 2019	582.00
EFT4992	Excavator and Bobcat hire for balest around culvert	528.00
EFT4993	1 x Flora survey	7,453.60
EFT4994	9 x Pairs of Oliver Black Fire Boots	669.90
EFT4995	Monthly Fuel Delivery to Above Ground Tank	9,418.90
EFT4996	Rubbish Removal - Household Service	6,453.20
EFT4997	provide sound, lighting, stage, 3 live acts for the 2020 Cuballing music festival	3,100.00
EFT4998	Rates overpayment refund	3,000.00
EFT4999	Renewal Basic Work site traffic management and traffic control	2,810.00
EFT5000	Staff Training - conference	1,170.00
EFT5001	Monthly Computer Licenses & Backup Charges	1,117.13

Chq/EFT	Description	Amount
EFT5002	Service air con and repair	2,380.33
EFT5003	Air fittings for hoist operation	83.90
EFT5004	22 ton 150mm x 150mm Granite rock	805.13
EFT5005	Council Meeting Catering	22.20
EFT5006	Embroidery -	9.50
EFT5007	Window tint back window of Grader	289.08
EFT5008	2 x Lumpends 4 x hose clamps	104.04
EFT5009	5 x Work Shirts - Sheridan Bean	608.55
EFT5010	Road Sweeper hire	835.00
EFT5011	1 x Master key Number 4	20.50
EFT5012	Use of Weighbridge for waste management	115.50
14808	Building Services - Labour 23hrs	3,016.00
14809	Water Charges - Standpipe Francis Street	1,772.78
14810	Water Charges - Park Ridley St	1,604.95
14811	New Tables	5,495.49
14812	Monthly Electricity Charge Street Lightning x 42 Lights	781.09
14813	Groceries	279.95
14814	Service Charge - Shire Office	582.41
DD2174.1	Superannuation contributions	231.08
14815	Refund of Building Bond	5,000.00
14816	Refund of Building Bond	1,799.00
DD2174.2	Payroll deductions	5,662.98
DD2174.3	Superannuation contributions	178.04
DD2174.4	Superannuation contributions	450.28
DD2174.5	Superannuation contributions	433.02
DD2174.6	Superannuation contributions	198.96
DD2181.1	Superannuation Correction	2,215.62
DD2181.2	Superannuation Correction	368.55
DD2181.3	Superannuation Correction	267.09
DD2181.4	Superannuation Correction	334.94
DD2181.5	Superannuation Correction	85.16
DD2181.6	Superannuation Correction	60.40
DD2184.1	Monthly Internet Wireless Limitless Inc Calls	89.99
DD2194.1	Superannuation contributions	231.08
DD2194.2	Payroll deductions	5,583.14
DD2194.3	Superannuation contributions	170.58
DD2194.4	Superannuation contributions	450.28
DD2194.5	Superannuation contributions	429.83

Chq/EFT	Description	Amount
DD2194.6	Superannuation contributions	198.96
EFT5013	repair CN 026 tyre	45.10
EFT5014	2x steel rear marking plates 2 x Stickers rear marker plates	85.80
EFT5015	Supply labour and materials to Cuby Hall to weather proof from storm damage	2,942.50
EFT5016	Council Meeting Catering	276.00
EFT5017	4 x 15m rolls PVC 1050mm Chainmesh 1 x PVC 340m Tie Wire 1 x roll 25mm x 200m roll Blueline poly	904.60
EFT5018	Monthly Fuel Delivery to Above Ground Tank	3,263.54
EFT5019	5,500hr Service on Grader	3,325.54
EFT5020	100m of road counter tube , 6 x 6v battery packs	709.50
EFT5021	Monthly Computer Licenses & Backup Charges	143.00
EFT5022	Repairs to Grader air con	718.75
EFT5023	Grease control pump	556.03
EFT5024	45kg Gas Bottles for oven and hot water	520.00
EFT5025	1 x Granite Polished slab 1800 x 940 x 50mm	550.00
EFT5026	Rectifying tyre size on 4x4. Making up identical size front and rear 7 x Michellin 11r 22.5 fitted and balanced	6,813.00
EFT5027	Provide a Site Soil Classification for each of the three (3) Lots located in the Cuballing townsite	5,277.80
EFT5028	Disposal of Kerbside Collection Waste	2,194.01
EFT5029	Monthly Charges for Photocopies	305.65
EFT5030	Agenda's & Minutes Training	578.00
14817	Water Charges - Standpipe Ridley St Cuballing	12,479.60
DD2210.1	Australia Post Cuballing Post Box Renewal, Traffic Infringement Over Length	2,484.51
		320,598.75

9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	6 th March 2020
Author:	Bronwyn Dew, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity

Summary

Council is to consider the Statement of Financial Activity for February 2020.

Background

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates;
- The operating revenue, operating income, and all other income and expenses;
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period;
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period;
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result;
- Include an operating statement; and
- Any other required supporting notes.

Comment

Revenue from operating activities exceeded year to date budget estimates to 30th June 2020 in a positive manner. Some key points include;

- General Purpose Funding – Rates were raised on 31st July 2019;
- Governance – Youth Traineeship Funding received \$30 000;
- Governance – LGIS Rebates received;
- Transport – MRWA Direct Grant amount received \$115 490;
- Transport – eligible claims for Regional Road Group & Blackspot funding have been submitted;
- Transport – 80% of Roads to Recovery funding has been claimed & received;
- Recreation and Culture – Yornaning Dam grant funding has been received;
- Grants commission funding is less than anticipated during budget preparations; and
- Standpipe charges are higher than budgeted, with increased consumption of water due to the dry season.

Operating Expenses – The key items of variance include:

- Insurance expenses are showing as higher than YTD budget due to 2nd instalment being paid;
- Depreciation on road plant is higher than budgeted; and
- Capital expenses are below YTD budget due to the delays in obtaining the clearing permits holding up the road works capital program, plus a delay in taking ownership of some road plant.

Detailed breakdown of all variances provided in Note 2 of the Statement of Financial Activity.

Administration Allocations have been calculated to 29th February 2020.

Depreciation expense is calculated to 29th February 2020.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. not to receive the Statement of Financial Activity.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 29th February 2020 be received.

SHIRE OF CUBALLING

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 29 February 2020

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Monthly Summary Information	2-4
Statement of Financial Activity by Program	5
Statement of Financial Activity by Nature or Type	7
Note 1 Net Current Assets	9
Note 2 Explanation of Material Variances	10
Note 3 Cash and Investments	11
Note 4 Receivables	12
Note 5 Rating Revenue	13
Note 6 Disposal of Assets	14
Note 7 Capital Acquisitions	15-17
Note 8 Borrowings	18
Note 9 Reserves	19
Note 10 Grants and Contributions	20
Note 11 Trust Fund	21
Note 12 Budget Amendments	22

MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDED 29 FEBRUARY 2020

INFORMATION

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 31 March 2019
Prepared by: Bronwyn Dew, Deputy Chief Executive Officer
Reviewed by: Gary Sherry, Chief Executive Officer

BASIS OF PREPARATION

REPORT PURPOSE

This report is prepared to meet the requirements of Local Government (Financial Management) Regulations 1996, Regulation 34. Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this statement are presented below and have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

SIGNIFICANT ACCOUNTING POLICES

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

CRITICAL ACCOUNTING ESTIMATES

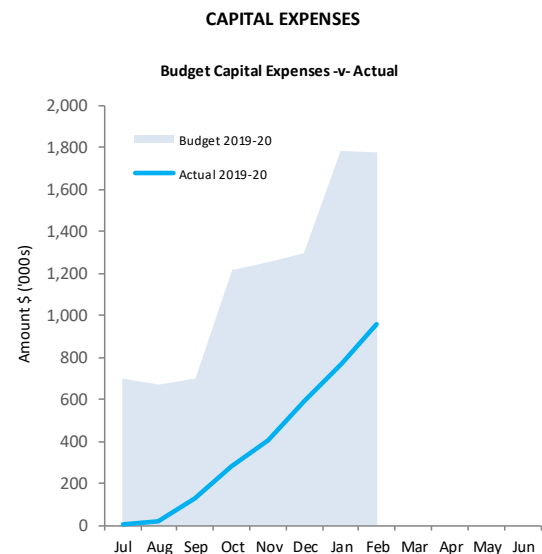
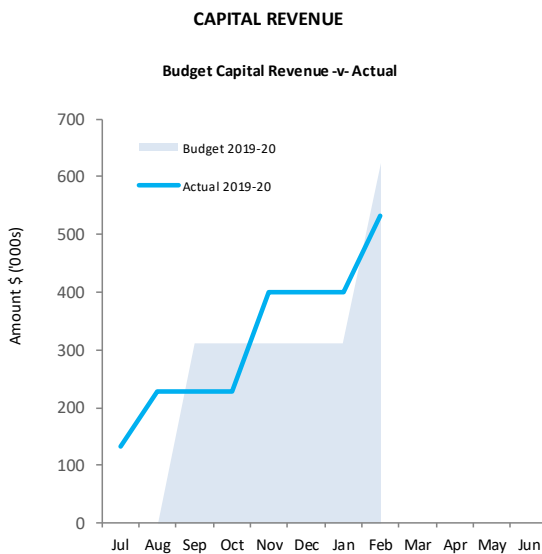
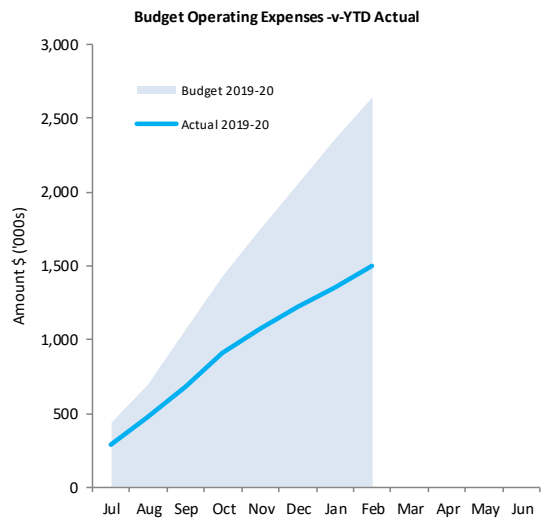
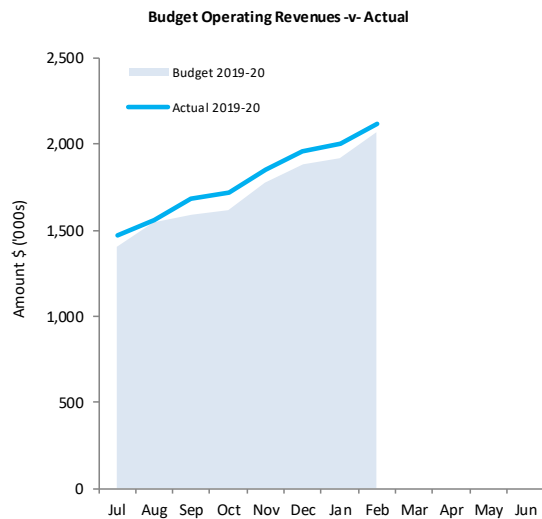
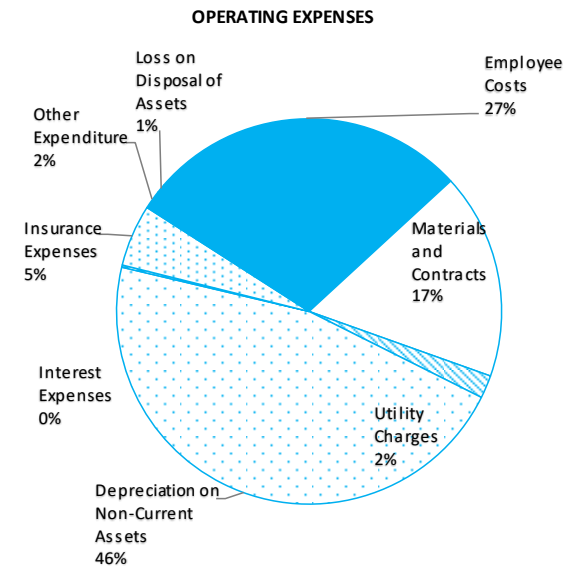
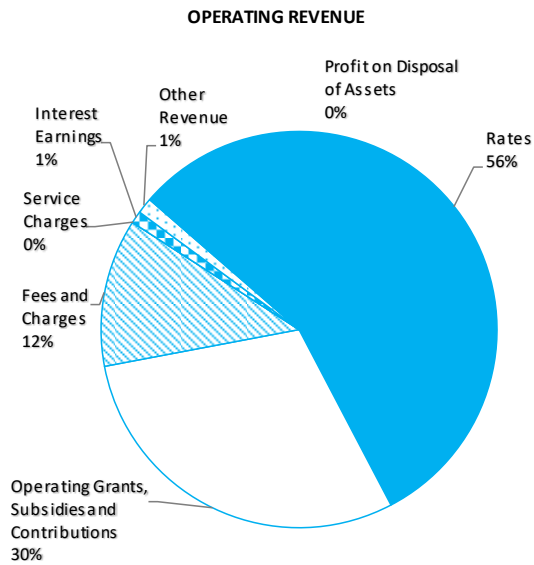
The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 29 FEBRUARY 2020**

SUMMARY GRAPHS



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 29 FEBRUARY 2020

STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME	OBJECTIVE	ACTIVITIES
GOVERNANCE	Administration and operation of facilities and services to members of council, other costs that relate to tasks of elected members and ratepayers on matters which do not concern specific council activities	Complete Council meetings, Complete all Administration activities, Lobby other levels of government to support the aims of the Shire of Cuballing
GENERAL PURPOSE FUNDING	Rates, general purpose government grants and interest revenue	Manage Rates and collection. Maintain Property Data
LAW, ORDER, PUBLIC SAFETY	Supervision of various local laws, fire prevention, emergency services and animal control.	Provide ranger service, bush fire and emergency management
HEALTH	Inspections of septic and food control	Inspect food premises.
EDUCATION AND WELFARE	Support school activities	Provide activities of support of local schools
HOUSING	Provision and maintenance of staff housing	Provide staff & other housing
COMMUNITY AMENITIES	Operation of refuse sites, noise control and administration of Town Planning Scheme	Provision of waste & recycling services including the operation of the Cuballing & Popanyinning transfer stations. Also includes the provision of town planning services.
RECREATION AND CULTURE	Maintenance of halls, recreation centre and various reserves. Support library services in Narrogin.	Maintain halls & Civic buildings, parks and gardens and recreational facilities including managing the Dryandra Equestrian Centre lease.
TRANSPORT	Construction and maintenance of streets, roads, bridges, footpaths, drainage works, traffic signs, bus shelters and depot maintenance.	Maintain and protect local environmentally significant areas including the maintenance of Council roads and footpaths. Also includes the provision of vehicle licensing services.
ECONOMIC SERVICES	The regulation and provision of tourism, area promotion, building control, noxious weeds, vermin control and standpipes.	Control of noxious weeds on council property, DrumMuster and provision of building registration services. Includes tourism and promotion and supporting the Dryandra Country Visitors Centre.
OTHER PROPERTY AND SERVICES	Private works operation, plant repairs and operation costs.	Includes private works, overhead and plant allocations and the provision of building surveying services.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020**

STATUTORY REPORTING PROGRAM

	Ref Note	Annual Budget	YTD Budget	YTD Actual	Variance (\$)	Variance (%)
Opening Funding Surplus(Deficit)	1(b)	\$ 687,002	\$ 687,002	\$ 643,815	\$ (43,187)	(6%)
Revenue from operating activities						
General Purpose Funding	5	1,497,676	1,416,182	1,399,966	(16,216)	(1%)
Governance		1,295	848	63,206	62,358	7,354%
Law, Order and Public Safety		28,019	20,736	24,500	3,764	18%
Health		800	528	1,180	652	123%
Education and Welfare		2,500	0	0	0	
Housing		4,680	3,120	3,060	(60)	(2%)
Community Amenities		77,382	74,104	86,227	12,123	16%
Recreation and Culture		84,877	82,697	90,105	7,408	9%
Transport		310,631	261,001	247,571	(13,430)	(5%)
Economic Services		38,250	25,456	31,158	5,702	22%
Other Property and Services		284,380	189,568	168,911	(20,657)	(11%)
		2,330,490	2,074,240	2,115,885		
Expenditure from operating activities						
General Purpose Funding		(75,915)	(50,600)	(36,562)	14,038	28%
Governance		(149,640)	(129,122)	(120,112)	9,010	7%
Law, Order and Public Safety		(186,043)	(123,912)	(131,495)	(7,583)	(6%)
Health		(41,600)	(27,720)	(26,297)	1,423	5%
Education and Welfare		(14,300)	(11,020)	(9,307)	1,713	16%
Housing		(43,610)	(29,040)	(20,871)	8,169	28%
Community Amenities		(343,128)	(228,560)	(227,009)	1,551	1%
Recreation and Culture		(376,688)	(250,632)	(244,155)	6,477	3%
Transport		(2,210,019)	(1,473,228)	(1,695,803)	(222,575)	(15%)
Economic Services		(180,605)	(116,628)	(130,140)	(13,512)	(12%)
Other Property and Services		(239,064)	(208,057)	(185,575)	22,482	11%
		(3,860,611)	(2,648,518)	(2,827,324)		
Operating activities excluded from budget						
Add Back Depreciation		1,500,557	1,000,312	1,309,851	309,539	31%
Adjust (Profit)/Loss on Asset Disposal	6	24,437	16,288	20,961	4,673	29%
Adjust Provisions and Accruals		0	0	0	0	
Amount attributable to operating activities		(5,127)	442,322	619,373		
Investing Activities						
Non-operating Grants, Subsidies and Contributions	10	1,650,739	622,992	532,908	(90,084)	(14%)
Proceeds from Disposal of Assets	6	96,334	96,334	38,850	(57,484)	(60%)
Land Held for Resale		0	0	0	0	
Capital Acquisitions	7	(3,226,666)	(1,776,909)	(956,868)	820,041	46%
Amount attributable to investing activities		(1,479,593)	(1,057,583)	(385,110)		
Financing Activities						
Proceeds from New Debentures		310,000	310,000	0	(310,000)	(100%)
Repayment of Debentures	8	(69,160)	(33,972)	(33,972)	0	0%
Transfer from Reserves	9	563,826	0	0	0	
Transfer to Reserves	9	(19,545)	(12,974)	(12,974)	0	0%
Amount attributable to financing activities		785,121	263,055	(46,945)		
Closing Funding Surplus(Deficit)	1(b)	(12,597)	334,796	831,133		

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2019/20 year is \$5,000 or 10% whichever is the greater.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 29 FEBRUARY 2020

NATURE OR TYPE DESCRIPTIONS

REVENUE

RATES

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on instalments, interest on arrears and service charges.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

PROFIT ON ASSET DISPOSAL

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

EXPENSES

EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Loss on the disposal of fixed assets.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020**

BY NATURE OR TYPE

	Ref Note	Annual Budget	YTD Budget	YTD Actual	Variance (\$)	Variance (%)	
		\$	\$	\$	\$	%	
Opening Funding Surplus (Deficit)	1(b)	687,002	687,002	643,815	(43,187)	(6%)	
Revenue from operating activities							
Rates	5	1,175,270	1,177,506	1,183,279	5,773	0%	
Operating Grants, Subsidies and Contributions	10	733,442	591,629	628,693	37,064	6%	
Fees and Charges		347,392	255,537	255,285	(253)	(0%)	
Interest Earnings		32,887	21,912	21,358	(554)	(3%)	
Other Revenue		41,500	27,656	27,271	(385)	(1%)	
Profit on Disposal of Assets	6	0	0	0	0		
		2,330,490	2,074,240	2,115,885			
Expenditure from operating activities							
Employee Costs		(1,140,325)	(762,768)	(756,874)	5,894	1%	
Materials and Contracts		(896,675)	(626,757)	(488,627)	138,130	22%	▲
Utility Charges		(64,076)	(42,572)	(54,322)	(11,750)	(28%)	▼
Depreciation on Non-Current Assets		(1,500,557)	(1,000,312)	(1,309,851)	(309,539)	(31%)	▼
Interest Expenses		(7,520)	(5,000)	(5,274)	(274)	(5%)	
Insurance Expenses		(143,652)	(130,700)	(146,749)	(16,049)	(12%)	▼
Other Expenditure		(83,370)	(64,121)	(44,667)	19,454	30%	▲
Loss on Disposal of Assets	6	(24,437)	(16,288)	(20,961)	(4,673)		
		(3,860,611)	(2,648,518)	(2,827,324)			
Operating activities excluded from budget							
Add back Depreciation		1,500,557	1,000,312	1,309,851	309,539	31%	▲
Adjust (Profit)/Loss on Asset Disposal	6	24,437	16,288	20,961	4,673	29%	
Adjust Provisions and Accruals		0	0	0	0		
Amount attributable to operating activities		(5,127)	442,322	619,373			
Investing activities							
Non-operating grants, subsidies and contributions	10	1,650,739	622,992	532,908	(90,084)	(14%)	▼
Proceeds from Disposal of Assets	6	96,334	96,334	38,850	(57,484)	(60%)	▼
Land held for resale		0	0	0	0		
Capital acquisitions	7	(3,226,666)	(1,776,909)	(956,868)	820,041	46%	▲
Amount attributable to investing activities		(1,479,593)	(1,057,583)	(385,110)			
Financing Activities							
Proceeds from New Debentures		310,000	310,000	0	(310,000)	(100%)	▼
Repayment of Debentures	8	(69,160)	(33,972)	(33,972)	0	0%	
Transfer from Reserves	9	563,826	0	0	0		
Transfer to Reserves	9	(19,545)	(12,974)	(12,974)	0	0%	
Amount attributable to financing activities		785,121	263,055	(46,945)			
Closing Funding Surplus (Deficit)	1(b)	(12,597)	334,796	831,133			

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reason: Wardering Road Bridge Widening
This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020**

SIGNIFICANT ACCOUNTING POLICIES

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

EMPLOYEE BENEFITS

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave
(Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the City has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the City expects to pay and includes related on-costs.

(ii) *Annual Leave and Long Service Leave (Long-term Benefits)*

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the City does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

PROVISIONS

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

INVENTORIES

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

OPERATING ACTIVITIES
NOTE 1(b)
ADJUSTED NET CURRENT ASSETS

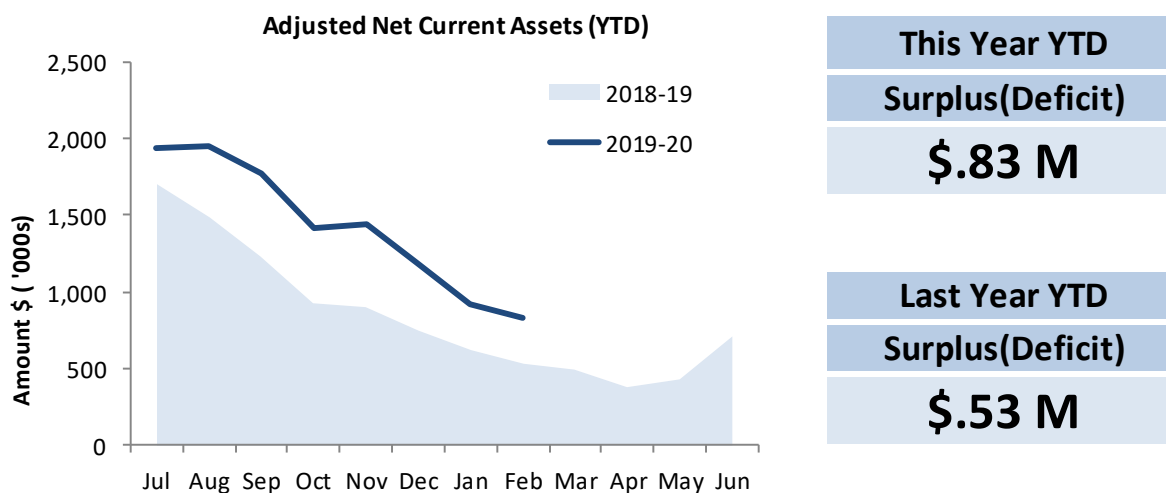
		Last Years Closing	This Time Last Year	Year to Date Actual
	Note	30 June 2019	28 Feb 2019	29 Feb 2020
		\$	\$	\$
Adjusted Net Current Assets				
Current Assets				
Cash Unrestricted	3	669,181	442,429	612,811
Cash Restricted	3	1,574,152	1,553,949	1,587,125
Receivables - Rates	4	63,701	98,579	147,156
Receivables - Other	4	32,263	22,598	150,746
Loans receivable		0	0	0
ATO Receivable		0	0	21,761
Inventories		8,986	8,391	8,986
Land held for resale - current		0	0	0
		2,348,282	2,125,946	2,528,586
Less: Current Liabilities				
Payables		(130,316)	(42,309)	(53,676)
ATO Payables		0	998	(56,651)
Provisions - employee		(209,084)	(246,020)	(209,084)
Long term borrowings		(54,937)	(13,091)	(20,965)
		(394,337)	(300,422)	(340,377)
Unadjusted Net Current Assets		1,953,945	1,825,524	2,188,209
Adjustments and exclusions permitted by FM Reg 32				
Less: Cash reserves	3	(1,574,152)	(1,553,949)	(1,587,125)
Less: Land held for resale		0	0	0
Less: Loans receivable		0	0	0
Add: Provisions - employee		209,084	246,020	209,084
Add: Long term borrowings		54,937	13,091	20,965
Adjusted Net Current Assets		643,815	530,686	831,133

SIGNIFICANT ACCOUNTING POLICIES

Please see Note 1(a) for information on significant accounting policies relating to Net Current Assets.

KEY INFORMATION

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is a negative) as presented on the Rate Setting Statement.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020**

**NOTE 2
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2019/20 year is \$5,000 or 10% whichever is the greater.

Reporting Program	Var. \$	Var. %	Variance	Timing/ Permane	Explanation of Variance
	\$	%			
Revenue from operating activities					
Governance	62,358	7,354%	▲	Permanent	LSL Reimbursement Narrogin Shire & Traineeship grant funding, LGIS Surplus rebate
General Purpose Funding	(16,216)	(1%)		Permanent	Grants Commission Funding
Law, Order and Public Safety	3,764	18%		Timing	Not Material
Health	652	123%		Timing	Not Material
Education and Welfare	0				
Housing	(60)	(2%)		Timing	Not Material
Community Amenities	12,123	16%	▲	Timing	Grant funding for weed eradication - protection of environment \$7366
Recreation and Culture	7,408	9%		Permanent	Yornaning Dam Grant & Hall hire fees
Transport	(13,430)	(5%)		Permanent	Local Roads Grant
Economic Services	5,702	22%	▲	Timing	Standpipe charges
Other Property and Services	(20,657)	(11%)	▼	Timing	Private works & Building surveyor income
Expenditure from operating activities					
Governance	9,010	7%		Timing	Admin expenses under budget
General Purpose Funding	14,038	28%	▲	Timing	Under Budget - Legal fees & Valuation expenses
Law, Order and Public Safety	(7,583)	(6%)		Timing	Maintenance of vehicles over budget
Health	1,423	5%		Timing	Not Material
Education and Welfare	1,713	16%		Timing	Not Material
Housing	8,169	28%	▲	Timing	Maintenence underbudget
Community Amenities	1,551	1%		Timing	Not Material
Recreation and Culture	6,477	3%		Timing	Hall Maintenance under budget
Transport	(222,575)	(15%)	▼	Timing	Depreciation on road plant
Economic Services	(13,512)	(12%)	▼	Timing	Expenditure - standpipe charges
Other Property and Services	22,482	11%	▲	Timing	General expenditure on repairs etc below budget
Investing Activities					
Non-operating Grants, Subsidies and Contributions	(90,084)	(14%)	▼	Timing	Timing - Delays in road projects
Proceeds from Disposal of Assets	(57,484)	(60%)	▼	Timing	Relates to truck changeover - Budget Profiling
Land Held for Resale	0				Not Applicable
Capital Acquisitions	820,041	46%	▲	Timing	Prime Mover, Water tanker, Roadworks & Cuballing Memorial Park - delayed
Financing Activities					
Proceeds from New Debentures	(310,000)	(100%)	▼	Timing	Relates to - Aged Persons Accommodation
Transfer from Reserves	0			Timing	Not material
Repayment of Debentures	0	0%		Timing	Not material
Transfer to Reserves	0	0%		Timing	Not material

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

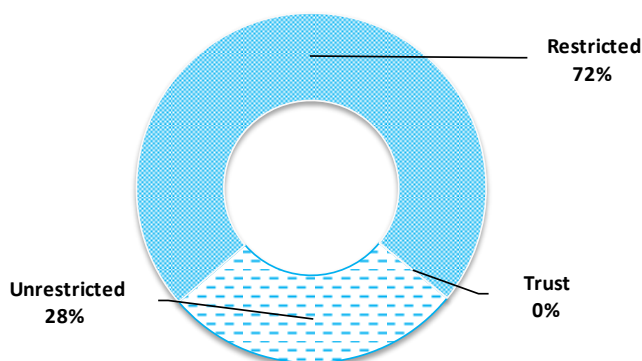
Cash and Investments	Unrestricted	Restricted	Trust	Total	Institution	Interest Rate	Maturity Date
				YTD Actual			
	\$	\$	\$	\$			
Cash on Hand							
Petty Cash and Floats	700			700	CBA	1.50%	At Call
At Call Deposits							
Municipal Fund	612,111			612,111	CBA	1.90%	At Call
Trust Fund			0		CBA	0.00%	At Call
Term Deposits							
Reserve Funds		1,587,125		1,587,125	CBA	2.39%	24-Oct-19
Total	612,811	1,587,125	0	2,199,936			

SIGNIFICANT ACCOUNTING POLICIES

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.



Total Cash	Unrestricted
\$2.2 M	\$.61 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

OPERATING ACTIVITIES
NOTE 4
RECEIVABLES

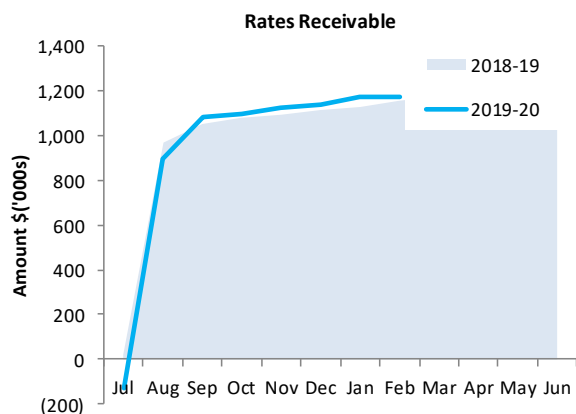
Rates Receivable	30 June 2019	29 Feb 20	Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$		\$	\$	\$	\$	\$
Opening Arrears Previous Year	51,735	63,701	Receivables - General	148,638	534	40	1,534	150,746
Levied this year	1,199,303	1,258,745	Percentage	99%	0%	0%	1%	
Less Collections to date	(1,187,337)	1,175,290	Balance per Trial Balance					
Equals Current Outstanding	63,701	147,156	Sundry debtors					150,746
			GST receivable					21,761
Net Rates Collectable	63,701	147,156	Total Receivables General Outstanding					172,508
% Collected	94.69%	88.31%	Amounts shown above include GST (where applicable)					
	(0)							0

KEY INFORMATION

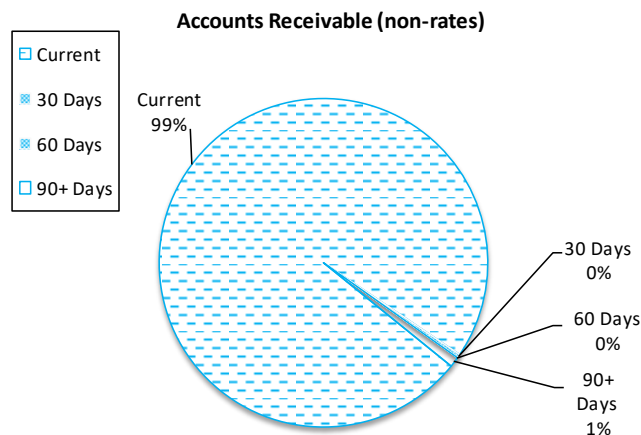
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

SIGNIFICANT ACCOUNTING POLICIES

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Collected	Rates Due
88%	\$147,156



Debtors Due
\$172,508
Over 30 Days
1%
Over 90 Days
1%

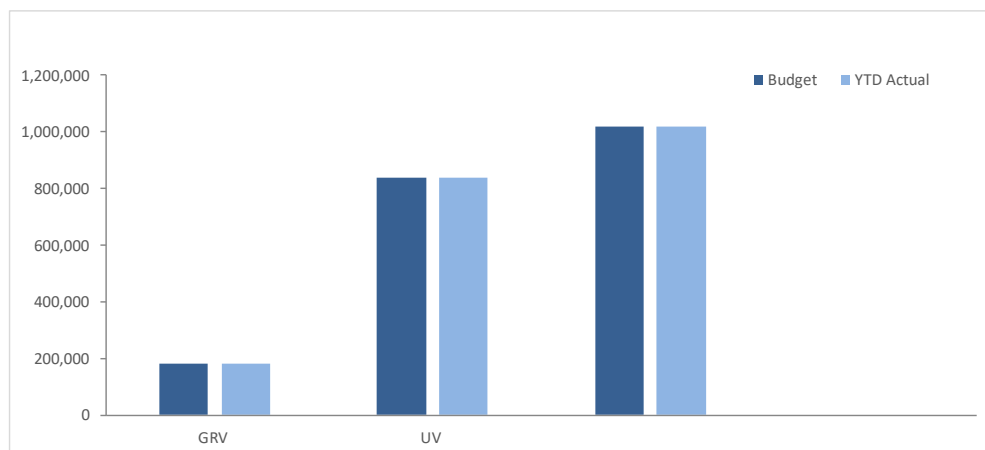
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

OPERATING ACTIVITIES
NOTE 5
RATE REVENUE

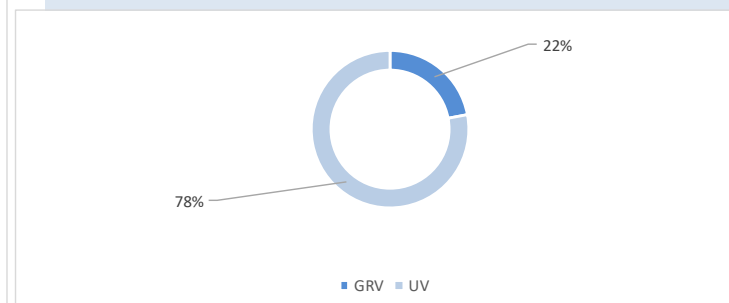
General Rate Revenue	Annual Budget							YTD Actual			
	Rate in	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE	\$			\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
GRV	0.0770	187	2,350,114	180,881	0	0	180,881	180,881	0	0	180,881
UV	0.0073	188	115,229,000	839,904	0	0	839,904	839,904	0	0	839,904
Sub-total		375	117,579,114	1,020,785	0	0	1,020,785	1,020,785	0	0	1,020,785
Minimum	\$										0
GRV	690	140	622,278	96,600	0	0	96,600	96,600	0	0	96,600
UV	930	152	13,308,900	141,360	0	0	141,360	141,360	0	0	141,360
		292	13,931,178	237,960	0	0	237,960	237,960	0	0	237,960
Sub-Totals		667	131,510,292	1,258,745	0	0	1,258,745	1,258,745	0	0	1,258,745
Discount							(76,775)				(75,410)
Concession / Write Offs							(6,700)				(57)
Amount from General Rates							1,175,270				1,183,278
Ex-Gratia Rates							0				0
Total General Rates							1,175,270				1,183,278

SIGNIFICANT ACCOUNTING POLICIES

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.



General Rates		
Budget	YTD Actual	%
\$1.18 M	\$1.18 M	101%

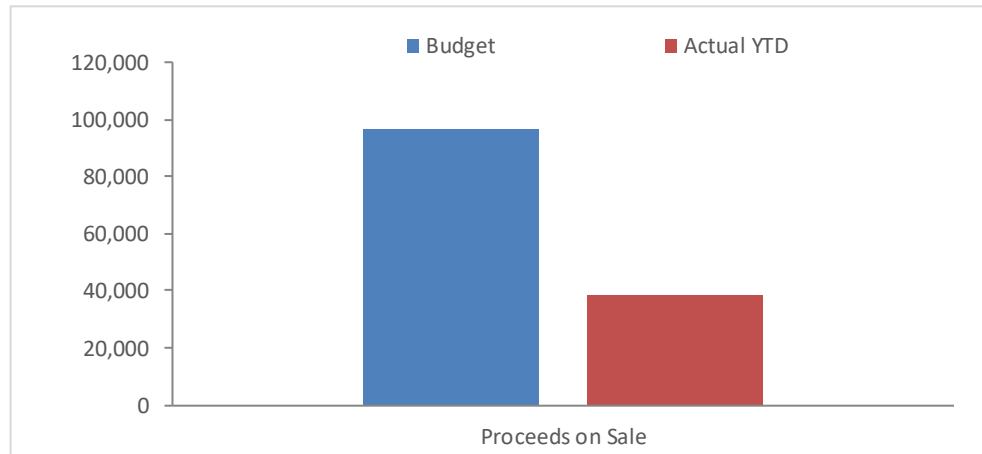


NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

Attachment 9.1.2A
OPERATING ACTIVITIES
NOTE 6
DISPOSAL OF ASSETS

Asset Ref.	Asset Description	Amended Budget				YTD Actual		
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit
		\$	\$	\$	\$	\$	\$	\$
10074	CN047 UD Nissan GW 400	77,905	50,000		(27,905)			0
10096	CN027 Holden Colorado Crew Cab 2016	16,587	19,227		2,640	15,958	13,988	(1,970)
10101	CN0 Holden Colorado Ute 4X4	26,279	27,107		828	34,000	24,862	(9,138)
13066	Fuji Zerox Copier	0	0		0	0	0	(2,200)
16036	Old Yornaning Playground	0	0		0	0	0	(7,653)
		120,771	96,334	0	(24,437)	49,958	38,850	0
								(20,961)

KEY INFORMATION



Proceeds on Sale		
Budget	YTD Actual	%
\$96,334	\$38,850	40%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

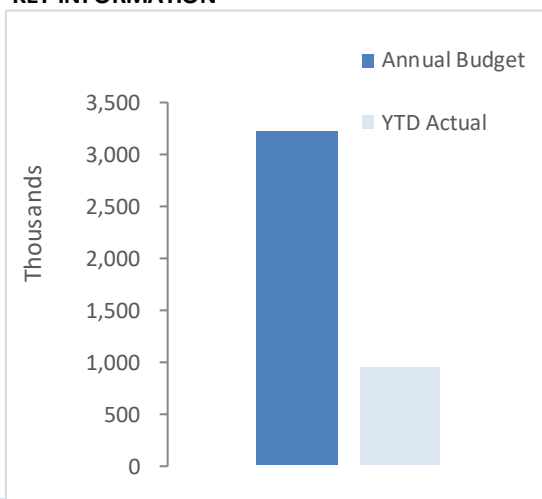
INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS

Capital Acquisitions	Amended		YTD Actual Total	YTD Budget Variance
	Annual Budget	YTD Budget		
	\$	\$	\$	\$
Land & Buildings	1,618,460	250,852	153,980	96,872
Plant & Equipment	544,000	544,000	194,059	349,941
Furniture & Equipment	11,825	0	11,217	(11,217)
Roads	1,007,381	982,057	566,992	415,064
Recreation	0	0	0	0
Parks, Gardens, Recreation Facilities	0	0	0	0
Other Infrastructure	45,000	0	30,620	(30,620)
Capital Expenditure Totals	3,226,666	1,776,909	956,868	820,041
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	1,650,739	622,992	532,908	(90,084)
Borrowings	310,000	310,000	0	(310,000)
Other (Disposals & C/Fwd)	96,334	96,334	38,850	(57,484)
Cash Backed Reserves				
Plant & Equipment Reserve	244,000	0	0	0
IT and Office Equipment Reserve	15,675	0	0	0
Housing Reserve	43,000	0	0	0
Recreation and Community Facility Reserve	261,151			
Contribution - operations	605,767	747,583	385,110	(362,473)
Capital Funding Total	3,226,666	1,776,909	956,868	(820,041)

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

KEY INFORMATION



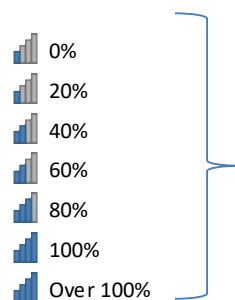
Acquisitions	Annual Budget	YTD Actual	% Spent
	\$3.23 M	\$0.96 M	30%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$1.65 M	\$0.53 M	32%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

INVESTING ACTIVITIES
NOTE 7

CAPITAL ACQUISITIONS (CONTINUED)

Capital Expenditure Total
Level of Completion Indicators




















Percentage YTD Actual to Annual Budget

Expenditure over budget highlighted in red.

% of
Completion Level of completion indicator

		Acc / Job	Annual Budget	YTD Budget	YTD Actual	Variance	
Capital Expenditure							
Land							
0.67		Lot 74 Austral Street	12126	10,500	10,500	7,080	3,420
0.00		Cuballing Railway Reserve Design	C176A	20,000	13,328	0	13,328
Buildings							
0.00		Popanyinning Hall Front Entrance	J163A	26,046	17,360	0	17,360
0.05		Building Renewal - Cuballing Memorial Park	C176	153,209	102,136	7,588	94,548
0.36		Building Renewal - Yornaning Dam	C188	140,323	93,528	50,428	43,100
0.97		Administration Building - Solar Panels	J4114B	14,000	14,000	13,636	364
1.00		Cuballing Transfer Station Surface Water Treatment	C159	0	0	39,860	(39,860)
0.72		Cuballing Cemetery Upgrade 2019/20	C161	12,382	8,250	8,959	(709)
1.17		Cuballing Town Hall - Septics Upgrade	C162	20,000	0	23,430	(23,430)
0.00		Aged Persons Accommodation	C084	1,222,000	2,000	3,000	(1,000)
Total Land & Buildings				1,618,460	250,852	153,980	168,700

Plant & Equipment						
1.97	 Dual Cab Utility with Canopy (Building)	12405	20,000	20,000	39,433	(19,433)
1.78	 Dual Cab Utility (MWS)	12406	24,000	24,000	42,681	(18,681)
0.00	 Prime Mover	12407	300,000	300,000	0	300,000
1.12	 Side Tipper - Tri Axle Trailer	12408	100,000	100,000	111,945	(11,945)
0.00	 Water Tanker - Tri Axle Trailer	12409	100,000	100,000	0	100,000
	Total Plant & Equipment		544,000	544,000	194,059	349,941
Furniture & Equipment						
0.96	 Photocopier	4247	9,075	0	8,720	(8,720)
0.91	 Shredder	4160	2,750	2,750	2,497	253
	Total Furniture & Equipment		11,825	0	11,217	(8,720)
Infrastructure - Roads						
0.32	 RRG _ Narrogin Wandering Road	R129B	350,729	345,262	111,701	233,561
0.41	 RRG - Stratherne Road 19/20	R001B	150,942	137,277	61,994	75,283
0.88	 RTR - Wandering Narrogin Road	R129C	81,045	79,524	71,696	7,828
1.12	 RTR - Popanyinning West Reseal	R004E	14,000	9,328	15,646	(6,318)
0.75	 BS - Narrogin Wandering Road Black Spot	BS129	410,666	410,666	305,955	104,711
	Total Road Infrastructure		1,007,381	982,057	566,992	415,064
Recreation						
1.00	 Nil					
	Total Recreation		0	0	0	0
Parks, Ovals & Playgrounds						
1.00	 Nil					
	Total Parks, Ovals & Playgrounds		0	0	0	0
Other Infrastructure						
1.02	 Bridge Improvements - Capital Upgrades	11214	30,000	0	30,620	(30,620)
0.00	 Depot Fencing & Gates - Capital Upgrades	10744	15,000	15,000	0	15,000
	Total Other Infrastructure		45,000	0	30,620	(30,620)
0.30	 TOTAL CAPITAL EXPENDITURE		3,226,666	1,776,909	956,868	894,366

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

FINANCING ACTIVITIES

NOTE 8

BORROWINGS

Information on Borrowings	2018/19	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Annual Budget	Actual	Annual Budget	Actual	Annual Budget	Actual	Annual Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Transport									
Loan 63 - Graders	111,951	0	0	26,766	40,446	85,185	71,505 0	3,538	4,126
Economic Services									
Loan 64 - Lot 74 Austral St	160,000			7,206	14,491	152,794	138,145	1,736	3,394
Education and Welfare									
Loan 65 - Aged Persons Housing		310,000	310,000		14,223		295,777		2,775
Total	271,951	0	310,000	33,972	69,160	237,979	505,427	5,274	10,295

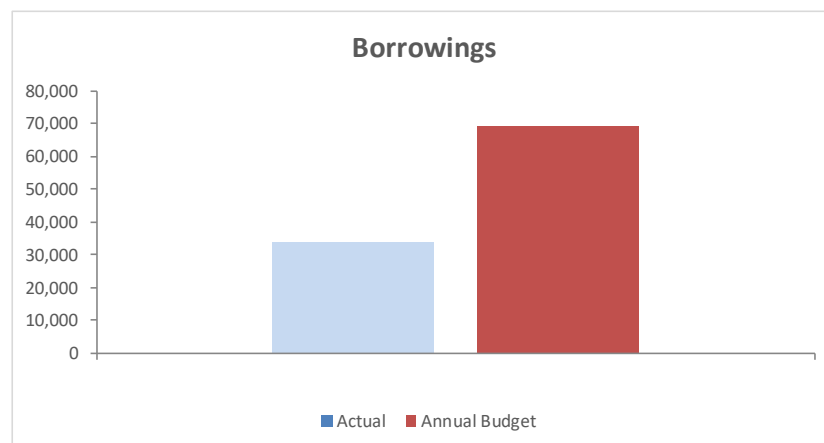
All debenture repayments were financed by general purpose revenue.

SIGNIFICANT ACCOUNTING POLICIES

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.



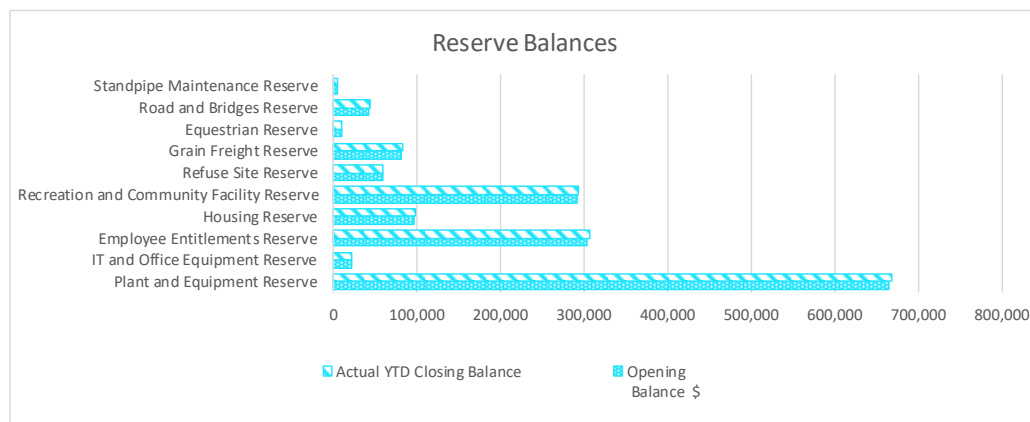
Principal Repayments	\$33,972
Interest Earned	\$21,358
Interest Expense	\$5,274
Reserves Bal	Loans Due
\$1.59 M	\$.24 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020

Cash Backed Reserve

Reserve Name	Opening	Budget Interest	Actual Interest	Budget Transfers	Actual Transfers	Budget Transfers	Actual Transfers	Budget Closing	Actual YTD
	Balance	Earned	Earned	In (+)	In (+)	Out (-)	Out (-)	Balance	Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Plant and Equipment Reserve	664,195	5,456	4,719		4,719	(244,000)		425,651	668,914
IT and Office Equipment Reserve	21,068	169	146		146	(15,675)		5,562	21,214
Employee Entitlements Reserve	303,437	2,998	2,593		2,593	0		306,435	306,030
Housing Reserve	96,817	870	752		752	(43,000)		54,687	97,569
Recreation and Community Facility Reserve	291,199	2,996	2,591		2,591	(261,151)		33,044	293,790
Refuse Site Reserve	58,763	971	839		839	0		59,734	59,602
Grain Freight Reserve	81,912	776	671		671	0		82,688	82,583
Equestrian Reserve	10,166	49	42	4,545	42			14,760	10,208
Road and Bridges Reserve	42,542	696	602		602	0		43,238	43,144
Standpipe Maintenance Reserve	4,052	19	17		17	0		4,071	4,069
	1,574,151	15,000	12,974	4,545	12,974	(563,826)	0	1,029,870	1,587,125

KEY INFORMATION



Grants and Contributions

Description	Annual Budget	YTD Budget	YTD Actual	Variance
Operating grants, subsidies and contributions				
General Purpose Funding				
Grants Commission - General Purpose	285,073	213,804	191,641	(22,163)
Governance				
Great Southern Business Development Group	0	0	0	0
Insurance & Other Reimbursements	595	392	30,010	29,618
Department Primary Industries & Regional Development	0	0	30,000	30,000
Law, Order & Public Safety				
DFES - Bush Fire Brigades	24,769	18,576	20,733	2,157
Education & Welfare				
Good Things Foundation	2,500	0	0	0
Housing				
Rental Income	4,680	3,120	3,060	(60)
Community Amenities				
Cemetery	6,362	4,240	7,917	3,677
Protection of the Environment	0	0	7,366	7,366
Recreation & Culture				
Yornaning Dam Stage 2	73,832	73,832	80,924	7,092
Sport & Recreation	3,500	2,328	0	(2,328)
Transport				
Main Roads - RRG	0	0	0	0
Main Roads - Direct Grant	115,490	115,490	115,490	0
Grants Commission - Roads Component	185,141	138,855	124,461	(14,394)
Economic Services				
Youth Day	4,000	2,662	1,000	(1,662)
Volunteers Day	1,000	667	0	(667)
Digital Literacy Workshops	1,500	1,000	0	(1,000)
Other Property & Services				
Workers Compensation	25,000	16,664	16,091	(573)
Operating grants, subsidies and contributions Total	733,442	591,629	628,693	37,064
Non-operating grants, subsidies and contributions				
Education & Welfare				
Aged Person Accommodation Funding	872,000	0	0	0
Recreation & Culture				
Wardering Road Bridge Widening	0	0	0	0
Transport				
Main Roads - RRG	334,630	267,704	174,102	(93,602)
Roads to Recovery (RTR)	211,000	168,800	172,318	3,518
Black Spot (BS)	233,109	186,488	186,488	0
Law, Order & Public Safety				
DFES - Bush Fire Brigades	0	0	0	0
Non-operating grants, subsidies and contributions Total	1,650,739	622,992	532,908	(90,084)
Grand Total	2,384,181	1,214,621	1,161,601	(53,020)

KEY INFORMATION

Some reclassification between Operating & Capital grants, contributions & reimbursements is required

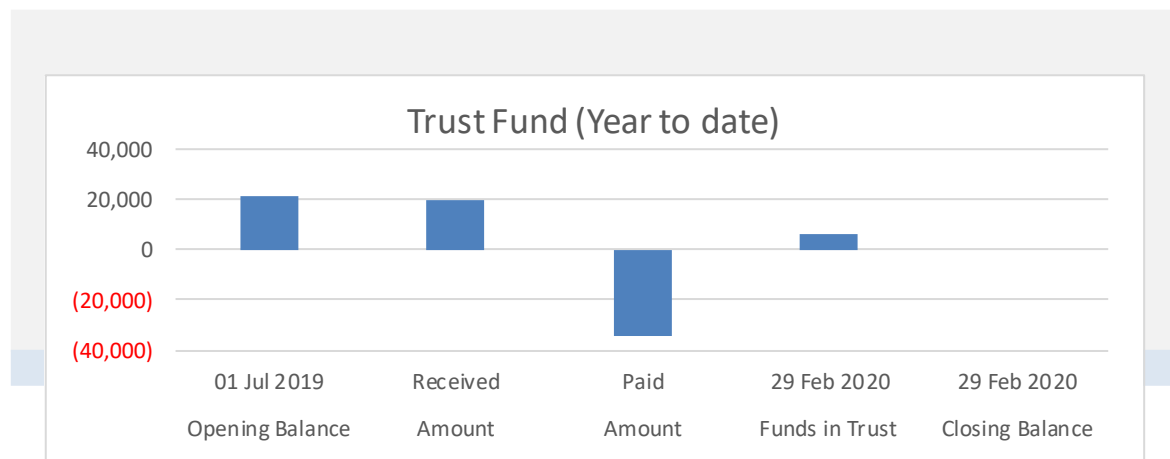
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020**

**NOTE 11
TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening	Amount	Amount	Funds in	Closing
	Balance			Trust	Balance
	01 Jul 2019	Received	Paid	29 Feb 2020	29 Feb 2020
	\$	\$	\$	\$	\$
Bonds - Building	6,889	0	(6,799)	90	0
Bonds - Hall Hire	1,150	500	(1,650)	0	0
Badminton Club		0	0	0	0
Commodine Tennis Club	2,890	0	0	2,890	0
Cuballing Progress Association	1,094	0	0	1,094	0
Cuballing Cricket Club	200	0	0	200	0
Yornaning Dam	0	0	0	0	0
Cuballing Football Association	566	0	0	566	0
Environment and Townscape Trust Fund	6,362	250	(6,612)	0	0
Police Licensing	355	18,701	(19,056)	0	0
Swipe Cards	1,550	0	0	1,550	0
Reimbursements	0	560	(560)	0	0
	21,056	20,011	(34,677)	6,390	0

KEY INFORMATION



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2020**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget Adoption		Opening Surplus				0
	Permanent Changes						
	Nil						0
	Nil						0
	Nil						0
	Nil						0
				0	0	0	

ADDITIONAL INFORMATION

Note 12 to be completed as part of budget review process and/or as per Council Resolutions during the financial year

9.1.3 Local Government Trust – Deed of Variation

Applicant:	N/A
File Ref. No:	ADM104
Disclosure of Interest:	Nil
Date:	24 th February 2020
Author:	Bronwyn Dew
Attachments:	9.1.3A – Deed of Variation (Draft) 9.1.3B – Clause 12 of Trust Deed 1994

Summary

Council’s consent is sought, to a variation to the Trust Deed for the Local Government House Trust (The Trust) as the Shire of Cuballing is a unit holder and beneficiary to the Local Government House Trust, holding 2 unit/s as advised in WALGA’s recent Quarterly Report Q4 2019.

Background

The Local Government House Trust (“The Trust”) exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies “upon Trust” and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

Comment

The Trust’s Board of Management is seeking to vary the Trust Deed in order to assist the Trust’s income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Cuballing is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent in writing, to consent for the Trustee to formally execute the Deed of Variation included at Attachment 9.1.3B.

Trust Deed Variation

1. removing the existing Trustee’s power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the ‘governing body’ of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. **The Subject to clause 22.3, the** right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

Strategic Implications

GOVERNANCE & ORGANISATION - Our Council, Services, Policies and Engagement.

Goals

- An independent Council that is supported by an excellent organisation.
- Governance structures that ensure accountable, transparent and ethical decision making.

- Building the organisation and managing its structure, finances and assets in a sustainable manner.
- A Council that proactively engages with all elements of its community to make decisions that reflect positively on the future of the Shire of Cuballing.

	Strategy	Outcome
4.1	Councillors provide strong and visionary leadership.	A clear direction for the future.
4.2	Maintain a clear, transparent and ethical decision making process.	Openness and transparency in Council decisions.
4.5	Be innovative in the management of Shire operations, services, staff and resources to create a resilient and financially stable Shire.	A Shire that is progressive, sustainable, resilient and adaptive to changes.

Statutory Environment - Nil

Policy Implications – Nil

Financial Implications

There are no relevant financial implications upon the Council's Budget or Long Term Financial Plan.

One Seventy (170) Railway Parade, (local government house), where WALGA is located, is owned by the Association. The Shire of Cuballing owns two (2) units in the Trust that owns the 'local government house', which were valued at \$17,805.27 each (as at 30/6/19 as advised by WALGA).

Supporting the Deed of Variation will only strengthen WALGA's financial position. Of which the Shire of Cuballing is a financial member.

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. to not consent to the variation to the Trust Deed for the Local Government House Trust (The Trust) as detailed in Attachment 9.1.3B

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

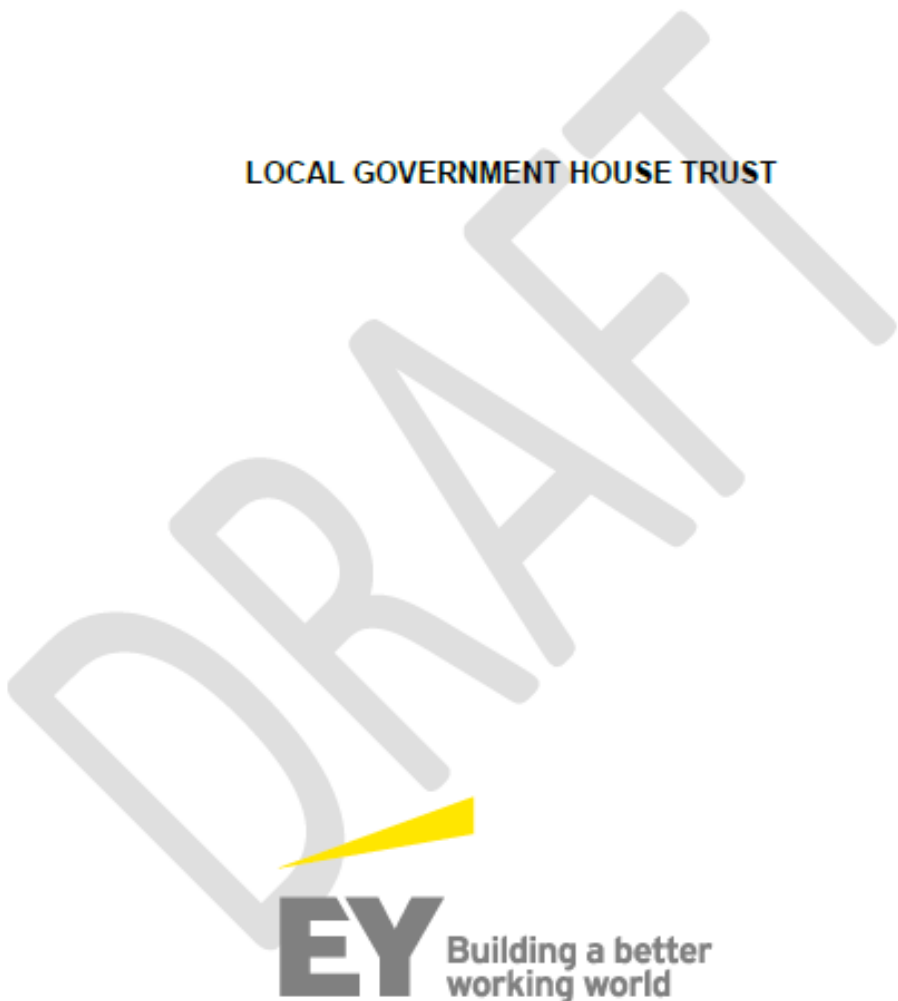
That That, with respect to the Local Government House Trust – Deed of Variation, Council:

- 1. consent to a variation to the Trust Deed for the Local Government House Trust as detailed in attachment 9.1.3A; and**
- 2. communicate this consent in writing to the Local Government House Trust's Board of Management.**

Attachment 1

DEED OF VARIATION

LOCAL GOVERNMENT HOUSE TRUST



LAW

PERTH

11 Mounts Bay Road, Perth WA 6000

Telephone (08) 9429 2222 Facsimile: (08) 9429 2434

eylawperth@au.ey.com www.ey.com

Our Ref: 4WAL / 2004 7043

Attachment 1

EY

THIS DEED dated the _____ day of _____ 2019

BY

WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION of Level 1, 170 Railway Parade,
West Leederville in the State of Western Australia (the 'Trustee')

RECITALS

- A. By Deed of Trust undated but stamped 12 February 1980 ('Original Trust Deed') made between CHARLES WILSON TUCKEY, LYAL GORDON RICHARDSON, GORDON LAWRENCE KILPATRICK, HARRY STICKLAND and MAXWELL RAY FINLAYSON (the 'Original Trustees') and THE LOCAL GOVERNMENT ASSOCIATION OF WESTERN AUSTRALIA and the COUNTRY SHIRE COUNCILS ASSOCIATION (the 'Retired Trustees') the Original Trustees declared that they would hold the property therein referred to as the Headquarters and the monies therein referred to as the Trust Fund upon trust for the beneficiaries specified in the second schedule to the Original Deed upon the terms and conditions therein contained (the 'Original Trust').
- B. By Deed dated 2 October 1981 made between the Original Trustees and the Retired Trustees the Original Trustees retired and appointed the Retired Trustees as the trustees of the Original Trust in their place.
- C. By Deed dated 4 May 1994 (the 'New Deed') the Retired Trustees (in the New Deed referred to as THE LOCAL GOVERNMENT ASSOCIATION OF WESTERN AUSTRALIA (INC) and THE COUNTRY SHIRE COUNCILS' ASSOCIATION OF WESTERN AUSTRALIA (INC)) agreed that the proceeds from the sale of the Headquarters and the Trust Fund and the income thereof should be from 17 February 1993 held upon the terms and conditions set out in the New Deed (the 'Trust').
- D. By Deed of Variation dated 5 June 2002 the Retired Trustees varied the New Deed (collectively, the 'Trust Deed') to provide for a new Clause 22 which provides that any trustee of the Trust may retire as trustee of the Trust and appoint a new trustee to act as trustee of the Trust and that notwithstanding that the original number of trustees of the Trust was five where a corporation or incorporated association is appointed as trustee of the Trust then it shall not be obligatory to appoint more than one new trustee.
- E. By Deed dated 6 June 2002 made between the Retired Trustees and the Trustee, the Retired Trustees retired and appointed the Trustee as the trustee of the Trust.
- F. Clause 21.1 of the Trust Deed provides that the Trustees may at any time and from time to time (with the consent of not less than 75% of the Beneficiaries) by deed revoke add to or vary the trusts of the Trust Deed or declare (inter alia) any new or other powers, authorities or discretions concerning the management, control or investment of the Trust Fund upon the terms contained therein.
- G. The Trustee wishes to add to and vary the Trust Deed and declare (inter alia) new or other powers, authorities and discretions concerning the management, control or investment of the Trust Fund in accordance with the terms of this Deed.
- H. More than 75% of the Beneficiaries have consented in writing to the variations to the New Deed and the records relating to this consent will be placed with the original of this Deed.

Attachment 1

EY

NOW THIS DEED WITNESSES
1. DEFINITIONS AND INTERPRETATION

In this Deed, unless the context otherwise requires:

- 1.1 a word importing the singular includes the plural and vice versa, and a word of any gender includes other genders;
- 1.2 another grammatical form of a defined word or expression has a corresponding meaning;
- 1.3 a reference to a clause, paragraph, recital, schedule or annexure is to a clause, paragraph or recital of, or schedule or annexure to, this Deed, and a reference to this Deed includes any schedule or annexure;
- 1.4 a reference to a document or instrument includes the document or instrument as varied, novated, altered, supplemented or replaced from time to time;
- 1.5 a reference to a person includes a natural person, the estate of an individual, a partnership, body corporate, the trustee of a trust (in the trustee's capacity as trustee of the trust), association, governmental or local authority or agency or other entity;
- 1.6 a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- 1.7 the meaning of general words is not limited by specific examples introduced by 'including, for example' or similar expressions;
- 1.8 Recitals A to H inclusive form part of and are included in this Deed;
- 1.9 headings are for ease of reference and do not affect interpretation;
- 1.10 'Deed' means this deed;
- 1.11 unless specified otherwise, terms which are defined in the Trust Deed and used in this Deed bear the same meanings in this Deed which are ascribed to them in the Trust Deed; and
- 1.12 in the event of any inconsistency between the provisions of the Trust Deed and the provisions of this Deed, the provisions of this Deed will prevail.

2. OPERATIVE PART

The Trustee in exercise of the power given to the Trustee by clause 21.1 of the Trust Deed and with the consent of more than 75% of the Beneficiaries hereby adds to and varies the Trust Deed and declares (inter alia) the following new or other powers authorities and discretions concerning the management, control or investment of the Trust Fund as follows:

- 2.1 delete the word "The" appearing after the words "Any trustee of the Trust may retire as trustee of the Trust." in the existing clause 22.1 and replace it with the words "Subject to clause 22.3, the";

Attachment 1

EY

2.2 insert after clause 22.2 the following:

“22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as trustee of the Trust; and
- (b) appoint such new or additional Trustee.

For the purposes of this clause 22.4, “Special Resolution” means a resolution passed or decision made by not less than 75% of the Beneficiaries.”

2.3 insert a new clause 13A as follows:

“13A **DELEGATION TO THE BOARD OF MANAGEMENT**

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.”

3. **SEVERABILITY**

3.1 If any provision of this Deed is found by a competent authority (including without limitation a Court) to be void or unenforceable, then such finding shall not affect the other provisions of this Deed.

3.2 If making a subsequent amendment to this Deed avoids any invalidity or unenforceability of any provision of this Deed, the parties may elect to make that amendment, which shall be deemed for all purposes to be effective immediately prior to the occurrence of that invalidity or unenforceability.

4. **FURTHER ASSURANCES**

All parties shall make, execute and do all acts, deeds, documents and things and sign all documents which may reasonably be required to give full effect to this Deed, and the Trustee shall bear the costs of observing, performing and complying with this clause.

5. **COSTS**

The Trustee shall bear and pay the costs of and incidental to the preparation, execution and stamping of this Deed.

6. **RATIFICATION AND CONFIRMATION**

In all other respects the terms of the Trust Deed are hereby ratified and confirmed.

Attachment 1

EY

7. PROPER LAW

This Deed shall be governed by the laws of the State of Western Australia and the parties submit to the jurisdiction of the Courts of the State of Western Australia.

EXECUTED as a Deed

THE COMMON SEAL of WESTERN)
AUSTRALIAN LOCAL GOVERNMENT)
ASSOCIATION is hereunto affixed in the)
presence of:)

Signature of President

Signature of Chief Executive Officer

Name of President

Name of Chief Executive Officer

DRAFT

Attachment 2 Clause 12 of Trust Deed (Excerpt)

- 10 -

demands outgoings debts and liabilities incurred in respect of the Trust Fund.

10.2 The Trustees may subject to any law in force at the time in relation to this Deed so permitting accumulate all or any part of the income arisen or arising during an accounting period and such accumulation shall be dealt with as an accretion to the Trust Fund but so that the Trustees may at any time or times resort to all such accumulations and pay or apply the whole or any part or parts thereof as if they were income of the Trust Fund for the then current accounting period.

10.3 Subject to Clause 10.2 the Trustees may at any time at their discretion pay the whole or part of the income of the Trust Fund for any accounting period to the beneficiaries in proportion to the number of units of which they are respectively registered as holders at the last day of such accounting period.

11.0 ADVANCEMENT OF CAPITAL

The Trustees may at any time and from time to time set aside from the capital of the Trust Fund or raise therefrom any sum or sums of money and pay the same to the beneficiaries in proportion to the number of units in respect of which they are respectively registered at the date of each such payment for their own use and benefit. The payment of any such sum or sums of capital may be made in the same manner and subject to the same provisions as contained in Clause 10.3 in relation to the payment application or setting aside of any income of the Trust Fund.

12.0 POWERS OF INVESTMENT AND MANAGEMENT

The Trustees shall apply and invest the Trust Fund in any of the investments from time to time authorised by law for the investment of trust funds by trustees and in addition to and without limiting the powers authorities and discretions vested in the Trustees by law and notwithstanding the trusts hereinbefore declared shall have the following powers authorities and discretions which may be exercised by the Trustees at any time and from time to time in the

Attachment 2 Clause 12 of Trust Deed (Excerpt)

absolute and uncontrolled discretion of the Trustees in carrying out the trusts hereof:

- (a) to invest the Trust Fund and deal with manage transpose and realise the Trust Fund or any part thereof whether real or personal property with such powers in all respects as if the Trustees were the absolute owner thereof;
- (b) to purchase or otherwise acquire any investments for cash or otherwise and upon any terms and conditions and to make any such purchase or acquisition for a sum greater than the amount of the Trust Fund for the time being and to agree to pay for any such investments wholly or in part from any future moneys which may come into the Trustees' hands including dividends profits interest or other income payable in respect of any such investments;
- (c) to sell or otherwise dispose of any real or personal property or interest therein for the time being forming the whole or part of the Trust Fund by public auction tender or private treaty at such price or prices and whether for cash or on terms and generally upon any terms and conditions and to grant options for such sale or disposition as aforesaid;
- (d)
 - (i) to borrow and raise moneys from; or
 - (ii) to secure by mortgage or otherwise howsoever the payment of or obligation to pay money to, any person (including a beneficiary) upon any terms with or without security or interest;
- (e) to vary or transpose any investments and to vary the terms of or property comprised in any security;
- (f) to hold use purchase construct demolish maintain repair renovate reconstruct develop improve sell transfer convey surrender let lease exchange take and grant options or rights in alienate mortgage charge pledge reconvey release or discharge or otherwise deal with any real or personal

Attachment 2 Clause 12 of Trust Deed (Excerpt)

- 12 -

property PROVIDED THAT in the improvement or development of any part of the Trust Fund the Trustees shall not be bound by the limitation contained in Section 30(1)(c) of the Trustees Act and the Trustees shall not be bound to apply to any Court to exceed such limitation;

- (g) to pay out of the Trust Fund or the income thereof all costs charges and expenses of and incidental to the management of the Trust Fund or to the exercise of any power authority or discretion hereby or by law conferred on the Trustees or in carrying out or performing the trusts hereof which the Trustees may at any time incur including all taxes of whatever kind payable in respect of the Trust Fund and costs in any way connected with the preparation and execution of these presents;
- (h) to act as manager or to employ any persons (including a Trustee hereof or a unit holder) contractors managers solicitors accountants clerks workmen employees servants or agents to transact all or any business of whatever nature including the receipt and payment of money and to decide the remuneration to be allowed and paid and to pay all charges and expenses so incurred and to create or arrange any scheme or superannuation retirement benefit or pension for the benefit of any person so employed;
- (i) to partition or agree to the partition of or to subdivide or agree to the subdivision or strata title or agree to the strata-titling of any land or other property which or any interest in which may for the time being be subject to the trusts hereof and to pay any moneys by way of equality of partition;
- (j) to determine whether any real or personal property or any increase or decrease in amount number or value of any property or holdings of property or any profit loss receipt or payments from for or in connection with any real or personal property shall be treated as and credited or debited to capital or to income and generally to determine all matters as to which any doubt difficulty or question

Attachment 2 Clause 12 of Trust Deed (Excerpt)

- 13 -

may arise under or in relation to the execution of the trusts and powers of this Deed and every determination of the Trustees in relation to any of the matters aforesaid whether made upon a question formally or actually raised or implied in any of the acts or proceedings of the Trustees in relation to the Trust Fund shall bind all parties interested therein and shall not be objected to or questioned on any ground whatsoever;

- (k) to open accounts with any bank or building society and to operate by and in all usual ways any such accounts;
- (l) to give effectual receipts and discharges for any moneys received by or on behalf of the Trustees or otherwise relating to any of the acts matters and things provided for in these presents;
- (m) to provide and set aside out of the Trust Fund or the income thereof such sum of money as the Trustees shall consider is available or necessary for and to pay or apply the same in or towards the discharge or reduction of any encumbrance debt or other liability for the time being affecting the Trust Fund or any part thereof;
- (n) to let sub-let lease or sub-lease for any period (and including to any beneficiary) and at any rental any real or personal property comprised in the Trust Fund upon any terms conditions or covenants;
- (o) to purchase take on lease sub-lease assignment hire or otherwise acquire any estate or interest in any real or personal property for any price premium rental charge payment fee or other consideration and subject to any terms conditions and covenants;
- (p) to take such action as the Trustees shall think fit for the adequate protection of any part of the Trust Fund and to do all such other things as may be incidental to the exercise of any of the powers authorities and discretions hereby or by law conferred on the Trustees;

Attachment 2 Clause 12 of Trust Deed (Excerpt)

- 14 -

- (q) to take and act upon the opinion (given in writing) of a solicitor or attorney at law or counsel practising in any country where the Trust Fund or any part thereof may for the time being be or be proposed to be invested in relation to the interpretation or effect of these presents or any other document or statute or as to the administration of the trusts hereof without being liable to any of the beneficiaries in respect of any act done by the Trustees in accordance with such opinion PROVIDED THAT nothing in this provision shall prohibit or impede the Trustees from applying to any Court if it shall think fit or prohibit any unit holder from so doing;
- (r) to allow any beneficiary to occupy have custody of or use any part of the Trust Fund on any terms or conditions as to inventories repair replacement insurance outgoings or otherwise but the Trustees shall not be liable for any loss or damage which may occur to any such part of the Trust Fund during or by reason of any such occupation custody or use except insofar as such loss or damage shall be occasioned by the conscious and wilful default or neglect of the Trustees;
- (s) to permit any part of the Trust Fund to be held or registered in the name of any nominee of the Trustees and to deposit securities deeds and other documents belonging or related to the Trust Fund with any bank or solicitor;
- (t) in the event of any gift stamp or other duties fees or taxes becoming payable in any part of the world in respect of these presents or the Trust Fund or any part thereof in any circumstances to pay all or any part of such duties fees and taxes out of the Trust Fund notwithstanding that such duties fees or taxes or some part thereof are not or may not be recoverable from the Trust Fund by legal process;
- (u) to receive and accept any real or personal property by gift inter vivos or by Will or under the provisions of any other trust or otherwise from any other person as additions to the Trust Fund and to hold the same upon the trusts herein

Attachment 2 Clause 12 of Trust Deed (Excerpt)
15

set forth and to administer such additions under the provisions hereof;

- (v) at any time and from time to time to ascertain and fix the value of the Trust Fund in accordance with the provisions herein contained and for that purpose to engage such competent valuers or experts as the Trustees may select and the Trustees may cause the value so ascertained and fixed to be entered from time to time in a book kept for that purpose;
- (w) to appoint any date earlier than the Vesting Date to be the Vesting Date;
- (x) during an accounting period to nominate any date not more than 18 months after the date of commencement of the then current accounting period as the last day of that accounting period and thereafter the accounting period shall mean each succeeding 12 month period commencing on the day following such nominated date until the anniversary of such nominated date immediately preceding the Vesting Date and the period thereafter until the Vesting Date.

13.0 DELEGATION OF TRUSTEE POWERS

The Trustees if at any time they are more than one shall act jointly and may delegate the exercise of all or any of the powers authorities or discretions hereby or by law conferred on the Trustees:-

- (a) to the Board of Management constituted by clause 14.0 of this Deed, or
- (b) to any other person or persons,

and execute any power of attorney or other instrument necessary to effectuate such purpose.

9.1.4 Payment of Utility Accounts

Applicant: N/A
File Ref. No: ADM312
Disclosure of Interest: N/A
Date: 26th February 2020
Author: Bronwyn Dew
Attachments: 9.1.4A Payment of Utility Accounts with Credit Card Draft Policy
9.1.4B Credit Card Policy

Summary

Council is to review the way in which the Shire makes payment on utility accounts.

Background

Council has been making payment of utility accounts via cheque, over the counter at the Cuballing Post Office for many years.

Council is committed to supporting local business's, and understands that the Cuballing Post Office is paid a commission for over the counter payment of utility accounts.

Comment

Council has been advised that banking providers will soon be phasing out the use of cheque facilities meaning Councils utility accounts would need to be paid online or via credit card at the Cuballing Post Office.

Whilst Council's preferred option for making payments is via electronic transfer whenever practicable this option would result in the Cuballing Post Office no longer receiving the agent commission from utility providers.

Council is to consider making payment of utility accounts over the counter at the Cuballing Post Office via credit card.

Should Council wish to make payment of utility accounts via Credit Card, Council is requested to endorse the draft policy, included at Attachment 9.1.4A, that outlines the manner in which the credit card is utilised for the purpose of making payment on utility accounts.

Council should also consider amending policy 2.9 Credit Cards to increase the credit card limits for the Deputy Chief Executive Officer and Manager of Works to \$10,000 to allow sufficient funds to make payments on the utility accounts. Attachment 9.1.4B shows the proposed amendments in red and strikethrough print.

Strategic Implications

ECONOMY – Our Economy, Infrastructure, Systems and Services.

Goals

- Promoting sustainable and diverse economic development opportunities that make the Shire of Cuballing an attractive place to live, work and visit.

3.7	Advocate and plan for local economic development in a sustainable manner.	A growing community supported by improved job opportunities and diversity in our industries, businesses and housing.
-----	---	--

GOVERNANCE & ORGANISATION – Our Council, Services, Policies and Engagement.
Goals

- An independent Council that is supported by an excellent organisation.
- Governance structures that ensure accountable, transparent and ethical decision making.
- Building the organisation and managing its structure, finances and assets in a sustainable manner.
- A Council that proactively engages with all elements of its community to make decisions that reflect positively on the future of the Shire of Cuballing.

	Strategy	Outcome
4.1	Councillors provide strong and visionary leadership.	A clear direction for the future.
4.2	Maintain a clear, transparent and ethical decision making process.	Openness and transparency in Council decisions.
4.3	Ensure open and consistent communication between the Shire and the community.	The community is aware of Council decisions and activities.
4.4	Actively engage with the community to inform decision making and improve conversations within the community.	The community have a variety of opportunities to be involved and are able to make meaningful contributions to decision making.
4.5	Be innovative in the management of Shire operations, services, staff and resources to create a resilient and financially stable Shire.	A Shire that is progressive, sustainable, resilient and adaptive to changes.
4.6	Employees actively contribute to improved operational service delivery and ensure excellent customer service.	Employees continually improve the operational service delivery and the community receives excellent customer service.

Statutory Environment

There are no statutory implications for this matter, however a change policy and procedures in the payments may be considered as significant by the community and an area that should at least be endorsed by Council.

Policy Implications

Council Policy 2.9 – Credit Card Policy relates to the use of credit cards:

Financial Implications - Nil

Economic Implication – Nil

Environmental Considerations – Nil

Social Implications – Nil

Consultation

The owner of the Cuballing Post Office.

Options

Council may resolve:

1. the Officer's Recommendation;
2. the Officer's Recommendation with minor amendments to the policy attachments; or
3. Not endorse the draft policy; Payment of Utility Accounts via Credit Card, and make future utility account payments electronically.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

1. **consent to the general use of credit cards to make payment on utility accounts;**
2. **endorses the draft Council Policy 2.14 Payment of Utility Accounts via Credit Card included at Attachment 9.1.4A; and**
3. **Amends Council Policy 2.09 Credit Cards to:**
 - a. **increase the maximum credit card facility from \$20,000 to \$30,000; and**
 - b. **increase the Corporate Credit Card limits for the Deputy Chief Executive Officer and Manager of Works from \$5,000 to \$10,000;**

as included at Attachment 9.1.4B

2.14 Payment of Utility Accounts via Credit Card

Definitions:

- “Credit Card” is defined as a facility allowing the cardholder to pay for goods and services on credit.
- “Utility Account” is defined as any expense that is deemed a utility including water, telephone and electricity.

Related Policy: 2.9 Credit Cards

Policy Statement:

Shire of Cuballing Corporate Credit Card may be used to make payment on the Shire’s utility accounts.

Council aims to support local business’s whenever possible. One such instance is the payment of utility accounts in person at the Cuballing Post Office.

The preference should always be to use the Shire’s normal payment systems including purchase systems established with local businesses.

In the instance that it is not possible to pay utility accounts at a local business using the Shire’s normal payment system then the utility account may be paid via credit card.

Credit card use is to be in accordance with Council Policy 2.9 *Credit Cards*.

Objective:

The policy ensures that the Shire has the ability to make payments on the Shire’s utility accounts using a local business whenever possible.

Resolution No:

Resolution Date:

2.9 Credit Cards

Policy Definitions:

- “Credit Card” is defined as a facility allowing the cardholder to pay for goods and services on credit.
- “Business Expense” is defined as any expense necessary to the conduct of the business or is allowed under the terms of the employee’s contract of employment with the Shire or relevant Council policies.
- “Personal Expense” is defined as any expense not of a business nature.

Policy Statement:

Shire of Cuballing Corporate Credit Cards may be used where it is inappropriate or inconvenient to use the Shire’s normal payment systems.

The preference should always be to use the Shire’s normal payment systems including purchase systems established with local businesses for purchases of fuel.

The maximum credit limits shall be based on the cardholder’s need with Council holding a \$320,000 maximum credit card facility.

All new and existing cardholders shall be provided with a copy of the policies in relation to the use of Corporate Credit and Fuel Cards.

An agreement shall be signed by the cardholder and the local government which sets out the cardholder’s responsibilities and legal obligations when using Corporate Credit. A copy of the agreement is included as an appendix to this policy.

Guidelines:

Authority for Approval of Corporate Credit and Fuel Cards

The Chief Executive Officer will approve the issue of all Corporate Credit Cards and Fuel Cards. The Corporate Credit Card limits are:

1. \$10,000 for the Chief Executive Officer;
2. \$ 10,000 ~~5,000~~ for the Deputy Chief Executive Officer;
3. \$ 10,000 ~~5,000~~ for the Manager Works and Services.

The Deputy Chief Executive Officer is responsible for arranging the issue of the Corporate Credit Card on advice from the Chief Executive Officer

Approved Bankers

The Shire of Cuballing’s Corporate Credit Cards are to be issued by its transactional banker.

Purchases and Use of Corporate Credit Cards

The Shire’s Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision.

Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made by facsimile, over the telephone or on the internet, an invoice should be requested to support the purchase.

If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. (Date, Company, Address, ABN, amount, any GST included).

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Cuballing's employees in that number.

Accounts and Settlement

The provider of the credit card will supply the Finance Department area with a statement of account each month.

The monthly statement of account from the provider of the corporate credit card will be forwarded to each cardholder for certification and for the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained.

Cardholders are to certify that the account details are correct. The Deputy Chief Executive Officer, or in the case of the Deputy Chief Executive Officer the Chief Executive Officer, will then review the expenditure before it is returned to Finance Department area for payment.

A credit card transaction slip is not acceptable to support the claim. A tax invoice should provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

The cardholder's certification must be provided within 7 days of receipt and prior to the end of the credit cards settlement period.

Any disputed amounts on the Corporate Credit Card statement should be brought to the attention of the Chief Executive Officer at the first opportunity by the Deputy Chief Executive Officer.

Card Lost or Stolen

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Deputy Chief Executive Officer.

Misuse of Corporate Credit Cards

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder.

Recovery of Unauthorised Expenditure

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

Internal Audit of the Corporate Credit Card System

From time to time an internal audit will provide a report on the control, use, viability and adherence to authorised policy and procedures to the Deputy Chief Executive Officer.

Reward/Bonus Points

Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Cuballing. The Shire's management (Chief Executive Officer) will decide how these points are to be utilised. Under no circumstances are rewards or bonus points to be redeemed for any officer's private benefit.

Return of Cards

When the Chief Executive Officer or other Officer cease to occupy a position that is authorised to be issued with a corporate credit card (either through internal transfer, retirement, resignation or conclusion of service contract) they must return the card to the Deputy Chief Executive Officer (or in the case of the Deputy Chief Executive Officer to the Chief Executive Officer) at least one week prior to vacating the position so that the card may be cancelled and the account settled.

Finance Department Responsibilities

The Finance Department area's responsibilities in relation to the Shire's Corporate Credit Cards include:

1. Maintaining a Card Register of all cardholders including the card number, expiry date of the credit card, credit limit and details of any limits on the goods and services the cardholder has authority to purchase.
2. Arranging the issue/cancellation of the Corporate Cards.
3. Arranging for all cardholders to sign the Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Card Register.
4. Processing payment of card expenditure on receipt of the card statement from the Bank after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment.
5. To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

Cardholders Responsibilities

Officers who are issued with Corporate Cards must -

1. Ensure the care and safe keeping of the card.
2. Adhere to the policy and procedures in relation to use of the card and its financial limits.
3. Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
4. Ensure the monthly card statement is certified correct and approved for payment when received from the Finance Department area and return to Finance Department together with the receipts and tax invoices within seven (7) days of receipt.
5. Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office.
6. To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.

Objective:

To provide details for the use, allocation, control and safe custody of corporate credit cards.

The policy looks to ensure that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Resolution No: 2017/133
Resolution Date: 21st December 2017

DRAFT

9.1.5 Annual Report 2018/2019

File Ref. No:	ADM 108
Disclosure of Interest:	Nil
Date:	26 th February 2019
Author:	Bronwyn Dew, Deputy Chief Executive Officer
Attachments:	9.1.5A 2018/2019 Management Report 9.1.5B 2018/2019 Audit Report 9.1.5C 2018/2019 Annual Report (Attached Separately)

Summary

The Committee is to consider the Auditors 2018/2019 Management Report, the 2018/2019 Audit Report and the 2018/2019 Annual Report.

Background

The Audit has been conducted in accordance with the Australian Audit Standards to ensure that during the reporting period the Shire of Cuballing complied with all statutory requirements, including the Local Government Act 1995 and associated Regulations.

The Shire of Cuballing Audit Committee reviewed the Annual Report, Auditor's Report and Management Report at a meeting held on Monday 9th March 2020 attended by representatives of the Office of the Auditor General and their audit contractor Butler Settineri.

Comment

The Office of the Auditor General has now completed their final Audit of Council's functions and operations for the 2018/2019 Financial Year. The Auditor's 2018/2019 Management Report is included at Attachment 9.1.5A. The 2018/2019 Audit Report is included at Attachment 9.1.5B.

The 2018/2019 Audit Report noted that in the Auditor's opinion, the financial statements of the Shire of Cuballing are properly drawn up:

- a) So as to give a true and fair view of the state of affairs of the Shire as at 30 June 2019 and the results of its operations and cash flows for the year then ended;
- b) In accordance with the requirements of the Local Government Act 1995; and
- c) In Accordance with Applicable Australian Accounting Standards.

A copy of the draft Annual Report is included separately in Councillor's Agenda Packs as Attachment 9.1.5C.

Strategic Implications - 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.

5.29 Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.53 Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (h(a)) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*;
 - (h(b)) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
 - (i) such other information as may be prescribed.

5.54 Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Policy Implications - Nil

Financial Implications - Nil

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council can resolve:

1. the Audit Committee's Recommendation; or

2. defer and seek additional information.

Voting Requirements – Simple Majority

AUDIT COMMITTEE RECOMMENDATION:

That the Audit Committee recommend that Council:

1. **accept the Management Report for the financial year ended 30th June 2019 included at Attachment 9.1.5A;**
2. **accept the Audit Report for the financial year ended 30th June 2019 included at Attachment 9.1.5B;**
3. **accept the Annual Report for the financial year ended 30th June 2019 included as a separate attachment; and**
4. **hold the Annual Electors Meeting on Wednesday 15th April 2020 at 6.30pm in the Popanyinning Hall, Francis Street, Popanyinning.**

SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT

INDEX OF FINDING	RATING		
	Significant	Moderate	Minor
1. Asset renewal funding ratio	✓		
2. Financial management review	✓		
3. Review of journal entries	✓		
4. Bank reconciliations – no evidence of review	✓		

KEY TO RATINGS

The ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating could indicate the need for a modified audit opinion in the current year, or in a subsequent reporting period if not addressed. However even if the issue is not likely to impact the audit opinion, it should be addressed promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

**SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT**

1. Asset renewal funding ratio

Finding

The Council has not reported the Asset Renewal Funding Ratio for 2019 and the two preceding financial years in the annual financial report as required by regulation 50(1)(c) of the Local Government (Financial Management) Regulations 1996. This is because the long term financial plan has not been updated since 2013.

**Rating: Significant
Implication**

The financial report does not comply with regulation 50(1)(c) of the Local Government (Financial Management) Regulations 1996.

Recommendation

We recommend that the Council update the long term financial plan as soon as possible in order that the asset renewal funding ratio can be calculated based on verifiable information and reasonable assumptions, and included in the financial report.

Management's comments

The Shire of Cuballing Long Term Financial Plan runs from 2012-2022. Council has completed the appointment of a financial consultant to complete preparation of an updated Long Term Financial Plan. This plan is to be adopted by Council prior to 30 June 2020.

Responsible person: CEO - Gary Sherry

Completion date: 30/06/2020

**SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT**

2. Financial management review

Finding

The *Local Government (Financial Management) Regulations 1996 paragraph 5(2)(c)* requires the CEO to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures no less than every three financial years. The Shire has not complied with the regulation as the last Financial Management Review took place in March 2016.

**Rating: Significant
Implication**

The Shire has not complied with regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

Recommendation

We recommend that the CEO perform the Financial Management Review as soon as possible.

Management's comments

Council completed a Financial Management Review in April 2016. The Shire of Cuballing anticipates completion of an independent Financial Management Review in the 2020/21 year. Funding is to be allocated in the 2020/21 year budget for this review.

Responsible person: CEO – Gary Sherry

Completion date: 30/06/2021

**SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT**

3. Review of journal entries

Finding

We noted that journal entries were processed in the accounting system by the Finance Officer and or the DCEO during the financial year. We selected a sample of 20 journals and found that 7 manual journals were not reviewed by a senior staff member independent of its preparation.

Rating: Significant

Implication

Accounting journals can represent significant adjustments to previously approved accounting transactions, and should therefore be appropriately reviewed and approved. If journals are not independently reviewed there is an increased risk that unauthorised journals can be processed and funds could be misappropriated.

Recommendation

To help maintain the integrity of the accounting information a person more senior than the preparer should authorise all journal entries to be processed in the system and review the correctness of posting after being processed. The authoriser/reviewer should sign and date on the journals as evidence of approval and review.

Management's comments

Prior to January 2019 journals of a recurring nature or journals automatically generated were not reviewed by staff independent of the journal's preparation. Following a review of segregation of duties in January 2019, all journals are now reviewed by senior staff independent of its preparation.

All journals are signed by staff responsible for processing the journal and then reviewed and signed by a more senior staff member, independent of the journal's preparation.

Responsible person: All Staff

Completion date: Ongoing

**SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT**

4. Review of bank reconciliations

Finding

We note that the Municipal account reconciliations were not reviewed by a supervising officer (DCEO or CEO) for the months September to December 2018 as there were no signatures or any other evidence of review on the documents inspected.

Rating: Significant

Implication

No independent review of bank reconciliations increases the risks of errors and omissions being undetected.

Recommendation

Banks reconciliations must be prepared and reviewed by a senior person to the preparer that has not been involved in the preparation and the documents must be signed and dated as evidence that this has taken place.

Management's comments

The Municipal account reconciliations for the months September to December 2018 were reviewed by the CEO, while the position of DCEO was vacant. Staff would normally ensure that documentation was appropriately authorised to provide evidence of the review prior to the Interim Audit.

The CEO and Rates Officer have now signed the reconciliations.

Responsible person: DCEO – Bronwyn Dew

Completion date: Ongoing

**SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT**

INDEPENDENT AUDITOR'S REPORT

To the Councillors of the Shire of Cuballing

Report on the Audit of the Financial Report

Opinion

I have audited the annual financial report of the Shire of Cuballing which comprises the Statement of Financial Position as at 30 June 2019, the Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity, Statement of Cash Flows and Rate Setting Statement for the year then ended, and notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by the Chief Executive Officer.

In my opinion the annual financial report of the Shire of Cuballing:

- (i) is based on proper accounts and records; and
- (ii) fairly represents, in all material respects, the results of the operations of the Shire for the year ended 30 June 2019 and its financial position at the end of that period in accordance with the *Local Government Act 1995* (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report. I am independent of the Shire in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the annual financial report. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of Matter – Basis of Accounting

I draw attention to Note 1 to the annual financial report, which describes the basis of accounting. The annual financial report has been prepared for the purpose of fulfilling the Shire's annual financial reporting responsibilities under the Act. Regulation 16 of the Local Government (Financial Management) Regulations 1996 (Regulations), does not allow a local government to recognise some categories of land, including land under roads, as assets in the annual financial report. My opinion is not modified in respect of this matter.

Responsibilities of the Chief Executive Officer and Council for the Financial Report

The Chief Executive Officer (CEO) of the Shire is responsible for the preparation and fair presentation of the annual financial report in accordance with the requirements of the Act, the Regulations and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards. The CEO is also responsible for such internal control as the CEO determines is necessary to enable the preparation of an annual financial report that is free from material misstatement, whether due to fraud or error.

In preparing the annual financial report, the CEO is responsible for assessing the Shire's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the State government has made decisions affecting the continued existence of the Shire.

**SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT**

The Council is responsible for overseeing the Shire's financial reporting process.

Auditor's Responsibility for the Audit of the Financial Report

The objectives of my audit are to obtain reasonable assurance about whether the annual financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the annual financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the annual financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Shire's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the CEO.
- Conclude on the appropriateness of the CEO's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Shire's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the annual financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report, as we cannot predict future events or conditions that may have an impact.
- Evaluate the overall presentation, structure and content of the annual financial report, including the disclosures, and whether the annual financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Council and the CEO regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Report on Other Legal and Regulatory Requirements

In accordance with the Local Government (Audit) Regulations 1996 I report that:

SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT

- (i) In my opinion, the following material matter indicates a significant adverse trend in the financial position of the Shire:
 - a. The Asset Sustainability Ratio and Operating Surplus Ratio as reported in Note 29 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries' standard for 2019, 2018 and 2017.
- (ii) The following material matters indicating non-compliance with Part 6 of the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* or applicable financial controls of any other written law was identified during the course of our audit:
 - a. The Shire has not reported the Asset Renewal Funding Ratio for 2019, 2018 and 2017 in the annual financial report as required by regulation 50(1)(c) of the Local Government (Financial Management) Regulations 1996, as the long-term financial plan was not updated.
 - b. A review of the appropriateness and effectiveness of the Shire's financial management systems and procedures was not completed by the CEO at least once every three financial years, as required by regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.
 - c. Accounting journal entries were posted by one employee, with no evidence of review by a second employee. Accounting journals can represent significant adjustments to previously approved accounting transactions, and should therefore be independently reviewed and approved.
 - d. The municipal account bank reconciliations for September 2018 to December 2018 were not independently reviewed.
- (iii) All required information and explanations were obtained by me.
- (iv) All audit procedures were satisfactorily completed.
- (v) In my opinion, the Asset Consumption Ratio included in the annual financial report were supported by verifiable information and reasonable assumptions.

Other Matter

The annual financial report of the Shire for the year ended 30 June 2018 was audited by another auditor who expressed an unmodified opinion on that annual financial report. The financial ratios for 2017 and 2018 in Note 29 of the audited annual financial report were included in the supplementary information and/or audited annual financial report for those years.

Matters Relating to the Electronic Publication of the Audited Financial Report

This auditor's report relates to the annual financial report of the Shire of Cuballing for the year ended 30 June 2019 included on the Shire's website. The Shire's management is responsible for the integrity of the Shire's website. This audit does not provide assurance on the integrity of the Shire's website. The auditor's report refers only to the annual financial report described above. It does not provide an opinion on any other information which may have been hyperlinked to/from this annual financial report. If users of the annual financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the annual audited financial report to confirm the information contained in this website version of the annual financial report.

DON CUNNINGHAME
 ASSISTANT AUDITOR GENERAL

**SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2019
FINDING IDENTIFIED DURING THE FINAL AUDIT**

FOR WESTERN AUSTRALIA
Delegate of the Auditor General for Western Australia
Perth, Western Australia
March 2020

9.1.6	Capital Purchase – Reinstatement of Storm Damaged Property – Out of Budget Expenditure
-------	--

Applicant:	N/A
File Ref. No:	ADM42
Disclosure of Interest:	Nil
Date:	11 th March 2020
Author:	Bronwyn Dew, Deputy CEO
Attachments:	9.1.6A Structural Engineers Report

Summary

Council is to consider approving out of Budget expenditure for the reinstatement of property that was damaged by storm on 14th February 2020.

Background

In the late afternoon of Friday 14th February 2020 a storm swept through the town of Cuballing.

Several of Council's properties suffered damage as a result of this storm including:

1. the Cuballing Agricultural Hall sustained significant damage, including the partial loss of the roof and rain damage to the interior;
2. the reticulation and pump controller system at the Cuballing Oval was destroyed by lightning and will need to be replaced; and
3. the Vintage Machinery Shelter sustained damage from a tree limb hitting cover and surrounding fence, both of which need to be repaired.

The properties are insured under the Shire of Cuballing's property insurance policy with Local Government Insurance Services (LGIS).

The property insurance with LGIS is subject to a deductible liability (excess) amount of \$1,000.

Due to the significance of the damage to the Agricultural Hall, the Manager of Works engaged the services of Dan Turner, Structural Engineer to determine the extent of the damage and provide a scope of works required to reinstate the hall.

In line with Council's purchasing policy the Manager of Works and Services obtained;

- 2 quotes for the reinstatement of the Agricultural Hall, with a 3rd contractor declining to quote;
- 1 quote for the repair of the Vintage Machinery Display Shelter cover;
- Is waiting for a quotation for the Vintage Machinery Display fencing; and
- Is waiting for a quotation for the replacement of the reticulation and pump controller system.

The insurer will select a combination of repairers to carry out the reinstatement works.

The total expenditure of the reinstatement of the properties anticipated by LGIS is up to \$160,000 (GST Exclusive).

The reinstatement of the properties to their previous standard will be completed, at whatever the cost. Any required cost overruns will be met by the LGIS.

Comment

Council will complete the expenditure listed above and be reimbursed by LGIS. Approval of this expenditure by Council was not included in the 2019/20 budget. This report seeks to have Council provide the necessary expenditure approval required under the Local Government Act. The additional income received through the insurance claim is not required to be approved.

Strategic Implications – Nil

Statutory Environment

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Policy Implications - Nil

Financial Implications

Nearly all of the cost of the reinstatement of the shed will be covered by LGIS, with the Shire of Cuballing required to contribute only the excess amount of \$1,000 as per Council's insurance policy.

Economic Implication – Nil

Social Implication

The reinstatement of the damaged property to its previous standard will enable the properties to be once again utilised by the Community.

Environmental Considerations – Nil

Consultation

LGIS

Mr Keith Atkinson, Senior Property & Liability Loss Adjuster, Charles Taylor Adjusting (Australia) Pty Ltd appointed by LGIS
Dan Turner – Structural Engineer

Options

Council may resolve:

1. the Officer's Recommendation;
2. to not proceed with the reinstatement of the damaged properties.

Voting Requirements – Absolute Majority

OFFICER'S RECOMMENDATION:

That Council approve out of Budget expenditure to reinstate the Shire of Cuballing properties damaged by the storm on 14th February 2020 at an expected cost to Council of up to \$160,000 (GST Exclusive).

THE DAN TURNER FAMILY TRUST trading as

Dan Turner

Civil, Structural and Project Management

ABN 37 730 733 802

The CEO
Shire of Cuballing
Campbell Street, Cuballing
P O Box 13
Cuballing WA 6311
Ph. (08) 9883 6031
25th February 2020

Dear Sir

Storm Damage to Town Hall Roof.

I confirm that today I inspected the Town Hall in Campbell St., Cuballing, with your Manager of Works & Services, Mr Bruce Brennan, and Builder, Mr Dave Shanks to determine the extent of the damage from the recent storm and to recommend remedial action.

The bond of the bricks on the top of the remaining section of the chimney is weak. The damage is consistent with the wind blowing the brick chimney over and damaging the roof. The damaged roof has allowed the wind to get in under the roof and blow the rafters and roof cladding off.

This in turn has allowed rain to enter the roof space over the stage and damage the ceiling. The rain has also blown into the roof space of the main hall damaging the hall ceiling.

This rain has caused extensive damage to the ceilings in the stage area and the main hall and in my opinion these ceilings are in a dangerous condition. They should be replaced using Gyproc.

Extensive damage has also occurred to the top of the brick wall from the roof being wrenched off the structure and this needs to be repaired.

I recommend that the end of the rafters over the stage be bolted down using 75x600x5mm plate welded to a 10mm bolt each side of each rafter and a 75x100x5mm plate over the rafter. The plate

**CIVIL, STRUCTURAL AND PROJECT MANAGEMENT 97 Felspar St. Narrogin
WA 6312**

Ph. 9881 5007. Mob. 0409 867 048 E-mail dant34175@bigpond.com

1 •

should be bolted to the brick wall using 2- 12mm chemsets set in the mortar joints, starting at about 50mm from the base and then about 258mm centers. (Every three brick courses.)

Similar plates should be fixed to each end of the roof arches/trusses in the hall when the ceiling is replaced.

These plates will need to be wider, perhaps 100-150mm to allow for wider timber frame and may require angles instead of bolts, depending on how the arches /trusses are fixed to the walls. This can be inspected and designed when the present ceiling is removed. Three 16mm chemsets should be used to fix the plates to the walls.

Yours sincerely

Dan Turner B E Civil, RPEQ No 5707

Civil, Structural and Project Management



Figure 1; Aerial Photo of Site. The damage to the roof has occurred over the stage at the north end of the main hall. The ceilings over the stage and main hall have been extensively damaged and are in a dangerous condition.



Figure 2; Damage to Northwest side.



Figure 3; Damage to Northeast side.



Figure 4: Brickwork at the Top of the Wall needs Repair.



Figure 5: Brickwork at the Top of the Wall Needs Repair.



Figure 6; Brickwork at the Top of the Wall Needs Repair.



Figure 7: Brickwork at the Top of the Wall Needs Repair.



Figure 8; This Rafter needs to be extended and bolted to the Brickwork..



Figure 9; These Cross-Brick Components Probably Saved the End Brick Wall from Blowing Over.



Figure 10; Damage to the Ceiling Over the Stage.



Figure 11: The Rafters Need to be Fixed to the Ridge Beam.



Figure 12: The Hanger Beam Needs to be Fitted into the Wall at the End by Mortaring into Place. It also needs to be fixed at the other end by bolting to timberwork using two 12mm bolts.



Figure 13; The Props Need to be Fixed to the Ridge Beam and to the Hanger Beam with 25x1mm Galvanised Strapping each side and Tek screws or two 10mm bolts.



Figure 14; Bolt posts to Hanger Beam.



Figure 15; Damage to Ceiling in Main Body of the Hall.

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Application for Development Approval of Piggery Expansion: Lot 9081 (No. 290) Gaths Road, Commodine

Applicant:	Furphy & Co , Lot 9081 (No. 290) Gaths Road, Commodine
File Ref. No:	A2528
Disclosure of Interest:	Nil
Date:	11 th March 2019
Author:	Gary Sherry
	9.2.1A Information from applicant
	9.2.1B Location plan
Attachments:	9.2.1C Submissions
	9.2.1D <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> extract

Summary

Development approval is recommended for the expansion of a piggery at Lot 9081 (No. 290) Gaths Road, Commodine

Background

1. The application

The applicant seeks development approval for an expansion of a piggery which was established 20 years ago. In February 2018 Council approved retrospective Development Application for this piggery and an associated expansion of the piggery (animal husbandry – intensive) including eight additional strawbased eco shelters, relocating the waste area and mortalities (shallow burial) area and increasing the number of pigs from 5,000 to 7,000 at Lot 9081 on Plan 135464 (No. 290) Gaths Road, Commodine,

The applicant now seeks development approval to expand the piggery through ten additional straw based eco shelters, relocating the waste area and mortalities (shallow burial) area and increasing the number of pigs from 7,000 to 11,495.

The increase in pig numbers proposed through this expansion is set out below:

Class	Weight	SPU Factor	Current No. Pigs	Current SPUs	Proposed No Pigs	Proposed SPUs	Change in SPU
Weaner	8-25 kg	0.5		-	1,650	825	825
Grower	25-55 kg	1	2,000	2,000	4,400	4,400	2,400
Finisher	55-100 kg	1.6	2,000	3,200	3,300	5,280	2,080
Heavy Finisher	100-130 kg	1.8	1,000	1,800	550	990	-810
Totals			5,000	7,000	9,900	11,495	4,495

Details submitted by the applicant are set out in Attachment 9.2.1A. These details include information relating to the property, existing infrastructure, proposed piggery operation, piggery management, environmental impact assessment, community amenity and various plans. The information provided by the applicant provides background information which is generally not repeated in this report.

2. *Application site*

The site's location is outlined in Attachment 9.2.1B which is approximately 12km east of Yornaning.

The Furphy & Co farm consists of multiple titles which have a combined area of around 1100 hectares. The piggery facilities are located on Lot 9081 in the central southern portion of the farm highlighted in red on Attachment 9.2.1B.

Further details relating to the application site are set out in Attachment 9.2.1A

3. *Public consultation*

The Shire administration sent letters to 12 stakeholders including adjoining/nearby landowners seeking comment on the application for 17 days. Additionally, the Shire invited comments through a notice in the Narrogin Observer and a notice on the notice board at the Shire office.

The Shire received 2 submissions which are outlined in Attachment 9.2.1C. The submissions raise objections based on odour.

The Department of Water and Environmental Regulation (DWER) has previously advised that this piggery meets the definition of prescribed premises Category 2 – Intensive Piggery as per Schedule 1 of the Environmental Protection Regulations 1987. As such the Environmental Protection Act 1986 requires a works approval and a licence (for operation) to be obtained for the premises. The applicant has been advised by DWER that a works approval and licence are necessary for the existing and proposed intensive piggery premises.

4. *Planning and environmental context*

There are a range of planning and environmental legislation, strategies, policies and guidelines relevant to the application. Some of these are outlined below with others listed under Statutory Environment.

4A) *Shire of Cuballing Town Planning Scheme No. 2*

The site is zoned 'General Agriculture' in the *Shire of Cuballing Town Planning Scheme No. 2* (TPS2).

The piggery use is defined in TPS2 as 'animal husbandry - intensive' which means 'premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock feedlots'.

Animal husbandry - intensive is an 'A' use in the General Agriculture Zone. This means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice (seeking comment) in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The aims of TPS2 (clause 1.6) include:

- to promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and
- to encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire.

Clause 3.2(b) sets out objectives for the General Agriculture Zone. The objectives include:

- to encourage intensive agriculture where soil conditions and location are appropriate and it can be demonstrated that offsite impacts (if any) will not adversely affect existing agricultural activities; and
- to ensure that natural drainage patterns/catchments throughout the Shire are recognised in land management practices.

Clause 4.11.2 states 'Council will support more intensive forms of agricultural production in the General Agriculture zone subject to:

- (a) identification of soil types, availability and adequacy of water supply, and any areas of salt affected land and/or land degradation;
- (b) evidence from suitably qualified consultants and/or the Department responsible for Agriculture on the suitability of the proposed lots and lot size for the intended land use;
- (c) evidence of suitable land care management issues addressing retention of remnant vegetation, revegetation areas, land degradation and salinity management;
- (d) evidence that the proposed activity is compatible with broadacre agriculture or that adverse impacts can be contained within the site; and
- (e) such other matters as may be determined by local government.

The Development Table – General, which sets out standards for setbacks and related matters, outlines that setbacks for piggeries are to be determined by Council.

Attachment 9.2.1D sets out an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* relating to matters to be considered by the local government in determining Development Application and options in determining applications. The Regulations include deemed provisions for local planning schemes which replace relevant clauses in local planning schemes in Western Australia including TPS2.

4B) Shire of Cuballing Local Planning Strategy

The Local Planning Strategy seeks to protect prime agricultural land, support agriculture value adding industries, broaden the local economy, reduce nutrient export into waterways and promote best practice land management. One of the aims for rural land is 'To encourage intensive agricultural activities where it can be demonstrated that there are no adverse offsite impacts to broadscale agriculture' (page 18).

4C) Guideline: Odour Emissions

The purpose of the Guideline: Odour Emissions is to ensure adequate odour data and information are provided to the Department of Water and Environmental Regulation (the Department) when assessing odour impact as part of an application under Part V of the Environmental Protection Act 1986 (EP Act).

In relation to piggeries, it sets the screening distance for an intensive piggery (1,000 animals or more) as the distance calculated by the S-factor equations of the Level 1 only of the National Environmental Guidelines for Indoor Piggeries (Australian Pork Limited 2018).

4D) National Environmental Guidelines for Indoor Piggeries (NEGIP) May 2018

This document completed by Australian Pork Limited is an industry prepared guideline that provides a nationally agreed approach to management of pig production in Australia to achieve environmental goals.

The document provides a planning tool suitable for assessing the potential for odour impacts from a proposed or expanding facility.

The separation distance of the piggery complex from receptors depends on a number of factors, including:

- piggery size, defined as the number of standard pig units (SPU) in the complex. Refer to the National Environmental Guidelines for Indoor Piggeries (NEGIP) for methods for determining SPU.
- piggery design, particularly the shed type and the effluent or manure removal and treatment processes used at the piggery

The required separation distances can be determined using a methodology in document. The Level 1 assessment, required for use *Guideline: Odour Emissions*, uses the most conservative approach, followed by Level 1.5, Level 2 and Level 3. Consequently, where a facility meets a lower level (e.g. Level 1), there is no need to demonstrate that other levels are met.

The Level 1 assessment uses a standard empirical formula and is a simple, cheap and quick method that offers high levels of protection for community amenity. The Level 1 empirical formula for determining separation distance is based on the formula:

$$\text{separation distance (D)} = (N)^{0.55} \times S1 \times S2 \times S3$$

N = number of standard pig units (SPU)

0.55 = piggery size exponent determined using the results of modelling

S1 = piggery design factor for estimating the relative odour potential for the piggery design selected for a particular site (S1 = effluent removal factor, S1Rx effluent treatment factor, S1T)

S2 = piggery siting factor for estimating the relative odour dispersion potential for the selected piggery site (S2 = receptor type factor, S2R x surface roughness factor, S2S)

S3 = terrain weighting factor for estimating the potential changes to odour dispersion, in situations where meteorological conditions may be influenced by local terrain influences

4E) *Bush Fire Prone Area*

Portions of the application site and the piggery are classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>.

Comment

A) *Overview*

It is recommended that Council conditionally approve the Development Application for a piggery (animal husbandry - intensive) along with the associated expansion of the piggery. This follows assessment against TPS2, the Local Planning Strategy, other relevant planning and environmental documents, information provided by the applicant, considering the views of the submitters and site characteristics.

Conditional approval is recommended for reasons including:

- the application is overall consistent with the planning framework including that there are generally extensive buffers to offsite dwellings and there are no adverse offsite impacts to broadscale agriculture;

- the area will remain rural for the long term (there are no proposals for the area to be changed to rural residential or rural smallholding);
- no clearing of native vegetation is proposed;
- there are limited traffic impact or landscape impact implications;
- it supports a local business to grow, supports diversifying the local economy and it promotes employment opportunities;
- development (planning) conditions along with Health Local Laws registration, industry certification and possible DWER works approval and licencing can assist to minimise impacts and enhance amenity;
- while objections relating to odour were received on the Development Application, the development meets the requirements for distance separation set by the Department of Water and Environmental Regulation (the Department) when assessing odour impact as part of an application under Part V of the Environmental Protection Act 1986 (EP Act); and
- there are not considered to be strong planning grounds to refuse the Development Application.

While noting the above, there are various issues associated with the piggery which should be considered by the Council in determining the Development Application including matters outlined in Attachment 9.2.1D.

B) Key issues

The key issues with the application are summarised below:

- setbacks/buffers – including the landowner continuing to own buffer land and possibly securing remaining buffer land;
- ongoing management the responsibility for appropriate ongoing management rests with the operator. This includes ensuring that the piggery does not create inappropriate impacts such as odour, noise and dust to adjoining/nearby properties. Additionally, that the operator appropriately addresses matters such as biosecurity and mortalities management. It is suggested that these matters can be appropriated addressed through quality assurance undertaken by the operator and be enforced through the *Shire of Cuballing Health Local Laws 2007*. There may be an additional requirement for the applicant to gain a Works Approval and licence from the DWER; and
- fire management including reducing fire risk.

C) Buffers/setbacks

Piggeries by their nature of operations have the potential to create emissions including odour, noise and dust. Better planning practice requires a suitable buffer between piggeries and 'sensitive' uses such as dwellings. Accordingly, piggeries should be sited and operated to prevent unreasonable interference with the health, welfare, convenience, comfort or the amenity of neighbours.

Some of the adjoining and nearby lots, not owned by the applicant/operator, do not currently contain a dwelling. This includes adjoining Lot 28 Walsh Road. There is a statutory right for a landowner to apply and gain approval for a dwelling on these lots.

Part of the piggery's buffer extends into land not owned by the applicant/operator. To manage future land use compatibility, the applicant/operator may wish to pursue securing necessary land so the buffer is owned by the piggery operator. Importantly, it is suggested that the piggery should not adversely affect the ability of adjoining/nearby landowners to construct a dwelling in a location which complies with TPS2 setback requirements.

Odour, noise and dust are unlikely to have a detrimental impact on existing offsite dwellings provided the piggery is managed appropriately in accordance with the relevant guidelines. The operator's extensive track record, where no concerns have been raised with the Shire, provides greater assurances that odour, noise and dust can be effectively managed.

It is noted that while the established piggery operation is generally well setback from property boundaries and dwellings not forming part of the applicant's farm, the expanded piggery is only just compliant with the separation distance from the nearest neighbour.

With the empirical formula for determining separation distance being:

$$\text{separation distance (D)} = (N)^{0.55} \times S1 \times S2 \times S3$$

N = number of standard pig units (SPU)

0.55 = piggery size exponent determined using the results of modelling

S1 = piggery design factor for estimating the relative odour potential for the piggery design selected for a particular site (S1 = effluent removal factor, S1_{Rx} effluent treatment factor, S1_τ)

S2 = piggery siting factor for estimating the relative odour dispersion potential for the selected piggery site (S2 = receptor type factor, S2_R x surface roughness factor, S2_S)

S3 = terrain weighting factor for estimating the potential changes to odour dispersion, in situations where meteorological conditions may be influenced by local terrain influences

the following table reviews the separation distances required for the current piggery operations and the expansion

Criteria	N number of standard pig units (SPU)	S1 piggery design factor	S2 piggery siting factor	S3 terrain weighting factor	Separation Distance Required	Distance to nearest Residence	Difference
Current Operation	7,000	0.65	11.5	1	974	1,925	951
Proposed Expansion	11,495	0.65	11.5	1	1,279	1,925	646

D) Registration and licencing

Should the Council grant development approval, there is a separate requirement for the landowner/operator to make an Application for Registration of Premises for Offensive Trade to the Shire. This is to address the *Health Act 1911* and the *Shire of Cuballing Health Local Laws 2007*. Amongst matters, the Health Local Laws requires the operator to prevent nuisances impacting human health and to ensure there is appropriate land management.

Given the proposed scale of the piggery, DWER have advised that there is a requirement for the operator to obtain a Works Approval, licence or registration from the DWER. DWER have separately advised the applicant of this requirement. A DWER Works Approval and DWER licence, will address technical and operational matters in greater detail.

E) Quality assurance

It is understood there has been a change in quality assurance requirements for the major buyers of pork produce and proof of local government approval is now required.

The Australian Pork Industry Quality Assurance Program (APIQ) provides the framework and standards by which Australian pig producers can demonstrate they are responsible farmers who care for their animals and the environment by following safe and sustainable practices contained in their publications. It is expected that the operator may need to separately prepare an Environmental Management Plan in accordance with the Australian Pork Limited *National Environmental Guidelines for Piggeries* (2nd edition revised 2010). These guidelines outline best practice management for Australian piggeries.

APIQ accreditation provides an additional level of compliance to ensure that the piggery is managed and operated at an industry standard. Accreditation reduces the risk of piggeries creating negative impacts on the amenity of adjoining areas.

Strategic Implications

There are a number of industries within the Shire of Cuballing which are all strongly based around the agricultural industry. The main employers in the Shire of Cuballing are Birds Silos and Shelters, McDougall Weldments, as well as the more intensive agricultural enterprises, cattle feedlots and piggeries.

Statutory Environment

There is a range of legislation and regulations relevant to the application including:

- *Planning and Development Act 2005* and TPS2;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection Act 1986* and the *Environmental Protection Regulations 1987*;
- *Health (Miscellaneous Provisions) Act 1911* a piggery is defined as an offensive trade and must be registered with the local government on an annual basis;
- *Shire of Cuballing Health Local Laws 2007*;
- *Soil and Land Conservation Act 1945*; and
- *Biosecurity and Agriculture Management Act 2007* and *Biosecurity and Agriculture Management Regulations 2013*.

There are also a range of policies, strategies and publications including:

- *EPA Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*;
- *EPA Guidance Statement No. 33 Environmental Guidance for Planning and Development*;
- *State Planning Policy 2 Environment and Natural Resources Policy*;
- *State Planning Policy 2.5 Land Use Planning in Rural Areas* – objectives include to promote regional development through the provision of ongoing economic opportunities on rural land, to protect and improve environmental and landscape assets and to minimise land use conflicts;
- *State Planning Policy 2.9 Water Resources*;
- *National Environmental Guidelines for Piggeries* (May 2010); and
- *DWER Guidance Statement: Separation Distances* (draft) – August 2015 – sets a generic buffer of 1000 metres for noise impacts, with odour buffers determined through the criteria set out in the *National Environmental Guidelines for Piggeries*.

- Odour Guideline for Prescribed Premises (Department of Water and Environmental Regulation Western Australia 2018).

Policy Implications

It is suggested that Council clarify its approach to animal husbandry - intensive uses and possibly also for rural industries through the review of the Local Planning Strategy and through preparing an associated Local Planning Policy. Having a town planning policy will assist to outline:

- the Council's overall support for these uses, possibly other than adjoining the townsites or in identified rural living areas, if relevant matters are appropriately addressed;
- that the applicant is required to appropriately address issues (and outline what issues the Shire is not considering);
- that applicants/operators need to be good neighbours, control their impacts and ideally own the buffer;
- minimum requirements from applicants in preparing the DA plans, letter and information;
- the relationship with industry guidelines, local laws and DWER works approvals/licencing; and
- the approach to consultation including whether additional considerations need to occur near the Dryandra Woodland.

Financial Implications

All costs associated with the development will be borne by the applicant/operator.

Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision or conditions through the State Administrative Tribunal.

Economic Implication

Approval of this application will assist to support the operation to expand. This will assist to increase monies spent locally and assist with job creation.

Social Implication

Two objections was received from adjoining/nearby landowners. One of these objections was from the owner of the nearest residence to the operation.

Provided the landowner effectively manages the operation, the piggery should have manageable offsite impacts.

Environmental Considerations

It is suggested that the operator can suitably manage environmental impacts. There is a separate requirement for the operator to be registered for an offensive trade and to maintain APIQ accreditation.

Consultation

Adjoining/nearby landowners and relevant State Government agencies were invited to make comment on the Development Application.

Options

Council may resolve to:

1. approve the Development Application with no conditions;
2. approve the Development Application with conditions;
3. refuse the Development Application (providing reasons); or
4. defer and seek additional information.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council approve the Development Application for an expansion of the piggery (animal husbandry – intensive) including 10 additional strawbased eco shelters, relocating the waste area and mortalities (shallow burial) area and increasing the number of pigs from 7,000 to 11,495 at Lot 9081 on Plan 135464 (No. 290) Gaths Road, Commodine, subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. The operator to implement dust control measures for the piggery to the satisfaction of local government on an ongoing basis.
3. A Fire Management Plan to be prepared and implemented to the satisfaction of the local government prior to the local government registering the piggery under the Shire of Cuballing Health Local Laws 2007. Thereafter, the approved Fire Management Plan shall be subsequently maintained to the satisfaction of the local government.
4. The vehicular crossover onto Gaths Road is to be designed and constructed to the satisfaction of the local government prior to the piggery being expanded.

ADVICE

- A) The applicant is advised that the piggery must comply with other statutory requirements including the Health Act (Miscellaneous Provisions) 1911 and the Shire of Cuballing Health Local Laws 2007. The piggery shall be registered with the local government as an offensive trade under the Shire of Cuballing Health Local Laws 2007.
- B) The piggery expansion may be required to gain a Works Approval and an operating licence from the Department of Water and Environmental Regulation. The applicant/operator is encouraged to contact the Department of Water and Environmental Regulation to confirm regulatory requirements under the Environment Protection Act 1986 and the Environmental Protection Regulations 1987.
- C) The applicant is advised that this development approval is not a Building Permit. A Building Permit may be required for site and/or development works and must be formally applied for and obtained before commencement.
- D) The local government encourages the applicant/operator to:

- a. **comply with the National Environmental Guidelines for Piggeries (May 2010) or any updates;**
 - b. **be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program;**
 - c. **undertake appropriate mortalities management practices to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding;**
 - d. **ensure that any gates on the Gaths Road frontage are offset to ensure heavy haulage vehicles do not block the road when entering the site;**
 - e. **undertake appropriate replanting to the south of the piggery on Lot 9081; and**
 - f. **explore opportunities to acquire buffer land not currently owned by the applicant/operator including adjoining Lot 28 Walsh Road.**
- E) It is the responsibility of the applicant/operator to advise the local government when all conditions relating to the development have been satisfied.**
- F) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

APPLICATION FOR DEVELOPMENT APPROVAL

Owner Details		
Name: <i>Mark Furphy of Furphy & Co</i>		
ABN (if applicable): <i>45 130 446 725</i>		
Address: <i>290 Gath Road, PO Box 3 CUBALLING WA 6311</i>		
Phone: Home: <i>9888 4018</i> Mobile: <i>0427 818 004</i>	Fax: <i>9888 4018</i>	Email: <i>furphy01@bigpond.com</i>
Contact person for correspondence: <i>Mark Furphy</i>		
Signature:		Date:
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>		

Applicant Details (if different from owner)		
Name: <i>Furphy & Co</i>		
Address: <i>290 Gaths Road, Cuballing WA 6311</i>		
Phone: Home: <i>9888 4018</i> Mobile: <i>0427 818 004</i>	Fax: <i>9888 4018</i>	Email: <i>furphy01@bigpond.com</i>
Contact person for correspondence: <i>Mark Furphy</i>		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature:		Date:

Property Details		
Lot No:	House/Street No:	Location No: 9081
Diagram or Plan No: <i>P135464</i>	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name: <i>Gaths Road</i>	Suburb: <i>Cuballing</i>	
Nearest street intersection: <i>Gath & Walsh Road Intersection</i>		

Proposed Development	
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use: <i>This land is currently used as a piggery with 26 eco-shelters. Proposed works will include an additional 10 12x28 metre eco-shelters.</i>	
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use: <i>Eco-Shelters, straw based piggery growout</i>	
Approximate cost of proposed development: <i>Estimated cost of \$400,000 for expansion of 10 shelters</i>	
Estimated time of completion: <i>July/August 2020</i>	
Acceptance Officer's initials:	OFFICE USE ONLY Date received:
Local government reference No:	

FURPHY & CO

Piggery Planning Application to the Shire of Cuballing

Furphy & Co is a family partnership which owns and operates a mixed enterprise farming property in Cuballing. The pig, cropping and sheep enterprise is managed by Mark Furphy.

SITE DESCRIPTION

The 1100 hectare property is located at 290 Gaths Road, Cuballing, with the piggery being located on Loc 9081 (Appendix 1: Location & Farm Map)

Cropping and sheep production are the main enterprise of the property with pig production being an additional income.

The piggery was originally built in 1998 containing 12 shelters; 4 weaner, 7 growers and 1 weigh shelter, office/lunchroom and grain storage facilities. Since then a further 14 shelters have been erected allowing the site to hold 5000 weaner/grower bacon pigs. (Appendix 2: Infrastructure)

Access to the piggery is from Gaths Road, Cuballing, approximately 15km from the Cuballing town site. Both Gaths Road and the access roads are good quality gravel surfaces. The piggery is not visible from council roads.

The piggery does not have an electricity connection, nor does it use petrol generators. Surface water is collected in large dams and pumped to holding tanks, as is good quality groundwater from 2 bores. (Appendix 3: Farm Plan – services)

The piggery does not have any effect on the use and development of surrounding land and buildings.

PIGGERY OPERATION

There are currently 5000 pigs within the shelters. Expansion of the piggery is currently under debate with Westpork Pty Ltd. and Furphy & Co would like these probably plans discussed and included in this application.

The expansion will comprise of an additional 10 shelters allowing a further 5000 weaner, grower and finisher pigs to be grown out in the facility. The new shelters will be erected west of the current piggery and built at the same eco shelter design. (Appendix 4: Expansion)

Class	Weight	Age (weeks)	SPU Factor	Current no. of pigs	Current SPU's
Weaner	5-25			1650	
Grower	25-50kg	11-15	1.0	4400	4400
Finisher	50-100kg	16-22	1.6	3300	5280
Heavy Finisher	100-130kg	24-30	1.8	550	990
				9900	10670

Replacement weaner stock is sourced from Westpork Pty Ltd, near Kojonup. Bacon weight stock is slaughtered at Linley Valley Pork in Wooroloo.

Piggery Management

Feed is sourced off farm by Wesfeeds and brought in once a week. Straw for bedding is provided on-farm.

Weaner pigs arrive on farm at 3 weeks and remain in the shelters for approximately 21 weeks. Sale weight pigs are sorted in the weigh shed before being loaded for transport to the abattoir.

Waste & Mortalities

Shelter waste is stockpiled on a clay-based site adjacent to the shelters and spread on cropping paddocks during February and March each year.

Mortalities are disposed of by shallow burial within combined straw/pig waste, composted and spread on paddocks. (Appendix 2)

We understand that an increase in pig numbers may impact on odour and noise, however, believe that an expansion of this size will not have a large effect on neighbouring properties. It is also expected that the farm will be able to manage and dispose of the increase in waste and mortalities in the same manner as noted previously in this application.

Staff Numbers & Vehicle Movements

The piggery is currently managed and operated by Ferdinand F. David of Narrogin with Mark Furphy aiding when required. A further pig hand may be required once the addition pig numbers arrive on farm.

Vehicle movements are highest at harvest time, along with a weekly feed delivery, delivery of replacement breeding stock and removal of sale pigs.

Gath Road is a good quality gravel road; with main access to the piggery also via a good quality road, occasionally graded by the Shire Council to maintain safety.

ENVIRONMENTAL IMPACT ASSESSMENT

The piggery is not visible from main roads. The nearest towns are Cuballing, Popanyinning and Wickopin all in excess of 15km away.

There are 7 residences within an 8km radius of the piggery. The nearest resident belongs to Mark Furphy with the second closest being Simon Newman, residing on Walsh Road. (Appendix 5: Residential Housing)

No complaints have been received from neighbours in relation to odour, dust or noise since the piggery has been located at the site.

Shelter cleaning is the event causing the highest odour risk. Noise is minimal except during loading times; however, this is a weekly event and short in duration.

Water, Soil & Vegetation

Rainfall drainage runs into a natural waterway which travels a kilometre before leaving the farm. There are no drainage banks to prevent water flow through the piggery. (Appendix 6: Water Drainage)

Waste piles are located on higher ground, resulting in water flowing away and not through the storage site.

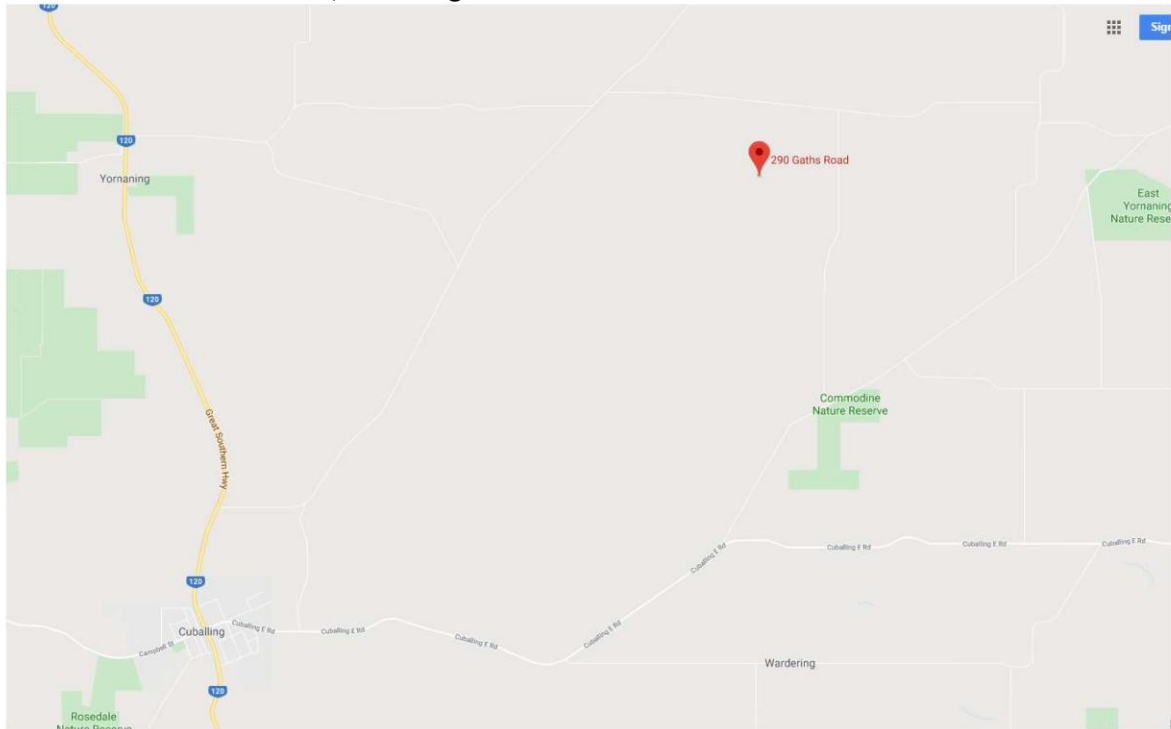
There are no impacts on soils and remnant vegetation.

INDUSTRY GUIDELINES

The piggery is currently accredited under the Australian Pork Industry Quality Assurance Program, APIQ (Appendix 7)

Appendix 1: Location & Farm Map

Location - 290 Gaths Road, Cuballing



Farm Map



Appendix 2: Infrastructure



Appendix 3: Farm Plan - Services



Appendix 4: Expansion



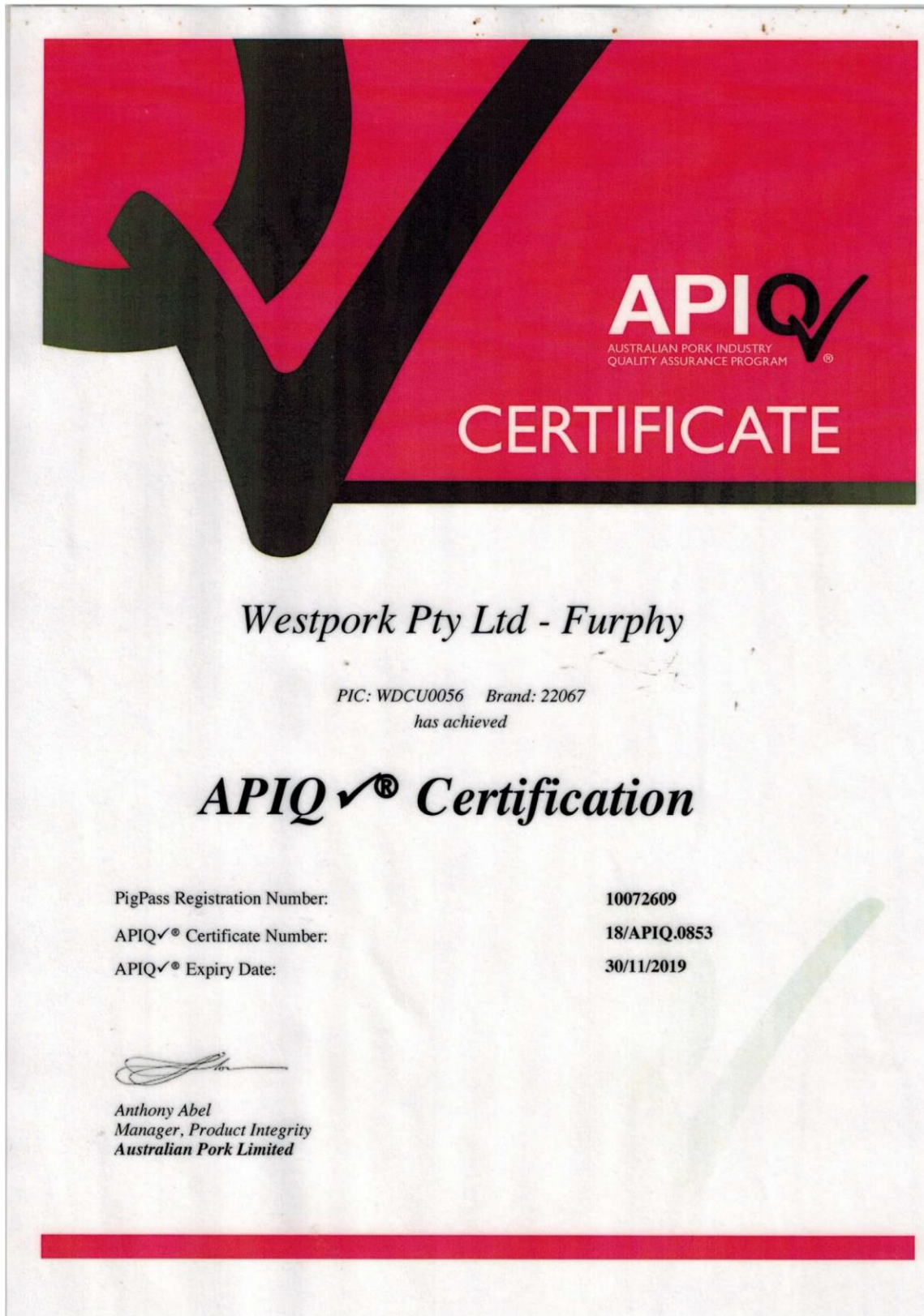
Appendix 5: Residential Housing



Appendix 6: Water Drainage



Appendix 7



From: Mark & Belinda Furphy <furphy01@bigpond.com>
Sent: Tuesday, 3 March 2020 5:57 PM
To: Gary Sherry <ceo@cuballing.wa.gov.au>
Subject: RE: Furphy Piggery Application

Dear Gary,

Thank you for your email and allowing us to further comment concerning the public response to our application to expand the piggery before presenting to the March Council Meeting.

The piggery, located at 290 Gath road, Cuballing was established by my parents approximately 20 years ago. This piggery has full Shire approval and has been running above APIQ standards using higher than average straw, which I believe, keeps the odour down as much as possible.

As the piggery is already set up and running an odour is now present. I trust that an expansion will not have a larger effect on neighbouring properties, however, believe you only smell the piggery when you are directly downwind, which I consider would only be 5% of the time. In addition to the daily odour, stock-piled waste is spread across the cropping paddocks between January and March. This waste may not be as composted resulting in a stronger odour. I would also like to advise that our facility is not the only piggery within the area, and I believe it would be quite difficult to know where all the odour is coming from.

The opportunity to expand will not only increase the piggery industry is will also inject over \$300,000 of business to local companies for labour, cement, silo feeders and steel manufacturing. As well as the ongoing employment of people in the district.

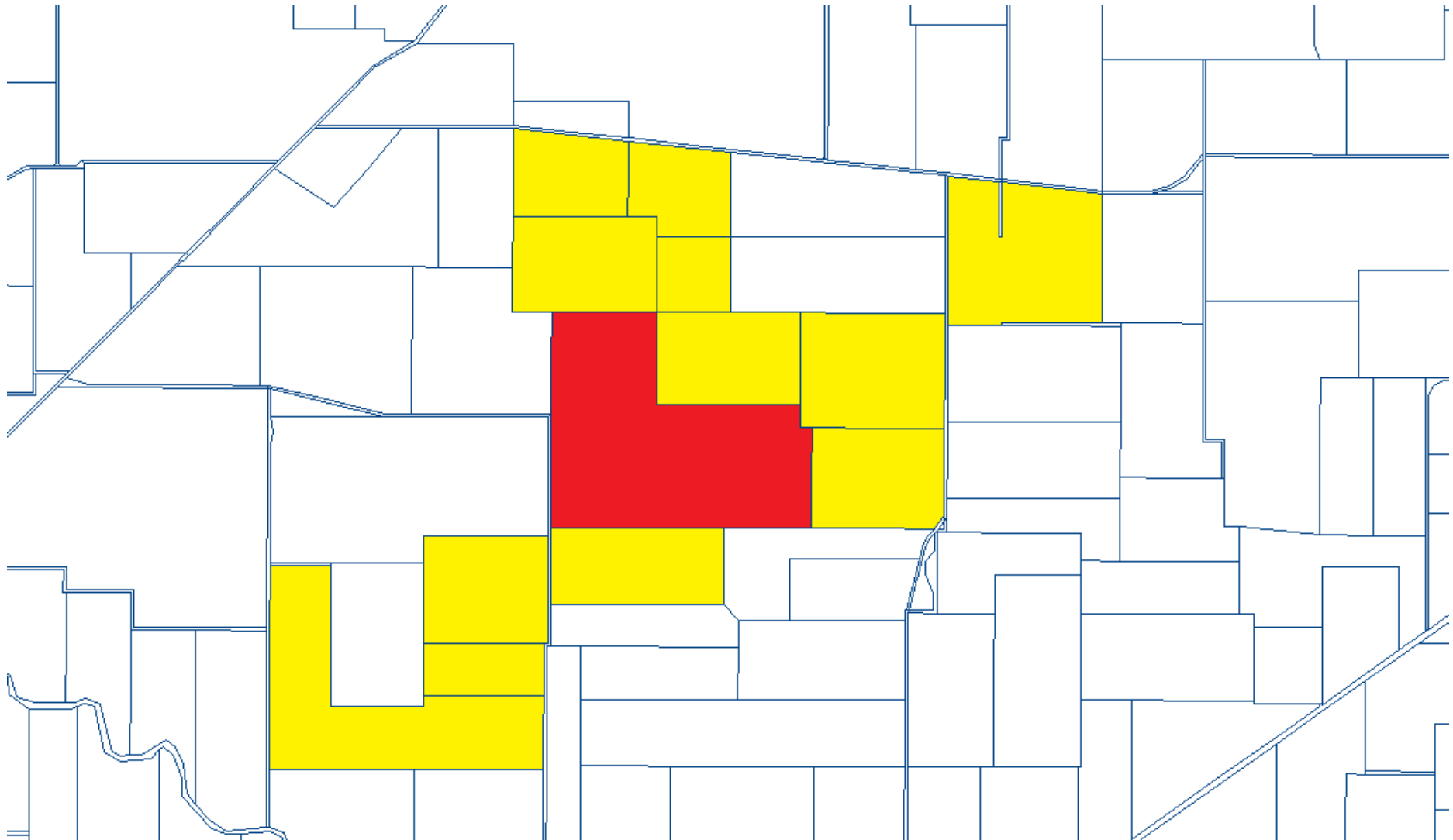
The proposed numbers of pigs in the table below are correct.

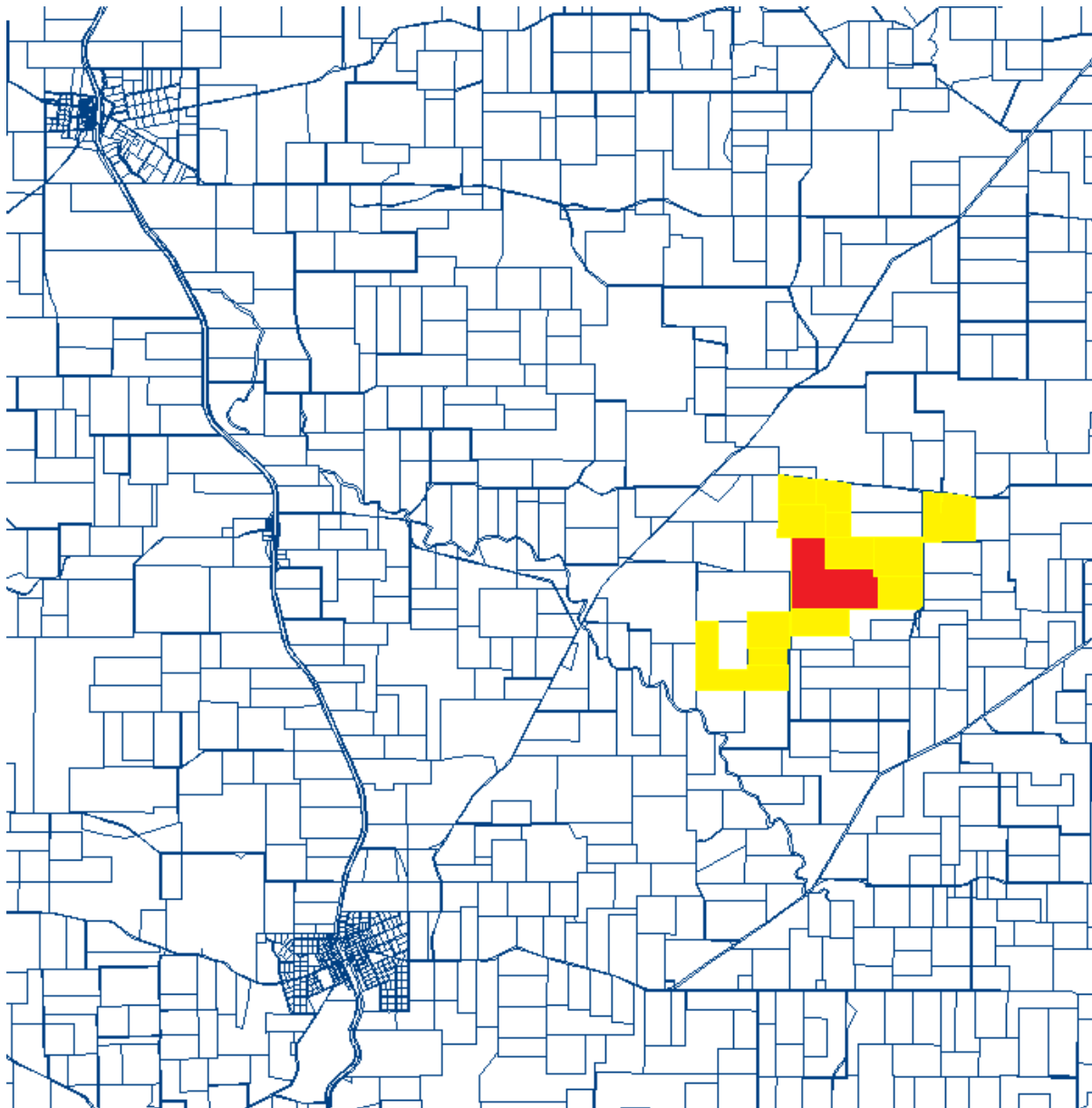
Class	Weight	Age (Weeks)	SPU Factor	Current No. Pigs	Current SPUs	Proposed No Pigs	Proposed SPUs
Weaner	8-25 kg		0.5		-	1,650	825
Grower	25-55 kg	11-15	1	2,000	2,000	4,400	4,400
Finisher	55-100 kg	16-22	1.6	2,000	3,200	3,300	5,280
Heavy Finisher	100-130 kg	24-30	1.8	1,000	1,800	550	990
				5,000	7,000	9,900	11,495

Thank you again for allowing us to respond to the public comments.

Kind regards

Mark & Belinda Furphy
FURPHY & CO
 Adelong Farm
 Ph/Fax: 9888 4018
 Mark: 0427 818 004
 Belinda: 0429 086 911
furphy01@bigpond.com





From: Simon Newman <simonajnewman@gmail.com>
Sent: Saturday, 8 February 2020 6:24 PM
To: Shire of Cuballing Enquiries <enquiries@cuballing.wa.gov.au>
Subject: Piggery Expansion

Hi Garry

Just read application for increase in piggery on Gath Road. Wish to advise that I have had conversations with regards to odour in past 8 months which have not been successfully dealt with.

I would like to have my opposition noted to expansion and further more like to have noted that in hindsight would have also opposed previous expansion had odour incursion been recognised.

My contact with regards to odour was with Mark directly at first in approximately July /August with a follow up a few weeks later and a further conversation with his father at Burges's clearing sale. Although there has been no written correspondence with regards to this issue and no further follow up conversation the problem still exists.

Happy to discuss with you regarding this and possibly solutions to said problem at any time.

Regards Simon Newman
Ph 0427836001

From: Rebecca Pauley <rebecca.pauley1@gmail.com>
Sent: Tuesday, 18 February 2020 2:25 PM
To: Shire of Cuballing Enquiries <enquiries@cuballing.wa.gov.au>
Subject: Piggery 290 Gath Road Cuballing

Dear Gary

I am writing to advise my views about the proposed increase for the above piggery.

It is my preference that it is not increased as I do not want to have the smells from the piggery to be any more frequent or smellier than currently.

It is very unpleasant at present levels and I would appreciate it if the piggery remained the same size.

Regards
Rebecca Pauley

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed provisions for local planning schemes Part 9 Procedure for dealing with applications for development approval

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
- (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

9.2.2	2019 Compliance Audit Return
-------	------------------------------

Applicant:	N/A
File Ref. No:	ADM 35
Disclosure of Interest:	Nil
Date:	9 th March 2020
Author:	Gary Sherry
Attachments:	8.1.1A Draft 2019 Compliance Audit Return

Summary

Council is to consider the draft Compliance Audit Return for the period 1st January 2019 to 31st December 2019 and a recommendation for action by the Shire of Cuballing's Audit Committee.

Background

The Compliance Audit Return (CAR) is a Department of Local Government, Sport and Cultural Industries (DLGSC) prepared check list of some of the statutory requirements for Local Governments were required to comply with in the twelve months to 31st December 2019.

While the structure of the 2019 CAR is generally similar to that of previous years, the DLGSC has kept the reduced number of areas of compliance covered in recent CAR's to those considered high risk. The CAR contains substantially fewer questions, reducing the size of the CAR from the previous 27 pages in 2010 to 12 pages for 2019.

Regulation 14 of the Local Government (Audit) Regulations requires that a local government's Audit Committee reviews the CAR and reports the results of that review to the Council prior to adoption by Council and submission to the DLGSC.

The Statutory Compliance Audit Return is to be:

1. presented to the Audit Committee for consideration at a meeting of the Audit Committee; by Council;
2. recommended for Adoption by Council at an Audit Committee Meeting;
3. presented to the Council at a meeting of Council;
4. adopted by the Council; and
5. the adoption recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Executive Director, DLGSC, by 31st March 2020.

Comment

Council's Audit Committee considered the CAR 2019 at their meeting held on Monday 9th March 2019. The draft Compliance Audit Return 2019 is included at Attachment 9.2.2A.

The 2019 Compliance Audit Return included the following matters of non-compliance:

Finance				
No	Ref	Question	Response	Comments
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2019 received by the local government by 31 December 2019?	No	The Auditor's report for the financial year ended 30 June 2019 was not received by the local government by 31 December 2019
Integrated Planning and Reporting				
No	Ref	Question	Response	Comments
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	No	The Shire of Cuballing has commenced the preparation process and anticipates having a completed Corporate Business Plan by 30 June 2020.
2	s5.56 Admin Reg 19DA (4)	Has the local government reviewed the Corporate Business Plan in the 2018-2019 Financial Year. If Yes, please provide date of Council meeting the review was adopted at?	No	The Shire of Cuballing has commenced the preparation process and anticipates having a completed Corporate Business Plan by 30 June 2020.
Optional Questions				
No	Ref	Question	Response	Comments
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5(2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	No	Council accepted a Management Systems Review on 21 April 2016.
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulation 17 within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	No	The Shire of Cuballing Audit Committee received an Audit, Risk and Compliance Review on 15 December 2016.

Tenders for Providing Goods and Services				
No	Ref	Question	Response	Comments
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16?	No	RFT2/2019 did not allow 14 days between state wide notice and closing of tenders. Upon identification by senior staff, Council did not accept any tenders and completed a compliant tender process with RFT4/2019.

Strategic Implications

GOVERNANCE & ORGANISATION - Our Council, Services, Policies and Engagement.
Goals

- Governance structures that ensure accountable, transparent and ethical decision making.
- Building the organisation and managing its structure, finances and assets in a sustainable manner.

	Strategy	Outcome
4.2	Maintain a clear, transparent and ethical decision making process.	Openness and transparency in Council decisions.
4.3	Ensure open and consistent communication between the Shire and the community.	The community is aware of Council decisions and activities.
4.5	Be innovative in the management of Shire operations, services, staff and resources to create a resilient and financially stable Shire.	A Shire that is progressive, sustainable, resilient and adaptive to changes.

Statutory Environment

Local Government Act 1995

7.13. Regulations as to audits

- (1) Regulations may make provision —
- (aa) as to the functions of the CEO and the audit committee in relation to audits carried out under this Part and reports made on those audits;
 - (ab) as to the functions of audit committees, including the selection and recommendation of an auditor;
 - (ac) as to the procedure to be followed in selecting an auditor;
 - (ad) as to the contents of the annual report to be prepared by an audit committee;
 - (ae) as to monitoring action taken in respect of any matters raised in a report by an auditor;
 - (a) with respect to matters to be included in agreements between local governments and auditors;
 - (b) for notifications and reports to be given in relation to agreements between local governments and auditors, including any variations to, or termination of such agreements;
 - (ba) as to the copies of agreements between local governments and auditors being provided to the Department;

- (c) as to the manner in which an application may be made to the Minister for approval as an auditor;
 - (d) in relation to approved auditors, for —
 - (i) reviews of, and reports on, the quality of audits conducted;
 - (ii) the withdrawal by the Minister of approval as an auditor;
 - (iii) applications to the State Administrative Tribunal for the review of decisions to withdraw approval;
 - (e) for the exercise or performance by auditors of their powers and duties under this Part;
 - (f) as to the matters to be addressed by auditors in their reports;
 - (g) requiring auditors to provide the Minister with such information as to audits carried out by them under this Part as is prescribed;
 - (h) prescribing the circumstances in which an auditor is to be considered to have a conflict of interest and requiring auditors to disclose in their reports such information as to a possible conflict of interest as is prescribed;
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.
- (2) Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.

Local Government (Audit) Regulations

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

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

Table

Local Government Act 1995		
s. 3.57	s. 3.58(3) and (4)	s. 3.59(2), (4) and (5)
s. 5.16	s. 5.17	s. 5.18
s. 5.36(4)	s. 5.37(2) and (3)	s. 5.42
s. 5.43	s. 5.44(2)	s. 5.45(1)(b)
s. 5.46	s. 5.67	s. 5.68(2)
s. 5.69(5)	s. 5.70	s. 5.71B(5) and (7)
s. 5.73	s. 5.75	s. 5.76
s. 5.77	s. 5.88	s. 5.89A
s. 5.103	s. 5.120	s. 5.121
s. 7.1A	s. 7.1B	s. 7.3
s. 7.6(3)	s. 7.9(1)	s. 7.12A
Local Government (Administration) Regulations 1996		
r. 18A	r. 18C	r. 18E
r. 18F	r. 18G	r. 19
r. 19C	r. 19DA	r. 22
r. 23	r. 28	r. 34B
r. 34C		
Local Government (Audit) Regulations 1996		
r. 7	r. 10	
Local Government (Elections) Regulations 1997		
r. 30G		

Local Government (Functions and General) Regulations 1996		
r. 7	r. 9	r. 10
r. 11A	r. 11	r. 12
r. 14(1), (3) and (5)	r. 15	r. 16
r. 17	r. 18(1) and (4)	r. 19
r. 21	r. 22	r. 23
r. 24	r. 24AD(2), (4) and (6)	r. 24AE
r. 24AF	r. 24AG	r. 24AH(1) and (3)
r. 24AI	r. 24E	r. 24F
Local Government (Rules of Conduct) Regulations 2007		
r. 11		

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

Policy Implications – Nil

Financial Implications – Nil

Economic Implications – Nil

Social Implications – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

The Committee can resolve:

1. the Officer's Recommendation; or
2. defer and seek additional information.

Voting Requirements – Simple Majority

AUDIT COMMITTEE'S RECOMMENDATION

That Council:

- 1. adopts the completed Local Government Compliance Audit Return for the period 1st January 2019 to 31st December 2019 and the President and Chief Executive Officer be authorised to sign the joint certification and return to the Director General of the Department of Local Government and Communities as required; and**
- 2. notes the non-compliance matter and requests that the Chief Executive Officer ensure the area of non-compliance is addressed.**

Cuballing - Compliance Audit Return 2019

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2019?	N/A	No major trading undertakings were commenced	Gary Sherry
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2019?	N/A	No major land transactions were commenced	Gary Sherry
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2019?	N/A		Gary Sherry
4	s3.59(4)	Has the local government complied with public notice and publishing requirements of each proposal to commence a major trading undertaking or enter into a major land transaction for 2019?	N/A		Gary Sherry
5	s3.59(5)	Did the Council, during 2019, resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Gary Sherry

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority?	N/A	No delegations were provided to committees.	Gary Sherry
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing?	N/A		Gary Sherry
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17?	N/A		Gary Sherry
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations?	N/A		Gary Sherry
5	s5.18	Has Council reviewed delegations to its committees in the 2018/2019 financial year?	N/A		Gary Sherry
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the	Yes		Gary Sherry

		CEO exclude those as listed in section 5.43 of the Act?			
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority?	Yes	19 June 2019	Gary Sherry
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing?	Yes		Gary Sherry
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Gary Sherry
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	N/A	No decisions made to amend or revoke delegations were made.	Gary Sherry
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees?	Yes		Gary Sherry
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2018/2019 financial year?	Yes	June 2019	Gary Sherry
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required?	Yes		Gary Sherry

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68)?	Yes		Gary Sherry
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings?	N/A		Gary Sherry
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made?	Yes		Gary Sherry
4	s5.73	Where the CEO had an interest relating to a gift under section 5.71A(1), was written notice given to the Council?	N/A		Gary Sherry

5	s5.73		Where the CEO had an interest relating to a gift in a matter in respect of a report another employee is providing advice on under section 5.71A (3), was the nature of interest disclosed when the advice or report was provided?	N/A		Gary Sherry
6	s5.75(1)	Admin	Was a primary return lodged by all newly elected members within three months of their start day?	Yes		Gary Sherry
7	s5.75(1)	Admin	Was a primary return lodged by all newly designated employees within three months of their start day?	N/A	No newly designated employees commenced work.	Gary Sherry
8	s5.76(1)	Admin	Was an annual return lodged by all continuing elected members by 31 August 2019?	Yes		Gary Sherry
9	s5.76(1)	Admin	Was an annual return lodged by all designated employees by 31 August 2019?	Yes		Gary Sherry
10	s5.77		On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return?	Yes		Gary Sherry
11	s5.88(1)(2)	Admin	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76?	Yes		Gary Sherry
12	s5.88(1)(2)	Admin	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28?	Yes		Gary Sherry
13	s5.89A	Admin	Did the CEO keep a register of gifts which contained a record of disclosures made under section 5.71A, in the form prescribed in Administration Regulation 28A?	Yes		Gary Sherry
14	s5.88 (3)		Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76?	Yes		Gary Sherry
15	s5.88(4)		Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee?	Yes		Gary Sherry

16	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes?	Yes		Gary Sherry
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report?	Yes		Gary Sherry
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee?	Yes		Gary Sherry
19	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees?	Yes		Gary Sherry

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5))?	N/A		Bronwyn Dew
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	N/A		Bronwyn Dew

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg (1)(2) 30G	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates?	Yes		Gary Sherry

2	Elect Reg 30G(3) &(4)	Did the CEO remove any 'disclosure of gifts' forms relating to an unsuccessful candidate or a successful candidate that completed the term of office from the electoral gift register, and retain those forms separately for a period of at least 2 years?	N/A	No 'disclosure of gifts' forms were received.	Gary Sherry
---	-----------------------	--	-----	---	-------------

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes		Bronwyn Dew
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A		Bronwyn Dew
3	s7.3(1)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor, a registered company auditor?	Yes		Bronwyn Dew
4	s7.3(1), 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council?	N/A	The Office of Auditor General is the appointed the auditor.	Gary Sherry
5	Audit Reg 10	Was the Auditor's report(s) for the financial year(s) ended 30 June received by the local government within 30 days of completion of the audit?	Yes	The Auditors Report for 2017/18 was received by Council within 30 days of the completion of the audit.	Gary Sherry
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2019 received by the local government by 31 December 2019?	No	The Auditor's report for the financial year ended 30 June 2019 was not received by the local government by 31 December 2019	Gary Sherry
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government, ensure that appropriate action was undertaken in respect of those matters?	Yes		Gary Sherry

8	S7.12A (4)	Where the auditor identified matters as significant in the auditor's report (prepared under s7.9(1) of the Act), did the local government prepare a report stating what action had been taken or it intended to take with respect to each of the matters and give a copy to the Minister within 3 months after receipt of the audit report?	Yes	Gary Sherry
9	S7.12A (5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes	Gary Sherry
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit?	Yes	Bronwyn Dew
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit?	Yes	Bronwyn Dew
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit?	Yes	Bronwyn Dew
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor?	Yes	Bronwyn Dew
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor?	Yes	Bronwyn Dew

Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	s5.56 Reg 19DA (6)	Admin Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	No	The Shire of Cuballing has commenced the preparation process and anticipates having a completed Corporate Business Plan by 30 June 2020.	Gary Sherry

2	s5.56 Reg 19DA (4)	Admin	Has the local government reviewed the Corporate Business Plan in the 2018-2019 Financial Year. If Yes, please provide date of Council meeting the review was adopted at?	No	The Shire of Gary Sherry Cuballing has commenced the preparation process and anticipates having a completed Corporate Business Plan by 30 June 2020.
3	s5.56 Reg 19C	Admin	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	20 July 2017 Gary Sherry
4	s5.56 Reg 19C (4)	Admin	Has the local government reviewed the current Strategic Community Plan. If Yes, please provide date of most recent review by Council in Comments. Note: If the current Strategic Community Plan was adopted after 1/1/2016, please respond N/A and provide adoption date in Comments?	Yes	19 October 2019 Gary Sherry
5	S5.56 19DA (3)	Admin Reg	Has the local government developed an Asset Management Plan(s) that covers all asset classes. If Yes, please provide the date of the most recent Plan adopted by Council in Comments?	Yes	19 October 2017 Gary Sherry
6	S5.56 Reg 19DA (3)	Admin	Has the local government developed a Long Term Financial Plan. If Yes, please provide the adoption date of the most recent Plan in Comments?	Yes	19 October 2017 Gary Sherry
7	S5.56 19DA (3)	Admin Reg	Has the local government developed a Workforce Plan. If Yes, please provide adoption date of the most recent Plan in comments?	Yes	19 October 2017 Gary Sherry

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A	No CEO employment process was undertaken.	Gary Sherry
2	s5.36(4) s5.37(3), Reg 18A	Admin Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A?	N/A	No CEO or senior employees positions were vacant.	Gary Sherry

3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4)?	N/A	No CEO employment process was undertaken.	Gary Sherry
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only)?	N/A	No CEO employment process was undertaken.	Gary Sherry
5	s5.37(2)	Did the CEO inform Council of each proposal to employ or dismiss a designated senior employee?	N/A	No senior employees were employed or dismissed.	Gary Sherry

Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer?	N/A	The CEO is the complaints officer	Gary Sherry
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c)?	Yes		Gary Sherry
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made?	Yes		Gary Sherry
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint?	Yes		Gary Sherry
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred?	Yes		Gary Sherry
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c)?	Yes		Gary Sherry

Optional Questions

No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5(2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	No	Council accepted a Gary Sherry Management Systems Review on 21 April 2016.	
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulation 17 within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	No	The Shire of Gary Sherry Cuballing Audit Committee received an Audit, Risk and Compliance Review on 15 December 2016.	
3	Financial Management Reg 5A.	Did the local government provide AASB 124 related party information in its annual report(s) tabled at an electors meeting(s) during calendar year 2019?	Yes		Gary Sherry
4	S6.4(3)	Did the local government submit to its auditor by 30 September 2019 the balanced accounts and annual financial report for the year ending 30 June 2019?	Yes	Balanced accounts and annual financial report for the year ending 30 June 2019 were provided on 24 September 2019	Gary Sherry

Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2))?	Yes		Gary Sherry
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract?	Yes		Gary Sherry
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice?	Yes		Gary Sherry

4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16?	No	RFT2/2019 did not allow 14 days between state wide notice and closing of tenders. Upon identification by senior staff, Council did not accept any tenders and completed a compliant tender process with RFT4/2019.	Gary Sherry
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation?	N/A	The Shire did not seek to vary the information supplied to tenderer	Gary Sherry
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16?	Yes		Gary Sherry
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender?	N/A	No tenders were not submitted at the place, and within the time specified in the invitation to tender	Gary Sherry
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria?	Yes		Gary Sherry
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection?	Yes		Gary Sherry
10	F&G Reg 19	Did the CEO give each tenderer written notice advising particulars of the successful tender or advising that no tender was accepted?	Yes		Gary Sherry
11	F&G Reg 21 & 22	Did the local governments advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22?	N/A	No expressions of interest were completed.	Gary Sherry
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice?	N/A		Gary Sherry
13	F&G Reg 23(4)	After the local government considered expressions of	N/A		Gary Sherry

		interest, did the CEO list each person considered capable of satisfactorily supplying goods or services?		
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest, a notice in writing in accordance with Functions & General Regulation 24?	N/A	Gary Sherry
15	F&G Reg (1) & (2)	24AC Has the local government established a policy on procurement of goods and services from pre-qualified suppliers in accordance with the regulations?	N/A	The Shire does not procure goods and services from pre-qualified suppliers. Gary Sherry
16	F&G 24AD(2)	Reg Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice?	N/A	Gary Sherry
17	F&G 24AD(4) & 24AE	Reg Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE?	N/A	Gary Sherry
18	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application?	N/A	Gary Sherry
19	F&G 24AD(6)	Reg If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, given notice of the variation?	N/A	Gary Sherry
20	F&G 24AH(1)	Reg Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications?	N/A	Gary Sherry
21	F&G 24AH(3)	Reg In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria?	N/A	Gary Sherry
22	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG?	N/A	Gary Sherry



23	F&G Reg 24AI	Did the CEO send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted?	N/A	Gary Sherry
24	F&G Reg 24E	Where the local government gave a regional price preference, did the local government comply with the requirements of F&G Reg 24E including the preparation of a regional price preference policy?	Yes	Gary Sherry
25	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy?	Yes	Gary Sherry
26	F&G Reg 11A	Does the local government have a current purchasing policy that comply with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less?	Yes	Gary Sherry
27	F&G Reg 11A	Did the local government comply with it's current purchasing policy in relation to the supply of goods or services where the consideration under the contract is, or is expected to be \$150,000 or less or worth \$150,000 or less?	Yes	Gary Sherry

I certify this Compliance Audit return has been adopted by Council at its meeting on 20th March 2019.

Signed Mayor / President, Cuballing

Signed CEO, Cuballing

9.2.3 Application to Keep Additional Dogs – 49 Beeston Street Cuballing

Applicant: Ms Samantha Spurr and Mr Ryan Rayment, 49 Beeston Street Cuballing
File Ref. No: ADM290
Disclosure of Interest: Impartiality Interest – The author lives within 350 metres of 49 Beeston Street and is able to hear the noise of dogs barking on occasion
Date: 10th March 2020
Author: Gary Sherry
Attachments: Nil

Summary

Council is to consider permission to allow residents to keep four dogs on a property within the townsite of Cuballing.

Background

The Shire of Cuballing Dog Local Law permits only 2 dogs to be kept at premises within a townsite.

Under section 26(3) of the Dog Act Council may grant an exemption to the limits on the number of dogs to be kept at premises, but any such exemption:

- may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
- may be revoked or varied at any time.

Comment

The Shire of Cuballing has received an application from Ms Samantha Spurr and Mr Ryan Rayment to keep an additional two dogs at their residence 49 Beeston Street, on the corner of Beeston and Hart Streets, Cuballing. A location map showing the applicants residence is included at Attachment 9.2.3A.

Ms Spurr and Mr Rayment have made application to keep:

1. “Buddy” a ginger, male, jack russell terrier cross; and
2. “Red” a black and tan, male kelpie.

There are two other registered kelpie dogs kept at the premises.

Council became aware of the issues of dogs roaming and barking excessively in late 2019. Following reports from neighbours, the contract ranger service visited the property and worked with the owners to contain their dogs.

It would appear that the cages built to contain the dogs contribute to excessive noise of dogs barking on occasions, particularly when the owners are absent.

During this time, the Shire became aware of additional dogs at the property. The owner advised that Red, the black and tan, male kelpie, was adopted by the owner as an abandoned dog. To allow the dog to recover its health and then be rehomed, staff gave the owner time to complete this process before enforcing the requirements of the Dog Local Law.

The second additional dog, the smaller jack russell terrier cross was not visible when the contract ranger first visited the premises. This dog has not been the subject of complaints.

The Shire of Cuballing wrote to the applicant and to the owners of 7 nearby residences seeking additional comment on the application. The comment received is included at Attachment 9.2.3B. Comments point to issues around roaming dogs and to excessive noise of dogs barking. None of the comment supports Council granting an exemption.

In addition staff have recently contacted the owners about excessive noise of dogs barking coming from the premises when the owners were again absent.

Given:

1. The ongoing issues of excessive noise of dogs barking, particularly when the owners are again absent; and
 2. The lack of support from neighbours:
- the Officer's Recommendation does not support Council granting an exemption to the number of dogs to be registered at 49 Beeston Street.

Council should be aware that under Section 26(5) of the Dog Act 1976 any person who is aggrieved:

- by the conditions imposed in relation to any exemption under subsection (3); or
 - by the refusal of a local government to grant such an exemption, or by the revocation of an exemption;
- may apply to the State Administrative Tribunal for a review of the decision.

Strategic Implications – Nil

Statutory Environment

Shire of Cuballing Dogs Local Law

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

Dogs Act 1976

26. Limitation as to numbers

- (1) A local government may, by a local law under this Act —
 - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
 - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
 - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
 - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
 - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
 - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of —

- (i) more than 6 dogs that have reached 3 months of age; or
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
- and
- (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
 - (i) a local law mentioned in subsection (1); or
 - (ii) an exemption granted under subsection (3);
- or
- (b) more than —
 - (i) 2 dangerous dogs (declared); or
 - (ii) 2 dangerous dogs (restricted breed); or
 - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
 - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.
- Penalty:
- (a) for an offence relating to a dangerous dog —
 - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500;
 - (b) for an offence relating to a dog other than a dangerous dog —
 - (i) a fine of \$5 000;
 - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$100.
- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption under subsection (3); or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
- may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

Policy Implications

Council has no policy in relation to the keeping of more dogs than permitted under the Dogs Local Law.

Financial Implications

The Shire of Cuballing anticipates expending \$12,200 on dog control contractors in 2019/20. Considerable additional time is also expended by Shire of Cuballing staff.

Economic Implication – Nil

Social Implication

The keeping of dogs is a major past time of Cuballing residents. While this is a positive undertaking, the negative impacts on neighbours and other residents of uncontrolled dogs or an excessive number of dogs has the potential to be considerable.

Environmental Considerations – Nil

Consultation

The Shire of Cuballing wrote to the applicant and to the owners of 7 nearby residences seeking additional comment on the application.

Options

Council may resolve:

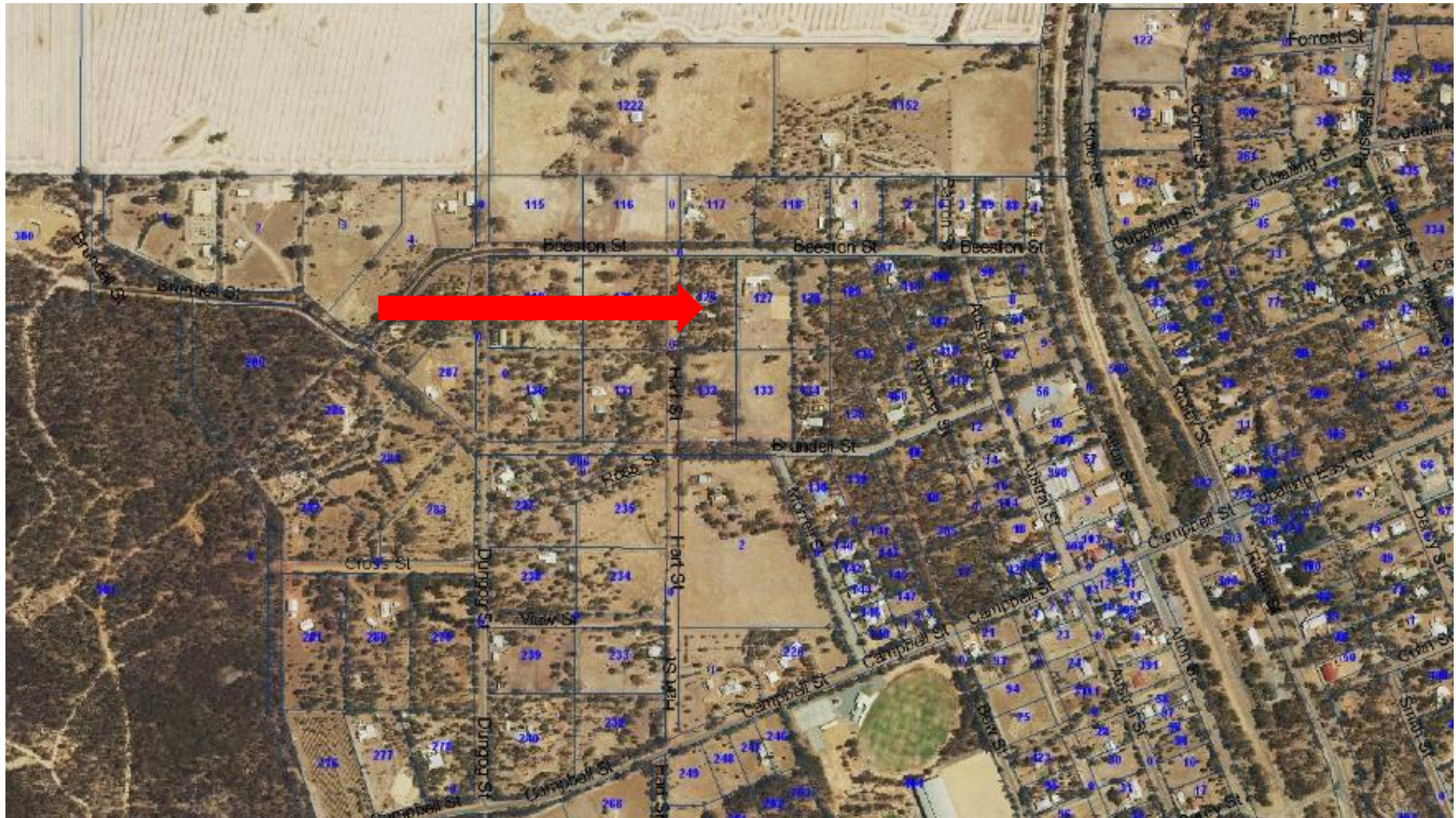
1. the Officer's Recommendation; or
2. to approve the request of the applicants to keep four dogs at 49 Beeston Street, Cuballing. Such approval should include conditions that at least:
 - identify the dogs permitted to be kept;
 - impose conditions on the keeping of the dogs requiring compliance;
 -
3. To defer and seek additional information.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1. refuse the application from Ms Samantha Spurr and Mr Ryan Rayment to keep more than two dogs at 49 Beeston Street, Cuballing; and**
- 2. advise that if the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Section 26(5) of the Dog Act 1976. An application must be made within 28 days of the determination**



ADM290

TO CHIEF EXECUTIVE OFFICER,

Sir,

I wish to object to a granting of an exemption to the two dog policy.

The applicant works most of the week and is either out at work or away with her house 24/36 hours quite often. This leaves her dogs to roam free and bark day & night. Buddy being the worst offender. May I suggest that before you grant permission for more than two dogs that you recommend that Ms Spurr buy and fit a collar for Buddy (Jack Russell) to stop him barking continuously. The two dog policy is a good one and I hope you stick to it. Why do people have animals but are never there to look after them, allowing them to do every body's business.

Yours Sincerely
M. Towers

Aom 290
04 MAR 2020

Mr & Mrs Andrew Kittow
P.O. Box 80
CUBALLING WA 6311
Andrew mobile - 0428 632 533
Mary mobile - 0429 836 128

Mr Gary Sherry
Chief Executive Officer
Shire of Cuballing
PO Box 13
CUBALLING WA 6311

Dear Mr Sherry,

APPLICATION TO KEEP ADDITIONAL DOGS AT 49 BEESTON STREET

Thank you for your letter dated 19th February regarding the above stated application. We are writing this letter to request the Shire not grant an exemption to Ms Spurr permitting her to have 2 more dogs kept at her residence.

We are making this request to the Shire as at the present time the dogs kept at 49 Beeston Street are constantly barking as it is. Granting approval for another 2 dogs would only exacerbate this annoying problem. If all the residence in the Cuballing town site were to make a similar request and were given approval the noise levels from constant barking dogs could prove to be intolerable.

Thank you for considering our request. Please contact us at anytime should you require further information or clarification.

Yours faithfully,

Andrew Kittow
Mary Kittow

3rd March, 2020

ADM 290

06 MAR 2020

Nicole Gould

From: Brian McDowell <briantmac@gmail.com>
Sent: Thursday, 5 March 2020 5:50 PM
To: Shire of Cuballing Enquiries
Subject: Att: CEO

Garry, I am in receipt of your letter ref: ADM 290 regarding the application to keep 2 additional dogs at the property.

It is my understanding that the extra 2 dogs are currently on the premises.

I have a strong objection to Ms Spurr being granted permission to keep these extra dogs, as one of the current dogs (a small terrier) is frequently loose on the property and barks uncontrollably, even although we are 200 mts away we can hear it clearly.

Frankly, if Ms Spurr cannot control the 2 dogs that she is entitled to have on her property under the Act then permission should not be granted to add further.

tkc

Brian McDowell

ADM 290

25 FEB 2020

Benjamin and Naomi Kittow
PO Box 189
Cuballing, WA 6311
0437 378 492

Gary Sherry
Cuballing Shire CEO
PO Box 13
Cuballing, WA 6311

24th February 2020

Dear Mr Sherry,

APPLICATION TO KEEP ADDITIONAL DOGS AT 49 BEESTON STREET CUBALLING

Please find an attached list of times and events in relation to this matter (pages 1-4) We would hope the assessment of the Shire would act in the best interests of a young family. As permanent rate payers we would like to see this application denied.

Their appalling lack of care for these dogs and respect for their neighbours has continued on for far too long and it is very disappointing. We hope the Shire can finally resolve this matter.

Kind regards,



Benjamin and Naomi Kittow

9.2.4 Application to Keep Additional Dogs – 272 Bullara Street Cuballing

Applicant:	Ms Aleeha Turner, 49 Beeston Street Cuballing
File Ref. No:	ADM290
Disclosure of Interest:	Nil
Date:	11 th March 2020
Author:	Gary Sherry
Attachments:	9.2.4A Location Map 9.2.4B Comment Received

Summary

Council is to consider authorising to allow residents to keep three dogs on a property within the townsite of Cuballing.

Background

The Shire of Cuballing Dog Local Law permits only 2 dogs to be kept at premises within a townsite.

Under section 26(3) of the Dog Act 1976, Council may authorise an exemption to the limits on the number of dogs to be kept at premises, but any such exemption:

- may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
- may be revoked or varied at any time.

Comment

The Shire of Cuballing has received an application from Ms Aleeha Turner to keep an additional dog at her residence at 272 Bullara Street. Ms Turner has made application to keep "River" a female, Labrador. Ms Turner describes the dog as being very placid.

A location map showing the applicants residence is included at Attachment 9.2.4A.

The already two registered dogs at this property include Ms Tuner's "Roody", a black, unsterilised, female staghound, and Mr Scott Rogers' "Gunner", a red, unsterilised, male red heeler.

Council became aware of the issue of three dogs at this residence after reports of a dog roaming in the area in January 2020. The dog owners were new to Cuballing and had only just moved into the 272 Bullara Street property. Following the reports, the contract ranger service visited the property and subsequently:

- the two dogs were registered and the application made to permit a third dog were made immediately; and
- there have been no reports to the Shire of a reoccurrence of the dogs wandering.

The Shire of Cuballing wrote to the applicant and to the owners of 6 nearby residences seeking additional comment on the application. The comment received is included at Attachment 9.2.4B. The comments point to issues around the breeds of the dogs registered or residing at 272 Bullara Street. None of the comment identify ongoing issues relating to the dogs at the property.

Given that:

1. only one instance of the dogs kept at 272 Bullara Street Cuballing wandering from this property has been reported; and
2. there has not been a reoccurrence of that behaviour; and
3. when confronted by the Shire of Cuballing, the dog owners co-operated promptly with staff, registered their dogs and applied for permission to keep a third dog; and

4. there has been no recently reported issues regarding these dogs by neighbours; the Officer's Recommendation that Council authorise the three identified dogs to be registered at 272 Bullara Street Cuballing conditional upon ongoing compliance with the Dog Act 1976.

Council should be aware that under Section 26(5) of the Dog Act 1976 any person who is aggrieved:

- by the conditions imposed in relation to any exemption under subsection (3); or
- by the refusal of a local government to grant such an exemption, or by the revocation of an exemption;

may apply to the State Administrative Tribunal for a review of the decision.

Strategic Implications – Nil

Statutory Environment

Shire of Cuballing Dogs Local Law

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

Dogs Act 1976

26. Limitation as to numbers

- (1) A local government may, by a local law under this Act —
 - (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or
 - (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.
- (2) A local law mentioned in subsection (1) —
 - (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
 - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
 - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
 - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of —
 - (i) more than 6 dogs that have reached 3 months of age; or
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;and
 - (c) may be revoked or varied at any time.

- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
 - (i) a local law mentioned in subsection (1); or
 - (ii) an exemption granted under subsection (3);
 - or
 - (b) more than —
 - (i) 2 dangerous dogs (declared); or
 - (ii) 2 dangerous dogs (restricted breed); or
 - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
 - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.
- Penalty:
- (a) for an offence relating to a dangerous dog —
 - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500;
 - (b) for an offence relating to a dog other than a dangerous dog —
 - (i) a fine of \$5 000;
 - (ii) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$100.
- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption under subsection (3); or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
- may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

Policy Implications

Council has no policy in relation to the keeping of more dogs than permitted under the Dogs Local Law.

Financial Implications – Nil

The Shire of Cuballing anticipates expending \$12,200 on dog control contractors in 2019/20. Considerable additional time is also expended by Shire of Cuballing staff.

Economic Implication

Social Implication

The keeping of dogs is a major past time of Cuballing residents. While this is a positive undertaking, the negative impacts on neighbours and other residents of uncontrolled dogs or an excessive number of dogs has the potential to be considerable.

Environmental Considerations – Nil

Consultation

The Shire of Cuballing wrote to the applicant and to the owners of 6 nearby residences seeking additional comment on the application.

Options

Council may resolve:

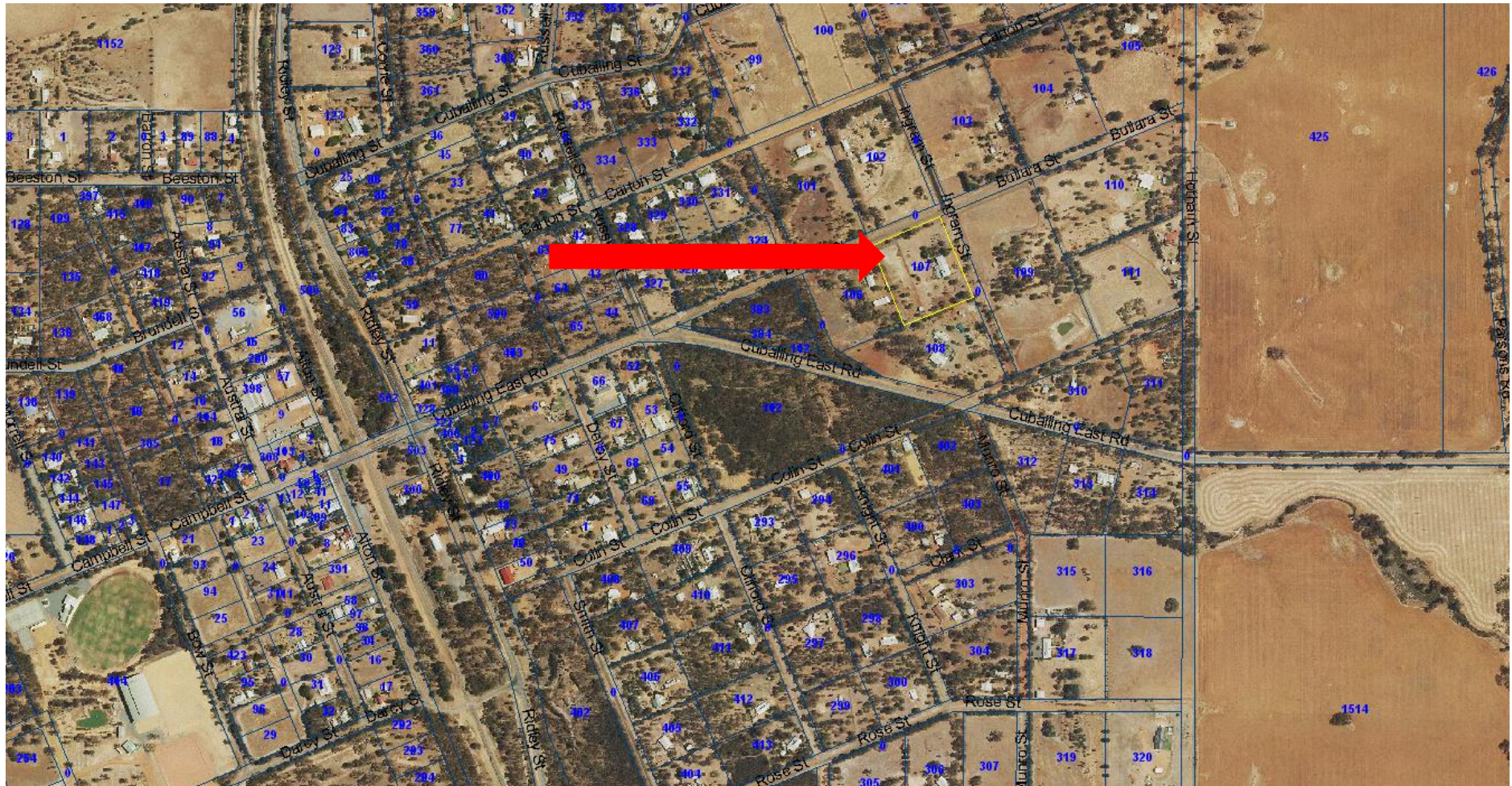
1. the Officer's Recommendation; or
2. to not authorise more than two dogs to be kept at 272 Bullara Street, Cuballing, giving reasons; or
3. to defer and seek additional information.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

1. **Authorise Ms Aleeha Turner and Mr Scott Rogers to keep more than two dogs at 272 Bullara Street, Cuballing conditional upon:**
 - a. **the three dogs authorised to be kept are:**
 - i. **"River" a female, Labrador;**
 - ii. **"Roody", a black, unsterilised, female staghound, tag 2000069; and**
 - iii. **"Gunner" a red, unsterilised, male red heeler tag 2000059;**
 - b. **this authorisation does not automatically extend to any other dogs. No new dogs are brought on to the premises to replace dogs that have died naturally or have been permanently removed that will exceed the normally permitted 2 dogs without a new Council authorisation;**
 - c. **barking is kept to an acceptable level; and**
 - d. **compliance with all aspects of the Dog Act 1976. The dog owners should expect that the Shire will conduct random, unannounced inspections from time to time to ensure compliance; and**
2. **authorise the Chief Executive Officer to revoke or vary the conditions of this authorisation at any time, in response to non-compliance with the Dog Act 1976 or in response to excessive noise of dogs barking; and**
3. **advise that if the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Section 26(5) of the Dog Act 1976. An application must be made within 28 days of this determination.**



Nicole Gould

From: Trish <witney1975@iinet.net.au>
Sent: Saturday, 7 March 2020 9:52 AM
To: Shire of Cuballing Enquiries
Subject: 272 Bullara St

File Ref: ADM290
Nathan Witney owner of 258 Bullara St Cuballing

If suitable yards and fences are in place that will provide a satisfactory containment area for the dogs in question then I might have a positive attitude with regard to three (3) dogs residing at 272 Bullara St.

- Staghounds and Red heelers are bred as hunting/working dogs

Most **Staghounds** are **used** for hunting predators, not prey. Rather than hunt something like a rabbit that will not fight back when caught, they are instinctively hunting something like a coyote that acts like a wild buzz-saw when caught.

- Red heelers are predominantly bred as cattle dog hence can have a tendency to nip.
- Golden retrievers are widely known as bird dogs.

Thank you for your correspondence
Nathan Witney

9.2.5 Elected Member Training And Continuing Professional Development

Applicant:	N/A
File Ref. No:	ADM118
Disclosure of Interest:	Nil
Date:	9 th March 2020
Author:	Gary Sherry
Attachments:	9.2.5A Comparative Elected Member Training Costs 9.2.5B Draft Policy

Summary

Council is to consider policy relating to Continuing Professional Development; and determine the preferred service provider for Elected Member Training.

Background

The Local Government Legislation Amendment Act 1995 received the Governor's assent on 5 July 2019. The amended Section 5.128 of the Act requires Councils to adopt a policy in relation to the continuing professional development of Elected Members with a requirement for a Policy to be published on the local government's website.

The Department of Local Government, Sport and Cultural Industries (DLGSC) have subsequently advised that all Council Members will need to complete the Council Member Essentials training course, within 12 months of being elected. The course has been developed to provide Council Members with the skills and knowledge to perform their roles as leaders in their district.

Comment

All Council Members will have to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set.

The Council Member Essentials course comprises of the following five units:

- Understanding Local Government (1/2 day) eLearning
- Serving on Council (1/2 day) eLearning
- Meeting Procedures (2 days)
- Conflicts of interest (1 day)
- Understanding financial reports and budgets (1 day)

Courses are provided by the following three organisations with several delivery options available. The three organisations are:

- Western Australian Local Government Association (WALGA)
- South Metropolitan TAFE (SMT)
- North Metropolitan TAFE (NMT)

A more detailed break out of the options provide by each provider is included at Attachment 9.2.5A. It should be noted that no allowance is made in cost comparisons for travel expenses and accommodation costs associated with Face to face training.

Cost Comparison Summary

Options		WALGA (pp)	SMT (pp)	NMT (pp)
1	eLearning modules (all courses online)	975	1,300	–
2	Combination • 2 x individual face to face (duration 3 days) • 3 x eLearning	1,960	2,000	–
3	5 x individual face to face (duration 5 days)	2,300	2,600	2,273

The Shire of Cuballing's Annual Budget includes allowance for the costs associated with Elected Member training, which could be face-to-face or completed online.

The Officer has recommended that the policy refer to eLearning being the Council's preference, given that this represents a cost saving to the Shire. However, the policy also acknowledges that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region. Individual training requirements can be discussed with the Shire President or CEO.

Should an Elected Member have completed any of the units of training previously, the Elected Member will be required to undertake the on-line assessment component only of the training which will then be auto marked and a Certificate of Achievement automatically issued.

The Officer has recommended WALGA as the Shire's preferred facilitator for the Council Member Essentials training.

Strategic Implications

GOVERNANCE & ORGANISATION - Our Council, Services, Policies and Engagement.

Goals

- An independent Council that is supported by an excellent organisation.
- Governance structures that ensure accountable, transparent and ethical decision making.
- Building the organisation and managing its structure, finances and assets in a sustainable manner.
- A Council that proactively engages with all elements of its community to make decisions that reflect positively on the future of the Shire of Cuballing.

	Strategy	Outcome
4.1	Councillors provide strong and visionary leadership.	A clear direction for the future.
4.2	Maintain a clear, transparent and ethical decision making process.	Openness and transparency in Council decisions.

Statutory Environment

Pursuant to section 5.128 of the Local Government Act 1995, all Councils are required to adopt a policy in relation to the continuing professional development of Elected Members, with a requirement that an up-to-date version of the policy be available on the Shire's website and the policy complying with any prescribed policy, if any. There is no current prescribed policy, nor any proposed by the Department, at this time.

In addition, s5.127 requires the Shire to report on the training completed by Elected Members each financial year, and that report is to be published on the Shire's website within 1 month after the end of the financial year.

Policy Implications

A draft policy with respect to continuing professional development and training is included at Attachment 9.2.5B.

Aspects of Elected Members attendance at conferences and training events is dealt with separately in accordance with Policies:

- 3.10 - Councillor Expenses; and
- 3.11 - Councillor Attendance at Conferences, Seminars or Workshops.

Financial Implications

There is an amount of \$18,750 currently available in the Councillor Conference / Training budget for the 2019/20 financial year. Much of this allocation has already been expended on other activities.

Costs associated with accommodation, meals and travel expenses should be taken into consideration for any face-to-face training.

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation

Officers have consulted with the Department of Local Government, Sport and Cultural Industries (DLGSC), South Metropolitan TAFE, North Metropolitan TAFE and WALGA.

Options

Council may resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments; or
3. to defer consideration to a future meeting of Council and request staff to provide additional information on aspects of this matter.

Voting Requirements – Absolute Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1. adopt the draft policy 3.14 Continuing Elected Member Professional Development included at Attachment 9.2.5B; and**
- 2. utilise the Western Australian Local Government Association for the delivery of Council Member Essentials Training via online delivery where practical.**

Provider		WALGA			SMT		NMT
Course	Length of Face to Face Courses #	Online	Face to Face *	Unlimited Subscription to online	Online	Face to Face *	Face to Face *
Understanding Local Government	½ Da	195	240	1,000	250	450	
Conflicts of interest	½ Day	195	240	1,000	250	450	
Serving on Council	2 Days	195	900	1,000	440	800	
Understanding financial reports and budgets	1 Day	195	475	1,000	250	450	
Meeting Procedures	1 Day	195	475	1,000	250	450	
Totals		975	2,330	5,000	1,440	2,600	2,273

* Travel and accommodation costs need to be added to the above costs for face to face learning.

Length of Course utilises WALGA courses. SMT and NMT differ slightly, but not significantly.

3.14 Continuing Elected Member Professional Development

Policy Statement

The Shire of Narrogin recognises the importance of providing Elected Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.

Pursuant to the Local Government Act 1995, Elected Members must complete Council Member Essentials which incorporates the following training units:

- a) Understanding Local Government;
- b) Conflicts of Interest;
- c) Serving on Council;
- d) Meeting Procedures and Debating; and
- e) Understanding Financial Report and Budgets.

Council's preferred provider for the training is the Western Australian Local Government Association (WALGA).

All units and associated costs will be paid for by the Shire and must be completed within the year immediately following the elected Member's election. The training is valid for a period of five years.

The Shire of Cuballing will publish, on the Shire's website, training undertaken by all Elected Members within one month after the end of the financial year pursuant to Local Government Act 1995.

It is Council's preference that the training is undertaken via the eLearning method which is the more cost efficient form of delivery. It is acknowledged however that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

Guidelines

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel and accommodation, if required;
- The Budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of elected members both individually and has a collective;
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

Consideration of attendance at training or professional development courses, other than the online Council Member Essentials, which are deemed to be approved, are to be assessed as follows:

- Events for the Shire President must be approved by the Deputy Shire President, in conjunction with the CEO; and
- Events for Councillors must be approved by either the Council or the Shire President, in conjunction with the CEO.

Any expenditure commitments associated with training or professional development must be performed by and authorised through the CEO.

Objective:

To ensure that Elected Members of the Shire of Narrogin receive appropriate information and training to enable them to understand and undertake their responsibilities and obligations.

Resolution No:

Resolution Date:

9.2.6	Draft Policy - Payment To Employees Who Are Absent From Work During A Pandemic
-------	--

Applicant:	N/A
File Ref. No:	ADM118
Disclosure of Interest:	Nil
Date:	12 th March 2020
Author:	Gary Sherry
Attachments:	9.2.6A Draft policy 4.20 Payment To Employees Who Are Absent From Work During A Pandemic

Summary

Council is to consider policy relating to management of staff during a pandemic.

Background

A pandemic is a type of epidemic, with greater range and coverage, where an outbreak of a disease occurs over a wide geographic area and affects an exceptionally high proportion of the population. On 11th March 2020, the World Health Organization officially changed its designation of the coronavirus from an epidemic to a pandemic.

It is acknowledged that during a pandemic there are likely to be 'waves' of infection and it is reasonable to anticipate that high numbers of Council employees may need to take extended periods of leave due to personal ill health or in order to care for vulnerable family members. A vulnerable family member may include pre-school or school age children, or family members who are frail or aged or have a disability.

This practice identifies requirements for employees attending work, entitlements for employees who are absent from work due to ill health or caring responsibilities. Also identified are possible options to address extenuating circumstances where leave entitlements have been exhausted and where leave without pay would result in hardship.

Comment

Under its general duty of care, the Shire of Cuballing must ensure that all employees attending work are fit to undertake the duties and responsibilities of their position.

The Officer has recommended a draft policy, included at Attachment 9.2.6A, where Council can support the use of flexible work arrangements to assist in the management of employees during a Pandemic.

Managers may require an employee to leave the workplace if they believe the employee is not fit for work and/or to obtain a medical certificate to confirm fitness to return to work following a period of ill health or absence to care for family members (to avoid transmission of infection).

Employees who are absent due to ill health or caring responsibilities will be paid in accordance with the relevant industrial award and Council policy, practice or procedure. These options can include:

1. personal Sick or Carer's leave entitlements;
2. accrued annual or long service leave entitlements;
3. additional hours accrued in lieu of overtime or through flexible working arrangements;
4. leave without pay - Sickness Benefits may be available via Centrelink.
5. work from home in accordance with procedure established by the CEO.

When all leave entitlements have been exhausted and/or working from home arrangements are not reasonable or practical, the employee may be granted leave without pay. Alternatively,

where the employee can demonstrate that taking unpaid leave will result in hardship, other (discretionary) options may be considered.

Discretionary options may include:

1. Taking annual or sick leave in advance (up to a maximum of two weeks, pro-rata for part time employees) to be deducted from future accrual until repaid or deducted from the termination pay where the employee ceases employment prior to accruing sufficient entitlements; or
2. Other arrangements as determined by the CEO or a person appointed by the CEO.

In relation to discretionary options, the Chief Executive Officer (CEO), or a person appointed by the CEO, will determine applications on a case by case basis.

Strategic Implications

GOVERNANCE & ORGANISATION - Our Council, Services, Policies and Engagement.

Goals

- An independent Council that is supported by an excellent organisation.
- Building the organisation and managing its structure, finances and assets in a sustainable manner.

	Strategy	Outcome
4.5	Be innovative in the management of Shire operations, services, staff and resources to create a resilient and financially stable Shire.	A Shire that is progressive, sustainable, resilient and adaptive to changes.
4.6	Employees actively contribute to improved operational service delivery and ensure excellent customer service.	Employees continually improve the operational service delivery and the community receives excellent customer service.

Statutory Environment

Local Government Industry Award
Employment Contracts

Policy Implications

Any policy adopted by Council is retained in Council’s Policy Manual.

Financial Implications

Council has a number of staff who, with long service for the Shire of Cuballing, have extensive amounts of sick leave accrued.

The Shire of Cuballing has cash backed Council’s Annual and Long Service Leave liabilities. The Shire of Cuballing does not cash back accrued sick leave liability.

The ability of Council to have staff available to complete grant funded tasks is a financial risk during a Pandemic.

Economic Implication

The impact of a Pandemic will have considerable impact on the local economy in addition to Council’s workforce.

Social Implication

The impact of a Pandemic will have considerable impact on communities in addition to Council's workforce.

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments to the draft Policy included at Attachment 9.2.6A; or
3. to defer consideration of this matter at this time and request staff to provide additional information as part of future consideration.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopt draft policy 4.20 Payment To Employees Who Are Absent From Work During A Pandemic included at Attachment 9.2.6A

4.20 Payment To Employees Who Are Absent From Work During A Pandemic

Purpose:

It is acknowledged that during a Pandemic there are likely to be 'waves' of infection and it is reasonable to anticipate that high numbers of employees may need to take extended periods of leave due to personal ill health or in order to care for vulnerable family members.

Policy Statement:

Employees who are absent due to ill health or caring responsibilities will be paid in accordance with the relevant industrial instrument and Shire Policy, Practice or Procedure. These options include:

1. Personal (Sick or Carer's) leave entitlements.
2. Accrued annual or long service leave entitlements.
3. Additional hours accrued in lieu of overtime or through flexible working arrangements.
4. Leave without pay (Sickness Benefits may be available via Centrelink).
5. Work from home in accordance with the Working from Home Procedure (subject to review at the end of two weeks).

When all leave entitlements have been exhausted and/or working from home arrangements are not reasonable or practical, the employee may be granted leave without pay. Alternatively, where the employee can demonstrate that taking unpaid leave will result in hardship, other (discretionary) options may be considered.

Discretionary options may include:

1. Taking annual or sick leave in advance (up to a maximum of two weeks, pro-rata for part time employees) to be deducted from future accrual until repaid or deducted from the termination pay where the employee ceases employment prior to accruing sufficient entitlements; or
2. Other arrangements as determined by the CEO or a person appointed by the CEO.

Guidelines:

In relation to discretionary options, the Chief Executive Officer (CEO), or a person appointed by the CEO, will determine applications on a case by case basis.

Resolution No:

Resolution Date:

9.3 MANAGER OF WORKS AND SERVICES:

9.3.1 10 Year Road Construction Program – 2020 – 2030

Applicant:	N/A
File Ref. No:	ADM096
Disclosure of Interest:	Nil
Date:	9 th March 2020
Author:	Bruce Brennan/Gary Sherry
Attachments:	9.3.1A Draft 10 Year Road Program

Summary

Council is to consider an updated draft 10 Year Road Construction Program for the years 2020 to 2030.

Background

Council's largest area of operations is completion of the annual road works program.

In 2020/21 it is expected that Council will complete \$1,077,666 of road construction works. To complete this work Council will receive \$742,778 in tied grants from the State and Federal governments. This is very similar to 2019/20.

Planning for future years road construction programs have very long lead times. A 10 Year Road Construction Program gives staff direction on Council's intended program and this information will form the basis of grant applications. For example Council needs to submit completed applications for the 2021/22 state government funded program by 30th August 2020.

It is envisaged that Council will reconfirm their 10 Year Road Construction Program at about this time annually. This will provide opportunity for the program to respond to changes in Council and community priority and grant funding opportunities.

Comment

A draft 10 Year Road Construction Program is included at Attachment 9.3.1A.

The draft 10 Year Road Construction Program includes:

- Completing widening works on the Wandering Narrogin Road to completion over the next 3 years.
- Completing repairs to sections of failed pavement on the Wandering Narrogin Road in 2021/22. This road is the busiest of all of Council's regionally significant roads and this reinstatement project takes priority over widening works. This works will be funded by State Roads funding.
- A significant upgrade of the Wandering Narrogin Road near the intersections of Nebrikinning and Springhill Roads in 2019/20 and 2020/21. This project will be significant because of the requirement works in both the Shire of Cuballing and the new Shire of Narrogin, constructing nearly 1 kilometre of new road, land acquisition from multiple land owners to allow realignment of the road, construction of a new creek crossing and possible relocation of power services to local residents. Given the size

and complexity of this project construction will be staged over two years. Council has sought Blackspot funding to complete the second stage of this project.

- Continue the widening program on Stratherne Road in 2020/21 year. Applications for funding are a lesser priority than the Wandering Narrogin Road and therefore the scope of works able to be completed will be dictated by the maximum grant available to Council.

Stratherne Road is currently a road of regional significance and eligible for State Roads Funding through the Regional Road group. This may change in future and therefore widening works should commence as soon as possible. A larger amount of works are planned for 2023/24.

- Completing repairs to sections of failed pavement on the Cuballing East Road. This road is an identified Grain Freight Route and Council retains grant funding to complete works on this road. The planned works utilise this reserve funding.
- Upon completion of the widening program on the Wandering Narrogin Road, Council will commence a construct and seal program on the Congelin Narrogin Road in 2024/25. This road is still seen as a greater priority than Stratherne road and a larger amount of grant funding will be sought.
- Upgrading of the single lane Bunmulling Road Bridge in Popanyinning. This bridge is one of the older bridges in the state and replacement is anticipated in 2023/24. Council will receive funding through the WA Local Government Grants Commission (WALGGC) to replace the bridge, but only to the current single lane standard. The current estimate for the bridge replacement is \$2,500,000 although designs are still being developed in conjunction with Main Roads WA.

In addition to the bridge replacement, additional changes to the road network are anticipated. A different site for the bridge has been located upstream of the current bridge. At this point the river is narrower and reduce the size of the new bridge. Not requiring demolition of the old bridge prior to construction of the new bridge also reduces cost. This will require an extension to the Popanyinning East Road to the new bridge and the termination of the Bunmulling Road at the intersection with the Popanyinning East Road. The existing bridge can remain as a pedestrian bridge.

The draft program identifies funding for the project of \$1,550,000 through the WALGGC, unidentified funding of and Council loan funds of \$800,000. All of these funding sources and amounts will change with further work on the cost of the project.

It is anticipated that Council will be able to source some level of additional funds to assist in completing the new bridge and associated road works. However at this time this level of funding is included but not identified.

The draft program outlines that the upgrading of this bridge is a significant community investment that will provide service for at least 50 years. It will provide ongoing benefit by reducing road safety, making the Popanyinning Road network simpler and easier to use and will allow the upgrading of the RAV rating of the surrounding roads.

- Bridgeworks have been programmed for the one of the three bridges on Wardering Road. Bridge 4865 is programmed for a concrete overlay in 2022/23.

Council will receive funding through the WA Local Government Grants Commission (WALGGC) to replace the bridge, but only to the current single lane standard.

In doing this work, Council has the opportunity to consider widening the bridges from their current 7.2 metres to 8.1 metres. Such a widening will allow for future upgrading of the roads heavy haulage permits as well as make the road safer.

Such a widening need to occur in conjunction with the concrete overlay works. If done separately Council would be responsible for both the cost of widening and for the cost of a replacement overlay and.

While the bridges haven't been assessed for such widening, it is proposed that if the bridges can be widened for up to \$40,000 this will occur. If the bridge widening is not able to be achieved for this amount, it would not occur. This contribution of \$40,000 is included 2022/23 years.

Bridge 4864 on Wardering Road completed a concrete overlay and widening in 2018/19 for a contribution of \$27,000..

- Ongoing funding of State Road Funding and the Federal Roads to Recovery at current levels. 2019/20 is the first year of a five year Federal Roads to Recovery Program. This level of funding available under this program going forward may change. In the past government has boosted funding and this has allowed Council to bring forward road projects.

Strategic Implications

Shire of Cuballing Community Strategic Plan

ECONOMY – Our Economy, Infrastructure, Systems and Services.

Goals

- Community infrastructure and services delivered in a timely manner, are well utilised, effective and meet the expectations of the community.
- Transport systems that are functional, efficient, economical and safe, coupled with continuous improvement to meet the safety and amenity needs of the community.
- Managing community assets in a whole of life and economically sustainable manner.
- Promoting sustainable and diverse economic development opportunities that make the Shire of Cuballing an attractive place to live, work and visit.

	Strategy	Outcome
3.1	Deliver a diverse range of affordable services and infrastructure across the Shire.	A range of services, facilities and programs that the broadest community can access.
3.2	Ensure essential services and infrastructure are aligned to community needs now and in the future.	Services and infrastructure which meets the needs of the broadest community and responds to changing priorities.
3.3	Deliver and advocate for a diverse and safe transport system which is efficient and meets the needs of all users.	A diverse and safe transport system that balances the needs of all users including pedestrians, cyclists, private vehicles, public transport and freight.
3.4	Create and strengthen partnerships to advocate for and deliver community facilities, and services and major infrastructure.	The community has access to a range of education, health, cultural, recreational and transport opportunities to maximise their potential.

	Strategy	Outcome
3.5	Maintain a robust asset management practices and maintenance programs.	Assets which meet the expectations of the community.

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications

There are no direct financial implications at this time.

The draft 10 Year Road Construction Program provides for a Council sourced contribution to road construction of projects in the vicinity of \$200,000. Uncertainty over future grant funding in the later years of the project reduces this contribution to \$168,000.

Economic Implication

Ensuring that Council's roads are maintained and improved provides economic benefit to local industry utilising these roads.

Social Implication

In such a geographically dispersed population, ensuring that Council's roads are maintained and improved provides considerable social benefit. Ensuring appropriate road safety infrastructure also has significant social impact.

Environmental Considerations

Council has commenced seeking the required environmental approvals to complete road construction and maintenance requirements for the next ten years.

Consultation

Main Roads WA
Department of Water and Environment Regulation

Options

The Council can resolve:

1. the Officer's Recommendation;
2. to adopt an amended road program;
3. direct staff to make amendments to the draft 10 Year Road Construction Program that will be considered at a future meeting of Council.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the draft 10 Year Road Construction Program included at Attachment 9.3.1A.

Expenditure													
Road	Source Funds	2019/20 Budget	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	Explanation
Cuballing East Road	Res			83,000									Repair sections of Failed Pavement areas and Bitumen seal
Wandering Narrogin Road	RRG	351,000											Clear, shoulder widening stabilise primer seal SLK 25.13-27.21, Final seal SLK 20.46-22.77
Wandering Narrogin Road	RRG		355,000										Clear, shoulder widening stabilise primer seal SLK 27.21-29.57, Final seal SLK 25.13-27.21
Wandering Narrogin Road	RRG			50,000	300,000	50,000							Clear, shoulder widening stabilise primer seal SLK 29.57-31.83, Final seal SLK 27.13-29.57, Final seal SLK 29.57-31.83
Wandering Narrogin Road	R2R/RRG	81,000	5,000										Reconstruction of failing section Road West of Dryandra Forrest and Final Seal
Wandering Narrogin Road	RRG			300,000	30,000								Repair sections of Failed Pavement areas and Final Seal
Stratherne Road	RRG	150,944	151,000	150,000	150,000	450,000	150,000	150,000	150,000	150,000	150,000	150,000	Widen, seal shoulders through narrow sections. Final seal on previous years work
Congelin Narrogin Rd	RRG						350,000	350,000	350,000	350,000	350,000	350,000	Drainage and Primerseal. Final Seal on previous years work
Cuballing West Road	R2R											168,000	Reseal
Popanyinning East Rd	R2R					163,000		140,000	118,000				Widen, edge repairs and Seal
Popanyinning East Rd	R2R						46,000		50,000	46,000			Reseals
Popanyinning East Rd	R2R		125,000		48,000								Widen and Seal 1.8 Kms to 7 metres seal continue widen works, Reseal/Final Seal
Popanyinning West Rd	R2R	14,000											Reinstatement failure – 2 layer stabilisation with sub-soil drainage. Final Seal
Popanyinning West Rd	R2R			168,000	58,000								Basecourse and Primerseal. Final Seal
Reeds Rd	R2R												Gravel Sheet SLK0.0 to SLK1.0
Hart Street	R2R			80,000	40,000	30,000							Construct and Drain, Primer Seal, Final Seal
Alexandra Rd	R2R				90,000	18,000							Construct and Seal, Final Seal
Clifford Street	R2R						122,000	28,000		122,000	46,000		Construct and Seal
Lord Street	R2R										122,000		Construct and Seal, Final Seal
Wandering Narrogin Road	BSpot	441,666	441,666										Springhill/Nebrikinning Road Intersection realignment including land resumption
Wardering Road - Bridge 4865	Bridge				410,000								Reinforced Concrete Overlay, Widen to 8.2 metres
Bunmulling Road - Bridge 3179	Bridge					3,276,000							New Bridge & Realignment of Road
		1,038,610	1,077,666	831,000	1,126,000	3,987,000	668,000	668,000	668,000	668,000	668,000	668,000	

Grant Income													
Source	Source Funds	2019/20 Budget	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	Explanation
Regional Road Group	RRG	334,629	337,333	333,333	320,000	333,333	333,333	333,333	333,333	333,333	333,333	333,333	
Roads To Recovery	R2R	211,000	211,000	211,000	211,000	211,000	168,000	168,000	168,000	168,000	168,000	168,000	
Black Spot	Bspot	294,446	294,445	-	-	-	-	-	-	-	-	-	
Reserve Transfers	Res	-	-	83,000									
Un sourced Funding	Bridge	-	-		-	926,000	-	-	-				
Loan Funds	Bridge	-	-		-	800,000	-	-	-				
Bridge Funding	Bridge				370,000	1,550,000	-	-	-				
		840,075	842,778	627,333	901,000	3,820,333	501,333	501,333	501,333	501,333	501,333	501,333	

Council own source Revenue	Source Funds	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Explanation
		198,535	234,888	203,667	225,000	166,667	166,667	166,667	166,667	166,667	166,667	166,667	

9.3.2 2020/21 Plant Replacement Program

Applicant: N/A
File Ref. No: ADM096
Disclosure of Interest: Nil
Date: 9th March 2020
Author: Bruce Brennan/Gary Sherry
Attachments: 9.3.2A draft 2020/21 Plant Replacement Program

Summary

Council is to consider adoption of a draft 2020/21 Plant Replacement Program.

Background

The Plant Replacement Program seeks to establish a replacement program to highlight the requirement to continue to optimise plant operations, reduce change over costs, limit down time and plant repair costs in a financially responsible and sustainable manner.

The Plant Replacement Program is a long term guide of Council's intentions, but each year Council will still make budget decisions based on the condition and serviceability of individual plant.

Council adopted the 2019/20 Plant Replacement Program in March 2019.

Comment

The draft 2020/21 Plant Replacement Program is included at Attachment 9.3.2A.

The draft 2020/21 Plant Replacement Program plans for Council's capital expenditure of \$3,000,000 from 2020/21 to 2030/31.

The draft 2020/21 Plant Replacement Program requires a \$300,000 annual investment into plant replacements or transfers to plant reserves. This annual investment remains the same as that assessed in 2019/20.

The draft 2020/21 Plant Replacement Program has Council utilising the Plant Reserve to make transfers into the Plant Reserve in years when there are fewer or smaller plant purchases and to make transfers from the Plant Reserve for larger plant, without utilising loan funds. In the program the closing balance of the Plant Reserve is as high as \$573,761 and as low as \$87,761 over the 10 year horizon of the program.

The draft 2020/21 Plant Replacement Program includes an estimate of change over cost, inclusive of trade in values. All costs are in current dollars, with no allowance made for inflation, interest or increases in Council's rate income.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications

The Plant Replacement Program will be used in preparing the 2020/21 Council Budget. With adoption of the Plant Replacement Program giving a strategic direction, staff will obtain improved cost estimates prior to budget preparation.

The Plant Replacement Program will be utilised in preparing Council's Long Term Financial Plan from time to time.

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation – Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. adopt a slightly amended Draft Plant Replacement Program; or
3. to have staff review the Draft Plant Replacement Program for review by Council at a future meeting of Council.

Voting Requirements – Simple Majority

Officer's Recommendation

That Council adopts the 2020/21 Plant Replacement Program included at Attachment 9.3.2A.

	Rego	Plant No	Machine	Comment	Date of Purchase	Replacement Cost	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
1	CN 026	P150	UD Nissan GW 400	Six Wheel Truck	Mar 11	320,000			320,000							
2	CN 047	P151	Isuzu Giga	Prime Mover		177,704										
3	CN 272	P262	Isuzu Giga	Prime Mover	Oct 14	180,000		180,000								240,000
4	CN3455	P264	Side Tipper	Tri axle trailer	Oct 14	100,000										
5	CN10015	P265	Machinery Float	Trailer	Oct 16	56,000										
6	ITUW809	P267	Side Tipper	Tri axle trailer	Jan 20	111,945										
7			Water Tanker	Tri axle trailer		110,500										
8	CN 2	P152	Truck	Small Tipper	Sep 18	65,000							65,000			
9	CN 157	P263	Hino	Crew Cab Truck	Nov 14	70,000			70,000							
10	CN 387	P261	Komatsu Grader	Grader	Mar 14	360,000					360,000					
11	CN 397	P260	Komatsu Grader	Grader	Mar 14	305,000	305,000									
12	CN 92	P202	CAT 930G	Loader	Sep 08	(30,000)								(30,000)		
13	CN1906	P209	Komatsu WA320PZ6	Loader	Nov 15	290,000				290,000						
14	CN 404	P204	Bomag SP Roller	Steel Drum Roller	Jul 04	210,000		210,000								
15	CN 151	P205	Amman MultiVP2400	Mult Tyre Roller	Aug 17	170,000									170,000	
16	CN 1552	P206	JD Tractor 4720	Tractor with loader	Jun 07	33,000						33,000				
17	CN 1806	P207	JD Tractor	Tractor with Broom/PH Digger	Jun 13	47,000						47,000				
18			Backhoe			170,000								170,000		
19		P266	Panther Mower	3pt Linkage Flail Mower	Oct 16	21,000							21,000			
20		P255	22 KVA generator	Emergency Power Generator	Mar 15	12,000						12,000				
21	CN3468 CN3469	P310	Traffic Lights	Traffic Lights	Aug 15	36,000							36,000			
22	0 CN	P100	Holden Calais	CEO's Vehicle	Jun 17	46,000	46,000			30,000			30,000			30,000
23	CN 0	P106	Colorado Utility	MWS Vehicle	Sep 19	20,000		20,000		20,000		20,000		20,000		25,000
24	CN 1	P105	Colorado Utility	Crew Vehicle	Sep 18	30,000		30,000			30,000			30,000		
25	CN 027	P154	Holden Colorado	Building Officer	Sep 19	30,000	20,000		20,000	20,000		20,000	20,000		20,000	20,000
26	CN 1557	P107	Mazda Utility	Crew Vehicle	Sep 18	30,000						30,000				
			Total Expenditure				371,000	440,000	410,000	360,000	390,000	162,000	172,000	190,000	190,000	315,000
			Opening Plant Reserve Balance				558,761	487,761	347,761	237,761	177,761	87,761	225,761	353,761	463,761	573,761
			Plant Reserve Outgoing				-71,000	-140,000	-110,000	-60,000	-90,000					
			Plant Reserve Incoming									138,000	128,000	110,000	110,000	-15,000
			Closing Plant Reserve Balance				487,761	347,761	237,761	177,761	87,761	225,761	353,761	463,761	573,761	558,761
			Shire Annual Expenditure				300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil at this time.

12. CONFIDENTIAL MATTERS:

Nil at this time.

13. NEXT MEETING:

Ordinary Council Meeting, 2.00pm, Wednesday 15th April 2020 at the Popanyinning Hall, Francis Street, Popanyinning.

14. CLOSURE OF MEETING: