

SHIRE OF CUBALLING

The coat of arms of the Shire of Cuballing is a circular emblem. It features a central kangaroo in a leaping pose, facing left. The kangaroo is surrounded by several large, orange, spherical objects that resemble pinecones or seed pods, attached to dark, woody branches. The entire emblem is set against a white background.

*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

3PM, WEDNESDAY 20 MARCH 2024

Shire of Cuballing
CWA Hall
Campbell Street, Cuballing

COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “Confidential Matters”.
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.

INDEX

1.	DECLARATION OF OPENING:	4
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	4
2.1.1	Declaration by New Councillor	4
2.1.2	Attendance	4
2.1.3	Apologies	4
2.1.4	Leave of Absence	4
3.	STANDING ORDERS:	4
4.	PUBLIC QUESTION TIME:	4
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:	4
4.2	WRITTEN QUESTIONS PROVIDED IN ADVANCE:.....	4
4.3	PUBLIC QUESTIONS FROM THE GALLERY:	5
5.	APPLICATIONS FOR LEAVE OF ABSENCE:	5
6.	CONFIRMATION OF MINUTES:	5
6.1.1	Ordinary Meeting of Council held on Wednesday 21st February 2024	5
7.	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:	5
8.	DISCLOSURE OF FINANCIAL INTEREST:	5
9.	REPORTS OF OFFICERS AND COMMITTEES:	6
9.1	DEPUTY CHIEF EXECUTIVE OFFICER:	6
9.1.1	List of Payments – February 2024	6
9.1.2	Statement of Financial Activity	12
9.1.3	Budget Review 2023/2024	14
9.2	CHIEF EXECUTIVE OFFICER:	17
9.2.1	Financial Management Review and Regulation 17 Review	17
9.2.2	2023 Compliance Audit Return	20
9.2.3	Oversized Shed at 60 Carton Street Cuballing	25
9.3	MANAGER OF WORKS AND SERVICES:	29
9.4	COMMITTEE REPORTS:	29
10.	ELECTED MEMBERS’ MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	29
11.	URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:	29
12.	CONFIDENTIAL MATTERS:	29
13.	NEXT MEETING:	29
14.	CLOSURE OF MEETING:	29

1. DECLARATION OF OPENING:

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Declaration by New Councillor

Nil.

2.1.2 Attendance

Cr Eliza Dowling
Cr Robert Harris
Cr Scott Ballantyne
Cr Adrian Kowald
Cr Steve Sexton

President
Deputy President

Mr Stan Scott
Mr Narelle Rowe
Mr Anthony Mort

Chief Executive Officer
Deputy Chief Executive Officer
Acting Manager of Work and Services

2.1.3 Apologies

Nil

2.1.4 Leave of Absence

Nil

3. STANDING ORDERS:

OFFICER'S RECOMMENDATION:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

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 21st February 2024

OFFICER'S RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 21 February 2024 be confirmed as a true record of proceedings.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:**

Nil at this time.

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 2024

File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	13 March 2024
Author:	Careese Raneri
Attachments:	9.1.1A List of Municipal Accounts 9.1.1B List of Credit Card Transactions 9.1.1C Petty Cash and Coles Card

Summary

Council is to review payments made under delegation in February 2024.

Background – Nil

Comment

Council is provided with details of payments and credit card transactions made during the month of February 2024 as listed in the attachments.

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:

- 1. the List of Accounts paid in February 2024 under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, including payments from Council's Municipal Fund totalling \$458068.66 included at Attachment 9.1.1.1A.**
- 2. a summary of transactions completed on Credit Cards by Council Staff for the period ending 29 February 2024 included at Attachment 9.1.1.1B.**
- 3. a summary of transactions completed on Coles Cards and Petty Cash for the period ending 29 February 2024.**

LIST OF FEBRUARY 2024 MUNICIPAL FUND ACCOUNTS

Chq/EFT	Date	Name	Description	Amount
835	01/02/2024	Police Licensing Payments	Police Licensing Payments	-5919.60
835	02/02/2024	Police Licensing Payments	Police Licensing Payments	-31.10
835	05/02/2024	Police Licensing Payments	Police Licensing Payments	-50.00
20248	06/02/2024	Synergy	Electricity Charges - U 3 22 Campbell Street Cuballing	-2306.47
EFT8643	06/02/2024	Dews Mini Excavations	Drainage On Cuballing East - 300m Trench	-1320.00
EFT8642	06/02/2024	Cuby Tavern	Rates Incentive Prize Voucher	-200.00
EFT8641	06/02/2024	Cohesis Pty Ltd	Assisting The Shire of Cuballing As Part Of a Group Of 6 Local Governments	-5225.00
EFT8651	06/02/2024	Wallis Computer Solutions	Support Hours in Addition To Original Quotation	-161.41
EFT8650	06/02/2024	Regional Communication Solutions	1 X Cel Wifi Booster Kit	-1350.00
EFT8649	06/02/2024	Narrogin Pumps Solar and Spraying	1 X 50mm Joiner and 6 X Retic Wire Joiners	-48.29
EFT8648	06/02/2024	Narrogin Carpets and Curtains	Installation Of Curtains as Per Quote	-5758.50
835	06/02/2024	Police Licensing Payments	Police Licensing Payments	-162.00
EFT8640	06/02/2024	C. Moore	Reimbursement For Accidental Payment	-66.00
EFT8647	06/02/2024	Melchiorre Plumbing and Gas	Repair Leaking Outlet Pipe in Ladies Toilet in Popanyinning	-187.00
EFT8646	06/02/2024	Mcleods Barristers & Solicitors	Application for New Title - CONTRACT OF SALE LOT (NO. 20) COWCHER STREET	-471.57
EFT8645	06/02/2024	Lo-Go Appointments	Contract - Temporary Rates Officer	-2007.34
EFT8644	06/02/2024	Farmworks Narrogin	1 X 20l Arrow 1 X 1lt Surround 1 X 10kg Pindone	-565.40
EFT8637	06/02/2024	Works Manager	50% Reimbursement Synergy	-167.20
EFT8638	06/02/2024	Burgess Rawson (Wa) Pty Ltd	Water Consumption - Cuballing War Memorial - 02/11/2023 To 25/01/2024	-217.60
EFT8639	06/02/2024	Birds Silos & Shelters	Repairs To Damaged Shed Doors - Claim	-1573.00
835	07/02/2024	Police Licensing Payments	Police Licensing Payments	-35081.00
EFT8652	07/02/2024	Cloud Collections Pty Ltd	Debt Collection Services - September 2023	-440.00
EFT8653	07/02/2024	Great Southern Waste Disposal	Rubbish Removal - Recycling Service X 269 @ \$3.86 Each	-6276.20
EFT8654	07/02/2024	Mandurah Safety & Training Services Pty Ltd	4 Day Dogging Course (2 Participants)	-3828.93
20249	08/02/2024	Shire Of Cuballing	Cutlery, Plates, Cooking Utencils And Other Materials For The CWA Hall	-333.65
EFT8660	08/02/2024	Winc Australia Pty Limited	Stationary Order for Shire Office	-110.67
EFT8659	08/02/2024	Southpoint Nominees Pty Ltd T/As Acumentis South West (Wa)	Valuation Of Land - Blackspot (Wandering-Narrogin Road)	-3850.00
EFT8655	08/02/2024	Builders Registration Board Building Commission	January Building Services Levy Remittance	-269.00

EFT8656	08/02/2024	Best Office Systems	Monthly Photocopier Charges	-340.76
EFT8658	08/02/2024	Great Southern Fuel Supplies	Bulk Diesel Fuel Delivery - Docket Number D2167600	-12659.53
EFT8661	08/02/2024	Zircodata Pty Ltd	Storage Of Records - Period 26/12/2023 To 25/01/2024	-22.43
EFT8657	08/02/2024	Eco-Edge Environmental Services	Fauna Habitat Assessment Wandering Narrogin Road	-993.93
835	09/02/2024	Police Licensing Payments	Police Licensing Payments	-977.50
835	12/02/2024	Police Licensing Payments	Police Licensing Payments	-193.70
835	13/02/2024	Police Licensing Payments	Police Licensing Payments	-993.20
DD4006.5	14/02/2024	Australian Super	Payroll Deductions	-1640.64
DD4006.4	14/02/2024	Hesta	Superannuation Contributions	-681.72
DD4006.3	14/02/2024	Hostplus Super	Superannuation Contributions	-568.91
DD4006.7	14/02/2024	MIC Super Fund	Superannuation Contributions	-272.10
DD4006.8	14/02/2024	Anz Smart Choice Super	Superannuation Contributions	-144.91
835	14/02/2024	Police Licensing Payments	Police Licensing Payments	-1781.10
DD4006.6	14/02/2024	Colonial First State	Superannuation Contributions	-272.09
DD4006.1	14/02/2024	Aware Super Pty Ltd	Payroll Deductions	-5216.51
DD4006.2	14/02/2024	Matrix Superannuation	Superannuation Contributions	-347.33
EFT8664	15/02/2024	Birds Silos & Shelters	12 X Gear Bags for Fire Uniforms	-858.00
EFT8665	15/02/2024	Cuballing Building Company	Cover In Eaves with Gutter Guard Cuballing Town Hall	-550.00
EFT8666	15/02/2024	Great Southern Fuel Supplies	MWS Fuel Card Usage - January 2024	-193.48
EFT8667	15/02/2024	Narrogin Auto Centre / Narrogin Ford, Mitsubishi and Nissan	45,000 Km Service - Works Supervisor	-515.00
EFT8668	15/02/2024	Narrogin Earthmoving and Concrete	Smooth Drum Roller Wet Hire for Stratherne Road	-4048.00
EFT8669	15/02/2024	Narrogin Pumps Solar and Spraying	4 Inch To 3 Inch Adaptor for Rear Off Tanker to Stabilizer Suction.	-157.51
EFT8670	15/02/2024	DCEO	Reimbursement Of Internet Costs	-70.83
EFT8671	15/02/2024	Parrys Narrogin	Work Wear for outside Workers	-655.55
EFT8663	15/02/2024	BMR Mechanical Pty Ltd	Repair Or Replace Faulty Brake Booster	-737.67
EFT8662	15/02/2024	BKS Electrical	Replace Broken Screen Review and Upload Footage from Fire Insert Line Crossings CCTV	-1045.00
DD4015.1	15/02/2024	Telstra	Sign Board Charges - March 2024	-14.50
835	15/02/2024	Police Licensing Payments	Police Licensing Payments	-92.65
DD4014.1	15/02/2024	Telstra	Landlines - Shire Office	-285.07
DD4012.1	15/02/2024	Telstra	SMS Message Harvest Ban Service - Feb 2024	-205.83
20250	15/02/2024	Synergy	Street Lights X 43	-669.11
835	16/02/2024	Police Licensing Payments	Police Licensing Payments	-1329.30
DD4022.1	16/02/2024	Telstra	Mobile Charges for February 2024	-408.83
EFT8672	16/02/2024	Stallion Homes	50% Retention Release for The Cuballing Independent Living Units	-58147.98
835	19/02/2024	Police Licensing Payments	Police Licensing Payments	-161.60

20252	20/02/2024	Water Corporation	Water Charges - Standpipe at Ridley Street Cuballing	-7474.82
20251	20/02/2024	Synergy	Electricity Charges - Street Light X 43	-4012.40
835	20/02/2024	Police Licensing Payments	Police Licensing Payments	-32.20
EFT8683	21/02/2024	R Munns Engineering Consulting Services	Engineer Consult for Design and Drawings for Austral St	-4188.82
EFT8685	21/02/2024	Westrac	Repair Cat 930g Loaders Fuel Pump	-8351.88
EFT8676	21/02/2024	Mcdougall Weldments	Monthly Account - Various Materials	-270.00
EFT8675	21/02/2024	Goodyear Autocare Narrogin	Repair 2 X Roller Compacting Tyres	-190.00
EFT8679	21/02/2024	Narrogin Pumps Solar and Spraying	2.5m Clear Tubing and 2 X Hose Clamps	-28.16
EFT8684	21/02/2024	S W Young Farming Co	Purchase Of 3,500m3 Gravel for Stratherne Road Shoulder Widenings	-14300.00
EFT8682	21/02/2024	Pingelly Quality Meats	Bacon For Australia Day 2024 8kg	-248.00
EFT8674	21/02/2024	BMR Mechanical Pty Ltd	1 X Set of Suzi Coils for UD Truck	-98.47
EFT8673	21/02/2024	BKS Electrical	Call Out to Repair Popanyinning Standpipe	-209.00
EFT8681	21/02/2024	PYNC Invasive Animal Control	Trapping Of Possums in Cuballing Hall Roof	-82.50
EFT8680	21/02/2024	Narrogin Embroidery	Embroidery Of Shire Logo and Name On 3 X Shirts	-42.00
EFT8677	21/02/2024	McPest Pest Control	Spider Spraying	-440.00
EFT8678	21/02/2024	Narrogin Auto Electrics	Call Out to Inspect Cat Steel Roller	-1400.46
835	22/02/2024	Police Licensing Payments	Police Licensing Payments	-159.45
835	23/02/2024	Police Licensing Payments	Police Licensing Payments	-1204.75
EFT8687	26/02/2024	Western Stabilisers	Part Payment of Works on Stratherne Road	-122195.90
EFT8686	26/02/2024	Bitutek	Primer Seal Strathern Rd	-68763.20
DD4043.1	26/02/2024	Aussie Broadband	Monthly Internet Charges - Shire Office - March 2024	-79.00
835	28/02/2024	Police Licensing Payments	Police Licensing Payments	-431.20
DD4028.1	28/02/2024	Australian Super	Payroll Deductions	-1666.07
DD4028.2	28/02/2024	Aware Super Pty Ltd	Superannuation Contributions	-4750.29
DD4028.3	28/02/2024	Matrix Superannuation	Superannuation Contributions	-338.38
DD4028.4	28/02/2024	Hostplus Super	Superannuation Contributions	-568.91
DD4028.5	28/02/2024	Hesta	Superannuation Contributions	-681.72
DD4028.6	28/02/2024	Colonial First State	Superannuation Contributions	-272.09
DD4028.7	28/02/2024	Mlc Super Fund	Superannuation Contributions	-272.10
DD4028.8	28/02/2024	Anz Smart Choice Super	Superannuation Contributions	-212.86
DD4028.9	28/02/2024	Mercer Superannuation	Superannuation Contributions	-328.94
835	29/02/2024	Police Licensing Payments	Police Licensing Payments	-1392.55
Total				-419915.32

CREDIT CARD TRANSACTIONS

Creditor	Description	Amount
Booking.Com	Accommodation for excel training	\$ 330.63
Thing-a-me-bobs	Felt Stickers for Shire Furniture	\$ 19.96
Cuby Tavern	Dinner for Council Meeting on the 21st of February	\$ 366.70
BP Kewdale	Fuel for CEO vehicle	\$ 234.01
Booking.com	Accommodation for Project Officer for Grant Training	\$ 392.70
Public transport Authority	Transport for Admin Officer for Trelis training	\$ 58.70
Ampol Narrogin	Fuel for DCEO Vehicle	\$ 30.07
Seek	Advertisement for Admin Safety Position	\$ 401.50
Return to Taxed Pty Ltd	FBT Conference	\$ 385.00
Moore Australia	2024 Budget Workshop	\$1,320.00
Shire of Cuballing	Annual renewal for CN10015	\$ 25.30
Knightline Computers	Adaptor cord for DCEO Computer	\$ 37.95
Harvey Norman	Dash Cams for Fire Shire Vehicles	\$1,096.00
Reece	Graded Gully pit for Drainage	\$ 658.49
Coles	Batteries	\$ 27.50
Australia Post	SD Cards x 2	\$ 78.00
Bunnings Warehouse	Paint for the Cuballing Entry Statement	\$ 159.40
Bunnings Warehouse	Jumper Leads for Depot	\$ 39.00
McIntosh & Sons	Parts FOR Shire Fire Truck	\$ 165.55
Mainroads	RAV Permit for CN10015	\$ 432.00
Total		\$6,258.46

PETTY CASH AND COLES CARD PAYMENTS

Item details	CWA Hall	IT & Computer Maintenance	Total
	C164-999-3001	1042930.520	
Groceries			
Misc (Cleaning supplies)			
Stationery/Postage			
Materials	295.70	37.95	333.65
Licensing			
Total			333.65

Coles Card

Item details	Refund	Refreshment	Total
	1042510.17	04105	
Groceries		488.20	
Misc (Cleaning supplies)			
Stationery/Postage			
Outside Staff Goods			
STAFF			
Licensing			
Total			488.20

9.1.2 Statement of Financial Activity

Applicant: N/A
File Ref. No: ADM214
Disclosure of Interest: Nil
Date: 14 March 2024
Author: Narelle Rowe, Deputy Chief Executive Officer
Attachments: 9.1.2A Statement of Financial Activity

Summary

Council is to consider the Statement of Financial Activity for February 2024.

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

Nil.

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 29 February 2024 be received.

9.1.3 Budget Review 2023/2024

Applicant: N/A
File Ref. No: ADM102
Disclosure of Interest: Nil
Date: 14 March 2024
Author: Narelle Rowe
Attachments: 9.1.3A Budget Review Statutory Report

Summary

The annual review of Council's budget is presented for adoption by Council.

Background

The Local Government (Financial Management) Regulations 1996, regulation 33A, requires:

- that Local Governments conduct a budget review between 1 January and last day of February each financial year.
- The review is to be presented to council for consideration within 30 days of completion; and
- A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

This review considers the financial position as at 29 February and projects Council's position by the end of the financial year.

Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council adopted a 10% and a \$5,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

These projections are estimates done to the best of the abilities of the staff involved consulting with current accounts, forecasted expenditures and current budgets. These estimates do not guarantee that the 2023/2024 projected results will match the end of year result.

The attached report provides an explanation for predicted variances shown in the Budget Review forecasts for this financial year.

The major variances found in the Budget Review, and reasons for them are set out below. Other variances are set out in attachment 9.2.1A.

Grants Commission

Financial Assistance Grants were overestimated during 2023/24 Budget preparation. undertaken.

- COA 3200 Grants Commission - Reduced
INCOME \$91,023

Wheatbelt Secondary Freight Network (WSFN)

Following commencement of WSFN projects, balance of funding for WSFN postponed to 2024/25 financial year due to failure of Federal Minister to sign necessary documentation.

- COA 12164 Wheatbelt Secondary Freight Network Governance - Reduced INCOME

\$1,445,461.48

Standpipe Charges

Standpipe income budgeted for increased water usage for WSNF road projects. Following postponement of WSNF funding, standpipe charges reduced accordingly.

- COA 13455 Standpipe Income – Reduce INCOME by \$110,000.

Summary

After working through the changes and corrections, including the significant changes to the WSNF funding some reductions have been identified as necessary in the budget review process.

In short, capital funding decreased \$1,448,497 however this was offset by decreased capital expenditure \$1,622,418 resulting in a net movement of \$76,435.

The Budget Review Report document is at Attachment 9.2.1A.

Strategic Implications - Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996

Part 3 Annual budget — s. 6.2

33A. Review of budget

(1) Between 1 January and last day of February in each year a local government is to carry out a review of its annual budget for that year.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

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

**Absolute majority required.*

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

Policy Implications - Nil

Financial Implications

The proposed amendments are largely based on things that we know have occurred or will occur. It has been challenging adopting the budget to accommodate the loss of substantial WSNF funding. Fortunately, staff have been able to reallocate resources and reduce expenditure to produce an acceptable result.

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. not to receive the Budget Review for 2023/2024.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council adopt the Budget Review for the financial year 2023/2024 that was conducted in accordance with Regulation 33A (2) and (3) of the Local Government (Financial Management) Regulation 1996.

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Financial Management Review and Regulation 17 Review

Applicant:	Shire of Cuballing
File Ref. No:	ADM143
Disclosure of Interest:	Nil
Date:	12 March 2024
Author:	CEO- Stan Scott
Attachments:	9.2.1A Review of Financial Management Risk Management Legislative Compliance and Internal Controls – Moore Australia – Commercial in Confidence 9.2.1B Priority Actions from FMR

Purpose

Council is asked to note the Review of Financial Management Risk Management Legislative Compliance and Internal Controls prepared by Moore Australia on behalf of the CEO

Background

In receiving the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls Council will note that there are a number of recommendations for changes in policy that will in due course come before Council for consideration. The reasons and justifications for the proposed changes are included in the report.

Council should note that the report is marked as commercial in confidence and the contents should remain confidential. This is particularly important to ensure that third parties do not seek to exploit, and vulnerabilities or weaknesses identified.

It is also important to note the high level findings that do not reveal any specific details of identified weaknesses include:

- *Financial Management*

Systems and processes were assessed as largely appropriate and generally effective given the scale of the Shire's operations, subject to identified weaknesses being addressed.

- *Risk Management*

The documented risk management policy and process is considered appropriate but gaps in implementation limit effectiveness. Some improvements are suggested.

- *Internal Controls*

Controls in place or in the process of being implemented were considered appropriate and effective, through some gaps were identified and these are addressed in recommendations.

- *Legislative Compliance*

The current approach is overly reliant on senior staff, and while presently effective would be improved with some policy support setting out Council's expectations.

Priority Actions

The review made a number of recommendations. These recommendations have been assigned a priority based on the level of risk. Those with the highest level of risk have been set out in Attachment 9.2.1B. Many of the recommendations involve the adoption of a new policy, or review of an existing policy. A common theme in a number of the recommendations is policies that are too administrative in nature, or step outside Council's governance role and into the CEO's management role.

These policies will be reviewed and new policies or policy changes will be brought to Council progressively over the next few months. Other recommendations will be considered and where necessary Council will be consulted on changes.

Council is also requested to note any comment from the Audit Committee in relation to matters raised.

Statutory Environment

The CEO is required at least once every 3 years to review the effectiveness of financial management systems and procedures and report the findings to Council. The CEO is also required, at least once every 3 years, to review the appropriateness and effectiveness of the systems and procedures in relation to risk management, internal controls and legislative compliance, and report the findings to the Audit Committee. We have combined these two reviews as part of a single report prepared by Moore Australia. Extracts from the regulations appear below.

Local Government (Financial Management) Regulations 1996

5. CEO's duties as to financial management

- (2) The CEO is to —
 - (a) ensure that the resources of the local government are effectively and efficiently managed; and
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

Local Government (Audit) Regulations 1996

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

In each case the CEO is required to report on the results of the reviews. The only requirement is for Council and the Audit Committee to receive the results of the reviews.

Policy Implications

There have been a number of recommendations for changes to various Council policies. Some of the proposed changes are a higher priority than others. There are also recommendations for new policies. These will all be brought to Council over the course of the next few months.

Financial Implications

There are no notable financial implications from the reports.

Economic Implication - Nil

Environmental Considerations - Nil

Consultation

The consultants met with Shire staff several months ago to do the testing associated with the two reviews.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

1. Receives the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls prepared for the CEO by Moore Australia.
2. Notes any comment from the Audit Committee in relation to matters raised.

9.2.2 2023 Compliance Audit Return

Applicant:	N/A
File Ref. No:	ADM 35
Disclosure of Interest:	Nil
Date:	13 March 2024
Author:	Stan Scott - CEO
Attachments:	6.1A Draft 2023 Compliance Audit Return (from, Audit Committee Agenda)

Summary

The Shire of Cuballing is to consider the Compliance Audit Return for the period 1st January 2023 to 31st December 2023 and authorise the Shire President and CEO to certify and lodge the completed CAR.

Background

The Compliance Audit Return (CAR) is a Department of Local Government, Sport and Cultural Industries (DLGSCI) prepared checklist setting out some of the statutory requirements that Local Governments were required to comply with in the twelve months to 31st December 2024.

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 DLGC.

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 Department of Local Government, Sport and Cultural Industries, by 31st March 2024.

Comment

The Audit Committee considered the CAR 2023 and made recommendations to the this Council Meeting. The draft Compliance Audit Return 2023 is included at Attachment 8.2.1A.

The 2023 Compliance Audit Return included the following matters of non-compliance:

Delegation of Power/Duty

12. Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?

No

Comments: Delegations were reviewed in June 2022 and December 2023

Other

1. Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2023?

No

Comment: Review completed 13 December 2023, will be presented to Council March 2024

2. 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) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023?

No

Comment: Review completed 13 December 2023, will be considered by Council March 2024

It is notable that the November 2023 review of delegations and the Financial Management Review and Regulation 17 Review presented for consideration at this meeting will ensure that the Shire of Cuballing is compliant in relation to these matters for its next CAR.

Strategic Implications – Nil

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. 5.70	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. Seek additional information, noting statutory deadlines.

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION:

That Council:

- 1. adopts the completed Local Government Compliance Audit Return for the period 1st January 2023 to 31st December 2023 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 matters and requests that the Chief Executive Officer ensure the areas of non-compliance are addressed**
- 3. notes any additional recommendations from the Audit Committee.**

9.2.3 Oversized Shed at 60 Carton Street Cuballing

Applicant: Gareth Keeling
File Ref. No: A808
Disclosure of Interest: Nil
Date: 13 March 2024
Author: CEO- Stan Scott
Attachments: 9.2.3A Application for Development Approval

Summary

Planning Approval is recommended for an oversized outbuilding at 60 Carton Street, Cuballing.

Background

1. *The application site*

The site is located on the east side of Cuballing. The property is 5,475 square metres in area and is largely cleared with some significant sized remnant trees.

The property has one existing outbuilding, and the proposed development is an extension of that building, and replaces a small annex to the existing shed. While the lot is largely cleared, some large vegetation remains on the property.

2. *The application*

The application seeks approval for an extension measuring 72 square metres to an existing shed with a 144 square metre footprint, for a combined size of 216 square metres. The extension will have a wall height of 4 metres, with a height of 4.58 metres at the peak of the gable.

The outbuilding extension if proposed to have two high roller doors.

The Planning Application is included at Attachment 9.2.3B.

3. *Public consultation and submissions*

There has been no public consultation. The closest neighbours are over 60 metres away and there are substantial trees between the proposed shed and neighbouring properties.

4. *Planning context*

The site is zoned "Rural Residential" in the *Shire of Cuballing Town Planning Scheme No. 2* (TPS2).

Council's *Local Planning Policy – Outbuildings* (LPPO) in part states planning approval may be granted where:

- (b) that for properties in the Rural Residential Zone, where the lot size is over 1,500m²;
 - (i) Zincalume construction, where the total outbuilding does not exceed 85m² in total floor area;
 - (ii) Colourbond construction, where the total outbuilding does not exceed 120m² in total floor area;

(iii) Masonry construction and/or where the total outbuilding has walls constructed of the same materials and appearance as the house and does not exceed 170m² in total floor area.

(c) Wall height of any outbuildings not to exceed 3 metres. In the case of gable roof construction, the maximum height is not to exceed 4 metres.

...
(f) Any application for planning approval which does not comply with the above shall be referred to Council for consideration.

The proposed combines area for this outbuilding is 216 m², the proposed wall height is 4 meters, and gable height is 4.58 metres all of which exceed the threshold for Council consideration..

60 Carton Street, CUBALLING 6311
Strata:
Reserve:

Details

Polygon Number
978275

Land Usage
Land Act (Type 2)

Address
60 Carton Street, CUBALLING 6311

House Numbers
60

Parent House Number
60

Lot Numbers
331

Parent Lot Number
331

Locality
CUBALLING

Strata Number

Reserve No

Land Area (m²)
5,475



Comment

While noting that the proposed outbuilding exceeds the maximum permitted height under the Local Planning Policy approval of the building is within the purview of Council. Approval would be consistent with previous approvals. It is recommended that the Council approve the Planning Application subject to conditions.

This follows assessment against the Shire of Cuballing TPS2, Council policy, information provided by the applicant, the submissions relating to the Planning Application and the site characteristics. Conditional approval is recommended given:

- The 206m² area of the outbuilding exceeds the 120 m² by a substantial amount. The lot in question is 5,475 square metres which is large enough to accommodate a building of that scale. It is notable that the request is to build a 72 square metre extension. If the extension was not connected to the existing shed the scale would not be an issue.
- The 4.58 metre height of the outbuilding is greater than LPP limit of 4 metres. The wall height on the sides of the building is 4 metres. While the shed is only 3.2 metres

from the side boundary, that boundary is the road reserve to an unbuilt road. There is no impact on neighbours either now or in the future.

Approving this application would be consistent with previous applications where larger sheds have been approved on rural residential blocks with the size of the property, location of the shed on the block and separation from neighbouring residences has been sufficient to mitigate any impacts.

The applicant is not seeking approval to operate a home occupation or home business. If the use of the outbuilding were to change to that of a home occupation or home business, rather than for storage of vehicles and machinery, the applicant is required to apply for Planning Approval and meet the requirements of a home occupation or home business as set by LPS2. Should such an application be received, the Shire would invite comment from neighbours.

Strategic Implications

There are no notable strategic implications.

Statutory Environment

Shire of Cuballing Town Planning Scheme No. 2

Policy Implications

Local Planning Policy – Outbuildings

Local Planning Policies are non-statutory documents which provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by LPPO, but is required to have regard to the policy in determining the Planning Application.

Financial Implications – Nil

Economic Implication – Nil

Social Implication – Nil

Environmental Considerations – Nil

Consultation

As the proposed building is more than 60 metres from the nearest neighbour and the shed is for domestic use, neighbours were not consulted.

Options

Council may resolve:

1. the Officer's Recommendation to approve the Planning Application with conditions;
2. to approve the Planning Application with no conditions;
3. to refuse the Planning Application (providing reasons); or
4. to defer and seek additional information.

OFFICER RECOMMENDATION

That Council approve the Planning Application for a 72 square metre extension to and existing outbuilding for a combined size of 206 square metres at 60 Carton Street, Cuballing subject to the following conditions:

- 1. this approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Where the Planning Approval has lapsed, no further development is to be carried out;**
- 2. 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 Council and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the Council;**
- 3. the provision of details with the Building Permit as to how stormwater will be addressed for the proposed development to the satisfaction of Shire. The Shire will require that all stormwater from the outbuilding shall be collected, detained and suitably treated on site to the satisfaction of the Shire prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Council; and**
- 4. the outbuilding is used for storage and personal recreation activities and is to be not used for commercial, industrial or habitable purposes or for accommodating livestock.**

ADVICE

- A) In relation to Condition 3, stormwater from the proposed outbuilding is to be suitably detained on site (e.g. rainwater tanks, soak wells). Further, the proponent should in general, effectively manage run-off onto the adjoining properties or roads.**
- B) The proponent is advised that this Planning Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.**
- C) 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.**

9.3 MANAGER OF WORKS AND SERVICES:

Nil at this time

9.4 COMMITTEE REPORTS:

Nil

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

13. NEXT MEETING:

Ordinary Council Meeting, 3.00pm. Wednesday 17 April 2024 at the Shire of Cuballing CWA Hall, Campbell Street, Cuballing

14. CLOSURE OF MEETING: