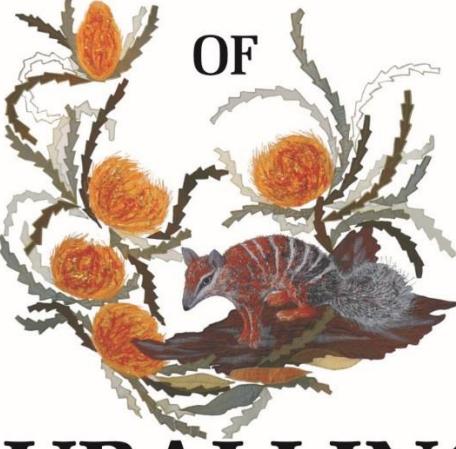


**SHIRE**



**OF**

**CUBALLING**

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

**MINUTES**

of the

**Ordinary Meeting of Council**

held

**3PM, THURSDAY 16<sup>th</sup> JULY 2015**

Shire of Cuballing  
Council Chambers  
Campbell Street, Cuballing

These minutes were confirmed at the Ordinary Meeting held on Thursday 20<sup>th</sup> August 2015.

Signed.....

Cr Mark Conley, Shire President

Thursday 20<sup>th</sup> August 2015

## **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 conservations 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 with 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.

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## **1. DECLARATION OF OPENING:**

The Shire President, Cr Conley, declared the meeting open at 3.00pm.

## **2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:**

### **2.1.1 Attendance**

Cr Mark Conley	President
Cr Roger Newman	Deputy President
Cr Tim Haslam	
Cr Eliza Dowling	

Mr Gary Sherry	Chief Executive Officer
Ms Tonya Williams	Deputy Chief Executive Officer
Mr Bruce Brennan	Works Supervisor

There were four people in the public gallery.

### **2.1.2 Apologies**

Cr Scott Ballantyne

### **2.1.3 Leave of Absence**

Cr Dawson Bradford

## **3. STANDING ORDERS:**

### **COUNCIL DECISION:**

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

<b>Moved: Cr Newman</b>	<b>Seconded: Cr Haslam</b>
<b>Carried 4/0</b>	

## **4. PUBLIC QUESTION TIME:**

### **4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:**

#### **4.1.1 Questions Taken On Notice - Ms Glenda Vukomanovic – Proposed Regional Waste Disposal Site**

- 1. We have been advised by a Town Planner that if we were to subdivide our block in half at Nebrikkining Road, opposite the Proposed Regional Rubbish Dump, this**

**would constitute a subdivision in terms of the Buffer Zone and would preclude the building of homes in our subdivision.**

**What guarantee can the Shire give that our options for building on our land would not be adversely affected, including the prohibiting of building, by the proposed regional dump?**

I would advise that you seek professional advice over your position. This response is only general in nature.

The Environmental Protection Authority (EPA) Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses recommends a generic buffer distance of 500 metres from “sensitive” uses (e.g. subdivisions), 150 metres from single residences and an internal buffer of 35 metres from boundaries.

I understand the term sensitive” uses (e.g. subdivisions), when used in the EPA Statement refers to subdivisions and townsites where multiple lots exist or are created. I don’t believe that the term refers to a subdivision of one lot into two.

Therefore I believe that the appropriate generic buffer distance to be considered is 150 metres, with a buffer of at least 130 metres to be provided on the application site. The entirety of your property remains outside a 150 metre buffer from the proposed Regional Waste Disposal Site.

In summary I would suggest that there will be no limitation on any proposed building of a residence on your property, either as it exists now or after the implementation of any subdivision approved by the WA Planning Commission.

**2. As the proposed Tip would itself require a subdivision of land for purposes not originally intended would it be reasonable to compensate us fully for not being able at any time to subdivide and build on our subdivision?**

The EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses recommends a generic buffer distance of 500 metres from “sensitive” uses (e.g. subdivisions), 150 metres from single residences and an internal buffer of 35 metres from boundaries.

Given the zoning of the area under consideration by the Shire of Cuballing is “General Agriculture” or “Farming” and there are no residential or rural residential subdivisions, the appropriate generic buffer distance is considered to be 150 metres, with a buffer of at least 130 metres to be provided on the application site. The entirety of your property remains outside a 150 metre buffer from the proposed Regional Waste Disposal Site.

With the entirety your property outside the EPA recommended buffer limits from the proposed Regional Waste Disposal Site, I would suggest that there will be no limitation on any proposed subdivision to be approved by the WA Planning Commission.

**3. It was reported on ABC radio today of an overflow of waste water including sewerage into the Wilson Inlet near Denmark due to a pump station malfunction. Swimming, fishing activities have been banned until testing shows levels of contamination have lowered to acceptable levels.**

**Andrew Kneebone the regional manager said he can not ever assure it will not happen again. A member of the public alerted water authorities and not any system that was installed to "safeguard" the operation.**

**Given that disasters do occur even with the best planning and intent how can the Cuballing Shire guarantee that they will not occur?**

**Given the gravity of slope in all directions it really is a question of when this will occur.**

**Bear in mind contamination overflowing the site, all downhill from a significant height, would significantly impact adjoining landholders who all rely on ground water and tank water for human consumption as well as stock drinking and egg farm production.**

**The pollution upon overflowing the site or leaching through even lining membranes perhaps due to severe earth movement or even a failed liner, could not be flushed and diluted by the ocean, but would remain as a long term consequence in the ground.**

The Shire of Cuballing, like Mr Kneebone from the Water Corporation, cannot guarantee disasters will not occur. However the Shire of Cuballing will reduce the risk where possible to limit the occurrence and impact of any disasters.

Your question seems to raise concerns about:

- the leaching of contaminants from the proposed Regional Waste Disposal Site into groundwater around the proposed site; and
- overflow of contaminants from the proposed Regional Waste Disposal Site during an extreme rainfall event.

To reduce the possibility and impact of groundwater contamination, the Great Southern Regional Waste Group (GSRWG) will need the approval of the Department of Environment Regulation (DER) prior to the construction of the proposed site. This approval would be implemented via a Works Approval process. The draft works approval application of the GSRWG is available on the Shire of Cuballing website.

Under the works approval it would be a requirement that the groundwater levels at the site would be at the least the required DER separation distance below the floor of the proposed site. The Works Approval may also include a requirement for the installation of a non-permeable liner.

Once operation the proposed Regional Waste Disposal Site will be monitored by the DER after operations commence to ensure that contamination of ground water doesn't occur. The extent of the monitoring to be required will be part of the works approval permit.

You also suggest that the proposed Regional Waste Disposal Site has high risk of flooding resulting in an overflow of contaminants from the proposed regional waste disposal site. I believe that this possibility is highly unlikely because:

- The site is high in the landscape (very near the top of the hill) and there is very little potential area for stormwater to runoff into the proposed regional waste disposal site. In that case, even for a large rainfall event, the amount of water entering the site will only be that rainfall that falls on the footprint of the site. Such an amount will be relatively small;

- minor levels of stormwater runoff that potentially could enter the proposed regional waste disposal site, would be diverted from the site as part of construction.
  - The proposed regional waste disposal site will have the capacity to hold within the site the rainfall of a significant event.
4. **From aerial photography yesterday (my color printer is having problems, but I will endeavour to forward Photos as soon as possible) shows considerable remnant vegetation on the proposed site that would need to be cleared on and around the hilltop to accommodate emergency bunds around the hilltop 360 degrees.**

**As even these will not guarantee against likely disasters why would the Shire contemplate clearing significant vegetation that also is currently controlling erosion on such a hilly site?**

There are no plans for the Great Southern Regional Waste Group to clear significant remnant vegetation outside of the floor area of the proposed regional waste disposal site. In the site selection the boundaries of the site have been established with conservation of remnant vegetation a priority.

I would remind you that while the subject land has an area of approximately 65 hectares, the area of the waste disposal activity will impact on only 10.2 hectares of the site. Even this 10.2 hectares will be located in cleared areas of the site.

- Stage 1 of 3.6 ha lies in an existing gravel pit devoid of vegetation.
- Stages 2 – 4 of 6.6 ha lies on pasture with four small clumps of trees and no understory

## **4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:**

Nil

## **4.3 PUBLIC QUESTIONS FROM THE GALLERY:**

Prior to commencing Public Question Time, Shire President Cr Mark Conley updated Council and particularly those interested members of the public gallery on developments of the proposed Regional Waste Disposal Site.

Cr Conley advised there had been no further contact between the Shire of Cuballing and the Appeals Coordinator since the June 2015 Ordinary Meeting of Council. The Appeals Coordinator had visited the Shire of Cuballing on 27th May 2015 and had advised that if the appeal investigation was completed in normal time frames, an outcome should be expected in July 2015.

Cr Conley also advised that there had been no further contact the Shire of Cuballing and the Federal Government's Department of Environment who had visited Cuballing on the morning of the June 2015 Ordinary Meeting of Council. The Department representatives advised at that time that they would respond by correspondence in the next week.

### **4.3.1 Proposed Regional Waste Disposal Site**

Mr Peter Vukomanovic asked has there been a cost analysis done on the proposal for a Tip Site at Nebrikinning Road?

Cr Conley advised that a detailed cost analysis had not been done at this time. Until the Great Southern Regional Waste Group have received the conditions imposed on the proposal by the Shire of Cuballing and the Department of Environment Regulation a worthwhile detailed cost analysis would be difficult to do.

#### 4.3.2 Proposed Regional Waste Disposal Site

Mr Peter Vukomanovic asked who has done this analysis and what are it's findings?

Cr Conley advised that a detailed cost analysis had not been done at this time and such analysis may be some time before being completed. When the Great Southern Regional Waste Group received the conditions imposed on the proposal by the Shire of Cuballing and the Department of Environment Regulation a more detailed analysis will be completed at that time.

Cr Conley thought that it could be possible that the proposed Regional Waste Disposal Site may not proceed after receiving approval from the Shire of Cuballing and the Department of Environment Regulation because of the cost of meeting the conditions imposed in those approvals from the Shire of Cuballing and the Department of Environment Regulation.

#### 4.3.3 Proposed Regional Waste Disposal Site

Mr Peter Vukomanovic asked what monetary benefit is there to the Shire of Cuballing including price received per tonne of rubbish?

Cr Conley advised that the Shire of Cuballing would be completing the management of a completed Regional Waste Site and would receive a fee for any services provided.

#### 4.3.4 Proposed Regional Waste Disposal Site

Mr Peter Vukomanovic asked that given there are serious problems at sites with far more protections built into their sites than the proposed Cuballing site has, does the cost analysis include a substantial expenditure to at least bring it up to the minimum requirements?

Cr Conley advised that any Regional Waste Disposal Site constructed by the Great Southern Regional Waste Group in the Shire of Cuballing would be constructed to the standards and conditions imposed by the Shire of Cuballing and the Department of Environment Regulation.

#### 4.3.5 Proposed Regional Waste Disposal Site

Mr Peter Vukomanovic asked what is the actual proposal Cuballing Shire is considering and are all councillors fully aware of the contents and consequences?

Cr Conley advised that Council had completed an initial review of the Planning Application at their March 2015 Ordinary Meeting. At that meeting Council decided to seek a response from the applicant to the public comment received. Council also decided to request comment from the applicant on number of queries of the Council.

At this time, because of delays arriving from the appeal to the Environmental Protection Authority's decision to not investigate the proposed Regional Waste Disposal Site, the Great Southern Regional Waste Group were waiting for the outcome of that appeal before completing a response to Council.

Until Council receives this additional information no decision will be made on the Planning Application for the Regional Waste Disposal Site.

#### **4.3.6 Proposed Regional Waste Disposal Site**

Mr Colin Hawksley asked, given he had lived and contributed to the community of Shire of Cuballing for a considerable time, why he did not receive any information relating to the Regional Waste Disposal Site? Mr Hawksley advised that he had taken this up with the Chief Executive Officer in the past.

The Chief Executive Officer, Mr Sherry advised that the Shire of Cuballing, in seeking public comment regarding the Proposed Regional Waste Disposal Site had posted information to:

1. Every resident or ratepayer collecting mail from the Cuballing or Popanyinning Post Offices;
2. any ratepayer with a postal address outside of Cuballing or Popanyinning; and
3. a list of 17 ratepayers of the Shire of Narrogin who own property within a 5 kilometre radius of the proposed Regional Waste Disposal Site.

The Shire of Cuballing had also provided this information to a number of state government agencies and other community groups.

#### **4.3.7 Proposed Regional Waste Disposal Site**

Mr Colin Hawksley expressed his concern over the proposed Regional Waste Disposal Site and the considerable negative impact that he anticipated that the proposed site would have on his adjoining poultry farm. This poultry businesses had been operating for 18 years and under his control for last 11 years. Mr Hawksley advised that he had sought independent advice and had retained lawyers to fight the proposal. Mr Hawksley asked if Council had sought legal advice on the proposal?

Cr Conley advised that Council had sought specific town planning advice on how to handle the planning application to this point and would obtain whatever advice and assistance considered appropriate in the future.

### **5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

### **6. CONFIRMATION OF MINUTES:**

#### **6.1.1 Ordinary Meeting of Council held on Thursday 18<sup>th</sup> June 2015**

##### **COUNCIL DECISION:**

**That the minutes of the Ordinary Meeting of Council held on Thursday 18<sup>th</sup> June 2015 be confirmed as a true record of proceedings.**

**Moved: Cr Dowling**

**Seconded: Cr Newman**

**Carried 4/0**

**6.1.2      Special Meeting of Council held on Tuesday 30<sup>th</sup> June 2015**

**COUNCIL DECISION:**

**That the minutes of the Special Meeting of Council held on Tuesday 30<sup>th</sup> June 2015 be confirmed as a true record of proceedings.**

**Moved: Cr Haslam**

**Seconded: Cr Dowling**

**Carried 4/0**

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

Nil

**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.

**Mr Sherry declared an Impartiality interest in that he is the Chief Executive Officer and candidate for Returning Officer.**

**Cr Dowling declared an Impartiality Interest in that she is an Office Bearer and member of the Dryandra Pony Club.**

## **9. REPORTS OF OFFICERS AND COMMITTEES:**

### **9.1 DEPUTY CHIEF EXECUTIVE OFFICER:**

#### **9.1.1 List of Accounts Submitted for Council Approval and Payment – June 2015**

File Ref. No: Finance 11  
Disclosure of Interest: Nil  
Date: 6<sup>th</sup> July 2015  
Author: Nichole Gould  
Attachments: 9.1.1A List of June Accounts

#### **Summary**

**Council is to consider the June 2015 List of Accounts.**

Background - Nil

#### **Comment**

Council is provided at Attachment 9.1.1A with a list of payments made from each of Council's bank accounts during the month of June 2015.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications

Financial Implications

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

#### **COUNCIL DECISION:**

**That Council notes the Chief Executive Officer's List Of Accounts for June 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 included at Attachment 9.1.1A including payments from:**

1. the Municipal fund totalling \$176,377.37; and
2. the Trust Fund totalling \$22,416.30

**Moved: Cr Newman**

**Seconded: Cr Dowling**

**Carried 4/0**

List of Accounts Due and Submitted to Council						
Chq/EFT	Name	Description	Trust	Credit Card	Municipal	Total
03062015	4 - Police Licensing Payments	Police Licensing Payments	-638.85			-638.85
18062015	4 - Police Licensing Payments	Police Licensing Payments	-465.25			-465.25
19062015	4 - Police Licensing Payments	Police Licensing Payments	-895.35			-895.35
22062015	4 - Police Licensing Payments	Police Licensing Payments	-100.90			-100.90
23062015	4 - Police Licensing Payments	Police Licensing Payments	-1599.00			-1599.00
24062015	4 - Police Licensing Payments	Police Licensing Payments	-2143.70			-2143.70
25062015	4 - Police Licensing Payments	Police Licensing Payments	-298.45			-298.45
26062015	4 - Police Licensing Payments	Police Licensing Payments	-747.70			-747.70
29062015	4 - Police Licensing Payments	Police Licensing Payments	-1037.80			-1037.80
30062015	4 - Police Licensing Payments	Police Licensing Payments	-585.60			-585.60
04062015	4 - Police Licensing Payments	Police Licensing Payments	-952.80			-952.80
05062015	4 - Police Licensing Payments	Police Licensing Payments	-916.05			-916.05
09062015	4 - Police Licensing Payments	Police Licensing Payments	-937.95			-937.95
10062015	4 - Police Licensing Payments	Police Licensing Payments	-132.00			-132.00
15062015	4 - Police Licensing Payments	Police Licensing Payments	-948.35			-948.35
15062015	4 - Police Licensing Payments	Police Licensing Payments	-193.50			-193.50
16062015	4 - Police Licensing Payments	Police Licensing Payments	-330.60			-330.60
17062015	4 - Police Licensing Payments	Police Licensing Payments	-1992.45			-1992.45
EFT1439	Paula Ann O'Hara	Reimbursement Of Bond Ancillary Accomodation-4453 Daylesford Rd For Popanyinning	-7500.00			-7500.00
EFT1440	Hostplus Super	Superannuation contributions			-386.98	-386.98
EFT1441	Matrix Superannuation	Superannuation contributions			-100.08	-100.08
EFT1442	Prime Super	Superannuation contributions			-342.44	-342.44
EFT1443	WA Local Government Super Plan	Superannuation contributions			-8912.44	-8912.44
EFT1444	Westscheme Superannuation	Superannuation contributions			-775.00	-775.00
EFT1445	Air Liquide Pty Ltd	Cylinder F & G sizes, rental			-107.32	-107.32
EFT1446	AMPAC Debt Recovery	AMPAC Debt Recovery Invoice for GPC from 14/15 Rates round, cost to be recouped from Assessments			-7090.83	-7090.83
EFT1447	Avon Waste	Bulk Bin Service & Rent			-1310.33	-1310.33
EFT1448	Beaurepaires	Repair spare tyre and 2 new tyres			-891.62	-891.62

List of Accounts Due and Submitted to Council						
Chq/EFT	Name	Description	Trust	Credit Card	Municipal	Total
EFT1449	Builders Registration Board Building Commission	May Building forms - CDC			-1349.00	-1349.00
EFT1450	Child Support Agency	Payroll deductions			-302.66	-302.66
EFT1451	Complant Australia	1 X Window-Roller			-291.67	-291.67
EFT1452	Cuby Roadhouse	May Account - CEO fuel			-874.44	-874.44
EFT1453	Dews Mini Excavations	Clean culverts			-7716.50	-7716.50
EFT1454	Farmworks Ruralco	Posts for Popo Hall			-61.60	-61.60
EFT1455	Frank Kulker	Refund of overpayment for CDC, invoice 2809			-370.50	-370.50
EFT1456	Frank Weston & Co	Mig wire and spool, contact tip, brass taper			-131.38	-131.38
EFT1457	Great Southern Fuel Supplies	May Account - bulk			-9055.96	-9055.96
EFT1458	Ingrey Ford Pty Ltd	Fixed price service			-550.00	-550.00
EFT1459	Kevrek Pty Ltd	DC Motor only, Starter Solenoid			-680.08	-680.08
EFT1460	LMW Hegney South West	Valuation Report-58 Austral St Cuballing			-1100.00	-1100.00
EFT1461	Makit Narrogin Hardware	Makit Account			-771.10	-771.10
EFT1462	Mechanical And Diesel Services	Service 930G Cat Loader-6014 Hours			-1170.95	-1170.95
EFT1463	Market Creations	Email Migration to Office 364, includes travel, set up and configuration, labour and migration of data			-4246.00	-4246.00
EFT1464	McDougall Weldments	CN 157 parts			-59.72	-59.72
EFT1465	Narrogin Agricultural Repairs	Bench Grinder Wheel			-50.00	-50.00
EFT1466	Narrogin Auto Electrics	2 X Battery & 10 X 24V Globes			-522.00	-522.00
EFT1467	Narrogin Bearing Services	Wheel 350x4			-247.90	-247.90
EFT1468	Narrogin Smash Repairs	1 x new windscreens for CN2			-462.00	-462.00
EFT1469	Narrogin Gardening Services	Professional Services-2015/2016 Budget			-340.00	-340.00
EFT1470	Narrogin Hire Service And Reticulation	Hunter i-25 stainless			-2202.94	-2202.94
EFT1471	Narrogin Joinery	1 x Trapezoid Table, jarrah for Council Chambers			-2156.00	-2156.00
EFT1472	Narrogin Packaging	Toilet roll, slimline towel, bin liner			-446.03	-446.03
EFT1473	Narrogin Pumps Solar and Spraying	Honda pump and camlock			-1030.35	-1030.35
EFT1474	Page Truck Hire	Bobcat and loader hire to push up rubbish at Popo Tip 7, 11, 17 and 25/05/15			-1320.00	-1320.00
EFT1475	Position Partners	Field technician travel, check 2D systems and train operators			-682.00	-682.00
EFT1476	Pritchard Bookbinders	2010/2014 Minutes Books Binding			-302.50	-302.50
EFT1477	Quality Press	DFES printed Infringement Notice (Pack of 5)			-87.45	-87.45

List of Accounts Due and Submitted to Council						
Chq/EFT	Name	Description	Trust	Credit Card	Municipal	Total
EFT1478	SOS Office Equipment	Meter readings for Xerox DCVC4475, 30/04/15 to 31/05/15			-264.41	-264.41
EFT1479	Southern Lock & Security	10 X Number 4 Keys			-216.18	-216.18
EFT1480	Shire of Bruce Rock	Shire of Bruce Rock 2015 LGIS Inter-Municipal Golf Tournament			-400.00	-400.00
EFT1481	South West Institute of Technology	Training Course for Thompson, Clark, Mort for Certificate I in Conservation and Land Management, Using chemicals safely in the workplace, 211.90 each			-635.70	-635.70
EFT1482	Staples Australia Pty Ltd	Post it notes, ink tape, A4 diary, punch, stapler			-186.67	-186.67
EFT1483	Toll Ipec (Courier Australia)	Freight			-138.30	-138.30
EFT1484	Truck Centre (WA) Pty Ltd	Filler Cap			-51.85	-51.85
EFT1485	Tudor House	Printing of banner for Banners in the Terrace			-253.00	-253.00
EFT1486	WA Local Government Association	Advertising - Maternity Leave Contract			-309.62	-309.62
EFT1487	Westrac	Key Barrel			-232.99	-232.99
EFT1488	Work Plan Foundation Incorporated	Work Smart/ Live Smart Seminar, 24/06/2015 held by John Clune			-2320.00	-2320.00
EFT1489	Allan's Bobcat & Truck Hire	Limestone Blocks-Dryandra Equestrian, Excavator Hire			-6776.00	-6776.00
EFT1490	Allison's Bookkeeping	Professional Services-Road Condition Assessment			-14900.00	-14900.00
EFT1491	Burgess Rawson (WA) Pty Ltd	Water usage 14/4/15 - 9/06/15, 14/4/15 - 9/6/15			-6.79	-6.79
EFT1492	C&D Cutri	Preventative Maintenance on 4864 Bridge Wandering Rd			-10444.50	-10444.50
EFT1493	Cuby Tavern	Council Meeting Meals 23/04/15, 21/05/15, 18/06/15			-540.00	-540.00
EFT1494	Dews Mini Excavations	Clean out culvert 5.5hrs			-4908.75	-4908.75
EFT1495	Dawson Robert Bradford	Cr Bradford Councillor Sitting Fees Feb-June 15			-750.00	-750.00
EFT1496	Elisa Alice Dowling	Cr Dowling Councillor Sitting Fees 14/15			-1650.00	-1650.00
EFT1497	Ingersley Electrical	Install & Replace Lights-Replace Hall Sub Board			-10000.00	-10000.00
EFT1498	Landgate	Rural UV General Revaluation 2014/2015			-8755.72	-8755.72
EFT1499	Lisa Michelle Williams	Licensing training expenses reimbursement.			-497.31	-497.31
EFT1500	Mark Conley	Cr Conley Presidents Allowance			-5250.00	-5250.00
EFT1501	Narrogan Auto Electrics	Electrical parts for Standpipe Trailer			-1203.00	-1203.00
EFT1502	Peter Scott Ballantyne	Cr Ballantyne Councillor Sitting Fees Feb-June 15			-750.00	-750.00
EFT1503	Roger David John Newman	Cr Newman Councillor Sitting Fees 14/15			-1650.00	-1650.00
EFT1504	Ray White Real Estate	Water Charges 14/4/15 - 10/06/15, 58 days 22 units			-42.42	-42.42

List of Accounts Due and Submitted to Council						
Chq/EFT	Name	Description	Trust	Credit Card	Municipal	Total
EFT1505	Records Archives Historical Management	Records System Review & Report			-3036.00	-3036.00
EFT1506	Staples Australia Pty Ltd	Stationary order - rulers, post it notes, files dividers (budget), drawing pins, white out			-182.11	-182.11
EFT1507	Timothy Phillip Haslam	Cr Haslam Councillor Sitting Fees Feb-June 15			-750.00	-750.00
EFT1508	WA Fire Appliances	Parts for Standpipe Trailers			-1828.20	-1828.20
753	14 - Rent On Forrest Street	Rent On Forrest Street			-600.00	-600.00
753	11 - Interest On Graders	Interest On Graders			-954.76	-954.76
753	12 - Loan Repayment No. 63 Graders	Loan Repayment No. 63 Graders			-2759.52	-2759.52
753	13 - ATO Clearing Account BAS	ATO Clearing Account BAS			-13758.99	-13758.99
753	14 - Rent On Forrest Street	Rent On Forrest Street			-600.00	-600.00
753	14 - Rent On Forrest Street	Rent On Forrest Street			-600.00	-600.00
DD850.1	Hostplus Super	Superannuation contributions			-193.49	-193.49
DD850.2	Westscheme Superannuation	Superannuation contributions			-279.36	-279.36
DD850.3	WA Local Government Super Plan	Payroll deductions			-3600.86	-3600.86
DD850.4	Prime Super	Superannuation contributions			-171.22	-171.22
DD850.5	Mercer Superannuation	Superannuation contributions			-97.10	-97.10
DD859.1	Hostplus Super	Superannuation contributions			-193.49	-193.49
DD859.2	Westscheme Superannuation	Superannuation contributions			-495.64	-495.64
DD859.3	WA Local Government Super Plan	Payroll deductions			-6179.64	-6179.64
DD859.4	Prime Super	Superannuation contributions			-171.22	-171.22
DD859.5	Mercer Superannuation	Superannuation contributions			-97.10	-97.10
14708	Colin C Russell	Rates refund for assessment A118 103 Dungog Street Cuballing WA 6311			-52.40	-52.40
14709	Arts Narrogin	Support for Narrogin Arts			-2250.00	-2250.00
14710	Perfect Computer Solutions	Upgrade of Synergy Live and Play accounts version (Click Super)			-425.00	-425.00
14711	Synergy	Streetlights 25/04/2015-24/05/2015			-530.50	-530.50
14712	Shire of Cuballing (CASH)	Building Surveyor Fees-May 2015-Time 29.5 x \$99 Travel-347 X 0.95			-3250.15	-3250.15
14713	Telstra	May Phone Charges-Mobile			-1170.89	-1170.89
14714	Water Corporation	May Water Charges			-199.63	-199.63
14715	Popanyinning General Store	Diesel Fuel-November 2014			-212.94	-212.94
14716	Water Corporation	Water charges			-106.18	-106.18
26062015	Commonwealth Bank	Annual Fee;Training Course D Baxter		173.33		-173.33
<b>TOTAL</b>			<b>-22416.30</b>	<b>-173.33</b>	<b>-176377.37</b>	<b>-198967</b>

## **9.1.2 Statement of Financial Activity**

Applicant:	N/A
File Ref. No:	CMR1
Disclosure of Interest:	Nil
Date:	3 <sup>rd</sup> July 2015
Author:	Tonya Williams, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity

### **Summary**

**Council is to consider the Statement of Financial Activity for June 2015.**

### **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**

#### **General Purpose Funding**

An amount of \$1,002,487 has been raised in rates for the year. \$58,809.73 was given as a discount on rates. At the end of May rate debtors were \$39,376.69, final instalments were due 3<sup>rd</sup> March. Included in rates debtors are two back rate accounts and new interims. The discount has increased slightly due to some rate notices being sent out later due to new valuations received for several properties after the initial rate run.

An advance payment of Financial Assistance Grants has been received, this will be carried over to be used in the 15/16 budget.

#### **Governance**

Contributions and Reimbursements includes the reimbursement from the Shire of Mt Marshall for Mrs Eva Haydon's LSL contribution of \$12,932. Higher than budgeted Workers Compensation claims (paid out).

Member Training expenditure is lower than expected. Additional Councillor meeting funds were not claimed, all Councillor allowances and sitting fees have been claimed and paid.

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

An advance payment of the first instalment of Bush Fire Brigade Funding was received on June 30, this will remain as unspent grants to be used in the 15/16 budget. Community Safety Wages and Ranger Duties expenditure are lower than expected.

#### **Health**

Environmental Health Services are costing less than budgeted.

### Housing

Expenditure is lower than budgeted as less money spent on Deputy CEO housing to date, due to a December start date.

### Community Amenities

A Transfer Station Grant for \$20,000 was budgeted for and was not received this financial year. This is likely to be used and claimed in the 2015/2016 Budget year. Cemetery maintenance has cost less than budgeted.

### Recreation and Culture

Equestrian Centre lease (\$6,000) income has not been received in 2014/15 Budget Year. This income will be received in the 2015/16 Budget Year.

### Transport

Transport income is higher than budgeted due to additional grant funds received. An advance payment of Financial Assistance Grants has been received, this will be carried over to be used in the 15/16 budget.

Maintenance costs for streets and roads are lower than expected.

### Economic Services

Building Wages and Other Costs includes the cost of Building Surveyor's wages and associated costs such as training, publications, superannuation etc.

Schedule 13 Economic Services contains only work carried out for the Shire of Cuballing for Building Services.

### Other Property and Services

The main Expenditure under PWO Other is the subscription to Roman for an amount of \$5,311 and the LGIS Regional Risk Co-ordination program for \$4,132.

Internal Repair wages now includes the servicing of vehicles carried out by the outside staff which previously went under parts and repairs.

Income from Building Services is also recorded under Other Property and Services and was not budgeted for.

Administration Allocations are completed to June 2015.

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

**COUNCIL DECISION:**

**That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 30<sup>th</sup> June 2015 be received.**

**Moved: Cr Haslam**

**Seconded: Cr Newman**

**Carried 4/0**

**SHIRE OF CUBALLING**  
**MONTHLY STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

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

**SHIRE OF CUBALLING**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(Statutory Reporting Program)**  
**FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

NOTE	30-Jun 2015 Actual	30-Jun 2015 Y-T-D Budget	2014/2015 Budget	Variances Budget to Actual Y-T-D
	\$	\$	\$	%
<b>Operating Revenues</b>				
Governance	19,051	16,637	16,637	(14.51%)
General Purpose Funding	890,568	598,900	598,900	(48.70%)
Law, Order, Public Safety	29,066	26,500	26,500	(9.68%)
Health	2,374	1,500	1,500	(58.27%)
Education and Welfare	-	-	-	
Housing	-	-	-	
Community Amenities	3,785	22,350	22,350	83.06%
Recreation and Culture	3,765	9,100	9,100	58.63%
Transport	1,053,456	838,860	838,860	(25.58%)
Economic Services	147,565	64,200	64,200	(129.85%)
Other Property and Services	263,592	143,713	143,713	(83.42%)
<b>Total (ex Rates)</b>	2,413,221	1,721,760	1,721,760	
<b>Operating Expenses</b>				
Governance	(107,158)	(129,030)	(129,030)	16.95%
General Purpose Funding	(62,335)	(69,477)	(69,477)	10.28%
Law, Order, Public Safety	(110,718)	(142,488)	(142,488)	22.30%
Health	(32,555)	(43,712)	(43,712)	25.52%
Education and Welfare	(12,115)	(13,606)	(13,606)	10.96%
Housing	(34,424)	(41,555)	(41,555)	17.16%
Community Amenities	(182,254)	(203,262)	(203,262)	10.34%
Recreation & Culture	(246,739)	(262,980)	(262,980)	6.18%
Transport	(1,573,026)	(1,974,307)	(1,974,307)	20.33%
Economic Services	(239,225)	(107,528)	(107,528)	(122.48%)
Other Property and Services	(59,860)	(92,106)	(92,106)	35.01%
<b>Total</b>	(2,660,408)	(3,080,051)	(3,080,051)	
<b>Funding Balance Adjustment</b>				
(Profit)/Loss on Asset Disposals	9,854	(27,500)	(27,500)	
Depreciation on Assets	924,889	957,491	957,491	
Movement current leave entitlements	-	-	-	
<b>Net Operating (Ex Rates)</b>	687,556	(428,300)	(428,300)	
<b>Capital Revenue and (Expenditure)</b>				
Purchase Land Held for Resale	-	-	-	
Purchase Land and Buildings	(90,484)	(231,156)	(231,156)	
Purchase Infrastructure Assets - Roads & Footpaths, Other	(840,521)	(879,641)	(879,641)	
Other	-	-	-	
Purchase Plant and Equipment	(400,334)	(369,000)	(369,000)	
Purchase Furniture and Equipment	-	-	-	
Proceeds from Disposal of Assets	86,388	57,500	57,500	
Repayment of Debentures	(38,097)	(70,551)	(70,551)	
Repayment of Debentures	(32,455)	-	-	
Proceeds from New Debentures	-	-	-	
Transfers to Reserves (Restricted Assets)	(21,768)	(79,000)	(79,000)	
Transfer to/from Reserves	(208,000)	-	-	
Transfer to restricted assets	-	-	-	
Transfers from Reserves (Restricted Assets)	-	259,000	259,000	
Transfer from Restricted Cash	297,044	298,338	298,338	
<b>Net Capital</b>	(1,248,228)	(1,014,510)	(1,014,510)	
<b>Net Operating + Capital</b>	(560,672)	(1,442,810)	(1,442,810)	
ADD Net Current Assets July 1 B/Fwd	498,339	496,502	496,502	
LESS Net Current Assets Year to Date	(882,095)	-	-	
<b>Amount Raised from Rates</b>	(944,428)	(946,308)	(946,308)	

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

**SHIRE OF CUBALLING  
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES**

The significant accounting policies which have been adopted in the preparation of this statement of financial activity are:

**(a) Basis of Accounting**

This statement is a special purpose financial report, prepared in accordance with applicable Australian Australian Accounting Standards, other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended).

**(b) 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 9.

**(c) Rounding Off Figures**

All figures shown in this statement, other than a rate in the dollar, are rounded to the nearest dollar.

**(d) Rates, Grants, Donations and Other Contributions**

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.

**(e) Goods and Services Tax**

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.

**(f) Cash and Cash Equivalents**

Cash and cash equivalents comprise cash at bank and in hand and short-term deposits that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities.

**(g) Trade and Other Receivables**

Trade receivables, which generally have 30 - 90 day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts.

Collectibility of trade 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.

**SHIRE OF CUBALLING  
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

**(h) Inventories**

*General*

Inventories are valued 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.

Inventories held from trading are classified as current even if not expected to be realised in the next 12 months.

*Land Held for Resale*

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the operating statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

**(i) Fixed Assets**

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 Municipality 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.

**SHIRE OF CUBALLING  
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

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Inventories are valued 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.

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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.

**SHIRE OF CUBALLING**  
**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

**(j) Depreciation of Non-Current Assets**

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are:

Buildings	30 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Sealed roads and streets	not depreciated
clearing and earthworks	50 years
construction/road base	
original surfacing and	
major re-surfacing	
- bituminous seals	20 years
- asphalt surfaces	25 years
Gravel roads	not depreciated
clearing and earthworks	50 years
construction/road base	12 years
gravel sheet	
Formed roads (unsealed)	not depreciated
clearing and earthworks	50 years
construction/road base	
Footpaths - slab	40 years
Sewerage piping	100 years
Water supply piping & drainage systems	75 years

**(k) Impairment**

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 "Impairment of Assets" and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the Income Statement.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of preparing this report, it is not possible to estimate the amount of impairment losses (if any) as at 30 June 2009.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on the Monthly Statement of Financial Position from a budgetary perspective.

**(l) Trade and Other Payables**

Trade and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Municipality prior to the end of the financial year that are unpaid and arise when the Municipality becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

**SHIRE OF CUBALLING**  
**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(m) 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 municipality 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 Council 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 projected 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 Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

**(n) Interest-bearing Loans and Borrowings**

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.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

***Borrowing Costs***

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

**(o) 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 item included in the same class of obligations may be small.

**(p) 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.

**SHIRE OF CUBALLING  
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(q) Reporting of Monthly Financial Variances**

That the Shire of Cuballing adopts a material variance of +-10% with a minimum dollar value of \$5,000 from the base figure for the financial year 2010/2011, and report variances by way of supporting note in the Monthly Statement of Financial Activity.

**SHIRE OF CUBALLING**

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**

**FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

**2. STATEMENT OF OBJECTIVE**

In order to discharge its responsibilities to the community, the Council has developed a set of operational and financial objectives. These objectives have been established both on an overall basis and for each of its broad activities/programs.

Council operations as disclosed in this statement encompass the following service orientated activities/programs:

**GOVERNANCE**

Administration and operation of facilities and services to members of council; other costs that relate to the tasks of assisting elected members and ratepayers on matters which do not concern specific activities.

**GENERAL PURPOSE FUNDING**

Rates, general purpose government grants and interest revenue.

**LAW, ORDER, PUBLIC SAFETY**

Supervision of various local laws, fire prevention, emergency services

**HEALTH**

Food control.

**EDUCATION AND WELFARE**

Support of school activities.

**HOUSING**

Provision and maintenance of housing.

**COMMUNITY AMENITIES**

Operation of refuse site, noise control and administration of the Town Planning Scheme.

**RECREATION AND CULTURE**

Maintenance of halls, recreation centre and various reserves. Support library services in Narrogin.

**TRANSPORT**

Construction and maintenance of streets, roads, bridges, footpaths, drainage works, parking facilities, traffic signs and bus shelters. Depot maintenance.

**ECONOMIC SERVICES**

The regulation and provision of tourism, area promotion, building control, noxious weeds, vermin control and standpipes.

**OTHER PROPERTY & SERVICES**

Private works operations, plant repairs and operation costs.

## SHIRE OF CUBALLING

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015

	30-Jun Actual	30-Jun Budget
	\$	\$
<b>Total</b>	<b>1,207,197</b>	<b>1,479,795</b>
<b>Total</b>	<b>1,331,339</b>	<b>1,479,797</b>

## ▼ 3. ACQUISITION OF ASSETS

The following assets have been acquired during the period under review:

By Program

Governance

58,610

55,000

Community Amenities

-

140,000

Recreation and Culture

25,798

91,154

Transport

1,089,153

1,151,641

Economic Services

33,636

42,000

**Total**By Class

Land and Buildings

90,484

231,156

Infrastructure Assets

840,521

879,641

Plant and Equipment

400,334

369,000

Furniture and fittings

-

-

**Total**

## SHIRE OF CUBALLING

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015

## 4. DISPOSALS OF ASSETS

By Program**Transport**

Toyota Hilux CN157  
 Vermeer Woodchipper  
 Holden Berlina  
 Isuzu Tip Truck CN272  
 Holden Colorado (Insurance)

	Net Book Value	Sale Proceeds	Profit (Loss)
	30-Jun 2015 Actual	30-Jun 2015 Actual	30-Jun 2015 Actual
	\$	\$	\$
Transport			
Toyota Hilux CN157	6,000	2,364	(3,636)
Vermeer Woodchipper	8,500	8,636	136
Holden Berlina	14,922	10,909	(4,013)
Isuzu Tip Truck CN272	43,000	44,091	1,091
Holden Colorado (Insurance)	23,820	20,388	(3,432)
<b>Total</b>	<b>96,242</b>	<b>86,388</b>	<b>(9,854)</b>

By Class**Plant and Equipment**

Toyota Hilux CN157  
 Vermeer Woodchipper  
 Holden Berlina  
 Isuzu Tip Truck CN272  
 Holden Colorado (Insurance)

	Net Book Value	Sale Proceeds	Profit (Loss)
	30-Jun 2015 Actual	30-Jun 2015 Actual	30-Jun 2015 Actual
	\$	\$	\$
Plant and Equipment			
Toyota Hilux CN157	6,000	2,364	(3,636)
Vermeer Woodchipper	8,500	8,636	136
Holden Berlina	14,922	10,909	(4,013)
Isuzu Tip Truck CN272	43,000	44,091	1,091
Holden Colorado (Insurance)	23,820.00	20,388	(3,432)
<b>Total</b>	<b>96,242</b>	<b>86,388</b>	<b>(9,854)</b>

Summary

Profit on Asset Disposals  
 Loss on Asset Disposals

30-Jun 2015 Actual
\$
1,227
(11,081)
<b>(9,854)</b>

**SHIRE OF CUBALLING**  
**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

**5. INFORMATION ON BORROWINGS**

(a) Debenture Repayments

Particulars	Loan Date	Years	Principal 1-Jul-14	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					Actual	Budget	Actual	Budget	Actual	Budget
					\$	\$	\$	\$	\$	\$
<b>Recreation &amp; Culture</b>										
Loan #61 Change Rooms	31/10/2005	10	12,749		10,128	10,127	2,621	2,623	507	505
<b>Transport</b>										
Loan #62 - Loader	11/08/2008	10	123,885		27,969	27,969	95,916	95,916	7,573	9,362
Loan#63 - Graders	7/02/2014	8	289,495	-	32,455	32,455	257,040	257,040	12,116	10,349
			<b>426,129</b>		<b>70,553</b>	<b>70,551</b>	<b>355,576</b>	<b>355,579</b>	<b>20,197</b>	<b>20,216</b>

All debenture repayments were financed by general purpose revenue.

## SHIRE OF CUBALLING

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015

**6. RESERVES****Cash Backed Reserves****(a) Plant and Equipment Reserve**

	30-Jun 2015 Actual	2014/15 Budget
	\$	\$
Opening Balance	283,088	283,088
Amount Set Aside / Transfer to Reserve	6,030	44,157
Amount Used / Transfer from Reserve	-	(254,000)
<b>289,118</b>	<b>73,245</b>	

**(b) IT and Office Equipment Reserve**

	30-Jun 2015 Actual	2014/15 Budget
	\$	\$
Opening Balance	29,245	29,245
Amount Set Aside / Transfer to Reserve	618	20,194
Amount Used / Transfer from Reserve	-	-
<b>29,863</b>	<b>49,439</b>	

**(c) Employee Entitlements Reserve**

	30-Jun 2015 Actual	2014/15 Budget
	\$	\$
Opening Balance	123,398	123,389
Amount Set Aside / Transfer to Reserve	2,616	2,489
Amount Used / Transfer from Reserve	-	-
<b>126,014</b>	<b>125,878</b>	

**(d) Housing Reserve**

	30-Jun 2015 Actual	2014/15 Budget
	\$	\$
Opening Balance	7,629	7,629
Amount Set Aside / Transfer to Reserve	162	160
Amount Used / Transfer from Reserve	-	-
<b>7,791</b>	<b>7,789</b>	

**(e) Recreation and Community Facility Res**

	30-Jun 2015 Actual	2014/15 Budget
	\$	\$
Opening Balance	292,950	292,950
Amount Set Aside / Transfer to Reserve	6,209	6,123
Amount Used / Transfer from Reserve	-	(5,000)
<b>299,159</b>	<b>294,073</b>	

**(f) Refuse Site Reserve**

	30-Jun 2015 Actual	2014/15 Budget
	\$	\$
Opening Balance	58,624	58,624
Amount Set Aside / Transfer to Reserve	141,243	1,225
Amount Used / Transfer from Reserve	-	-
<b>199,867</b>	<b>59,849</b>	

**(g) Grain Freight Reserve**

	30-Jun 2015 Actual	2014/15 Budget
	\$	\$
Opening Balance	106,989	106,989
Amount Set Aside / Transfer to Reserve	68,267	564
Amount Used / Transfer from Reserve	-	-
<b>175,256</b>	<b>107,553</b>	

**(h) Equestrian Reserve**

	30-Jun 2015 Actual	2014/15 Budget
	\$	\$
Opening Balance	2,000	2,000
Amount Set Aside / Transfer to Reserve	2,191	2,042
Amount Used / Transfer from Reserve	-	-
<b>4,191</b>	<b>4,042</b>	

**SHIRE OF CUBALLING**

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

**Plant and Equipment Reserve**

- to be used for the purchase and replacement of major items..

**IT and Office Equipment Reserve**

- to be used for the purchase of new and/or replacement of office equipment or furniture items.

**Long Service Leave Reserve**

- to be used to fund long service leave requirements.

**Housing Reserve**

- to be used to fund the construction of new shire housing.

**Recreation and Community Facility Reserve**

- to be used to fund the upgrade of the oval and associated facilities.

**Refuse Site Reserve**

- to be used to fund the upgrade of the refuse site.

**Grain Freight Reserve**

- to be used to maintain the grain freight route through the district.

**Equestrian Reserve**

- to be used for the maintenance and upkeep of the equestrian centre.

**General Purpose Reserve**

- to be used to maintain/fund various facilities throughout the district.

## SHIRE OF CUBALLING

## NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015

## 7. NET CURRENT ASSETS

**Composition of Estimated Net Current Asset Position****CURRENT ASSETS**

	30-Jun 2015 Actual	Brought Forward 1-Jul
	\$	\$
Cash - Unrestricted	839,120	488,032
Cash - Restricted Reserves	1,256,573	1,026,811
Cash - Restricted Cash	-	297,044
Receivables	87,080	74,675
Inventories	11,032	11,032
	<b>2,193,806</b>	<b>1,897,594</b>

**LESS: CURRENT LIABILITIES**

Payables and Provisions	<b>(55,137)</b>	<b>(75,400)</b>
NET CURRENT ASSET POSITION	2,138,669	1,822,194

Less: Cash - Reserves - Restricted	(1,256,573)	(1,026,811)
Less: Cash - Restricted Municipal	-	(297,044)
NET CURRENT ASSET POSITION	<b>882,095</b>	<b>498,339</b>

**SHIRE OF CUBALLING**  
**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

**8. RATING INFORMATION**

<b>RATE TYPE</b>	<b>Rate in</b>	<b>Number of Properties</b>	<b>Rateable Value</b>	<b>2014/2015 Rate Revenue</b>	<b>2014/2015 Interim Rates</b>	<b>2014/2015 Back Rates</b>	<b>2014/2015 Total Revenue</b>	<b>2014/2015 Budget</b>
	\$	#	\$	\$	\$	\$	\$	\$
<b>General Rate</b>								
UV - Cuballing	0.006733	224	100,116,000	674,081	-	-	674,081	674,081
GRV Cuballing	0.072742	176	1,848,542	134,467	(2,529)	-	131,938	134,467
<b>Sub-Totals</b>		<b>400</b>	<b>101,964,542</b>	<b>808,548</b>	<b>(2,529)</b>	<b>-</b>	<b>806,019</b>	<b>808,548</b>
<b>Minimum Rates</b>	<b>Minimum \$</b>							
UV - Cuballing	760	128	10,366,627	97,280	-	-	97,280	97,280
GRV Cuballing	620	154	702,131	95,480	-	-	95,480	95,480
<b>Sub-Totals</b>		<b>282</b>	<b>11,068,758</b>	<b>192,760</b>		<b>-</b>	<b>192,760</b>	<b>192,760</b>
Ex gratia rates							998,779	1,001,308
Specified Area Rates							-	-
Discounts							998,779	1,001,308
<b>Totals</b>							(58,850)	(55,000)
							<b>939,929</b>	<b>946,308</b>

All land except exempt land in the Shire of Cuballing is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2014/15 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

**SHIRE OF CUBALLING**

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015**

**9. TRUST FUNDS**

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

Detail	Balance 1-Jul-14	Amounts Received	Amounts Paid	Balance
	\$	\$	\$	\$
Bonds - Building	14,389		(7,500)	6,889
Bonds - Hall Hire	1,050			1,050
Commodine Tennis Club	3,090			3,090
Cuballing Country Festival	1,099	-	-	1,099
Cuballing Cricket Club	200			200
Popo Plates	0	2,400	(2,400)	-
Cuballing Football Asson	566			566
Environment and Townscape Trust Fund	5,713	648		6,361
Police Licensing	5,148	402,821	(405,746)	2,223
Swipe cards	1,545	15	(15)	1,545
	<b>32,800</b>			<b>23,023</b>

**10. SUPPLEMENTARY INFORMATION**

May include (not exhaustive) the following:

- Operating Statement;
- Balance Sheet;
- Debtors listings;
- Creditors listings;
- Cash/Investment summaries;
- Plant reports;
- Ratio analysis; and
- Other information considered relevant.

### 9.1.3 Adoption of the 2015/2016 Budget

Applicant:	N/A
File Ref. No:	Finance 9
Disclosure of Interest:	Nil
Date:	8 <sup>th</sup> July 2015
Author:	Tonya Williams, Deputy CEO
Attachments:	9.1.1A Draft 2015/2016 Budget – Included separately

#### Summary

**The Draft 2015/2016 Budget for the financial year ending 30<sup>th</sup> June 2016 is presented for Council consideration.**

#### Background

Each year local governments are required to adopt a budget and set a rate in the dollar for rates that allow the Council to operate financially and once adopted, it is then presented to the Department of Local Government.

Council resolved at the Special Meeting of Council on 30<sup>th</sup> June 2015 to:

#### **COUNCIL DECISION:**

That Council adopt a priority ranking from lowest to highest priority of discretionary activities for possible inclusion of these discretionary activities in Council's 2015/16 Budget as follows:

Details	Budget Cost
Integrated Planning	\$23,040
Community Group Contribution – Narrogin Arts	\$2,000
Building Surveyors Vehicle	\$22,000
Local Laws Review	\$15,000
Roadside Tree Pruning	\$9,000
Narrogin Regional Library Contribution (\$1,000 Increase)	\$1,000
Equestrian Centre – Stabilise wall of arena	\$5,000
Popanyinning School Repairs	\$25,000
Dryandra County Visitors Centre Contribution	\$2,500
Facebook	\$1,000
Local Planning Strategy Review	\$15,000
Popanyinning Hall – painting	\$4,000
Shire Depot Upgrade	\$20,000
Depot Internet Upgrade	\$2,000
Back Office Fit out	\$5,950
Waste Management: Building at Popanyinning; Site Fence at Cuballing; Man both tip/ transfer sites	\$44,058
Transfer Station Development \$100,000 (\$30,000 Grant \$40,000 reserves)	\$30,000
Record Keeping Implementation	\$16,000
Community Events	\$8,250
Traffic Lights	\$27,785
Business Continuity: Cloud Back Up; Disaster Recovery Audit, Test system	\$13,000
Entry Statement: Cuballing Horse/ Popanyinning Entry Signage	\$42,000
Pocket Roman	\$2,000
Admin Building – power board for generator	\$3,000
Aged Housing \$30,000 Reserve	\$33,000

Equestrian Arena	\$9,907
Moved: Cr Ballantyne	Seconded: Cr Haslam
	Carried 6/0

### Comment

This budget incorporates a total operating expenditure of \$3,370,082, an increase from 2014/2015's budgeted expenditure of \$3,080,051.

#### 1. Major Capital Expenditure

The following Capital Items, including some projects commenced in 2014/2015, are included in the Draft 2015/2016 Budget:

Equestrian Centre Clubrooms (Regional CLGF)	\$56,060
Tennis Building (CLGF)	\$9,200
Cuballing Works Depot Upgrade	\$20,000
Transfer Stations & Refuse Site	\$180,000
Equestrian Show Jumping Arena (CSRFF Grant)	\$172,263
Popanyinning School	\$25,000
Purchase of Front End Loader	\$330,000
Purchase of Works Ute	\$31,500
Purchase of Roadside and Oval mower	\$11,500
Purchase of Traffic Lights	\$34,690

The Shire of Cuballing has budgeted to receive \$646,262 in grants towards capital projects within the Shire.

#### 2. Road Construction

Council has allocated a large portion of the budget funding for both Rural and Urban Road Maintenance and Capital improvement. The Shire of Cuballing has also committed to the following major road projects:

Road	Expenditure	Associated Grant Income
Wandering Narrogin Road	\$378,680	\$252,453
Town Street Reseals	\$85,820	\$46,587
Popanyinning East Reseals	\$74,925	
Popanyinning West Stabilisation	\$72,001	
Popanyinning West Widening	\$73,361	\$303,390
Popanyinning Truck Bay and Standpipe	\$44,428	
<b>Total</b>	<b>\$729,155</b>	<b>\$602,430</b>

#### 3. Rates

The Draft 2015/2016 Budget has been able to contain the rate increase to an average of 5%. With the increasing cost of materials, utilities, contractors and staff wages, this increase was unavoidable.

For the 2015/2016 year, due to the independent Landgate revaluation of Shire of Cuballing urban properties, the valuations of gross rental valued properties in the Shire have increased by 11.36%. This increase in valuation does not directly impact on the total amount of rates

collected, however the impact on individual owners will differ considerably. Those owners whose property's valuation increased by greater than the average increase will have an increase in their rate charge greater than the average 5%, while those whose property's valuation increased by less than the average will have a rates increase less than 5%.

There was an overall increase of under 1% in the annual revaluation of unimproved values.

An 8% Early Payment Discount is offered to ratepayers who choose to pay their rates in full by Friday 14<sup>th</sup> August 2015, being within 21 days of the date of issue of Council's rate notice.

Minimum rates for GRV and UV valued properties has increased by \$50 to \$670 and \$810 respectively.

Fees and Charges have been reviewed and increased where appropriate to recover increased costs.

#### 4. Exclusions from the Draft 2015/2016 Budget

The following items were considered for the Draft 2015/2016 Budget as per Councils priority listing, however have not been included in the final Budget:

Library Contribution Increase	\$1,000
Roadside Tree Pruning Reduction	\$9,000
Community Group Contribution – Narrogin Arts	\$2,000
Local Laws Review	\$15,000
Building Surveyors Vehicle	\$35,000
Integrated Planning	\$23,040

#### 4. Conclusion

It anticipated that through this budget, Council will be able to further progress and increase facilities provided to the community and improve Council owned assets. The demand for improved infrastructure is very important to ensure that the Shire of Cuballing continues to prosper and develop.

#### Strategic Implications - Nil

#### Statutory Environment

The Draft 2015/2016 Budget document contains a number of items that require adoption by Council under the Local Government Act. They are that in accordance with:

1. As per Section 6.32 (1) of the Local Government Act 1995, Rates and Minimum Rates to be levied on all rateable property be as follows:

Valuation	Rate cents/dollar	Minimum Rate \$
Gross Rental Value	7.6379	670
Unimproved Value	0.7069	810

2. Section 6.35 (5) of the Local Government Act 1995 requires that the Minister for Local Government's approval be sought for the imposing of a minimum payment where the number of separately rated properties in the district on which a minimum payment is imposed is greater than 50%. This is not applicable to the Shire of Cuballing in 2015/16;

3. Section 6.46 of the Local Government Act allows a discount of 5% be allowed for payment of rates in full within 35 days of the date of issue of the rate notice;
4. Section 6.45 of the Local Government Act a 5.5% interest charge be levied on rates installments, Deferred Pensioners Rates' excluded;
5. Section 6.45 of the Local Government Act an administration charge of \$10 be levied for the second and each of the subsequent rates installments;
6. Section 6.51 of the Local Government Act an 11% interest charge be levied on all overdue rates outstanding, Deferred Pensioners' Rates excluded;
7. Section 6.32 (1) of the Local Government Act 1995 the Schedule of Rents, Leases and Charges as detailed in the budget document;
8. Section 64 (2) of the Local Government (Financial Management) Regulations 1996 that the due date for installments be set as follows:
  - 1<sup>st</sup> Instalment due not before 28<sup>th</sup> August 2015; and
  - 2<sup>nd</sup> Instalment due not before 28<sup>th</sup> October 2015; and
  - 3<sup>rd</sup> Instalment due not before 4<sup>th</sup> January 2016; and
  - 4<sup>th</sup> Instalment due not before 4<sup>th</sup> March 2016.
9. Section 6.19 of the Local Government Act 1995 requires a local government to give local public notice of any fees or charges it wishes to impose after adoption of the annual budget; and
10. Section 6.1 of the Local Government (Financial Management) Regulations 1996 requires that Council is required to adopt a percentage or value, to be used in statements of financial activity for reporting material variances against the adopted Budget

Policy Implications – Nil

Financial Implications

The Draft 2015/2016 Budget sets the Council approved revenue and expenditure for the 2015/2016 financial year.

Economic Implication - Nil

Environmental Considerations - Nil

Social Implications

Many projects contained within the 2015/2016 Budget are focused on improving facilities within the general community.

Consultation

The draft budget has been developed with consultation between senior staff and Councillors. The budget is also driven by the Shire's Strategic Community Plan and contains a number of projects towards achieving these outcomes.

Options

Council may resolve:

1. the Officer's Recommendation;
2. that the Draft 2015/2016 Budget be adopted with minor amendments;
3. that the Draft 2015/2016 Budget be deferred for further deliberations.

Voting Requirements – Absolute Majority

The Chief Executive Officer, Mr Sherry, advised the meeting that due to unforeseen events, amendments have been made to this Report to Council and to the Officer's Recommendation to reflect the final Draft 2015/2016 Budget presented to the Council Meeting. These changes included:

1. Rates and Minimum Rates to be levied in 2015/2016 included in the Draft 2015/2016 Budget presented to the Council Meeting are as follows:

Valuation	Rate cents/dollar	Minimum Rate \$
Gross Rental Value	6.6290	600
Unimproved Value	0.7068	800

Due to changes in the GRV valuations received from the Valuer General this year, it had been difficult to set a rate that for GRV valued properties increased rates by 5% but that kept less than 50% of GRV valued properties as Minimum rated properties. Staff had taken a conservative approach and the Officer's Recommended Minimum rate of \$600 saw 45% of all GRV valued properties are minimum rates. This Minimum rate was \$20 less than 2014/2015.

It may be possible for a less conservative approach to be taken. If Council was to impose a Minimum rate of \$620 saw 48% of all GRV valued properties are minimum rates

2. Expenditure that had previously been indicated to be included in the Draft 2015/2016 Budget has been excluded or modified to use Council Reserve Funds. This expenditure includes:

**The Purchase of mobile traffic lights - \$34,690**

**Commencing the Local Planning Strategy Review for \$12,000 rather than \$15,000;**

**Completing the Popanyinning School works, painting work at the Popanyinning Town Hall and the minor upgrade of the Shire Administration Centre using Council Reserve Funds.**

**Completing an upgrade of the Shire Depot Internet - \$2,000**

**Preparation of Shire of Cuballing Facebook Page - \$1,000**

**OFFICER'S RECOMMENDATION:**

That Council adopt, as detailed in the Draft 2015/2016 Budget included at Attachment 9.1.3A:

1. the Rates and Minimum Rates to be levied in 2015/2016 on all rateable property be as follows:

Valuation cents/dollar	Rate Minimum Rate
---------------------------	----------------------

		\$
Gross Rental Value	6.6290	600
Unimproved Value	0.7068	800

2. a due date for the payment of rates being Friday 28 August 2015, being within 35 days from the date of issue of Council's rate notice;
3. an Early Payment Rates Discount of 8% for payment of annual rates paid in full, including all arrears, by Friday 14<sup>th</sup> August 2015, being within 21 days of the date of issue of Council's rate notice;
4. a 5.5% interest charge be levied on rates instalments, eligible and deferred pensioners rates' excluded;
5. an 11% interest charge be levied on all overdue rates, deferred pensioners rates' excluded;
6. an administration charge of \$10 be levied for the second and each of any subsequent rates instalments;
7. due dates for instalments of rates payments as follows:
  - a. 1st Instalment due on 28<sup>th</sup> August 2015; and
  - b. 2nd Instalment due on 28<sup>th</sup> October 2015; and
  - c. 3rd Instalment due on 4<sup>th</sup> January 2016; and
  - d. 4th Instalment due on 4<sup>th</sup> March 2016;
8. the Schedule of Fees and Charges as detailed in the Draft 2015/2016 Budget;
9. the Revenue and Expenditure as detailed in the Draft 2015/2016 Budget; and
10. the Significant Accounting Policies, as detailed in the Draft 2015/2016 Budget, including a materiality threshold of +/- 10% of the budget allocation unless the dollar value of any variance is less than \$5,000 in the Statement of Financial Activity for 2015/2016.

#### COUNCIL DECISION:

That Council adopt, as detailed in the Draft 2015/2016 Budget included at Attachment 9.1.3A:

1. the Rates and Minimum Rates to be levied in 2015/2016 on all rateable property be as follows:

Valuation	Rate cents/dollar	Minimum Rate \$
Gross Rental Value	6.6290	620
Unimproved Value	0.7068	800

2. a due date for the payment of rates being Friday 28 August 2015, being within 35 days from the date of issue of Council's rate notice;

- 3. an Early Payment Rates Discount of 8% for payment of annual rates paid in full, including all arrears, by Friday 14<sup>th</sup> August 2015, being within 21 days of the date of issue of Council's rate notice;
- 4. a 5.5% interest charge be levied on rates instalments, eligible and deferred pensioners rates' excluded;
- 5. an 11% interest charge be levied on all overdue rates, deferred pensioners rates' excluded;
- 6. an administration charge of \$10 be levied for the second and each of any subsequent rates instalments;
- 7. due dates for instalments of rates payments as follows:
  - a. 1st Instalment due on 28<sup>th</sup> August 2015; and
  - b. 2nd Instalment due on 28<sup>th</sup> October 2015; and
  - c. 3rd Instalment due on 4<sup>th</sup> January 2016; and
  - d. 4th Instalment due on 4<sup>th</sup> March 2016;
- 8. the Schedule of Fees and Charges as detailed in the Draft 2015/2016 Budget;
- 9. the Revenue and Expenditure as detailed in the Draft 2015/2016 Budget with the amendment that:
  - a. Depot Internet Upgrade of \$2,000 be added an expenditure;
  - b. Facebook Preparation of \$1,000 be added as expenditure; and
  - c. the purchase of mobile traffic lights for \$34,690 funded by a transfer from Council's Plant Reserve be added; and
- 10. the Significant Accounting Policies, as detailed in the Draft 2015/2016 Budget, including a materiality threshold of +/- 10% of the budget allocation unless the dollar value of any variance is less than \$5,000 in the Statement of Financial Activity for 2015/2016.

Moved: Cr Haslam

Seconded: Cr Newman

Carried by Absolute Majority 4/0

## **9.2 CHIEF EXECUTIVE OFFICER:**

### **9.2.1 Request to Close Right of Way - Popanyinning**

Applicant:	N/A
File Ref. No:	A906
Disclosure of Interest:	Nil
Date:	8 <sup>th</sup> July 2015
Author:	Gary Sherry
Attachments:	9.2.3A Location Plan 9.2.3B Comment on the proposed closure of the Right Of Way

#### **Summary**

**Council is to consider closing the unnamed road right of way adjoining freehold and leased lots owned by WG Bird in Popanyinning.**

#### **Background**

Mr Wayne Bird has been seeking to expand his land holding in Popanyinning associated with his fabrication business for some years. Mr Bird's landholding of leased and freehold titles in Popanyinning is shown in the location plan shown at Attachment 9.2.3A.

Mr Bird has previously lodged a request to purchase Unallocated Crown Land lots adjoining his property, however he was advised that his request had been refused due to access issues to those lots. Main Roads WA are reluctant to agree to any proposal that allows additional access to Francis Street.

In December 2013 Council's position was sought on amalgamating Mr Bird's leasehold land with existing freehold properties. Council considered the amalgamation of two additional leased lots, being 330 and 331, because Mr Bird wished to not go through another amalgamation process in the future. It was thought that it was unlikely that Mr Bird would require access to Francis Street from these lots and the Right of Way could be closed to the Northern boundary of lot 330 with no inconvenience to the neighbouring landowners of Lots 323 and 30.

Therefore at the December 2013 Ordinary Council Meeting, Council resolved that:

#### **COUNCIL DECISION:**

That the Department of Lands be advised Council has no objection to the proposal to amalgamate leasehold Lots 24, 25, 26 & 32 into freehold Lots 33, 328, 35, 36 and 201, together with part of the Right of Way, and sees no reason why Lots 330 and 331 could not be amalgamated with the aforementioned Lots as there are no access issues.

Moved: Cr Newman

Seconded: Cr Ballantyne

Carried 6/0

In March 2015, whilst considering another matter at this location Council considered that:

- Bird's Silos & Shelters have operated from their Popanyinning site for decades, with their business now extending over a number of smaller lots. During this time, various buildings have been built over property boundaries. Better practice is that buildings are fully contained within lots as this reduces future issues including if there is a change of ownership.

- There is an unnamed laneway that runs north-south between Francis Street and Forrest Street that is largely engulfed by the Bird's Silos & Shelters business. The laneway does however provide secondary legal access to Lot 323 Forrest Street and Lot 30 Francis Street which are not owned by Bird's Silos & Shelters.

Council suggested that Bird's Silos & Shelters and the Council commence consideration of matters including:

- whether it is preferable for any existing lots to be amalgamated to address buildings extending over property boundaries and to provide greater flexibility in locating future development;
- whether the laneway should be retained to provide alternative access to properties in the area or whether it should be amalgamated into adjoining properties;
- the preparation of a concept plan or development guide plan to set out anticipated future development for the Bird Silos & Shelters site. This could provide greater certainty for Bird Silos & Shelters, the community, other stakeholders and the Shire regarding the nature of development and how it will be a "good neighbour"; and
- whether the Rural Townsite Zone provides the appropriate balance of flexibility and certainty for all stakeholders.

Council was subsequently advised by the Department of Lands that it is incumbent on Council to formally close the unnamed right of way bounded by the properties owned and leased by Mr Bird to allow the amalgamation process to continue.

At the May 2015 Ordinary Council Meeting, Council resolved that:

Council Decision:

That Council proposes to close the entire unmade Right of Way between Spragg and Howard Streets in Popanyinning as shown on the location plan included at Attachment 9.2.3A.

Moved: Cr Dowling

Seconded: Cr Newman

Carried 6/0

The unnamed right of way to be considered for closure is shown in red on the Location plan at Attachment 9.2.1A.

Council advertised the proposed closure of the Right Of Way by:

1. Locating notices on notice boards at the Shire Office in Cuballing and in central points in the communities of Cuballing and Popanyinning;
2. Writing to owners of properties adjacent to the unnamed right of way.
3. Writing to six service agencies including Water Corporation, Western Power, Alinta Gas, Telstra, the Dept. of Industry and Resources and the Department of Land; and
4. Advertising the proposed closure in the Narrogin Observer on Thursday 28<sup>th</sup> May 2015.

In all notices and correspondence it was clearly advertised that written submissions for consideration by Shire of Cuballing regarding the proposed closure of the Right Of Way would be received up to 4.30 pm on Friday, 10 July 2015. Comment received is included at Attachment 9.2.3B. All correspondence is supportive of the proposed closure.

#### Comment

It is the Officer's Recommendation that the entire right of way be advertised for closure. This is greater than the request from the Department of Lands. This course of action is proposed because:

- Currently the right of way is impacted by the activities of Birds Silo's on both sides of the right of way and is very difficult to use for members of the public. There are no known issues or local concern arising from this use of the right of way by Birds Silo's.
- The right of way significantly impacts on all of activities conducted by Bird Silo's and all of the property that they own. Closure of the entire Right of way will allow Bird Silo's to resolve all of their access issues with the Department of Lands without further reference to Council. It is expected that with closure of the ROW, Bird Silo's will be able to negotiate purchase of the ROW and amalgamation into their existing freehold property(ies).

The section of ROW immediately adjacent to Spragg Street may be available for purchase by either of the property owners adjacent should they wish. It is not expected, or should it be supported by Council to allow access by Bird Silo's from any amalgamated property onto Spragg Street.

#### Strategic Implications

The proposal to amalgamation will indirectly assist a local business and has the potential to assist in retaining jobs in the local economy.

#### Statutory Environment

Section 58 of the Land Administration Act (1997) applies to this matter.

The process for a local government to close a Right Of Way is:

1. Council decides at Council meeting to consider closing a road – completed 21<sup>st</sup> May 2015
2. Advertises intention to consider closing a road in local publication, such as the Narrogin Observer, giving a period of notice to provide submissions – completed 28<sup>th</sup> May 2015
3. Council would write to advise service agencies of the road closure. This would include Water Corporation, Western Power, Alinta Gas, Telstra, the Dept. of Industry and Resources, Dampier to Bunbury Natural Gas Pipe Land Access Minister and the Department of Land. Notice would normally also be provided to adjacent or nearby local land owners as well – Notice to agencies and local residents completed 25<sup>th</sup> May 2015.
4. Council make decision to close road. This must be at least 35 days after the notice was publicised in the local newspaper. Any objections must be considered by the local government.
5. Write to Minister (with plans of road to be closed, copies of advice to service agencies, copy of the Council minutes, copies of any submissions, any other relevant information) requesting closure of road.

#### Policy Implications - Nil

#### Financial Implications

Because Mr Bird has leased crown land for some years, rate income has been received by Council for the leased lots.

Amalgamation with Mr Bird's existing freehold land and any closed Right of Way is unlikely to alter the GRV valuation of the combined property or therefore result in any significant change in Council rate revenue.

### Economic Implication

If approved and implemented, the amalgamation of the right of way will assist a locally operating business and assist with local job creation

### Environmental Considerations

It is suggested there are limited environmental issues associated with this proposal. Previously Mr Bird has outlined that it is in his business interest to retain native vegetation as shelter for storing fabricated equipment on his property.

### Consultation

Council conducted wide spread consultation in keeping with the requirements of the Land Administration Act.

### Options

Council may resolve:

1. the Officer's Recommendation;
2. to close a smaller area of the unnamed Right of Way; or
3. to not close any of the unnamed Right of Way.

### Voting Requirements – Simple Majority

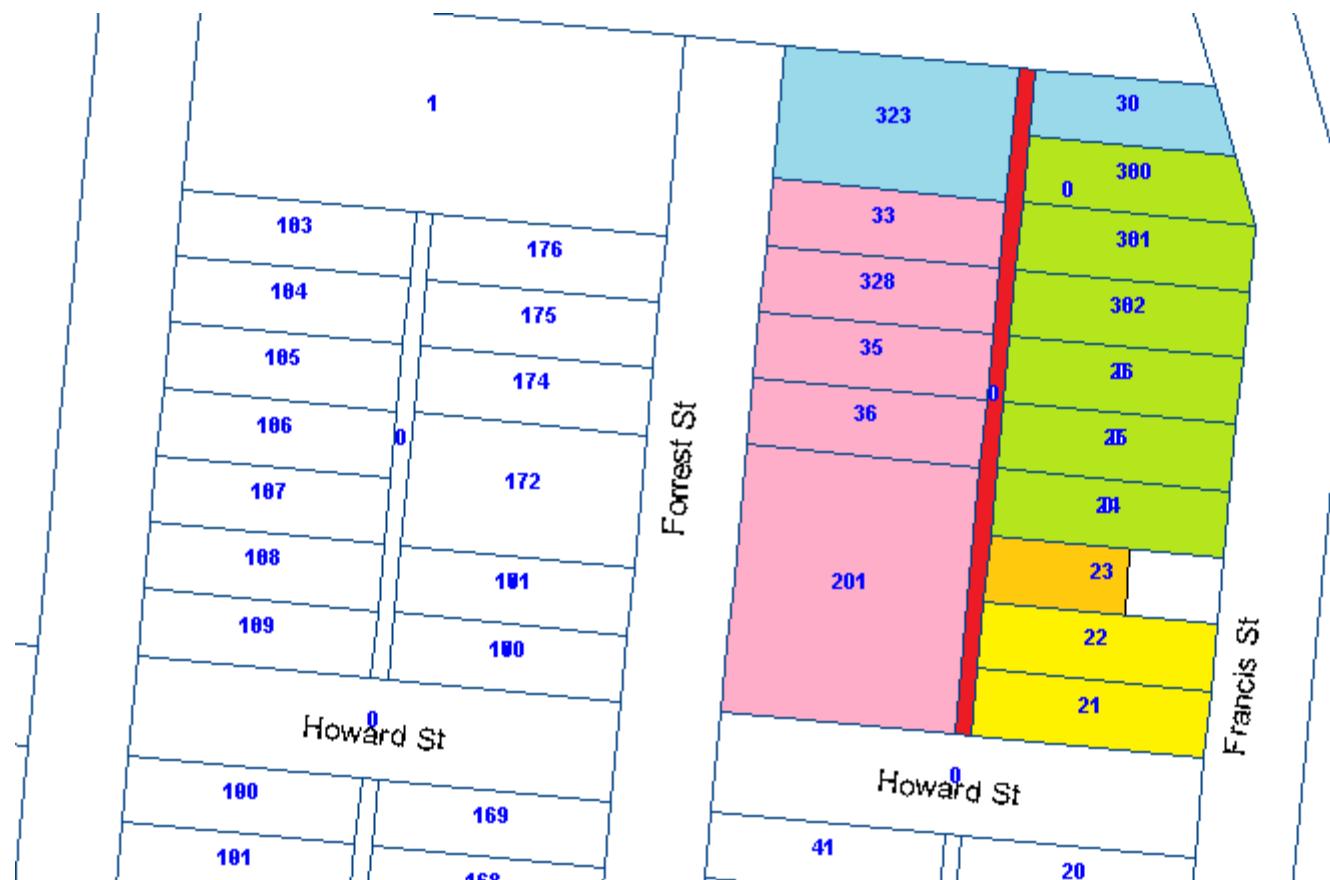
#### **OFFICER'S RECOMMENDATION:**

**That Council close the entire unmade Right of Way between Spragg and Howard Streets in Popanyinning as shown on the location plan included at Attachment 9.2.1A**

**Moved: Cr Haslam**

**Seconded: Cr Dowling**

**Carried 4/0**



- Pink & Yellow – Freehold Land owned by Mr Bird
- Green – Land leased from the Crown by Mr Bird
- Orange – land Leased by Mr Bird from Telstra
- Red – Unnamed Road Reserve to be considered for permanent closure
- Blue – Freehold Property owned by other individuals

12 JUN 2015



Enquiries: Melinda Marshall on 96224713  
Our Ref: 04/12017  
Your Ref: A906



ABN: 50 860 676 021

9 June 2015

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

ATTENTION: GARY SHERRY

Dear Sir/Madam

**NORTHAM CRANBROOK ROAD (M031) 134.54 SLK  
PROPOSED PERMANENT CLOSURE OF A RIGHT OF WAY, POPANYINNING**

Further to your correspondence dated 25 May 2015, Main Roads WA (MRWA) has determined from the information provided that the proposed right of way closure will not have an adverse impact on the MRWA network and therefore advises no objection to the proposal.

If you require any further information please contact Melinda Marshall on 9622 4713.

Yours faithfully

*Janet Hartley-West*  
Janet Hartley-West  
NETWORK MANAGER

Wheatbelt Region, Peel Terrace, Northam or PO Box 333, Northam Western Australia 6401  
Telephone: (08) 9622 4777 Facsimile: (08) 9622 3767  
Email: wheatbelt@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au



11 JUN 2015

363 Wellington Street Perth WA 6000  
GPO Box L921 Perth WA 6842  
T: (08) 9326 4911 F: (08) 9326 4595  
[www.westernpower.com.au](http://www.westernpower.com.au)  
Electricity Networks Corporation ABN 18 640 492 861

Our ref: 13003654  
Contact: Tasha Adams

8/6/2015

Chief Executive Officer  
Shire of Cuballing  
PO Box 13  
Cuballing, WA 6311

Dear Sir/ Madam

## **Proposed Road Closure for right of way, Popanyinning**

Western Power does not have any objection at this time to the above proposal, however we would appreciate being kept informed of developments. As there are overhead powerlines and/or underground cables adjacent to or traversing the property the following should be considered, prior to any works commencing at the site above site/development/property or if any alignments, easements or clearances are encroached or breached.

### *Working in proximity to Western Power Distribution Lines*

All work must comply with Worksafe Regulations 3.64 – Guidelines for work in the vicinity of overhead powerlines. If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted.

For more information on the type and locations of assets please submit a Dial Before You Dig enquiry at [www.1100.com.au](http://www.1100.com.au).

*For more information on this please visit the website links below*

<http://www.westernpower.com.au/safety-working-near-electricity.html>

[www.commerce.wa.gov.au/worksafe](http://www.commerce.wa.gov.au/worksafe)

If you require further information on our infrastructure in a digital format please complete the request for Spatial Data. For a copy of the form please email [dgit@westernpower.com.au](mailto:dgit@westernpower.com.au).

If you require relocation or removal of our infrastructure please complete the application for relocation or removal of Western Power assets (attached to this letter).

8/06/2015

Please note that Western Power must be contacted on 13 10 87, or complete a Design and Access Offer Application form at <https://services.westernpower.com.au/online/econ/do/Dqa>, if the proposed works involve:

- (a) Any changes to existing ground levels around poles and structures.
- (b) Working under overhead powerlines and/or over underground cables.

Western Power is obligated to point out that any change to the existing (power) system, if required, is the responsibility of the individual developer.

Kind Regards



Tasha Adams  
Data Quality and Improvement Team



Page 2

## Proposed Road Closure



Privately owned cables NOT SHOWN  
(including house services)

This map is INDICATIVE ONLY.  
Hand exposure via pothole  
method is MANDATORY.



Date: 8/06/2015

**Nichole Gould**

---

**From:** Don Phillips <Don.Phillips@watercorporation.com.au>  
**Sent:** Friday, 5 June 2015 10:35 AM  
**To:** Shire of Cuballing Enquiries  
**Subject:** RE PROPOSED PERMANENT CLOSURE OF A ROW POPANYINNING  
**Attachments:** 201506051009.pdf

ATTENTION: Gary Sherry

Please refer to the attachments above and the highlighted Water Corporation E plan.

The Water Corporation has no services in the above ROW and has no objection to the above proposal.

Cheers and thanks!!

Don Phillips  
Building Services Officer  
Development Services  
Water Corporation  
T: (08) 9420 3123  
[www.watercorporation.com.au](http://www.watercorporation.com.au)  
[building.services@watercorporation.com.au](mailto:building.services@watercorporation.com.au)

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While every care is taken, it is recommended that you scan the attachments for viruses.

This message has been scanned for malware by Websense. [www.websense.com](http://www.websense.com)

**Nichole Gould**

---

**From:** Customer Service Centre SSR <customer.service.centre.ssr@westernpower.com.au>  
**Sent:** Friday, 5 June 2015 12:29 PM  
**To:** Shire of Cuballing Enquiries  
**Subject:** Ref# - A906 - Proposed Permanent Closure of a Right of Way, Popanyinning  
**Attachments:** Fast scan to a B&W PDF file\_436.PDF

Good afternoon Gary

Thank you for submitting the above due diligence request to Western Power for a response.

As there is/are overhead/underground distribution/transmission lines/cables/easement adjacent to your proposed works, Western Power will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required. Where detailed investigations are needed to support accurate advice, Western Power will advise Shire of Cuballing of additional information requirements within the advertising period.

*Please note that this email should not be considered to be an approval or non-objection to works. It is not advisable to commence with your works until you have received further comment from Western Power.*

**General Worksafe Information:**

As there are overhead power lines and/or underground cables, adjacent to or traversing the property the following should be considered prior to any works commencing. This information should be considered when planning works although it should be noted that the provision of this safety information does not indicate an approval of these works to proceed.

It is responsibility of the person in control of the workplace to ensure that works comply with regulation 3.64 (1) and (2) of the Occupational Health Regulations 1996. These regulations state that a minimum distance must be maintained from the overhead line during the course of any works. The person in control of the workplace is responsible for ensuring no personnel, plant, or material encroaches within the danger zone around the lines. The responsible person must assess their work methods and decide whether they can maintain this minimum separation. You need to be aware that the line will sag under the influence of temperature (either ambient or due to current flow) and deflect under the influence of the wind. You cannot reliably base an assessment of the expected clearance on the static position of the line.

For more information on this please visit the website links below:

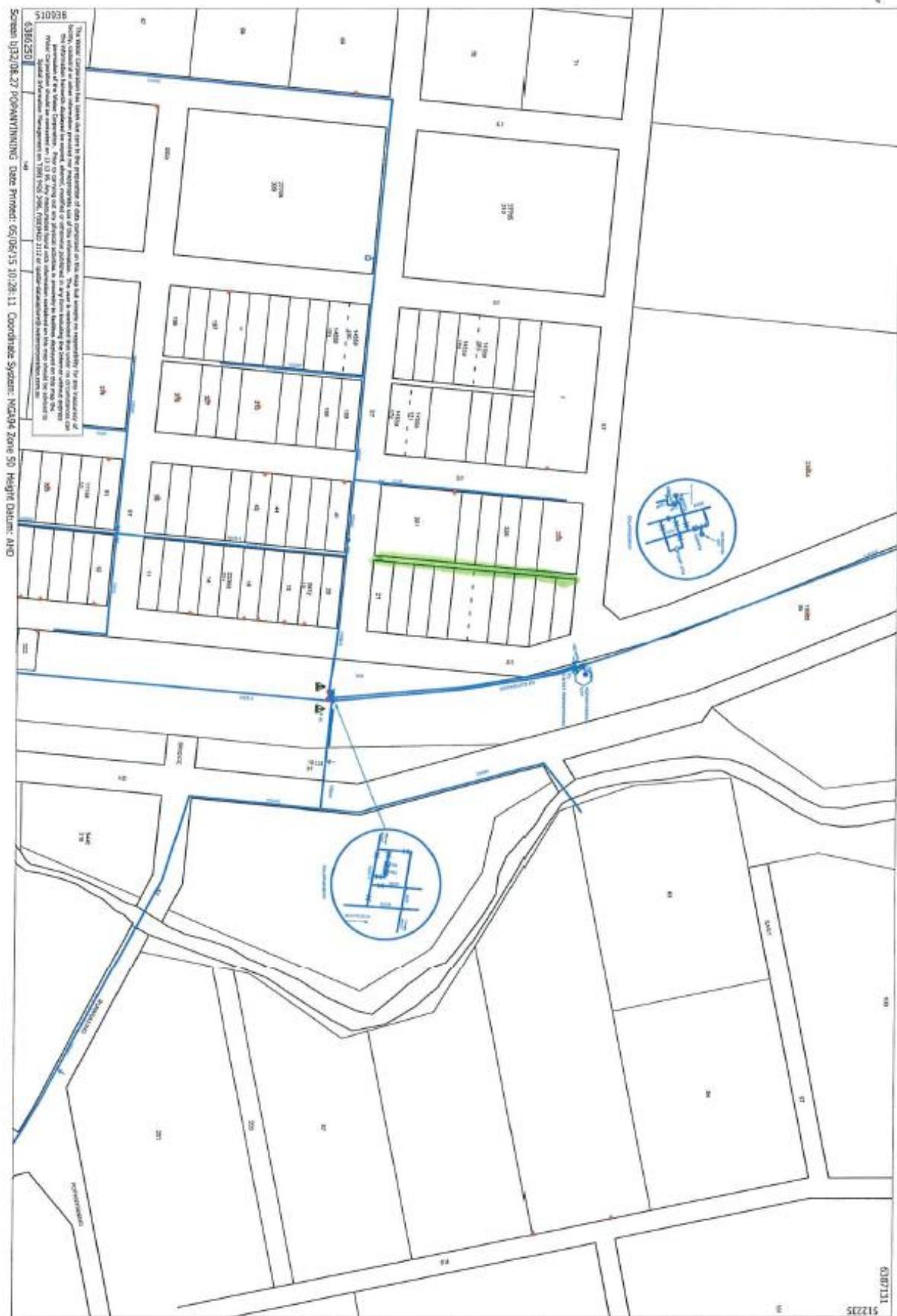
[http://www.westernpower.com.au/safety/WorkingAroundPowerLines/working\\_near\\_electricity.html](http://www.westernpower.com.au/safety/WorkingAroundPowerLines/working_near_electricity.html)  
<http://www.westernpower.com.au/safety/DialBeforeYouDig.html> or [www.1100.com.au](http://www.1100.com.au)  
<http://www.commerce.wa.gov.au/WorkSafe/>

Western Power is obliged to point out that any change to the existing power system, if required, is the responsibility of the individual developer.

If you have further questions please contact Western Power on 13 10 87.

Kind regards,  
Kelly

Customer Service Coordinator  
Customer Service  
Western Power – 363 Wellington Street Perth WA 6000  
T: (Fault / Emergencies) 13 13 51 & (General Enquiries) 13 10 87 | F: (08) 9225 2660  
E: [enquiry@westernpower.com.au](mailto:enquiry@westernpower.com.au)



**Mr Sherry declared an Impartiality interest in that he is the Chief Executive Officer and candidate for Returning Officer.**

#### **9.2.2 Appointment of Returning Officer**

Applicant:	N/A
File Ref. No:	Elections And Electoral Rolls 1f 2015 Election
Disclosure of Interest:	Nil
Date:	6 <sup>th</sup> July 2015
Author:	Gary Sherry
Attachments:	Nil

#### **Summary**

**Council is to consider appointing a Returning Officer for the 2015 Local government elections.**

#### **Background**

The Shire of Cuballing has traditionally conducted voting-in-person elections conducted by Shire staff. It has always been open for Council to complete postal-voting elections conducted by the Western Australian Electoral Commission (WAEC).

#### **Comment**

Council can select a Returning Officer other than the Chief Executive Officer to conduct the Local Government election for the Shire of Cuballing in October 2015.

Conducting the Election as a voting-in-person election with the Chief Executive Officer acting as the Returning Officer is expected to cost in the region of \$4,000 in 2015 with the administrative cost of staff conducting electoral activities during normal office hours not being separately costed or accounted for.

The alternative would be to have the WAEC conduct a postal-voting election. An indicative cost for such an activity would be in the region of \$9,000 (GST Inclusive). The WAEC would conduct the Council election as a postal election although Council would still be required to open at least one polling booth on the day of the election.

The WAEC is the only body that can hold a postal election, Council is not permitted to. Electors can still register to go on Council's postal voting register and receive a postal vote; however Council must hold a voting-in-person election.

#### **Strategic Implications - Nil**

#### **Statutory Environment**

##### **Local Government Act 1995**

- 4.20. CEO to be returning officer unless other arrangements are made
  - (1) Subject to this section the CEO is the returning officer of a local government for each election.
  - (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint\* a person other than the CEO to be the returning officer of the local government for an election.
- \* Absolute majority required.

- (3) An appointment under subsection (2) has no effect if it is made after the 80<sup>th</sup> day before election day.
  - (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election.
- \* Absolute majority required.
- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day. (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

Policy Implications - Nil

Financial Implications

The cost of the WAEC conducting the election will be greater if done by the WAEC.

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council may resolve:

- 4. the Officer's Recommendation;
- 5. to appoint the WAEC to be the returning officer (Absolute Majority Required)

Voting Requirements –

- 1. Simple Majority to resolve the Officer's Recommendation.
- 2. Absolute Majority to appoint the WAEC as the Returning Officer

**COUNCIL DECISION:**

**That Council appoint Mr Gary Allan Sherry, Chief Executive Officer, as the Shire of Cuballing Returning Officer for the 2015 and subsequent elections.**

**Moved: Cr Haslam**

**Seconded: Cr Dowling**

**Carried 4/0**

### 9.2.3 WALGA AGM – Member Motions

Applicant: N/A  
File Ref. No: C&A 9  
Disclosure of Interest: Nil  
Date: 6<sup>th</sup> July 2015  
Author: Gary Sherry, Chief Executive Officer  
Attachments: 9.2.3A Motions for Discussion

#### Summary

**Council to consider its position in relation to motions to be presented to the WALGA Annual General Meeting.**

#### Background

Council's voting delegates to the Annual General Meeting (AGM) of WALGA are Cr's Conley and Bradford.

#### Comment

As part of the WALGA AGM, members are able to raise issues for debate and resolution that can change the direction of WALGA or to provide new direction about an issue.

Detail of the motions to be debated at the Annual General Meeting of WALGA to be held at Perth Convention Centre, Perth on Wednesday 5<sup>th</sup> August 2015, are included at Attachment 9.2.3A.

Staff consideration and recommendation for a Council position for each motion is setout below.

Agenda Item	Recommended Shire Position and Staff Comment
<b>4.1 Eradication Of Trachoma In Australian Populations</b>	Support  Not sure this is the highest priority for Australian or even indigenous health.
<b>4.2 Prescribed Program Burning</b>	Support  Use of Royalties funding to complete normal state government management of state forest is of concern.
<b>4.3 Bushfire (Planning) Regulations – Local Government Impacts</b>	Support  It is important that the State Government: 1. Take a role in the media campaign to explain the new regulations and the impact on land owners; 2. Review the impact of their management of state controlled land on neighbours.
<b>4.4 Integrated Response By Local Governments To Hoarding</b>	Support
<b>4.5 Shark Hazard – Local Government Expectations</b>	Support  This issue doesn't directly impact the Shire of Cuballing.

<b>4.6 Inland Waterway Shoreline Management</b>	Support  This issue doesn't directly impact the Shire of Cuballing.
<b>4.7 Planning For Waste Management Facilities</b>	Strongly support.  State government needs to take a role in waste management to: 1. Assist in impacts of state government regulation of new and existing sites; and 2. Provide direction to new private and local government landfill construction.
<b>4.8 Management Of Narrow Leafed Cotton Bush</b>	Support  While Narrow Leafed Cotton Bush is not an issue for the Shire of Cuballing at this time, it can be anticipated that at some time in the near future a similar response will be required for a local flora or fauna pest.
<b>4.9 Illegal Camping</b>	Strongly support  Being able to enforce local government regulations is a key tenant of local government.
<b>4.10 Non-Rateable Properties: Charitable Use Of Land</b>	Support  This issues is an ongoing local government issue.
<b>4.11 Financial Limits For Tenders</b>	Support  This issue doesn't directly impact the Shire of Cuballing.

Council can take this opportunity to provide direction to Council delegates over the position of Council over matters to be considered at the AGM.

#### Strategic Implications

Matters to be considered at the WALGA AGM may have strategic implications for the Shire of Cuballing.

Statutory Environment - Nil

Policy Implications – Nil

Financial Implications

Attendance at the WALGA AGM is free.

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

#### Options

Council may resolve:

1. the Officer's Recommendation;
2. an alternative view to the Officer's Recommendation on part or all of the points of the Recommendation.

Voting Requirements – Simple Majority

**COUNCIL DECISION:**

That Council Delegates to the Western Australian Local Government Association Annual General Meeting to be held at Perth Convention Centre, Perth, on Wednesday 5th August 2015, be instructed and authorised to vote on the following Agenda items in the following direction:

Agenda Item	Recommended Shire Position and Staff Comment	
4.1	Eradication Of Trachoma In Australian Populations	Support
4.2	Prescribed Burning Program	Support
4.3	Bushfire (Planning) Regulations – Local Government Impacts	Support
4.4	Integrated Response By Local Governments To Hoarding	Support
4.5	Shark Hazard – Local Government Expectations	Support
4.6	Inland Waterway Shoreline Management	Support
4.7	Planning For Waste Management Facilities	Strongly Support
4.8	Management Of Narrow Leafed Cotton Bush	Support
4.9	Illegal Camping	Strongly support
4.10	Non-Rateable Properties: Charitable Use Of Land	Support
4.11	Financial Limits For Tenders	Support

<b>Moved: Cr Newman</b>	<b>Seconded: Cr Haslam</b>	<b>Carried 4/0</b>
-------------------------	----------------------------	--------------------

**4.1 ERADICATION OF TRACHOMA IN AUSTRALIAN POPULATIONS (05-030-02-0009 AH)**

**MOTION**

Town of Bassendean to move:

That WALGA advocate to the Federal and Western Australian State Government a Nationwide program for the eradication of Trachoma in Indigenous Populations, especially in Western Australia.

**IN BRIEF**

- A key concern is the future of funding and support for the eradication of trachoma in Aboriginal Communities.
- Communities need programs of sustainability and such proposed Trachoma Eradication Programs can be the core of a betterment and sustainability system for remote communities.

**MEMBER COMMENT**

That WALGA State Council seek the State Governments advice on how reduced Commonwealth health funding and the introduction of the Indigenous Advancement Strategy (IAS) program has impacted on health service delivery to discrete Aboriginal Communities, in order to address a Western Australian program for the eradication of Trachoma in Indigenous Populations.

There are 287 discrete Aboriginal Communities in Western Australia with over 17,000 people across 22 Local Governments. As part of the Federal Budget 2014/2015, the Commonwealth Government announced significant policy reform to Aboriginal service delivery with the introduction of the Indigenous Advancement strategy and Remote Community Advancement Network.

There is \$4.9 billion of programme funding over four years that is available under the five IAS programmes managed by the Department of Premier and Cabinet. There is concern that the funding structure is not addressing the health needs of remote communities and that many organisations who were funded are no longer. Further funding changes have been made to the Commonwealth Health Budget which has resulted in a number of health programmes ceasing. This has impacted health service delivery in Western Australia.

A key concern is the future of funding and support for the eradication of trachoma in Aboriginal Communities. The State Government has announced the development of an Aboriginal Investment strategy. The Aboriginal Affairs Cabinet Sub Committee considers cross-agency initiatives to improve the effectiveness of spending and reduce duplication. The Committee has recommended the development of an Aboriginal Investment Strategy for Western Australia.

The development is being led by the Department of Regional Development.

**Background**

The Fred Hollows Foundation has estimated that the elimination of Trachoma in Australia (Western Australia) can be achieved with a program funded by ten million dollars and Indigenous People can be involved. Australia is the only Developed Country in the world that still has extensive Trachoma affected peoples. This presents a great challenge to Australian

Governments to train and utilise Indigenous people to address not only Trachoma, but the turn-around of remote indigenous communities.

Such programs can be the lynch pin to revitalize and renew remote communities. There has already been an assessment of rating sustainability in remote communities with many seen as sustainable. These communities need programs of sustainability and such proposed Trachoma Eradication Programs can be the core of a betterment and sustainability system for remote communities. The involvement of Indigenous people in their own community sustainability is greatly beneficial.

Knowledgeable and expert Foundations like the Fred Hollows Foundation can become the core of such a Trachoma Program and this can be done for a very small investment in "Closing the Gap". Closing the Gap identifies the deficiencies that affect Indigenous Populations and Trachoma ranks as a major contributor to the impact on negative health of Indigenous People.

Trachoma is a completely preventable disease and can be prevented if only the will be there.

#### **SECRETARIAT COMMENT**

The need for greater investment in controllable diseases is acknowledged. There is already a comprehensive State program for Trachoma Management in WA for discrete Aboriginal Communities. WA is one of the leading States in the management of Trachoma through targeted personal hygiene programs and use of new generation 6 month and 12 month antibiotics.

#### **4.2 PRESCRIBED BURNING PROGRAM (05-024-02-0044 AH)**

##### **MOTION**

Shire of Bridgetown-Greenbushes to move:

That WALGA lobby the Minister for Regional Development to negotiate conditions on the use of Royalties for Regions funds for enhancement of the State Government's prescribed burning program to ensure that these additional funds are used only for prescribed burns for asset preservation and protection around towns and settlements and that the funds not be used for broad scale prescribed burning of forests and national parks distant from towns and settlements.

##### **IN BRIEF**

- The State Government has announced an additional \$20 million investment in prescribed burning under the Royalties for Regions Program.
- The focus of this additional investment should be on asset preservation and protection around towns and settlements rather than broad scale prescribed burning

##### **MEMBER COMMENT**

On 11 May 2015 the State Government announced a four year Royalties for Regions investment of \$20 million to increase prescribed burning in the South West. These funds are on top of the Department of Parks and Wildlife annual prescribed burning budget of \$10 million per annum.

The Government announcement stated that the new funding will fund extra positions and extended employment contracts for seasonal land management officers to expand the

prescribed burning effort. The Minister for Regional Development, the Hon Terry Redman MLA was quoted as saying that “the extra Royalties for Regions investment would bring greater security and protection to South-West communities”.

The Shire of Bridgetown-Greenbushes endorses the above comments of the Minister for Regional Development. Royalties for Regions funding shouldn't be used to prop up the normal operations of Government departments that have otherwise been short changed from years of reduced budget allocations. Instead Royalties for Regions funding should be used to enhance normal Government expenditure and in this case it should be ensured that the additional funding directed to the prescribed burning program should be focused on the preservation of assets and public safety in our settlements and towns rather than the funding being simply used by the Department of parks and Wildlife to meet acreage targets in the easier to burn areas such as forests and national parks. Often these areas are remote from towns and settlements and it is easier to carry out larger burns. Whilst there may well be strong environmental benefits in such burns the focus of the additional funding over the next four years should be the preservation of built assets.

#### **SECRETARIAT COMMENT**

Given the limited funding available within the state for bushfire risk mitigation, it is critical that any additional funding for prescribed burning is used in high priority areas of the state, particularly those that are in close proximity to towns, settlements and significant economic infrastructure.

Identification of the priority areas and the subsequent prescribed burning programs could be done through coordination of the results of the bushfire risk management planning process, which is currently being piloted by several Local Governments, the DFES mapping generated for the purposes of the soon to be implemented, WAPC state planning policy – bushfire prone areas and the office of bushfire risk management's approvals process.

#### **4.3 BUSHFIRE (PLANNING) REGULATIONS – LOCAL GOVERNMENT IMPACTS (05-024-02- 0056 AH)**

#### **MOTION**

City of Bunbury to move:

1. That WALGA move to seek that the Fire and Emergency Services Commissioner recognises existing Local Government bushfire risk assessment processes that demonstrate sufficient rigour and accept that Local Government's Bushfire Risk Mapping in the application of the new Bushfire (Planning) Regulations.
2. That appropriate support be provided to Local Government, to offset the costs and delays that will be incurred as a result of implementing the new Regulations into the development application processes. This would include (but not limited to) training in bushfire risk assessment - Bushfire Attack Level (BAL). A media campaign to explain the new Regulations and its impacts would assist in deflecting some of the negative reaction that may be incurred by Local Governments.
3. That WALGA request the State Government to assist with the implications of State owned lands providing risk to developments. Rather than insist on construction requirements to increase resilience for new structures, it may be more beneficial to treat the risk. This would be especially important where existing structures are also impacted. Currently, the Bush Fires Act (1954) does not bind the Crown.

#### **IN BRIEF**

- The State Government has brought down new regulations on development within areas of the State declared as ‘bushfire prone’.
- A State wide map will highlight areas that will be declared, being essentially, any land that is within 100 metres of bushland greater than 1 hectare in area.
- Local Government will be expected to manage the application of the Regulations, to new development within those areas, upholding the requirements of ‘AS 3959 (2009) – Construction of buildings in bushfire-prone areas’.

### **MEMBER COMMENT**

Large areas of the State are likely to be declared as Bushfire Prone by the Fire and Emergency Services Commissioner. These will be demonstrated on a State map of Bushfire Prone Areas. The rationale for the decision on bushfire prone status is essentially any area that is within 100 metre proximity to bushland that is greater than 1 hectare in area. Some smaller parcels will also be included, whereby they may be relatively close to other areas of bushland that can be aggregated in some situations.

While no-one would be against recognising and avoiding high risk developments, this suite of arrangements passed from State Government, will be highly problematic for Local Government.

Local Governments were given limited opportunity to comment on early risk assumptions, through a relatively crude process. Early communications indicated that the Office of Bushfire Risk Management (OBRM) would accept a Local Government’s risk mapping, if the Commissioner was satisfied with its rigour. This has not happened at this stage, nor have we seen the final OBRM maps, to indicate the potential of this situation to impact Local Governments.

These new regulations have the potential to impact considerably upon Local Governments through the following:

- This system only looks at new development applications, putting the bushfire safety focus on that environment alone. It does not recognise the need to manage existing risks.
- This system will require a cadre of bushfire risk assessors, likely to be contractors, adding to development costs. The competencies required and formal training programs for these persons, has not yet been established.
- The focus on risk management in this case, will be on the building proponent (element at risk) not on the bush land manager (source of risk). There is no focus on working to reduce risk by treating areas presenting that risk. It is likely that any land managed by Local Government that is seen to present increased complexity and/or costs to a developer or owner, would attract considerable criticism for that Local Government.
- There is a strong potential for insurance premium rises on existing structures, due to a likely increase in replacement construction costs.
- For construction within declared bushfire prone areas, there will be an increase in cost to construct to the new standards, a need for Local Government to understand, apply and police the construction standards. There is likely to be a relatively hostile reaction from builders/owners to this new regime of costs and compliance complexity.
- Some areas of land, rated as BAL 40 or BAL FZ may be now impossible to build on, due to an external risk (adjacent bushland). This would drastically reduce the value of these lands, with likely political backlash.

The AS 3959 considers bushfire risk based upon only three factors, being the proximity of potential development to bushland, the predominant vegetation type and the gradient under that vegetation. The new Bushfire (Planning) Regulations consider only proximity to bushland.

This is a crude risk assessment process, which will cause huge areas to be presumed to be high risk. It will be up to the developer/owner to prove lower risk levels exist, which in many cases will be the case.

Using the AS/NZS ISO 31 000 (2009) – Risk Management – Principles and guidelines encourages that consideration of ‘risk versus consequence’ measures and other factors such as bushfire behaviour, would be prudent. Further, the use of the National Risk Assessment Guidelines (NERAG) to challenge the assumptions made, would further add confidence to risk assessments.

Where a Local Government could demonstrate that their processes contain that rigour, then these should be upheld. A very high percentage of the land that is within 100 metres of existing bushland (and likely to be declared as bushfire prone) could easily be demonstrated to be an acceptable bushfire risk and avoid the added complexity of the new Regulations.

#### **SECRETARIAT COMMENT**

The declaration of bushfire prone areas by the State Government and the application of minimum state-wide bushfire standards for development in bushfire prone areas is consistent with State Councils resolution of May 2013 (200.2/2013). Prior to forming this resolution, the Association undertook widespread consultation with members to discuss arrangements for managing bushfire risk and received strong support from the sector for the State Government taking the lead in identifying bushfire risk areas and establishing state wide planning provisions for bushfire mitigation.

The Association understands that the Western Australia Planning Commission (WAPC) have made substantial modifications to the previously advertised draft State Planning Policy (SPP) 3.7 Planning for Bushfire Risk Management and its associated Guidelines. The Association has been informed by the Department of Planning intends to release the revised draft Policy and Guidelines for public consultation in July. The Association will be preparing a submission to WAPC in relation to the revised draft SPP and will be seeking feedback from members to inform this submission.

The Association understands that any default declaration of ‘bushfire prone areas’ as being within in 100m of a hectare of bushfire vegetation is only an interim measure which will be superseded by the release of bushfire prone area mapping. This mapping will be further refined over time. Further, it is important to note that the declaration of a bushfire area does not automatically mean that higher construction standards will be necessary, rather a more accurate assessment of bushfire risk will need to be undertaken by development proponents.

Throughout the process of developing the proposed land-use planning bushfire risk management policy framework, the Association has consistently advocated that the State provides the necessary funding for any additional requirements placed on Local Governments, including any training for Local Government officers.

#### **4.4 INTEGRATED RESPONSE BY LOCAL GOVERNMENTS TO HOARDING (05-026-03-0016 AH)**

##### **MOTION**

City of Bunbury to move:

That WALGA:

1. acknowledge that hoarding is a complex problem for Local Governments to address in Western Australia.
2. facilitate the development of an integrated response to the problem of hoarding by using consistent best practice standards which can be applied by all Local Governments in Western Australia.

#### **IN BRIEF**

- A Toolkit exists for Metropolitan Local Governments be an initial step to looking at these issues however this does not apply for regional Councils.
- Local Governments can only prosecute offenders under Health Legislation
- An integrated response to the problem which can be applied by all Local Governments would

#### **MEMBER COMMENT**

The Department of Health has developed a squalor toolkit which is used by the Metropolitan Local Governments.

In circumstances when regional Local Governments have tried to implement the recommendations/requirements of the tool kit for cases, the support from key agencies was not available in regional areas.

This results in regional Local Governments only ability to address the problem being to prosecute the offender under Health legislation and on some occasions this action may result in the Local Government incurring considerable costs.

It is felt that an integrated response to the problem of hoarding by using consistent best practice standards which can be applied by all Local Governments in Western Australia would be an initial step to looking at these issues.

#### **SECRETARIAT COMMENT**

The recommended action is consistent with WALGA policy.

#### **4.5 SHARK HAZARD – LOCAL GOVERNMENT EXPECTATIONS (05-017-02-0006 AH)**

#### **MOTION**

City of Bunbury to move:

1. That WALGA move to seek that the State Government declare Shark Attack as a 'hazard' within the Emergency Management Regulations (2006) and assign an Hazard Management Agency, for the development and maintenance of Hazard Management Arrangements. This agency would then also be responsible for the provision of community information and advice, to enable the community to make informed decisions with their use of the marine environment.
2. That WALGA recommend the adoption of the South West Local Government Response Flowchart and Responsibility Matrix, as the basis for Local Government response to any credible risk from sharks in local waters.
3. That WALGA act on behalf of WA Local Governments in the negotiation with the Department of Fisheries, to ensure that Local Government Officers are not expected to

make any response decisions, where they do not have the Subject Matter Expertise, nor jurisdiction (i.e. when to open a beach after sighting, or when to close a beach etc.) for those decisions.

**IN BRIEF**

- The Shark hazard in WA is not a 'declared hazard' under the Emergency Management Regulations. No agency is identified to be responsible to manage community information or advice, nor develop arrangements to manage the hazard.
- The Department of Fisheries has developed draft Hazard Plans that identify a range of responsibilities to Local Government (as land owners), where they would have limited subject matter expertise or jurisdiction, to under-pin any decisions or actions.

**MEMBER COMMENT**

There is currently an expectation from the Department of Fisheries (DoF), that Local Government staff will respond to any shark sighting (confirmed or not) and close beaches and warn public. This also assumes that Local Government Officers remain constantly available to travel to a beach to carry out this work, immediately. This was first noted in the draft Shark Hazard Plan from that Department on 20 September 2012.

Local Governments in the main, have jurisdiction only to the high water mark and would not be considered to be experts in shark behaviour. The DoF have established and funded a 'Shark Response Unit', which presumably, would have the peak body of knowledge on this subject. Therefore, it would seem odd that the DoF would expect Local Governments to be making decisions, with respect to the risk that a shark may present and/or what should be done in respect of that risk.

As a result of a string of unfortunate fatal encounters with sharks, the media showed understandably high levels of interest in the shark risk. In the absence of a credible response agency, these reports were not challenged for credibility, nor wisdom. The resultant media coverage then raised the public interest and the matter became political. If there had been an identified Hazard Management Agency to provide an active and visible spokesperson role, that interest could have been managed and taken the form of public safety information and advice. It would have tempered the tone of the reporting and gone some way to educating the community on the actual risks and presumably, what people could do to manage their exposure. Any other declared hazard enjoys the benefit of a 'one source – one message' environment, which ensures consistent, credible information is provided on which community members may base their decisions, along with the mandated responsibility to communicate.

In early 2014 the City of Bunbury, through the Chief Executive Officer, sought the assistance of the other South West Local Governments mentioned in the DoF Draft Shark hazard Plan (plus Harvey). The result was the establishment of a working group who worked collaboratively to develop a process and ultimately a Response Plan. This plan was developed to guide any Local Government response to any report of a shark hazard. This work recognised the limitations of Local Government in the jurisdiction and subject matter expertise as well as other agencies that would have a role (i.e. Department of Parks and Wildlife (DPAW)). The group then conducted a workshop, funded by WALGA and the participating Local Governments, along with the agencies that would be impacted in the South West. The Departments of Fisheries and Premier and Cabinet had senior staff in attendance, including the Acting Director General of DoF.

DoF and Premier and Cabinet continued not to accept the South West proposed processes.

With the summer tourist season beginning, the City of Busselton took to providing an interim solution, essentially causing a hiatus in the collaborative work that was being undertaken. Further, it would seem that DoF and the State Government were not concerned with the discontent of a few Local Governments and keen to preserve the status quo.

Under the current situation, whereby DoF have effectively handed over responsibility to Local Governments, there is potential conflict between community expectations for a safe environment and the risks that Local Governments and their Officers face in making decisions. This is especially the case, in a subject area where they do not possess the expertise nor jurisdiction to operate. DPaW and other land managers are in a similar position (though DPaW do have jurisdiction on the water). Should there be scrutiny over a decision that was made prior to an incident, the Local Government and/or its Officer may held to account over why they had made a decision that had ended unsatisfactorily. Equally, adherence to the 'do nothing' option carries its own risks, in that public safety may be seen to be compromised, especially if a Local Government could be proven to have known of that risk.

Any action or decision taken as a result of a shark sighting, should be under-pinned with due recognition of the skills and knowledge of the decision-maker and their jurisdiction to act. Protection from subsequent scrutiny and criticism must be provided by a process which follows sound risk management processes and clear, concise guidance documentation.

#### **SECRETARIAT COMMENT**

In 2012 the State Emergency Management Committee developed a comprehensive risk management strategy for Western Australia to have a better understanding of the risks to which the State is exposed and to ensure that emergency management strategies are in place. In 2013 the State Government commenced the State Risk Project which has identified 27 hazards - both natural and made in Western Australia. The State Risk project demonstrates an integrated approach and consistent framework for risk assessment and management across the State.

#### **4.6 INLAND WATERWAY SHORELINE MANAGEMENT (05-064-01-0001 MB)**

##### **MOTION**

City of Mandurah to move:

That WALGA lobby for a single State Government agency to be responsible for inland waterway shoreline management in the same manner as the Department of Transport' current role to administer the State Government's policy directly relating to coastal management.

##### **IN BRIEF**

- WALGA's support is requested to address the management and responsibility of inland waterways shoreline management.

##### **MEMBER COMMENT**

Local Governments which have estuarine and riverine environments experience shoreline erosion. Others may have a coastal environment where-in coastal erosion occurs from time to time.

It is agreed that the requirement to investigate the mechanisms of shoreline erosion and to undertake significant protection works is equal to that which is required along the coastline.

Inland waterway shoreline erosion is addressed through a number of agencies that have specific interests. For example, the Swan River Trust and the Department of Water have specific areas of interest. On the other hand, the Department of Transport has carriage of coastal management via its Coastal Protection Policy for Western Australia.

The aims of this Coastal Protection Policy are to:

- Ensure the provision of the appropriate level of advice and assistance to coastal managers investigating and recommending coastal protection solutions
- Ensure that valuable coastal assets, whether natural or constructed, are protected from the unwanted impacts ocean forces
- Ensure the adoption of the most appropriate and cost-effective interventions to protect coastal property at risk of damage from sea erosion
- Provide support to broader coastal management policies of the State. The specific principles that guide this Coastal Protection Policy are to:
- Minimise the need to interfere with natural coastal processes
- Undertake coastal protection works only if the benefits outweigh the cost
- Ensure that the direct beneficiaries of coastal development carry all consequential costs
- Ensure that the coast continues to be available for the benefit of the whole Community Services and Infrastructure Projects
- Ensure that local coastal managers receive proper guidance and assistance to solve their coastal protection problems
- Establish that coastal protection is a partnership between the State and local coastal managers, with the lead taken by the local coastal managers, and
- Ensure that the most appropriate coastal protection technologies are considered.

Both the policy and principles should be equally applicable to estuarine and riverine environments. There appears to be a reluctance to address inland waterways shoreline management in the same manner that currently applies to coastal management.

Support via WALGA to address this anomaly is sought.

#### **SECRETARIAT COMMENT**

As outlined in the July 2015 State Council Agenda, the Department of Transport is reviewing its Coastal Protection Policy for Western Australia. It is noted that the new draft policy document does not provide greater clarity for local government and does not provide a greater amount of transparency on how the Department of Transport will be helping to manage the coastal environment.

The policy is pared back from the previous version (as cited by the City of Mandurah). Therefore, at a time when coastal management roles and responsibilities should be solidified, the Department seems to be tempering its response to this issue and notions of operational responsibility.

It is also noted that the Swan River Trust has recently developed a comprehensive foreshore asset management system to manage the approximately 300km of foreshore of the Swan Canning system. As members may be aware, the Swan River Trust is currently in the process of being absorbed into the Department of Parks and Wildlife (DPAW).

Discussion with the Director General of the Department of Parks and Wildlife have indicated the potential for such a role to be considered by DPAW, beyond the current remit of the Swan and Canning River estuaries.

#### **4.7 PLANNING FOR WASTE MANAGEMENT FACILITIES (05-025-03-0003 MB)**

##### **MOTION**

Shire of Toodyay to move:

That WALGA request the State Government as a matter of urgency:

- Develop a waste management infrastructure plan for Western Australia
- Progress regulatory reforms to establish a framework for planning and siting of landfills.
- Implement a moratorium on new private landfill approvals until adoption of a durable planning framework.

##### **IN BRIEF**

- Planning for future landfills in WA has stalled.
- State policy discourages new landfills on the Swan Coastal Plain.
- New landfills are considered on a case by case basis by small LGAs with no State Plan.
- Planning framework for waste management now urgent.

##### **MEMBER COMMENT**

The State Waste Strategy Creating the right environment<sup>1</sup>, adopted in 2012, identifies targets for waste diversion from landfill for the metropolitan and non-metropolitan areas. In the 2014, the Department of Environment Regulation (DER) released a Discussion Paper on the Review of the Waste Avoidance and Resource Recovery Act<sup>2</sup>. The Paper identified that “about 43% of Perth’s waste is currently recovered... the balance is sent to landfills which have capacity until around 2025 on current projections or until 2030 if the targets in Western Australia’s Waste Strategy, Creating the right environment, are met”.

The Paper states one of the “Waste Strategy’s initiatives is long-term planning for waste and recycling processing. The focus of the planning is on waste processing and recycling facilities that divert waste from landfill to promote the most efficient use of resources”. The process of developing this plan was commenced through a Strategic Waste Infrastructure Planning Project<sup>3</sup> however after the initial research (which is still to be released) this process appears to have stalled.

Regulatory reform is also highlighted in the DER Paper. The Paper notes there is a need for reform to the planning and siting of landfills and the establishment of framework to assist decision making for new landfills. The Paper states:

There is increasing pressure for metropolitan waste to be disposed to landfill outside of the metropolitan area. These pressures are in part the result of increased waste generation, and the limited supply of future putrescible landfill space in the metropolitan area arising from the preference for no new putrescible landfills on the Swan Coastal Plain to address groundwater issues.

There is a strong case to reform the landfill policy and regulatory framework to include planning, siting and compliance considerations so that landfills can be managed consistent with government policy. Policy considerations should balance the need to ensure availability

- 1 Waste Strategy, available from <http://www.wasteauthority.wa.gov.au/publications/western-australian-waste-creating-the-right-environment>
- 2 DER Discussion Paper, available from
- 3 Strategic Waste Infrastructure Project, available from <http://www.wasteauthority.wa.gov.au/programs/strategic-waste-infrastructure-planning/> of sufficient landfill space to manage residual waste and unplanned events (such as spikes in waste caused by natural disasters or failures in alternative waste-processing infrastructure) with the need to limit supply to encourage maximum diversion from landfill.

Despite the reforms and planning highlighted, there is not a strategic infrastructure plan in place for waste management facilities. Decisions regarding waste management facilities, whether it be landfills, recycling facilities or waste to energy plants, are made on a company by company or Council by Council basis. Small rural Councils are bearing the brunt of the lack of a wider planning framework. The industry licensing system is also out dated and under review. Private waste management companies may be able to take advantage of this policy vacuum, resulting in inappropriate facilities with long term licenses.

#### **SECRETARIAT COMMENT**

WALGA fully supports the need for better strategic planning for all waste management facilities and understands the concerns raised by the Shire. The Association's Submission on the Review of the Waste Avoidance and Resource Recovery Act highlighted that without such planning there will be limited coordination of infrastructure selection and placement.

#### **4.8 MANAGEMENT OF NARROW LEAFED COTTON BUSH (05-046-03-0010 MB)**

##### **MOTION**

Shire of Murray to move:

That WALGA Lobby the Minister for Agriculture and Food seeking support for a multi-tiered approach to the management of Narrow Leafed Cotton Bush including:

- Training Local Government staff who can assist with infringing any land-owners not managing cotton bush and other declared pests.
- Provide funding to regional biosecurity groups of \$100,000 per annum to ensure their survival.
- Make Changes to the Biosecurity and Agriculture Management Act 2007 (BAM) to ensure any pest rate raised stays within the district
- Request cabinet address the issue of cotton bush and the inaction of state departments in managing their own land.

##### **IN BRIEF**

- The current situation and impacts of Cotton Bush and other Declared Species in the South West Agricultural Region
- That State Government work with Local Government who are in the firing line of these impacts and empower them under current legislation
- That the proposed funding model is reviewed.

##### **MEMBER COMMENT**

Several Local Governments in the South West Agricultural Region (including the Shire of Murray) are suffering and continue to suffer from the impacts of C3 declared pest species and in particular from narrow Leafed Cotton Bush (*Gomphocarpus fruticosus*).

Two years ago the Shires of Murray and Dardanup tabled a motion to the WALGA AGM asking them to lobby the government to put more resources into control of Cotton Bush. Since then the Department of Agriculture and Food have suffered several significant cuts to its personnel and operations. This has led to a significant loss of on ground control and compliance measures.

Due to the increase in absentee landholders and idle subdivisions fuelled by the land speculation in the economic boom followed by stagnation since the global financial crisis this has led to a significant number of peri urban properties being effectively unmanaged which has helped lead to an uninhibited spread of Cotton Bush throughout Murray and many other LGAs.

In Murray alone there are 177 recorded instances of Cotton Bush infestations one of which is over 1200 hectares in size. This is 9% of all the properties in the Shire. This is expected to lead to a cumulative impact on the agricultural sector of WA between \$400,000 and \$800,000 per annum.

The State Government has favoured a community based model for delivery of pest management in the form of a Recognised Biosecurity group and there is one set up in the Peel region which is making some positive impact. However the Shire feels that this is not enough and has some serious concerns about the potential imposition of a Declared Pest Rate which is an effectively another levy on rate payers in an area suffering from significant unemployment. There is also the fact that under the Biosecurity and Agriculture Management Act 2007 (BAM) there is no guarantee that any money collected in a rate has to be spent in that region.

It is also a concern that the rate would be effectively penalising those who are currently doing the right thing and may be used to fund government owned tracts of land being managed.

Murray has also been lobbying to have Local Government officers empowered under the BAM Act in a similar way to how the Fire Act is managed as there are already provisions in the Act for this to occur. The Shire has been requesting this for two years but to date there has been no action.

The Shire would like support from WALGA in achieving these goals and achieving a continuation of the current RBG funding framework which sees Local Government money matched by State for their continued running without the impost of a declared pest rate. The Shire of Murray seeks support in generating a whole of government approach including:

- Training up any Local Government staff who can assist with infringing any land-owners not managing cotton bush and other declared pests.
- Giving those trained staff the authority to infringe landowners not managing cotton bush and other pests
- Provide funding to regional biosecurity groups of \$100,000 per annum to ensure their survival.
- Make Changes to the BAM Act to ensure any pest rate raised stays within the district.
- Have cabinet address the issue of cotton bush and the inaction of state departments in managing their own land.

#### **SECRETARIAT COMMENT**

The current funding from the DAFWA to underpin the creation of Recognised Biosecurity Groups is from a strategic grant from the State NRM Program. Accordingly there is no certainty that the current level of DAFWA support for the formation of RBGs will continue.

There is no core funding in the forward estimates of the DAFWA budget to ensure the continuation of funding required to support future Recognised Biosecurity Groups (RBG's). A policy shift by the Government is therefore required if it is to match Local Government investment, be it through contributions to a levy raised by an RBG, or of its own volition and revenue (rates).

In relation to the issue of regulation and enforcement, the Association position is to empower a Local Government CEO, should the relevant Local Government desire, to be delegated under the Biosecurity and Agricultural Management Act (2007) to undertake regulatory functions, thereby having the force of the BAM Regulations at their disposal for specific declared species.

The Association has raised this with both the Minister directly, and through its interim submission on the draft State Biosecurity Strategy, and will continue to advocate for this outcome. Funding will be required to build the capacity of local government officers in undertaking a regulatory role on specific declared species.

An amendment of the BAM Act legislation will be required to ensure that any monies collected within a region are spent in the region in which it is collected, as currently Section 138 (f) of the BAM Act provides Director General discretion in the use of funds in the Declared Pest Account for "any purpose authorised under this Act or another written law".

#### **4.9 ILLEGAL CAMPING (05-034-01-0007 JMC)**

##### **MOTION**

Shire of Northampton to move:

That WALGA is to investigate legislation changes to allow Local Governments to recover fines issued to illegal campers through vehicle hire companies (as a majority of offenders are from overseas using hire vans/vehicles), as an example, to try and assist Local Governments to control this activity and recover costs incurred in policing illegal camping.

##### **IN BRIEF**

- Local Government needs a tight legal mechanism to allow receipt of infringements to assist in recouping part of the costs for policing this activity

##### **MEMBER COMMENT**

Illegal camping throughout the Shire and other coastal areas (and no doubt inland areas) is becoming a real problem with many offenders being from overseas. We issue infringement notices (on the spot fines) where illegal camping is occurring within our town sites but those fines and our Rangers warnings/ requests to relocate are simply ignored by these persons.

Local Government needs a tight legal mechanism to allow receipt of infringements to assist in recouping part of the costs for policing this activity and also to act as a deterrent. Use of local laws provisions is simply not good enough.

##### **SECRETARIAT COMMENT**

Difficulties associated with recovery of illegal camping fines is an Australia-wide issue particularly impacting popular coastal locations.

Illegal camping often presents a conundrum to communities, keen on the one hand for tourism visitations to stimulate the local economy but aware also of the negative impact illegal camping may have on sensitive environments or the general amenity of popular local attractions.

The capacity to issue infringements for illegal camping has a positive deterrent effect on responsible tourists, but it is agreed that recovering fines in certain circumstances is problematic.

It is notable there is no similar State-based legislation of the nature proposed in the Member motion, and research will be required to determine whether it is legislatively feasible and will result in a workable deterrent to the practice of illegal camping.

#### **4.10 NON-RATEABLE PROPERTIES: CHARITABLE USE OF LAND (05-034-01-0007 JMC)**

##### **MOTION**

City of Mandurah to move:

That WALGA increases its lobbying for an amendment to the Local Government Act 1995 Section 6.26(2)(g) to allow land used for charitable purposes to be rateable if it is used for housing.

##### **IN BRIEF**

- The Western Australian Local Government Association's support is requested to lobby for legislative amendments to allow land used for charitable purposes to be rateable if it is used for housing.

##### **MEMBER COMMENT**

Non-rateability of land used for charitable purposes, particularly in the areas of retirement and social housing, is presenting an increasing cost burden to the community if Local Government is to be able to provide services and infrastructure. This also raises issues of equity and fairness in both the rating of properties and the ability to access and utilise Local Government services and facilities.

The demographic shift towards an ageing population is likely to see a growth in retirement/lifestyle housing and the involvement of charitable organisations will probably increase with it. Although meeting the needs of the aged is a charitable purpose, it is not the exclusive domain of charitable organisations. Residents of these villages are not forced by their personal circumstances to seek shelter but mostly are making a lifestyle decision to move to the village. The business model of villages operated by charitable organisations is the same as commercial providers in that in-going residents provide a substantial payment, generally as an interest-free loan, and pay for all operating costs. The services provided, the financial arrangements and quality of accommodation are the same, and in some cases better, than commercial providers. In these circumstances it is not equitable that a non-profit organisation should be relieved of a rates burden for providing the same service and facilities as their commercial counterpart. It also brings into question the nature of the charity actually being provided.

As a matter of policy, the implementation of tax exemptions for older people in an ageing society will tend to skew the cost burden towards a reducing number of people able to pay.

Revenue raising policies which rely on fewer people to provide income tend to act against growth and development. The attraction of cost relief should be resisted to allow agencies such as Local Governments to provide the best possible environment for all of its population. Residents of retirement villages, although not property owners, have available to them the same rebate as property owners under the Rates and Charges (Rebates and Deferments) Act 1992. In addition residents of villages benefit from being exempt from the provisions of minimum rating which local governments can apply under the Local Government Act 1995 S6.35.

With respect to social housing, the need for affordable housing for those who would not otherwise be able to pay for accommodation, or who are otherwise disadvantaged, is recognised. Local Governments should support the progress made in providing these types of accommodation. However, when this form of housing was provided by the Department of Housing, it was known that, as Crown Land, homes were not rateable. Despite this, recognising that residents used Local Government services and facilities, sometimes to a disproportionate extent, the Department paid property rates on an ex gratia basis. Since the decision has been made to outsource this activity, the non-profit organisations have actively, and mostly successfully, obtained relief from the payment of rates. The business case for outsourcing for the government is self-evident but the cost transfer has been to the rate-paying community.

There is reluctance from the State Government to address this issue. It would appear that the Government is content to allow the matter to be decided through decisions by the State Administrative Tribunal and judgment by the WA Supreme Court. This tends to produce a fragmented solution as individual issues are decided on a case by case basis. It is better to have clarity through legislative amendments so that both Local Governments and housing providers have certainty.

#### **SECRETARIAT COMMENT**

The Member motion aligns with the Association's policy in relation to charitable land use rate exemptions, which reads:

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
2. Either
  - a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations;  
or
  - b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.

The motion also aligns with State Council's current position on affordable housing.

#### **4.11 FINANCIAL LIMITS FOR TENDERS (05-034-01-0001 JMC)**

##### **MOTION**

City of Melville to move:

That the Local Government (Functions and General) Regulations 1996 (as amended from time to time) be amended so the minimum threshold for the purchase of a good or service, be altered

to match the threshold level from time to time gazetted under the State Supply Policies for State Government Departments and instrumentalities.

**IN BRIEF**

- Purchases in excess of \$100,000 require a tender.
- The threshold was set in 2007.
- A link to State Government purchasing provides:
  - ongoing review;
  - a higher threshold.

**MEMBER COMMENT**

The current financial threshold levels under these Regulations require Local Governments to use an open tender process for the purchase of goods or services with a value of over \$100,000. This threshold level has existed since February 2007 when it was changed from \$50,000 by an Amendment to these Regulations.

Local Governments may also avail themselves of the WALGA Contract Panels which allow quotations for work above \$100,000 to be sought from contractors and suppliers who have pre-qualified for the Contract Panels through an open public process that satisfies the requirements of the Regulations.

With respect to State Government Departments and instrumentalities whose purchasing activities are generally covered under the State Supply Commission Act 1991 and its subsidiary legislation (with a plan for this to be eventually subsumed by the Department of Finance) the minimum threshold for open tenders is a value of \$150,000, and this is varied from time to time by policies issued under the State supply legislation (currently \$250,000).

The proposed motion simply links Local Governments to State Government Departments where similar processes and controls over purchasing practice exist, and then suggests that the Regulations be amended to simply link the Local Government threshold to the one in force from time to time for State Government Departments.

**SECRETARIAT COMMENT**

The Member motion aligns with current Association policy.

At the time of writing, the Department of Local Government and Communities is finalising amendments to the Local Government (Functions and General) Regulations 1997. It is WALGA's position that the tender threshold should align with the threshold that applies to State Government agencies, \$250,000. The current proposal is to amend the Regulations so that the tender threshold be increased from \$100,000 to \$150,000.

9.2.4	Proposed Subdivision/Amalgamation – Lots 4363, 4362 Schoolars Road, Wardering
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Applicant: Harley Dykstra for Vadus Pty Ltd  
File Ref. No: TP 9  
Disclosure of Interest: Nil  
Date: 6<sup>th</sup> July 2014  
Author: Gary Sherry  
Attachments: 9.2.4A Location Plan  
9.2.4B Application

### Summary

**Council is to consider a subdivision/amalgamation application for two lots, on Schoolars Road, Wardering to create two reconfigured lots is supported.**

### Background

The Western Australian Planning Commission (WAPC) has referred subdivision/amalgamation application 152045 to the Shire for comment

The location of the application site is outlined in Attachment 9.2.4A. Of the two lots, lot 4362 adjoins an unmade section of Schoolars Road and lot 4363 adjoins an unmade section of Spriggs Road.

The subdivision/amalgamation application (boundary adjustment) is set out in Attachment 9.2.4B. The application site consists of two current titles (199.1 and 64.7 hectares in area) and the proposal is to create two lots of 165 and 99 hectares.

The site is generally cleared and contains no dwellings.

The properties are zoned “Rural” in the Shire of Cuballing Town Planning Scheme No. 2 (TPS2).

### Comment

The boundary adjustment application is supported as it is considered consistent with TPS2 given no additional titles are created.

The Shire of Cuballing Local Planning Strategy (LPS) looks to have Council protect the good agricultural broad acre farming land in the Shire. The LPS states:

Council is particularly aware of the increasing pressure on existing broad acre farming operations to subdivide, and is keen to ensure that this is not done so at the expense of the existing agricultural activities. As a result, there will be a general presumption against subdivision in agricultural areas.

However Council may recommend subdivision approval where:

- The lots have already been physically divided by significant natural or man-made features;
- The lots are required for the establishment of uses ancillary to the rural use of the land; or
- The adjustment of boundaries will not result in the creation of one or more additional lots.

The proposal actually will continue the agricultural use of the properties with both proposed new lots being arable. The new boundaries between the two properties reflects the arable use of the land and as the new boundary line is along a creek line. In addition the minimum size of lots increases under the proposal.

Strategic Implications - Nil

Statutory Environment

Planning and Development Act and TPS2

Policy Implications

The application complies with TPS2 and the LPS.

Financial Implications - Nil

Economic Implication

The application does not create additional lots and seeks to improve the current land usage.

Environmental Considerations

There are minimal environmental considerations for the proposed subdivision/amalgamation. Each of the proposed new lots do contain large amounts similar environmental habitat, whether that be remnant vegetation, broad acre agriculture or riparian remnant vegetation.

Consultation

The WAPC invites comments from the Shire and other government/servicing agencies at the subdivision stage.

Options

Council may resolve:

1. the Officer's Recommendation;
2. to support the boundary adjustment with conditions; or
3. to not support the boundary adjustment (giving reasons).

Voting Requirements – Simple Majority

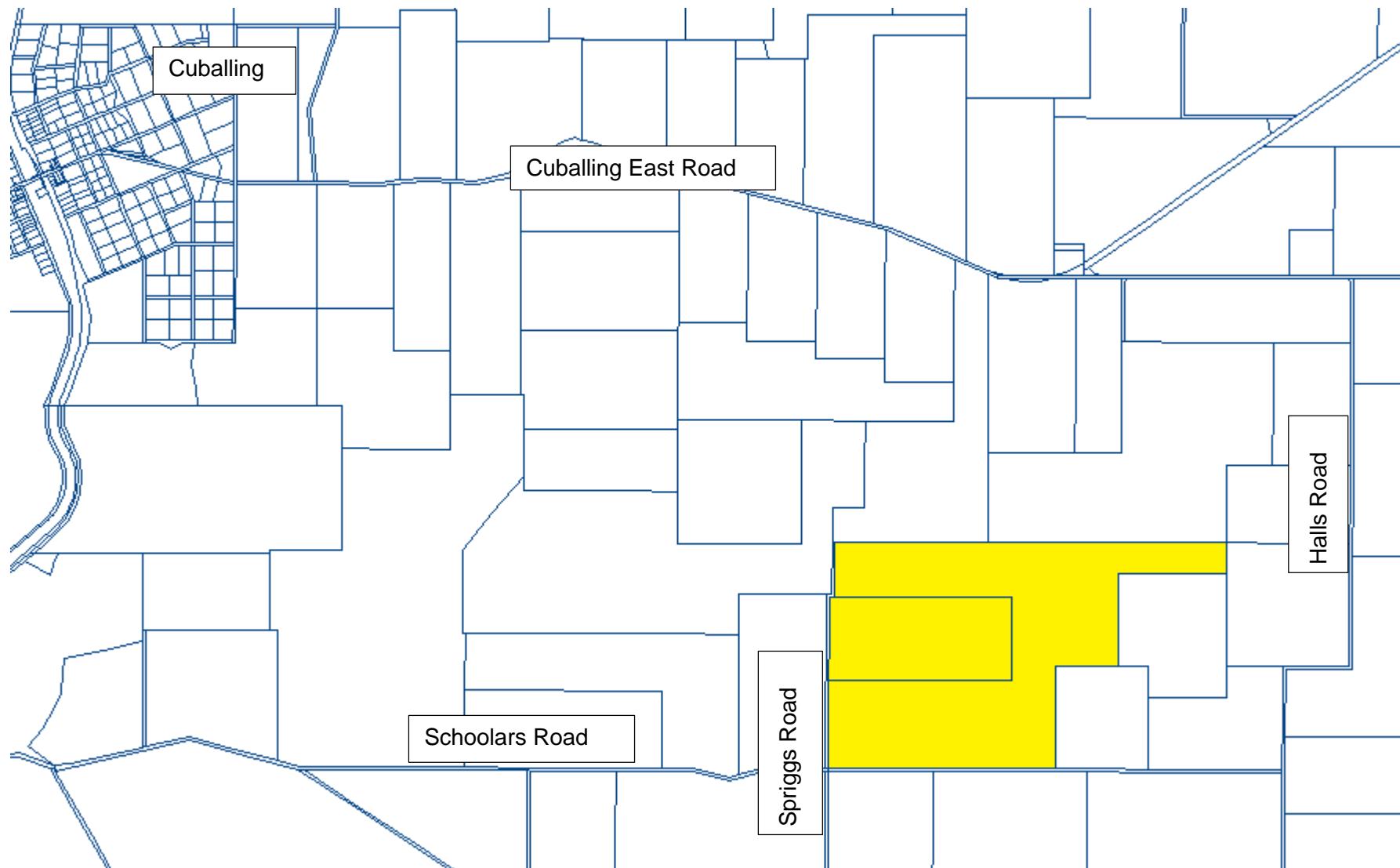
**COUNCIL DECISION:**

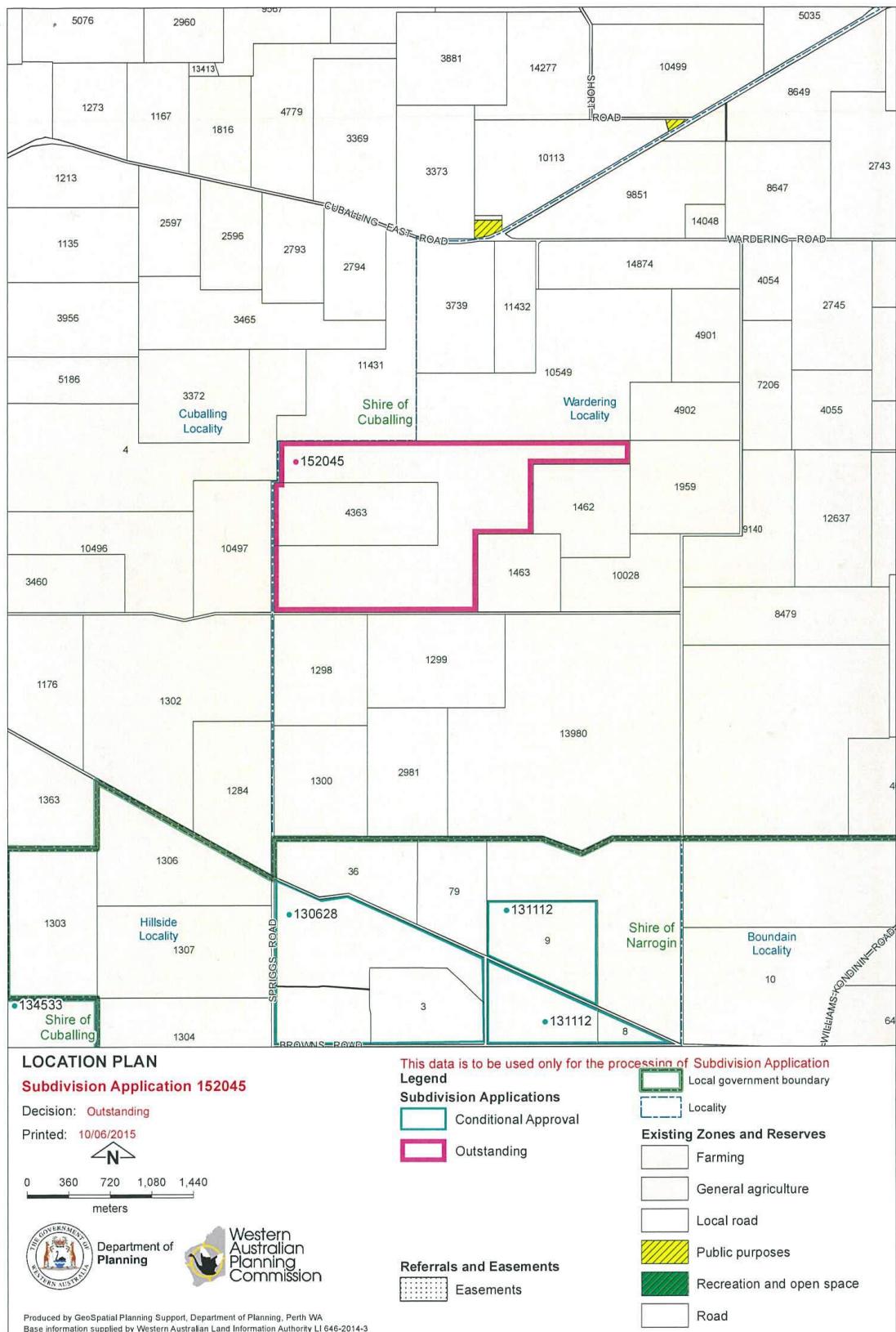
**That Council support the subdivision/amalgamation of Lot 4362 Scholars Road and Lot 4363 Spriggs Road Cuballing (WAPC 152045).**

**Moved: Cr Dowling**

**Seconded: Cr Haslam**

**Carried 4/0**







# Harley Dykstra

PLANNING & SURVEY SOLUTIONS

## Proposed Boundary Realignment

Lots 4362 and 4363 Scholars Road, Wardering

Prepared by Harley Dykstra Pty Ltd for Vadus Pty Ltd

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FS 536019



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## DOCUMENT CONTROL

Control Version	DATE	Status	Distribution	Comment
A	13.05.15	Draft	Client	Draft for Approval
B	18.05.15	Final	WAPC	Lodgement

Prepared for: Vadus Pty Ltd

Prepared by: SDP

Reviewed by: SB

Date: 18.05.15

Job No: 20492

Version: B

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Please note that the information in this report may not be directly applicable towards another client. The Consultant warns against adapting this report's strategies/contents to another land area which has not been researched and analysed by the Consultant. Otherwise, the Consultant accepts no liability whatsoever for a third party's use of, or reliance upon, this specific document.

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Proposed Boundary Realignment

Lots 4362 and 4363 Scholars Road, Wardering

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Proposed Boundary Realignment

Lots 4362 and 4363 Scholars Road, Wardering

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## 1 INTRODUCTION & PROPOSAL

This report forms part of the application for the proposed boundary realignment of Lots 4362 and 4363 Scholars Road, Wardering. The purpose of this report is to present the justification for the proposed boundary realignment and to assist decision-makers and service authorities to consider this application.

The purpose of the application is to rationalise farm lot boundaries as permitted within WAPC Development Control Policy No.3.4 – Subdivision of Rural Land. No additional lots will be created as a result of the proposed boundary realignment, which will be along existing boundaries in the landscape. The existing boundaries do not reflect the use of the land and the natural division of the land by an existing creekline.

It is respectfully requested that the Western Australian Planning Commission issue **unconditional approval** for the proposed boundary realignment of Lots 4362 and 4363 Scholars Road, Wardering.

## 2 BACKGROUND & SITE CONTEXT

### 2.1 Land Details

The land parcels involved in the proposed boundary realignment are as follows

- Lot 4362 on Deposited Plan 113380 (Certificate of Title 1004-631);
- Lot 4363 on Deposited Plan 113365 (Certificate of Title 758-117)

The approximate area of all parcels combined is approximately 264ha. The registered proprietor of the lots is Vadus Pty Ltd.

### 2.2 Zoning

The lots are zoned *General Agriculture* by the Shire of Cuballing Town Planning Scheme No.2. All other surrounding land is zoned *General Agriculture*.

### 2.3 Location

The subject land is located approximately 6.4km southeast of the Cuballing townsite.

### 2.4 Surrounding Land Use

All of the surrounding lots are zoned *General Agriculture* and are used for this purpose as part of the Wheatbelt broad acre agriculture region.

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Proposed Boundary Realignment

Lots 4362 and 4363 Scholars Road, Wardering

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## 2.5 Topography

The land is gently undulating, with the low point in the landscape being the creekline transecting the land.

## 2.6 Vegetation

The majority of remnant vegetation has been cleared from the land, with most vegetation remaining being parkland cleared and used for grazing. Vegetation will not be impacted as a result of the proposed boundary realignment.

## 2.7 Existing Buildings & Structures

The land is currently vacant.

## 2.8 Servicing

No services are connected to the subject land. As the land is used for agriculture, the connection of any services, including Western Power, would be an unviable proposition. Given the purpose of the proposed boundary realignment, to realign the existing boundary along the creekline, we would not anticipate a requirement for the connection of any services.

### 2.8.1 Legal Road Frontage and access

The proposed boundary realignment offers legal road frontage to the proposed re-alignment. The farming access to the land will remain in its current form and no changes are proposed.

### 2.8.2 Western Power

The proposed lot sizes are above 50 Ha and power is not available or required for this re-alignment. Given Western Power's policy lots over 50 Ha do not require a power connection.

## 3 PLANNING REQUIREMENTS

### 3.1 Shire of Cuballing Planning Scheme No.2

The subject land is zoned *General Agriculture* by the Shire of Cuballing Town Planning Scheme No.2. The objectives of the *General Agriculture* zone are listed in clause 4.2 (b) of the Scheme.

The purpose of the proposed boundary realignment is to rationalise farm boundaries based on the natural boundaries of the land. It is believed that the proposed boundary realignment complies with the requirements of the Scheme. It does not seek to remove the land from productive agricultural use and will result in better management of the land prevailing in the long term.

Proposed Boundary Realignment

Lots 4362 and 4363 Scholars Road, Wardering

2 | P a g e



### 3.2 WAPC DCP 3.4 'Subdivision of Rural Land'

The purpose of DCP3.4 is to provide guidelines for the subdivision of rural land. Applicable to the boundary realignment is 'Section 6.3 Property Rationalisation to Improve Land Management' which states:

*"Many rural properties comprise multiple titles and landowners may wish to subdivide to achieve better land management. Subdivision may also present opportunities to create access to landlocked lots. Multiple lots in one ownership may be rationalised provided that:*

- a) there is no increase in the number of lots;*
- b) the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;*
- c) no new roads are created, unless supported by the local government;*
- d) new vehicle access points on State roads are minimised; and*
- e) rural living sized lots (1-40ha) created as a result of the rationalisation have appropriate buffers from adjoining farming uses and may have notifications placed on title advising that the lot is in a rural area and may be impacted by primary production.*

*Former road reserves and small remnant portions of lots are not considered lots for the purpose of boundary rationalisation."*

The proposed boundary realignment complies with the requirements of DCP 3.4, as demonstrated by the following comments:

- There is no increase in the number of lots proposed as a result of the boundary realignment;
- The new boundaries have been aligned based on existing natural boundary, being the creekline;
- The current boundaries do not reflect the use and/or management of the land;
- No new roads are proposed to be created to achieve the proposed boundary realignment; and
- No new vehicle access points are proposed to service the proposed boundary realignment.

The proposed boundary realignment complies with the requirements of DCP 3.4.

## 4 CONCLUSION

The proposed boundary realignment represents a logical proposal for the purposes of farm rationalisation and is justified on the following grounds:

1. The proposed lot boundary has been based on existing boundaries of the land;

Proposed Boundary Realignment

Lots 4362 and 4363 Schoolars Road, Wardering

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- 
- 2. The proposal does not create any new lots; and
  - 3. The proposal complies fully with the requirements of Development Control Policy No.3.4 – Subdivision of Rural Land and other statutory and strategic planning documentation;

It is respectfully requested that the Western Australian Planning Commission issue **unconditional approval** for the proposed boundary realignment of Lots 4362 and 4363 Schoolars Road, Wardering.

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Proposed Boundary Realignment

Lots 4362 and 4363 Schoolars Road, Wardering

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**BOUNDARY  
REALIGNMENT  
PLAN**  
Lot 4363 on DP 113365  
Lot 4362 on DP 113380  
WARDERING



PLANNING &amp; SURVEY SOLUTIONS

SCALE AT A3 1:12,500  
ALL DISTANCES ARE IN METRES

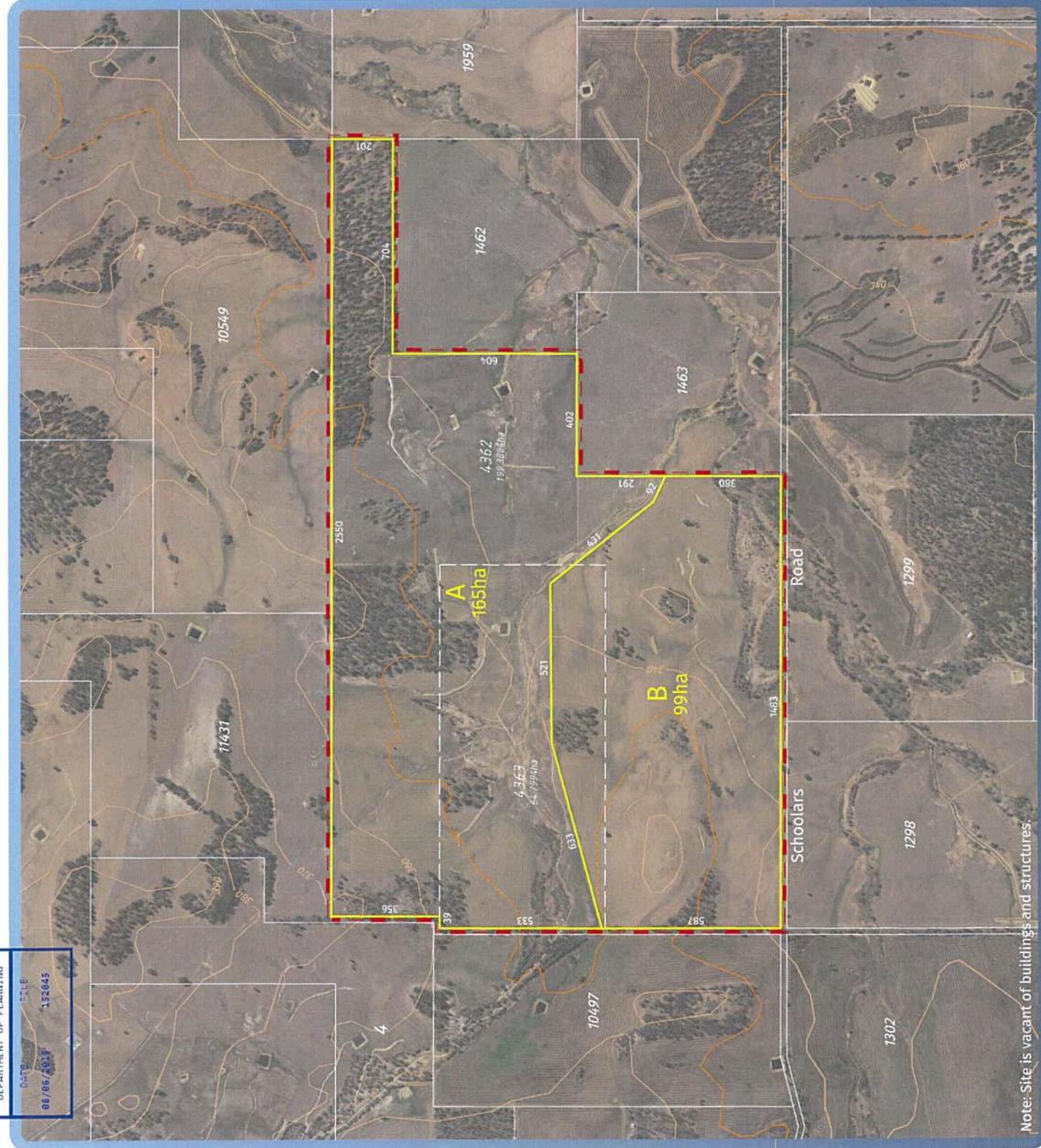
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DRAWN SDP 13/05/15 DATE  
REV A DESCRIPTION Original Drawing

**LEGEND****PROPOSAL DETAILS**

Area of Subject Land	264ha
No of Existing Lots	2
No of Proposed Lots	2
Min. Lot Size - Ave. Lot Size - Ave. Lot Size	9ha 12ha
Proposed Lot Boundaries	

**LAND DETAILS**

Local Government Area	Shire of Cuballing
Zoning - Existing Lot Boundaries	General Agriculture
Surrounding Lot Boundaries	
Subject Land Boundary	
SERVICING INFORMATION	
Overhead Electricity	Unavailable
Reticulated Water	Unavailable
Reticulated Sewer	Unavailable
Telecommunications	Unavailable
Reticulated Gas	Unavailable



**Cr Dowling declared an Impartiality Interest in that she is an Office Bearer and member of the Dryandra Pony Club.**

**9.2.5 Draft Dryandra Regional Equestrian Centre Lease**

Applicant:	N/A
File Ref. No:	R2e
Disclosure of Interest:	Nil
Date:	7 <sup>th</sup> July 2015
Author:	Gary Sherry
Attachments:	9.2.5A Summary of Draft Equestrian Centre Lease 9.2.5B Draft Dryandra Equestrian Centre Lease

**Summary**

**Council is to consider offering a 21 year lease of the Dryandra Regional Equestrian Centre to the Dryandra Regional Equestrian Association (Inc) and Dryandra Pony & Riding Club (Inc)**

**Background**

Council has been considering a lease agreement for the use of the Dryandra Regional Equestrian Centre (DREC) by the Dryandra Regional Equestrian Association (DREA) and Dryandra Pony Club (DPC), formerly the Narrogin Pony Club for some time.

Council and the users have made a considerable investment into the site over the past ten years. The DREA and DPC are the only users of the speciality site and a lease will provide security of tenure for both Council and the clubs for the life of the lease.

At the February 2013 Meeting of Council the following was resolved.

**COUNCIL DECISION:**

That, the following fees be adopted based on the current Dryandra Equestrian Association Calendar provided:

Item	Total Est. \$	Council \$	Equestrian Groups \$
Insurance	3,261	1,630	1,631
Refuse Collection	500	0	500
Asset Preservation	8,000	4,000	4,000
Ablution Block Use	1,600	800	800
<b>Total Contributions</b>		<b>\$6,430</b>	<b>\$6,931</b>

Moved: Cr Haslam

Seconded: Cr Newman

Carried by Absolute Majority 6/0

At the April 2013 Ordinary Meeting of Council the following was resolved:

**OFFICER RECOMMENDATION:**

That:

1. The lease with the agreed lease fee being \$5,000 per annum and adjusted annually according to the CPI plus \$1,000 for the use of the ablution block provided that the number of events remains within 10% of the 2012/2013 financial year Equestrian Calendar and;
2. The sum of \$3,500 per annum (from the lease fee) be placed in a reserve to be established for Dryandra Regional Equestrian Centre Building Maintenance.

Moved Cr Conley

Seconded Cr Haslam

### Comment

The Shire administration have prepared a draft lease for the DREC. A summary of the contents of the draft lease is included at Attachment 9.2.5A. The draft lease in its entirety is included at Attachment 9.2.5B.

The draft lease has been provided to the DREA and DPC on a number of occasions for feedback. Drafting amendments have been included in the draft lease at the suggestion of the DREA and DPC. The DREA and DPC have indicated that they will favourably consider the lease.

The Draft Lease includes the following requirements:

- the permitted uses under the lease are equestrian activities. Other uses are not permitted;
- the clubs will pay all utility charges for use on the site;
- the Shire will charge for use of other Council facilities separately;
- the clubs may charge for use of the DREC by other users;
- the clubs are responsible for maintenance and keeping the DREC clean and tidy;
- Club will insure their facilities on the site and the Shire will insure Council property;
- the clubs will complete bush fire precautions and not use the course on total fire ban days or during harvest bans;
- the Shire will only be permitted access to the DREC during normal hours to inspect the buildings or during an emergency event to use the DREC as an evacuation centre;
- the lease term is for 21 years from 1<sup>st</sup> July 2015;
- the annual lease fee will be \$5,000 and the fee will be increased by CPI each year;

### Strategic Implications

The DREC impacts on the Shire of Cuballing's strategic objectives in a number of different areas.

#### Promotion of Cuballing

##### Objective 2

To promote the Shire of Cuballing as a place for people to live, work and play and to encourage visitors to see Cuballing for the unique place it is.

#### Maintain and Improve Infrastructure

##### Objective 3:

To maintain and improve infrastructure in the Shire of Cuballing for the benefit of all Cuballing residents.

#### Beautification of the Shire

##### Objective 4:

To make the town sites of Cuballing and Popanyinning attractive to visitors and residents.

#### Events and Activities

##### Objective 6:

To encourage a wide range of events and activities throughout the year for residents of and visitors to the Shire of Cuballing

### Statutory Environment

Section 3.58 of the Local Government Act applies to the disposition of property, and a lease is included in the definition of disposition. However, as the lease of land will be to two incorporated community sporting groups such as the Lessees, this lease is an exempt disposition, so section 3.58 is not applicable.

The consent of the Minister for Lands is required for the lease, as the premises are situated on a Reserve. The Department for Lands has indicated that the Ministers approval, formally given after a lease has been executed by lessee and lessor, would be given for the draft lease.

### Policy Implications – Nil at this time

### Financial Implications

The lease agreement provides for lease fee of \$5,000 per annum for the lease of the DREC. This fee will increase with CPI over the term of the lease.

Council will be responsible for insurance costs for the Council owned DREC infrastructure included in the lease.

### Economic Implication

The equestrian activities conducted by DREA and DPC at the DREC attract a significant numbers of visitors and residents to the Cuballing Shire. This attraction provides economic opportunity for existing and new local businesses.

### Social Implication

The equestrian activities conducted by DREA and DPC at the DREC are the largest single community events in the Shire of Cuballing.

### Environmental Considerations – Nil

### Consultation

DREA and DPC representatives to the Equestrian Centre Management Group.

### Options

Council may resolve:

1. the Officer's Recommendation;
2. a slightly amended Officer's Recommendation;
3. to defer consideration of the DREC lease.

### Voting Requirements – Simple Majority

**COUNCIL DECISION:**

That Council:

1. approves the draft Lease of the Dryandra Regional Equestrian Centre included at Attachment 9.2.5B with the Dryandra Regional Equestrian Association Inc & Dryandra Pony Club Inc;
2. delegates to the Chief Executive Officer the authority to make minor amendments to the Dryandra Regional Equestrian Centre included at Attachment 9.2.5B in order to address any drafting issues or minor adjustment of any of the terms; and
3. authorises the President and CEO to apply the Shire seal onto, and to execute, the Dryandra Regional Equestrian Centre included at Attachment 9.2.5B, including any minor amendments as provided for in (2) above

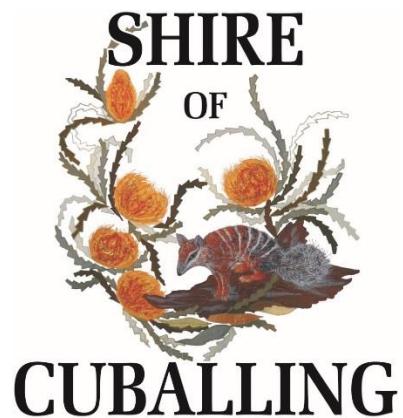
Moved: Cr Newman

Seconded: Cr Haslam

Carried 4/0

Clause	Title	Lessor	Lessee
4.1	liability of lessee		Jointly liable
4.2a	Permitted Use		Lessee has right to use
4.2b			Only permitted uses allowed
4.2c			Written agreement between clubs
4.3a	Payment of Rent		Annual Rent Schedule 4
4.3b			Rent - on Signing Lease and then 1st July Annually
4.4a	Rates and Charges		Lessee to pay rates taxes and other charges.
4.4b			Pay all water gas electricity telephone waste or other service charges
4.4c			Shire to charge for use of Rec Centre
4.5	Hire Charges		May charge for hire to approved hirers
4.6	Use as Evacuation Centre	Can use for evacuation Centre	
4.7ai	Maintenance		Keep in good and safe repair
4.7aii			premises clean and tidy
4.7aiii			make good any damage by lessee
4.7b			only use toilets/grease traps etc for purpose
4.8a	Insurance		pay insurance for buildings fittings and fixtures
4.8b			public liability
4.8c			certificate of currency 21 days after signing/annually thereafter
4.9	Compliance with law		comply with law and requirements
4.10ai	Illegal Use		not or allow to use for illegal
4.10aii			cause nuisance damage adjacent
4.10aiii			do anything that would affect insurance policy
4.11a	Bushfire Prevention		complete bush fire precautions
4.11b			not use cross country course on TFB or harvest ban day
4.12	TPS		comply with tps - especially signs
4.13i	Handling of Food		provide facilities for safe food handling
4.13ii			meet health act and other regs
4.13iii			safeguard food.
4.14	Additions by Lessee	Not unreasonably withhold	not make alterations without approval
4.15	Yielding Up		at expiry yield up.
4.16	Ownership of Fixtures and Fittings		Lessee owns all fixtures etc and may remove. Will make good
4.17	Continuation		continuation on monthly term
4.18	Permit Lessor to enter	permitted access during normal hours to inspect or repair etc.	
4.19	Defect Notices		repair defects within 28 days of served notice. Lessee will pay lessor's cost of completion
Clause	Title	Lessor	Lessee

5.1	Permitted Use	Not interrupt except 4.6	
5.2	Public Liability	Maintain Public liability	
5.3	Insurance	building insurance for shire buildings	
5.4	Traffic Management	not unreasonably withhold traffic management permissions	
6.a	Essential Terms		4.2, 4.3, 4.7, 4.10
6b			late payment acceptance is not waiver of Lessee's requirement to pay
7.1	Indemnities		Lessee is responsible in the same way an owner would be.
7.2			Keep Lessor and Minister for lands indemnified against claims for loss or damages
7.3			Indemnify lessor against damage to utilities or
74			Indemnify lessor against claims from Lessee acting under the lease.
8ai	Termination of Agreement	terminate in breach of essential term	
8aii			terminate with 6 months' notice
8aiii			after 1 lessee terminates, the other fully responsible
8b			termination does not stop remedies or rights
9ai	Rights and obligations at Termination		yield up in clean state
9aii			yield up and fill in, level etc to satisfaction of lessor
9aiii			yield up and remove fixtures or fittings as required by lessor
10.1	Notices		
10.2	Mediation	mediation by law society of WA Share cost	
10.3	Applicable law	WA laws apply	
10.4	Restriction of Assignment		assign with lessees approval
10.5	Variation	variation in writing and signed by parties	
10.6	Contract details		provide lessor with contacts
10.7	Abandonment of Premises	if abandoned lessor can act	
10.8	Agreement Preparation		Lessee to pay for agreement preparation
10.9	Entire Agreement		
Sched 1	The land		
Sched 2	Property owned by Lessee		
Sched 3	The Term		
Sched 4	Rental		
Sched 5	Permitted Use		Equestrian Activities



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THE SHIRE OF CUBALLING  
AND  
DRYANDRA REGIONAL EQUESTRIAN ASSOCIATION  
INC & DRYANDRA PONY CLUB INC

SHIRE OF CUBALLING  
PO BOX 13  
CUBALLING WA 6311

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THIS AGREEMENT is made on the ..... day of ..... 2015

**BETWEEN:**

SHIREOF CUBALLING of  
Campbell Street, Cuballing, 6311  
in the State of Western Australia ("the Lessor")

**AND**

DRYANDRA REGIONAL EQUESTRIAN ASSOCIATION (INC) of  
PO Box 341, Narrogin, 6312  
in the State of Western Australia ("the Lessee")

DRYANDRA PONY CLUB (INC) of  
PO Box 1, Narrogin, 6312  
in the State of Western Australia ("the Lessee")

**1. RECITALS**

- A. The subject land (the "Leased Premises") is defined in Item 1 of the Schedule being:
  - the whole of Reserve No. 50156 being a reserve for the purpose of "Equestrian Park;" and
  - a portion of Reserve 16269 being a reserve for the purpose of "Recreation."
- B. The Lessor may, with the consent of the Minister for Lands, lease the Leased Premises for a period not exceeding 21 years.
- C. The Parties have mutually agreed that the Lessees will have the usage of the Leased Premises on the terms and conditions set out in this Agreement.

**2. DEFINITIONS AND INTERPRETATIONS**

- 2.1 This Agreement the following terms shall have the following meanings unless inconsistent with the context:

"Fee" means the sum defined in Item 4 of the Schedule.

"Leased Premises" means the Land, grounds, facilities and improvements thereon.

"Lessee" means the Dryandra Equestrian Association Inc. and the Dryandra Pony Club Inc. jointly and severally.

"Lessor" means the Shire of Cuballing or in the event of amalgamation the local Governments with which the Shire of Cuballing amalgamate

"Parties" means Lessor and the Lessee.

"Permitted Use" means the use of the Leased Premises described in Item 5 of the Schedule.

"Term" means the period defined in Item 3 of the Schedule.

- 2.2 References to laws include regulations, instruments and local laws and all other subordinate legislation or orders made by any authority with jurisdiction over the Stadium. Illegal means contrary to a law as defined in this sub clause.
- 2.3 This Agreement must be interpreted so that it complies with all laws applicable in Western Australia. If any provision of this Agreement does not comply with any law, then the provision must be read down so as to give it as much effect as possible. If it is not possible to give the provision any effect at all, then it must be severed from the rest of the Agreement.
- 2.4 Reference to any party shall mean and include a reference to that party, his successors or executors, administrators or personal representatives of a party's estate (as the case may be) and transferees.
- 2.5 Reference to a statute includes all amendments for the time being in force and any other statute enacted in substitution for and the regulations, local laws or other orders for the time being made under that statute.
- 2.6 Headings and the Summary are for ease of reference only and shall not affect the interpretation or construction of this Agreement.

### **3. RIGHTS TO THE LEASED PREMISES**

- 3.1 Subject to consent from the Minister for Lands being obtained, Lessor grants to the Lessee the right to use the Leased Premises during the term, at the fee and on the conditions set out in this Agreement.
- 3.2 The items listed in Item 2 of the Schedule are acknowledged as belonging to the Lessee.

### **4. LESSEES' OBLIGATIONS**

- 4.1 Liability of Lessee  
Each Lessee, that is the Dryandra Regional Equestrian Association Inc. and the Dryandra Pony Club Inc. are jointly and severally liable for each term of this Agreement and in relation to all Lessees' obligations under this Agreement.
- 4.2 Permitted Use
  - (a) This Agreement confers on the Lessee a right to occupy and use the Leased Premises for the Permitted Use.
  - (b) The Lessee must not use the Leased Premises or allow the Leased Premises to be used for any purpose other than the Permitted Use.
  - (c) The Lessees are to provide the Lessor with a written document which sets out the understanding between the two Lessees in relation to their joint use of the

Leased Premises and in particular how the Lessees intend to meet their obligations under this Agreement. In the event that there is any conflict between the Lessees both Lessees are still responsible to the Lessor under the terms of this Agreement.

**4.3 Payment of Rent**

- (a) The lessee will pay to the lessor the annual rental fee specified in Item 4 of the Schedule clear of all deductions.
- (b) The annual rental fee shall be paid within 7 days of the signing of this Agreement and on the 1st July each year thereafter for the term of the Agreement.

**4.4 Rates and Charges**

- (a) The Lessee must pay, when due and payable, all rates, taxes and other charges (including impositions, assessments, outgoings, duties and fees, with the exception of local government annual general rates) of any public, municipal, government or statutory body, authority or department which are separately charged upon the Leased Premises or imposed or levied upon the Lessor in respect of the Leased Premises separately or the ownership of the Leased Premises separately.
- (b) The Lessee must, in respect of the supply of any water, gas, electricity, telephone, Waste disposal or other services separately metered or charged for the Leased Premises pay all accounts when they become due and payable.
- (c) The lessor will charge the lessee in relation to the use of ablutions on premises owned by the Lessor adjacent to the leased Premises.

**4.5 Hire Charges**

The Lessee may levy and may permit approved hirers to levy admission charges for appropriate activities and events.

**4.6 Use of leased Premises as Evacuation Centre**

In the event of a disaster or potential disaster, as is defined in the lessor's complete discretion, the Lessees shall immediately vacate the leased Premises and the Lessor shall have the right to resume occupation and possession of the Leased Premises and shall permit other persons to occupy the Leased Premises for such time as is necessary in the lessor's complete discretion.

**4.7 Maintenance**

- (a) The Lessee must at the Lessee's expense:
  - (i) Keep and maintain the Leased Premises and all Improvements in good and safe repair and condition;
  - (ii) Keep and maintain the leased Premises in a clean and tidy condition;
  - (iii) Make good any damage caused to the Leased Premises by the Lessee, the lessee's employees, others under his or her control or hirers of the premises other than the lessor.

- (b) The lessee shall not use or permit toilets, grease traps and other sanitary appliances to be used for any purpose other than that for which they were constructed and not to do or allow any act or thing to be done that might choke or otherwise affect or damage the same.

#### 4.8 Insurance

- (a) The lessee shall insure and keep insured all buildings, fixtures and fittings (other than those owned by the Lessor) to their full replacement value against fire, explosion, impact, storm, tempest, earthquake, theft, accident and all other risks that lessor requires.
- (b) The lessee shall maintain public liability insurance or public risk insurance cover of not less than \$20,000,000 to cover claims made on the lessee.
- (c) A Certificate of Currency and/or a copy of the insurance policy together with proof of payment of the current premium shall be provided to lessor within 21 days after the date of this Agreement and thereafter annually.

#### 4.9 Compliance with law

The lessee must comply with all laws and the requirements, notices or orders of any Governmental Agency having jurisdiction or authority in respect of:

- (i) the leased Premises;
- (ii) the use and occupation of the leased Premises; or
- (iii) the Improvements, and without limitation, including any machinery, plant, equipment, fixtures and fittings of the Lessee on the Leased Premises.

#### 4.10 Illegal Use

- (a) The lessee must not, and must not let anyone else:
- (i) Use the leased Premises for any illegal purposes.
  - (ii) Do anything which might cause nuisance, damage or disturbance to an occupier or owner of any adjacent property.
  - (iii) Do anything which might affect any insurance policy relating to the Leased Premises by causing:
    - it to become void or voidable; or
    - any claim on it being rejected; or
    - a premium to be increased.

#### 4.11 Bushfire Prevention

- (a) The Lessee shall take appropriate precautions to prevent and manage the risk of bushfires and shall comply with Lessor's Firebreak Order and any approved variations to this.

- (b) The cross country course may not be used on a day which is a declared Total Fire Ban or on days when a Harvest Ban and/or a Ban on the Movement of Vehicles applies.

#### **4.12 Town Planning Scheme**

The Lessee will comply with the provisions of the Shire of Cuballing Town Planning Scheme No 2 (as amended) including those relating to the erection and display of signs.

#### **4.13 Handling of Food**

Where food is sold or handled in any way and the Leased Premises the Lessee shall:

- (i) Construct or otherwise provide to the reasonable satisfaction of the Lessor adequate facilities for the hygienic handling of such food, including facilities for the washing of hands and utensils;
- (ii) notwithstanding any other provision of this Agreement not permit or suffer any food vendor or handler to breach in any way the provisions of the Health Act 1911 or any order, regulation or local law made thereunder or the provisions of any other written law or order or direction made thereunder relating to food or its preparation or handling; and
- (iii) without limiting the generality of the foregoing the lessee will take adequate measures and at all times reasonable measures to safeguard any food being sold or distributed on the demised premises, from flies and dust.

#### **4.14 Additions by Lessee**

The Lessee shall not make any external or internal additions or alterations to the walls roof floors partitions ceilings supports elevation plan or architectural appearance of the Leased Premises without the lessor's previous written consent which shall not be unreasonably withheld. All permitted alterations or additions shall be made completed and carried out to the entire satisfaction of, and the materials used therein shall be approved by the Lessor.

#### **4.15 Yielding Up Premises**

At the expiration or sooner determination of this Agreement the Lessee shall deliver up possession of the Leased Premises to the Lessor in good and substantial repair and condition fair wear and tear only excepted having regard to the age of the building, and shall surrender all keys for the Leased Premises to the Lessor at the place then fixed for the payment of rent and shall inform the Lessor of all combinations on locks safes and vaults if any in the Leased Premises. The Lessee's obligations to observe or perform this covenant shall survive the expiration or other termination of this Agreement.

#### **4.16 Ownership of Fixtures and Fittings**

All fixtures fittings plant machinery utensils shelving counters safes and other material or articles brought onto the Leased Premises by the Lessee shall be trade or tenant's fixtures and subject to tenant's rights of removal and the Lessee may at or prior to the

expiration of the Agreement take remove and carry away the same from the Leased Premises but the Lessee shall in such removal do no damage to the Leased Premises or shall forthwith make good any damage which it may occasion thereto and shall sufficiently paint out or remove all signs.

**4.17 Continuation**

That if the Lessee shall with the consent of the Lessor remained in possession of the Leased Premises after the expiration of the said Term or any extension thereof it shall so remain as a tenant from month to month at a monthly rental equal to one twelfth (1/12) the amount of rent hereby reserved (and payable in advance as herein provided) and otherwise upon the same terms and conditions as herein contained or implied so far as the same may be applicable.

**4.18 Permit Lessor to Enter**

The Lessee shall permit Lessor, its agents or employees, to enter the Leased Premises bringing any necessary equipment during normal business hours, after giving reasonable notice except in cases of emergency:

- (i) to inspect the Leased Premises;
- (ii) to carry out repairs or agreed alterations; and
- (iii) to do anything necessary to comply with notices or orders of any authority.

**4.19 Defect Notices**

The Lessee shall carry out repairs within 28 days of being served with a written notice of any defect or lack of repair the Lessee is obliged to make good under this Agreement. If the Lessee does not comply with the notice, the Lessor may carry out the repairs and the Lessee must repay the cost to the Lessor on demand.

**5. LESSOR'S OBLIGATIONS**

**5.1 Permitted Use**

The Lessor will not interrupt the Lessee's use of the Leased Premises for the Permitted Use in accordance with the terms and conditions of this Agreement except as is provided in Clause 4.6.

**5.2 Public Liability**

The Lessor will maintain an appropriate public liability insurance cover for risks associated with the Lessors buildings which are contained on the Leased Premises Lessors relationship to the Leased Premises.

**5.3 Insurance**

The Lessor shall insure and keep insured its buildings fixtures and fittings to their full replacement value against fire, explosion, impact, storm, tempest, earthquake, theft, accident and all other risks that Lessor requires.

**5.4 Traffic Management**

- (a) The Lessor acknowledges that the conducting of an event will require horses to cross Darcy Street in order to access the cross country course.
- (b) The Lessor will not unreasonably withhold the approval of appropriate traffic management measures to facilitate this.

## **6. ESSENTIAL TERMS**

- (a) Without limiting the provisions of this Agreement which are essential terms it is agreed that each of the covenants by the Lessee contained in each of the following clauses is deemed to be an essential term of this Agreement:
  - (i) Clause 4.2 (Use of Leased Premises);
  - (ii) Clause 4.3 (Payment of Rent);
  - (iii) Clause 4.7 (Maintain); and
  - (iv) Clause 4.10 (Illegal Use and Other Activities).
- (b) In respect of the Lessee's obligation to pay Rent or make other payments, the acceptance by the Lessor of any late payment shall not constitute a waiver of the essentiality of the Lessee's obligation to make that payment or of the Lessee's continuing obligation to pay during the Term.

## **7. INDEMNITIES**

### **7.1 Generally**

To take and be subject to the same responsibilities in regard to persons and property to which the Lessee would be subject if during the Term the Lessee were the owner of the freehold of the Premises.

### **7.2 Indemnity**

To indemnify and keep indemnified the Lessor and the Minister for Lands, employees, agents and servants from and against all claims, demands, writs, summonses, actions, suits, proceedings, judgments, orders, decrees, damages, costs, losses and expenses of any nature whatsoever which the Lessor may suffer or incur in connection with the loss of life, personal injury, illness and or damage to property, arising from or out of any occurrence in or upon or at the Premises or the use of the Premises by the Lessee or any part thereof or to any person or the property of any person using or entering on or near the Premises howsoever occasioned or occurring (loss, injury, illness, damage or destruction caused or occasioned by any negligent act, default or omission of the Lessor or its servants, agents or contractors excepted).

### **7.3 Abuse of installations**

To indemnify and keep indemnified the Lessor from and against any and all loss or damage whatsoever occasioned by the neglect, use, mis-use or abuse of:

- (a) water, electricity or gas supplied to the Premises; or

- (b) installations, fixtures or fittings for water, gas or electricity,

by the Lessee or by any servant, agent, contractor or invitee of the Lessee, and that the Lessee will pay for all damage or injury to the Premises or to the Lessor or to any other person in consequence of any breach or nonobservance of the provisions of this paragraph.

#### **7.4 Insurance moneys**

Without prejudice to the generality of paragraph (a) (to the extent that the terms and conditions of any insurances effected by the Lessee or any moneys paid to the Lessor out of insurances effected by the Lessee do not fully indemnify the Lessor from and against all actions, claims, demands, notices, losses, damages, costs and expenses to which the Lessor shall or may be or become liable in respect of all or any of the matters referred to in subparagraphs (i), (ii) and (iii) of this paragraph) to indemnify the Lessor and keep the Lessor indemnified from and against all actions, claims, demands, notices, losses, damages, costs and expenses to which the Lessor shall or may be or become liable in respect of all or any loss or damage to property or death or injury to any person of any nature or kind and however or wherever sustained that:

- (a) is caused or contributed to by the use or occupation of the Premises except to the extent caused or contributed to by the negligence or act, default or omission of the Lessor;
- (b) results from any act, default or omission by the Lessee under this Lease; or
- (c) results from any notice, claim or demand to pay, do or perform any act, matter or thing to be paid, done or performed by the Lessee under this Lease.

### **8. TERMINATION OF AGREEMENT**

- (a) The parties agree that, in addition to any other ground for termination at law, this Agreement may be terminated by:
  - (i) the Lessor in the event of breach of an essential term of this Agreement and failure by the Lessee to remedy the breach within twenty eight days after service by the Lessor on the Lessee of written notice specifying the breach and requiring the Lessee to remedy it;
  - (ii) the Lessee giving six (6) months' notice of termination in writing to the Lessor;
  - (iii) this Agreement will still continue in the event that one of the Lessees wishes to terminate this Agreement, with the remaining Lessee to be fully responsible for all obligations and terms of the Agreement.
- (b) In the event that either the Lessor or the Lessee gives notice of termination pursuant to this clause such termination shall not affect the Lessor's remedies or rights with respect to any antecedent breach of any covenant by the Lessee and furthermore, no compensation whatsoever shall be payable to the party receiving the notice of termination.

## 9. RIGHTS AND OBLIGATIONS AT TERMINATION OF AGREEMENT

- (a) On the expiration or earlier determination of this Agreement, the Lessee must surrender peaceably and yield up the Leased Premises to the Lessor.
  - (i) In a clean state, free from rubbish and in a good state of repair.
  - (ii) fill in, consolidate and level off any unevenness, excavation or hole caused by the Lessee or by the Lessee's use of the Leased Premises to the satisfaction of the Lessor; and
  - (iii) remove any fixtures, fittings or any other property owned by the lessee on the Leased Premises as may be required by the Lessor.
- (b) The Lessee's obligations to observe and perform the covenant contained in this clause will survive the expiration or earlier determination of this Agreement.

## 10. GENERAL PROVISIONS

### 10.1 Notices

Any notice required to be given to the Lessee here under may be given by the Lessor or its solicitors and may be left for the Lessee at its address herein or at the Leased Premises or sent to it by post in a letter addressed to it at such address or at the Leased Premises or at its office last known to the Lessor and a notice sent by post shall be deemed to have been served within 2 days following that on which it was posted notwithstanding actual non receipt.

### 10.2 Mediation

- (a) The Parties agree to resolve any dispute by mediation where:
  - (i) A mediator, accredited by the Law Society of WA, is appointed by mutual agreement of the Parties;
  - (ii) The costs of the mediation and the mediator will be shared equally between the Parties.
- (b) The mediation procedure will be determined by the accredited mediator.

### 10.3 Applicable Law

- (a) This Agreement shall be construed and interpreted in accordance with the laws in force in the State of Western Australia.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of Western Australia.

### 10.4 Restriction on Assignment

The Lessee shall not transfer, assign, sublet, mortgage, charge, part with possession of, nor dispose of, the Leased Premises or any part there of or benefit of this Agreement without the prior written consent of the Lessor and the Minister for Lands.

### 10.5 Variation

A variation of any provision of this Agreement must be in writing and signed by the parties.

#### **10.6 Contact Details**

The Lessee shall ensure that Lessor is always provided with the current contact details for the authorized representatives of the Lessee and with contacts for emergency situations.

#### **10.7 Abandonment of the Leased Premises**

If the Lessee vacates the Leased Premises during the Term, whether or not it ceases to pay the rental, the Lessor may:

- (i) accept the keys;
- (ii) enter the Leased Premises to inspect, maintain or repair them;
- (iii) show the Leased Premises to prospective occupiers;

without this being re-entry or waiver of Lessor's rights to recover the Fee or other money under this Agreement.

#### **10.8 Agreement Preparation**

Upon demand by the Lessor, the Lessee shall pay the fees and expenses incidental to the preparation, execution and stamping of this Agreement.

#### **10.9 Entire Agreement**

The terms as set out in this Agreement contains the entire Agreement between the parties notwithstanding any negotiations or discussions prior to the execution of this Agreement.

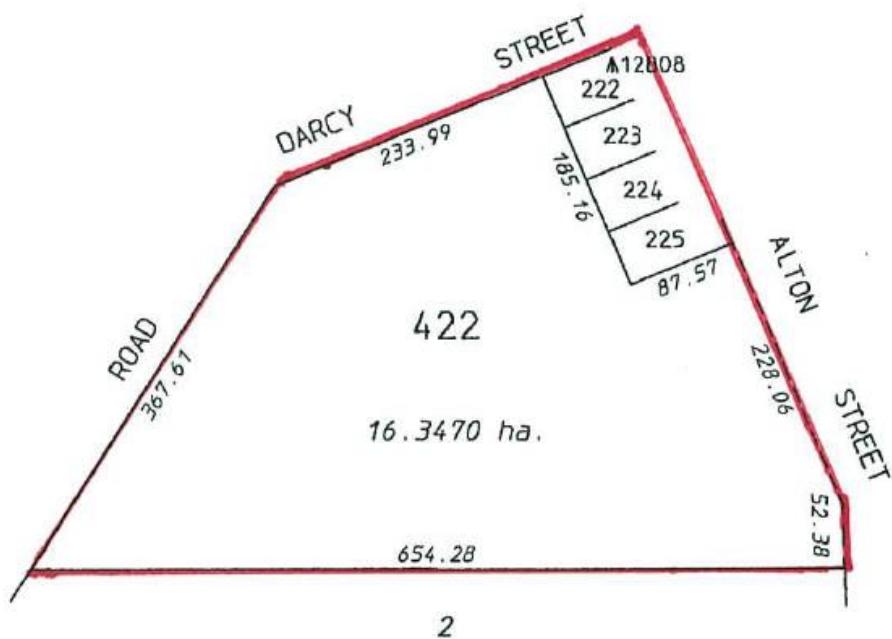
**SCHEDULE 1**

**Item 1: THE LAND**

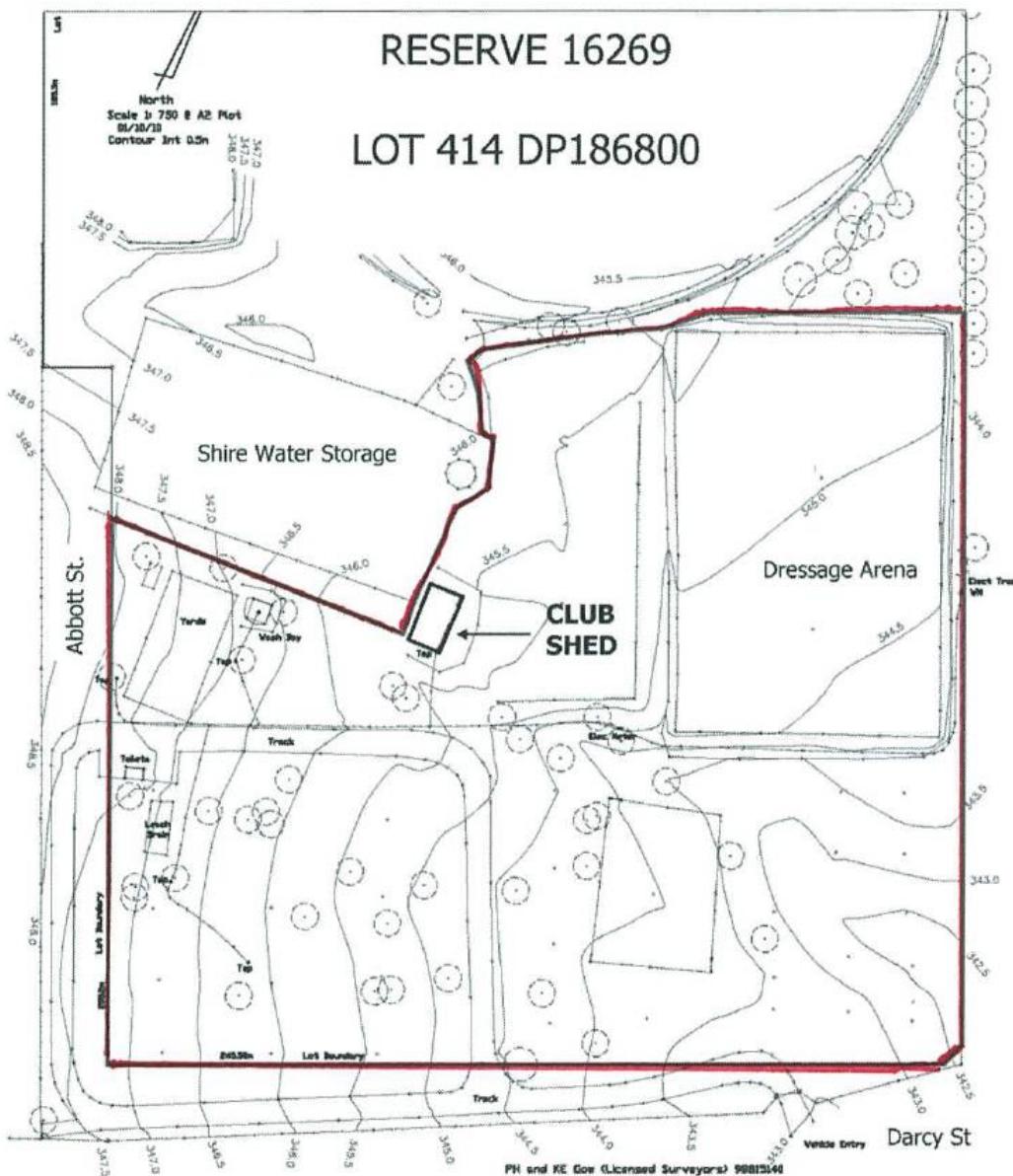
The whole of Reserve No. 50156 comprising of Lots 222, 223, 224 & 225 on DP120061 and Lot 422 on DP93559

**AND**

That portion of Reserve No. 16269 comprising of Lot 414 as outlined in red on the plan below:



RESERVE 16269



**Item 2: PROPERTY OWNED BY LESSEE**

- a) The "shed" as shown on the plan in Item 1 and includes associated fixtures.
- b) Horse Yards with the exception of those attached immediately adjacent to the covered arena
- c) Constructed cross country jumps.
- d) Shed on the Cross Country Course
- e) Ablutions not being part of the "Clubrooms" building

**Item 3: THE TERM**

Twenty-one (21) years

Commencement Date: 1 July 2015

Expiry Date: 30 June 2036

The Lessee must no later than 5 years prior to the expiry of this Agreement advise the Lessor in writing that they intend to renew the Agreement. The rental and conditions for the new term shall be in the Lessor's complete discretion.

**Item 4: RENTAL**

\$5,000 per annum.

The rental shall be reviewed on the 1st July 2016 and each twelve months thereafter.

The reviewed rental payable shall be the rental payable by the Lessee immediately prior to the rental review date plus a factor equal to the percentage increase in the Consumer Price Index for the period between the relevant rental review date and the previous rental review date. For the purposes of this clause the expression "Consumer Price Index" shall be the consumer price index compiled by the Australian Bureau of Statistics for the Perth (Capital City) Area (All Groups) or any substitute for that index accepted by the Government of the Commonwealth of Australia from time to time.

**Item 5: PERMITTED USE**

Equestrian activities being, not limited to dressage, show jumping and eventing and includes, training, clinic, events and endurance events.

**THE COMMON SEAL of the  
SHIRE OF CUBALLING**

was hereunto affixed by authority of a  
Resolution of the Council  
in the presence of:

**SHIRE PRESIDENT** \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER** \_\_\_\_\_

The COMMON SEAL of the

**DRYANDRA EQUESTRIAN ASSOCIATION (INC)**

was here unto affixed pursuant to a resolution of  
the Association in the presence of:

**PRESIDENT** \_\_\_\_\_

**SECRETARY** \_\_\_\_\_

The COMMON SEAL of the

**DRYANDRA PONY CLUB (INC)**

was hereunto affixed pursuant to a resolution  
of the Club in the presence of

**PRESIDENT** \_\_\_\_\_

**SECRETARY** \_\_\_\_\_

## **9.2.6 Indexation on Financial Assistance Grants**

Applicant:	N/A
File Ref. No:	C&A4
Disclosure of Interest:	Nil
Date:	22 <sup>nd</sup> June 2015
Author:	Gary Sherry
Attachments:	Nil

### **Summary**

**Council is to consider support of the Australian Local Government Association and the state local government associations in their advocacy to have the Federal Government reverse the decision to freeze the indexation of Financial Assistant Grants;**

### **Background**

At the previous Federal budget the Commonwealth Government placed a freeze of indexation on Financial Assistance Grants (FAGs) until 2017-2018. FAGs funding is not currently keeping pace with demand for services and infrastructure and this freeze only worsen the situation resulting in a permanent reduction in the FAGS base by 13%.

Although the FAGs payments are paid from each state's Local Government Grants Commission the funding originates from the Commonwealth. FAG's are a vital part of the revenue base of all council's, and this year council's will receive \$2.3 billion from the Australian Government under this important program.

For the 2014/15 year the Shire of Cuballing received a total of \$882,313 from FAGs consisting of \$561,701 for general purpose grant and \$320,612 for local roads.

### **Comment**

The Australian Local Government Association (ALGA) and Western Australian Local Government Association (WALGA) have written to Council regarding FAG's to local government.

ALGA and the state local government associations are seeking the support of Council for advocacy to have the Federal government reverse the decision to freeze the indexation of FAGs.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. Council, and every other council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of FAG's from the commonwealth in media releases and council publications, including our annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

### **Strategic Implications**

Funding is not keeping pace with demand for services and infrastructure in local communities and the decision in last year's Federal Budget to freeze indexation of FAG's for 3 years will

worsen this. Freezing FAG's at their current level until 2017-18 will result in a permanent reduction in the Financial Assistance Grants base by 13%.

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications

Although this report has no financial implications as it is to support advocacy by ALGA but the freeze on indexation on FAGs grants to the Shire of Cuballing is significant and could amount to thousands of dollars each year in real terms by 2018.

Economic Implication – Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. an alternative action to lobby in support of the reversal of the decision to freeze indexation of Financial Assistance Grants;
3. not take any action to support the reversal of the decision to freeze indexation of Financial Assistance Grants.

Voting Requirements – Simple Majority

**COUNCIL DECISION:**

**That Council:**

1. Supports the Australian Local Government Association and the state local government associations in their advocacy to have the Federal Government reverse the decision to freeze the indexation of Financial Assistant Grants;
2. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of Council's services and infrastructure;
3. Acknowledges that Council will receive \$882,313 in 2014-15; and
4. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.

**Moved: Cr Haslam**

**Seconded: Cr Dowling**

**Carried 4/0**

**9.3      WORKS SUPERVISOR'S REPORT:**

Nil

**9.4      ENVIRONMENTAL HEALTH OFFICER:**

Nil

**9.5      BUILDING OFFICER:**

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

**12.     CONFIDENTIAL ITEM:**

Nil

**13.     NEXT MEETING**

3pm, Thursday 20<sup>th</sup> August 2015 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

**14.     CLOSURE OF MEETING:**

With no further business the Shire President, Cr Mark Conley, closed the meeting at 4.13pm.