

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

Shire of Cuballing – Council Meeting

MINUTES

Held

Wednesday 19th March 2025
3.00 pm
Cuballing CWA Hall

COUNCIL MEETING PROCEDURES

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

DISCLAIMER

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

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

Shire of Cuballing Strategic Community Plan 2023-2033

Our Heart, Our Home

VISION

A charming rural community, in a unique part of the world, growing and prospering while protecting its natural environment.

GOALS

Social

- ☑ A place where people of all ages, abilities and stages of life are active and connected.

Economic

- ☑ Business is thriving, with ample local employment, and opportunities for existing and new businesses to grow.

Natural Environment

- ☑ The natural environment is protected, enhanced, and managed, and enjoyed by locals, and proudly shared with visitors.

Built Environment

- ☑ People and goods can move easily in and around the Shire, which is well planned for community needs, respecting the past and building the future.

Governance

- ☑ Forward thinking leadership, which listens and responds to community needs, with transparent and accountable decision-making.

STRATEGIC PRIORITIES

Social

- ☑ Enhancing focus on emergency management (incl. dual use of Equestrian Centre for evacuation).
- ☑ Improving Cuballing Recreation Centre.
- ☑ Increasing community gatherings and spaces.

Economic

- ☑ Defining and developing Town Centres.
- ☑ Establishing a Light Industrial Area (LIA).
- ☑ Increasing tourism, particularly through trail development.
- ☑ Developing and promoting the equestrian sector.

Natural Environment

- ☑ Restoring the river at Popanyinning.
- ☑ Establishing Popanyinning wetlands.
- ☑ Reducing pests and weeds, working with Peel Harvey Catchment.
- ☑ Increasing native planting.

Built Environment

- ☑ Improving footpaths, linking aged units to Cuballing Town Centre.
- ☑ Upgrading major roads (esp. Wheatbelt Secondary Freight Network).
- ☑ Improving drainage.
- ☑ Increasing heritage protection and telling our story.

Governance

- ☑ Enhancing community information and engagement.

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1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS:

Deputy President, Cr Rob Harris took the Chair and declared the meeting open at 3.00pm.

2. RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE:**2.1.1 Attendance****Elected Members**

Cr Robert Harris
Cr Scott Ballantyne
Cr Adrian Kowald
Cr Steve Sexton
Cr Dawson Bradford

Deputy President

Staff

Mr Chris Paget
Mr Bruce Brennan

Chief Executive Officer
Manager of Works and Services

Visitors

Nil

2.1.2 Apologies

Ms Narelle Rowe

Deputy Chief Executive Officer

2.1.3 Leave of Absence

Cr Eliza Dowling

3. PUBLIC QUESTION TIME:

The Shire of Cuballing maintains a policy on the Management of Public Question Time. The policy is available in full in the Shire Policy Manual which can be found on the Shire's website:

www.cuballing.wa.gov.au

Some of the notable provisions are:

- 1 Persons are encouraged to provide a written copy of their question.
- 2 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 3 Statements are not to precede the asking of a question during public question time.
- 4 Public question time will be limited 15 minutes. It may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated will not exceed forty-five (45) minutes in total.
- 5 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Shire employee. The Presiding Member shall decide to:
 - Accept or reject any question and his/her decision is final.
 - Nominate a member of the Council and/or Shire employee to respond to the question.
 - Take a question on notice. In this case a written response will be provided as soon as possible and included in the agenda of the next Council meeting.
- 6 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Council meeting, that is not relevant to the operations of the Shire of Cuballing; or
 - making a statement during public question time.they may bring it to the attention of the meeting.
- 7 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 8 Public Question Time should be used as a means to obtain information that would not be made available if it were sought from the Shire's records under *Section 5.94* of the *Local Government Act 1995* or the *Freedom of Information (FOI) Act 1992*.
- 9 Where the response to a question(s) would require a substantial commitment of the Shire's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Shire and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.
- 10 Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

3.1 Response to Previous Questions Taken on Notice

Nil

3.2 Written Questions Provided in Advance

Nil

3.3 Public Questions from The Gallery

Nil

4. STANDING ORDERS:

COUNCIL RESOLUTION 2025/11:

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

Moved Cr Ballantyne Seconded Cr Bradford

CARRIED 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Wednesday 19th February 2025

COUNCIL RESOLUTION 2025/12:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 19th February 2025 be confirmed as a true record of proceedings.

Moved Cr Kowald Seconded Cr Sexton

CARRIED 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil

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.

Name	Item No	Interest	Nature
NIL			

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.

Name	Item No	Interest	Nature
NIL			

9. REPORTS OF OFFICERS AND COMMITTEES:**9.1 DEPUTY CHIEF EXECUTIVE OFFICER:****9.1.1 List of Payments – February 2025**

File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	10 th March 2025
Author:	Careese Ranieri
Attachments:	9.1.2A List of Municipal Accounts 9.1.2B List of Credit Card Transactions 9.1.2C Petty Cash and Coles Card

Summary**Council is to review payments made under delegation in February 2025.**Background – NilComment

Council is provided with details of payments and credit card transactions made during the month of February 2025 as listed in the attachments.

Strategic Implications – NilStatutory Environment – NilPolicy Implications – NilFinancial Implications – NilEconomic Implication – NilEnvironmental Considerations – NilConsultation – NilVoting Requirements – Simple Majority**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2025/13:****That Council receives:**

1. the List of Accounts paid in February 2025 under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, including payments from Council's Municipal Fund totalling \$171890.31 included at Attachment 9.1.1A.
2. a summary of transactions completed on Credit Cards by Council Staff for the period ending 28 February 2025 included at Attachment 9.1.2B.
3. a summary of transactions completed on Coles Cards and Petty Cash for the period ending 28 February 2025.
- 4.

Moved Cr Ballantyne

Seconded Cr Kowald

CARRIED 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil

9.1.2A	List of Payments – February 2025
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Chq/EFT	Date	Name	Description	Amount
847	03/02/2025	Police Licensing Payments	Police Licensing Payments	-522.15
847	04/02/2025	Police Licensing Payments	Police Licensing Payments	-143.30
EFT9521	04/02/2025	Nature Playgrounds	Design Package - Marri - Deposit Popanyinning Playground/Rec Centre	-550.00
EFT9520	04/02/2025	Graeme Leslie Dent	Rates Refund	-773.54
EFT9519	04/02/2025	Cloud Collections Pty Ltd	Court Filing Fees - Debt Collection	-730.00
847	05/02/2025	Police Licensing Payments	Police Licensing Payments	-1231.70
EFT9529	06/02/2025	Total Undercar	1 X Tyre Rotation 1 X Wheel Alignment	-159.50
EFT9528	06/02/2025	Narrogin Packaging and Motorcycles & Accessories	4 X Retic Valve Boxes	-196.00
EFT9527	06/02/2025	Narrogin Earthmoving and Concrete	Hire Of 1 X Prime Mover Truck for Cuballing East Rd Hire of Semi Side Tipper	-14357.75
EFT9526	06/02/2025	Interfire Agencies	Fire Uniforms	-299.79
847	06/02/2025	Police Licensing Payments	Police Licensing Payments	-75.50
EFT9525	06/02/2025	Cuballing Building Company	Supply And Fit Splash Back Tiles in Kitchen	-2005.96
EFT9530	06/02/2025	Truck Centre (WA) Pty Ltd	Repairs To Engine PTO & Live Drive Reseal	-848.54
20324	06/02/2025	Synergy	Electricity Charges - 138 Campbell Street, Cuballing (Rec Centre)	-3914.57
EFT9531	06/02/2025	Warda Kadak	Traffic Management And 3 X Traffic Controllers for The Cuballing East Road	-12009.25
EFT9523	06/02/2025	BMR Mechanical, B & A Rowe Pty Ltd Atf the Rowe Family Trust	Service CN 026 UD Truck 280,000km Repairs to Air Leak	-2115.46
EFT9522	06/02/2025	Aylmore Fabrication & Welding	Fabricate A Stand for Bitumen Pod for Bitumen Trailer	-1788.24
EFT9524	06/02/2025	Burgess Rawson (WA) Pty Ltd	Water Consumption - Cuballing War Memorial - 20/11/2024 To 28/01/2025	-646.58
847	07/02/2025	Police Licensing Payments	Police Licensing Payments	-1232.35
847	10/02/2025	Police Licensing Payments	Police Licensing Payments	-181.95
EFT9532	10/02/2025	Builders Registration Board Building Commission	January 2025 BSL	-56.65
EFT9533	11/02/2025	Melanie Jane Garner	Rates Refund	-77.76
847	12/02/2025	Police Licensing Payments	Police Licensing Payments	-1341.10
847	12/02/2025	ATO Clearing Account Bas	ATO Clearing Account Bas	1920.00
DD4603.9	12/02/2025	MLC Super Fund	Superannuation Contributions	-295.20
DD4603.1	12/02/2025	Australian Super	Payroll Deductions	-3635.20
DD4603.2	12/02/2025	Rest	Superannuation Contributions	-218.50

DD4603.8	12/02/2025	Colonial First State	Superannuation Contributions	-300.88
DD4603.7	12/02/2025	Hostplus Super	Superannuation Contributions	-105.71
DD4603.6	12/02/2025	Care Super	Superannuation Contributions	-535.67
DD4603.5	12/02/2025	Mercer Superannuation	Superannuation Contributions	-623.96
DD4603.4	12/02/2025	Matrix Superannuation	Superannuation Contributions	-196.28
DD4603.3	12/02/2025	Aware Super Pty Ltd	Superannuation Contributions	-4259.18
DD4606.1	13/02/2025	Telstra	Monthly Telstra Charges – Mobiles, landlines, etc	-747.32
EFT9534	13/02/2025	BMR Mechanical, B & A Rowe Pty Ltd Atf the Rowe Family Trust	CN 026 UD Truck 280,000km - Back Latch Was Not Working Properly , Repairs to Air Leak	-596.32
EFT9535	13/02/2025	Corsign (WA) Pty Ltd	Rose St Signage as Per Quote00091360	-1092.30
EFT9536	13/02/2025	Great Southern Fuel Supplies	Bulk Diesel Fuel Deliveries - Docket No. 2205139	-9108.61
EFT9537	13/02/2025	Garretts Carpet Clean	Cleaning Of Popanyinning Hall Kitchen Floor Tiles and Grout	-300.00
EFT9538	13/02/2025	Hancocks Home Hardware	Monthly Account - Handles (Round) X 9 - Popo School	-194.00
EFT9539	13/02/2025	Kalexpress & Quality Transport	Freight Charges - Interfire Agencies	-140.43
EFT9540	13/02/2025	Mcdougall Weldments	Monthly Account - Cut Sheet for Bitumen Truck	-70.40
EFT9541	13/02/2025	Melchiorre Plumbing and Gas	Find And Repair Faulty Pump in Cuballing Hall Septics	-968.00
EFT9542	13/02/2025	Narrogin Auto Electrics	1 X New AGM Battery For Cuballing Standpipe	-567.91
EFT9543	13/02/2025	Narrogin Tyrepower	Repair Truck Tyre	-325.50
EFT9544	13/02/2025	Power Networkx	Telstra Internet Fibre Network - January 2025	-416.90
EFT9545	13/02/2025	Scavenger Supplies	Fire Uniforms	-787.83
EFT9546	13/02/2025	Westrac	2 X Hoses and Gaskets as Per Quote 020038469 17/2/25	-915.27
847	13/02/2025	Police Licensing Payments	Police Licensing Payments	-19.40
20325	13/02/2025	Water Corporation	Water Charges - LGA Standpipe at Austral Street Cuballing Lot Pt B9	-5929.11
EFT9548	14/02/2025	Peter Tori Carter	Rates Refund	-1526.69
EFT9547	14/02/2025	Cuby Roadhouse	Monthly Account	-327.01
847	14/02/2025	Police Licensing Payments	Police Licensing Payments	-3294.30
20326	14/02/2025	Shire Of Cuballing	Monthly Transactions	-278.70
847	17/02/2025	Police Licensing Payments	Police Licensing Payments	-296.55
847	18/02/2025	Police Licensing Payments	Police Licensing Payments	-8495.10
DD4634.1	19/02/2025	National Australia Bank	Monthly Credit Card Charges - January 2025	-3033.01
847	19/02/2025	Police Licensing Payments	Police Licensing Payments	-2722.60
EFT9555	20/02/2025	Tomihka Joyce Maddison	Reimbursement For Staff Medical and Police Clearance	-184.90
EFT9551	20/02/2025	Warda Kadak	Traffic Management And 3 X Traffic Controllers for The Cuballing East Road	-52242.59

EFT9554	20/02/2025	Team Global Express Pty Ltd	2024/2025 Freight Charges - Westrac	-43.49
20327	20/02/2025	Department Of Transport	Renewal - Cn10143 - 1 Year	-23.75
20328	20/02/2025	Synergy	Electricity Charges - Street Lights X 43	-892.62
EFT9550	20/02/2025	Tutt Bryant Equipment	1 X Seal Kit for Steering Ram	-822.45
EFT9549	20/02/2025	Hancocks Home Hardware	Monthly Account - Depot Materials, Gardena Watering Gun and Nozzle Jumbo Brass	-50.40
EFT9553	20/02/2025	Corsign (WA) Pty Ltd	4 X Cross Road Signs 4 X T-Junction Signs 2 X Stickers	-649.00
EFT9556	20/02/2025	Wallis Computer Solutions	New Councillor Emails	-1028.50
847	20/02/2025	Police Licensing Payments	Police Licensing Payments	-749.70
EFT9552	20/02/2025	Zircodata Pty Ltd	Monthly Archive Storage Fees - 26/12/2024 To 25/01/2025	-28.11
847	24/02/2025	Police Licensing Payments	Police Licensing Payments	-1682.50
847	25/02/2025	Police Licensing Payments	Police Licensing Payments	-892.10
847	26/02/2025	Police Licensing Payments	Police Licensing Payments	-2722.40
DD4622.10	26/02/2025	MLC Super Fund	Superannuation Contributions	-295.20
DD4622.1	26/02/2025	Australian Super	Payroll Deductions	-3768.23
DD4622.2	26/02/2025	Prime Super	Superannuation Contributions	-207.64
DD4622.3	26/02/2025	Rest	Superannuation Contributions	-218.50
DD4622.4	26/02/2025	Aware Super Pty Ltd	Payroll Deductions	-4049.66
DD4622.5	26/02/2025	Matrix Superannuation	Superannuation Contributions	-275.62
DD4622.6	26/02/2025	Mercer Superannuation	Superannuation Contributions	-594.12
DD4622.7	26/02/2025	Care Super	Superannuation Contributions	-619.25
DD4622.8	26/02/2025	Hostplus Super	Superannuation Contributions	-329.52
DD4622.9	26/02/2025	Colonial First State	Superannuation Contributions	-351.78
847	27/02/2025	Police Licensing Payments	Police Licensing Payments	-789.85
847	28/02/2025	Police Licensing Payments	Police Licensing Payments	-2716.95
Total				-171890.31

9.1.2B	List of February 2025 Credit card Transactions
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Creditor	Description	Amount
The Reject Shop	Materials for Popanyinning School Building	\$ 135.00
Cashan Enterprises Pty Ltd	Materials for Popanyinning School Building	\$ 50.00
7 Eleven	Fuel for CEO Vehicle	\$ 100.00
Cuballing Tavern	Councillor Meals - Council Meeting February 25	\$ 320.78
Bunnings	Vacuum Cleaner for Popanyinning School and Plastic Tubs for Shire Office	\$ 324.00
MoreTelecom	Internet for CEO Residence - Monthly	\$ 92.00
BIG W	Materials for Popanyinning School - Forks, knives, plates, etc	\$ 51.00
Shire of Beverley	Food Alert Subscription 2025	\$ 82.50
Main Roads WA	RAV Permit for CN10015	\$ 432.00
Knightline Computers	USB's for Shire Office	\$ 78.00
GSM Outdoors	Monthly Charge	\$ 31.58
NAB	International Transaction Fee	\$ 0.95
Quest Innaloo	Accommodation for Trainee - DOT Training	\$ 1,303.18
BCF	Phone Cover for CN0 Vehicle	\$ 49.99
Sparks Butchers	BBQ Sausages for Depot Worker Leaving Party	\$ 22.49
Narrogin Newsagency	Card for Depot Employee – Leaving	\$ 15.10
Bill and Bens	30 Buns for Depot Worker Leaving party	\$ 27.00
Coles Narrogin	Materials for Depot Worker Leaving Party	\$ 8.19
Bunnings	Depot Worker Leaving Gift	\$ 400.00
Pivotel	Trak Spotting for Works Crew	\$ 93.00
Total		\$ 3,616.76

9.1.2C List of February 2025 Petty Cash Transactions

	Refreshments	Shire Office	Admin Other	Aged Friendly	Popo School	
Item Description	1041050	J4114	1042390	CE01	C215	Total
Groceries	\$62.10					\$62.10
Misc(Cleaning supplies)		\$43.95				\$43.95
Stationary/Postage						
Materials			\$22.00	\$43.95	\$50.00	\$115.45
Licensing						
			Total			\$221.50

9.1.2 Write-Off of Outstanding Rates

Date: 13th March 2025
Reporting Officer: Careese Ranieri – Rates Officer
Senior Officer: Chris Paget - CEO
Enabling Legislation: Local Government Act 1995 (s6.12 & 6.44)
Attachment: Nil
File Reference: Assessments A188 and A2616

Background

Council is requested to consider the write-off of two outstanding rates balances.

Comment**Assessment A188 – High Street, Popanyinning - \$31797.34**

Assessment A188 was previously owned by a lady who went bankrupt and passed away a few years ago. The property has accrued a large sum of interest, along with rates and ESL arrears. The previous owner was in debt collection when she had ownership of the property in 2020. After her passing, the property went through to the Trustee and due to the large amount of outstanding funds, the Shire's debt collection agency commenced the process to transfer ownership to the Shire of Cuballing.

Unfortunately, the Shire was not notified about the Certificate of Title change and was only made aware of the transfer of ownership recently. The property has now been transferred into the Shire of Cuballing's name, so the rates will need to be written off in order to proceed further with the processing of this property. The matter of whether to keep or sell this property will be brought to Council at a future meeting.

Assessment 2616 – Williams-Kondinin Road, Cuballing - \$1449.37

This property recently sold and before settlement was finalised, the buyers had queried the outstanding rates/interest charges on the property. The property had been outstanding for 2 financial years as the previous had not received her rates notices. Due to an unfortunate administration error, the owner (who had passed away in 2023) had their postal details changed by mistake; this occurred as there were two people who shared the same name on the Shire's finance system. As the postal address was changed, the rates were not sent to the correct address.

The other owner of the property did reach out to the Shire as she had not received the rates for 23/24. Unfortunately, the issue was over seen and remained unresolved until the property was sold in February 2025.

At settlement, the new owners paid for the rates, which included the interest, in full. They have requested the Shire review and write off the interest on the property as the issue could have been avoided when it was initially brought to the Shire's attention.

Statutory/Legal Implications

Local Government Act 1995 sections 6.12 and 6.44:

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

Policy Implications

Not applicable

Financial Implications

Write off of \$33,246.71 rates debt in the 2024-25 Annual Budget.

Strategic Implications**Shire of Cuballing Strategic Community Plan 2023-2033:**

Governance

- Forward thinking leadership, which listens and responds to community needs, with transparent and accountable decision-making.
- Enhancing community information and engagement.

Voting Requirements

Absolute majority required.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2025/14:

That Council write-off the outstanding rates and charges as follows:-

1. Assessment 188 – Popanyinning	\$31797.34
2. Assessment 2616 – Cuballing	\$1449.37
	<u>\$33246.71</u>

Moved Cr Ballantyne Seconded Cr Kowald CARRIED BY ABSOLUTE MAJORITY 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil

9.2 **CHIEF EXECUTIVE OFFICER:**

9.2.1 2024 Compliance Audit Return

File Ref. No:	ADM35
Disclosure of Interest:	Nil
Date:	13 th March 2025
Author:	Chris Paget - CEO
Attachments:	Shire of Cuballing 2024 Compliance Audit Return

Summary

The purpose of this report is for Council to consider the Audit Committee recommendation to adopt the statutory Local Government Compliance Audit Return (CAR) for the year ending 31 December 2024.

Background

Under the Local Government (Audit) Regulations 1996, a Local Government is required to carry out a Compliance Audit for the period 1 January to 31 December 2024. Once received and endorsed by Council, the certified return then needs to be submitted to the Director General, Department of Local Government, Sports and Cultural Industries by 31 March 2025.

The Compliance Audit Return must be:

1. reviewed by the Audit Committee;
2. presented to Council at a meeting of the Council;
3. adopted by the Council and certified by the President and CEO, then
4. recorded in the minutes of the meeting at which it is adopted.

The Compliance Audit Return is intended to assist Council in monitoring its organisational functions and provides an additional element of accountability through a check on internal management systems, procedures and record keeping. This in turn demonstrates the Shire's emphasis on improving its good governance, compliance, and best practice methods. Council is required to note any areas of non-compliance and endorse remedial action. The Audit is provided by the Department of Local Government through their secure website CAR reporting portal and is required to be completed by every local government in Western Australia.

Comment

The Audit Committee met prior to this meeting on Wednesday 19 March 2025 to review the completed 2024 CAR document and associated report to recommend its adoption by the Council.

There were three items of non-compliance noted out of the total 94 questions included in the Shire of Cuballing 2024 CAR, and this equates to a compliance achievement rate of 96.81%. The non-compliant matters identified for the three topic areas are as follows:

Tenders for Providing Goods and Services

(Page 7 No.1) Local Government Functions & General Regulations 11A: While reviewing previous monthly financial report support documentation, it has been noted that some instances of non-compliance with the purchasing policy have occurred. These primarily relate to a lack of the requisite number of quotations and in some cases purchase orders being raised after invoice receipt.

Integrated Planning and Reporting

(Page 10 No.2) The last Corporate Business Plan was adopted by Council on 17th June 2020. Upon adoption of the new Strategic Community Plan in February 2024 (and as commented on in the 2023 Compliance Audit Return document), a new CBP should have been formulated or a major review of the 'old' document undertaken to ensure it aligns with and supports the SCP.

Other / Optional Questions

(Page 11 No.5) Local Government Act s5.96A(1): To date, no map of the district, up-to-date listing of fees and charges, or confirmed minutes of Committee meetings have been published on the Shire website in accordance with the legislative requirements. It is noted however that the lists of fees and charges are included in adopted Annual Budget documents which have been uploaded on to the website.

Statutory / Legal Implications

Local Government Act 1995 section 7.13(i)

Local Government (Administration) Regulations 1996 - Regs 13, 14 & 15

Local Government (Audit) Regulations 1996

Local Government (Elections) Regulations 1997

Local Government (Functions and General) Regulations 1996

Local Government (Rules of Conduct) Regulations 2007

Policy Implications

Not applicable

Consultation

Internal: Shire Executive Team & Administration/Finance staff

Financial Implications

Nil

*Strategic Implications***Shire of Cuballing Strategic Community Plan 2023-2033:****Governance**

- Forward thinking leadership, which listens and responds to community needs, with transparent and accountable decision-making.
- Enhancing community information and engagement.

Voting Requirements

Absolute majority required.

AUDIT COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION 2025/15:

That Council:

- 1. Adopts the completed Compliance Audit Return for the period 1 January 2024 to 31 December 2024 for the Shire of Cuballing; and**
- 2. Instructs the CEO to submit the certified 2024 Compliance Audit Return to the Department of Local Government, Sport and Cultural Industries by 31 March 2025.**

Moved Cr Ballantyne Seconded Cr Kowald CARRIED BY ABSOLUTE MAJORITY 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil



Cuballing – Compliance Audit Return

Commercial Enterprises by Local Governments				
No	Reference	Question	Response	Comments
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2024?	N/A	
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2024?	N/A	
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2024?	N/A	
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2024?	N/A	
5	s3.59(5)	During 2024, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	

Delegation of Power/Duty				
No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	N/A	No delegations to committees have been made in the reporting period.
2	s5.16 (2)	Were all delegations to committees in writing?	N/A	
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?	N/A	
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A	
5	s5.18	Has council reviewed delegations to its committees in the 2023/2024 financial year?	N/A	



6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995?	Yes	
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes	
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2023/2024 financial year?	Yes	A review of all delegations was conducted and endorsed by Council on 20th December 2023.
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?	Yes	

Disclosure of Interest

No	Reference	Question	Response	Comments
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	Yes	
3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?	Yes	
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes	
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2024?	Yes	



6	s5.77	On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return?	Yes	
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995?	Yes	
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	Yes	
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?	Yes	
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	Yes	
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people?	Yes	
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) of the Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes	



16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A	
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?	N/A	
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members candidates that incorporates the model code of conduct?	Yes	
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	No	
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	Yes	
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	

Disposal of Property

No	Reference	Question	Response	Comments
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?	N/A	
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	N/A	



Elections				
No	Reference	Question	Response	Comments
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?	Yes	No electoral gift declarations were received during the reporting period.
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?	N/A	
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?	Yes	Refer to answer 1 above.

Finance				
No	Reference	Question	Response	Comments
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995?	Yes	
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority?	N/A	No delegations have been made to the audit committee.
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2024 received by the local government by 31 December 2024?	Yes	The auditor's report was received on 13th December 2024.



4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	N/A	There were no matters raised in the auditor's report.
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	No matters of significance were identified in the report.
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?	N/A	
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2024 received by the local government within 30 days of completion of the audit?	Yes	

Local Government Employees

No	Reference	Question	Response	Comments
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	Yes	
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	Yes	
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?	Yes	
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	No senior employee recruitment was required during the year.
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	



Official Conduct				
No	Reference	Question	Response	Comments
1	s5.120	Has the local government designated an employee to be its complaints officer?	N/A	As per s.5.120(2) of the Local Government Act 1995, the CEO is the Complaints Officer.
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995?	N/A	A register is maintained in accordance with the Act, however no complaints have been received during the reporting period.
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	Yes	The register includes categories for all necessary information required by the Act, but no complaints have been received.
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	

Tenders for Providing Goods and Services				
No	Reference	Question	Response	Comments
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	No	Some instances of non-compliance with the current purchasing policy during the reporting period have been identified.
2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	N/A	No tenders were called during the reporting period - purchases of goods or services worth more than the prescribed amount of \$250,000 have been made via RFQs through the WALGA Preferred Supplier Program.
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	N/A	Refer answer 2 above.



4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	N/A	
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?	N/A	
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?	N/A	
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	N/A	
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A	
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	N/A	
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	N/A	
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?	N/A	
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A	



14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?	N/A	
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions & General) Regulations 1996 regulations 24AD(4) and 24AE?	N/A	
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A	
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG?	N/A	
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A	
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?	N/A	



Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	21/02/2024
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	No	The last CBP adopted by Council on 17th June 2020 was for the period 2020 through to June 2024. Development of a new CBP to support the Strategic Community Plan (adopted Feb 2024) is presently underway.
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?	Yes	The 2020-2024 CBP complied with the relevant Regulations.

Optional Questions				
No	Reference	Question	Response	Comments
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2024? If yes, please provide the date of council's resolution to accept the report.	Yes	20/03/2024
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2024? If yes, please provide date of council's resolution to accept the report.	Yes	20/03/2024



Department of
**Local Government, Sport
and Cultural Industries**

3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	N/A	No such disclosures were made during the reporting period.
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes	Policy 3.15 updated 17th April 2024. Available online at: www.cuballing.wa.gov.au/Profiles/cuballing/Assets/ClientData/202408_Shire_of_Cuballing_Policy_Manual_-_Updated_August_2024.pdf
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?	No	A map of the district, up-to-date list of fees and charges (although this is included in Annual Budget document) and confirmed minutes of Committee meetings have not been published on the Shire website. These matters are in the process of being rectified.
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	Policy 3.14 "Continuing Elected Member Professional Development" updated 21st August 2024. Available online at: www.cuballing.wa.gov.au/Profiles/cuballing/Assets/ClientData/202408_Shire_of_Cuballing_Policy_Manual_-_Updated_August_2024.pdf
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2023/2024 financial year and publish it on the local government's official website by 31 July 2024?	Yes	
8	s6.4(3)	By 30 September 2024, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2024?	Yes	
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	



Chief Executive Officer

Date

Mayor/President

Date

9.2.2	Proposed Memorandum of Understanding – Tourism Services
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File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	13 th March 2025
Author:	Chris Paget - CEO
Attachments:	Shire of Narrogin Draft MOU – Tourism Services

Summary

For Council to consider and approve the Tourism Services Memorandum of Understanding (MOU) between the Shire of Cuballing and the Shire of Narrogin.

Background

The Shire of Narrogin have recently contacted the CEO regarding the formalisation of the existing partnership between our two Shires in relation to tourism services via an MOU. This arrangement has existed for many years without a formal agreement being in place, and it is felt that doing so will ensure clarity, consistency, and transparency, establishing a clear understanding for both Shires moving forward with the collaboration.

Comment

As detailed in the attachment, the proposed MOU sets out the terms and understanding between Shire of Narrogin and Shire of Cuballing to manage and promote shared tourism assets within our region, particularly surrounding the Dryandra Woodlands National Park and the Narrogin & Dryandra Visitor Centre.

As detailed in the document, the proposed MOU aims to achieve the following objectives:

- Promote tourism assets within both the Shire of Narrogin and the Shire of Cuballing, with particular focus on the Dryandra Woodlands National Park.
- Foster collaboration and volunteer engagement between the two Shires in relation to tourism initiatives.
- Establish financial contributions and responsibilities for the operation and management of the Narrogin & Dryandra Visitor Centre and associated website.
- Facilitate mutual representation and governance through participation in relevant committees and decision-making processes.

Under the terms of the MOU, the initial financial contribution from the Shire of Cuballing for 2024-25 year is \$3,500 plus GST and is subject to review in April of each subsequent year with any adjustment to be mutually agreed upon by both Shires.

The MOU will commence on the date of signing and remain in operation until termination by either party giving 90 days' notice.

Consultation

Dale Stewart

Danielle Van Rooyen

Chief Executive Officer, Shire of Narrogin

Business Development & Innovation Officer, Shire of Narrogin

Statutory Implications

Local Government Act 1996 section 3.69

Policy Implications

Nil

Financial Implications

As noted above, an allocation of \$3,500 in 2024-25, with yearly review each April thereafter. The Shire of Cuballing annual budget already makes provision for Tourism and Area Promotion activities and expenditure.

Strategic Implications

Shire of Cuballing Strategic Community Plan 2023-2033:

Social

- A place where people of all ages, abilities and stages of life are active and connected.

Economic

- Business is thriving, with ample local employment and opportunities for existing and new businesses to grow.

Natural Environment

- The natural environment is protected, enhanced, managed, enjoyed by locals, and proudly shared with visitors.

Governance

- Forward thinking leadership, which listens and responds to community needs, with transparent and accountable decision-making.
- Enhancing community information and engagement.

Voting Requirements

Simple majority

COUNCIL RESOLUTION 2025/16:

That Council accepts and approves the Tourism Services Memorandum of Understanding between the Shires of Cuballing and Narrogin, with clause 4 “Financial Contribution - Review” to be amended to read “*The contribution will be reviewed annually in April*”.

Moved Cr Ballantyne

Seconded Cr Sexton

CARRIED 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil

**TOURISM SERVICES
MEMORANDUM OF UNDERSTANDING (MOU)**

Is made on the _____ day of _____, _____

Between:

The Shire of Narrogin
89 Earl Street
Narrogin WA 6312

And:

The Shire of Cuballing
186 Campbell Street
Cuballing WA 6311

1. Purpose:

This Memorandum of Understanding (MOU) formalises the collaboration between the Shire of Narrogin and the Shire of Cuballing in relation to the promotion and / or management of shared tourism assets, including the Dryandra Woodlands National Park. The purpose of this MOU is to outline the terms of cooperation, including financial contributions, responsibilities, volunteer engagement, and governance, to ensure mutual benefits from tourism initiatives.

2. Background

The Dryandra Woodlands National Park and surrounding areas have significant cultural, environmental, and tourism value for both the Shire of Narrogin and the Shire of Cuballing. Both Shires have a shared interest in promoting these and other assets for the benefit of the local community and visitors. Effective collaboration will enhance the visibility of tourism assets and provide better experiences for visitors to the region.

3. Objectives

This MOU aims to achieve the following objectives:

- Promote tourism assets within both the Shire of Narrogin and the Shire of Cuballing, with particular focus on the Dryandra Woodlands National Park.
- Foster collaboration and volunteer engagement between the two Shires in relation to tourism initiatives.
- Establish financial contributions and responsibilities for the operation and management of the Narrogin & Dryandra Visitor Centre and associated website.
- Facilitate mutual representation and governance through participation in relevant committees and decision-making processes.

4. Financial Contribution

Shire of Cuballing agrees to provide an annual financial contribution to support the operations of the Narrogin & Dryandra Visitor Centre and tourism website. The details of the contribution are as follows:

- **Amount:** \$3,500 plus GST per annum for the 2024/25 financial year.
- **Payment:** The Shire of Narrogin will invoice the Shire of Cuballing at the beginning of each financial year.
- **Review:** The contribution will be reviewed annually in April and subject to mutual agreement for any adjustments.

5. Access to Tourism Services

Both Shires will ensure that residents and visitors from both regions have access to tourism services provided through the Narrogin & Dryandra Visitor Centre. These services include:

- Information and resources related to tourism in the region;
- Support for tourism-related inquiries and bookings; and
- Marketing materials and promotional activities for Dryandra Woodland National Park and other local and regional attractions.

6. Responsibilities of the Parties

6.1 Shire of Narrogin will:

- Manage and coordinate the Narrogin & Dryandra Visitor Centre and associated website.
- Maintain and update tourism-related marketing materials, both online and offline.
- Provide training, support, and coordination for volunteers engaged in tourism services.
- Ensure the provision of information and resources regarding tourism services in the region.

6.2 Shire of Cuballing will:

- Provide the agreed annual financial contribution of \$3,500 plus GST (as agreed and amended from time to time).
- Promote and encourage participation from residents and volunteers in tourism activities.
- Collaborate with Narrogin on tourism-related marketing and promotion efforts.

6.3 Volunteer Engagement

Both Shires will encourage and support their residents to engage in volunteer opportunities related to the tourism services at the Narrogin & Dryandra Visitor Centre. Volunteers will be coordinated by Narrogin's Volunteer Coordinator, and the Shire of Narrogin will ensure that volunteers are provided with appropriate training and support.

6.4 Representation on the Management Committee

Shire of Cuballing will nominate one Staff or Councillor representative to participate in the management committee of the Narrogin & Dryandra Visitor Centre. The management committee will meet at least twice per year to discuss strategic direction, funding, operational matters, and any relevant issues related to tourism services.

6.5 Governance

The management committee, consisting of representatives from both Shires, will oversee the operations and provide strategic input for the ongoing development of tourism services in the region. Meetings will be held at least twice a year, with minutes and action items distributed to both Shires.

7. Coordination and Meetings

The management committee will meet biannually or more frequently if required to:

- Discuss tourism-related initiatives, developments, and challenges.
- Review the effectiveness of shared services and volunteer engagement; and
- Identify opportunities for new joint tourism projects or collaborations.

7. Reporting

Shire of Narrogin will provide an annual report to the Shire of Cuballing, including:

- An overview of tourism activities and initiatives; and
- Updates on any changes in services or operations at the Narrogin & Dryandra Visitor Centre.
- Relevant performance data or statistics, where applicable.

8. Term and Termination

- This MOU will commence on the date of signing and remain effective until terminated by either party.
- Either party may terminate the agreement by providing 90 days' written notice but with effect from 30 June of that financial year prospective.

9. Review and Amendments

- The agreement will be reviewed from time to time but at least every 3 years to ensure its effectiveness and relevance.
- Any amendments must be mutually agreed upon in writing by both parties.

10. Legal Effect

This MOU is intended to formalise the cooperative arrangement but does not create legally binding obligations. Any disputes will be resolved through good faith negotiations between the Chief Executive Officers of both Shires.

11. Agreement

By signing the below each party is expressing agreement to proceed with this Memorandum of Understanding.

Executed for and on behalf of

Signatories

For the Shire of Narrogin:

Name: _____

Position: _____

Signature: _____

Date: _____

Executed for and on behalf of

For the Shire of Cuballing:

Name: _____

Position: _____

Signature: _____

Date: _____

9.2.3 Local Government Elections – 18 October 2025

File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	13 th March 2025
Author:	Chris Paget - CEO
Attachments:	WA Electoral Commission quotation

Summary

For Council to nominate its preferred process for the forthcoming Local Government Ordinary Elections in October 2025

Background / Comment

The next ordinary Local Government elections will be held on 18 October 2025.

The provisions of the Local Government Act 1995 sections 4.20 and 4.61, provide that the Shire Chief Executive Officer is the Returning Officer for local government election unless a Council makes the decision to appointment a different Returning Officer.

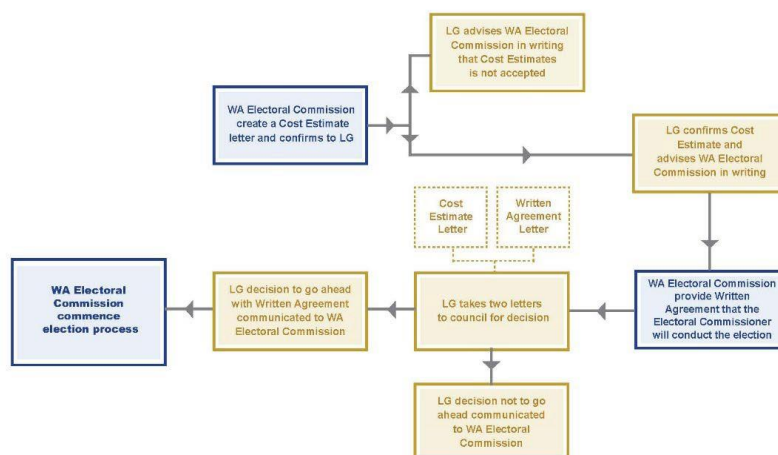
For the last Ordinary election in October 2023 the then CEO was the nominated Returning Officer, with the ballot being conducted as voting in-person.

The WA Electoral Commissioner is now seeking confirmation of Council's intention about how it would like to conduct the October 2025 Ordinary Local Government election. The Electoral Commission has advised that should Council opt for WAEC to run the election process then the initial approximate cost estimate is \$13,092 (ex GST), with the method being postal ballot and the count conducted onsite at Cuballing utilizing the Commission's Count WA software.

The decision on a Returning Officer cannot be made later than 80 days before the election. Should Council decide not to use the WA Electoral Commission, then the Shire CEO would again be the Returning Officer this year.

Nominations for candidates for the election will be called in August. Councillors Eliza Dowling, Adrian Kowald and Dawson Bradford's terms as elected members are due to expire in October 2025.

Local Government Ordinary Election Process



Statutory Implications

Local Government Act 1995 sections 4.20 through 4.24

Policy Implications

Nil

Financial Implications

Approximate cost of \$13,092 should Council choose the WAEC to be responsible for the election; this has not been provided for in the adopted 2024-25 Annual Budget.

Strategic Implications

Shire of Cuballing Strategic Community Plan 2023-2033:

Governance

- Forward thinking leadership, which listens and responds to community needs, with transparent and accountable decision-making.
- Enhancing community information and engagement.

Voting Requirements

Absolute majority required

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2025/17:

That Council:

- Declares in accordance with section 4.20(1) of the Local Government Act 1995, the Chief Executive Officer to be responsible for the conduct of the 2025 ordinary election, together with any other elections or polls which may be required; and
- Decides, in accordance with section 4.61(1) of the Local Government Act 1995, that the method of conducting the election will be as a voting in-person election.

Moved Cr Kowald

Seconded Cr Bradford

CARRIED BY ABSOLUTE MAJORITY 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil



Mr Chris Paget
Chief Executive Officer
Shire of Cuballing
PO Box 13
PO Box 13 WA

Dear Mr Paget,

Cost Estimate Letter: 2025 Local Government Ordinary Election

As you are aware, the next local government ordinary election will be held on 18 October 2025. This letter is your Cost Estimate for the Western Australian Electoral Commission to conduct your election, should you proceed with making a declaration under the *Local Government Act 1995* for us to do so.

Cost Estimate

The Commission has estimated the cost to conduct your Council's election in 2025 as a postal election at approximately \$13,092 (ex GST).

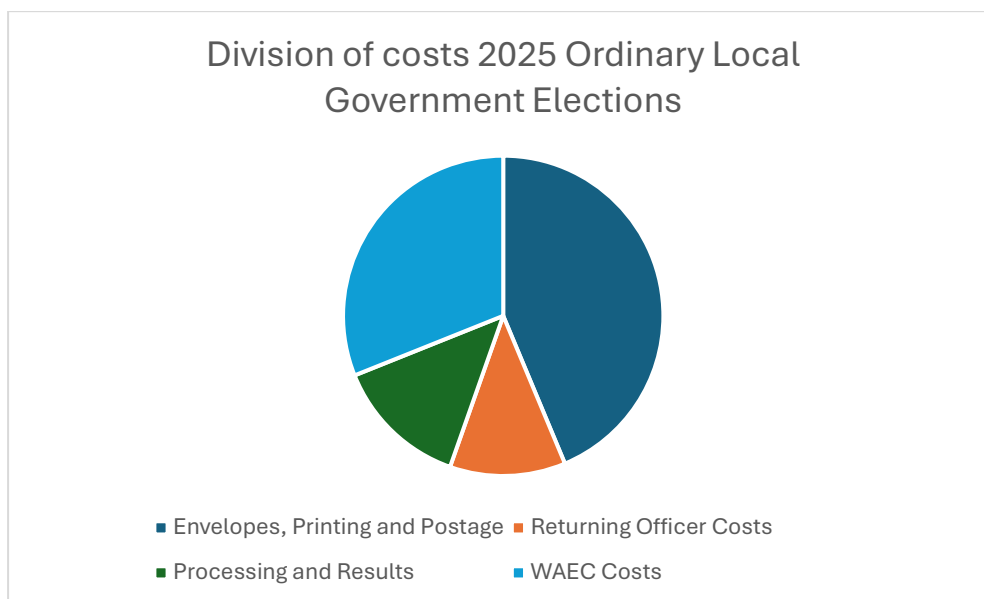
This cost has been based on the following assumptions:

- The method of election will be postal;
- 3 Councillor(s) vacancies;
- 800 electors;
- response rate of approximately 40%
- appointment of a local Returning Officer; and
- count to be conducted at your office using CountWA.

If any of these assumptions are not correct, please contact us and we can provide a new cost estimate.

Cost Methodology

To provide your estimate, the Commission has estimated the costs of all aspects of the election, from supply of materials to staffing costs. For the 2025 Local Government elections, we have applied the following apportionment across the State:



For individual local Governments the exact apportionment of costs may differ slightly from the above, as the cost categories are determined by applying the following variables:

- Envelopes, Printing and Postage, and WAEC Costs are determined by the number of electors in your Local Government;
- Processing and Results is determined by the expected response rate for your election; and
- Returning Officer Costs are determined by the complexity of the election for the Returning Officer; we classify Local Governments into bands depending on a number of factors including number of Wards, number of vacancies and the number of candidates, and then we pay our Returning Officers a rate which reflects this band.

Estimated Cost of 2025 Local Government Elections

The Commission estimates that the total cost of conducting the Local Government Elections across Western Australia in 2025 will increase by \$1.3 million, compared to 2023. The key drivers for this cost increase are as follows:

- a 45% cost increase from Australia Post, comprising of a 25% increase which came into effect in March 2024, and an additional 20% proposed increase currently being considered by the Australian Competition and Consumer Commission, which if approved will take effect in July 2025; and
- a 9% increase in the salaries paid to Returning Officers as required by the Public Sector CSA Agreement 2024.

Variations to the final costs for your Council

In accordance with the *Local Government (Elections) Regulations 1997*, the Commission conducts elections on the basis of full accrual cost recovery. This means that should the actual costs incurred to conduct the election be less or greater than what we have estimated, the final cost may differ from the cost estimate you have been provided.

Whilst we aim to keep additional costs at a minimum wherever possible, the following are examples of where cost increases may arise:

- If a Returning Officer is selected that is not local to your area;
- If you elect for Australia Post Priority Service for the lodgement of your election package;
- If casual staff are required for the issuing of Replacement Election Packages;
- If casual staff are required to assist the Returning Officer on election day or night; or
- Unanticipated cost increases from our suppliers.

We will endeavour to keep you informed of any unanticipated cost increases as they are incurred during the election.

Service Commitment

The Commission is committed to conducting elections impartially, effectively, efficiently and professionally. Following each election event, we review our performance and identify ways to improve our service delivery.

The Commission acknowledges that during the 2023 Local Government Ordinary Elections, the results for many Local Governments were delayed. Since this time we have improved our Count Processes, and as demonstrated through extraordinary elections conducted in 2024, we are now able to finalise our results more quickly whilst still retaining accuracy and integrity.

If you have any suggestions for improvements we can make to deliver your election, your feedback is welcome at all times.

Next Steps

Should you wish to accept this cost estimate and proceed with the Electoral Commission undertaking this election, there are specific steps that must be taken under the *Local Government Act 1995*. These steps are summarised in the attached flow chart (Attachment A).

As outlined in the flow chart, if you accept this Cost Estimate then please advise of us this in writing, so that we can issue a Written Agreement letter. Both the Cost Estimate letter, and the Written Agreement letter then need to be taken to Council for a decision.

If you have any queries, please contact lgelections@waec.wa.gov.au .

Yours sincerely,



Robert Kennedy
ELECTORAL COMMISSIONER

12 December 2024

9.2.4 Superannuation for Elected Members

File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	13 th March 2025
Author:	Chris Paget - CEO
Attachments:	Nil

Summary

For Council to consider whether to support or not support the payment of superannuation to Elected Members.

Background/Comment

Following passage of the Local Government Amendment Act 2024, new sections 5.99B to 5.99E of the Local Government Act 1995 (the Act) will allow local governments to resolve by absolute majority to make superannuation contributions for council members from 1 February 2025.

From 1 February 2025 all local governments in WA have had the option to resolve by absolute majority to make superannuation contributions for council members.

From 19 October 2025, it will become mandatory for class 1 and 2 local governments to make superannuation contributions.

For class 3 and 4 local governments, the payment will remain optional for each council to decide if they want to make superannuation contributions to council members or not.

Where a local government is required to, or resolves to, make superannuation contributions, individual council members may choose to 'opt out' of receiving superannuation.

Superannuation contribution payments for council members will be made in addition to any other fees and allowances. These will sit outside the threshold for fees and allowances set by the Salaries and Allowances Tribunal. Council members may receive various types of fees and allowances, in accordance with the Act and the relevant determination of the Salaries and Allowance Tribunal.

The requirement to make superannuation contribution payments in respect of these fees and allowances is to be determined in accordance with Commonwealth Superannuation Guarantee (Administration) Act 1992 (SG Act) and the further guidance provided in Superannuation Guarantee Ruling SGR 2009/2. It has been advised that councils seek taxation advice regarding what allowances, if any, will be included in the superannuation calculation.

While council members are not considered employees under the SG Act, they are to be treated in the same manner as employees of the local government for the purposes of calculating superannuation contribution payment.

The payment is to be the same required under the SG Act. By 1 July 2025, the superannuation guarantee rate will be 12 per cent.

Legal Implications

Nil

Policy Implications

Nil at present

Financial Implications

The cost of paying superannuation for council members would need to be met out of the existing budget.

Strategic Implications

Shire of Cuballing Strategic Community Plan 2023-2033:

Governance

- Forward thinking leadership, which listens and responds to community needs, with transparent and accountable decision-making.
- Enhancing community information and engagement.

Voting Requirements

Absolute majority required

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2025/18:

That Council does not support the payment of superannuation to Elected Members.

Moved Cr Ballantyne Seconded Cr Kowald CARRIED BY ABSOLUTE MAJORITY 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil

9.2.5	Application for Development Approval – Extended shed and extended garage (oversized outbuildings) – Lot 134 (No. 142) Bunmulling Road, Popanyinning
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File Ref. No:	-
Disclosure of Interest:	Nil
Date:	13 th March 2025
Author:	Chris Paget - CEO
Attachments:	Application form & support information Location plan Shire of Cuballing Outbuildings Policy

Location: Lot 134 (No. 142) Bunmulling Road, Popanyinning
 Applicant: Petrus Burger
 Landowner: Petrus & Adele Burger

Summary

Development approval is recommended for oversized outbuildings at Lot 134 (No. 142) Bunmulling Road, Popanyinning.

Background

1. The application

The reason the Council is considering the Development Application is because the floor area of the proposed extensions, to the existing outbuildings, is larger than the maximum floor area set out in Council's Outbuilding Policy for a Rural Residential zoned property.

The site contains an existing shed and garage (outbuildings). The total floor area of the existing outbuildings is approximately 177m² (125m² for the shed and 52m² for the garage).

The applicant now proposes to add to and extend the shed and extend the garage. The proposed shed is 34m long, 19.8m wide, has a floor area of 673m² and is 4.1m to the roof apex. The garage has a floor area of approximately 130m². The proposed total area of outbuildings is approximately 803m².

The outbuildings are proposed to be used to personal and farm equipment storage.

The proposed extension to the garage is setback 4.5m from the York Road property boundary.

Details submitted by the applicant are set out in the attachments.

2. Application site

The site is outlined in the supplied Landgate Map Viewer Plus aerial screenshot. It is 8.6301 hectares in area, a mix of cleared land and vegetated areas. It contains an existing dwelling, Zincalume garage and shed. The dwelling and garage are located near the York Road property boundary,

3. Planning framework

The site is zoned 'Rural Residential' in the *Shire of Cuballing Local Planning Scheme No. 2* (LPS2). LPS2 sets a setback standard of 15m to the primary street boundary and 10m to other boundaries. Clauses 32.18(6) and 34 of LPS2 enable variations to setbacks where the local

government is satisfied the variation will not adversely affect owners or occupiers in the locality.

The property is within a bushfire prone area.

Council's Outbuildings Policy is included with this report.

Comment

The application is inconsistent with Council's Outbuilding Policy relating to the floor area. Additionally, the garage extension is located 4.5m from the York Road property boundary which is less than the LPS2 setback standard. While noting this, the Development Application is conditionally supported. This follows assessment against the planning framework, information provided by the applicant, the size of the property and site characteristics. Conditional approval is recommended given:

- The property is generous in size, with the total outbuilding area being around 10% of the site area;
- The outbuildings are considered compatible with the setting in terms of height, bulk, scale, orientation and appearance. The large outbuilding is located approximately 75m from York Road behind the existing dwelling, and approximately 230m from Bunmulling Road;
- The existing dwelling and garage are located near the York Road property boundary;
- There will be no overshadowing onto neighbouring dwellings;
- The proposed garage setback distance of 4.5m provides a sufficient distance for the construction and maintenance of a fire break in accordance with Council's Annual Fire Break Notice;
- The proposed location of the outbuildings do not pose an undue bush fire risk; and
- Recommended development conditions and advice can assist to address amenity considerations.

Strategic Implications

Nil

Statutory Environment

Planning and Development Act 2005, LPS2 and Planning and Development (Local Planning Schemes) Regulations 2015.

Policy Implications

Local Planning Policy – Outbuildings

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

Approval of the Development Application creates a precedent. There are however various existing outbuildings, larger than 120m², on Rural Residential zoned lots.

It is recommended that the Council's Outbuildings Policy be reviewed and updated.

Financial Implications

All costs associated with the development will be borne by the applicant. Should the applicant be aggrieved by Council's decision, the applicant may seek a review of that decision or conditions through the State Administrative Tribunal.

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Consultation

Steve Thompson – Edge Planning & Property

Options

The Council can:

1. Approve the Development Application with no conditions;
2. Approve the Development Application with conditions;
3. Refuse the Development Application (providing reasons); or
4. Defer and seek additional information.

Voting Requirements

Simple majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2025/19:

That the Council approve the Development Application for the oversized outbuildings (extension of shed and extension of garage) at Lot 134 on Deposited Plan 223060 (No. 142) Bunmulling Road, Popanyinning subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
3. The outbuildings are not used for commercial, industrial or habitable purposes.

ADVICE:

- A) If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- B) The applicant is advised that this development approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- C) The property is located in a bushfire prone area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. A low fuel area should be maintained around the outbuildings at all times.
- D) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Moved Cr Kowald


Seconded Cr Bradford

CARRIED 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil

APPLICATION FOR DEVELOPMENT APPROVAL

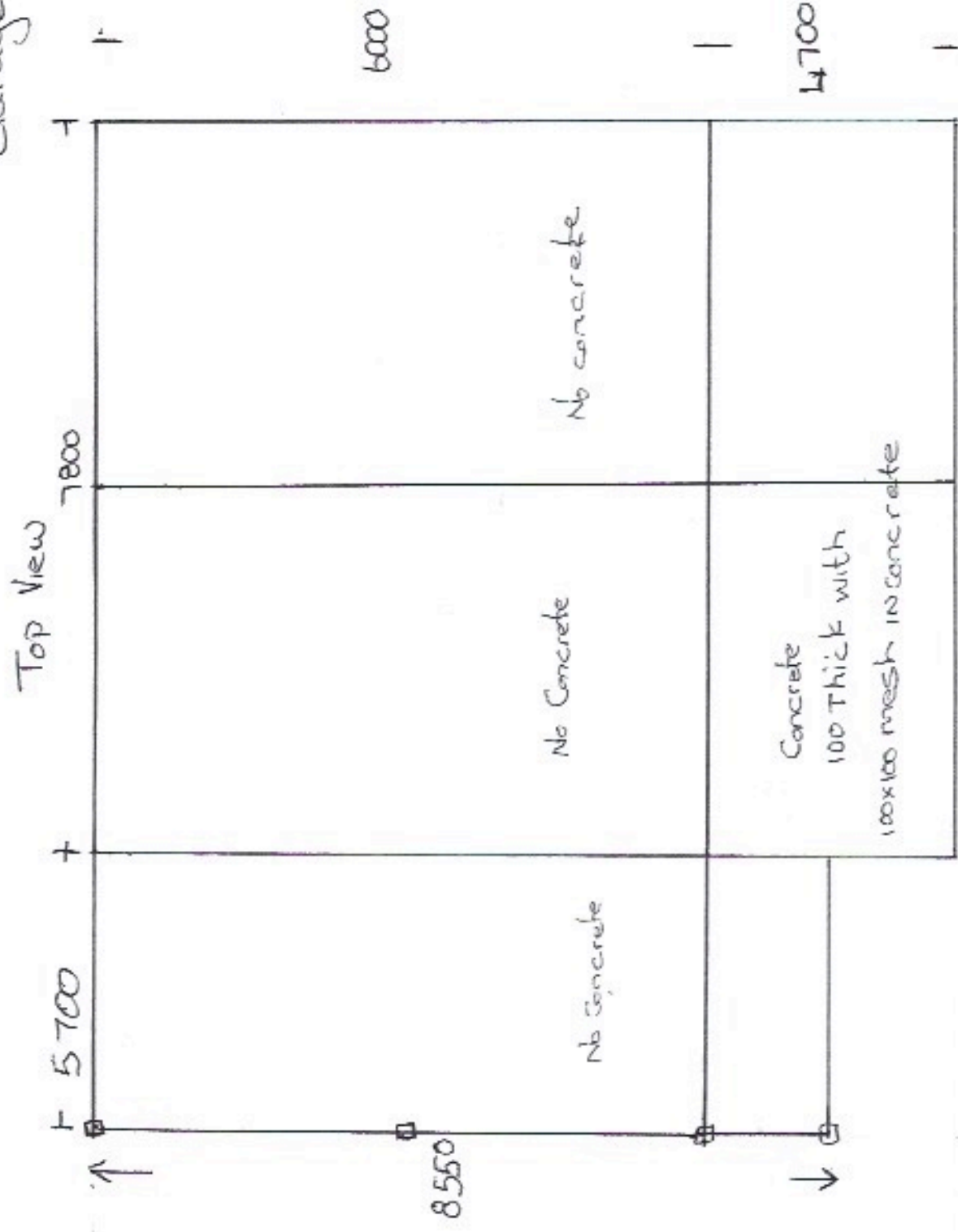
Owner Details		
Name: PETRUS BURGER		
ABN (if applicable):		
Address: 142 BUNMUNING ROAD, POPANYINNING		
Postcode: 6309		
Phone: Work: N/A Home: N/A Mobile: 0431 242386	Fax: N/A	Email: pjburger@gmail.com
Contact person for correspondence:		
Signature: 		Date: 12-12-24
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>		
Applicant Details (if different from owner)		
Name:		
Address:		
Postcode:		
Phone: Work: Home: Mobile:	Fax:	Email:
Contact person for correspondence:		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature:		Date:

Property Details		
Lot No: 134	House/Street No: 142	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants): Nil		
Street name: BUNMULLING ROAD	Suburb: EAST POPANYINNING	
Nearest street intersection: BUNMULLING ROAD & YORK STREET		

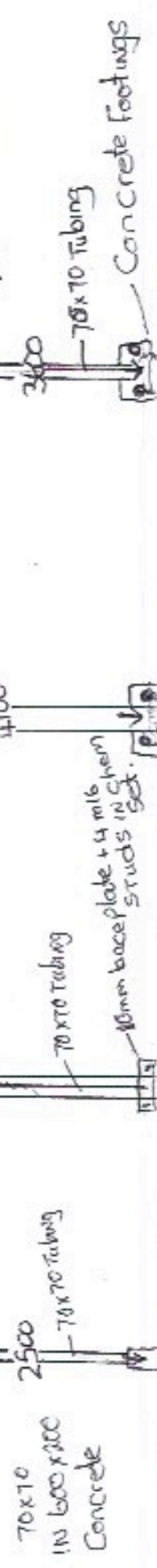
Proposed Development	
Nature of development:	<input checked="" type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use: 1) Extend garage area and car port to the back to make it longer 2) Extend brick shed 6m all around, except at the back it'll be extended by 12m	
Description of exemption claimed (if relevant): N/A	
Nature of any existing buildings and/or land use: House, shed, garage and rural living	
Approximate cost of proposed development: +/- \$2000 as I bought a used shed with everything I need.	
Estimated time of completion: +/- 3 yrs as I work FIFO and work a 3:1 roster	

Acceptance Officer's initials:	OFFICE USE ONLY
Local government reference No:	Date received:

Garage & Port area



Side View



70x70
in 600x200
Concrete

Big Shed

16 000

12 000

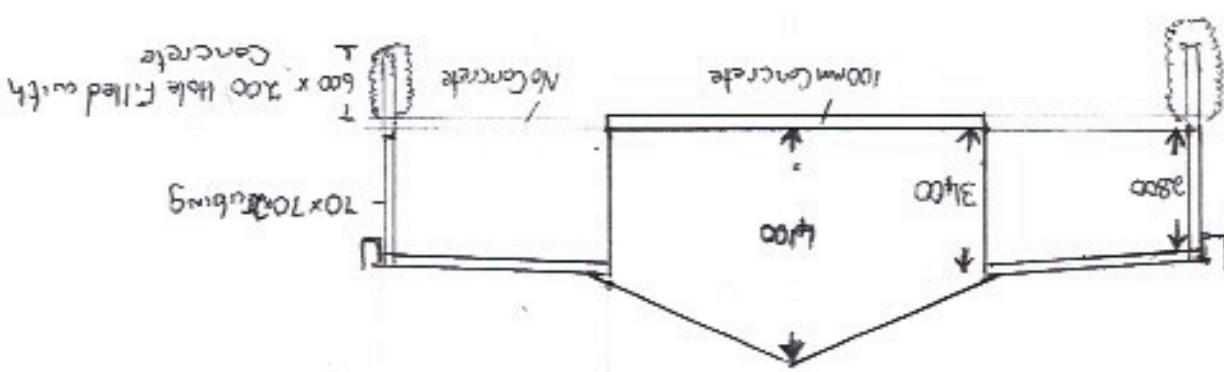
6000

6000

7800

6000

Top View



142 Bunmulling Road, Popanyinning







**SHIRE OF CUBALLING
LOCAL PLANNING POLICY
OUTBUILDINGS**

Within all Rural Townsite and Rural Residential zoned land and on General Agricultural zoned lots with an area of 2ha or less, planning approval may be granted to outbuildings appurtenant to any dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any dwelling on site and provided the proposed development complies with the following:

- (a) In the Rural Townsite and Rural Residential zones of the Shire, where the lot size is 1500m² or less in area:
 - (i) Zincalume construction, where the total outbuilding does not exceed 55m² in floor area;
 - (ii) Colourbond construction, where the total outbuilding does not exceed 65m² in floor area;
 - (iii) Masonry construction and/or where the total outbuilding area has walls constructed of the same materials and appearance as the house and does not exceed 75m² in floor area and no parapet wall is greater than 8 metres in length.
- (b) In Rural Townsite and Rural Residential zones of the Shire where the lot size is over 1500m² or on General Agricultural zoned lots with an area of 2 ha or less;
 - (i) Zincalume construction, where the total outbuilding does not exceed 85m² in total floor area;
 - (ii) Colourbond construction, where the total outbuilding does not exceed 120m² in total floor area;
 - (iii) Masonry construction and/or where the total outbuilding has walls constructed of the same materials and appearance as the house and does not exceed 170m² in total floor area.
- (c) Wall height of any outbuildings not to exceed 3 metres. In the case of gable floor construction, the maximum height is not to exceed 4 metres.
- (d) Prior to the considering a parapet wall construction on any boundary, the applicant will present to Council with written agreement to the same by any affected adjoining landowner.
- (e) The applicant providing the Local Government with a written undertaking that the outbuilding constructed will only be used for the purpose permitted within the zone in which it is located, under the provisions of the Scheme.

- (f) Any application for planning approval which does not comply with the above shall be referred to Council for consideration.
- (g) No planning approval will be granted for any outbuildings on any Rural Townsite or Rural Residential zoned lot which does not contain a residence.
- (h) Setbacks from boundaries for Outbuildings
 - (i) If attached to the dwelling the setbacks for an outbuilding shall be a minimum of 1.0 metre from side boundaries with eaves not closer than 0.75 metres to a side boundary in the Rural Townsite Zone. Setback to the rear boundary shall be as specified in the Residential Design Codes for Rural Townsite zoned lots and/or a minimum of 10 metres for Rural Residential zoned land.
 - (ii) If detached from the dwelling, outbuildings shall be at least 1.8 metres clear of the dwelling with a minimum setback of 1.0 from the side boundary and 1.2m from the rear boundary in the Rural Townsite Zone and shall be a minimum of 10 metres rear setback in the Rural Residential Zone.

9.2.6	Presiding Members for Council Committees
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File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	14 th March 2025
Author:	Chris Paget - CEO
Attachments:	Nil

Summary

In December 2024 amendments were made to the *Local Government Act 1995* (the Act) that among other things changed the means of appointing Presiding Members of committees established under section 5.8 of the *Local Government Act 1995*.

Rather than being elected by the members of the Committee, the Presiding Member must now be appointed by the Council through an absolute majority decision.

Clause 67 of Schedule 9.3 of the Act provides that for each of its existing committees, a local government must make its first appointment no later than 1 July 2025.

The effect of the changes of the legislation is that Council is required to appoint a Presiding Member to its Audit Committee.

Background / Comment

The latest part of the State Government's local government legislation reform program includes changes to the way that Presiding Members of Committees are appointed.

The changes only apply to formal committees of Council established under section 5.8 of the Act. It does not apply to advisory groups, or those other committees not established under section 5.8 such as the Bush Fire Advisory Committee or Local Emergency Management Committee.

Soon, under the Local Government Act reform process the laws concerning the Audit Committee will again be amended. This will result in Councils being required to have at least two independent members on their Audit Committee as well as one of those two independent members being appointed by the Council as Chair.

The provisions related to Audit Committees and independent membership have not yet commenced and until they do, Council's appointed Presiding Member would continue to Preside. WALGA is coordinating a process to identify a pool of potential independent chairs / members of audit committees. The matter of independent membership is proposed to be considered by Council later in 2025.

Statutory / Legal Implications

This report has been prepared to enable compliance with the new legislation.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Cuballing Strategic Community Plan 2023-2033:

Governance

- Forward thinking leadership, which listens and responds to community needs, with transparent and accountable decision-making.
- Enhancing community information and engagement.

Voting Requirements

Absolute majority required

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION 2025/20:

That Council formally appoints Cr Scott Ballantyne as Presiding Member of the Audit Committee in accordance with s5.12 of the *Local Government Act* 1995.

Moved Cr Kowald

Seconded Cr Sexton

CARRIED 5/0

For: Crs Harris, Kowald, Ballantyne, Bradford and Sexton

Against: Nil

9.3 MANAGER OF WORKS AND SERVICES:

Nil

10. COMMITTEE REPORTS

Nil

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

Nil.

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

Nil

13. CONFIDENTIAL MATTERS

Nil

14. NEXT MEETING

Ordinary Council Meeting, 3.00pm. Wednesday 16 April 2025 at the Shire of Cuballing CWA Hall, Campbell Street, Cuballing.

15. CLOSURE OF MEETING

There being no further business, Cr Harris closed the meeting at 3.46pm.