

Date: 14 September 2023

To: Shire President
Deputy Shire President
Councillors



NOTICE AND AGENDA - ORDINARY COUNCIL MEETING

An Ordinary Council Meeting of the Shire of Nungarin will be held in the Council Chambers on Wednesday 20 September 2023 at 4.30 pm to consider and resolve the matters set out in the attached agenda.

Acting Chief Executive Officer

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Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Forum meetings.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request.

PUBLIC QUESTION TIME

1. The order of business allows for a Public Question time at the beginning of the meeting.
2. If you wish to ask a question about an agenda item before it is considered then it is recommended to be made at the Public Question Time item on the agenda in accordance with Council's Procedures and Guidelines for Public Question Time.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

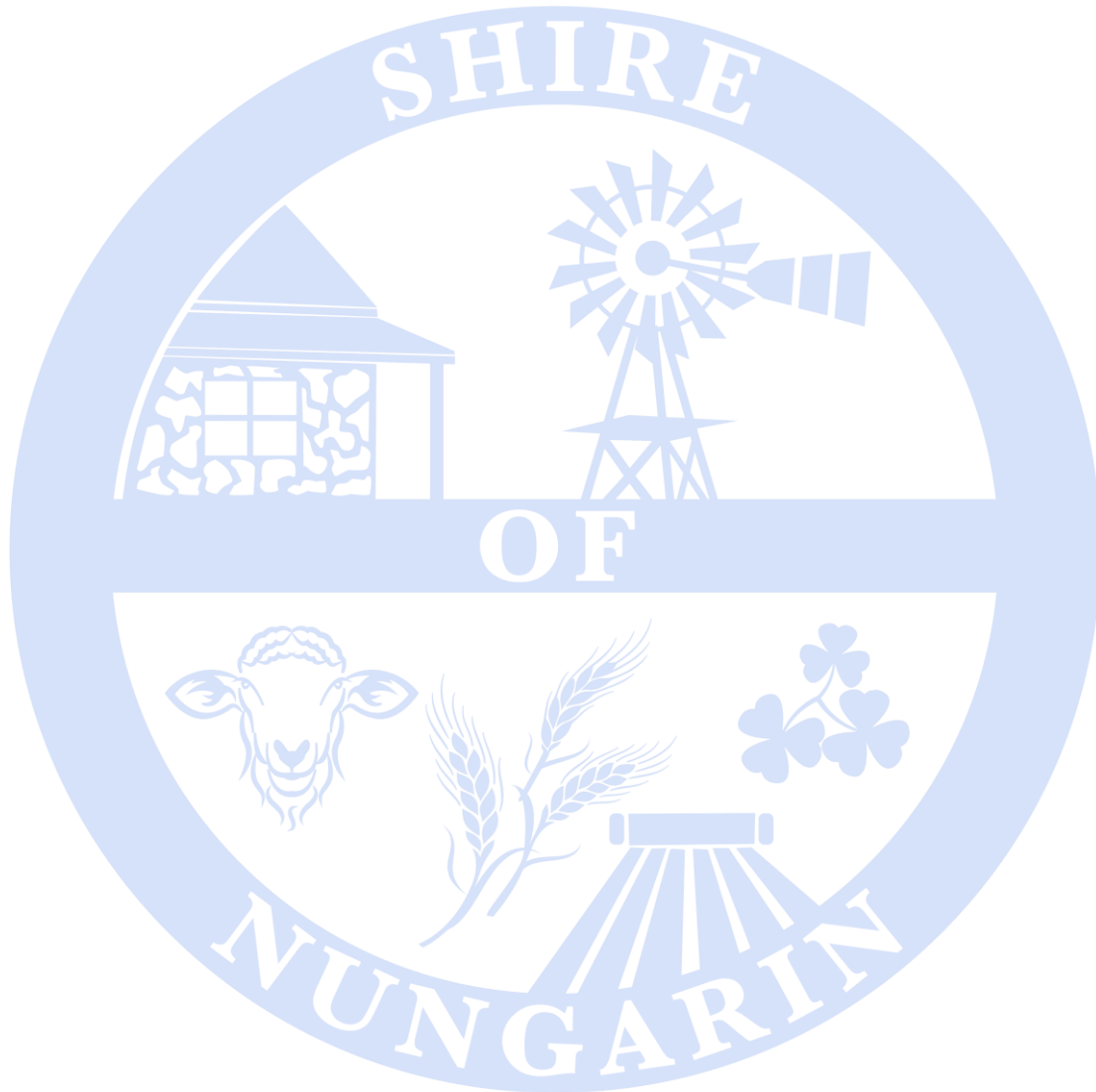


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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at ____pm.

Affirmation of Civic Duty and Responsibility as Read

I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Nungarin. We collectively declare we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability.

Acknowledgement of Traditional Custodians

We wish to acknowledge the Traditional Custodians of the land we are meeting on, the Njaki Njaki Nyoongar people, and recognise the contribution of Elders past, present and future.

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors

Shire President	Cr P de Lacy
Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell
Elected Member	Cr K Dayman
Elected Member	Cr J Davis
Elected Member	Cr W Lee
Elected Member	Cr M Caughey

Council Officers

Chief Executive Officer	Mr J Merrick
Manager Works & Services	Mr D Nayda

Observers / Visitors

2.2 APOLOGIES

2.3 REQUEST FOR LEAVE OF ABSENCE

3. DEPUTATIONS AND PETITIONS

3.1 DEPUTATIONS

3.2 PETITIONS

4. PUBLIC QUESTION TIME

- a. Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.
- b. During the Council meeting, after Public Question Time no member of the public may interrupt the meeting’s proceedings or enter into conversation.
- c. Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.
- d. All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary Council Meeting, and at a Special Council Meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the Presiding Member.
- e. The Presiding member will control Question Time and ensure each person wishing to ask a question states their name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask questions will be given two (2) minutes within which to address their question to Council. The Presiding Member may shorten or lengthen this time at their discretion.

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL AND PROXIMITY INTEREST

5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

7.1 ORDINARY COUNCIL MEETING – _____

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 16 August 2023 be confirmed as being a true and accurate record and that the Minutes of the Special Council Meeting held on 23 August 2023 be confirmed as being a true and accurate record.

Moved:

Seconded:

.....

8. OFFICER REPORTS –

8.1 SALE OF 46 DANBERRIN RD NUNGARIN	
File Ref:	
Previous Items:	Nil
Applicant:	Mr Kevin Smith
Author and Title:	John Merrick – Acting CEO
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	

OFFICER RECOMMENDATION

That Council Resolves to:

- 1. Agree to the sale of 46 Danberrin Rd to Kevin Smith for \$50,000.00.**
- 2. Ascertain that it believes the price of \$50,000.00 reflects the true value of the property as it exists on the 20th September 2023.**
- 3. Advertise the disposition of 46 Danberrin Rd Nungarin in accordance with Section 3.58 of the Local government Act 1995.**

Moved:

Seconded:

.....

BACKGROUND Council sought a valuation of this property in July 2022 from Acumentis Property Valuations and which was \$75,000.00. Council subsequently accepted an offer of \$45,000.00 which fell through after several delays in the process. Mr Kevin Smith has since made an offer of \$50,000.00 and has paid a deposit of \$5,000.00.

REPORT DETAIL Section 3.58 requires a valuation to be not more than 6 months old at the time of consideration unless Council determines that it believes the true value of the property is, in fact, \$50,000.00. While the valuation of the property in July 2022 was \$75,000.00, a recent inspection has revealed that considerable work is required to justify this price.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Support increased population
Aspiration	Improved and diverse housing options
Objective	Economic and community development

OTHER STRATEGIC LINKS

This particular sale provides a unique opportunity for the Shire to gain the services of a maintenance person to carry out budgeted maintenance on Council owned buildings.

STATUTORY ENVIRONMENT

nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

Additional population and improved Council facilities.

Social

Nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Council, Staff and community

RESOURCE IMPLICATIONS

The sale proceeds would result in unbudgeted income of \$50,000.00.

Workforce

.nil

8.2 APPLICATION FOR EXPLORATION LICENCE	
File Ref:	
Previous Items:	Nil
Applicant:	Duketon Mining Limited
Author and Title:	John Merrick Acting CEO
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.2 application for exploration licence

OFFICER RECOMMENDATION

That Council Resolves to:

Note the information.

Moved:

Seconded:

.....

IN BRIEF

Council has been advised that Duketon Mining has lodged an application for an exploration licence over a parcel of land wholly within the Lake Campion Nature Reserve.

BACKGROUND

This land comes under the jurisdiction of the Agricultural Protection Board and the exploration area covers land within Nungarin, Merredin and Westonia Shires.

REPORT DETAIL

nil

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Economic
Aspiration	Community opportunities
Objective	Increased employment

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

Unknown

Social

Nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Council, Staff and community

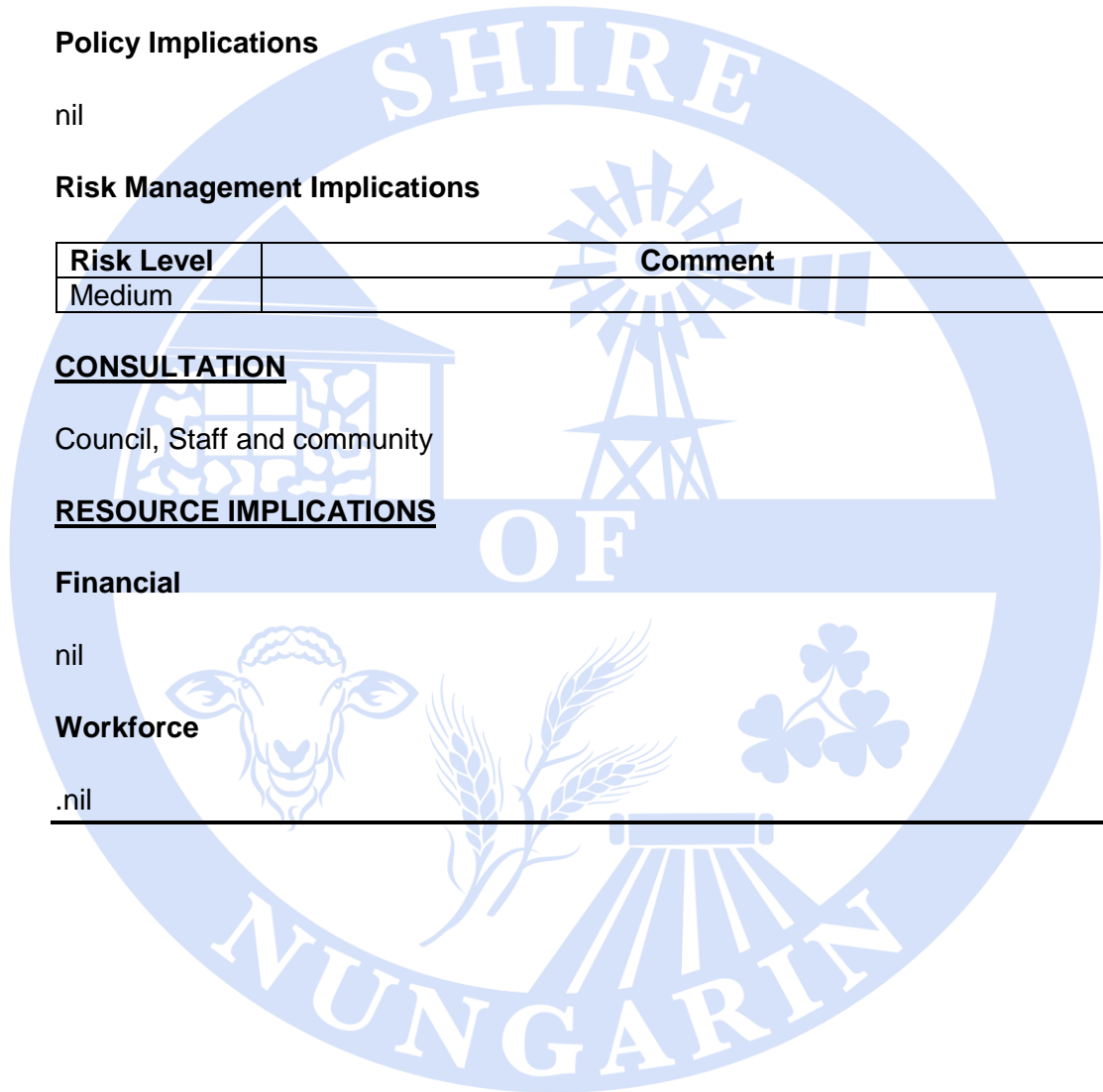
RESOURCE IMPLICATIONS

Financial

nil

Workforce

.nil



8.3 COMMUNITY DEVELOPMENT GROUP	
File Ref:	
Previous Items:	8.1 of August 2023 OCM
Applicant:	Nungarin Community Development Group Inc
Author and Title:	John Merrick Acting CEO
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	

OFFICER RECOMMENDATIONS

That Council specify the location of the Soldier Memorial.

Moved:

Seconded:

.....

IN BRIEF

The Nungarin Development Group have requested Councils support for the placement of a Soldier Memorial in the Cul De Sac at the end of Railway Ave.

BACKGROUND

nil

REPORT DETAIL

nil

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	
Aspiration	
Objective	

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

nil

Social

This is a project supported by the Development Group.

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Council, Staff and community

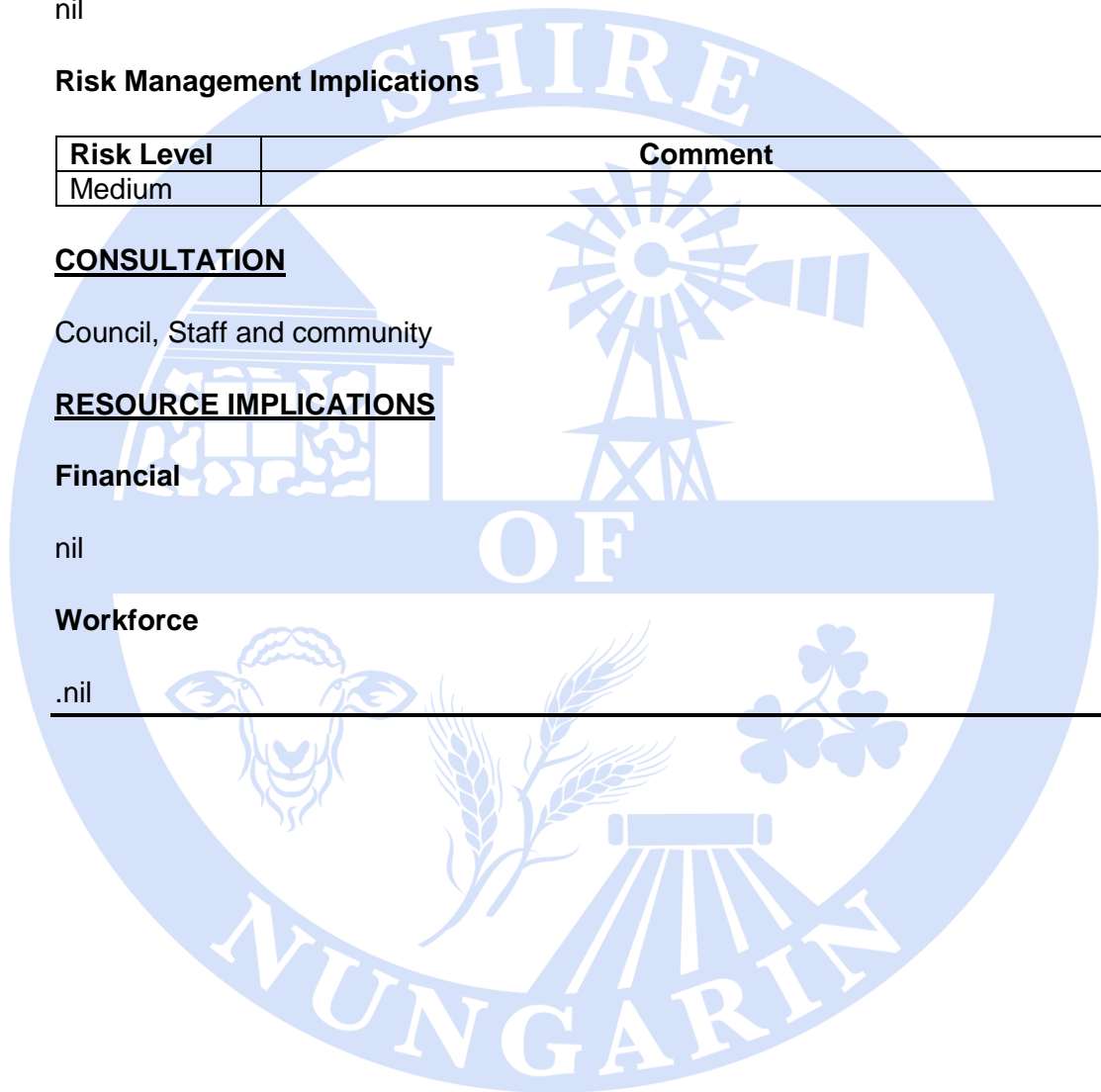
RESOURCE IMPLICATIONS

Financial

nil

Workforce

.nil



8.4 WALGA AGM AGENDA	
File Ref:	
Previous Items:	Nil
Applicant:	John Merrick
Author and Title:	John Merrick Acting CEO
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.4 AGM agenda

OFFICER RECOMMENDATION

That Council Resolves to: Consider the Agenda items and provide comments to the voting delegates.

Moved:

Seconded:

.....

IN BRIEF

Cr de Lacy and Cr Coumbe are Councils voting delegates for the conference. Councillors usually discuss the agenda and provide comments. The agenda is provided as an attachment.

BACKGROUND

nil

REPORT DETAIL

nil

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	
Aspiration	
Objective	

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

nil

Social

This is a project supported by the Development Group.

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Council, Staff and community

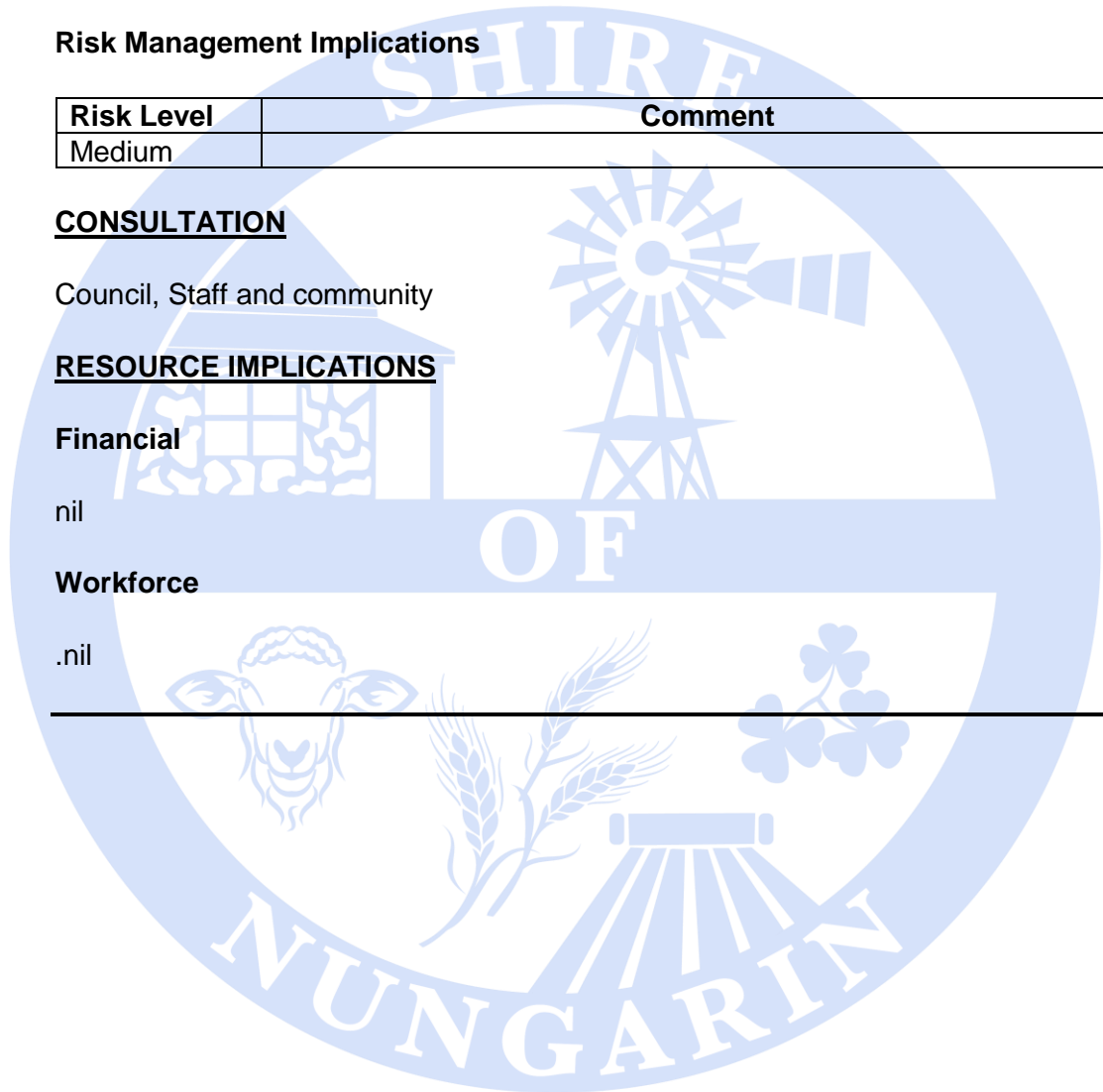
RESOURCE IMPLICATIONS

Financial

nil

Workforce

.nil



8.5 LISTING OF PAYMENTS FOR THE MONTH OF AUGUST 2023	
File Ref:	10.13
Previous Items:	Nil
Applicant:	Nil
Author and Title:	John Merrick, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority / Absolute Majority
Attachment Number	8.5

<u>OFFICER RECOMMENDATION</u>		
That Council Resolves to:		
Receive the following payments made throughout the month of August 2023:		
Municipal	Cheque	\$7009.53
	EFT	\$337,883.02
	Direct Debit	\$26,765.17
		\$371,747.72
Trust	Cheque –	Nil
	Grand Total	\$371,747.72
Moved:	
Seconded:	
	

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire’s Municipal and Trust funds throughout the month of August 2023

BACKGROUND

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee’s name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

REPORT DETAIL

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribe information.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our organisation
Aspiration	Effective forward planning, and engagement with our community
Objective	We deliver sound financial and asset management

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following is required;

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing (a) for each account which requires council authorisation in that month (i) the payee's name; (ii) the amount of the payment; and (iii) sufficient information to identify the transaction. (b) the date of the meeting of the council to which the list is to be presented.

- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic – (Impact on the Economy of the Shire and Region)**

nil

Social – (Quality of life to community and / or affected land owners)

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclear compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

nil

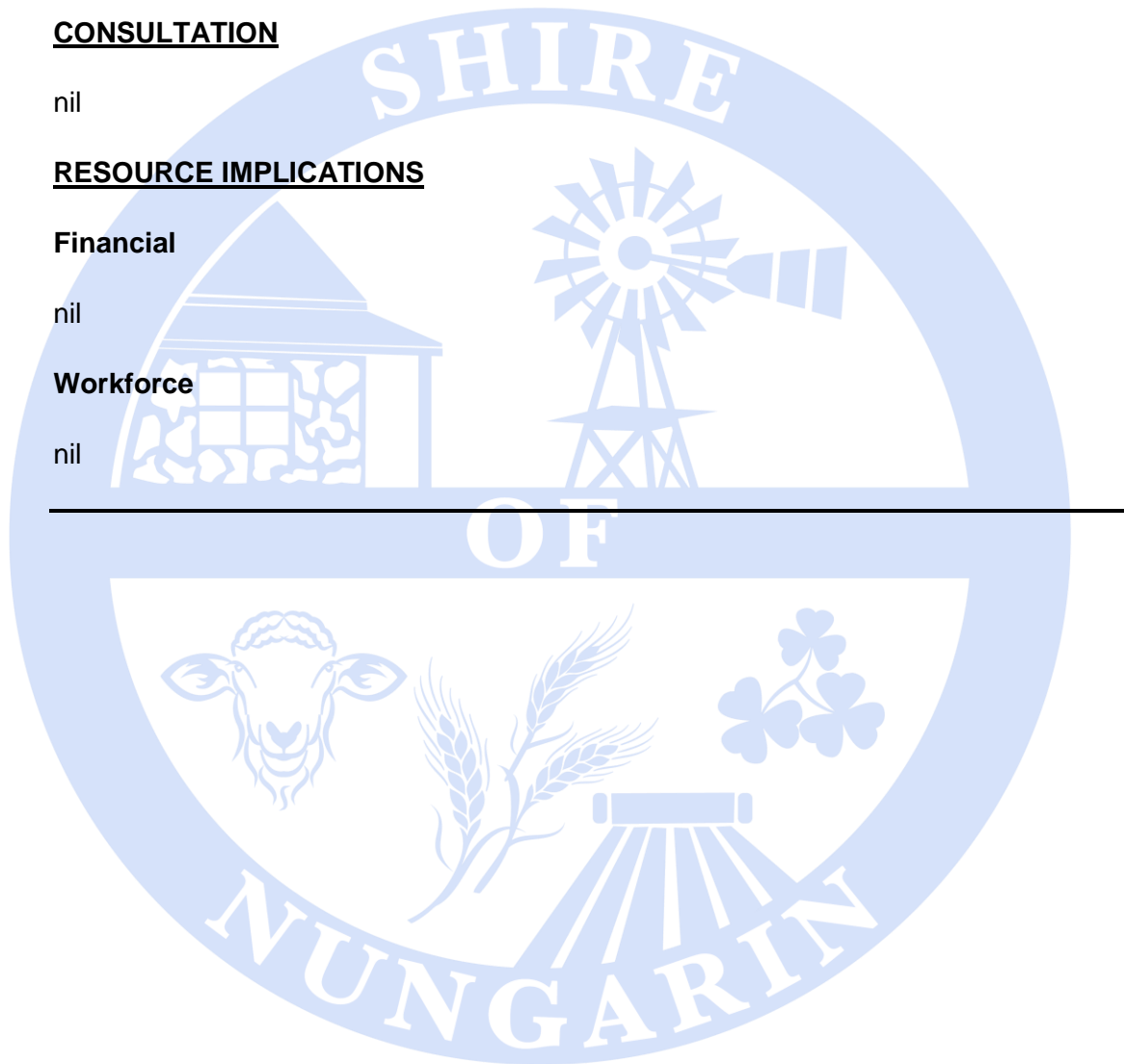
RESOURCE IMPLICATIONS

Financial

nil

Workforce

nil



8.6 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 AUGUST 2023	
File Ref:	10.2.2
Previous Items:	Nil
Applicant:	Nil
Author and Title:	John Merrick, Acting Chief Executive Officer Darren Long, Finance Consultant
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority / Absolute Majority
Attachment Number	8.6 Monthly Statement

OFFICER RECOMMENDATION

That Council Resolves to:

1. Receives the monthly financial activity statement for the period ending 31 August 2023.

Moved:

Seconded:

.....

IN BRIEF

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996..

BACKGROUND

The Local Government Act 1995 in conjunction with regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a monthly Statement of Financial Activity to be presented to Council detailing the prescribed information within 2 months after the end of the month to which the statement relates.

REPORT DETAIL

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves;
- (j) Loan Borrowings Statement; and
- (k) Trust Statement.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our organisation
Aspiration	Effective forward planning, and engagement with our community
Objective	We deliver sound financial and asset management

OTHER STRATEGIC LINKS

Shire of Nungarin 2023/24 Annual Budget

STATUTORY ENVIRONMENT

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Finance) Regulations 1996.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

(1) A 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 in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

nil

Social - - (Quality of life to community and / or affected land owners)

This is a project supported by the Development Group.

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	Inadequate financial performance monitoring could lead to over/under budget expenditure which could affect council’s financial position and/or financial ratios.

CONSULTATION

Shires Financial Consultant Darren Long’

RESOURCE IMPLICATIONS

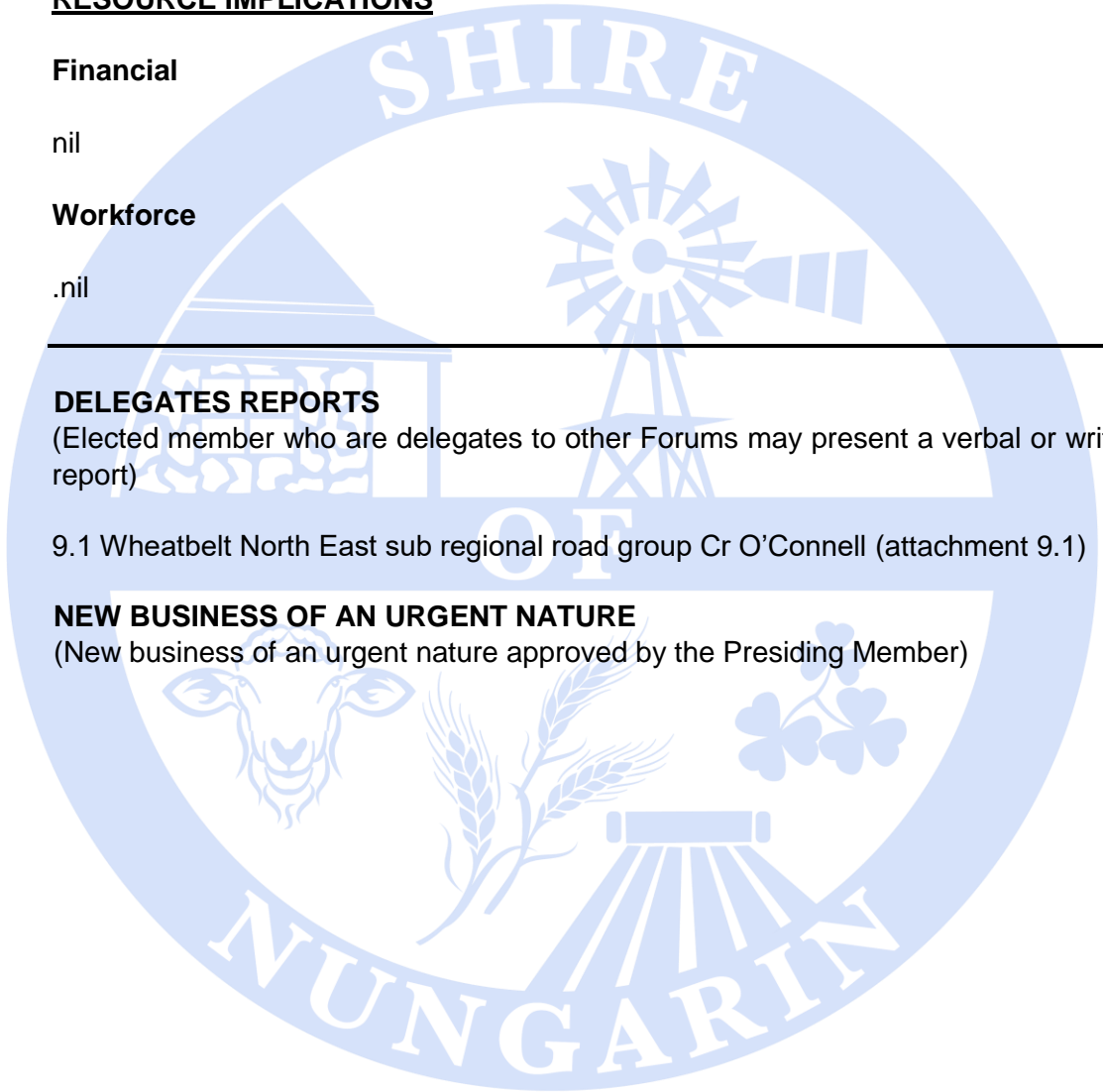
Financial

nil

Workforce

.nil

-
- 9. **DELEGATES REPORTS**
(Elected member who are delegates to other Forums may present a verbal or written report)
 - 9.1 Wheatbelt North East sub regional road group Cr O’Connell (attachment 9.1)
 - 10. **NEW BUSINESS OF AN URGENT NATURE**
(New business of an urgent nature approved by the Presiding Member)



11. CONFIDENTIAL ITEMS OF BUSINESS

OFFICER RECOMMENDATION

That Council Resolves to:

1. Proceed behind closed doors as per Section 5.23(2) of the Local Government Act 1995 to consider item 11.1 atpm.

Moved:

Seconded: /

OFFICER RECOMMENDATION

11.1 CONFIDENTIAL CEO APPLICATIONS	
File Ref:	
Previous Items:	Nil
Applicant:	John Merrick
Author and Title:	John Merrick Acting CEO
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	

OFFICER RECOMMENDATION

That Council Resolves to:

Select a shortlist of applicants for interview and the date thereof

Moved:

Seconded: /

12. CLOSURE

The being no further business the meeting closed at

Presiding Member

Date