

# SHIRE OF NUNGARIN



## ORDINARY MEETING MINUTES

15<sup>th</sup> July 2020

3:00 PM

Shire of Nungarin

TABLE OF CONTENTS

15 July 2020

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
	<b>NOTICE OF MEETING</b>	
1.	<b>DECLARATION OF OFFICIAL OPENING.....</b>	<b>3</b>
2.	<b>RECORDING OF ATTENDANCE, APOLOGIES &amp; LEAVES OF ABSENCE .....</b>	<b>3</b>
2.1	<b>ATTENDANCE.....</b>	<b>3</b>
2.2	<b>APOLOGIES.....</b>	<b>3</b>
2.3	<b>LEAVES OF ABSENCE.....</b>	<b>3</b>
2.4	<b>NEW REQUESTS FOR LEAVES OF ABSENCE.....</b>	<b>3</b>
3.	<b>DELEGATIONS &amp; PETITIONS .....</b>	<b>4</b>
3.1	<b>DELEGATIONS .....</b>	<b>4</b>
3.2	<b>PETITIONS .....</b>	<b>4</b>
4.	<b>PUBLIC QUESTION TIME.....</b>	<b>4</b>
4.1	<b>RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....</b>	<b>4</b>
4.2	<b>QUESTIONS FROM MEMBERS OF THE PUBLIC.....</b>	<b>4</b>
5.	<b>DECLARATIONS OF INTEREST.....</b>	<b>4</b>
5.1	<b>FINANCIAL &amp; PROXIMITY INTERESTS .....</b>	<b>4</b>
5.2	<b>DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT .....</b>	<b>5</b>
6.	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) .....</b>	<b>5</b>
7.	<b>CONFIRMATION OF COUNCIL MINUTES AND RECEIVING OF MINUTES.....</b>	<b>5</b>
7.1	<b>ORDINARY COUNCIL MEETING 17 JUNE 2018.....</b>	<b>5</b>
7.2	<b>MINUTES OF GREAT EASTERN COUNTRY ZONE MEETING 25 JUNE 2020.....</b>	<b>6</b>
8.	<b>CHIEF EXECUTIVE OFFICER REPORTS.....</b>	<b>7</b>
8.1	<b>URBAN PLANNING.....</b>	<b>7</b>
8.2	<b>INFRASTRUCTURE .....</b>	<b>8</b>
8.3	<b>COMMUNITY DEVELOPMENT .....</b>	<b>14</b>
8.4	<b>MANAGEMENT / GOVERNANCE / POLICY .....</b>	<b>15</b>
8.5	<b>CORPORATE .....</b>	<b>18</b>
9.	<b>DELEGATES REPORTS .....</b>	<b>28</b>
10.	<b>NEW BUSINESS OF AN URGENT NATURE .....</b>	<b>28</b>
11.	<b>MOTIONS ON NOTICE.....</b>	<b>28</b>
12.	<b>CONFIDENTIAL ITEMS OF BUSINESS.....</b>	<b>30</b>
13.	<b>CLOSURE.....</b>	<b>31</b>



**SHIRE OF NUNGARIN**

**Council Meeting Agenda**

**15 July 2020**

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**1. DECLARATION OF OFFICIAL OPENING**

At 3:00pm, the Shire President declared the meeting open and the Affirmation of Civic Duty and Responsibility was read aloud by Cr Mizia. The Shire President also made acknowledgement of the Traditional Custodians of the land.

**2. RECORDING OF ATTENDANCE, APOLOGIES & LEAVES OF ABSENCE**

**2.1 ATTENDANCE**

Shire President	Cr P de Lacy
Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell (via Video)
Elected Member	Cr K Dayman (via Video)
Elected Member	Cr J Davis
Elected Member	Cr R Mizia

Chief Executive Officer	Mr A Majid
Manager Works and Services	Mr A Richardson

**2.2 APOLOGIES**

Nil

**2.3 LEAVES OF ABSENCE**

Cr Lee is on an approved leave of absence

**2.4 NEW REQUESTS FOR LEAVES OF ABSENCE**

Nil

### **3. DELEGATIONS & PETITIONS**

#### **3.1 DELEGATIONS**

Nil

#### **3.2 PETITIONS**

Nil

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

#### **Rules for Council Meeting 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 meeting, and at a Special 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 President.*
- (e) *The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her 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 a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

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

Nil

#### **4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

### **5. DECLARATIONS OF INTEREST**

*Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct.*

*Councillors / staff are required to submit declarations of interest in writing on the prescribed form.*

#### **5.1 FINANCIAL & PROXIMITY INTERESTS**

- Cr Coumbe declared an interest in Item 11
- Cr O'Connell declared an interest in Item 11
- Cr Dayman declared an interest in Item 11
- The CEO declared an interest in Item 12

## **5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT**

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*

## **6. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

*Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.*

### **OFFICER RECOMMENDATION/S – ITEM NO 6**

That the President's report be received.

### **COUNCIL DECISION – 6377**

**Moved: Cr Mizia, Seconded: Cr O'Connell**

**That the President's report be received.**

**CARRIED: 6/0**

## **7. CONFIRMATION OF COUNCIL MINUTES AND RECEIVING OF MINUTES**

### **7.1 ORDINARY COUNCIL MEETING 17 JUNE 2020**

### **OFFICER RECOMMENDATION/S – ITEM NO 7.1**

That the Minutes of the Ordinary Meeting, of the Shire of Nungarin held on 17 June 2020 in Council Chambers and as an E-Meeting be confirmed.

### **COUNCIL DECISION – 6378**

**Moved: Cr Mizia, Seconded: Cr Davis**

**That the Minutes of the Ordinary Meeting, of the Shire of Nungarin held on 17 June 2020 in Council Chambers and as an E-Meeting be confirmed.**

**CARRIED: 6/0**

**7.2 MINUTES OF GREAT EASTERN COUNTRY ZONE MEETING 25 JUNE 2020**

**OFFICER RECOMMENDATION/S – ITEM NO 7.2**

That the Minutes of the Great Eastern Country Zone meeting held on 25 June 2020 be received.

**COUNCIL DECISION – 6379**

**Moved: Cr Mizia, Seconded: Cr O’Connell**

**That the Minutes of the Great Eastern Country Zone meeting held on 25 June 2020 be received.**

**CARRIED: 6/0**

**8. CHIEF EXECUTIVE OFFICER REPORTS**

**8.1 URBAN PLANNING**

Nil

## 8.2 INFRASTRUCTURE

### 8.2.1 Works and Services Report

#### INFRASTRUCTURE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Manager Works and Services

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

#### PURPOSE OF REPORT

For Council to receive the Manager Works and Services report.



## **SUMMARY AND KEY ISSUES**

- Maintenance on machines is continuing as required with servicing and repairing.
- Grader has been grading on Elabbin East Road, Goomarin Nukarni Road, Evans Road, and Payne Road.
- Rehabilitation works to a gravel pit has been undertaken on Evans Road
- Works are currently being undertaken at the refuse site.

## **LOCATION**

N/A

## **BACKGROUND**

N/A

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

There are no specific statutory requirements in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Refer to summary and key issues above.

**OFFICER RECOMMENDATION/S – ITEM NO 8.2.1**

That the Manager Works and Services report be received

**COUNCIL DECISION – 6380**

**Moved: Cr Davis, Seconded: Cr Coumbe**

**That the Manager Works and Services report be received.**

**CARRIED: 6/0**

## 8.2.2 Recreation Grounds

### INFRASTRUCTURE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	Parks and Gardens
Location / Property Index	:	Various
Application Index	:	N/A
Land Use	:	Parks and Gardens
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

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#### PURPOSE OF REPORT

For Council to receive Recreation Grounds status report.

## **SUMMARY AND KEY ISSUES**

See officer's comments.

## **LOCATION**

All Recreation grounds

## **BACKGROUND**

Council has traditionally asked for status reports concerning Recreation Grounds and Gardens generally and this report is provided accordingly.

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

There are no specific statutory requirements in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Oval and Cricket:

Reticulation is managed on an as required basis and mowed weekly.

Weeds being managed as required.

Tennis Courts:

Winter weed treatments are being applied and monitored as required.

Hockey Ground:  
Under care and maintenance.

Bowling green:  
Inspected and maintained as required.

General:  
All surfaces are being managed as required.

This year has seen an increased activity in birds causing damage to grass surfaces.

**OFFICER RECOMMENDATION/S – ITEM NO 8.2.2**

That the Recreation Grounds status report be received.

**COUNCIL DECISION – 6381**

**Moved: Cr Coumbe, Seconded: Cr Davis**

**That the Recreation Grounds status report be received.**

**CARRIED: 6/0**

**8.3 COMMUNITY DEVELOPMENT**

Nil

## 8.4 MANAGEMENT / GOVERNANCE / POLICY

### 8.4.1 Voting Delegates – WALGA Annual General Meeting 2020

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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#### PURPOSE OF REPORT

The Annual General Meeting (AGM) for WALGA will be held on Friday 25 September 2020. Council will need to determine its voting delegates.

## **SUMMARY AND KEY ISSUES**

- The AGM for WALGA has been called to be held on Friday 25 September 2020
- Council is required to nominate voting delegates and proxies for the 2020 WALGA AGM
- Delegates may be elected members and serving officers

## **LOCATION**

N/A

## **BACKGROUND**

WALGA is required to hold an AGM on an annual basis given how WALGA has been established. As a result of the COVID-19 pandemic, this has been delayed and will now be held on 25 September 2020 at Crown Perth.

All local governments are required to nominate two voting delegates and two proxy voting delegates to ensure representation at the upcoming Annual General Meeting.

Traditionally it would be accepted that the Shire President and Deputy Shire President are the nominated voting delegates.

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

There are no specific statutory requirements in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.



## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The CEO is required to advise WALGA of the nominated voting delegates.

It is recommended that both the Shire President and Deputy Shire President be nominated as the voting delegates and two proxy delegates be nominated by Council.

## **OFFICER RECOMMENDATION/S – ITEM NO 8.4.1**

That Council:

1. Nominates the Shire President and Deputy Shire President as voting delegates for the 2019 WALGA Annual General Meeting;
2. Nominates Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as PROXY voting delegates in the event that one or both delegates are unable to attend.

## **COUNCIL DECISION – 6382**

**Moved: Cr Mizia, Seconded: Cr Dayman**

**That Council:**

1. **Nominates the Shire President and Cr O’Connell as voting delegates for the 2019 WALGA Annual General Meeting;**
2. **Nominates Cr Davis and the Chief Executive Officer as PROXY voting delegates in the event that one or both delegates are unable to attend.**

**CARRIED: 6/0**

## 8.5 CORPORATE

### 8.5.1 Investments Report as at 30 June 2020

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

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#### PURPOSE OF REPORT

For Council to receive the investment Report as at 30 June 2020.

## **SUMMARY AND KEY ISSUES**

- The Investment Report is presented for Council to receive.

## **LOCATION**

N/A

## **BACKGROUND**

Money held in the Municipal Fund of the Shire of Nungarin that is not required for the time being may be invested under the Trustee Act 1962 Part III.

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

Council Policy 3.07 applies to the investment of surplus funds.

## **STATUTORY IMPLICATIONS**

### **Local Government Act 1995**

#### **6.14. Power to invest**

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
  - (a) make provision in respect of the investment of money referred to in subsection (1); and
  - [(b) *deleted*]
  - (c) prescribe circumstances in which a local government is required to invest money held by it; and
  - (d) provide for the application of investment earnings; and
  - (e) generally provide for the management of those investments.

## **Local Government (Financial Management) Regulations 1996**

### **19. Investments, control procedures for**

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
  - (a) the nature and location of all investments; and
  - (b) the transactions related to each investment.

### **19C. Investment of money, restrictions on (Act s. 6.14(2)(a))**

- (1) In this regulation —

**authorised institution** means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959 (Commonwealth)* section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

**foreign currency** means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
  - (a) deposit with an institution except an authorised institution;
  - (b) deposit for a fixed term of more than 12 months;
  - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
  - (d) invest in bonds with a term to maturity of more than 3 years;
  - (e) invest in a foreign currency.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

The worksheet below details the investments held by the Shire as at 30 June 2020:

SHIRE OF NUNGARIN INVESTMENTS AS AT 30 June 2020								
INSTITUTION	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N°	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>MUNICIPAL FUND</b>								
CBA	N/A	Operating A/C	12481074	Ongoing	N/A	N/A	Variable	\$1,256,187.83
<b>TOTAL</b>								<b>\$1,256,187.83</b>

SHIRE OF NUNGARIN INVESTMENTS AS AT 30 June 2020								
INSTITUTION	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N°	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>RESERVE FUNDS</b>								
CBA	N/A	Interest Bearing Cheque A/C	12481082	Ongoing	N/A	N/A	Variable	\$477,578.58
<b>TOTAL</b>								<b>\$477,578.58</b>
<b>TRUST</b>								
CBA	N/A	Trust a/c	12481090	Ongoing	N/A	N/A	Variable	\$221.38
<b>TOTAL</b>								<b>\$221.38</b>

INVESTMENT REGISTER						
1 MAY 2020 TO 30 June 2020						
COMMONWEALTH BANK						
ACCOUNT N°	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNT TO 30.10.2020	INVESTMENT TRANSFERS	CLOSING BALANCE 30.09.2020
38132004	N/A	N/A	\$0.00	\$0.00	\$0.00	\$0.00

**OFFICER RECOMMENDATION/S – ITEM NO 8.5.1**

That the Investment Report as at 30 June 2020 be received.

**COUNCIL DECISION – 6383**

**Moved: Cr Mizia, Seconded: Cr Coumbe**

**That the Investment Report as at 30 June 2020 be received.**

**CARRIED: 6/0**

## 8.5.2 Accounts for Payment – June 2020

### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Accounts Paid – June 2020

Voting Requirement	:	Simple Majority
Subject Index	:	Finance
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that June be appealable to the State Administrative Tribunal.*

#### PURPOSE OF REPORT

That Council receives and note the payment of accounts for the month of June 2020.

## **SUMMARY AND KEY ISSUES**

All payments relate to normal operational matters for the Shire.

## **LOCATION**

N/A

## **BACKGROUND**

Attachment 1 details all accounts paid since the last reporting period.

Payment Types for Municipal Account:

EFT	\$150,448.48
Cheque	\$ 28,055.01
Direct Debits	<u>\$ 5,325.66</u>
<b>TOTAL</b>	<b>\$183,829.15</b>

Payment Types for Trust Account:

Cheque	\$ 0.00
EFT	\$ 0.00
Direct Debits	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 0.00</b>

The total amount for all payments from all accounts is therefore **\$183,829.15**.

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

There are no specific statutory requirements in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no financial implications at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Nil

**OFFICER RECOMMENDATION/S – ITEM NO 8.5.2**

That Council receives and notes the list of accounts paid for June 2020, totalling \$183,829.15, and that the list be recorded in the minutes.

**COUNCIL DECISION – 6384**

**Moved: Cr Dayman, Seconded: Cr Mizia**

**That Council receives and notes the list of accounts paid for June 2020, totalling \$183,829.15, and that the list be recorded in the minutes.**

**CARRIED: 6/0**



### 8.5.3 Financial Report – June 2020

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Monthly Financial Report 30 June 2020

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

#### PURPOSE OF REPORT

To report on financial activity for the period 1 July 2019 to 30 June 2020.

## **SUMMARY AND KEY ISSUES**

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed.

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **CONSULTATION**

Financial Consultant – Darren Long

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Nil

## **OFFICER RECOMMENDATION/S – ITEM NO 8.5.3**

That the financial report for the period 1 July 2019 to 30 June 2020 be received.

**COUNCIL DECISION – 6385**

**Moved: Cr Mizia, Seconded: Cr Coumbe**

**That the financial report for the period 1 July 2019 to 30 June 2020 be received.**

**CARRIED: 6/0**

## 9. DELEGATES REPORTS

*(Elected members who are delegates to other Forums may present a verbal or written report)*

Cr O'Connell has provided a written report (distributed under separate cover)  
Cr Mizia attended the Museum meeting  
Cr Coumbe attended AgCare meeting

## 10. NEW BUSINESS OF AN URGENT NATURE

*(New business of an urgent nature approved by the Presiding member)*

Nil

## 11. MOTIONS ON NOTICE

AGENDA ITEM: Councillor Motion  
SUBJECT: Winter Sport payments 2020 - 2021  
Name of Applicant: Cr E. O'Connell  
Author: Cr E. O'Connell  
Disclosure of Interest: Life member of the Nungarin Hockey Club  
Date: 8<sup>th</sup> July, 2020

### **BACKGROUND:**

The three Winter Sports Clubs have paid their payment for the 2019-20. This was discussed in Round Table at the May meeting.  
The Presiding Officer declined for it to be discussed as Urgent Business (not a late motion) at the June meeting.

### **COMMENT:**

The three Winter Sports have paid their payments for 2019-2020.  
They did not use the Nungarin Community Recreation Centre for the 2020 winter sports season.  
Therefore they have missed a total season of bar takings from the sports usually played during the season.  
AS we are in a new financial year and to refund their money from the 2019-20 financial year (as I had intended to put to Council at the June meeting in Urgent Business) would now be 'messy'. I would like Council to consider setting the rate for the fees for all the sports, then suspend payment by the Winter Sports for the 2020-21 financial year.  
This would support the Winter Sports as they have difficulty at times in a normal season to meet all their obligations and due to the circumstances it will be more difficult financially next year if extra support is not given.

I am aware that the Shire has watered and mowed the Oval but this would occur anyway due to a decision taken by Council previously.

**Recommendation:**

1. That once Council sets the fees for the Sports using the Nungarin Community Recreation Centre then payment by the three winter sports, Nungarin & Towns Football Club, Towns Hockey Club and the Nungarin Panthers Netball Club be suspended for the 2020-21 season.

*Councillor Mizia foreshadowed the following motion:*

*That Council provide a 50% discount on the fees associated with the Recreation Centre for the Nungarin and Towns Football Club, Hockey Club and Netball Club only for the 2020/21 season.*

**COUNCIL DECISION – 6386**

**The primary motion was Moved: Cr O’Connell, Seconded: Cr Mizia**

**That once Council sets the fees for the Sports using the Nungarin Community Recreation Centre then payment by the three winter sports, Nungarin & Towns Football Club, Towns Hockey Club and the Nungarin Panthers Netball Club be suspended for the 2020-21 season.**

**LOST: 2/4**

**COUNCIL DECISION – 6387**

**The foreshadowed motion was Moved: Cr Mizia, Seconded: Cr Dayman**

**That Council provide a 50% discount on the fees associated with the Recreation Centre for the Nungarin and Towns Football Club, Hockey Club and Netball Club only for the 2020/21 season.**

**CARRIED: 6/0**

## 12. CONFIDENTIAL ITEMS OF BUSINESS

### COUNCIL DECISION – 6388

Moved: Cr O’Connell, Seconded: Cr Coumbe

That Council move into confidence.

CARRIED: 6/0

### 12.1 Chief Executive Officer

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Officer is subject to an employment contract
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person’s right and interests. The judicial character*

*arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

## **REASON FOR CONFIDENTIALITY**

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) the Local Government Act 1995 because it deals with matters affecting s5.23 (2):

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

### **COUNCIL DECISION – 6388**

**Moved: Cr Mizia, Seconded: Cr Dayman**

**That Council:**

- 1. Notes that the Shire President has received the resignation of the current Chief Executive Officer dated 15 July 2020;**
- 2. Appoints all Councillors to the Chief Executive Officer recruitment Panel; and**
- 3. Authorises the Shire President to commence the recruitment of a new Chief Executive Officer by way of an in-house process which includes independent legal advice in relation to Employment Contract Law.**

**CARRIED: 6/0**

### **COUNCIL DECISION – 6389**

**Moved: Cr Davis, Seconded: Cr Mizia**

**That Council move out of confidence.**

**CARRIED: 6/0**

**13. CLOSURE**

There being no further business the meeting closed at 4:15pm.

\_\_\_\_\_  
Presiding Member

\_\_\_\_\_  
Date