



MINUTES

ORDINARY COUNCIL MEETING

Wednesday 19 May 2021

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The Shire President declared the meeting open at 3:00 pm Cr G Coumbe read the Affirmation of Civic Duty and Responsibility and Cr de Lacy read out the Acknowledgment of Traditional Custodians.

Affirmation of Civic Duty and Responsibility

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**

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 W Lee
Elected Member	Cr R Mizia

Chief Executive Officer	Mr L Long
Manager Works & Services	Mr C Large

2.2 APOLOGIES

Elected Member	Cr J Davis
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2.3 REQUEST FOR LEAVE OF ABSENCE

Nil

3. DEPUTATIONS AND PETITIONS**3.1 DEPUTATIONS**

Nil

3.2 PETITIONS

Nil

4. PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 PUBLIC QUESTION TIME

Nil

5. DECLARATIONS OF INTEREST**5.1 FINANCIAL AND PROXIMITY INTEREST**

- Cr O'Connell Affecting Impartiality – Item 9.1 Request for Donations from The Nungarin Golf Club, Nungarin Panthers Netball Club and Nungarin Panthers Hockey Club – Life member Nungarin Hockey Club, Member Nungarin Golf Club, Member of Nungarin Bowling Club.
- Cr Dayman Affecting Impartiality – Item 9.1 Request for Donations from The Nungarin Golf Club, Nungarin Panthers Netball Club and Nungarin Panthers Hockey Club – Scorer / Timekeeper for Netball Club, Treasurer for Golf Club
- Cr Lee Affecting Impartiality - Item 9.1 Request for Donations from The Nungarin Golf Club, Nungarin Panthers Netball Club and Nungarin Panthers Hockey Club – Committee Member of the Nungarin Golf Club.

5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

Nil

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

7. ORDINARY COUNCIL MEETING – 21 April 2021**COUNCIL RESOLUTION 6696**

That the Minutes of the Ordinary Council Meeting held on 21 April 2021 be confirmed as being a true and accurate record.

Moved: Cr R Mizia
Seconded: Cr G Coumbe

CARRIED 6/0

(Note no Item 8)

9. OFFICER REPORTS

9.1 REQUEST FOR DONATIONS FROM THE NUNGARIN GOLF CLUB, NUNGARIN PANTHERS NETBALL CLUB AND NUNGARIN PANTHERS HOCKEY CLUB.	
File Ref:	111135, 111136, 111144
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Appendix Number:	Nil

- Cr O'Connell Affecting Impartiality – Item 9.1 Request for Donations from The Nungarin Golf Club, Nungarin Panthers Netball Club and Nungarin Panthers Hockey Club – Life member Nungarin Hockey Club, Member Nungarin Golf Club, Member of Nungarin Bowling Club.
- Cr Dayman Affecting Impartiality – Item 9.1 Request for Donations from The Nungarin Golf Club, Nungarin Panthers Netball Club and Nungarin Panthers Hockey Club – Scorer / Timekeeper for Netball Club, Treasurer for Golf Club
- Cr Lee Affecting Impartiality - Item 9.1 Request for Donations from The Nungarin Golf Club, Nungarin Panthers Netball Club and Nungarin Panthers Hockey Club – Committee Member of the Nungarin Golf Club.

COUNCIL RESOLUTION 6697

That Council:

1. Approves the request from the Nungarin Panthers Netball Club for a donation of \$5000 to be paid from GL 211312 Other Recreation – Recreation Development Program.
2. Approves the request from the Nungarin Panthers Hockey Club for a donation of \$3000 to be paid from GL211312 Other Recreation – Recreation Development Program.
3. Advises all the registered sporting clubs in Nungarin that donation in future years cannot be guaranteed and that they should contact the Shire Administration Office at least 6 months prior to the commencement of their season so Shire officers can assist with the preparation of grant applications to fund their upcoming financial needs.
4. Congratulates the Nungarin Golf Club in securing a grant through Golf WA Foundation for the purposes outlined in the clubs request for a donation letter.

Moved: Cr R Mizia
Seconded: Cr G Coumbe

CARRIED 6/0

IN BRIEF

The Nungarin Netball Club and Nungarin Hockey Club have requested donations. Council is required to consider these requests. A request was also received from the Nungarin Golf Club Inc. who have since managed to secure a grant through Golf WA Foundation.

BACKGROUND

The Shire has in the past donated funds to various sporting groups within the Shire. With regards to the request received from the Nungarin Golf Club Inc. Shire officers found a grant through Golf WA Foundation which is in line with the golf clubs request. The contact details of Golf WA Foundation were forwarded to the club who were successful in obtaining the grant to cover the purposes outlined in their request for donation letter.

REPORT DETAIL

The Shire has received a request from the Nungarin Golf Club Inc. to donate \$1500 to provide three (3) session of coaching for local male, female and junior golfers. Further, Nungarin Panthers Netball and Hockey Clubs have requested a donation of \$5000 and \$3,000 respectively which would be used to cover the cost of coaches and their associated courses, recruiting and paying umpires, player development, equipment and possibly a new score board.

The support and encouragement of sport within a small town such as Nungarin is an important aspect of promoting not just physical health but also mental health. As such it is crucial to see local sport thrive. However, the financial responsibility of ensuring the clubs can continue cannot be left to the Shire who ultimately uses rate payer's money to fund the sporting clubs.

The Shire has for the past ten (10) plus years been donating money to the local clubs which has now become the norm and expected from the clubs. Whilst these clubs should be assisted as far as possible by the Shire it is important for the clubs to become self-sustaining and aware of its financial needs year on year.

Initially to assist the clubs it is recommended the clubs provide Shire staff with its annual projection of costs, at least six (6) months in advance to enable staff to assist the clubs in obtaining grants, and the Shire potentially donates 50% of any co-contribution required.

Requiring the clubs to plan ahead would be a positive outcome in the sense of not only potential funding sources but also succession planning for the club committees.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Social
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Aspiration	Our Shire is healthy and happy, contributing to our progress, with accessible places and spaces and our transport is well connected and safe.
Objective	7. Active and healthy communities with physical and mental wellbeing.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

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

Sport is an important aspect of any small town and can be an effective economic driver by attracting other clubs and spectators to town.

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

Sport not only promotes physical health but also mental health for both players and spectators.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Moderate	There is a moderate risk that should Council not agree to the request for donations that the individual clubs may not be able to continue this season.

CONSULTATION

All clubs will be notified that they should contact the Shire to assist with any grant applications.

RESOURCE IMPLICATIONS**Financial**

With the Shire's small rate base funds are stretched and although the continued support of clubs is important and should be continued, this support should not only be financial and should include assistance 'in-kind' enabling the clubs to become self-sustaining.

Workforce

Whilst assisting the clubs with grant application will place additional load on staff, the long term outlook would see the clubs become self-sustaining and able to apply for their own grants in future.

OPTIONS

Council has the option of:

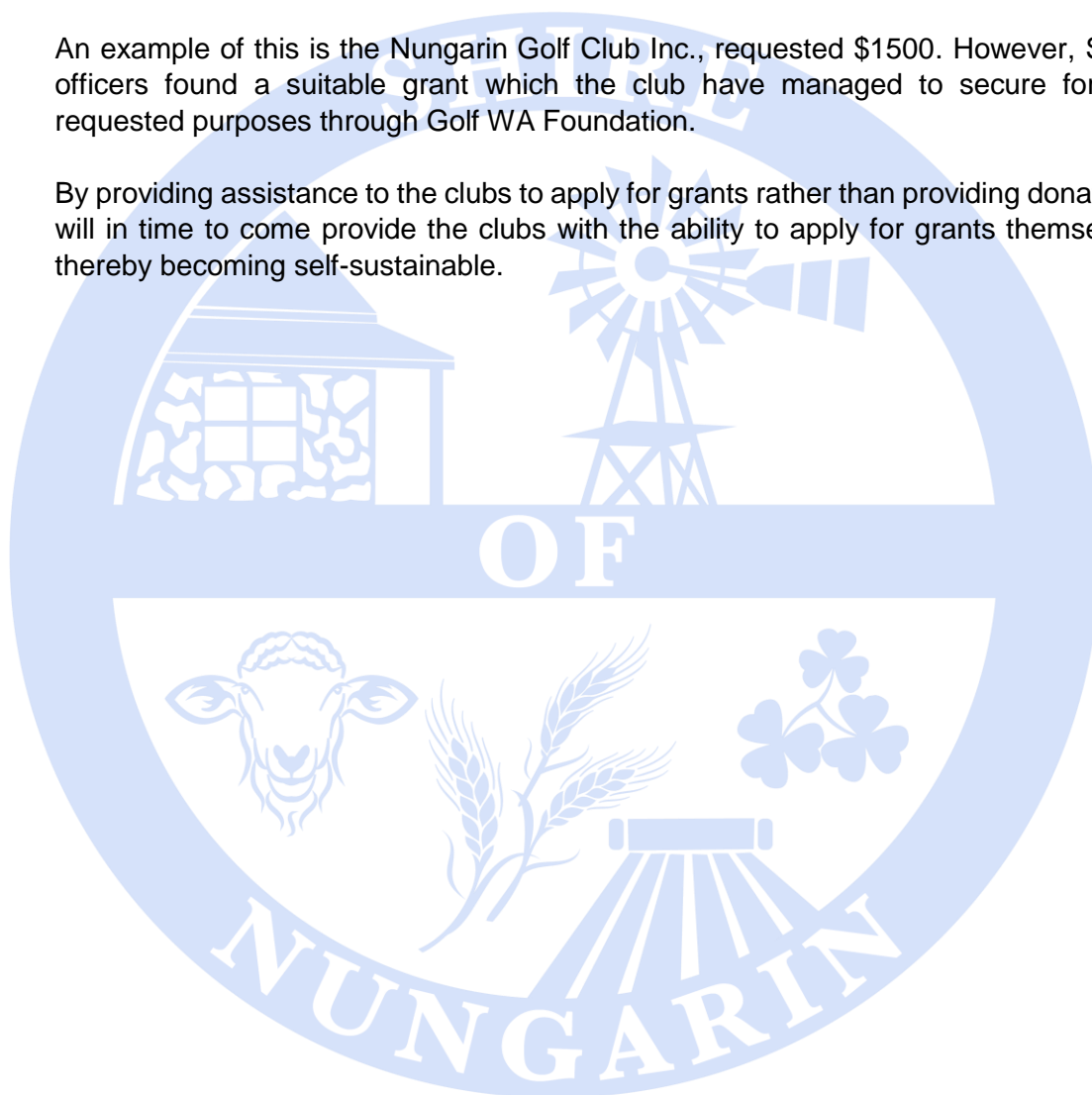
1. Accepting the officer's recommendation.
2. Amending the officer's recommendation, providing a reason.
3. Refusing the officer's recommendation, providing a reason.

CONCLUSION

As mentioned sport is an important aspect of any small town and should be supported. However, by relying on the Shire for donations and not pursuing grants limits what the clubs can do.

An example of this is the Nungarin Golf Club Inc., requested \$1500. However, Shire officers found a suitable grant which the club have managed to secure for the requested purposes through Golf WA Foundation.

By providing assistance to the clubs to apply for grants rather than providing donations will in time to come provide the clubs with the ability to apply for grants themselves thereby becoming self-sustainable.



9.2 NEW AGREEMENTS - PROVISION OF LICENSING SERVICES AND NON-ROAD LAW FUNCTIONS	
File Ref:	41077
Previous Item Ref:	Nil
Applicant:	Department of Transport
Author and Title:	Vanessa Seward, Customer Service and Records Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Appendix Number:	Appendix 9.2A – Summary of key changes

COUNCIL RESOLUTION 6698

That Council:

- 1. Authorises the Shire President and the Chief Executive Officer to sign the new Provision of Licensing Services and Non-Road Law agreement documents once the drafts have been accepted.**
- 2. Authorises the use of the Shire of Nungarin Common Seal on The Provision of Licensing Services and Non-Road Law agreement documents.**

Moved: Cr RE O'Connell

Seconded: Cr K Dayman

CARRIED 6/0

IN BRIEF

Council approval is required to execute the lease agreement between the Shire of Nungarin and the Department of Transport.

BACKGROUND

The renewal of a five (5) year contract with the Department of Transport was to be renewed on 31st December 2020. However the Department of Transport sent a Variation, which was accepted and signed, to extend the Provision of Licensing Services and Non-Road Law agreement for 6 months to the 30th June 2021, to allow the Department of Transport adequate time to finalise the review of the existing agreement and pay commission rates to agents.

REPORT DETAIL

The Provision of Licensing Services and Non-Road Law agreements have been drafted for consideration by Council and is now required to be reviewed and ratified by Council through affixing the Common Seal.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Social
Aspiration	Our Shire is healthy and happy, contributing to our progress, with accessible places and spaces and our transport is well connected and safe.
Objective	1. Provide and maintain adequate community services and facilities that responds well to the needs of all ages and sectors of the community.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

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

The Department of Transport provide an essential service to the community.

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

The ability to access services provided through the Department of Transport has a positive impact on the social wellbeing of the community.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Moderate	Not entering into new agreement will result in the community needing to travel to neighbouring towns to access the same service.

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

The following commissions have been received from the Department of Transport for providing the service:

2018/19	\$2339.91
2019/20	\$2272.34

2020/21 \$1467.67

Workforce

The service is already been undertaken by Shire staff so there will be no additional burden placed on the workforce.

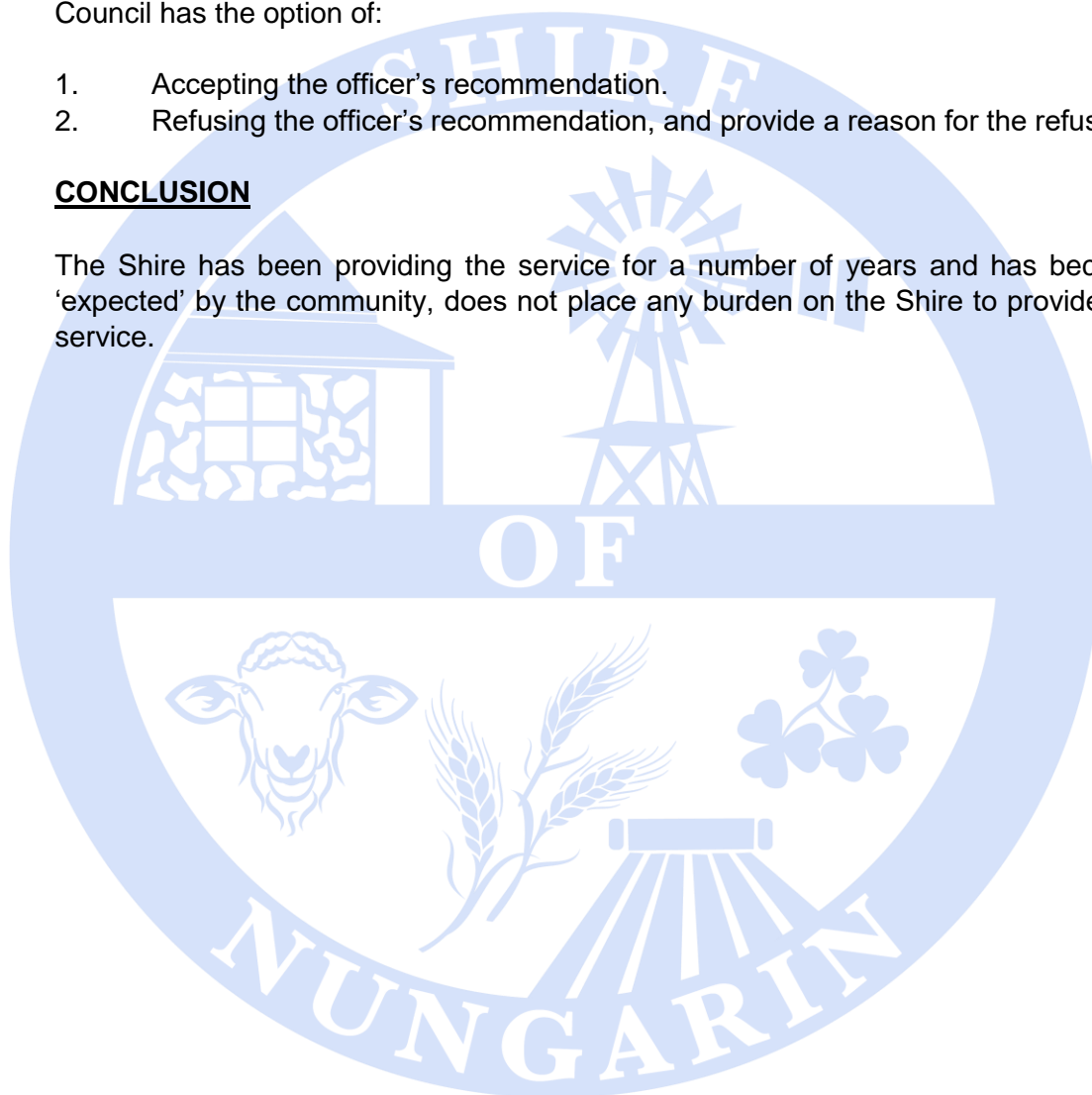
OPTIONS

Council has the option of:

1. Accepting the officer's recommendation.
2. Refusing the officer's recommendation, and provide a reason for the refusal.

CONCLUSION

The Shire has been providing the service for a number of years and has become 'expected' by the community, does not place any burden on the Shire to provide the service.



9.3 PROPOSED DISPOSAL OF ASSETS	
File Ref:	41504
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Appendix Number:	Appendix 9.3A – Estimated Reserved Disposal Prices (confidential Appendix under separate cover)

COUNCIL RESOLUTION 6699

That Council:

1. Authorises the Chief Executive Officer to dispose of the items listed (a) – (o) below in accordance with the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* requirements.

- a. 1999 John Deere 7210 Tractor
- b. 2006 Isuzu FVZ1400 Medium
- c. 2008 Ford Transit Dual Cab TTop
- d. 2004 Cat Front End Loader
- e. 1986 Mitsubishi FM515
- f. Karcher KMR 1200B Street Sweeper
- g. Digger West Hydraulic Auger
- h. New Holland Slasher
- i. 1993 Custom Made Box Trailer
- j. 1994 Heavy Duty Tandem Trailer
- k. 1970 Spray trailer
- l. Tow behind street sweeper
- m. Tow behind street roller
- n. 2020 Coastmac Tipper trailer
- o. 1996 Tandem tipper trailer

Moved: Cr RE O'Connell

Seconded: Cr R Mizia

Note: Typo correction “items listed (a) – (n) amended to (a) – (o)

CARRIED BY ABSOLUTE MAJORITY 6/0

IN BRIEF

Shire officers have undertaken an audit of all the Shires plant / equipment and found a number to be in excess of the Shire needs. As such Council is requested to consider disposal of these assets.

BACKGROUND

Council has a number of assets that are no longer needed / used. Keeping these assets places a financial burden on Council, in the form of licence fees and

maintenance costs which are high given the age of the plant. In addition the longer these assets are kept the greater the depreciation of their sale value.

REPORT DETAIL

Shire officers obtained reserve prices for the plant listed in [Appendix 9.3A – Reserve Price](#) an auctioneering company based in Perth.

The sale of the redundant plant will enable the Shire to work towards a sustainable plant replacement program.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnership.
Objective	16.3 Provide excellent customer service functions to all community members and rate payers.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

3.58. Disposing of property

- (1) *In this section —*
- dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
- property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
- (ii) *giving details of the proposed disposition; and*
- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - or*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
 - or
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*
 - or
 - (d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
 - (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
 - (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned; and*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
 - (2b) *Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —*
 - (a) *be made available for public inspection; and*
 - (b) *be published on the local government's official website.*
 - (3) *A disposition of property other than land is an exempt disposition if —*
 - (a) *its market value is less than \$20 000; or*

- (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Keeping plant / equipment beyond its useful life is detrimental and does not have any positive impact on the economy.

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

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
High	Keeping plant / equipment beyond its useful life is detrimental and costly due to increasing maintenance cost and increase in the depreciation value.

CONSULTATION

- Manager Works and Services
- Shires Financial Consultant
- Jackson McDonald Law

RESOURCE IMPLICATIONS

Financial

Funds obtained through the sale of redundant plant / equipment will be used towards the purchase of new plant / equipment.

Workforce

Nil

OPTIONS

Council has the option of:

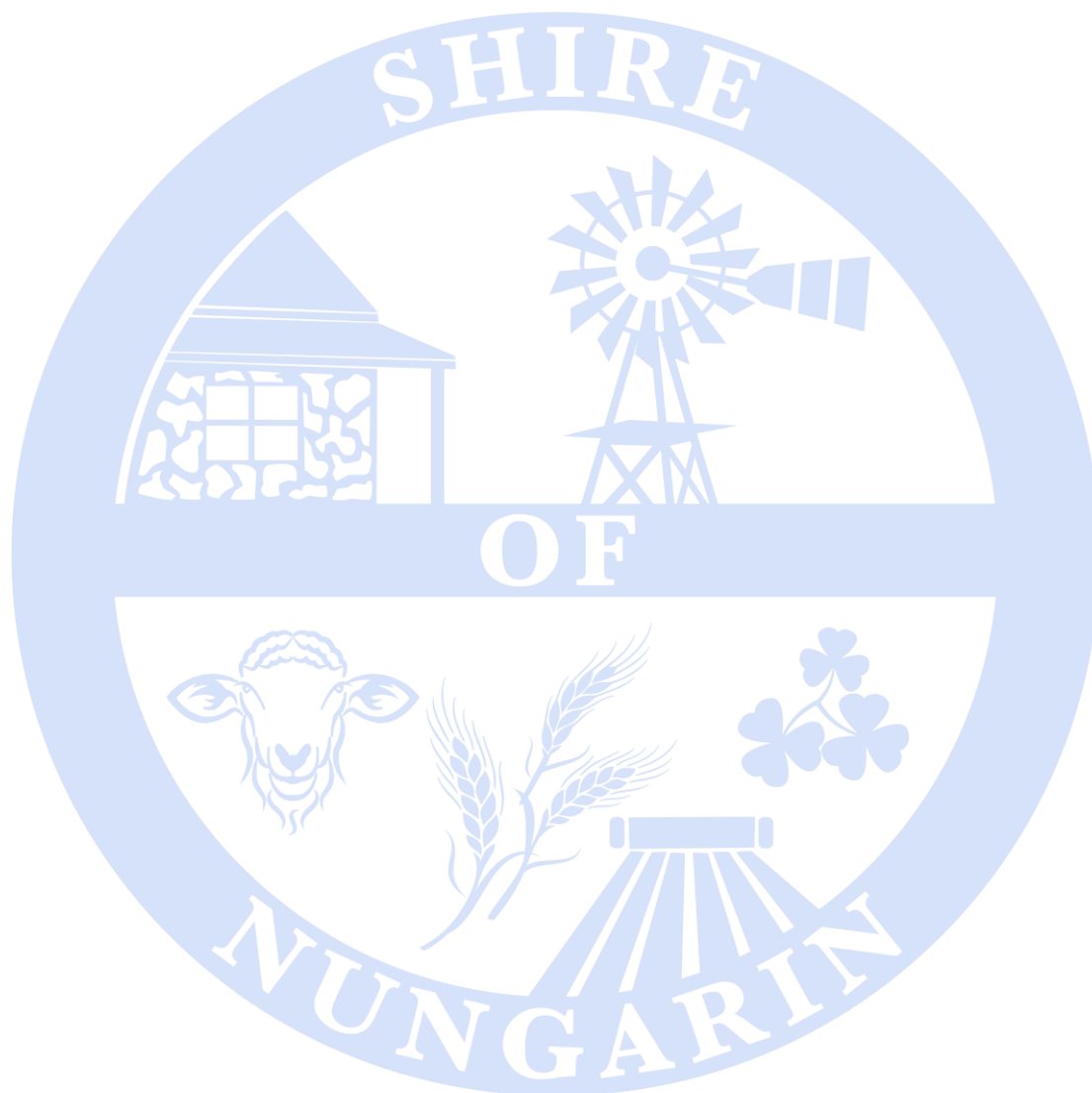
1. Accepting the officer's recommendation.
2. Amend the officer's recommendation.
3. Refusing the officer's recommendation.

CONCLUSION

The disposal of unused assets will assist in the realisation of the proposed plant replacement program which forms an integral part of the Long Term Financial Plan.

As discussed keeping plant beyond there expected lifespan is costly and more importantly could be dangerous to staff and the general public.

The disposal of the proposed plant and equipment will not have a detrimental impact on the services provided at the moment.



9.4 PROPOSED PLANT REPLACEMENT PROGRAM.	
File Ref:	123090
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Appendix Number:	Appendix 9.4A – Plant Replacement Program

COUNCIL RESOLUTION 6700

That Council:

- 1. Endorses the Plant Replacement Program attached as Appendix 9.4A.**
- 2. Reviews the Plant Replacement Program annually prior to the preparation of the annual budget.**

Moved: Cr G Coumbe

Seconded: Cr R Mizia

CARRIED 6/0

IN BRIEF

Council is requested to endorse the proposed Plant Replacement Program (PRP). The endorsement of the PRP will provide further assistance in the preparation of the 2021/22 financial budget.

BACKGROUND

A Plant Replacement Program (PRP) forms an integral part of the Long Term Financial Plan (LTFP), a document required to comply with the Integrated Planning and Reporting requirements of a local government.

Having a PRP enables Council to better determine its financial needs for a projected period of ten (10) years. Further, the implementation of a PRP ensures Council is replacing its plant and equipment at the optimum time to ensure the best financial outcome when replacing the particular plant / equipment.

REPORT DETAIL

The implementation of a Plant Replacement Program (PRP) will ensure the Shire's plant is safe and replaced at the optimal time ensuring the Shire is getting the best trade-in prices which in turn allows the purchase of new plant at a relatively low cost.

Most of the Shires existing plant has reached the end of its useful life and has become a liability. To keep the plant being used operational is costing the Shire approximately

\$50,000 a year in repairs alone excluding general wear and tear. The purchase of new plant comes with a warranty resulting in the maintenance costs being limited to wear and tear of the plant.

Although initially the maintenance costs will not be significantly lower due to ongoing maintenance cost on plant that cannot be replaced immediately, these costs should become lower in years to come once the Plant Replacement Program (PRP) is in full swing considering the new plant / equipment will come with a warranties.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnerships.
Objective	16.9 Provision of a safe, secure and encouraging working environment for all staff and elected members.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

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)

Having a Plant Replacement Program (PRP) does not directly influence the quality of life of the community, however, by having the correct and safe equipment will assist in maintaining and improving the aesthetics of the Shire which would be beneficial to the quality life of the community.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Moderate	Without a Plant Replacement Program it is difficult to budget for upcoming needs which results in plant / equipment becoming outdated and dangerous to operate. This places the Shire in a liable position should staff or the public become injured due to the use of the plant equipment.

CONSULTATION

Manager Works and Services
Shires Financial Consultant

RESOURCE IMPLICATIONS

Financial

The Shire currently has \$365,194.23 for plant replacement made up of the following two (2) reserves:

- Plant Reserve \$253,887.53
- Community Bus Reserve \$111,306.53

The project as contained in the Plant Replacement Program (PRP) is that the Council will need to set aside a minimum of \$77,500 annually to be able to fund the PRP for the next ten (10) years.

Whilst this amount is a fairly large undertaking for a Shire of this size it must be noted that the Council budgeted an amount of \$60,000 for the past three years to pump out grey water from the Grangarin units which is likely not required anymore. In addition the potential saving in repair and maintenance costs would make up the balance of the \$77,500.

As such it is the opinion the PRP will not place any additional burden on the Shires budget than what has been the case for at least the past three (3) years.

Workforce

Nil

OPTIONS

Council has the option of:

1. Accepting the officer's recommendation.
2. Amend the officer's recommendation.

CONCLUSION

A Plant Replacement Program (PRP) is a crucial plan that will guide the Council in the preparation of future budgets and will form part of the Integrated Planning and Reporting suite of documents required in terms of the act.

It must also be noted the PRP is a 'fluid' plan and needs to be updated at least on an annual basis to keep the document as useful as possible.

9.5 BUDGET AMENDMENT TO ALLOW PURCHASE OF PLANT / EQUIPMENT	
File Ref:	161002
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Appendix Number:	Nil

COUNCIL RESOLUTION 6701

That Council:

- Approves the amendment to the approved 2020/21 financial budget as follows:**

Account	Description	Increase	Decrease	Purpose
GL11591080	Plant Reserve		\$63,800	Purchase of new bobcat
GL412325	New Bobcat	\$63,800		

Moved: Cr K Dayman

Seconded: Cr W Lee

CARRIED BY ABSOLUTE MAJORITY 6/0

IN BRIEF

Shire officers have developed a Plant Replacement Program (PRP), which identifies the purchase of a bobcat. Council is requested to consider the proposed budget amendment to allow the machines to be purchased.

BACKGROUND

The majority of the Shires plant / equipment has reached its end of life, and is now costing substantial amount of money on repairs rather than just wear and tear maintenance.

REPORT DETAIL

The Plant Replacement Program (PRP) identifies the purchase of a bobcat in the 2021/22 financial year. However, in order to secure the bobcat for delivery in the 2021/22 financial year, it is necessary to issue a purchase order now.

As per the PRP it is envisaged to replace the bobcat every 7 years. Following the PRP will ensure optimal trade values can be realised, resulting in lower replacement cost.

Further by having new machines will lower / eliminate repair cost and lower the maintenance cost resulting in further cost savings.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnerships.
Objective	16.9 Provision of a safe, secure and encouraging working environment for all staff and elected members.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

*Local Government (Functions and General) Regulations 1996
Division 2 — Tenders for providing goods or services (s. 3.57)*

11. *When tenders have to be publicly invited*
- (1A) *In this regulation —*
state of emergency declaration *has the meaning given in the Emergency Management Act 2005 section 3.*
- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
- (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
- (aa) *the supply of the goods or services is associated with a state of emergency; or*
- (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*
- [(ba) deleted]*
- (c) *within the last 6 months —*
- (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*

(ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

or

(d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government;*
or

(e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*

(ea) *the goods or services are to be supplied —*

(i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*

(ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*

or

(f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*

(g) *the goods to be supplied under the contract are —*

(i) *petrol or oil; or*

(ii) *any other liquid, or any gas, used for internal combustion engines;*

or

(h) *the following apply —*

(i) *the goods or services are to be supplied by —*

(I) *a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or*

(II) *a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;*

and

(ii) ***the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and***

(iii) *the local government is satisfied that the contract represents value for money;*

or

- (i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*
- (j) *the contract is a renewal or extension of the term of a contract (the **original contract**) where —*
 - (i) *the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and*
 - (ii) *the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and*
 - (iii) *the original contract contains an option to renew or extend its term; and*
 - (iv) *the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;*
- or
- (ja) *the contract is a renewal or extension of the term of a contract (the **original contract**) where —*
 - (i) *the original contract is to expire within 3 months; and*
 - (ii) *the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and*
 - (iii) *the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;*
- or
- (k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3.*
- (3) *For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —*
 - (a) *the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and*
 - (b) *the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.*

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

Procurement and Tender Policy

\$100,000 - \$249,999	<p>Obtain at least three written quotes from suppliers by formal invitation, by way of a Formal Request for Quotation Process which includes a detailed Scope of Works/Specification of Goods and Services required.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assess all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from the Shire's Local Preferred Supplier Panels; the WALGA Preferred Supply Programme or from the open market.</p> <p>At the close of the RFQ process, a detailed report shall be prepared by the CEO and submitted to the next available meeting of Council where Council will determine the successful submission accordingly.</p> <p>A copy of the Council Resolution must be attached to the Purchase Order.</p> <p><i>[Three quotes must be sourced, including if using WALGA Preferred Supplier Panel, or a Shire Local Panel]</i></p>
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Risk Management Implications

Risk Level	Comment
Moderate	As a result of the long lead time required to purchase a bobcat, not securing it now through a purchase order may result in the machine only being available late 2021 early 2022.

CONSULTATION

Manager Works and Services
Shires Financial Consultant

RESOURCE IMPLICATIONS

Financial

Currently the Plant Reserve has a balance of \$253,887.53

Workforce

The purchase of a bobcat will result in efficiency gains providing staff the ability to undertake additional work.

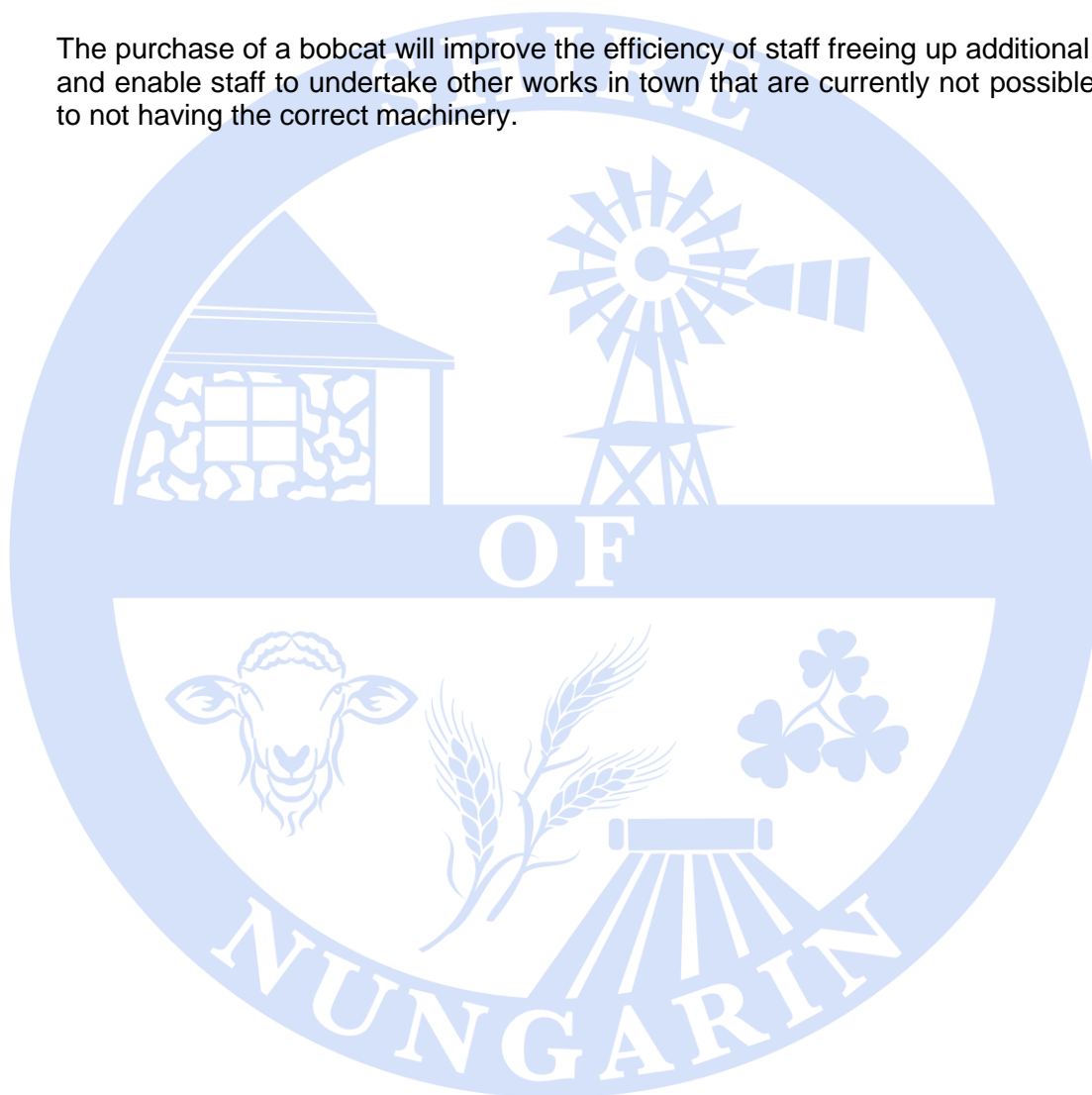
OPTIONS

Council has the option of:

1. Accepting the officer's recommendation.
2. Refusing the officer's recommendation.

CONCLUSION

The purchase of a bobcat will improve the efficiency of staff freeing up additional time and enable staff to undertake other works in town that are currently not possible due to not having the correct machinery.



9.6 LISTING OF PAYMENTS FOR THE MONTH OF APRIL 2021	
File Ref:	161001
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Vanessa Seward, Customer Service and Records Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Appendix Number:	Appendix 9.6A – Payment List

COUNCIL RESOLUTION 6702

That Council,

1. Receives the following payments made throughout the month of April 2021:

Municipal	Cheque	\$ 16,749.33
	EFT	\$ 149,535.76
	Direct Debit	\$ 9,101.11
		<u>\$ 175,386.20</u>

Trust	Cheque – Nil	\$0.00
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Grand Total	\$175,386.20
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Moved:	Cr G Coumbe
Seconded:	Cr R Mizia

CARRIED 6/0**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 April 2021.

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 COMMUNITY STRATEGIC PLAN 2023

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnership.
Objective	16.7 Annually review compliance methods.

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
Moderate	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

OPTIONS

Council has the option of:

1. Accepting the officer's recommendation.
2. Amend the officer's recommendation and provide reasons.

CONCLUSION

The listing of payments as per the attached [Appendix 9.6A – Payment List](#), is a true reflection of the expenditure from the Municipal and Trust Fund accounts for the month of April 2021.

9.7 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 APRIL 2021	
File Ref:	1/1 Annual Statements
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer Darren Long, Financial Consultant
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Appendix Number:	Appendix 9.7A – Monthly Statement

COUNCIL RESOLUTION 6703

That Council:

1. Receives the monthly financial activity statement for the period ending 30 April 2021.

Moved: Cr R Mizia
Seconded: Cr K Dayman

CARRIED 6/0**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.

MATERIAL VARIANCE COMMENTARY ON YEAR TO DATE SEPTEMBER 2020

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income. Attached to this report is a copy of the month by month cumulative budget estimates, set out in the Statement of Financial Activity format.

At its budget meeting, Council adopted a material variance threshold of \$5,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$5,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance in dollar and percentage is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 30 April 2021 shows a closing surplus of \$687,914.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnership.
Objective	16.7 Annually review compliance methods.

OTHER STRATEGIC LINKS

Shire of Nungarin 2020/21 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)

Nil

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

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. Accepting the officer's recommendation.
2. Amend the officer's recommendation and provide reasons.

CONCLUSION

The financial activity statement provides current status of the Shires financial position and is required in accordance with the *Local Government Act 6.4* and *Local Government (Financial Management) Regulations 1996, r.34*

10. DELEGATES REPORTS

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

10.1 Cr O'Connell ([APPENDIX 10.1A](#))

10.2 Cr Coumbe

- Attended Museum meeting, submitting a request to the Shire for financial assistance to repair building due to termite damage
- Attended the NEWROC meeting via Zoom

11. NEW BUSINESS OF AN URGENT NATURE

Nil

12. CONFIDENTIAL ITEMS OF BUSINESS**COUNCIL RESOLUTION 6704**

Meeting to be closed to the public in terms of s23(2) of the *Local Government Act 1995*, as the matters relate to:

- a. a matter affecting an employee
- b. the personal affairs of any person.

Moved: Cr RE O'Connell

Seconded: Cr W Lee

CARRIED 6/0

Meeting closed to the public at 3:44pm

Manager Works and Services left room

COUNCIL RESOLUTION 6705

[12.1 Lot 38 Waterhouse Terrace and First Avenue](#)

CEO Left room 3:47pm

COUNCIL RESOLUTION 6706

12.2 Appointment of Chief Executive Officer

COUNCIL RESOLUTION 6707

Meeting be reopened to the public.

Moved: Cr K Dayman

Seconded: Cr RE O'Connell

CARRIED 6/0

CEO and Manager Works and Services returned 3:53pm

Meeting opened to the public at 3:53pm

13. CLOSURE

The being no further business the meeting closed at 3:58pm

Presiding Member

Date

