

Date: 2 December 2022

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 7 December 2022 at 3:00pm to consider and resolve the matters set out in the attached agenda.

A handwritten signature in cursive script, appearing to read 'Leonard Long'.

Leonard Long
Chief Executive Officer

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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.

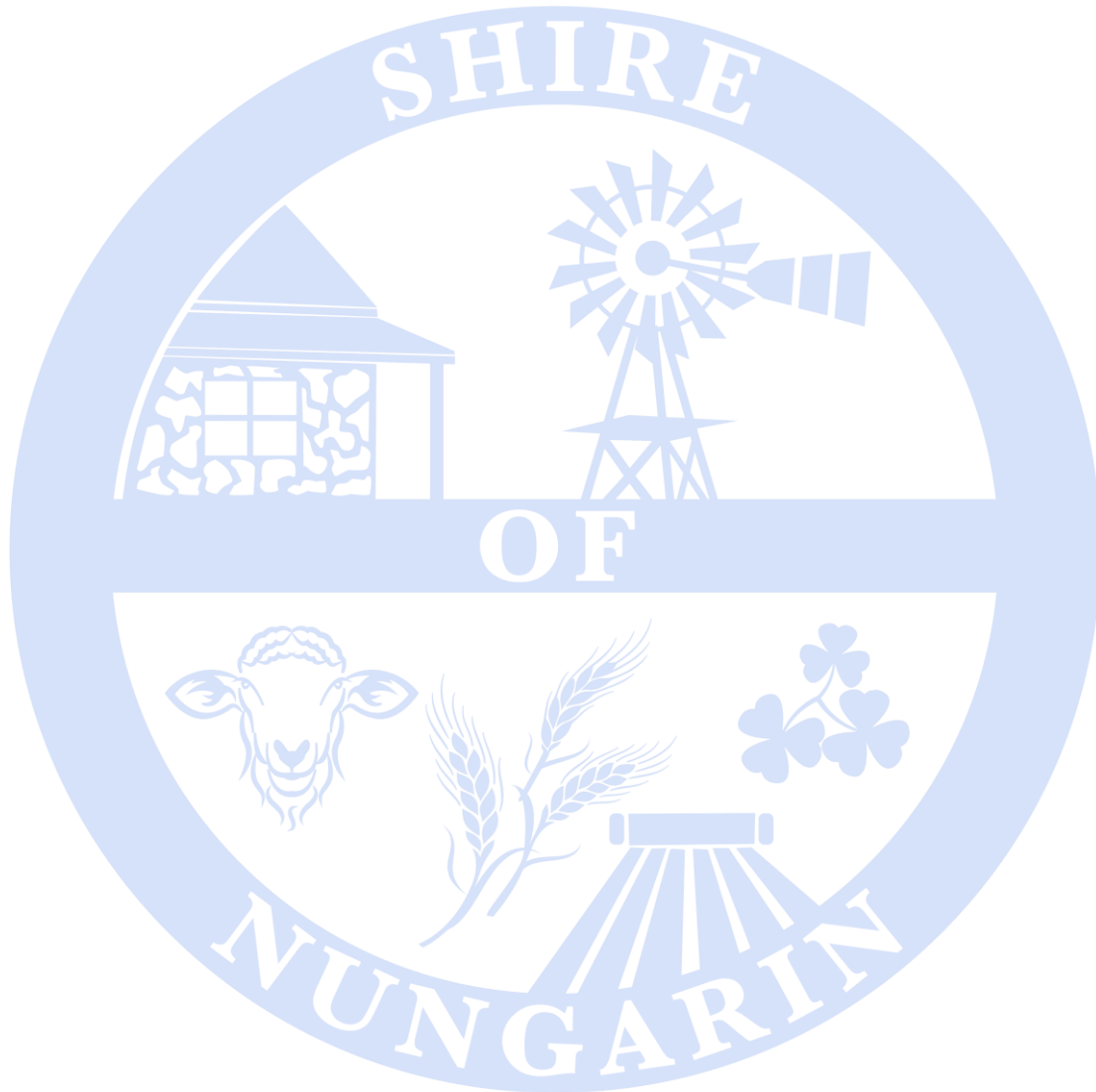


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AGENDA

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 L Long
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 – 16 November 2022

OFFICER RECOMMENDATION 6911/12/22

That the Minutes of the Ordinary Council Meeting held on 16 November 2022 be confirmed as being a true and accurate record.

Moved:

Seconded:

.....

8. OFFICER REPORTS

8.1 LISTING OF PAYMENTS FOR THE MONTH OF NOVEMBER 2022 (30/10/22 – 30/11/22)	
File Ref:	10.13
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.1A – Payment List 8.1B – Credit Card Statement

OFFICER RECOMMENDATION 6912/12/22

That Council Resolves to:

1. Receive the following payments made throughout the month of November 2022 (30/10/22 – 30/11/22):

Municipal	Cheque	\$ 11,037.32
	EFT	\$173,080.71
	Direct Debit	<u>\$ 12,385.40</u>
		<u>\$196,503.43</u>
Trust	Cheque –	Nil
	Grand Total	<u>\$196,503.43</u>

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 November 2022.

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
Community Priority	Effective forward planning, and engagement with our community.
Success Measurement	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

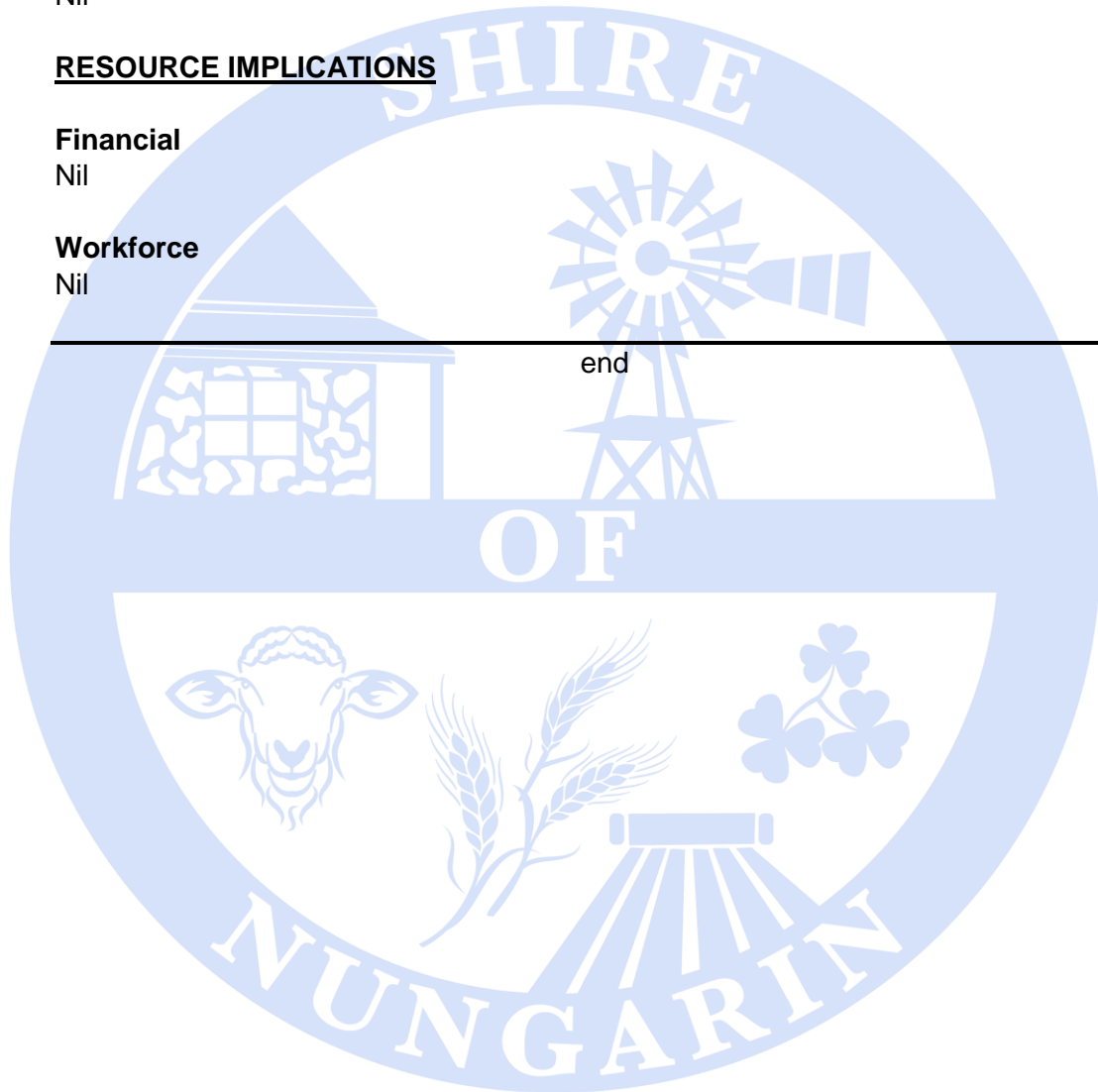
Financial

Nil

Workforce

Nil

end



8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 NOVEMBER 2022	
File Ref:	10.2.2
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
Attachment Number:	8.2A – Monthly Statement

OFFICER RECOMMENDATION 6913/12/22

That Council Resolves to:

- Receives the monthly financial activity statement for the period ending 30 November 2022.**

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.

MATERIAL VARIANCE COMMENTARY ON YEAR TO DATE

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.

The Statement of Financial Activity as at 30 November 2022 shows a closing surplus of \$1,533,960.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our Organisation
Community Priority	Effective forward planning, and engagement with our community.
Success Measurement	We deliver sound financial and asset management.

OTHER STRATEGIC LINKS

Shire of Nungarin 2022/23 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

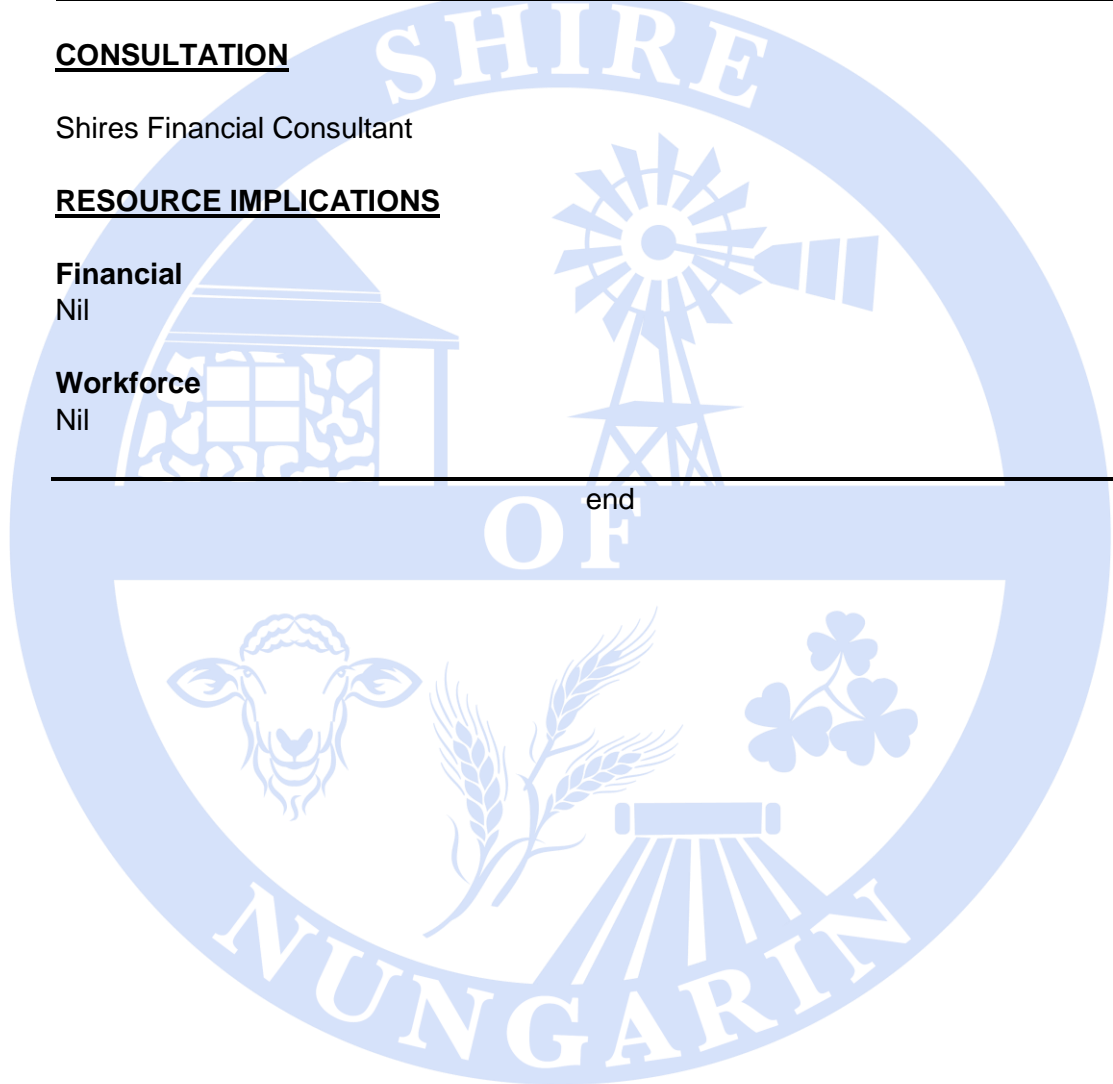
Financial

Nil

Workforce

Nil

end



8.3 PROPOSED SALE OF LOT 188(46) DANBERRIN ROAD, NUNGARIN	
File Ref:	4.27.4
Previous Item Ref:	Res 6859/07/22
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Attachment Number:	8.3A – Offer to Purchase 8.3B - Valuation Report

OFFICER RECOMMENDATION 6914/12/22

That Council Resolves to:

- 1. Accept the “Offer to Purchase” for the amount of \$45,000 (GST not applicable) by Carol Rowntree for Lot 188 (46) Danberrin Road, Nungarin;**
- 2. Authorises the Chief Executive Officer to sign the relevant documents pertaining to the sale of Lot 188 (46) Danberrin Road, Nungarin;**
- 3. Allocate all conveyancing costs and associated expenditure to account GL 209321; and**
- 4. Increase account GL414510 to transfer the net income to the Building Reserve**

Moved:

Seconded:

Absolute Majority Required

.....

IN BRIEF

Following the required advertising Council is requested to formally consider whether it will be willing to accept the “Offer to Purchase” relating to Lot 188 (46) Danberrin Road.

BACKGROUND

Council at its Ordinary Council Meeting of 16 October 2022 resolved as follows:

“Council Resolution 6903/11/22

That Council Resolves to:

- 1. Acknowledge the “Offer to Purchase” for the amount of \$45,000 (ex GST) by Carol Rowntree for Lot 188 (46) Danberrin Road, Nungarin;*
- 2. Advertise the potential sale of Lot 188 (46) Danberrin Road, Nungarin in accordance with s3.58(3) of the Local Government Act 1995;*

3. *In addition to the required advertising in (2.) above further advertise the proposed sale of the property by letter drop to the community, the Shire Website and Facebook Page;*
4. *Following compliance with (2.) and (3.) above formally consider the “Offer to Purchase” Lot 188 (46) Danberrin Road, Nungarin; and*
5. *Allocate proceeds received from the sale of land in (1.) above to the Building Reserve GL 102030.*

Moved: Cr RE O'Connell
 Seconded: Cr K Dayman

CARRIED BY ABSOLUTE MAJORITY 7/0”

REPORT DETAIL

The disposal of Lot 188 (46) Danberrin Road, Nungarin has been advertised in accordance with the Council Resolution 6903/11/22, with no comments or submissions received.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our Organisation
Community Priority	Effective forward planning, and engagement with our community.
Success Measurement	We deliver sound financial and asset management.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*

The statutory requirements for the disposal of local government property is found in s3.58 of the LG Act. Unless the sale is exempt, the Shire can dispose of the land in one (1) of three (3) ways:

- At a public auction;
- Via a public tender process;
- By ‘private treaty’ (i.e. a sale to an individual privately).

Public Auction - If the sale is conducted by auction, the land must be sold to the highest bidder. The Auction Sales Act 1973 deals with the legalities of a sale by auction.

Tender - If the sale is conducted by public tender, the Shire may determine what is the “most acceptable tender, whether or not it is the highest tender”. In the sale of land, generally, the highest tender would be the most acceptable – although there may be cases where the tender is conditional, and the Shire may consider that the terms of the condition(s) mean the tender is not the most acceptable.

Part four of the Local Government (Functions and General) Regulations deals with the

requirements for public tenders where the local government calls for tenders for the supply of goods or services under s.3.57 of the Act.

Private Treaty - It requires, in summary:

- Ascertaining the market value of the property through a valuation carried out not more than 6 months before the proposed disposition;
- Reaching a conditional agreement with a proposed purchaser (which may or may not reflect the market valuation);
- Giving 2 weeks’ local public notice of the proposed disposition, describing the property concerned and the details of the proposed disposition (which must include the other party’s details, the market valuation and the amount at which the Shire proposes to sell);
- Council then considers any submissions made to it before the date specified in the notice, and then records its decision and the reasons for it in the minutes.

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The sale of the lot will generate albeit a small rate income for the Council, but more importantly will put Council in a better financial position to construct a new dwelling in town either for future staff or open market rental.

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

Nil

Policy Implications

Policy CM 10 Disposal of Property

Risk Management Implications

Risk Level	Comment
Medium	Not proceeding with the potential sale would result in continued holding costs for an asset no longer used and costly to maintain / refurbish.

CONSULTATION

The proposed disposal of property has been as required by Council Resolution 6898/10/22, in the local Newslink, Shire Facebook Page as well as the Shire Website, providing opportunity to provide comments until 10 November 2022.

No comments were received during the consultation / advertising period.

RESOURCE IMPLICATIONS

Financial

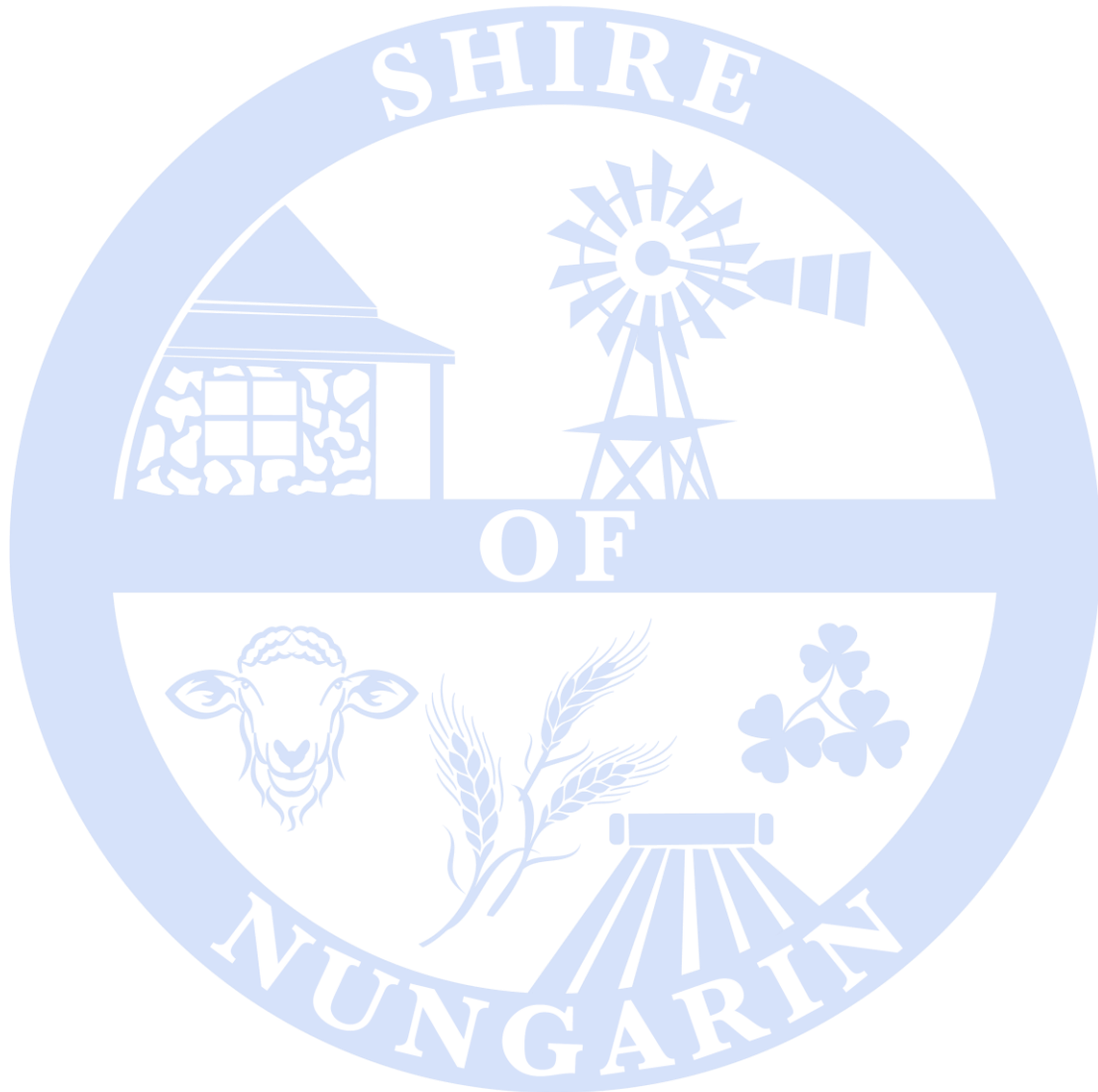
The conveying costs can be absorbed into the current budget allocation in GL 209321.

The income derived from the sale would be placed in a building reserve to be used for future building projects approved by Council.

Workforce

Nil

end



8.4 WALGA BEST PRACTICE GOVERNANCE REVIEW	
File Ref:	20.1.4.10
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	8.4A Best Practice Background Paper 8.4B Best Practice Consultation Paper

AUDIT COMMITTEE RECOMMENDATION 6915/12/22

That Council Resolves to:

- Advise the Western Australian Local Government Association (WALGA) the Shire of Nungarin’s preferred Governance Model is Option 1 – Two Tier Model, followed by Option 3 – Board, Amalgamated Zones.**

Moved:

Seconded:

IN BRIEF

Members are requested to form a decision on the governance model presented.

BACKGROUND

WALGA is undertaking a Best Practice Governance Review to ensure their governance model is contemporary, agile and maximises engagement with its members.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review. The BPGR Steering Committee had its first meeting on 5 May 2022. There was wide-ranging discussion on WALGA’s current governance model, the need to engage broadly with the membership, and opportunities for change. At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis.

REPORT DETAIL

The drivers for the review included: misalignment between key governance documents; constitution amendments for State Councillors’ Candidature for State and Federal elections; and legislative reforms for the *Local Government Act 1995*, and for the *Industrial Relations Act 1979*.

Four (4) governance models are proposed with the fifth option being the current governance model. Each of these options are then assessed as to whether they align with the principles and their components.

The four (4) proposed options are:

- Option 1: Two tier model, existing zones;
- Option 2: Board, regional bodies;
- Option 3: Board amalgamated zones; and
- Option 4: Member elected board, regional groups.

With option five (5) being the current model, which comprises the following:

State Council: 24 members plus the president. Members elected by and from the Zones (12 from 5 Metropolitan Zones, 12 from 12 Country Zones).

The roles of the State Council is to be responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy, employment of CEO, etc.

Zones: 5 Metro, 12 Country.

The role of the Zones is to consider the State Council Agenda, elect State Councillors and undertake regional advocacy / projects as directed by the Zone.

Policy Teams: Membership draw from State Council with some independent members.

The role of the Policy Team is to be responsible for specific functions, such as contributing to policy development, financial oversight etc. as determined by the State Council

Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points	
Representative	Composition	Meets	• State Council has equal metropolitan and country membership
	Size	Partial	• State Council will retain 25 members
	Diversity	Partial	• No control of diversity of State Council
	Election Process	Meets	• State Council election from zones
Responsive	Timely Decision Making	Partial	• Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	• State Council meetings are aligned to zone meetings
	Agility	Partial	• State Council is not future proofed from external changes
Results Oriented	Focus	Partial	• Prioritisation and focus may remain a challenge
	Value Added Decision Making	Partial	• Best practice board approaches will not be adopted
	Continuous Improvement	Meets	• State Council would continue to be responsible for ongoing reviews of governance body roles in consultation with members

Option 1: Two tier model, existing zones.

Board: (Currently State Council of 24 members) will consist of 11 members: 8 representative members elected from and by the Policy Council (4 Metro, 4 Country). The Board then elect the

President for the representative members. The Board will appoint up to 3 independent, skills or constituency directors.

The board will be required to meet 6 times per year and will have the same responsibilities as the current State Council.

Policy Council: (Currently Zones, 5 Metro, 12 Country) will have 24 members plus President. Members will be elected by and from the Zones. (12 from 5 Metro Zones, 12 from 12 Country Zones)

Zones: (Currently Policy Teams) 5 Metro, 12 Country, and will meet at least twice a year to raise policy issues, elect representative to the Policy Council, and undertake regional advocacy projects as directed by the Zone.

Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points	
Representative	Composition	Meets	<ul style="list-style-type: none"> Board will have equal metropolitan and country membership
	Size	Meets	<ul style="list-style-type: none"> Board is smaller
	Diversity	Meets	<ul style="list-style-type: none"> Consideration of appointment processes for independent members
	Election Process	Meets	<ul style="list-style-type: none"> Board to be elected from Policy Council
Responsive	Timely Decision Making	Meets	<ul style="list-style-type: none"> Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	<ul style="list-style-type: none"> Board meetings are not dependent on other governing body meetings
	Agility	Partial	<ul style="list-style-type: none"> Board is future-proofed from external changes Zone structures still underpin Council
Results Oriented	Focus	Partial	<ul style="list-style-type: none"> Prioritisation and focus may be a challenge
	Value Added Decision Making	Meets	<ul style="list-style-type: none"> Best practice board approaches will be adopted
	Continuous Improvement	Meets	<ul style="list-style-type: none"> Board would be responsible for ongoing reviews of governance body roles in consultation with members

Option 2: Board, Regional Bodies.

Board: (Currently State Council of 24 members) will consist of 11 members: 8 representative members elected from and by the Regional Bodies (4 Metro, 4 Country). The Board then elect the President for the representative members. The Board will appoint up to 3 independent, skills or constituency directors.

The board will be required to meet 6 times per year and will have the same responsibilities as the current State Council.

Regional Bodies: (Currently Zones, 5 Metro, 12 Country) Metro: North, South, East and Central.

Country: Mining & Pastoral, Agricultural, Peel / South West / Great Southern, Regional Capitals.

Note: Local Governments can nominate their preferred regional body, with membership of the regional bodies to be determined by the board.

The regional bodies will meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members (1 from each of the Metro Regional Bodies and 1 from each of the Country Regional Bodies)

Policy Teams: (Currently Policy Teams) Membership drawn from the Board and Regional Bodies with some independent members.

The Policy Teams will be responsible for specific functions, such as policy development as determined by the Board.

Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Meets
	Size	Partial
	Diversity	Meets
	Election Process	Meets
Responsive	Timely Decision Making	Meets
	Engaged Decision Making	Meets
	Agility	Meets
Results Oriented	Focus	Partial
	Value Added Decision Making	Meets
	Continuous Improvement	Meets

Option 3: Board, Amalgamated Zones.

Board: (Currently State Council of 24 members) will consist of 15 members: 12 elected from the Zones (6 from Metro/Peel, 6 from Country). The Board then elect the President. The Board will appoint up to 2 independent, skills or constituency directors.

The board will be required to meet 6 times per year and will have the same responsibilities as the current State Council.

Zones: (Currently Zones, 5 Metro, 12 Country)

Metro / Peel	Country*
- Central Metro	- Wheatbelt South
- East Metro	- Wheatbelt North
- North Metro	- Mid West/Murchison/Gascoyne
- South Metro	- Pilbara/Kimberley
- South East Metro	- Goldfields/Esperance
- Peel	*indicative, re-drawing required

The Zones will meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members.

Policy Teams: (Currently Policy Teams) Membership drawn from the Board and Regional Bodies with some independent members.

The Policy Teams will be responsible for specific functions, such as policy development as determined by the Board.

Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Partial <ul style="list-style-type: none"> Board will have equal metropolitan and country membership There may be composition challenges for amalgamated zones
	Size	Partial <ul style="list-style-type: none"> Board is smaller Amalgamation of zones to 12 in total
	Diversity	Meets <ul style="list-style-type: none"> Consideration of appointment processes for independent members
	Election Process	Meets <ul style="list-style-type: none"> Board election from zones
Responsive	Timely Decision Making	Meets <ul style="list-style-type: none"> Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets <ul style="list-style-type: none"> Board meetings are aligned to zone meetings
	Agility	Meets <ul style="list-style-type: none"> Board is future proofed from external changes
	Focus	Partial <ul style="list-style-type: none"> Prioritisation and focus may be a challenge
Results Oriented	Value Added Decision Making	Meets <ul style="list-style-type: none"> Best practice board approaches will be adopted
	Continuous Improvement	Meets <ul style="list-style-type: none"> The Board would be responsible for ongoing reviews of governance body roles in consultation with members

Option 4: Member Elected Board, Regional Groups.

Board: (Currently State Council of 24 members) will consist of 11 members: 8 representative members elected via direct election, with each member Local Government to vote (4 elected by and from Metro Local Governments, 4 elected by and from Country Local Governments). President elected by the Board from among the representative members. The Board will appoint up to 3 independent, skills or constituency directors.

The board will be required to meet 6 times per year and will have the same responsibilities as the current State Council.

Policy Teams: (Currently Zones, 5 Metro, 12 Country) Membership drawn from Board with some independent members.

The Policy Team will meet at least 2 times per year and be responsible for specific functions – such as contributing to policy development as determined by the Board.

Regional Groups: (Currently Policy Teams) Determined by members to suit needs, and will feed into policy development processes and undertake advocacy and projects as determined by the groups.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our Organisation
Community Priority	Effective forward planning, and engagement with our community.
Success Measurement	We deliver sound financial and asset management.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995; and*
- *Industrial Relations Act 1979.*

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
High	The current model (Option 5) is an old and antiquated and no longer aligns to the Principles of WALGA. Retaining this model will result in difficulties for WALGA to respond timeously to sector issues.

CONSULTATION

Council representatives present at the recent zone meeting were provided with a brief outline of the models.

RESOURCE IMPLICATIONS**Financial**

Nil

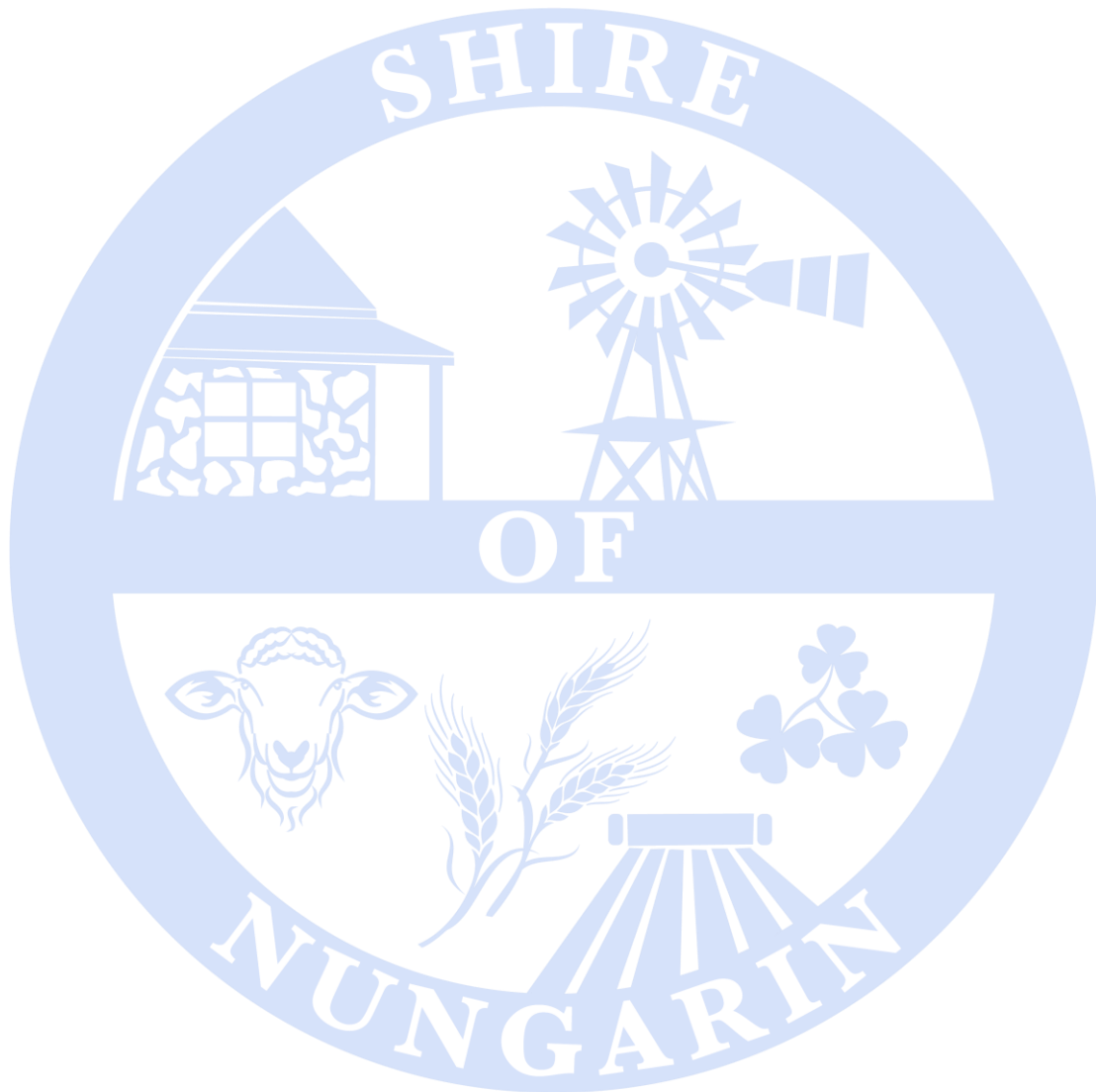
Workforce

Nil

end

9. DELEGATES REPORTS

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



10. NOTICE OF MOTION

10.1 RECONSIDERATION OF (MEMORIAL HALL) LEASE – STUDIO ARTISTIQUE	
File Ref:	4.15.3
Previous Item Ref:	Res 6906/11/22; and Res 6779 of 17 Nov 21
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Attachment Number:	Nil

NOTICE OF MOTION 6916/12/22

That Council resolve to change Council Resolution 6906/11/22 by amending Item 1, 1(b),1(c),1(e) and 1(g):

1. Authorise the Chief Executive Officer to enter into a three (3) year lease with the ability to extend the lease for a further three (3) years of the Memorial Hall to Ms. Natalie Veal (Lessee) for the purpose of an Artist Studio including the conducting of classes and serving light meals, subject to:
 - a. Compliance with s3.58 of the *Local Government Act 1995*;
 - b. The lessee being liable for ____% of cost of obtaining a valuation in accordance with s3.58 of the *Local Government Act 1995*. Payment will be required at the time of the new lease coming into operation or such further time as approved by Council;
 - c. The lessee being liable for ____ % cost of placing the advertisement in the West Australian in accordance with s3.58 of the *Local Government Act 1995*. Payment will be required at the time of the new lease coming into operation or such further time as approved by Council;
 - d. A monthly rental fee of \$220 (Excl GST) per month, payable on the first of each month in advance;
 - e. The rental fee is increased annually by __% for the duration of the lease;
 - f. The lessee will be liable for all utility costs. Cost of power consumption will be at ____ % until such time as the reticulation pump has been removed from the Memorial Hall power supply.
 - g. Prior to the commencement of any works (internal or external) the approval of Council ~~the Chief Executive Officer~~ is to be obtained in writing.

Moved:

Seconded:

CARRIED BY ABSOLUTE MAJORITY ../.

IN BRIEF

Following a meeting held at the Council Administration building on 30 November between Ms Natalie Veal, Cr de Lacy, Cr Coumbe and the CEO, Cr de Lacy has requested through a Notice of Motion supported by 1/3rd of the Councillors to amend Council Resolution 6906/11/22.

BACKGROUND

Council at its Ordinary Council Meeting of 16 November 2022 resolved as follows:

“COUNCIL RESOLUTION 6906/11/22:

That Council Resolves to:

1. *Authorise the Chief Executive Officer to enter into a three (3) year lease of the Memorial Hall to Ms. Natalie Veal (Lessee) for the purpose of an Artist Studio including the conducting of classes and serving light meals, subject to:*
 - a. *Compliance with s3.58 of the Local Government Act 1995;*
 - b. *The lessee being liable for the cost of obtaining a valuation in accordance with s3.58 of the Local Government Act 1995;*
 - c. *The lessee being liable for the cost of placing the advertisement in the West Australian in accordance with s3.58 of the Local Government Act 1995;*
 - d. *A monthly rental fee of \$220 (Excl GST) per month, payable on the first of each month in advance;*
 - e. *The rental fee is increased annually by 10% for the duration of the lease;*
 - f. *The lessee will be liable for all utility costs;*
 - g. *Prior to the commencement of any works (internal or external) the approval of the Chief Executive Officer is to be obtained in writing.*

Moved: Cr W Lee

Seconded: Cr G Coumbe

CARRIED BY ABSOLUTE MAJORITY 7/0”

REPORT DETAIL

Shire Officers would like to point out the Ms Veal has specifically requested Council to reconsider the following conditions imposed by Council Resolution 6906/11/22:

- “b. The lessee being liable for the cost of obtaining a valuation in accordance with s3.58 of the Local Government Act 1995;*
- c. The lessee being liable for the cost of placing the advertisement in the West Australian in accordance with s3.58 of the Local Government Act 1995.”*

The Studio has now been operating for a number of months and proven to be successful and has succeeded in activating the main street albeit in a small way.

Shire Officers would like to see the business continue, but stand by the original resolution for the following reasons:

1. The need for the valuation and the ad is triggered solely due to the request to lease the property and is a requirement of the *Local Government Act 1995*. The passing on of this cost on should be a standard condition for any commercial lease going forward.
2. Consideration was given with the first lease of six (6) months to assist the development of the business by not charging a rental fee for the first three (3) months.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our Economy
Community Priority	Economic Partnerships
Success Measurement	Economic growth is achieved through local and regional partnerships

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Economic development is a major concern and should be supported and encourage wherever possible. It is officer's opinion, Council has assisted the tenant to get the business off the ground, by initially providing 3 months' rent free and a further 9 months at a rental of \$200 (excl GST). The past 12 months would have provided the tenant with a good indication and the confidence to know the business is feasible.

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

The potential for an additional activity i.e. art / sculpture services brought into town will be beneficial for the local community.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
High	Not leasing the building would have any detrimental impact on the main street activation, however, it should be noted that the continued subsidising of private commercial businesses could have a financial impact on Council.

CONSULTATION

- Meeting was held with the tenant, Shire President, Deputy Shire President and CEO.

- Advise obtained from McLeod’s regarding the on costing to the tenant.

RESOURCE IMPLICATIONS

Financial

Currently the cost to Council to maintain the building can be broken down as follows:

- Insurance \$2,328 (this would be paid regardless of a tenant and as such not factored in.
- Pest Control \$400 (50% factored in due a certain amount being done regardless of tenant)
- Fire Equip \$300
- Maintenance \$3,000 (would vary year to year)
- Expenditure \$3,500 / annum
- Income \$2,640 / annum

The table below indicates the income vs expenditure = subsidy / profit, if the assumption is made, there will be no increase in services i.e. pest control, fire equipment and maintenance over the 3-year duration of the lease.

Income (10% escalation / annum)	Expenditure	Subsidy / Profit
Year 1 \$220/mth = \$2,640/annum	\$291/mth = \$3,500/annum (mtce)	- \$71/mth = - \$860/annum
Year 2 \$242/mth = \$2,904/annum	\$291/mth = \$3,500/annum (mtce)	- \$49/mth = - \$596/annum
Year 3 \$266/mth = \$3,194/annum	\$291/mth = \$3,500/annum (mtce)	- \$25/mth = - \$305/annum

The subsidised amount will increase should Council resolve to either reduce or waive the cost of the valuation (\$1,650) and the advertisement (approx’ \$350) , required by the Act as a result of the proposed lease.

The only other “Commercial” lease Council has, is with McCorry’s Hotel (who were not requested to pay for the valuation or adverts at the time), However, it should be noted Council will recoup the cost of the valuation and advert by year 2 of the 5-year lease.

Income (CPI based on 7.3% year on year escalation / annum)	Expenditure (based on actual expenditure)	Subsidy / Profit
Year 1 \$514/mth = \$6,168/annum	\$458/mth = \$5,300/annum (mtce)	+ \$72/mth = + \$868/annum
Year 2 \$551/mth = \$6,618/annum	\$458/mth = \$5,300/annum (mtce)	+ \$109/mth = + \$1,318/annum
Year 3 \$591/mth = \$7,094/annum	\$458/mth = \$5,300/annum (mtce)	+ \$149/mth = + \$1,794/annum

Workforce

Nil

11. NEW BUSINESS OF AN URGENT NATURE
(New business of an urgent nature approved by the Presiding Member)

11. CONFIDENTIAL ITEMS OF BUSINESS

12. CLOSURE

The being no further business the meeting closed at

Presiding Member

Date

