

Date: 11 March 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 16 March 2022 at 3:00pm to consider and resolve the matters set out in the attached agenda.

A handwritten signature in black ink that reads 'Long'.

Leonard Long
Chief Executive Officer

DISCLAIMER

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

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

PUBLIC QUESTION TIME

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

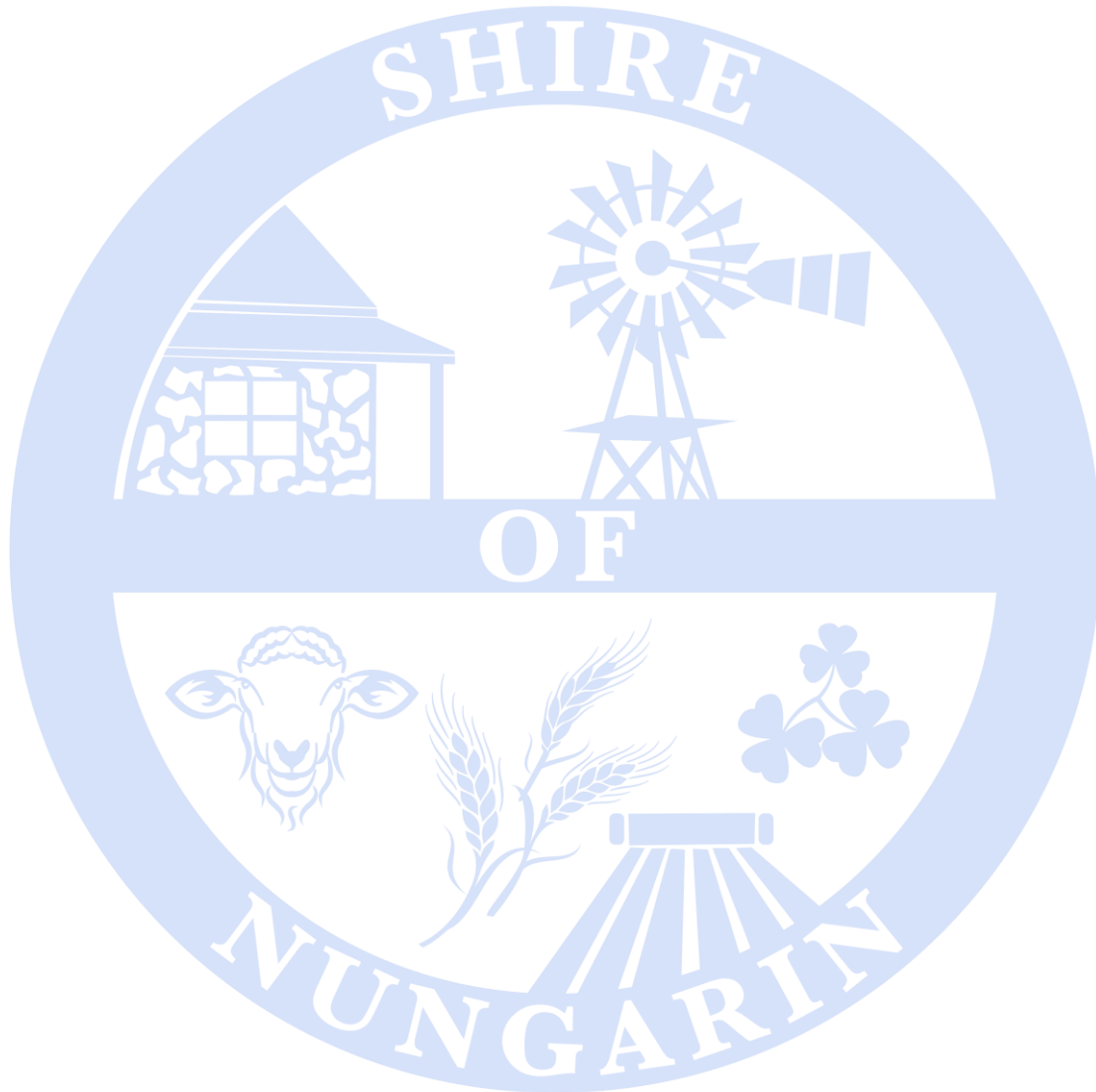
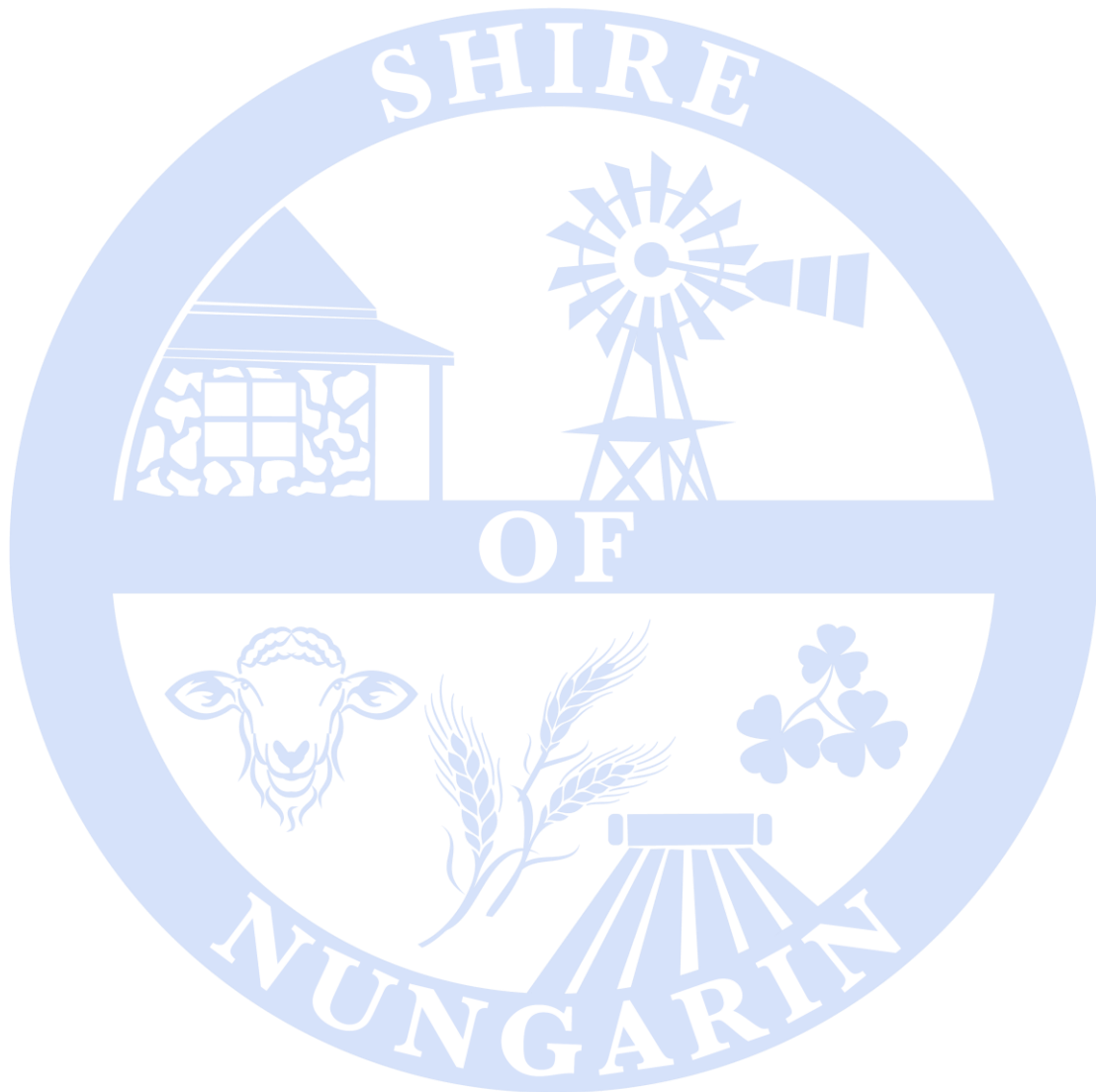


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AGENDA

1. DECLARATION OF OPENING

Council recognises it is permissible to record the Shire’s Council and Forum Meetings in the written, sound, vision medium (or any combination of the mediums) when open to the public. However, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.

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 C Large

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**

7.1 ORDINARY COUNCIL MEETING – 16 February 2022

OFFICER RECOMMENDATION.../03/22

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

Moved:

Seconded:

..... / ...



8. OFFICER REPORTS

8.1 POLICY REVIEW PART 1	
File Ref:	3.11
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Attachment Number:	8.1A – Policy Manual Part 1

OFFICER RECOMMENDATION .../03/22

That Council Resolves to:

- Adopt the revised Policy Manual Part 1 attached as attachment 8.1A.**

Moved:

Seconded:

Absolute Majority Required
..... / ...

IN BRIEF

Council is requested to consider the adoption of Part 1 of the Policy Manual attached as **Attachment 8.1A**.

BACKGROUND

Extensive research and internal consultation has been necessary in order to achieve documentation which completely supersedes Council’s previous policy manual and will be the basis for all future reporting and subsequent decision making.

To achieve this outcome there are three essential components to each policy which identify:

- Whether the policy is a requirement of legislation (in which case the legislation is identified).
- Whether the policy has an associated management procedure which will then form part of internal procedures (requiring approval of the Chief Executive Officer).
- Whether the policy has an associated delegation which will then form part of the delegation register.

The objectives of Council’s policies are:

- To provide Council with a formal written record of policy decisions;
- To provide employees with clear direction to respond to issues and act in accordance with the Council’s direction;
- To enable Councillors to adequately handle general enquiries relating to the role of Council;

- To enable Council to maintain a process to continually review policy decisions and to ensure they are in keeping with the community expectations, current legislative trends and circumstances; and
- To enable residents to obtain immediate advice on matters of Council policy.

Council decisions on single issues are not considered policy. Changes to policy will only be made as a result of:

- An annual operational review; or
- A Council decision arising from an agenda item.

REPORT DETAIL

Policies assist the administration in their day to day functions enabling decisions to be made without the requirement of obtaining a Council decision. Without policies, a local government would not be able to operate in an efficient and timeous manner.

Due to the size of the Policy Manual, it will be reviewed in parts this year and be reviewed as one document in subsequent years.

Part 1 of the review looks at the existing policies contained under the heading of “Members of Council” which will be re-indexed to “Governance” or “Corporate Management”, which, in terms of the functions outlined by the State Records Department are defined as follows:

Governance: The function of managing election of Council representative, the boundaries of the LG, and the terms and conditions for elected members.

Corporate Management: The function of applying broad systematic planning to define the corporate mission and determine methods of the LG’s operation.

The below Table 1, lists the existing policies which are recommended to be rescinded in total.

Table 1:

Existing Policies to be rescinded		
Existing Index	Policy N# and Name	Reason for rescinding
Members of Council	1.01 – Corporate Direction	The Corporate Direction is representative of the outcome of the Community Strategic Plan which informs the Corporate Business Plan. The policy is therefore considered unnecessary and recommended to be rescinded.
	1.02 – Delegated Authority – Chief Executive Officer	The policy will be replaced by the Shire “Delegation Policy” which will be indexed under “Corporate Management”, as such is considered unnecessary and recommended to be rescinded.
	1.05 – Members Travelling Allowances	The policy only deals with one aspect of Elected Members allowances and will be replaced by a new policy “Members Fees, Allowances and Reimbursement of Expenses”.

	1.08 – Use of Council Chambers	Following a Council briefing, it has been indicated the policy should be rescinded and the use of the chambers be controlled by the Chief Executive Officer.
	1.09 – Attendance of Local Government Week	This policy only addresses one specific event and has now been incorporated into a more detailed policy address “Council Members Continuing Professional Development”. This renders the policy unnecessary and recommended to be rescinded.
	1.10 – Councillor’s Requests and Works Requests	The intentions of this policy are now captured in the “Code of Conduct for Council Members, Committee Members and Candidates”. This renders the policy unnecessary and recommended to be rescinded.
	1.11 – Pecuniary Interest – Leaving the Council Chambers	The intentions of this policy are now captured in the “Code of Conduct for Council Members, Committee Members and Candidates”. This renders the policy unnecessary and recommended to be rescinded.
	1.12 – Instruments of Delegation	The function of delegating powers to a committee are controlled by the <i>Local Government Act 1995</i> . If Council does create a committee it is required to be done via a Council Resolution at which time it is common practice to approve any delegations as well as the “Terms of Reference”.
Members of Council	1.13 – Council Agenda Papers Procedure	This is not considered a policy but rather as the heading notes a procedure. Further, matters relating to agendas are captured under s5.5 of the <i>Local Government Act 1995</i> . This renders the policy unnecessary and recommended to be rescinded.
	1.14 – Election of Committees	Council has moved away from “Portfolios / Committees”. This renders the policy unnecessary and recommended to be rescinded.
	1.15 – Councillor Information Requirements	The intentions of this policy are now captured in the “Code of Conduct for Council Members, Committee Members and Candidates”. This renders the policy unnecessary and recommended to be rescinded.
	1.17 – Local Laws	The preparation of Local Laws and its implementation is prescribed and regulated by the <i>Local Government Act 1995</i> .

	1.18 – Nungarin Business Association and Referral of Business Sector Matters	The is considered unnecessary, with certain aspects of the policy content controlled by The Retail Trading Hours Act 1987, further the Nungarin Business Association no longer exists.
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The below Table 2, lists the existing policies which are recommended to be retained but re-indexed.

Table 1:

Existing Policies to be re-indexed		
Existing Index	Policy N# and Name	Proposed Index
Members of Council	1.03 – Senior Employee	Corporate Management.
	1.04 – Equal Opportunity	
	1.19 – Local Purchasing Policy	

The below Table 3, lists the existing policies which are recommended to be updated / renamed.

Table 3:

Existing Policies to be updated / renamed policies		
Proposed Index	New Policy N# and Name	Replaced Existing Policy
Governance	1.10 – Councillor’s Request and Works Requests. 1.11 – Pecuniary Interest – Leaving Council Chambers	G001 – Code of Conduct for Council Members, Committee Members and Candidates
	1.05 – Members Travelling Allowances	G002 – Members Fees, Allowances and Reimbursement of Expenses
	1.16 – Press Statements / Media Interviews	G004 – Communications
	1.07 – Members Attendance at Conferences, Seminar, Training and Induction Courses	G005 – Council Members Continuing Professional Development
	1.06 – Retirement of Councillors – Council Gift / Function	G006 – Council Members Recognition of Continuous Service

The below Table 4, lists the proposed new policies.

Table 4:

Proposed new policies	
Proposed Index	New Policy N# and Name
Governance	G003 – Council Members and CEO Public Statements
	G007 – Council Members Attendance at Events and Functions

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	A Shire that prospers through partnerships and good governance.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Policies which are required as a result of statutory legislation are to contain a statement providing a reference to the relevant legislation.

Council is no longer required by legislation to conduct annual reviews of its policies, however it is considered “best practice” to do so.

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The implementation of policies assist the Administration in making timeous decisions which in turn may support the economy of the Shire.

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

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
High	Failure to review the Policy Manual would be result in the Shire not complying with the relevant legislation.

CONSULTATION

Part 1 of the review of the Policy Manual has been discussed with the Councillors at a briefing session.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

8.2 LISTING OF PAYMENTS FOR THE MONTH OF FEBRUARY 2022	
File Ref:	10.13 Payment Listings
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Vanessa Seward, Executive Assistant
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	8.2A – February 2022 Payment List

OFFICER RECOMMENDATION .../03/22

That Council Resolves to:

- Receive the following payments made throughout the month of February 2022:

Municipal	Cheque \$ 32,912.95 EFT \$ 270,078.28 Direct Debit <u>\$ 10,921.30</u> \$ 313,912.53
Trust	Cheque – Nil
	Grand Total \$313,912.53

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 February 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 COMMUNITY STRATEGIC PLAN 2023

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnership.
Objective	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
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

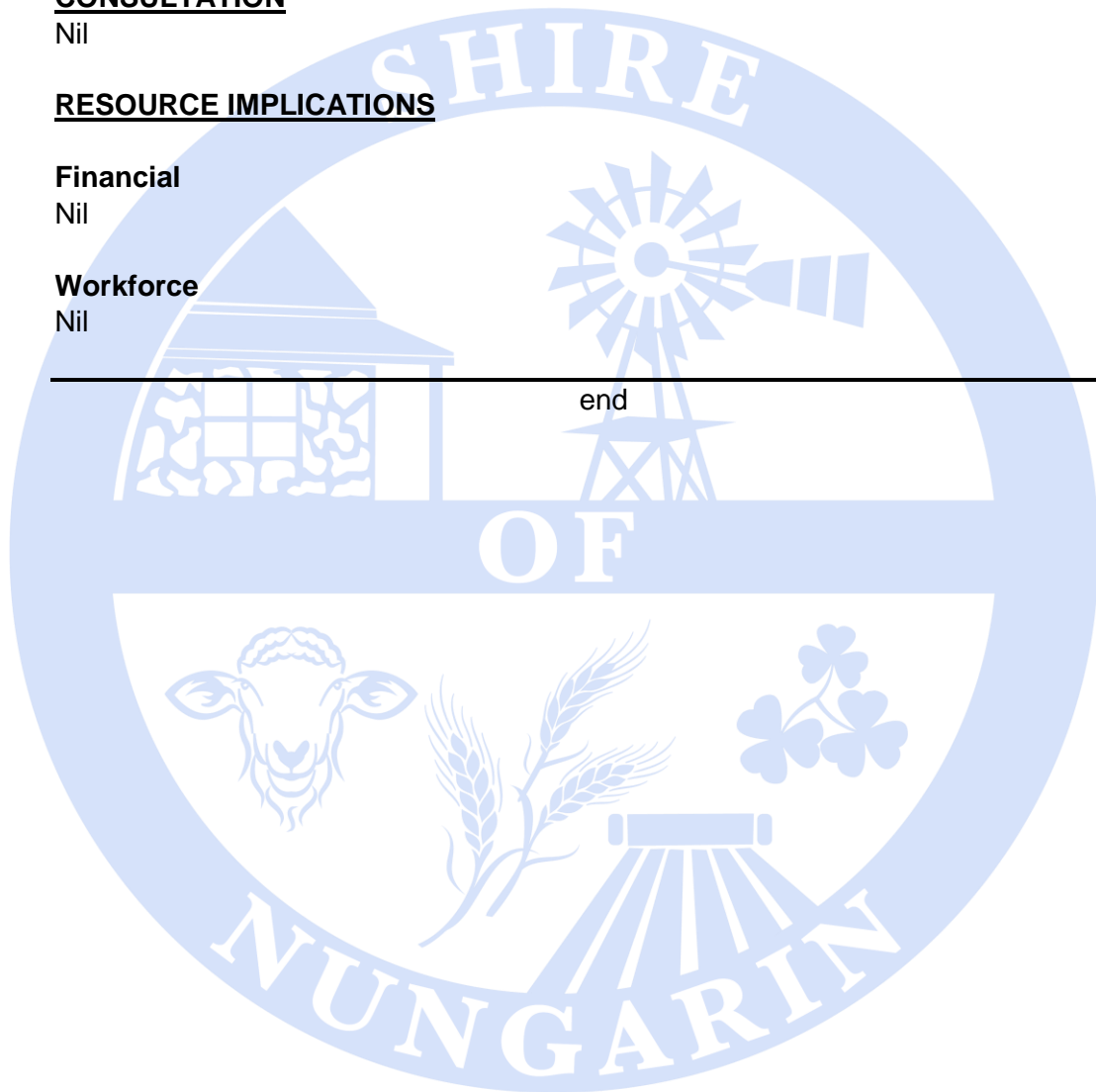
Financial

Nil

Workforce

Nil

end



8.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 28 FEBRUARY 2022	
File Ref:	10.2.1 Annual Financial Statements 2021/22
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:	8.3A – February Monthly Statement

OFFICER RECOMMENDATION .../03/22

That Council Resolves to:

- Receives the monthly financial activity statement for the period ending 28 February 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.

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 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.

The Statement of Financial Activity as at 28 February 2022 shows a closing surplus of \$1,113,381.

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 2021/22 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

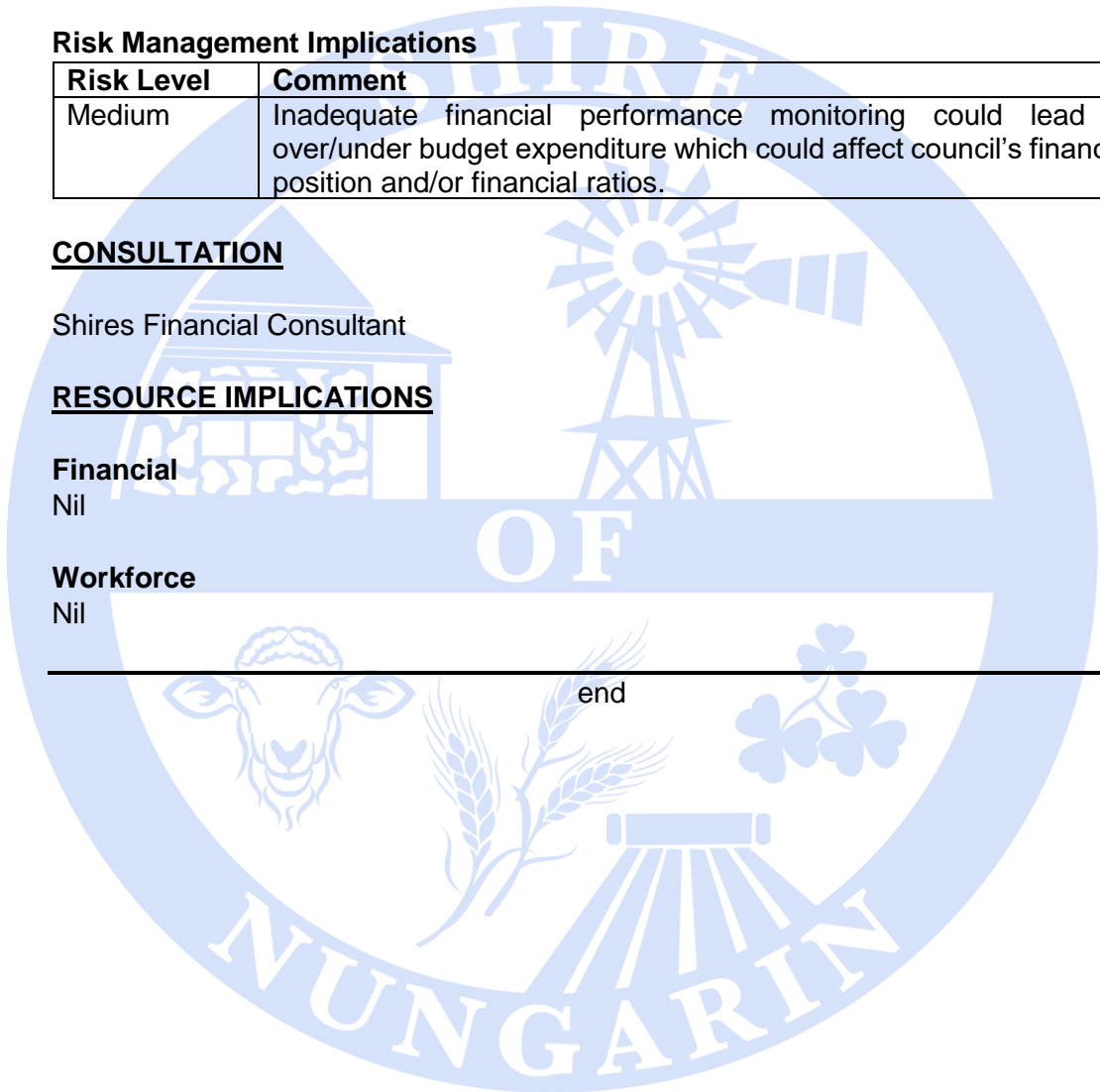
Financial

Nil

Workforce

Nil

end



8.4 INVESTMENT REPORT AS AT 28 FEBRUARY 2022	
File Ref:	10.10.1 Annual Investment Reports 2021/22
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:	Nil

OFFICER RECOMMENDATION .../03/22

That Council Resolves to:

- Receive the Investment Report as at 28 February 2022.

Moved:

Seconded:

..... / ...

IN BRIEF

The purpose of this report is to present the status of Council's investments accounts.

BACKGROUND

Money held in the Municipal Fund of the Shire of Nungarin that is not required for the time being may be invested in accordance with the Local Government Act 1995 and the Trustees Act 1962 Part III.

REPORT DETAIL

The table below details the investments held by the Shire as at 28 February 2022:

INVESTMENT REGISTER						
1 DECEMBER 2021 TO 31 DECEMBER 2021						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT No	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.12.2021	INVESTMENT TRANSFERS	CLOSING BALANCE 28.2.2022
38132004	17/02/2022	0.43%	\$1,145,000.00	\$931.69	\$500,406.85	\$645,524.84

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

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.

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

Council Policy 3.07 applies to the investment of surplus funds.

Risk Management Implications

Risk Level	Comment
Moderate	Inadequate financial performance could lead to the loss of potential income through interest earned from investment accounts.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

8.5 COMPLIANCE AUDIT RETURN 2021/22	
File Ref:	3.8.2 CAR 2021
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	8.5A Compliance Audit Return

OFFICER RECOMMENDATION .../03/22

That Council Resolves to:

- 1. Adopt the Compliance Audit Return for 2021 attached as attachment 8.5A.**
- 2. Authorise the Shire President and Chief Executive Officer to certify the Compliance Audit Return for 2021.**
- 3. Request the Chief Executive Officer to forward the certified Compliance Audit Return for 2021 along with the documents required in accordance with regulation 14(3) and regulation 15 of the Local Government (Audit) Regulations 1996 to the Department of Local Government, Sport and Cultural Industries.**

Moved: **OF**
Seconded: / ...

IN BRIEF

The Council is required to consider for adoption the annual Compliance Audit Return and to forward a completed, certified copy to the Department of Local Government, Sport and Cultural Industries.

BACKGROUND

The Compliance Audit Return (CAR) was presented to the Audit Committee at its meeting of 16 March 2021.

Council is required to review the annual CAR and consider its adoption. The CAR if adopted by Council is to be certified by the Shire President and the Chief Executive Officer and forwarded to the Director General of the relevant department.

REPORT DETAIL

The Compliance Audit Return is separated into the following categories:

- Commercial Enterprises by Local Government
 - No issues / concerns to report.
- Delegation of Power / Duty

- No issues / concerns to report.
- Disclosure of Interest
 - No issues / concerns to report.
- Disposal of Property
 - No issues / concerns to report.
- Elections
 - No issues / concerns to report.
- Finance
 - No issues / concerns to report.
- Integrated Planning and Reporting
 - *Does the corporate business plan comply with the requirements of Admin Reg 19DA (2) and (3):* Records of the required annual review could not be located. However, the Shire is in the process of reviewing its Corporate Business Plan simultaneously with the Strategic Community Plan.
- Local Government Employees
 - No issues / concerns to report.
- Official Conduct
 - No issues / concerns to report.
- Optional Questions
 - *Did the CEO review the appropriateness and effectiveness of the local government’s financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to December 2021:* A review was undertaken by the Shires Financial Consultant DL Consulting but was not submitted to an OCM.
 - *Did the CEO review the appropriateness and effectiveness of the local governments systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2021:* A review was undertaken by the Shires Financial Consultant DL Consulting but was not submitted to an OCM.
- Tenders for Providing Goods and Services
 - No issues / concerns to report.

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	Annually review compliance methods

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments –
- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
 - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
 - (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.
 - (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.
15. Certified copy of compliance audit return and other documents to be given to Departmental CEO –
- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
 - (2) In this regulation — certified in relation to a compliance audit return means signed by —
 - (a) the mayor or president; and
 - (b) the CEO

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	Council is required by the <i>Local Government Act 1995</i> , to provide a certified CAR, not providing this would be a breach of the Act.

CONSULTATION

Prior to being considered by Council the CAR has been submitted to the Audit Committee.

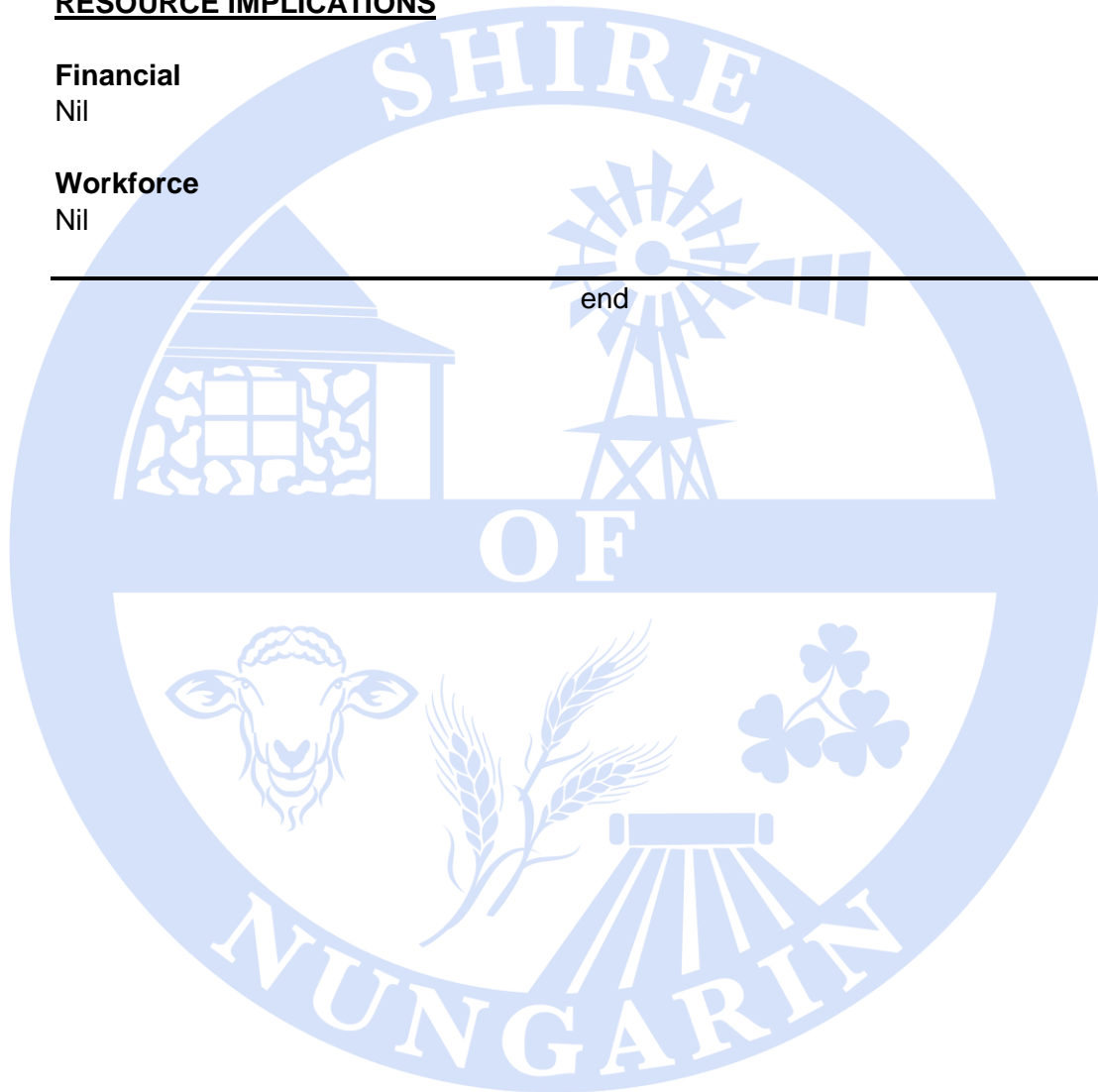
RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil



8.6 ADOPTION - NUNGARIN CARAVAN BASE FUTURE MASTER PLAN	
File Ref:	3.6.2 Caravan Base Redevelopment
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	8.6A – Draft Master Plan 8.6B – Phase Plan

OFFICER RECOMMENDATION/03/22

That Council Resolves to:

- Adopt the Nungarin Caravan Base Future Master Plan attached as attachment 8.6A.**

Moved:

Seconded:

..... / ...

IN BRIEF

Council is requested to consider the adoption of the Nungarin Caravan Base Future Master Plan.

BACKGROUND

The current development style of the caravan base is not being done in a proper and orderly manner. Whilst this approach has worked in the past there is substantial risk of having to redo aspects to enable further development an adopted master plan will eliminate this risk.

REPORT DETAIL

Tourism is an important economic aspect for the Town, and with regard to accommodation the caravan base is the only “mobile” accommodation in town. To capitalise on this, it is important to ensure the development of the caravan base is done in a harmonious and practical manner, this can only be achieved if there is a master plan guiding development.

The development plan will result in the following:

Description	Proposed
Camping / caravan bays	28
Camping / caravan bays + ensuites	5
Self-contained chalets	5
Total	38
Ablution facility	10 unisex (incl one fully disabled)
Laundry	Incl – washers and dryers
Camping kitchen	1

Caravan Dump point	1
Septic system	1

Due to the cost of implementing the master plan it will be necessary to divide the development into phases as indicated on attachment 8.7B, this will also assist with the budgeting of the various phases and can be captured in the future revisions of the various long-term plans.

In conjunction with the development phases it may be possible to undertake the “low lying” aspects of the development which would not require large amounts of funds, i.e.

- Cleaning out of the new entry way;
- Planting the town dam bank; and
- Replacing the blue metal stone with the recommended pea gravel on the existing bays, which will soften the feel and look of the bays.

These aspects of the development could be undertaken by the depot crew when not constructing / repairing roads.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Economic
Aspiration	A diverse business environment with equitable telecommunications and infrastructure. We are uniquely Nungarin in providing a memorable visitor experience.
Objective	Promote and develop a thriving tourism sector.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The improvement of the caravan base will result in additional tourist which in turn will have a positive impact on the economy of the Shire and region.

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

Although the development of the caravan base may not directly improve the quality of life, it does pose the ability of generating additional income for the Shire which is then used to upgrade / develop other community facilities thereby directly improving the quality of life of the community.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	Not having a master plan to work from could result in additional spending which could also slow the completion of the project.

CONSULTATION

- The proposed development has been workshopped with elected members at a briefing session.
- A notice was put out via the Shire's Facebook Page requesting members of the community who are interested to contact the Shire to discuss the proposed plan. In this regard only one community member responded.

RESOURCE IMPLICATIONS

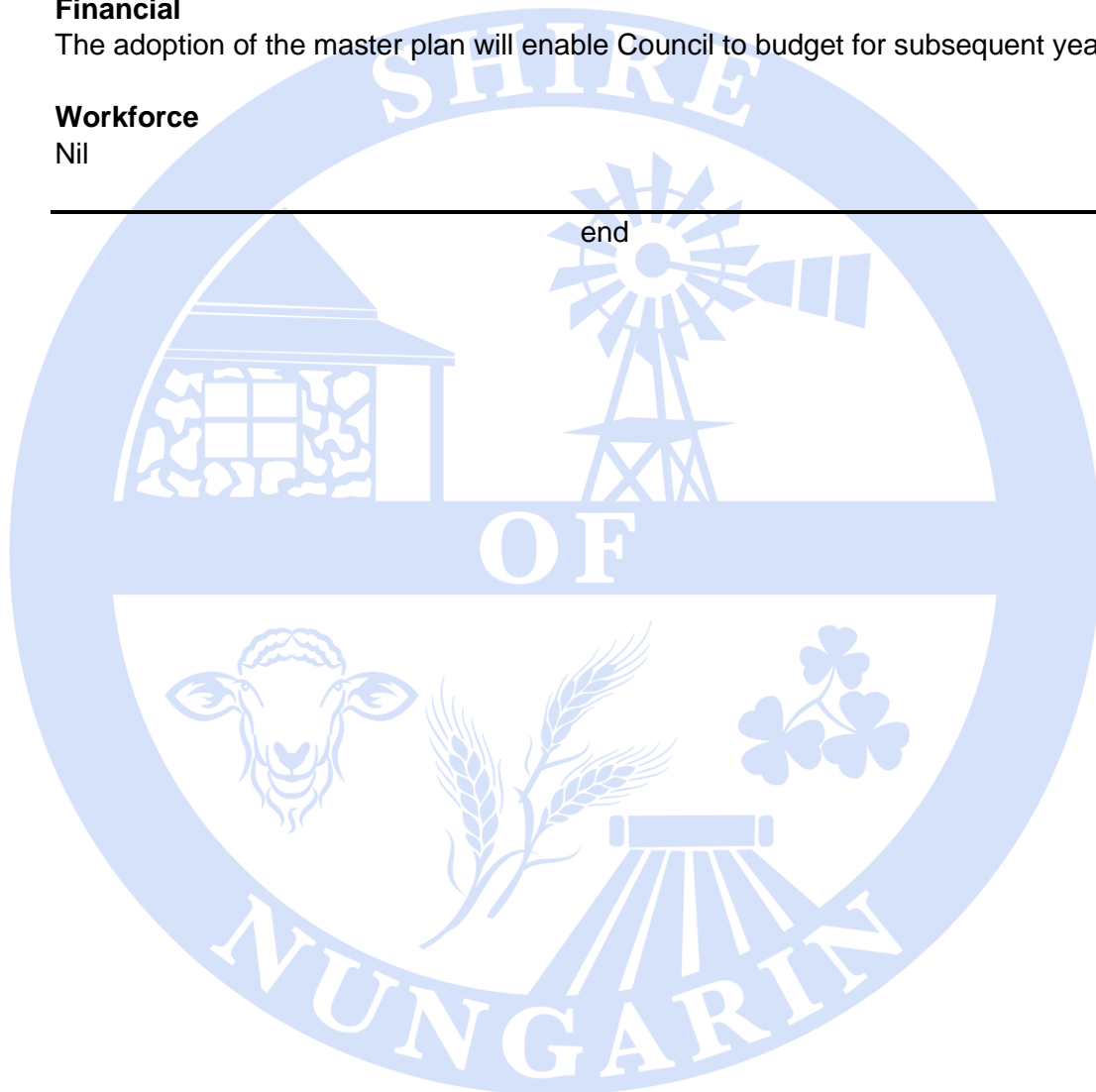
Financial

The adoption of the master plan will enable Council to budget for subsequent years.

Workforce

Nil

end



8.7 REQUEST TO REDUCE FEES – AUSTRALIAN ARMY CADETS CAMP	
File Ref:	24.2.2
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	Nil

OFFICER RECOMMENDATION .../03/22

That Council Resolves to:

1. **Approve the following reduction of fees for the entry and hire of facilities and portable ablutions required to host the Australian Army Cadets between 9 – 16 April 2022:**
 - a. **Reduce the entry fee to the swimming pool to \$1 per person for the duration of the camp;**
 - b. **Reduce the hire fee of the portable ablutions to \$67 per ablution for the duration of the camp plus \$350 being the cost to have the ablutions emptied after the camp; and**
 - c. **Reduce the camping fee to \$10 per person for the duration of the camp.**

2. **The fees referred to in (1.) above are subject to the payment of a \$605 bond (\$305 - Rec centre + \$300 – portable ablutions) prior to the event. The bond will be returned on inspection of the facility and Portable Ablutions.**

Moved:

Seconded:

..... / ...

IN BRIEF

Council is requested to consider waiving or reducing the fees as approved in the 2021/22 adopted fees and charges.

BACKGROUND

The Australian Army Cadets host a cadet camp on a biannual basis and has in the past has been hosted in Geraldton or Booragoon. Following a chance visit to Nungarin the Captain of the cadets has identified Nungarin as being an ideal location to host an Army Cadet Camp. Staff have been working closely with the Captain of the cadets to secure the camp in Nungarin.

REPORT DETAIL

The number of cadets attending the camp will be a minimum of 50 and maximum of 100. The area in which they would like to camp is in the bushland adjacent to the

swimming pool. To be able to comply with the Army’s requirements the camp must be able to provide ablutions, kitchen as well as showers.

The Shire has all the required plant and facilities to be able to accommodate the cadets. However, not all cadets are able to pay the camp costs which is capped at a maximum of \$100 per cadet for the 8 days. The \$100 is used to cover costs associated with transport, food, activities, equipment and the like, not leaving much for rental of facilities.

It has been requested that the cadets be permitted to access the swimming pool and showers potential 2 – 3 times during there 8 day stay. To permit this there has to be a pool manager on duty, however, the pool season ends on 31 March 2022 and the camp is proposed to be held between 9 – 16 April 2022. In this regard Crystal Clear Aquatics (current pool management company) has offered to man the pool at no cost to Council during this period.

The hosting of such an event in Nungarin is beneficial to the economy of the town in the sense that the supplies required by the cadets will be sourced locally, it may also result in additional visitors to town.

Officers believe it is important for the Council to support any event held in town and as such recommend the waiver / reduction of hire fees. However, Officers do not support the waiver of any bonds due to the potential of damage to the equipment / plant, considering the bond is refundable.

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	Plan and deliver sport and recreation, public and community events

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The economy of the town will benefit from the event, as a result of the number of visitors and their subsequent spending power.

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

It is proposed that the camp will include an open day of activities where locals within town and the region will be able to partake in events / exercises. Any additional event in town is positive for the community.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	Making the event more affordable has the potential to have the event hosted biannually in Nungarin, which would benefit the town and region.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The hire fees associated with the plant and facilities needed to host the camp is as follows:

Prescribed Fee	Recommended Reduction
Swimming Pool Entry \$1 / day = \$3	Once off entry fee of: = \$1
Per Portable Ablutions \$67 / day	Once off fee \$67 per toilet for the entire period + cleaning cost = \$201 +
Single ablution 7 days = \$469	cleaning cost
Double ablution 2 days = \$268	
Camping \$10 / day: = \$70	\$10 for the entire period
Recreation Centre / day \$31: = \$248	As per prescribed fees
= \$1,058	= \$459

Workforce

Nil

end

8.8 REQUEST TO USE COUNCIL WATER AND LAND FOR CARWASH DURING NUNGARIN MARKET DAYS.	
File Ref:	24.2.5 Nungarin Wheatbelt Markets
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	Attachment 8.8A – Request letter

OFFICER RECOMMENDATION03/22

That Council Resolves to:

- Not support the request from the Nungarin Wheatbelt Market to use Council water and land to allow a stallholder to operate a carwash at the monthly markets.**
- Encourage the Nungarin Wheatbelt Markets to approach a private property owner to negotiate the potential to operate a carwash, after obtaining the appropriate approval.**

Moved:

Seconded:

..... / ...

IN BRIEF

Council is requested to consider the request from the Nungarin Wheatbelt Markets to use Council water and land for a stallholder to operate a carwash at the markets.

BACKGROUND

The Nungarin Wheatbelt Markets are held on the first Sunday of every month. A request has been received from the Nungarin Wheatbelt Markets Committee (NWMC) to allow a new stall holder to operate a carwash during the markets.

REPORT DETAIL

It is proposed that the carwash be operated from the sandy laneway between the public toilets and Radcliffe Park, with water being sourced from the public ablutions. The NWMC estimates that two buckets of water will be required for each car washed.



Officers have a number of concerns regarding the request:

1. Use Council water which is essentially for the benefit of a private “business”. Even if the operator was to offer to pay for the water used there is no separate meter on the building. It would not be possible to differentiate water used for the ablutions versus the carwash operator.
2. The proposed location to operate the carwash is on land owned by the Council, and does not have the required drainage to accommodate a carwash. A carwash is required to have a drainage system approved by an Environmental Health Officer, to prevent any pollution. Although it is acknowledged the potential for pollution is minimal, should Council approve the use it will become liable for any pollution caused. A further concern is the water runoff resulting from the carwash, which could run into the street and may result in a slipping hazard.
3. In addition to (2) above the proposed location is adjacent to a playground and public ablutions. It is a safety risk to have the proposed use in such close proximity to public facilities. Should Council approve the use it may be held liable should somebody get injured due to the carwash operations.

Whilst officers are supportive of any new use in town the risk to Council needs to be considered first and foremost. It is recommended the NWMC contact a local private property owner who would be willing to accommodate a carwash. However, it must be noted approval to operate a carwash will still be required from the Shire’s Environmental Health Officer.

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	Plan and deliver sport and recreation, public and community events

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

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	Approving the use may result in significant liabilities for Council with regard to pollution and safety.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

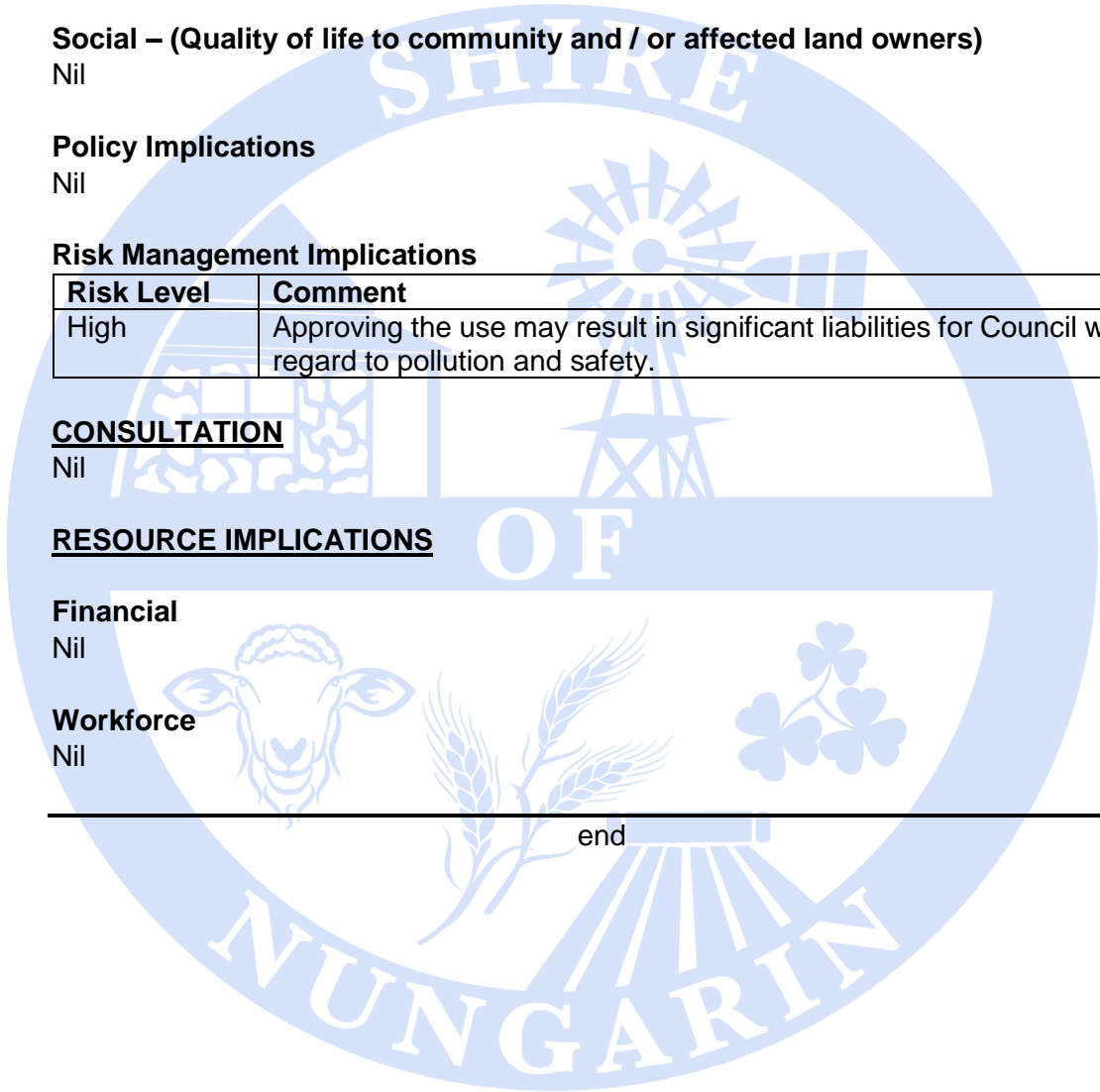
Financial

Nil

Workforce

Nil

end



9. DELEGATES REPORTS

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

9.1 Cr O’Connell (APPENDIX 9.1A)

10. NEW BUSINESS OF AN URGENT NATURE

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

11. CONFIDENTIAL ITEMS OF BUSINESS

COUNCIL RESOLUTION .../03/22	
That Council Resolves to:	
1. Proceed behind closed doors as per Section 5.23(2) of the <i>Local Government Act 1995</i> , for considering items 11.1 and 11.2, the time beingpm.	
Moved:
Seconded:
..... / ...	

11.1 CONFIDENTIAL ITEM: DEFAULT RATE PAYERS	
File Ref:	23 - Rates and Valuations
Previous Item Ref:	OCM 6790/12/21
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	Nil

Note: Council Resolution for item 11.1 (**COUNCIL RESOLUTION .../03/22**) remain confidential in accordance with Regulation 14(2) of the *Local Government (Administration) Regulations 1996*.

11.2 CONFIDENTIAL ITEM: CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW	
File Ref:	20.2.9 - Personnel File
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Attachment Number:	Nil

Note: Council Resolution for item 11.2 (**COUNCIL RESOLUTION .../03/22**) remain confidential in accordance with Regulation 14(2) of the *Local Government (Administration) Regulations 1996*.

OFFICER RECOMMENDATION .../03/22

That Council Resolves to:

- 1. Proceed with the meeting in public, the time beingpm.**

Moved:

Seconded:

..... / ...

12. CLOSURE

The being no further business the meeting closed at

Presiding Member

Date

