

Date: 14 October 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 19 October 2022 at 4:30pm 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

---

### DISCLAIMER

*Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.*

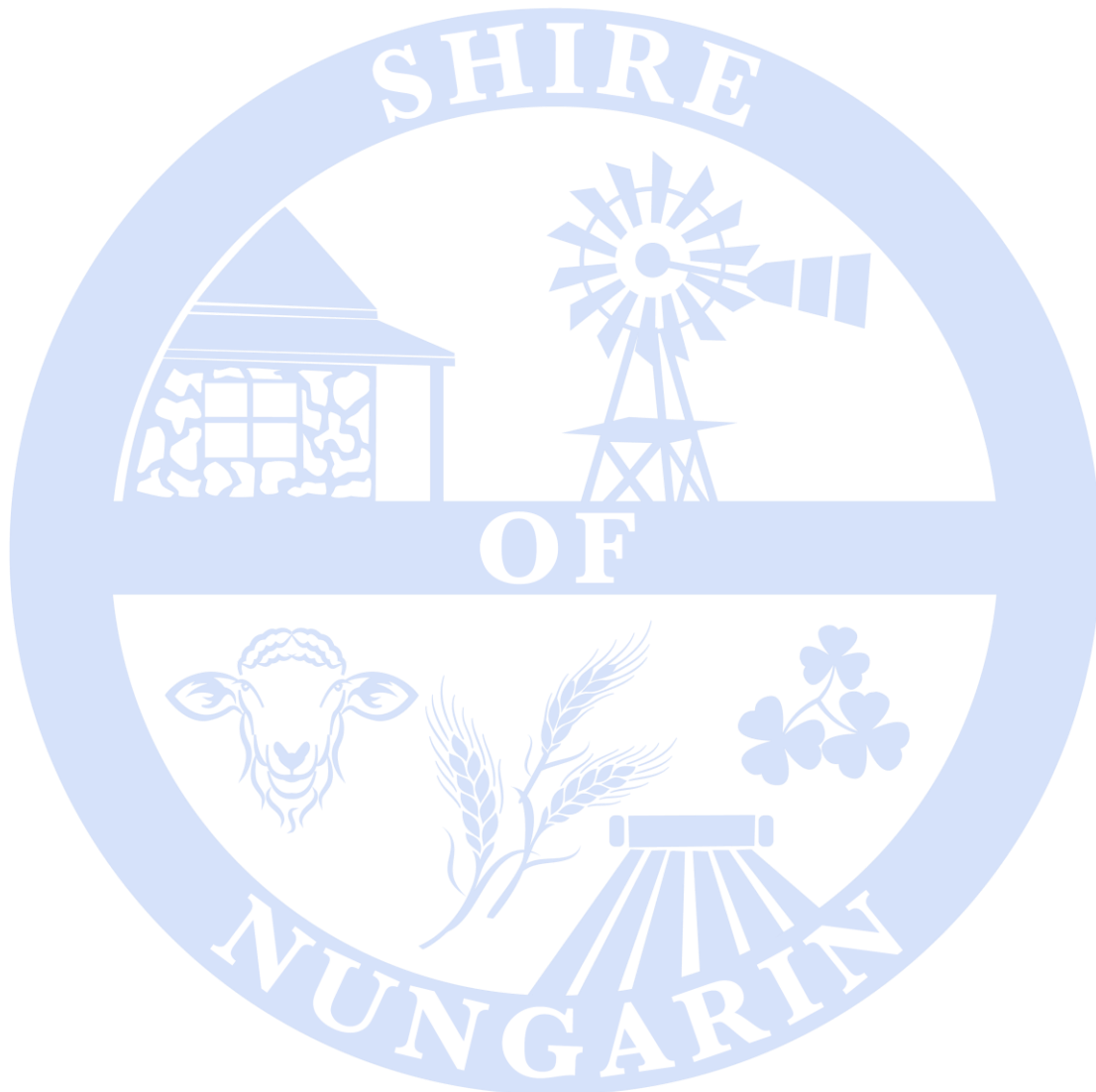
*Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.*

*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.



**TABLE OF CONTENTS**

<b>1. DECLARATION OF OPENING .....</b>	<b>4</b>
<b>2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>2.1 ATTENDANCE .....</b>	<b>4</b>
<b>2.2 APOLOGIES.....</b>	<b>4</b>
<b>2.3 REQUEST FOR LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>3. DEPUTATIONS AND PETITIONS.....</b>	<b>4</b>
<b>3.1 DEPUTATIONS.....</b>	<b>4</b>
<b>3.2 PETITIONS .....</b>	<b>4</b>
<b>4. PUBLIC QUESTION TIME.....</b>	<b>5</b>
<b>4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>5</b>
<b>4.2 PUBLIC QUESTION TIME .....</b>	<b>5</b>
<b>5. DECLARATIONS OF INTEREST .....</b>	<b>5</b>
<b>5.1 FINANCIAL AND PROXIMITY INTEREST .....</b>	<b>5</b>
<b>5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT .....</b>	<b>5</b>
<b>6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) .....</b>	<b>5</b>
<b>7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION .....</b>	<b>5</b>
<b>7.1 ORDINARY COUNCIL MEETING – 21 September 2022 .....</b>	<b>5</b>
<b>8. OFFICER REPORTS.....</b>	<b>6</b>
<b>8.1 LISTING OF PAYMENTS FOR THE MONTH OF SEPTEMBER 2022.....</b>	<b>6</b>
<b>8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD     ENDING 30 SEPTEMBER 2022.....</b>	<b>9</b>
<b>8.3 REVIEW OF SHIRE OF NUNGARIN POLICY MANUAL .....</b>	<b>12</b>
<b>8.4 ANNUAL REVIEW OF THE DELEGATION OF AUTHORITY REGISTER     2022/23.....</b>	<b>22</b>
<b>8.5 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER.....</b>	<b>27</b>
<b>8.6 SHIRE OF NUNGARIN STAFF CHRISTMAS FUNCTION.....</b>	<b>30</b>
<b>8.7 PROPOSED SIGNAGE – STUDIO ARTISTIQUE .....</b>	<b>32</b>
<b>8.8 DISPOSAL OF MINOR ASSETS .....</b>	<b>34</b>
<b>9. DELEGATES REPORTS.....</b>	<b>39</b>
<b>9.1 Cr O’Connell (APPENDIX 9.1A).....</b>	<b>39</b>
<b>10. NEW BUSINESS OF AN URGENT NATURE.....</b>	<b>39</b>
<b>11. CONFIDENTIAL ITEMS OF BUSINESS .....</b>	<b>39</b>
<b>12. CLOSURE .....</b>	<b>39</b>

## AGENDA

### 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at \_\_\_pm.

#### **Affirmation of Civic Duty and Responsibility (considered 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 – 21 September 2022**

**OFFICER RECOMMENDATION.../10/22**

**That the Minutes of the Ordinary Council Meeting held on 21 September 2022 be confirmed as being a true and accurate record.**

**Moved:** .....

**Seconded:** .....

.....

**8. OFFICER REPORTS**

<b>8.1 LISTING OF PAYMENTS FOR THE MONTH OF SEPTEMBER 2022</b>	
<b>File Ref:</b>	10.13
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Vanessa Seward, Executive Assistant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	8.1A – Payment List

**OFFICER RECOMMENDATION .../10/22**

**That Council Resolves to:**

- 1. Receive the following payments made throughout the month of September 2022:**

<b>Municipal</b>	<b>Cheque</b>	<b>\$ 2,463.13</b>
	<b>EFT</b>	<b>\$ 85,676.67</b>
	<b>Direct Debit</b>	<b>\$ 15,696.32</b>
	<b>Credit Card</b>	<b>\$ <u>146.46</u></b>
		<b>\$103,982.58</b>
<b>Trust</b>	<b>Cheque –</b>	<b>Nil</b>
	<b>Grand Total</b>	<b>\$103,982.58</b>

**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 September 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**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnership.
<b>Objective</b>	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**

<b>Risk Level</b>	<b>Comment</b>
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**

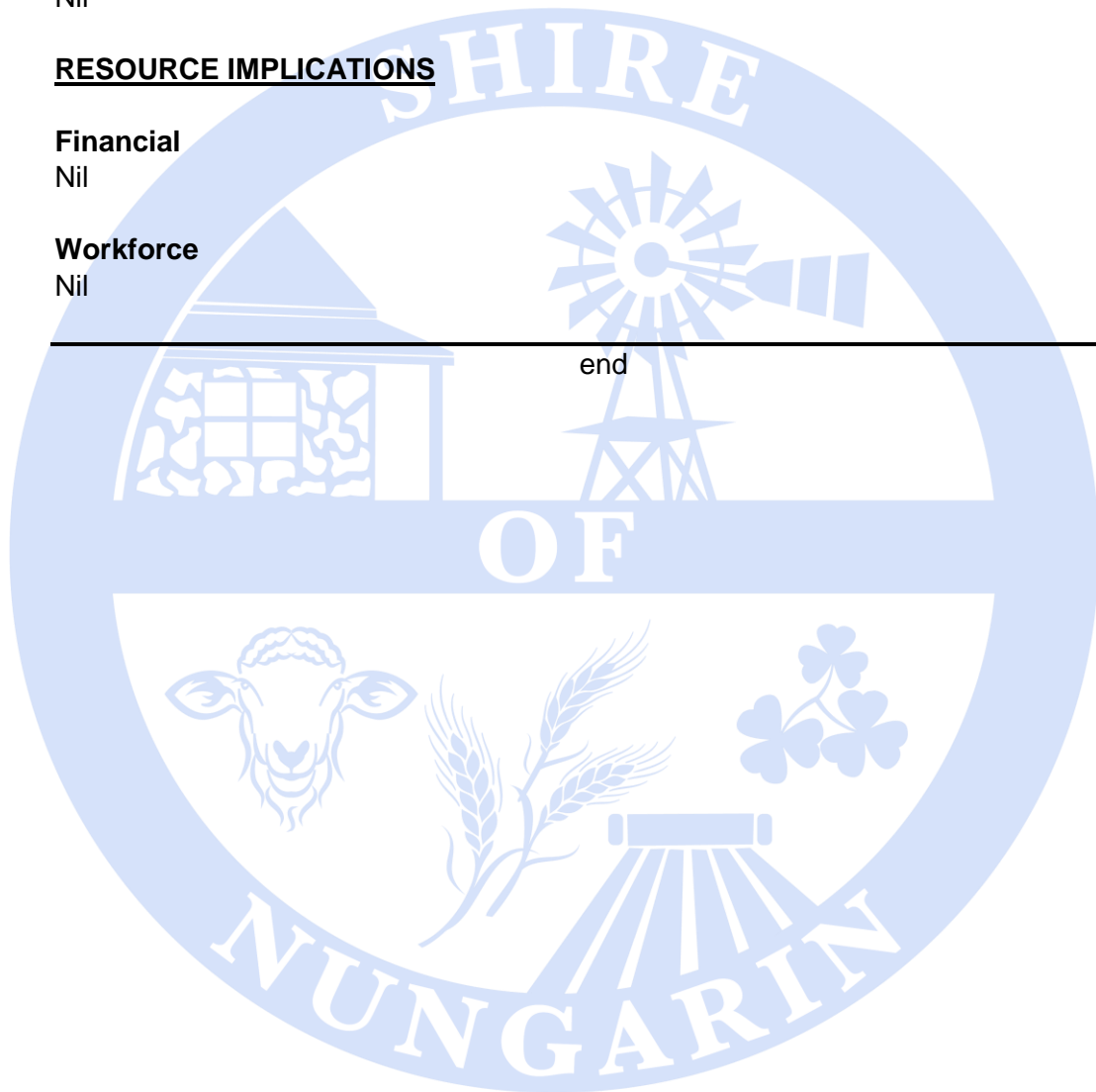
Nil

**Workforce**

Nil

---

end





<b>8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 SEPTEMBER 2022</b>	
<b>File Ref:</b>	10.2.2
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	8.2A – Monthly Statement

**OFFICER RECOMMENDATION .../10/22**

**That Council Resolves to:**

- 1. Receives the monthly financial activity statement for the period ending 30 September 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 September 2022 shows a closing surplus of \$1,979,915.

## **SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

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

## **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**

<b>Risk Level</b>	<b>Comment</b>
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**

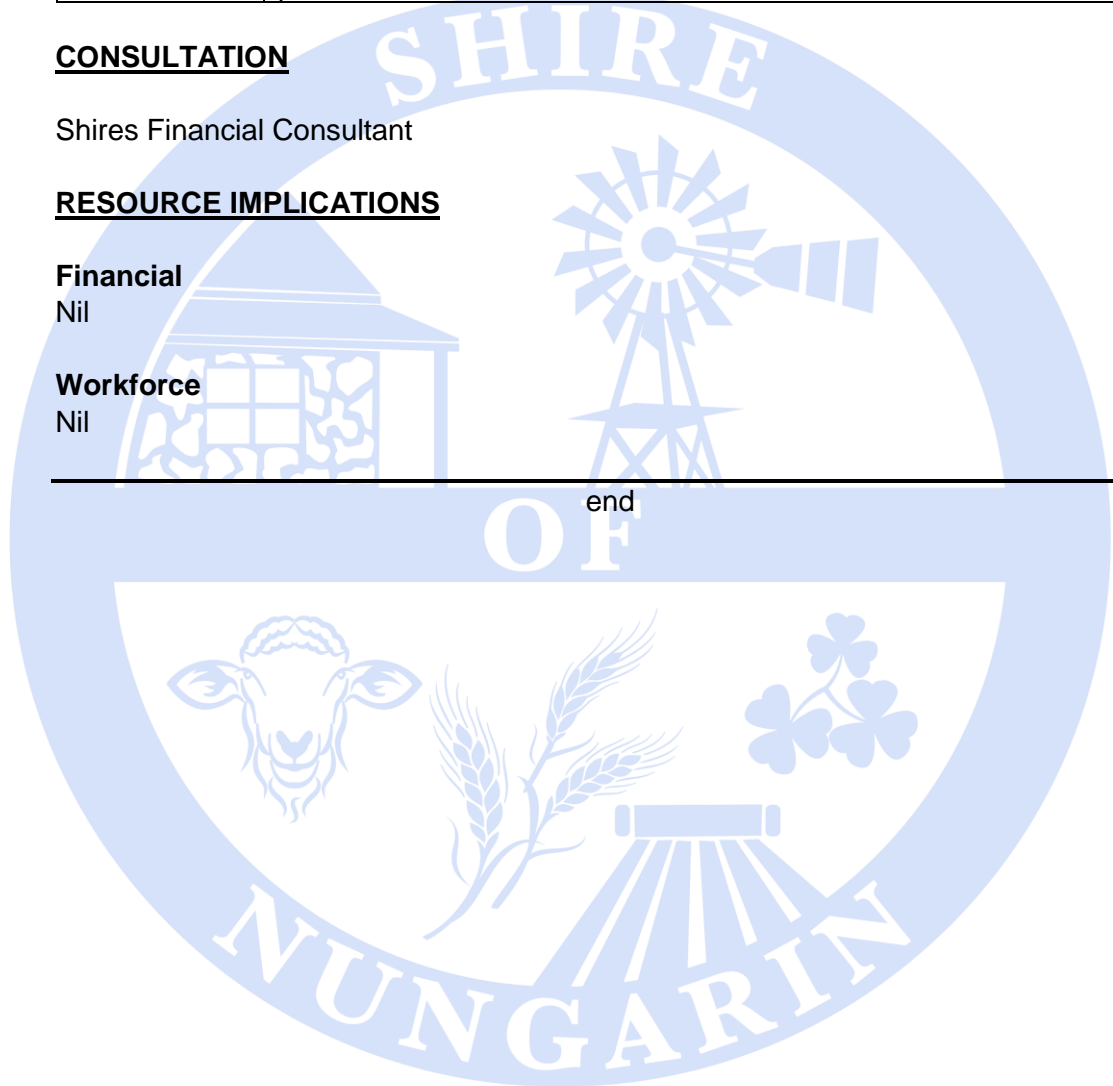
Nil

**Workforce**

Nil

---

end



<b>8.3 REVIEW OF SHIRE OF NUNGARIN POLICY MANUAL</b>	
<b>File Ref:</b>	3.11
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachment Number:</b>	Attachment 8.3A: Draft Policy Manual

**OFFICER RECOMMENDATION .../10/22**

**That Council Resolves to:**

**1. Adopts the revised Shire of Nungarin Policy Manual (Attachment 8.3A).**

**Moved:** .....

**Seconded:** .....

**Absolute Majority Required**  
.....

**IN BRIEF**

To ensure policies remain applicable and operation it is good practice to review policies on an annual basis.

The proposed review is considered a major review of the existing policy manual, reducing the number of policies from 90 to 56.

**BACKGROUND**

Extensive research and consultation has been undertaken 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:

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

The objectives of Council’s policies are:

1. To provide Council with a formal written record of policy decisions;
2. To provide employees with clear direction to respond to issues and act in accordance with the Council’s direction;

3. To enable Councillors to adequately handle general enquiries relating to the role of Council;
4. 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
5. 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:

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

### **REPORT DETAIL**

The index used for the policy manual has been amended from its current 12 main index headings to 8 indexes heading which corresponds to the latest version of the Nungarin Record Keeping Plan.

Policies to be deleted:

<b>Existing Policy</b>	<b>Comment</b>
1.01 Corporate Direction	Deleted, Council direction is dealt through the Community Strategic Plan.
1.02 Delegated Authority	Deleted, delegations are approved annually separate to the policy manual .
1.08 Use of Council Chambers	Deleted, policy considered outdated and not required.
1.10 Councillor Requests and Work Requests	Deleted, policy considered outdated and not required.
1.11 Pecuniary Interests – Leaving Council Chambers	Deleted, pecuniary interests are dealt with by the LG Act.
1.12 Instrument of Delegation	Deleted, delegations are approved annually separate to the policy manual.
1.13 Council Agenda Procedure	Deleted, policy considered outdated and not required.
1.14 Election Committees	Deleted, policy considered outdated and not required. Election of Committees form part of the election cycle every two years.
1.17 Local Laws	Deleted, local laws fall under the LG Act as such a policy is not required.
1.18 Nungarin Business Association and Referral of Business Sector Matters	Deleted, association no longer exists.
2.01 Use of Council Vehicles by Council Officers / Authorised Persons	Deleted, forms part of operational duties and / or included in individual employment contracts.
2.02 Staff Telephones and Allowances	Deleted, forms part of operational duties and / or included in individual employment contracts.

2.03 Staff Housing	Deleted, forms part of operational duties and / or included in individual employment contracts.
2.08 Attendance of Executive Officers at Council / Committee Meetings	Deleted, the attendance of staff is an operational matter.
2.09 Uniforms – Council Administration Staff	Deleted, forms part of employee appointment contract, and is also covered in Policy CM1 Shire of Nungarin Employee Code of Conduct.
2.10 Administration Hours of Work / Leave arrangements	Deleted, considered an operation issue.
3.01 Enrolment of Non-Residents, Owners and Occupiers	Deleted, Local Government Act and Regulations
3.03 Approval of Accounts	Deleted, considered an operational matter.
3.05 Hire of Council Equipment – Administration and Recreation Centre	Deleted, considered an operational matter and is also captured in the fees and charges.
3.06 Accounts Receivable Recovery	Deleted, considered an operational matter.
3.08 Tender Procedure	Deleted, controlled via the LG Act and by definition of the name is a procedure not a policy.
3.09 Endorsement of Council Applications for grants / funding	Deleted, considered an operational matter which corresponds to budget allocations.
3.10 Statutory Appointments	Deleted, controlled through the LG Act.
3.11 Implementing the budget	Deleted, considered an operational matter.
3.12 Group valuation for contiguous farming properties	Deleted, controlled through the Valuer General
3.13 Rates – Early Payment Discount	Deleted, the revenue received through rates is already low, it would not be financially sustainable to offer any discounts.
3.14 Creditors Replacement Cheques	Deleted, considered operational, and not required.
3.15 Budget Adopting Timing	Deleted, timing around the adoption of budgets is covered in the LG Act.
3.16 Self Supporting Loans – Local Organisations and sporting clubs	Deleted, self-supporting loans would be a unique occurrence, a policy it is not considered necessary as any application would be considered by the full Council.
3.17 Administration and transport vehicles - changeover	Deleted, considered an operational matter. Although a policy may be developed in the future
4.02 Withdrawal of Infringement Notices	Deleted, captured in the Delegations Register.
5.01 Delegation of Building Approval	Deleted, forms part of the Delegations Register as well as controlled by the Building Act 2011
5.03 Mosquito Control Program	Deleted, considered an operational matter.

6.01 Mobile Garbage Bins – Refuse Collection	Deleted, operational management
7.01 Swimming Pool Entrance Fee – Disability Exemptions	Deleted, included in the annual fees and charges
7.02 Use of Pool Outside of Normal Hours	Deleted, considered an operational matter.
7.03 Operational Hours Variations – Swimming Pool	Deleted, considered an operational matter.
7.04 Patrons Code of Conduct – Pool Rules	Deleted, considered an operational matter.
7.05 Fees and Charges for swimming complex	Deleted, included in the annual fees and charges.
7.06 Establishment and maintenance of playground equipment	Deleted, considered an operational matter.
7.07 Conditions of usage – Recreation Reserves	Deleted, a policy is too rigid and therefore not considered necessary.
7.08 Naming of Parks and Reserves	Deleted, process of naming parks and reserves is controlled by the Land Administration Act.
7.09 Staff Uniforms – Swimming Pool	Deleted, forms part of swimming pool employee's appointment conditions / contract.
7.10 Hire of the Nungarin Swimming and Leisure Centre	Deleted, included in the annual fees and charges.
7.11 Nungarin Art Collection	Deleted, Nungarin Art Committee no longer exists. The art will be catalogued as part of the records system.
8.01 Traffic Management	Deleted, only qualified staff are permitted to undertake traffic control.
8.04 Road Verge Treatment (townsite)	Deleted, operational matter, it is not considered necessary to have a policy.
8.06A Reserve 25151 Policy	Deleted, reserve is controlled via the Land Administration Act
8.07 Reserve landscape protection	Deleted, reserve vegetation is controlled through a number of Acts.
8.08 Operation of Council Plant	Deleted, considered an operational matter
8.09 Engineering plant security	Deleted, considered an operational matter
9.02 Cancellation of Building Licence	Deleted, dealt with through the Building Act 2011
9.01 Amalgamations of Lots	Deleted, dealt with through the Planning and Development Act
9.03 Expiry of Building Licence	Deleted, dealt with through the Building Act 2011
9.09 Caravan Park and Camping Grounds Act and Regulations	Deleted, cannot be considered to be a policy.
10.01 Private works – Local Clubs / Organisations	Deleted, policy has significant implications from a WHS perspective and possibly from an insurance point of view.
11.01 Use of Council leased or owned vehicle by	Deleted, NRM no longer leases a vehicle from the Shire.

Natural Resource Management Officers	
12.01 Use of Council leased or owned vehicle by Wheatbelt Agcare Officers	Deleted, vehicle is no longer leased by Wheatbelt Agcare.

Existing Policies amended / updated:

Existing Policy	New Policy	Comment
1.03 Senior Employees	CM2 Senior Employees	Major review
1.04 Equal Opportunity	A6 Equal Employment Opportunity	Major review
1.05 Members Travelling Allowances	GEM2 Councillor Fees, Allowances and Reimbursements	Major review
1.06 Retirement of Councillors – Council Gift / Function	GEM6 Councillor Recognition of Continuous Services	Major review
1.07 Members attendance at conferences, seminars, training and induction	GEM7 Attendance at Events and Functions	Major review
1.09 Attendance of Local Government Week	GEM7 Attendance at Events and Functions	Incorporated
1.15 Councillors Information Requests	GEM1 Councillor Access to Information	Major review
1.16 Press Statements / Media Interviews	GEM3 Councillors and CEO Public Statement Policy.	Major review
1.19 Local Purchasing Policy	F1 Local and Regional Price Preference	Major review
2.04 Retirement / Resignation of Employees – Council Gift / Function	CM15 Employee Recognition of Continuous Service, Retirement and Resignation	Major review
2.05 Long Serving Employees 20 Years and Over	CM15 Employee Recognition of Continuous Service, Retirement and Resignation	Incorporated
2.06 Study Leave and Expenses - Application	A9 Further Study, Study Leave and Expenses	Major review
2.07 Acting Chief Executive Officer	CM8 Appointment of Acting Chief Executive Officer	Updated
2.11 Flag Flying Protocols	CM16 Flying of the Australian National Flag	Major review
3.02 Rates – Recovery of Outstanding	F5 Recovery of Outstanding Rates and Service Charges	Major review, (legal advice received)
3.07 Investment of Surplus Funds	F2 Investment of funds	Major review
4.01 Sale of Abandoned Vehicles	CM10 Disposal of Property	Major review
5.02 Graffiti Removal and Prevention	A8 Graffiti Management	Major review



6.02 Bed and Breakfast Accommodation	PD1 Planning & Development of Townsites	Major review
8.02 Signs on Road Reserves	WS6 Signs on Reserves	Major review
8.03 Street Trees	WS2 Street Tree Removal	Major review
8.10 Bitumen Frontage – Rural Properties	WS4 Bitumen Frontage – Rural Properties	Major review
9.04 Setback Variation for single, grouped, multiple & special purpose residential dwellings	PD1 Planning & Development of Townsites	Major review
9.05 Setback variation for single residential dwellings	PD1 Planning & Development of Townsites	Major review
9.06 Shade type structures between dwelling and boundary	PD1 Planning & Development of Townsites	Major review
9.07 Outbuilding setback	PD1 Planning & Development of Townsites	Major review
9.08 Outbuildings in residential areas	PD1 Planning & Development of Townsites	Major review
9.10 Commercial vehicles in residential area	PD2 Commercial Vehicles in Residential Areas (Gazetted Townsites)	Major review
9.11 Trading in Public Places	PD3 Trading in public places	Major review
10.02 Undertaking Private Works	WS1 Private Works	Major review

## New Proposed Policies:

New Policy	Comment
GEM5 Councillor Continuing Professional Development	To ensure Councillors meet and comply with the prescribed professional development requirements under the <i>Local Government Act 1995</i> and to further encourage participation in other conferences and training specifically designed to enhance skills and knowledge relating to roles and responsibilities.
GEM8 Code of Conduct for Council Members, Committee Members and Candidates	LG Act requirement
CM1 Shire of Nungarin Employee Code of Conduct	LG Act requirement
CM3 Honorary Freeman of the Shire of Nungarin	To guide the nomination, selection and award of the prestigious ceremonial title to a person designated as “Honorary Freeman of the Shire of Nungarin”
CM4 Complaints	The intent of this policy is to establish the Shires position about complaints received and the approach to be taken in their resolution.

CM5 Public Interest Disclosure	To detail the manner in which the Shire of Nungarin will comply with its obligations under the Public Interest Disclosure Act 2003.
CM6 Risk Management	The key objective of this policy is to ensure that sound Risk Management practices and procedures are fully integrated into the Council’s strategic and operational planning processes.
CM7 Legal Representation – Cost Indemnification	This policy is designed to protect the interests of Councillors and employees (including past members and former employees) where they become involved in legal proceedings as a result of performing their normal duties. In most situations the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to these proceedings.
CM9 Purchasing	<ol style="list-style-type: none"> <li>1. Allows CEO to purchase items up \$249,000 when purchase included in the adopted budget and per LG Act</li> <li>2. Allows the CEO to delegate purchase authority to staff for operational purposes without Council approval.</li> </ol>
CM10 Disposal of Property	<p>To improve the process and time frame involved to:</p> <ol style="list-style-type: none"> <li>(a) Dispose of Shire property where the market value of the property to be disposed of (which does not include land) is less than \$20,000 or where the property that is disposed of as part of the consideration for other property that the local government is acquiring for a consideration where the total value of which is not more, or worth more, than \$75,000.</li> <li>(b) Dispose of abandoned vehicles.</li> </ol>
CM11 Fraud and Corruption Control	This Policy is consistent with, and supported by Council’s legislative obligations, Policy CM1 – Shire of Nungarin Employee Code of Conduct, and the Fraud and Corruption Control Strategy.
CM12 Community Engagement	To ensure Shire of Nungarin community engagement is meaningful, consistent across the entire organisation and undertaken in accordance with industry best practice.
CM13 Smoking in Council Buildings and Vehicles	To ensure a smoke free environment for all Council employees and eliminate exposure to environmental tobacco smoke in the work place.
CM14 Alcohol and drugs in the workplace	To implement a fair and proactive alcohol and drugs screening program that will contribute to the safety and health of employees, volunteers and contractors of the Shire of Nungarin.
CM15 Employee Recognition of Continuous Service, Retirement and Resignation	To provide guidelines for the recognition of employees who achieve a significant milestone with continuous service as well as employees retiring or resigning.

CM17 Social Media	This policy establishes protocols for using social media to undertake official Shire of Nungarin communications with the community and provide guidance for members and employees on how to use social media in the course of their official duties. This policy ensures that communication is professional, accurately represents Council's position and fosters a positive public perception of the Shire of Nungarin.
CM18 Asset Management	To ensure that services delivered by the Shire of Nungarin continue to be sustainably delivered. This will be achieved by ensuring that the infrastructure assets used to support the service delivery continue to function to the level of service determined by Council. It will also provide clear direction as to how Council, as custodians of community assets, will manage those assets within an asset management framework.
CM19 Bereavement	To provide guidance when respecting the bereavement of past and present elected members and employees.
CM20 End of Calendar Year Staff Bonuses	To provide recognise extraordinary work performance by employees throughout the calendar year.
CM21 Emergency Services Volunteer Management	To provide guidance on the management of volunteers performing tasks and duties for or on behalf of the Shire of Nungarin.
A1 Customer Service Charter	To outline the Customer Service Charter that defines our commitment to customer service excellence. It establishes a set of standards that outline the level of service you can expect from us, and equally what you can do to assist us to achieve these standards.
A2 Annual Shire Administration Office and Depot Closure	To confirm Council's support for the annual closure of the Shire Administration Office and Depot over the Christmas – New Year period.
A3 Records Management	To ensure records of all activities and decisions of Council are created, accessed, managed and retained or disposed of appropriately, and in accordance with relevant legislation.  The policy is also a requirement of the Records Keeping Plan required i.t.o the State Records Act.
A4 Closed Circuit Television	To outline Council's position on the use on both temporary and fixed external Closed-Circuit Television (CCTV) equipment in the district to enhance and promote community safety and deter undesirable or unwanted activity and formally acknowledge that CCTV can be an effective tool to reduce, prevent and identify crime, as part of a broader crime prevention and community safety strategy.
A5 Work Health and Safety	To outline the overarching principles for the organisation to effectively support Work Health and Safety (WHS).

A7 Appointment of Rangers as an Authorised Officer / Person	To streamline the process for the appointment of Rangers and other employees as required by the various Acts that Council administers.
F3 Related Party Disclosures	To ensure compliance with the Australian Accounting Standard AASB124 related party disclosures and the Local Government Act 1995 to prepare financial accountability documents, including general purpose financial statements.
F4 Corporate Credit Card	Stipulates the usage of the corporate credit card
C1 Australia Day Awards	To support the recognition of worthy persons and groups through the Australia Day WA Community Citizen Awards Program.
C2 Consumption of Liquor on Council Properties by Outside Bodies	To control the consumption of liquor on Council properties by outside bodies using Council premises.
WS3 Weed Control Works within Road Reserves	To outline for Shire staff and approved contractors responsible for the application of herbicides within the Shire’s road reserves.
ES1 Bushfire Preparedness, Prevention, Planning and Enforcement	To confirm the critical importance of bushfire preparedness and prevention activities and appropriate planning to adequately prepare for, or mitigate the spread or extension of bushfires in the district and acknowledge enforcement of the approved compliance standards or for additional notices (Special Works Orders).
ES2 Emergency Management	To outline a commitment by the Shire for the broad principles of Emergency Management in the district to support the community.

**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)**

Policies may have an impact on financial and economic processes and decisions, particularly those in the ‘Finance’ category.

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

Policies may have an implication to the community and landowners, particularly those in the ‘Community’ and ‘Planning & Regulatory’ categories.

**Policy Implications**

All policies have been included in this review. See the ‘Report Detail’ for information on policies which are proposed to be deleted, inserted or amended.

**Risk Management Implications**

Risk Level	Comment
Medium	Not having certain policies could be a breach of various Acts, further, policies also provide guidance to the community on a number of matters, without which could result in community angst in certain areas.

**CONSULTATION**

- Throughout the development of the Policy Manual staff were consulted.
- Legal Advice was sort were considered necessary; and
- The Policy Manual was workshopped with Council at its briefing held on 21 September 2022.

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

The annual review will provide staff with clear direction to respond to issues and act in accordance with the Council’s direction. There is no significant implications resulting from the proposed Policies Documentation.

---

end

<b>8.4 ANNUAL REVIEW OF THE DELEGATION OF AUTHORITY REGISTER 2022/23</b>	
<b>File Ref:</b>	3.2
<b>Previous Item Ref:</b>	Res 6785/12/21
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachment Number:</b>	8.4A – Delegations Register

**OFFICER RECOMMENDATION ..../10/22**

**That Council Resolves to:**

- As delegator, accept the annual statutory review of the Delegations of Authority Register for the 2022/23 financial year, in accordance with sections 5.18 and 5.46 of the Local Government Act 1995, section 47(2) of the Cat Act 2011 and section 10AB of the Dog Act 1976.**

**Moved:** .....

**Seconded:** .....

Absolute Majority Required  
.....

**IN BRIEF**

Each year Council must review the Shire of Nungarin Delegation of Authority Register.

Following last year’s major review of the delegations no amendments to the delegations are proposed.

**BACKGROUND**

The *Local Government Act 1995* requires local governments to review their delegation of powers and authority to the Chief Executive Officer at least once in every twelve months, and for the Chief Executive Officer to review their delegation of authority within the same review period.

A major review of the Delegation of Authority Register was endorsed at the Ordinary Council Meeting held in December 2021. The aim and purpose of delegated authority is to assist with the efficiency of the local government activities by way of quicker decisions.

Under the *Local Government Act 1995* and other legislation, Council may delegate its functions, duties and powers to the Chief Executive Officer to assist with efficient and timely decision making. The Chief Executive Officer may then sub delegate functions, duties and powers to other staff and sub-delegated functions are also reviewed annually as a separate process. Delegations are a proven effective organisational tool that enhances productivity and support effective customer service and timely decision making.

**REPORT DETAIL**

No changes are proposed to the Delegation Register adopted by Council at its Ordinary Council Meeting of 15 December 2021.

**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong democracy with an actively engaged community and effective partnership.
<b>Objective</b>	A Shire that prospers through partnerships and good governance.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

**s.5.16 – Delegation of some powers and duties to certain committees**

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation. \* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 -
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

**s.5.17 – Limits on delegation of powers and duties to certain committees**

- (1) A local government can delegate —
  - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority of the council; and
    - (ii) any other power or duty that is prescribed; and
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or

- (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

s.5.18 – Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

s.5.42 – Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

s.5.43 – Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

s.5.44 – CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
- (a) the CEO’s power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO’s delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.



- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

#### s.5.45 – Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
  - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
  - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

#### s.5.46 – Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

#### *Local Government (Administration) Regulations 1996*

#### r.18G – Delegations to CEOs, limits on (Act s.5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

#### r.19 – Delegates to keep certain records (Act s.5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

**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)**

Delegated function improve the Shires ability to react to community request by enabling more effective and timeous decision making.

**Policy Implications**

Nil

**Risk Management Implications**

Risk Level	Comment
High	Not reviewing and endorsing the Delegation of Authority Register annually will result in non-compliance with the <i>Local Government Act 1995</i> .

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**

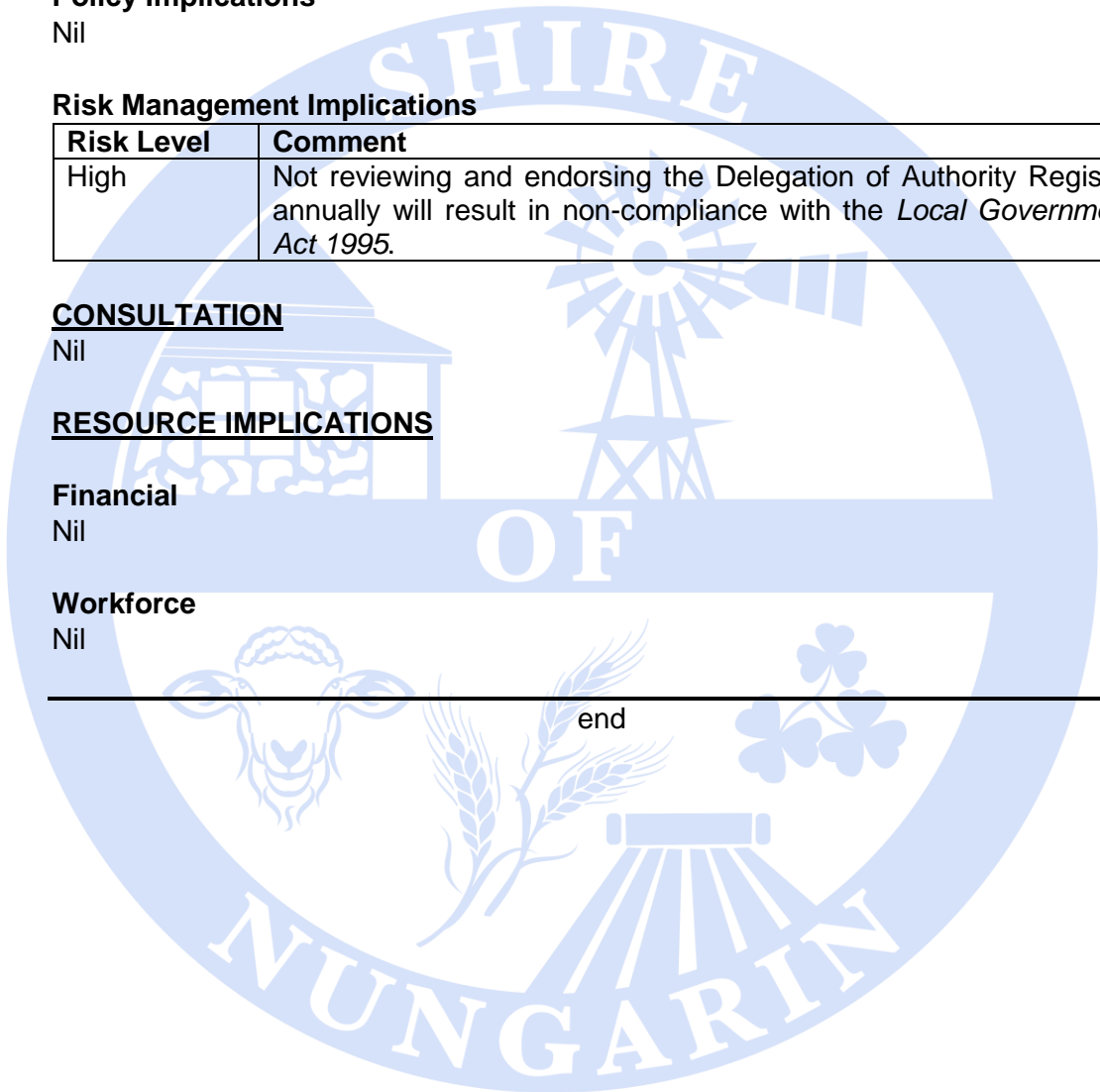
Nil

**Workforce**

Nil

---

end



<b>8.5 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER</b>	
<b>File Ref:</b>	20.2.21
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachment Number:</b>	Nil

**OFFICER RECOMMENDATION ..../10/22**

**That Council Resolves to:**

- 1. Approve the appointment of Leanne Parola the Chief Executive Officer of the Shire of Trayning as Acting Chief Executive Officer between 12 December 2022 and 13 January 2023**
- 2. Acknowledge all powers, duties and functions of the substantive Chief Executive Officer, including delegated functions, apply to the Acting Chief Executive Officer in accordance with s.49 of the *Interpretation Act 1984*.**
- 3. Approve the remuneration of the Acting Chief Executive Officer in (a.) above of 25% of the substantive Chief Executive Officers cash component.**

**Moved:** .....

**Seconded:** .....

**Absolute Majority Required**

.....

**IN BRIEF**

Council is requested to consider the appointment of Leanne Parola the Chief Executive Officer of the Shire of Trayning as the Acting Chief Executive Officer during the Substantive Chief Executive Officers annual leave.

**BACKGROUND**

The Senior Corporate Service Officer was initially appointed as per “*Policy CM8 Appointment of Acting Chief Executive Officer*” during the substantive Chief Executive Officers annual leave. However, in light if the resignation of the Senior Corporate Service Officer advice received from WALGA was to appoint an alternative Acting Chief Executive Officer.

**REPORT DETAIL**

An Acting Chief Executive Officer is required to be appointed where the substantive Chief Executive Officer is on planned or unplanned leave for a period of time exceeding 48 hours.

The time of the year in which the Acting Chief Executive Officer is required is generally a quiet time of the year, however, a Chief Executive Officer is still required during this period to ensure the continued operation of the Shire.

As recommended the Acting Chief Executive Officer will be delegated the same delegations as the substantive Chief Executive Officer, which will ensure there is no disruption to the day to day operations.

Whilst the Acting Chief Executive Officer will be available 24hr in the case of emergencies, the Acting Chief Executive Officer will spend one afternoon a week at the Shire of Nungarin to execute operational matters not delegated to staff.

**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnerships.
<b>Objective</b>	A Shire that prospers through partnerships and good governance

**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)**

Nil

**Policy Implications**

- Policy CM 8 – Appointment of Acting Chief Executive Officer

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
High	It is a statutory requirement for a local government to have a Chief Executive Officer, as such not appointing an Acting Chief Executive would be a breach of the Local Government Act 1995. In addition, should an emergency arise it is imperative to have a Chief Executive Officer able to make decisions to ensure the continued operation of the Shire.

**CONSULTATION**

- WALGA;
- Chief Executive Officer of Trayning; and
- Trayning Shire President.

## **RESOURCE IMPLICATIONS**

### **Financial**

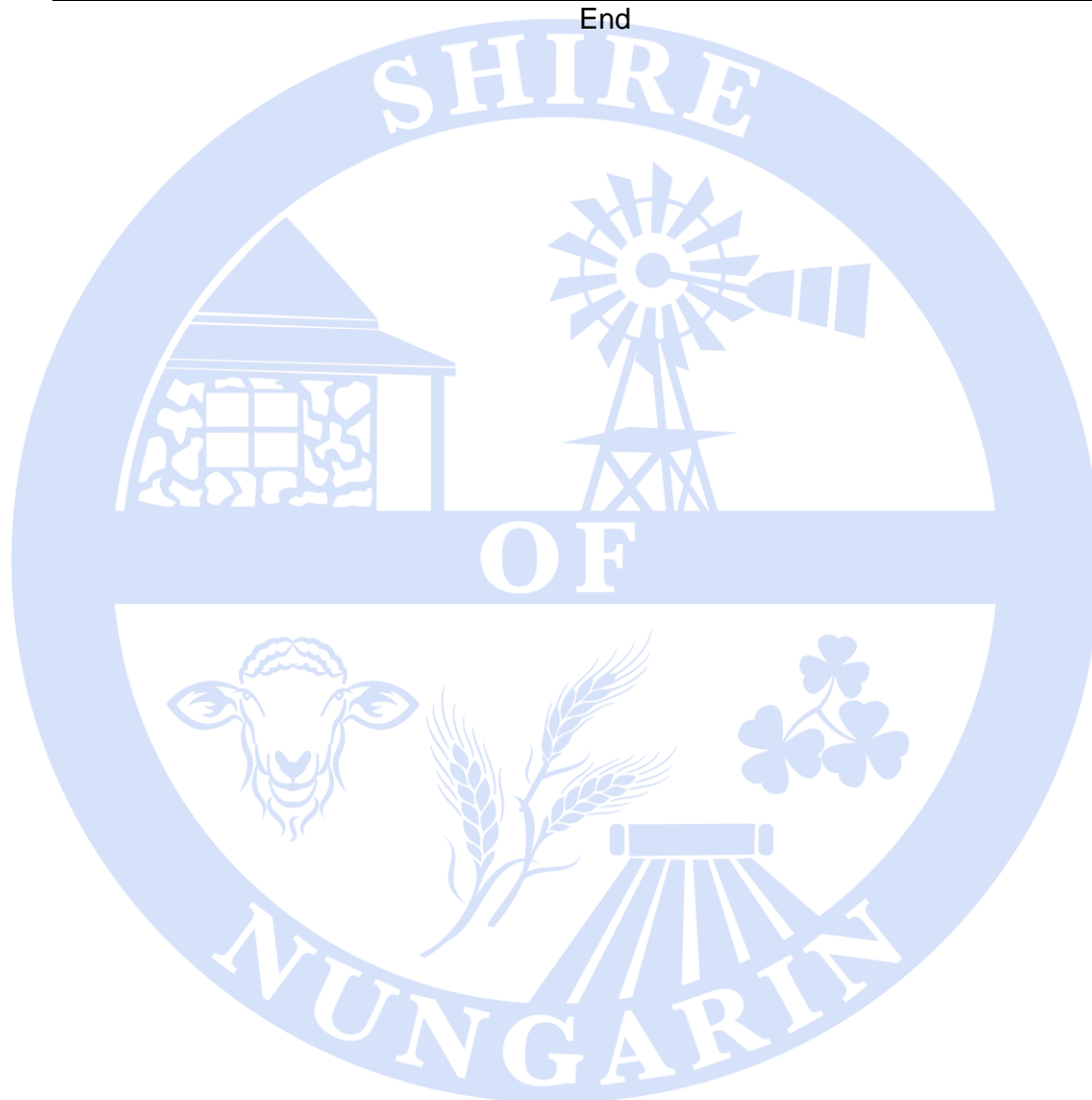
Adequate funds have been allocated in the adopted 2022/23 Annual Budget to appoint an Acting Chief Executive Officer.

### **Workforce**

Nil

---

End



<b>8.6 SHIRE OF NUNGARIN STAFF CHRISTMAS FUNCTION</b>	
<b>File Ref:</b>	
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	Nil

**OFFICER RECOMMENDATION ..../10/22**

**That Council Resolves to:**

1. Host a staff Christmas Function at the \_\_\_\_\_ on \_\_\_\_\_ 2022.

Moved: .....

Seconded: .....

.....

**IN BRIEF**

Council is requested to consider a date and venue for the annual Christmas function.

**BACKGROUND**

Generally, the Council hosts a Christmas Function to close off the calendar year and acknowledge the work staff have put in during the year.

**REPORT DETAIL**

Council has a number of options for the Christmas function this year:

1. Host a staff (including partners) function at the recreation centre, with catering, or
2. Host a BBQ for staff and the community at the swimming pool, with only salads being catered for and BBQ prepared by staff.

**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Social
<b>Aspiration</b>	Our Shire ss healthy and happy, contributing to our progress, with accessible places and spaces and our transport is well connected and safe.
<b>Objective</b>	A welcoming community that cares and looks after each other

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

- Local Government Act 1995 (LG Act):

**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	Failure to be able to provide traffic counts to various grant authorities for road construction / maintenance will result in those grants not being approved and road becoming unsafe for use.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**

The amendment will still result and a balanced budget as existing funds will be reallocated between accounts.

**Workforce**

Nil

---

end

<b>8.7 PROPOSED SIGNAGE – STUDIO ARTISTIQUE</b>	
<b>File Ref:</b>	4.15.3
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	Attachment 8.7A & Attachment 8.7B

**OFFICER RECOMMENDATION ..../10/22**

**That Council Resolves to:**

- 1. Approve the placement of the two Art Gallery Signs as indicated on attached ATTACHMENT 8.7A subject to:**
  - a. The signs are to be free standing and may not be attached to the building;**
  - b. The applicant bearing all costs associated with the placement of the signs; and**
  - c. The applicant will be responsible for damage to any infrastructure due to the placement of the signage.**

**Moved:** .....

**Seconded:** .....

.....

**IN BRIEF**

Council is requested to consider the request from the current tenant, Natalie Veal, to place two signs advertising the gallery as per attachment 8.7A and 8.7B.

**BACKGROUND**

In November 2021 Council resolved to lease the Memorial Hall to Ms. Natalie Veal for the purposes of inter alia an Artist Studio. The Studio has now been operating for a number of months and has proven to be successful and has also succeeded in activating the main street albeit in a small way.

**REPORT DETAIL**

The tenant is wanting to place two signs of varying sizes on the property.

The larger sign (Attachment 8.7A) is proposed to be placed 1.2m back from the edge of the kerbing and stand approximately 1.2m off the ground.

The smaller of the two signs (Attachment 8.7B) will be located in front of the veranda on the right-hand side (looking toward the building).

Both signs will be placed on poles and will not create any sort of hazard to the public.



**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Economic
<b>Aspiration</b>	A diverse business environment with equitable telecommunications and infrastructure. We are uniquely Nungarin in providing a memorable visitor experience.
<b>Objective</b>	Develop and maintain a prosperous local economy supported by an increased population and, new value adding industries

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**SUSTAINABILITY AND RISK CONSIDERATIONS**

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

The activation of the main street is an important economic driver. The advertising of the gallery will promote further activation.

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

Nil

**Policy Implications**

Nil

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Low	Not approving the signs would not create any risk for the Shire, however, it could impact negatively on the activation of the main street.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

---

end

<b>8.8 DISPOSAL OF MINOR ASSETS</b>	
<b>File Ref:</b>	21.1.15
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachment Number:</b>	Nil

**OFFICER RECOMMENDATION ...../10/22**

**That Council Resolves to:**

**1. Authorises the Chief Executive Officer to dispose “as is” of the items listed a - v, below in accordance with the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* requirements.**

- a. Karcher Sweeper
- b. John Deer Mower
- c. Billy Goat Vacuum
- d. Road Tractor Broom
- e. Pump Controller
- f. Pump
- g. Battery Charger
- h. Blower
- i. Spray Mount with small 200L tank
- j. Fuel Tank
- k. Chain Saw
- l. Blue Metal Spreader
- m. Mosquito Fogger
- n. Honda hedger
- o. Electric Reel Mower
- p. Sub-surface grey water tank
- q. 2x motor pressure washers
- r. Exercise bicycle
- s. Exercise Rower
- t. 2x Exercise steppers
- u. Tread mill
- v. 7x boardroom chairs

**Moved:** .....

**Seconded:** .....

Absolute majority required

**IN BRIEF**

Shire officers have undertaken an audit of all the Shires minor assets / equipment and found a number to be either not working or 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 in working order or needed / used. Keeping these assets pose a workplace hazard and take up space at the depot. In addition, a number of these assets also place a financial burden on Council, in the form insurance costs.

## **REPORT DETAIL**

Shire officers have not obtained a valuation for the items as none of them are considered to be valued over \$20,000. It is recommended that the items be advertised locally and be sold to the highest offer.

If not sold locally the following items will be sent to Perth to be auctioned to the highest bidder, with the balance being either sold for scrap or disposed of by the tip.

- Karcher Sweeper
- John Deer Mower
- Billy Goat Vacuum
- Road Tractor Broom
- Pump Controller
- Water Pump

## **SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnerships.
<b>Objective</b>	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)**

The sale of old unused equipment could generate enough income to purchase more needed equipment.

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

Nil

**Policy Implications**

Nil

**Risk Management Implications**

Risk Level	Comment
Medium	Keeping 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.

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

**9. DELEGATES REPORTS**

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

**9.1 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**

**12. CLOSURE**

The being no further business the meeting closed at .....

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

\_\_\_\_\_  
Date

