



MINUTES

ORDINARY COUNCIL MEETING

15 MARCH 2023

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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 4:30pm.

Affirmation of Civic Duty and Responsibility as Read

I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Nungarin. We collectively declare we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability.

Acknowledgement of Traditional Custodians

We wish to acknowledge the Traditional Custodians of the land we are meeting on, the Njaki Njaki Nyoongar people, and recognise the contribution of Elders past, present and future.

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors

Shire President	Cr P de Lacy
Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell
Elected Member	Cr K Dayman
Elected Member	Cr J Davis
Elected Member	Cr W Lee
Elected Member	Cr M Caughey

Council Officers

Chief Executive Officer	Mr L Long
Manager Works & Services	Mr D Nayda
Manager Corporate Services	Mrs G McKay

Observers / Visitors

Nil

2.2 APOLOGIES

Nil

2.3 REQUEST FOR LEAVE OF ABSENCE

Nil

3. DEPUTATIONS AND PETITIONS

3.1 DEPUTATIONS

Nil

3.2 PETITIONS

Nil

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

Nil

4.2 PUBLIC QUESTION TIME

Nil

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

- Cr O'Connell declared a Financial Interest in item 8.3 Wheatbelt Markets request to purchase John Deere Ride-on mower.

5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr O'Connell declared an Impartiality Interest regarding item 8.4 Expression of Interest for the Lease of Unit 2 Grangarin, with all applicants well known by Cr O'Connell.
- Cr Coumbe declared an Impartiality Interest regarding item 8.4 Expression of Interest for the Lease of Unit 2 Grangarin, with one applicant being a family friend
- Cr de Lacy declared an Impartiality Interest regarding item 8.4 Expression of Interest for the Lease of Unit 2 Grangarin, with one applicant being a well known to Cr de Lacy.

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION**7.1 ORDINARY COUNCIL MEETING – 15 February 2023****OFFICER RECOMMENDATION 11/03/23**

That the Minutes of the Ordinary Council Meeting held on 15 February 2023 be confirmed as being a true and accurate record.

Moved: Cr W Lee
Seconded: Cr G Coumbe

CARRIED 7/0

8. OFFICER REPORTS

8.1 LISTING OF PAYMENTS FOR THE MONTH OF FEBRUARY 2023	
File Ref:	10.13
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.1A – Payment List

COUNCIL RESOLUTION 12/03/23

That Council Resolves to:

1. Receive the following payments made throughout the month of February 2023:

Municipal	Cheque	\$ 10,791.63
	EFT	\$248,787.45
	Direct Debit	\$ 12,988.45
		<u>\$272,567.53</u>
Trust	Cheque –	Nil
	Grand Total	\$272,567.53

Moved: Cr RE O'Connell

Seconded: Cr K Dayman

CARRIED 7/0

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of February 2023.

BACKGROUND

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

As per Regulation 13 of the *Local Government (Financial Management) Regulations 1996* the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

REPORT DETAIL

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribe information.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

As per Regulation 13 of the *Local Government (Financial Management) Regulations 1996* the following is required;

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing
 - (a) for each account which requires council authorisation in that month
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction.
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

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

Nil

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

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclear compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

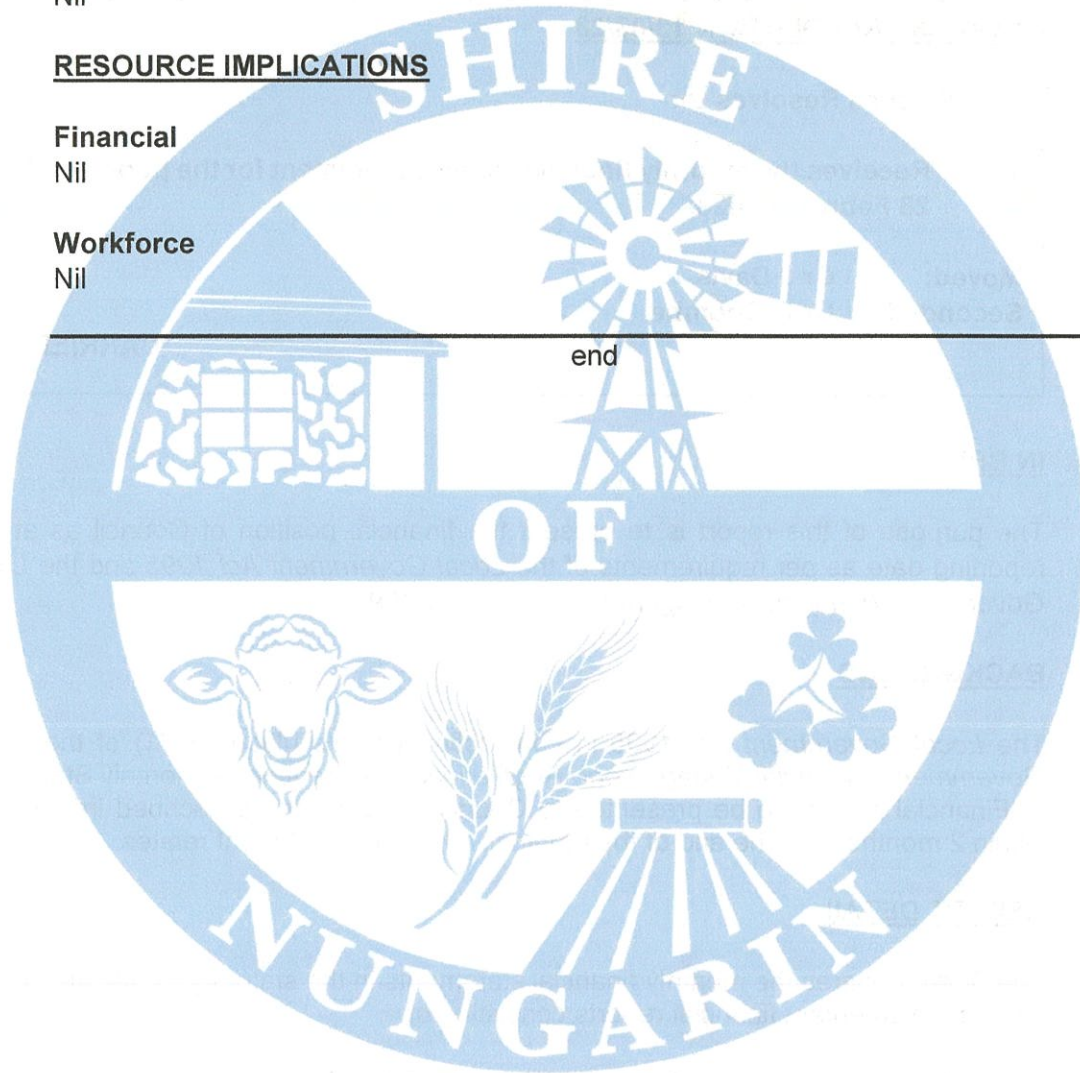
Financial

Nil

Workforce

Nil

end



8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 28 FEBRUARY 2023	
File Ref:	10.2.2
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer Darren Long, Financial Consultant
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	8.2A – Monthly Statement

COUNCIL RESOLUTION 13/03/23

That Council Resolves to:

- 1. Receives the monthly financial activity statement for the period ending 28 February 2023.**

Moved: Cr J Davis

Seconded: Cr G Coumbe

CARRIED 7/0

IN BRIEF

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulation 1996*.

BACKGROUND

The *Local Government Act 1995* in conjunction with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a monthly Statement of Financial Activity to be presented to Council detailing the prescribed information within 2 months after the end of the month to which the statement relates.

REPORT DETAIL

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- Statement of Comprehensive Income by Function/Program;
- Statement of Comprehensive Income by Nature/Type;
- Statement of Financial Activity;
- Summary of Net Current Asset Position;
- Statement of Explanation of Material Variances;
- Statement of Financial Position;
- Statement of Cash Flows;
- Detailed Operating and Non-Operating Schedules;
- Statement of Cash Back Reserves;
- Loan Borrowings Statement; and
- 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 28 February 2023 shows a closing surplus of \$1,140,056.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

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

OTHER STRATEGIC LINKS

Shire of Nungarin 2022/23 Annual Budget

STATUTORY ENVIRONMENT

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

Local Government (Financial Management) Regulations 1996:
Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Nil

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

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	Inadequate financial performance monitoring could lead to over/under budget expenditure which could affect council's financial position and/or financial ratios.

CONSULTATION

Shires Financial Consultant

RESOURCE IMPLICATIONS

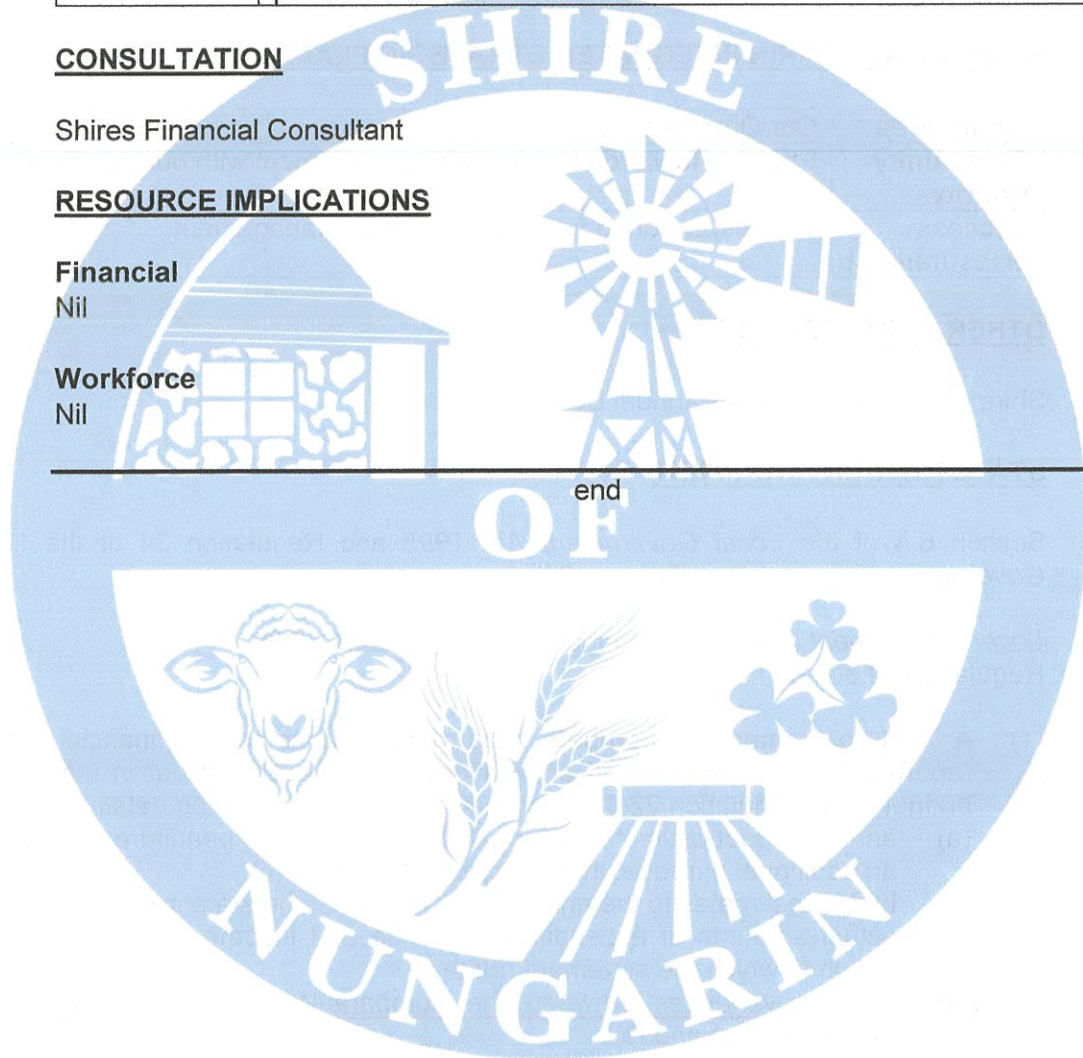
Financial

Nil

Workforce

Nil

end



- Cr O'Connell declared a Financial Interest in item 8.3 Wheatbelt Markets request to purchase John Deere Ride-on mower.

8.3 NUNGARIN WHEATBELT MARKETS REQUEST TO PURCHASE JOHN DEER RIDE-ON MOWER	
File Ref:	
Previous Item Ref:	6896/10/22
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	8.3A – Nungarin Market Request

Cr O'Connell Left the Chamber at 4:33pm

COUNCIL RESOLUTION 14/03/23

That Council Resolves to:

1. Donate the John Deere ride-on mower "As is" to the Nungarin Markets.

Moved: Cr K Dayman

Seconded: Cr J Davis

CARRIED 6/0

Cr O'Connell returned to the Chamber at 4:35pm

IN BRIEF

Council is requested to consider the request from the Nungarin Wheatbelt Markets to purchase the John Deere ride-on mower to be used for the "train" service on market days.

BACKGROUND

The Nungarin Markets have been providing a "train" service for kids to enjoy on market days for many years, and has become a favourite attraction.

REPORT DETAIL

Unfortunately, the "train" (a modified ride-on mower) currently being used has broken down beyond repair, leaving the markets without a "train".

Council, at its meeting of 19 October 2022, resolved to dispose of a number of redundant plant and equipment. One of these items is a John Deere ride-on mower. The mower is currently not in use due to mechanical issues which would need to be resolved.

The Nungarin Wheatbelt Markets are a non-for-profit organisation and does an amazing job running the markets. The markets are well known throughout the Wheatbelt and supported by both locals and visitors to the area.

Whilst the Nungarin Wheatbelt Markets have offered to purchase the mower, they offer “train” rides to children at no cost and would therefore need to use funds that could be used elsewhere. As such it is recommended Council donate the mower to the Nungarin Wheatbelt Markets, as a sign of support and appreciation for the work done by the volunteers who organise and run the monthly markets.

Two representatives from the Nungarin Wheatbelt Markets have had a look at the mower and are confident they can get the mower operating again, and can be used to replace the now defunct “train”.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

Focus Area	Our Community
Community Priority	A connected local community that feels safe, healthy and engaged
Success Measurement	We deliver diverse community events and initiatives

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)

Whilst the donation of the mower will not contribute to the quality of life, the ability for the markets to continue providing the “train” service would.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Low	Essentially there is no risk to Council should it decide to sell or donate the mower. However, it will show support to the Nungarin Markets.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

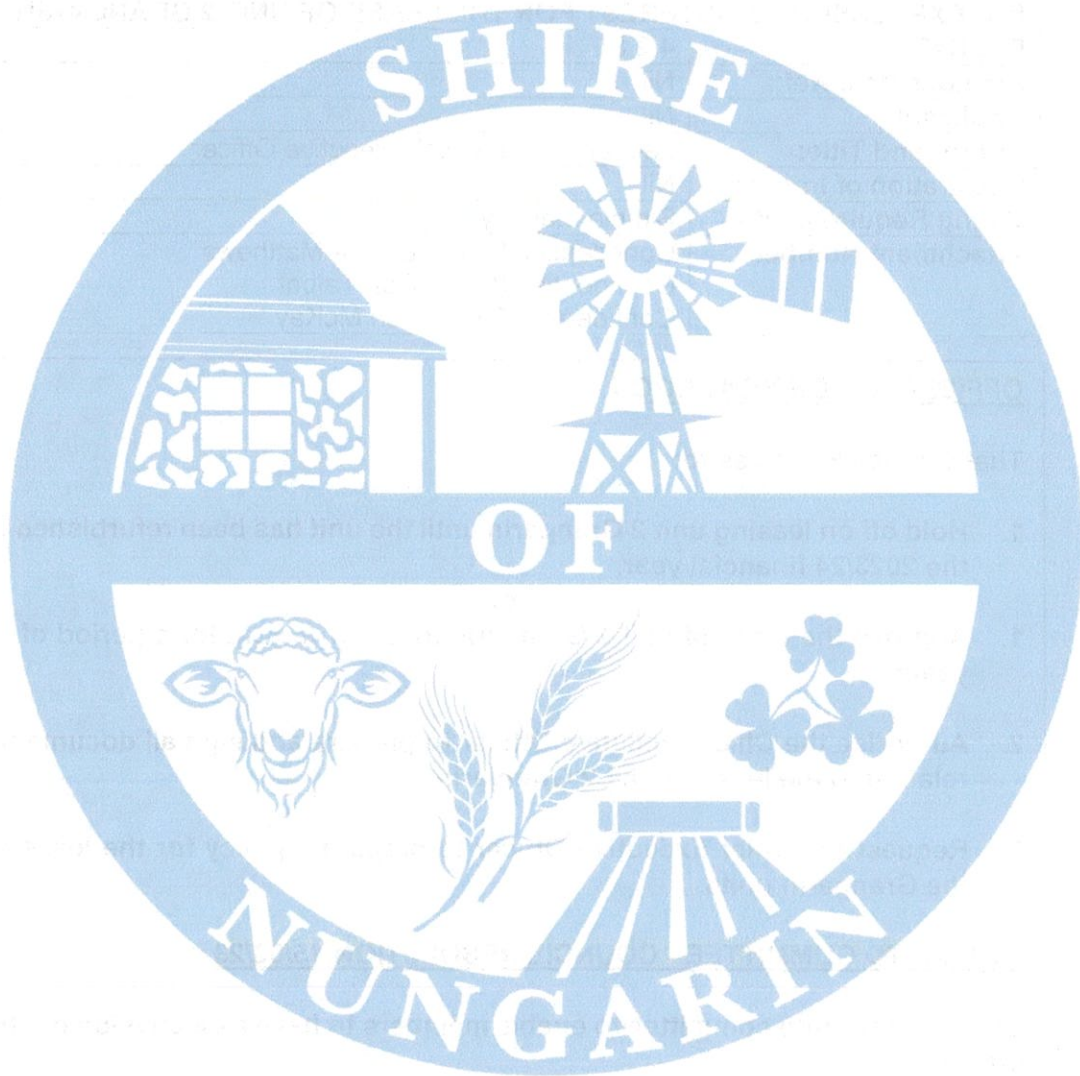
Financial

The disposal of the mower has not been factored into the existing budget, as such donating the mower will not have any impact on the budget.

Workforce

Nil

End



- Cr O’Connell declared an Impartiality Interest regarding item 8.4 Expression of Interest for the Lease of Unit 2 Grangarin, with all applicants well known by Cr O’Connell.
- Cr Coumbe declared an Impartiality Interest regarding item 8.4 Expression of Interest for the Lease of Unit 2 Grangarin, with one applicant being a family friend
- Cr de Lacy declared an Impartiality Interest regarding item 8.4 Expression of Interest for the Lease of Unit 2 Grangarin, with one applicant being well-known to Cr de Lacy.

8.4 EXPRESSION OF INTEREST FOR THE LEASE OF UNIT 2 GRANGARIN	
File Ref:	4.2.8
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	Confidential 8.4A – Leonie Matthews Confidential 8.4B – Ron Talbot Confidential 8.4C – Jan McKay

OFFICER RECOMMENDATION

That Council Resolves to:

1. Hold off on leasing unit 2 Grangarin until the unit has been refurbished in the 2023/24 financial year.
- or
1. Approve the lease of unit 2 Grangarin to for a period of ... years.
2. Authorise the Chief Executive Officer to prepare and sign all documents relating to the lease of unit 2 Grangarin.
3. Request the Chief Executive Officer to prepare a policy for the lease of the Grangarin units.

MOVE INTO COMMITTEE - COUNCIL RESOLUTION 15/03/23

Council move into committee to enable members to have a discussion on the matter.

Moved: Cr RE O’Connell
 Seconded: Cr K Dayman CARRIED 7/0

MOVE OUT OF COMMITTEE - COUNCIL RESOLUTION 16/03/23

Moved: Cr RE O’Connell
 Seconded: Cr M Caughey CARRIED 7/0

COUNCIL RESOLUTION 17/03/23

That Council Resolves to:

- 1. Hold off on leasing unit 2 Grangarin until the unit has been refurbished in the 2023/24 financial year.**

Moved: Cr RE O'Connell

Seconded: Cr M Caughey

CARRIED 7/0

IN BRIEF

Council is requested to consider the three (3) expressions of interest received to lease unit 2 Grangarin.

BACKGROUND

The previous tenant vacated unit 2 a number of months ago, and has since remained vacant.

Ideally, when a unit becomes vacant, the unit should be assessed and refurbished where necessary. The unit in question does need some refurbishment i.e. the painting and flooring. However, the cost of the refurbishment will have to be included in the upcoming budget for 2023/24. Council may consider not leasing the unit out until such time that the refurbishments have been completed, although due to the difficulty in securing trades this could take up to 12 months.

REPORT DETAIL

As a result of the request for expressions of interest to lease unit 2 Grangarin, three (3) submissions were received:

- Leonie Matthews on behalf of her son (currently resides in Perth);
- Ron Talbot (currently resides in Kununoppin); and
- Janice MacKay (currently resides in Merredin).

When considering the EOI, Council should take into account the original purpose for which the units were developed being to provide accommodation for the aged community within the Shire of Nungarin.

Although the EOI were advertised locally none of the three-submission received are from residents residing in Nungarin.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

Focus Area	Our Economy
Community Priority	Economic Development
Success Measurement	Housing and rental stock assists in the attraction and retention of the local workforce

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

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

The leasing out of the unit will be beneficial to the Shire as it will albeit small generate an income.

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

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	The risk is twofold, not leasing out the unit will result albeit small in a loss on income. However, leasing the unit would result in the required refurbishment not being able to be done, and may result in more costs when the unit is vacant again.

CONSULTATION

In the absence of a policy and or waiting list of potential tenants an expression of interest was advertised in the Nungarin NewsLink, Facebook, Instagram, Shire Web Site, public notice board and a letter box drop was done allowing 28 days for expressions of interest to be submitted.

RESOURCE IMPLICATIONS**Financial**

The refurbishment of the unit will need to be costed and included in the 2023/24 budget.

Workforce

Nil

 End

8.5 COMPLIANCE AUDIT RETURN 2022	
File Ref:	3.8.2 CAR 2022
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

COUNCIL RESOLUTION 18/03/23

That Council Resolves to:

1. Adopt the Compliance Audit Return for 2022 attached as ATTACHMENT 8.5A.
2. Authorise the Shire President and Chief Executive Officer to certify the Compliance Audit Return for 2022.
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: Cr M Caughey

Seconded: Cr G Coumbe

CARRIED 7/0

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 15 March 2023.

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 CAR questions the following categories:

- Commercial Enterprises by Local Government

- The Shire has not undertaken any major land transactions. Check definition of major land transaction
- Delegation of Power / Duty
 - No issues or concerns to report.
- Disclosure of Interest
 - No issues or concerns to report.
- Disposal of Property
 - The disposal of properties undertaken by Council during the relevant year have all complied with the relevant legislation.
- Elections
 - No issues or concerns to report.
- Finance
 - This section primarily had to be responded to as “no” due to the Office of the Auditor General not providing the required information. It is anticipated the OAG report will be presented to Council at its April Ordinary Council Meeting.
- Local Government Employees
 - No issues or concerns to report.
- Tenders for providing Goods and Services
 - No issues or concerns to report
- Integrated Planning and Reporting
 - No issues or concerns to report.
- Optional Questions
 - No issues or concerns to report.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government (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

- Audit and Finance Committee

RESOURCE IMPLICATIONS

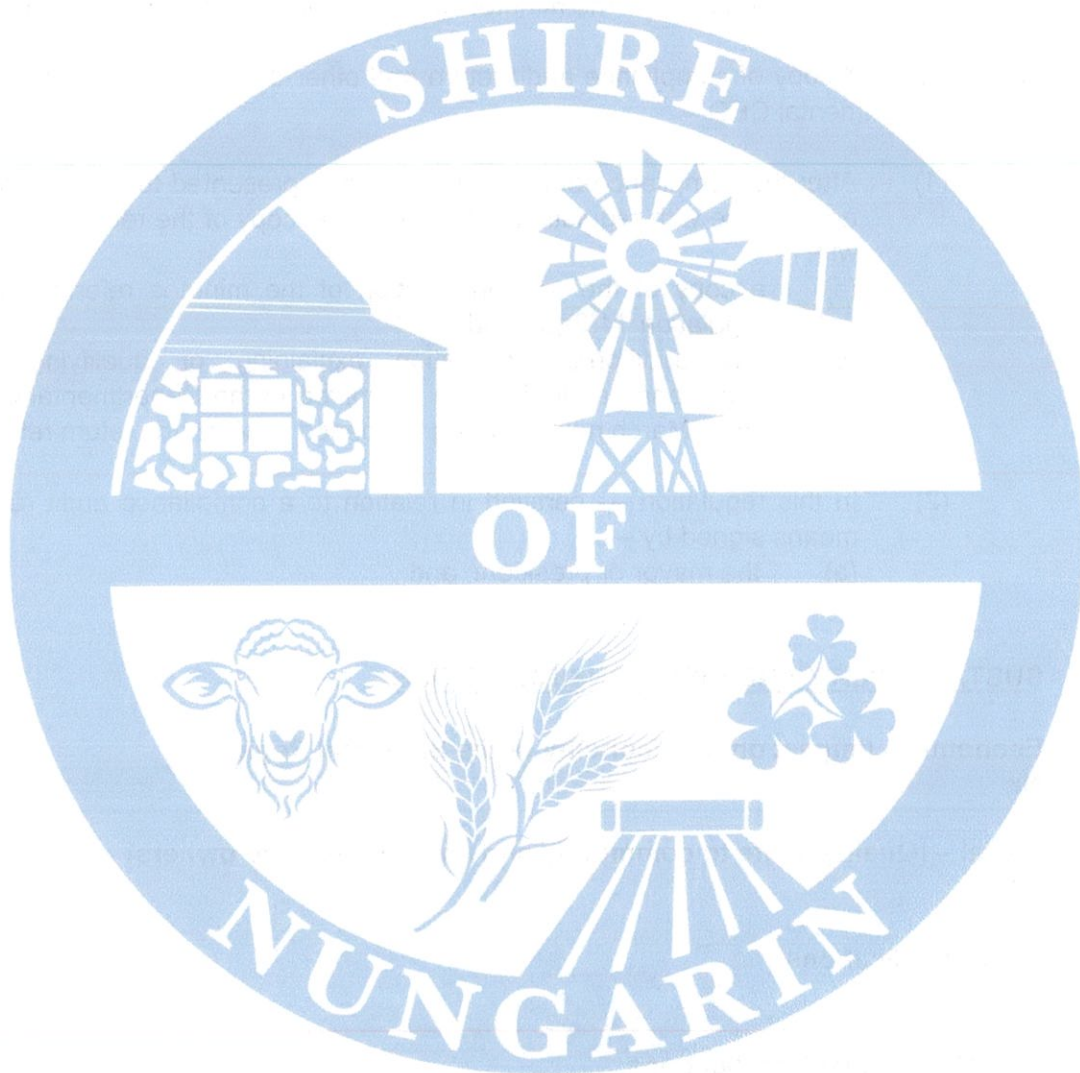
Financial

Nil

Workforce

Nil

end



9. MINUTES OF COMMITTEES

(Minutes of the various Committees and other Forums where Council is represented by an Elected member is listed below for Councillors information only.)

9.1 NEWROC Council Minutes – 20 February 2023 (ATTACHMENT 9.1A)

9.2 Sub Regional Road Group Minutes – 9 February 2023 (ATTACHMENT 9.2A)

10. DELEGATES REPORTS

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

10.1 Cr O’Connell (ATTACHMENT 10.1A), attended FAC exit meeting

10.2 Lee - Museum meeting feedback on Rally, Lack of volunteers, possibly moving date

10.3 Coumbe – attended agcare meeting – caseloads increasing

10.4 de Lacy – NEWROC meeting – emergency management

- LEMC debrief on Kuno Fire
- TownTeams this calendar year
- Literary luncheon looking for a host
- CRC meeting coordinator resigned
- Great Eastern Zone Conference

10. NEW BUSINESS OF AN URGENT NATURE

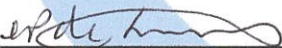
Nil

11. CONFIDENTIAL ITEMS OF BUSINESS

The Shire President announced that she had accepted the CEO’s resignation, with his last day being 15 June 2023 or earlier as agreed to by both parties.

12. CLOSURE

The being no further business the meeting closed at 5:00pm



Presiding Member

19/04/2023

Date

