



Ordinary Council Meeting Minutes

20 February 2024

PUBLIC QUESTION TIME

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.

During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.

Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.

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.

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.

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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.

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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 4:33pm.

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

Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell (Via Teams)
Elected Member	Cr K Dayman
Elected Member	Cr A Eksanow
Elected Member	Cr W Lee

Council Officers

Chief Executive Officer	Mr R Halse
Manager Works & Services	Mr D Nayda
Manager Corporate Services	Ms C Pearce

Observers / Visitors

2.2 APOLOGIES

Shire President	Cr P de Lacy
Elected Member	Cr M Caughey

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****5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT**

- Cr Coumbe declared an interest in item 8.6 Appointment of Chief Bush Fire Control Officer, Deputy Bush Fire Control Officer and Fire Control Officers.

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- NIL

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION**7.1 ORDINARY COUNCIL MEETING – 13 December 2023****COUNCIL RESOLUTION 01/02/24**

That the Minutes of the Ordinary Council Meeting held on 13 December 2023 be confirmed as being a true and accurate record.

Moved: Cr K Dayman

Seconded: Cr W Lee

CARRIED**8. OFFICER REPORTS****8.1 LISTING OF PAYMENTS FOR THE MONTH OF DECEMBER 2023**

File Ref:	10.13
Previous Items:	Nil
Applicant:	Ric Halse Chief Executive Officer
Author and Title:	Ric Halse Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.1A

COUNCIL RESOLUTION 02/02/24**That Council Resolves to:****1. Receive the following payments throughout the month of December 2023**

Municipal	Cheque	20,803.85
	EFT	337,332.95
	Direct Debit	10,071.94
Trust	Cheque	-
	Grand Total	368,208.73

Moved: Cr W Lee
Seconded: Cr A Eksanow

CARRIED**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 December 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
Aspiration	Effective forward planning, and engagement with our community
Objective	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 –

nil

Social

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

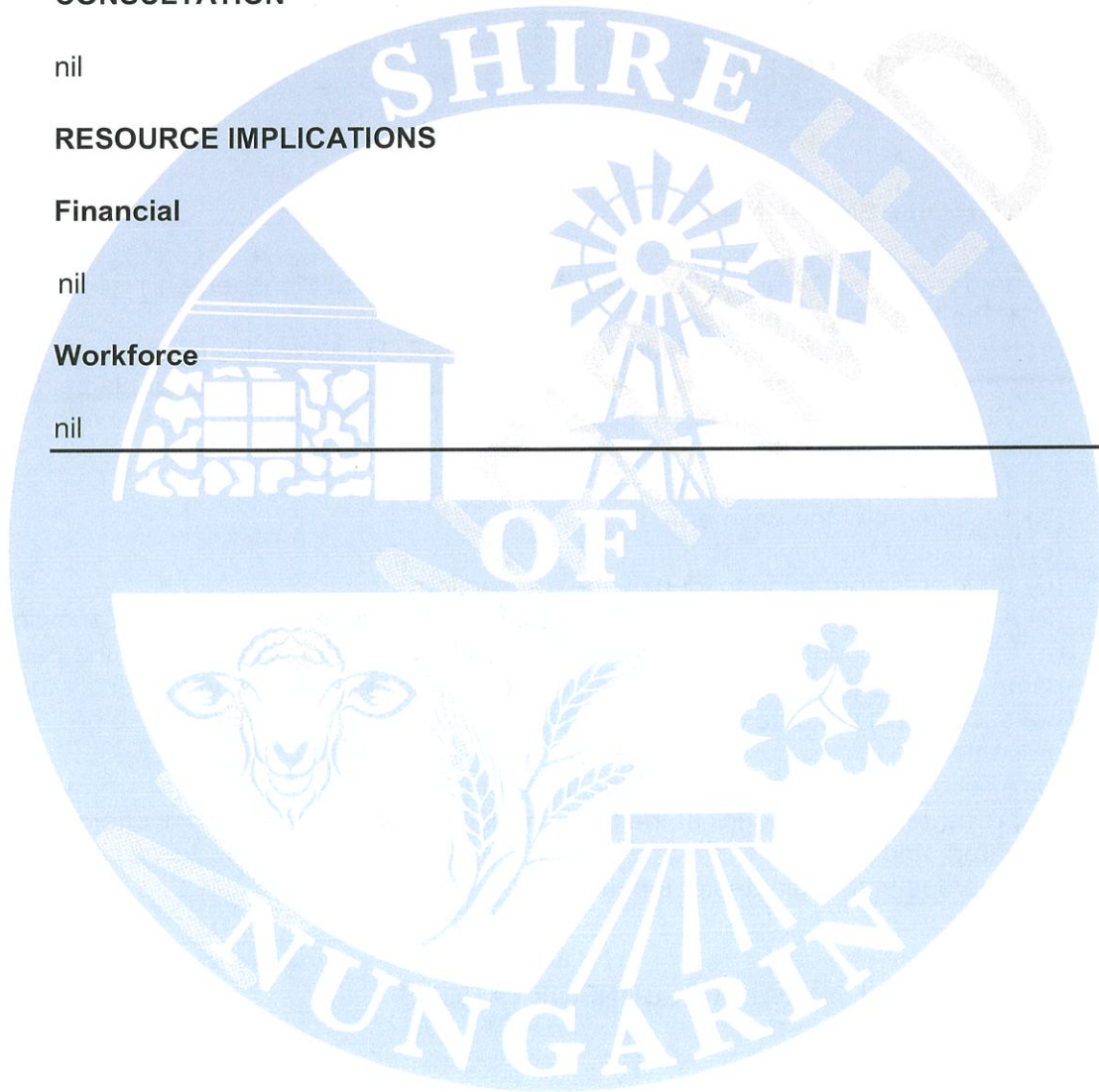
RESOURCE IMPLICATIONS

Financial

nil

Workforce

nil



8.2 LISTING OF PAYMENTS FOR THE MONTH OF JANUARY 2024	
File Ref:	10.13
Previous Items:	Nil
Applicant:	Ric Halse Chief Executive Officer
Author and Title:	Ric Halse Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.2A

COUNCIL RESOLUTION 03/02/24	
That Council Resolves to:	
2. Receive the following payments throughout the month of January 2024	
Municipal	Cheque 186.60
	EFT 106,787.28
	Direct Debit 19,062.29
Trust	Cheque -
	Grand Total 126,036.37
Moved:	Cr K Dayman
Seconded:	Cr A Eksanow
	CARRIED

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 January 2024.

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
Aspiration	Effective forward planning, and engagement with our community
Objective	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 –

nil

Social

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

Workforcenil

8.3 MONTHLY FINANCIAL REPORT DECEMBER 2023	
File Ref:	
Previous Items:	Nil
Applicant:	Ric Halse Chief Executive Officer
Author and Title:	Ric Halse Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.3A

COUNCIL RESOLUTION 04/02/24

1. That the financial report for the period ending 31 December 2023 be received.

Moved: Cr W Lee
 Seconded: Cr A Eksanow

CARRIED

IN BRIEF

For Council to consider the monthly financial report for the period ending 31 December 2023.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed

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 31 December 2023 shows a closing surplus of \$2,152,074.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our organisation
Aspiration	Effective forward planning, and engagement with our community
Objective	We deliver sound financial and asset management

OTHER STRATEGIC LINKS

nil

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 –

nil

Social

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Financial Consultant – Darren Long

RESOURCE IMPLICATIONS

Financial

nil

Workforce

nil

8.4 MONTHLY FINANCIAL REPORT JANUARY 2024	
File Ref:	
Previous Items:	Nil
Applicant:	Ric Halse Chief Executive Officer
Author and Title:	Ric Halse Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.4A

COUNCIL RESOLUTION 05/02/24

That the financial report for the period ending 31 January 2024 be received.

Moved: Cr K Dayman

Seconded: Cr W Lee

CARRIED

IN BRIEF

For Council to consider the monthly financial report for the period ending 31 January 2024.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed

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 31 January 2024 shows a closing surplus of \$2,014,056.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our organisation
Aspiration	Effective forward planning, and engagement with our community
Objective	We deliver sound financial and asset management

OTHER STRATEGIC LINKS

nil

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 –

nil

Social

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Financial Consultant – Darren Long

RESOURCE IMPLICATIONS

Financial

nil

Workforce

nil

8.5 APPOINTMENT OF CHIEF BUSH FIRE CONTROL OFFICER, DEPUTY CHIEF BUSH FIRE CONTROL OFFICER AND FIRE CONTROL OFFICERS	
File Ref:	
Previous Items:	Nil
Applicant:	Ric Halse Chief Executive Officer
Author and Title:	Ric Halse Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.5A

COUNCIL RESOLUTION 06/02/24

Council Resolved to receive the minutes of the Annual General Meeting 2023 of the Nungarin Volunteer Bush Fire Brigade, appoint the following office bearers for the financial year 2023/24, and advertise this in the Nungarin Newslink:

Paul Cosson	Chief Bush Fire Control Officer
David Dhu	Deputy Chief Bush Fire Control Officer
David Nayda	Fire Control Officer
Gary Coumbe	Fire Control Officer

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

CARRIED

IN BRIEF

The Nungarin Volunteer Bush Fire Brigade conducted their Annual General Meeting 18 September 2023. Office bearers were elected and endorsement by Council is sought.

BACKGROUND

This is an annual requirement.

REPORT DETAIL

Nil.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Community
Aspiration	Responds to the needs of all residents
Objective	Celebration of local culture, heritage and place

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

Bush Fires Act 1954 Section 38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district

(2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

nil

Social

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

nil

RESOURCE IMPLICATIONS**Financial**

nil

Workforce

nil

8.6 PROPOSAL TO TRANSFER MANAGEMENT OF RESERVE 10463 (KNUNGAJIN DAM) TO THE SHIRE OF NUNGARIN	
File Ref:	
Previous Items:	6822/04/22
Applicant:	Nil Choose an item.
Author and Title:	Ric Halse, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority / Absolute Majority
Attachment Number	8.6A – Council Meeting Minutes 20 August 2022; 8.6B – Licence and Indemnity Agreement; 8.6C - Tenure Map of Reserve area;

COUNCIL RESOLUTION 07/02/24**That Council Resolves to:**

1. **Accept the Management Order vesting for the purpose of “Water” over Reserve 10463, encompassing 285 hectares of vacant crown land on tenure legally identified as Lot 3831 on DP 105876 and Lot 352 on DP 401925.**
2. **Endorse granting of an easement for “access rights” and “rights to install and operate drains and drainage works” in favour of Water Corporation over the entire Management Order area.**
3. **Authorise the Chief Executive Officer to execute the Licence and Indemnity Agreement between the Water Corporation and the Shire of Nungarin. The purpose of the license is to grant the Shire of Nungarin permission to use Reserve 10463 to undertake works.**

Moved: Cr W Lee
Seconded: Cr A Eksanow

CARRIED**That Council Resolves to:
Motion to Defer**

1. **Defer Agenda item 8.6 (Proposal to transfer Management of Reserve 10463 - Knungajin Dam), considered at the Ordinary Council Meeting of 21 February 2024, to seek clarification from the Chief Executive Officer on the listed matters: -**
 - a) **If the Department of Lands, Planning and Heritage cannot support reclassification of the reserve purpose due to existing legislation, clarify whether there are other restrictions to how the Shire must use and manage the land;**

- b) Clarify with the Water Corporation Pty Ltd. the statutory obligations associated to managing a reserve exclusively for the purpose of 'Water';
- c) Explore other opportunities that support Council's initial requirement of accepting management responsibilities only on the condition that the land was capable of offering a broader community use and benefits;

3. Receive by no later than the March 2024 Ordinary Council Meeting, a report tabled by the Chief Executive Officer, outlining responses to the clarifications raised, and resume deliberation pertaining to Agenda 8.6 (Proposal to transfer Management of Reserve 10463 - Knungajin Dam.

Motion Moved: Cr RE O'Connell

Motion Seconded: Cr K Dayman

CARRIED

IN BRIEF

This report provides an overview of the recent developments concerning the proposed transfer of the Knungajin Dam reserve from the Water Corporation to the Shire of Nungarin. It specifically highlights the State Government's rejection of the request to change the purpose of the reserve from 'Water' to 'Camping & Recreation', a modification that the Council had resolved to pursue on 20 April 2022. In light of the State's decision being incongruent with the Council's transfer conditions, the Council is now required to reassess whether to accept the reserve with the purpose of 'Water' on an 'as is' basis.

BACKGROUND

A summary of the Ordinary Council Meeting from the 20 April 2022 is briefly outlined in the following section. Additionally, a copy of meeting minutes is attached to this report.

Management Order Acceptance: The Council agrees to accept the Management Order for Reserve 10463 from the Water Corporation, with specific conditions.

Caravan Park Operation: The Shire of Nungarin can operate or sublease part of the reserve as a caravan park or camping ground.

Infrastructure Condition: Catchment area and dam must be fully operational before the transfer is finalised.

Aboriginal Heritage Site: This site will be excluded from the Management Order to the Shire.

Easement Support: The Council supports Water Corporation in registering an Easement over Reserve 10463 to protect existing infrastructure.

Indemnification: The Shire is indemnified against damage or maintenance costs of Water Corporation's infrastructure within the reserve.

Native Title Considerations: Potential obligations related to the South West Native Title Settlement are under assessment.

Council's Land Management Responsibilities

Dam and fencing maintenance in addition to Maintenance of access roads and infrastructure used by the Shire.

Infrastructure Upgrades: The Department of Water Environment and Regulation is looking at various upgrades including access roads, solar pump, standpipe, and water tank installations.

Easement Registration: Acceptance of the Management Order is contingent upon also accepting an easement registration in favour of the Water Corporation to protect its operational infrastructure on the reserve.

REPORT DETAIL

New infrastructure and works for Knungajin Reserve

The Water Corporation, in conjunction with the Department of Water and Environmental Regulation, proposes to collaborate with the Shire to install new infrastructure and at the Knungajin Reserve. They intend to place a 280KL steel water tank for emergency use in addition to outlets for various truck combinations and the installation of a solar pump and piping. They are also seeking consent to legally clear channels and saplings from the dam walls. The Shire's in-kind contribution would involve preparing a sand pad and perform any necessary road maintenance for truck access.

The deliverables for the project at the Knungajin Reserve include:

- ❖ Installation of a 280KL steel water tank.
- ❖ Preparation of a sand pad for the tank foundation (in-kind).
- ❖ Road maintenance for safe truck access to the tank site (in-kind).
- ❖ Strategic placement of the tank to minimize pipe burial due to Aboriginal Heritage Requirements.
- ❖ Installation of tank outlets of various sizes (50mm, 80mm, & 100mm) for compatibility with multiple truck combinations.
- ❖ Set-up of a solar pump and associated piping.
- ❖ Obtaining a Clearance To Work (CTW) from the Water Corporation.
- ❖ Accessing details of maintenance exemptions for clearing channels and saplings from within the dam walls in compliance with legal requirements.

Land transfer

This proposal concerns Reserve 10463, encompassing Lot 3831 on DP 105876 and Lot 352 on DP 401925, spanning an area of 285 hectares. While the Shire would hold the primary Management Order, the Water Corporation would maintain an easement over the Reserve to safeguard a water tank located on a rock formation, along with associated pipeline routes and an access track. The easement granted to the Water Corporation extends across the entire Reserve 10463 and is not limited to their infrastructure responsibilities and access rights.



Fig 01: Aerial photograph of Reserve 10463 depicting 285 ha

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Community
Aspiration	Responds to the needs of all residents
Objective	Celebration of local culture, heritage and place

OTHER STRATEGIC LINKS

No strategic planning links associated to the proposal.

STATUTORY ENVIRONMENT

Acceptance by Council of a Management Order will require compliance with legislation applicable to the site; namely: -

- *Conservation and Land Management Act 1984;*
- *Land Administration Act 1997;*
- *Environmental Protection Act 1986;*

- *Native Title Act 1993;*

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

The proposal does not necessitate the Council to make a monetary contribution in connection with the transfer of land or the acquisition of new infrastructure; however, it is important to note that an in-kind contribution for works and services is mandated by the Shire.

Additionally, the Council should be informed that the new infrastructure outlined in this report will become a Council asset and must be accounted for in the budget to accommodate depreciation, maintenance, and renewal. This encompasses the clay-lined dam, which must undergo an assessment for integrity and be appraised as an asset.

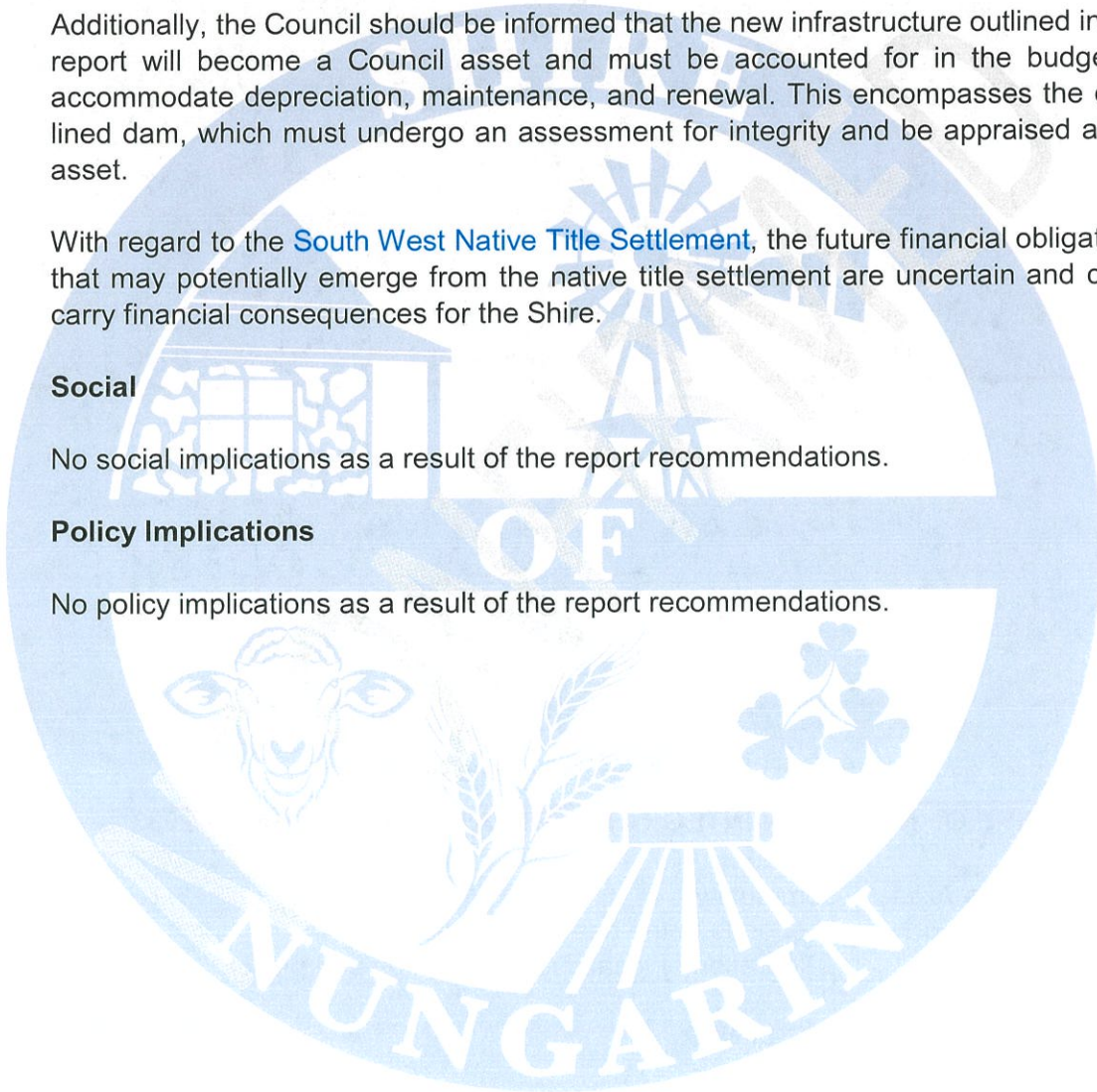
With regard to the [South West Native Title Settlement](#), the future financial obligations that may potentially emerge from the native title settlement are uncertain and could carry financial consequences for the Shire.

Social

No social implications as a result of the report recommendations.

Policy Implications

No policy implications as a result of the report recommendations.



Risk Management Implications

Risk Level	Comment
Medium	<p>Council must consider the legal implications associated with any future Native Title Settlement, and the obligations associated with managing large areas of natural bushland and compliance with environmental legislation.</p> <p>The sites remote location raises questions over the benefit of a Shire owned and managed water source that will only be used in road construction. The benefits of a water source for fire-fighting purposes is obvious; however, legislation permits access to these water resources for emergency purposes.</p>

CONSULTATION

Consultation was not required to inform the report recommendation.

RESOURCE IMPLICATIONS

Financial

An estimated \$10,000 will be allocated in 2024/2025 budget to account for the in-kind contribution for works and services.

Workforce

An estimated 65 hours of in-kind labour hours will be allocated to this project.

8.7 GRANGARIN ESTATE – RESIDENTIAL TENANCY	
File Ref:	
Previous Items:	Nil
Author:	Ric Halse, Chief Executive Officer
Responsible Officer:	Ric Halse, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	No attachments

COUNCIL RESOLUTION**08/02/24**

The Council resolves the following with respect to the leasing of Grangarin Estate:

1. Authorise the Chief Executive Officer to develop and establish a set of tenancy eligibility guidelines. These guidelines should be consistent with the principles and standards of an 'aged care' accommodation model.
2. In accordance with Section 3.58(3)(a) of the Local Government Act 1995, issue a local public notice for the leasing of one residential unit situated on First Avenue. This notice should detail the tenancy eligibility criteria and application requirements as stipulated in the Residential Tenancies Act 1987.
3. At the conclusion of the local public notice period, in accordance with Section 3.58(3)(b) of the Local Government Act 1995, the Council shall review public submissions, deliberate upon the officer's recommendation for approving a new tenant, and grant authority to the Chief Executive Officer to finalise the lease agreement.

The Council resolves the following with respect to an economic review of Grangarin Estate:

1. Endorse an economic review of Grangarin Estate's current business model through a cost-benefit analysis to assess the viability of formalising operations as a certified 'aged care' provider.
2. During mid-year budget deliberations, approve the allocation of \$6,000 for the consultancy services of an experienced economist to aid the Shire in conducting an economic review.

Moved: Cr RE O'Connell

Seconded: Cr W Lee

CARRIED

IN BRIEF

The Grangarin Estate, a collection of six residential units situated on First Avenue in Nungarin, is under the ownership and management of the Shire of Nungarin. These units are leased out to tenants under standard residential lease agreements.

Prompted by a recent vacancy, this report has been compiled to outline the requisite procedures the Shire must undertake to adhere to legislative mandates concerning the disposal of property.

Moreover, it is recommended that the Council re-assess the existing business framework governing Grangarin Estate. The exploration of alternative business models could potentially unveil new avenues for funding and enhance service levels, all while avoiding additional financial strain on the Shire's resources.

BACKGROUND

Grangarin Estate functions as an informal 'aged care' residence under the Shire's management, with the capacity to house six separate tenancies. The estate is not registered as approved provider for aged care facilities under Federal legislation, *Aged Care Act 1997 (the Act)*, and is not officially recognised as an 'aged care' facility.

Following the transition of ownership and management from the State Government's Joint Housing Program to the Shire of Nungarin, the eligibility criteria for prospective tenants of the Grangarin Estate have continued to align with the original guidelines set forth by the housing program. These guidelines include assessments of age and financial status to ascertain the appropriateness of candidates for residency.

REPORT DETAIL

Legislative requirements

The Shire's freehold (fee-simple) ownership of Grangarin Estate necessitates adherence to the property disposal regulations outlined in section 3.58 of the Local Government Act 1995, which also extends to the leasing of the residential units.

When seeking to lease residential units at Grangarin Estate, to achieve compliance with the Act, the Shire must generally achieve the following: -

- 1) **Give Local Public Notice:** The local government must give local public notice of the proposed disposition. This notice should describe the property concerned and provide details of the proposed disposition.
- 2) **Invite Submissions:** The notice must invite submissions to be made to the local government before a specified date, which should be at least 2 weeks after the notice is first given.
- 3) **Consider Submissions:** The local government should consider any submissions made before the specified date.
- 4) **Record Decision:** If the decision is made by the council or a committee, the decision and the reasons for it must be recorded in the minutes of the meeting at which the decision was made.

Procedural requirements

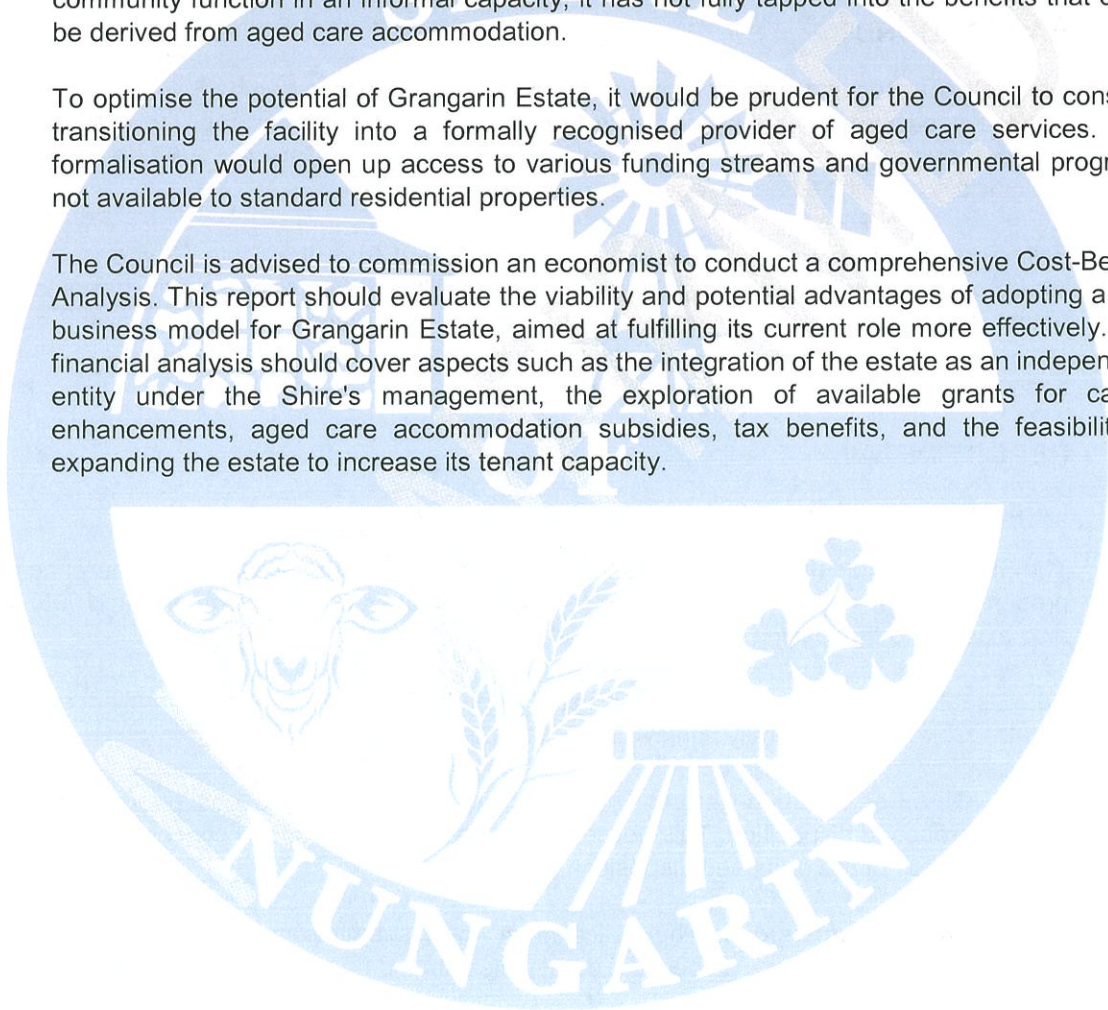
In order to facilitate informed decision-making and reduce the potential for scrutiny, it is advisable for the Council to endorse specific eligibility criteria for tenants. Additionally, the Council should develop and maintain internal procedural documents. These documents will serve as a guide for officers in managing the legal obligations set out by the *Residential Tenancies Act 1987*.

Business model review

Utilising Grangarin Estate as 'aged care' accommodation addresses a critical need within the community, offering older residents of Nungarin the option to remain local instead of moving away due to insufficient or unsuitable housing. While the Council is effectively fulfilling a vital community function in an informal capacity, it has not fully tapped into the benefits that could be derived from aged care accommodation.

To optimise the potential of Grangarin Estate, it would be prudent for the Council to consider transitioning the facility into a formally recognised provider of aged care services. This formalisation would open up access to various funding streams and governmental programs not available to standard residential properties.

The Council is advised to commission an economist to conduct a comprehensive Cost-Benefit Analysis. This report should evaluate the viability and potential advantages of adopting a new business model for Grangarin Estate, aimed at fulfilling its current role more effectively. The financial analysis should cover aspects such as the integration of the estate as an independent entity under the Shire's management, the exploration of available grants for capital enhancements, aged care accommodation subsidies, tax benefits, and the feasibility of expanding the estate to increase its tenant capacity.



SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	'Our Community'
Aspiration	(2.1.1) Research opportunities to grow the economy and attract new business to the Shire
Objective	Our land planning strategy and scheme provide opportunities for business growth and jobs

OTHER STRATEGIC LINKS

No strategic planning links associated to the proposal.

STATUTORY ENVIRONMENT

- o *Residential Tenancies Act 1987*
- o *Residential Tenancies Regulations 1989*
- o *Local Government Act 1995*

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic**

There are no direct economic implications as a result of the report recommendations.

Social

There are no direct social implications as a result of the report recommendations.

Policy Implications

It is recommended that the Council acknowledge the suggestions from the report regarding the establishment of eligibility criteria for new tenants at Grangarin Estate. While these recommendations may not necessitate immediate changes to existing policy, they should be seriously considered for endorsement. The criteria can serve as a practical framework for decision-making and can also provide transparency and clarity to prospective residents, without the need for formal policy codification.

Risk Management Implications

Risk Level	Comment
Low	The primary concern identified is the risk associated with not adhering to Section 3.58 of the <i>Local Government Act 1995</i> . This section specifically pertains to the formalised procedures required for leasing properties owned by the local government. It is crucial for the Council to ensure that all leasing processes are compliant with this legislative requirement to avoid legal and regulatory repercussions.

CONSULTATION

Consultation was not required to inform the report recommendation.

RESOURCE IMPLICATIONS

Financial

There are no direct financial implications as a result of the report recommendations.

Workforce

There are no direct workforce implications as a result of the report recommendations.



8.8 OFFICE OF THE AUDITOR GENERAL – AUDITOR’S REPORT AND MANAGEMENT LETTER	
File Ref:	11.11
Previous Items:	Nil
Responsible Officer:	Ric Halse, Chief Executive Officer
Author and Title:	Crystal Pearce, Manager of Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.9A – Audit Opinion Letter 2023 8.9B – OAG Stamped Annual Financial Report – 30 June 2023 8.9C – Final Management Letter 8.9D – Findings identified during OAG Audit - Shire of Nungarin recommendations 8.9E – Transmittal Letter to CEO

COUNCIL RESOLUTION**09/02/24****That Council Resolves to:**

- 1. Receive the Audit Opinion Letter for the 2022-2023 financial year (attachment 8.9A);**
- 2. Adopt the Audited Annual Financial Report for the year ended 30 June 2023; (attachment 8.9B);**
- 3. Receive the Auditors Management Letter for the financial year ended 30 June 2023; (attachment 8.9C)**
- 4. Note the recommendations and actions taken by the Shire that were identified during the audit; (attachment 8.9D).**
- 5. Receive the Transmittal Letter to the Chief Executive Officer; (attachment 8.9E)**

Moved: Cr A Eksanow**Seconded: Cr W Lee****CARRIED****IN BRIEF**

The Council is obliged to conduct a thorough review of the Annual Financial Report, encompassing the Audit Report and Management Letter for the fiscal year concluded on 2022/2023. Furthermore, the Council is requested to acknowledge the auditor's recommendations and formulate a plan of action addressing the issues highlighted within the audit findings.

Overall, the Shire obtained a 'satisfactory' audit and received fourteen notices for improvement.

BACKGROUND

Under the stipulations of Section 7.12 (3) of the Local Government Act 1995, it is incumbent upon the local government to:

1. Conduct a detailed examination of any audit reports it receives;
2. Ascertain whether the audit report highlights any issues that necessitate action from the local government; and
3. Guarantee that suitable measures are implemented to address those issues.

The Annual Financial Statements for the fiscal year concluding on 30 June 2023 have been finalised. The financial statements have undergone an annual audit conducted by the Shire's appointed auditors, Dry Kirkness, as well as by the Office of the Auditor General. The Auditor General has issued an "Independent Auditor's Report" that provides the auditor's opinion on the financial statements. Additionally, a "Management Letter" has been issued by the Auditor General, which details the findings discovered during the audit process.

REPORT DETAIL

The Council's annual audit for the fiscal year 2022/2023 has been completed by the appointed auditing firm Dry Kirkness and has received formal approval from the Auditor General's Office.

In compliance with Section 7.9 of the Local Government Act 1995, auditors are mandated to scrutinize the accounts and Annual Financial Report submitted by a local government. Additionally, by the 31st of December 2023, subsequent to the financial year of the accounts and report, auditors are required to:

1. Compile a report based on their examination,
2. Distribute a copy of this report to the President, the Chief Executive Officer, and the Minister for Local Government.

Moreover, under regulation 10(4) of the Local Government (Audit) Regulations 1996, auditors may, if deemed necessary, prepare a supplementary Management Report to accompany the Auditor's Report. This report should also be provided to the individuals outlined in Section 7.9 of the Act. The Management Report is intended to summarize the audit process and its results, highlighting any issues that are not materially significant to the audit of the financial report but are relevant to the Council's routine operations.

According to Section 7.12 (4), a local government is obligated to:

- a) Develop a report that addresses significant issues noted by the auditor in their report, detailing actions that have been or will be taken in response to each issue; and
- b) Submit this report to the Minister within three months of receiving the audit report.

Audit findings

For the financial year 2022/2023, the Shire of Nungarin identified 14 issues as detailed in Management Letter Attachment 8.9C. The findings and their corresponding ratings are presented in the subsequent table.

Attention is drawn to the fact that the Office of the Auditor General (OAG) has prioritised information technology (IT) in their audit assessments for the 2022/2023 period, a focus that was not present in prior years.

For a detailed account, as well as the strategic plan for continuous improvement, please refer to Attachment 8.9D. This document clarifies both the progress to date and future steps to be implemented in the enhancement of IT systems.

Index of findings	Potential impact on audit opinion	Rating			Prior year finding
		Significant	Moderate	Minor	
1. Procurement practices	No	✓			✓
2. Excessive Superuser Access	No	✓			
3. Supplier Masterfile Amendments	No	✓			✓
4. Fair Value of Land and Building and Infrastructure Assets	No		✓		✓
5. Payroll practices	No		✓		
6. Bank reconciliations	No		✓		
7. Risk Management Policy	No		✓		✓
8. Asset Management Plan	No		✓		
9. Lack of IT Governance	No		✓		✓
10. No Business Continuity Plan and Disaster Recovery Plan	No		✓		✓
11. Lack of IT Risk register and periodic meetings for managing cybersecurity risks	No		✓		
12. No change management process in place	No		✓		
13. No Service Level Agreement with IT Service Provider	No		✓		
14. Absence of IT and Security Related Training	No			✓	

Key actions by the Shire

- a. Procurement Practices Conduct regular training sessions on procurement policies and practices. Implement an automated system for purchase orders and batch payment approvals.
- b. Excessive Superuser Access Establish a periodic access review schedule. Implement a role-based access control system to restrict privileges based on job roles and responsibilities.
- c. Supplier Masterfile Amendments Develop a checklist for supplier amendments and require sign-offs for each step. Implement an automated system for tracking and reviewing supplier master file changes.

- d. Fair Value of Assets - Frequency of Valuations - Establish a timeline for regular fair value assessments. Engage external experts for periodic assessments to ensure compliance and accuracy.
- e. Payroll Practices Introduce an automated timesheet approval system. Implement an electronic record-keeping system for terminations. Conduct regular training for senior management on reviewing payroll reports.
- f. Bank Reconciliations Develop a monthly reconciliation calendar with specific deadlines. Utilize automated reconciliation tools to streamline the process and reduce manual effort
- g. Risk Management Policy Establish a dedicated team responsible for continuous monitoring and updating of the risk register. Conduct regular risk assessment workshops to ensure comprehensive coverage.
- h. Asset Management Plan Engage with asset management experts to develop a comprehensive plan. Implement a system for continuous monitoring and updating of asset-related data.
- i. Lack of IT Governance Collaborate with IT experts to create comprehensive policies aligned with industry best practices. Conduct regular training for IT staff on governance procedures and protocols.
- j. No Business Continuity Plan and Disaster Recovery Plan Conduct regular drills and simulations to test the effectiveness of the BCP and DRP. Collaborate with external experts to ensure the plans align with industry standards.
- k. Lack of IT Risk Register and Periodic Meetings for Managing Cybersecurity Risks Collaborate with cybersecurity experts to identify and document potential IT risks. Establish a clear framework for ongoing risk assessments and mitigation strategies.
- l. No Change Management Process in Place Engage with change management experts to create a customized process aligned with organizational needs. Establish clear communication channels for change notifications and approvals.
- m. No Service Level Agreement with IT Service Provider Collaborate with the MSP to create customized SLAs. Establish clear performance metrics and reporting mechanisms. Conduct regular reviews and updates to ensure alignment with organizational goals.
- n. Absence of IT and Security Related Training Collaborate with training providers to create a comprehensive curriculum. Implement regular assessments to measure the effectiveness of training programs. Ensure continuous updates to address emerging threats.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our Organisation
Aspiration	Effective forward planning, and engagement with our community
Objective	We deliver sound financial and asset management

OTHER STRATEGIC LINKS

No strategic planning links associated to the proposal.

STATUTORY ENVIRONMENT

Local Government Act 1995;
Local Government (Audit) Regulations 1996;
Local Government (Financial Management) Regulation 1996;

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

The audit findings do not immediately impact the Council's economic position. However, it is imperative for the Council to recognise that a failure to address critical issues within IT and Financial Systems could lead to a significant escalation in resolution costs over time. It is in the Council's best interest to proactively manage these components to avoid future financial burdens.

Social

No social implications as a result of the report recommendations.

Policy Implications

The audit outcomes reveal that the absence of a Risk Management Policy presents a substantial corporate risk to the Shire. Moreover, the inefficiencies in the current IT and Financial systems, which are now antiquated, pose additional risks. It is crucial for the Shire to address these vulnerabilities to mitigate potential threats to its operations and financial integrity.

Risk Management Implications

Risk Level	Comment
Medium	Annual audits are an invaluable tool to use to ensure compliance with the Act, continued non-compliance may result in a report being presented to parliament.

CONSULTATION

Pursuant to the regulations, the Shire fulfilled its statutory obligations by consulting with the following: -

- Shire of Nungarin, Finance & Audit Committee
- Councillors (OAG exit meeting)

RESOURCE IMPLICATIONS

Financial

Modifications to the Shire's IT and Finance Systems are anticipated to enhance regulatory compliance assurance and bolster the security of the Shire's administrative and financial operations. Implementing these reforms is a proactive step towards strengthening the Shire's governance and operational frameworks.

Workforce

No workforce implications as a result of the report recommendations.

9. CORRESPONDENCE RECEIVED

10. NEW BUSINESS OF AN URGENT NATURE

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

11. CLOSURE

The being no further business the meeting closed at 5:41pm.


Presiding Member

20/3/2024
Date

