



Minutes

Ordinary Council Meeting

Wednesday 19th November 2025

Commenced at 5:00PM

Held in the Council Chambers,
Railway Avenue Nungarin



Date: 26 November 2025

**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 19th of November 2025 at 5:00pm to consider and resolve the matters set out in the attached agenda.

**Chief Executive Officer
David Nayda**

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.

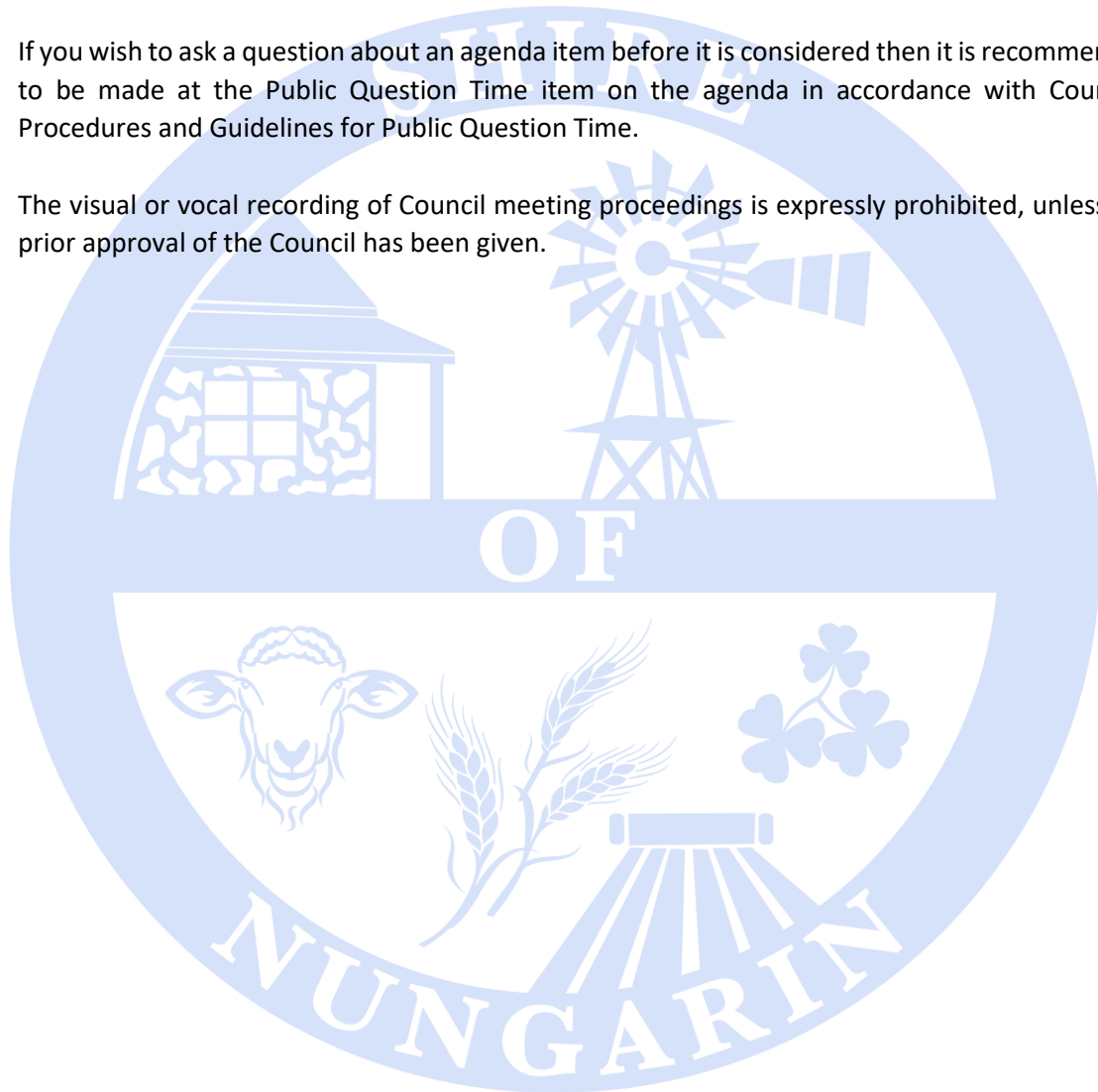
Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

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.





ORDINARY COUNCIL MEETING

HELD

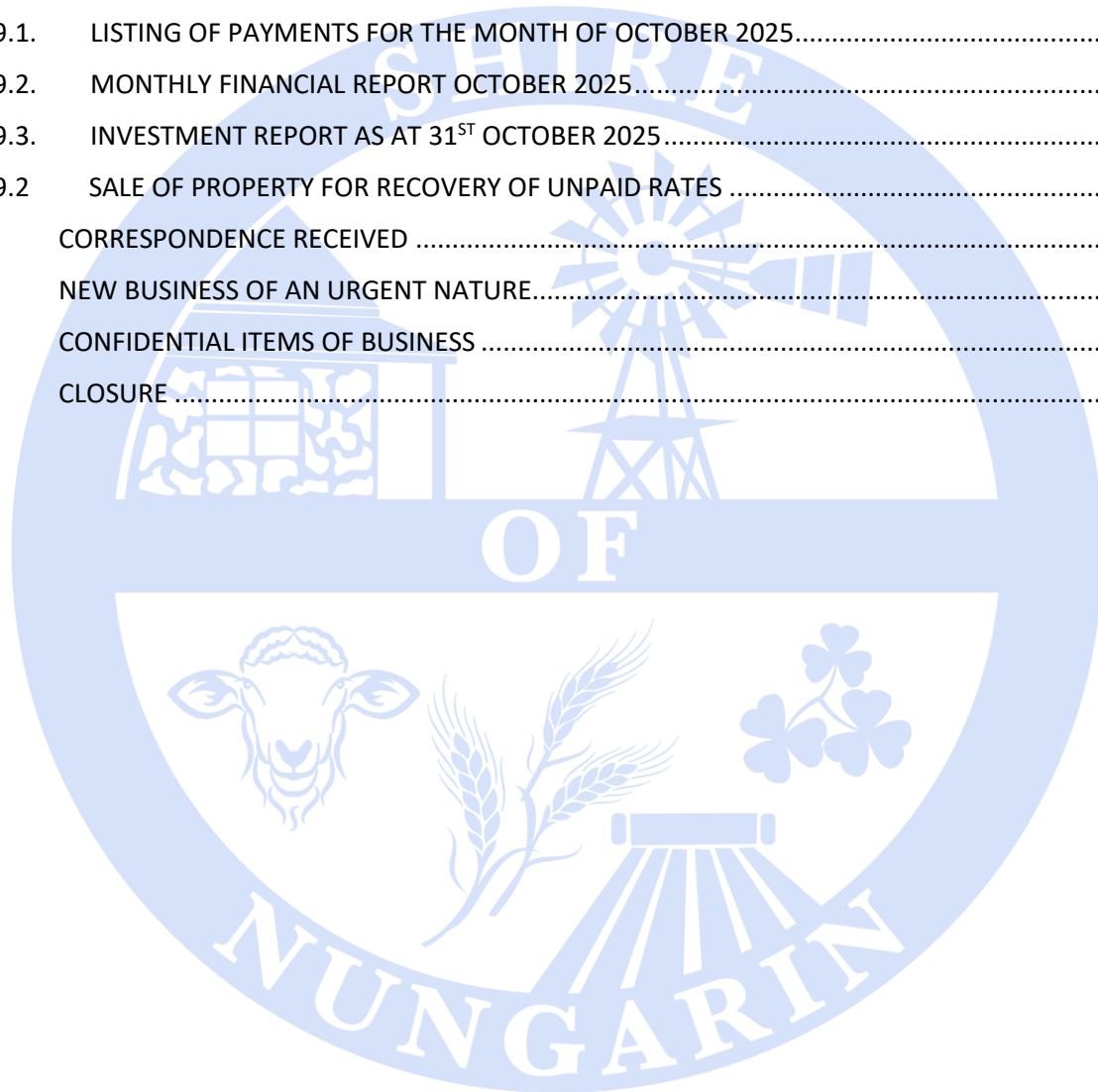
WEDNESDAY 19th NOVEMBER 2025

MINUTES SUMMARY and TABLE OF CONTENTS

TABLE OF CONTENTS

1. DECLARATION OF OPENING.....	7
2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	7
2.1. ATTENDANCE.....	7
2.2. APOLOGIES	8
2.3. REQUEST FOR LEAVE OF ABSENCE	8
3. DEPUTATIONS AND PETITIONS	8
3.1. DEPUTATIONS.....	8
3.2. PETITIONS	8
4. PUBLIC QUESTION TIME.....	8
4.1. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	9
4.2. PUBLIC QUESTION TIME	9
5. DECLARATIONS OF INTEREST	9
5.1. FINANCIAL AND PROXIMITY INTEREST	9
5.2. DISCLOSURES OF INTEREST THAT MAY CAUSE CONFLICT	9
6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	9
7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION	9
7.1. CONFIRMATION MINUTES ORDINARY COUNCIL MEETING – 22 nd OF OCTOBER	9

2025	9
8. CONFIRMATION OF MINUTES RECEIVED	10
8.1. RECEIPT OF MINUTES NEWROC Council Minutes for 4 th OF NOVEMBER 2025	10
8.2. RECEIPT OF MINUTES SUB REGIONAL ROAD GROUP MEETING HELD ON 28 th OCTOBER 2025	10
8.3. RECEIPT OF MINUTES EASTERN BIOSECURITY GROUP AGM MEETING HELD ON 20 th OCTOBER 2025	11
9. OFFICER REPORTS	12
9.1. LISTING OF PAYMENTS FOR THE MONTH OF OCTOBER 2025	12
9.2. MONTHLY FINANCIAL REPORT OCTOBER 2025	15
9.3. INVESTMENT REPORT AS AT 31 ST OCTOBER 2025	18
9.2 SALE OF PROPERTY FOR RECOVERY OF UNPAID RATES	21
10. CORRESPONDENCE RECEIVED	25
11. NEW BUSINESS OF AN URGENT NATURE	25
12. CONFIDENTIAL ITEMS OF BUSINESS	25
13. CLOSURE	25





AGENDA and STAFF REPORTS

ORDINARY COUNCIL MEETING

TO BE HELD IN COUNCIL CHAMBERS, NUNGARIN

ON WEDNESDAY 19th NOVEMBER 2025

1. DECLARATION OF OPENING

The Presiding Member to declare the meeting open at 5.00pm.

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 K Dayman
Elected Member	Cr A Eksanow
Elected Member	Cr W Lee

Elected Member
Elected Member

Cr B Wegner
Cr C Stobie

Council Officers

Chief Executive Officer
Executive Assistant

Mr D Nayda
Ms C Morrell

Observers / Visitors

2.2. APOLOGIES

Manager Works & Services
Manager Corporate Services

Mr A Wootton
Miss S Sergeant

2.3. REQUEST FOR LEAVE OF ABSENCE

3. DEPUTATIONS AND PETITIONS

3.1. DEPUTATIONS

NIL

3.2. PETITIONS

NIL

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
NIL

4.2. PUBLIC QUESTION TIME
NIL

5. DECLARATIONS OF INTEREST

5.1. FINANCIAL AND PROXIMITY INTEREST
NIL

5.2. DISCLOSURES OF INTEREST THAT MAY CAUSE CONFLICT
NIL

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

7.1. CONFIRMATION MINUTES ORDINARY COUNCIL MEETING – 22nd OF OCTOBER 2025

OFFICER RECOMMENDATION

Moved: Cr A Eksanow

Seconded: Cr B Wegner

That the Minutes of the Ordinary Council Meeting held on 22nd of October 2025 be confirmed as being a true and accurate record.

Carried by Simple Majority: 7/0

For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie

Against: Nil

8. CONFIRMATION OF MINUTES RECEIVED

8.1. RECEIPT OF MINUTES NEWROC Council Minutes for 4th OF NOVEMBER 2025

OFFICER RECOMMENDATION

Moved: Cr K Dayman

Seconded: Cr C Stobie

That the Minutes of the NEWROC Council meets for 4th of November be received.

Carried by Simple Majority: 7/0

For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie

Against: Nil

8.2. RECEIPT OF MINUTES SUB REGIONAL ROAD GROUP MEETING HELD ON 28th OCTOBER 2025

OFFICER RECOMMENDATION

Moved: Cr A Eksanow

Seconded: Cr G Coumbe

That the Minutes of the Sub Regional Road Group Meeting held on 28th of October 2025 be received.

Carried by Simple Majority: 7/0

For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie

Against: Nil

8.3. RECEIPT OF MINUTES EASTERN BIOSECURITY GROUP AGM MEETING HELD ON 20th OCTOBER 2025

OFFICER RECOMMENDATION

Moved: Cr K Dayman

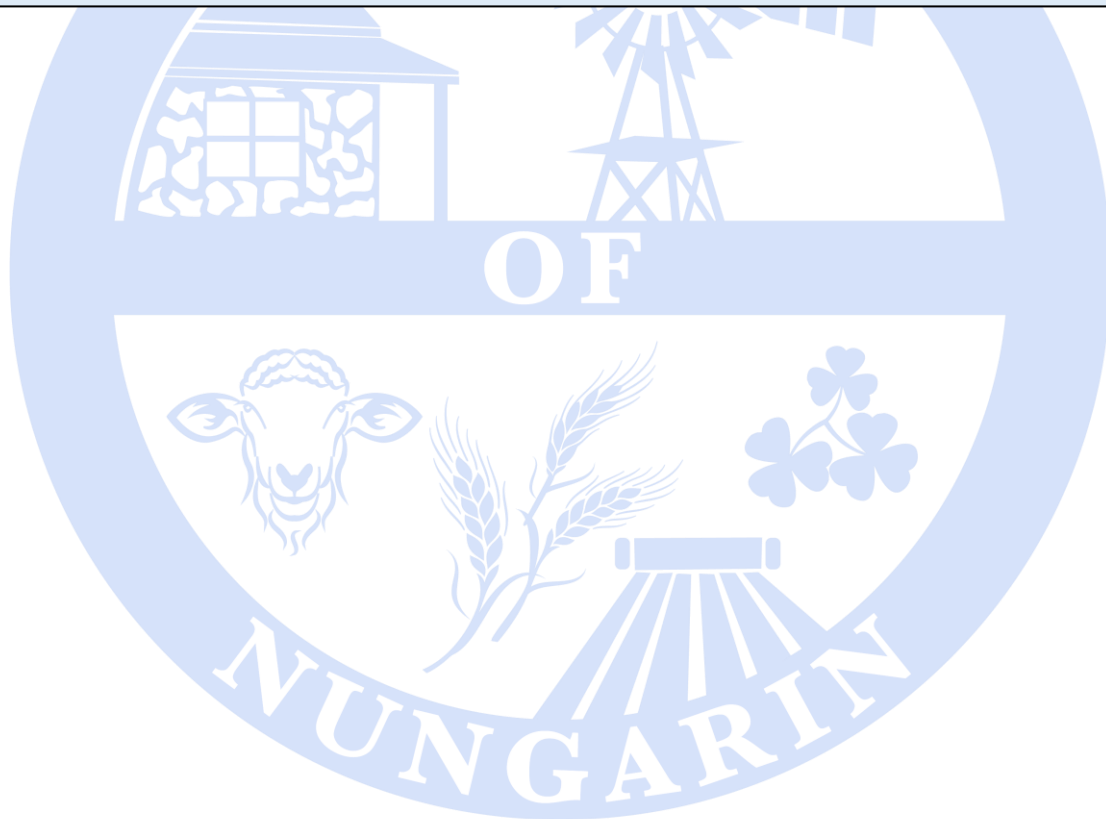
Seconded: Cr B Wegner

That the Minutes of the Eastern Biosecurity Group AGM Meeting held on 20th of October 2025 be received.

Carried by Simple Majority: 7/0

For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie

Against: Nil



9. OFFICER REPORTS

9.1. LISTING OF PAYMENTS FOR THE MONTH OF OCTOBER 2025	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	Selina Sergeant Manager of Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	9.1 A – Payment Listing October 2025

OFFICER RECOMMENDATION**Moved: Cr G Coumbe****Seconded: Cr W Lee**

That Council in relation to the Payment Listing for October 2025, resolves to formally accept and acknowledge the contents of the report.

The following payments were outgoing throughout October 2025:

Municipal:

- **EFT: \$684,538.75**
- **Cheque: \$0.00**
- **Direct Debit: \$69,775.38**
- **Inclusive of Credit Card payments: \$2,278.05**
- **Direct Wages: \$73,565.67**
- **Trust: \$0.00**
- **Grand Total: \$827,879.80**

Carried by Simple Majority: 7/0

For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie

Against: Nil

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal, Trust and Credit Card funds throughout the month of October 2025.

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 is required to be submitted to Council showing the prescribe information.

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

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 for each account which requires council authorization in that month:

- (i) the payee's name;
- (ii) the amount of the payment;
- (iii) sufficient information to identify the transaction and;
- (iv) 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 <i>Local Government (Financial Management) Regulation 1996</i> it may result in a qualified audit report and an unclean compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil



9.2. MONTHLY FINANCIAL REPORT OCTOBER 2025	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	Darren Long Consultant
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	14.2A – Monthly Financial Report October 2025

OFFICER RECOMMENDATION

Moved: Cr A Eksanow **Seconded:** Cr C Stobie

That Council, regarding the Monthly Financial Report for October 2025, resolves to formally accept and acknowledge the contents of the report

Carried by Simple Majority: 7/0

For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie

Against: Nil

IN BRIEF

For Council to consider the monthly financial report for the period ending 31st October 2025.

SUMMARY KEY ISSUES

The *Local Government Act 1995* and Regulations require local government to prepare monthly reports containing the information that is prescribed.

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.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

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

OFFICER COMMENT

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 by Nature/Type;
- (d) Statement of Financial Activity by Program;
- (e) Summary of Net Current Asset Position;
- (f) Statement of Explanation of Material Variances;
- (g) Statement of Financial Position;
- (h) Statement of Cash Flows;
- (i) Statement of Capital Grants and Contract Liabilities;
- (j) Statement of Capital Expenditure;
- (k) Statement of Cash Back Reserves;
- (l) Statement of Loan Borrowings;
- (m) Statement of Trust Funds held; and
- (n) Detailed Operating and Non-Operating Schedules.

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 31st October 2025 shows a closing surplus of \$1,672,425.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	N/A

CONSULTATION

Financial Consultant – Darren Long

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

9.3. INVESTMENT REPORT AS AT 31ST OCTOBER 2025	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	Darren Long Consultant
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	Nil

OFFICER RECOMMENDATION

Moved: Cr W Lee

Seconded: Cr G Coumbe

That the Investment Report as at 31st October 2025 be received.

Carried by Simple Majority: 7/0

For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie

Against: Nil

IN BRIEF

For Council to receive the investment Report as at 31st October 2025.

BACKGROUND

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

REPORT DETAIL

There were investments made during the month of October 2025

INVESTMENT REGISTER						
1 st OCTOBER to 31 st OCTOBER						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 30/09/2025	INVESTMENT TRANSFERS	CLOSING BALANCE 30/09/2025
38132004.63	16/02/2026	4.08%	\$1,116,356.22	\$0.00	\$0.00	\$1,116,356.22
38132004.64	10/12/2025	4.09%	\$1,500,000.00	\$0.00	\$1,500,000.00	\$1,500,000.00

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 Plan implications

STATUTORY ENVIRONMENT

Local Government Act 1995

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - (b) [deleted];
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and
 - (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

- (2) The control procedures are to enable the identification of —
- (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959 (Commonwealth)* section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

Nil

Social

Nil

Policy Implications

Council Policy F2 applies to the investment of surplus funds.

Risk Management Implications

Risk Level	Comment
Low	

CONSULTATION

Financial Consultant – Darren Long

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

9.2 SALE OF PROPERTY FOR RECOVERY OF UNPAID RATES	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	Selina Sergeant Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	Nil

OFFICER RECOMMENDATION

Moved: Cr B Wegner

Seconded: Cr K Dayman

That Council Approve the sale by auction of Lot 39 on Deposited Plan 222933, 21 First Ave, Nungarin, located within the Shire of Nungarin Municipality, by exercising its power under the provision of Section 6.64 and 6.68 of the *Local Government Act 1995* to recover outstanding rates.

Carried by Absolute Majority: 7/0

For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie

Against: Nil

IN BRIEF

From time to time, local governments will face a situation where a property owner does not pay the rates or service charges due and payable on that property for a number of years.

Under Section 6.64 of the *Local Government Act 1995*, a local government can exercise its power to lease, transfer or sell property to recover rates and service charges that have been outstanding for more than three (3) years.

BACKGROUND

Rate Revenue is a primary source of revenue for all local governments. The rates imposed on properties contribute toward the upkeep and maintenance of the Shire's essential services, such as roads and infrastructure, as well as enabling the provision of other services to its community, such as buildings, facilities, parks and recreational areas. This revenue also ensures that an appropriate level of administration services are provided to residents, ratepayers and visitors, and the cost of contributing to these services is shared equitably amongst all ratepayers.

REPORT DETAIL

The property subject to this report sits within this category. All reasonable avenues for recovery have been exhausted and rates, and additional fees incurred remain unpaid to the value of \$13,476.41, as at 13th November 2025.

Recovery actions have included:

- 22/11/2024: Written correspondence sent by the Shire including the opportunity for the property owner to enter into a payment arrangement to settle the outstanding debt;
- 24/01/2025: Letter of demand sent by debt collection agency;
- General Procedure Claim lodged 27/02/2025 and served 10/03/2025;
- 28/05/2025: Application for Judgement by Default lodged and default judgement given to the Shire;
- 24/06/2025: Correspondence including Form 13 – Application for Default Judgment by Claimant (granted) and Form 56 – Certificate of Judgment, requesting payment sent to property owner.

To date, no correspondence or payment has been received.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

As per Section 6.64 of the *Local Government Act 1995*, Council is empowered to take possession and sell properties where rates have remained unpaid for more than three years.

Local Government Act 1995***6.64. Actions to be taken***

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land; or
 - (b) sell the land; or
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the

land a notice, in the form or substantially in the form prescribed.

- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

6.68. Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the **power of sale**) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.
- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —
- (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land;
 - or
 - (b) having made reasonable efforts to locate the owner or the property is unable to do so.
- (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.
- (3) Schedule 6.3 has effect in relation to the exercise of the power of sale.

[Section 6.68 amended: No. 17 of 2009 s. 40.]

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

There is a legislative process that must be followed in order to comply with the proposed sale to ensure that the proposed action is legally enforceable.

CONSULTATION

McLeods Lawyers were consulted during this process and will be engaged for all debt recovery and pending auction functions.

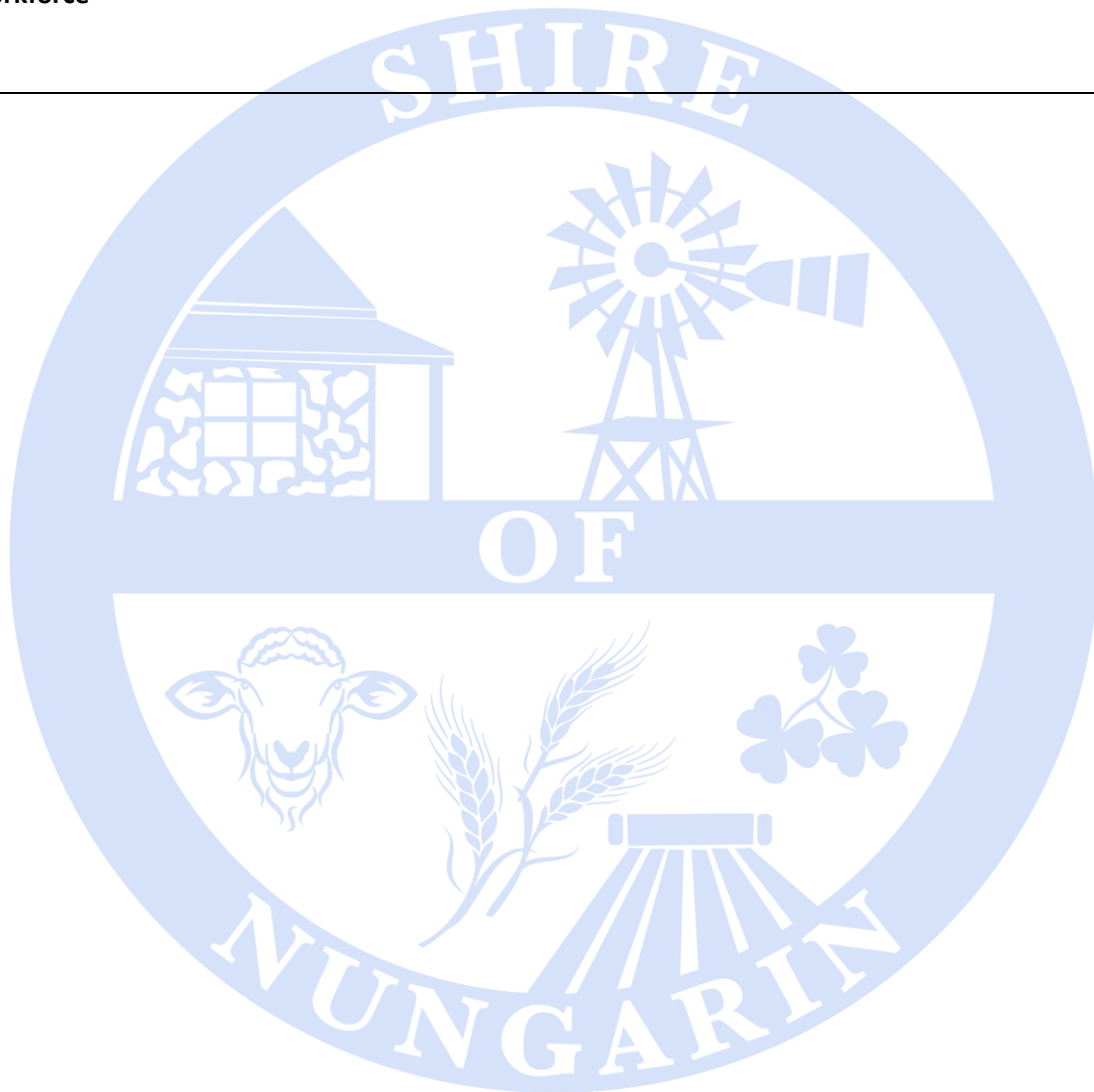
RESOURCE IMPLICATIONS

Financial

A reduction of \$13,476.41 in the Rates Debtors balance sheet account.

Workforce

Nil



10. CORRESPONDENCE RECEIVED

NIL

11. NEW BUSINESS OF AN URGENT NATURE

The Shire of Nungarin supports the policy positions of the Local Government Rural Health Funding Alliance; and calls on ALGA to commit to an impact assessment and call for action in response to local governments providing GP services in remote and very remote areas.

Moved: Cr Coumbe**Seconded: Cr Stobie****Carried by Simple Majority: 7/0****For: Cr de Lacy, Cr Coumbe, Cr Dayman, Cr Eksanow, Cr Lee, Cr Wegner, Cr Stobie****Against: Nil****12. CONFIDENTIAL ITEMS OF BUSINESS**

Nil

13. CLOSURE

There being no further business the meeting closed at 5.08pm

Presiding Member

Date