



Agenda

Ordinary Council Meeting

Wednesday 20th November 2024

Commencing at 4:30PM

To be held in the Council Chambers,
Railway Avenue Nungarin



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Date: 19 November 2024

**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 20th of November 2024 at 4:30pm to consider and resolve the matters set out in the attached agenda.

**Chief Executive Officer
David Nayda**

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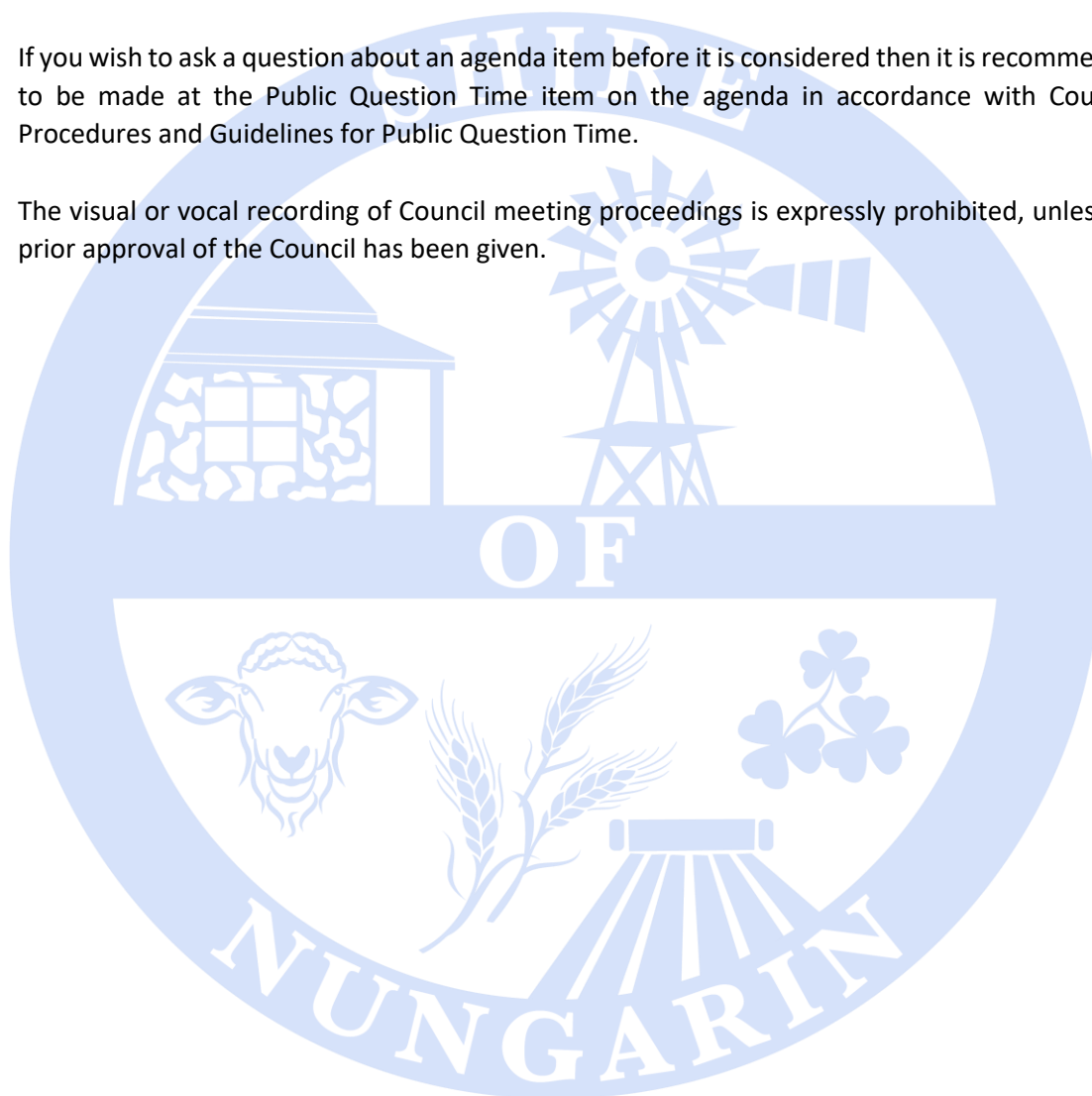
Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

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.

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

TO BE HELD ON

WEDNESDAY 20th November 2024

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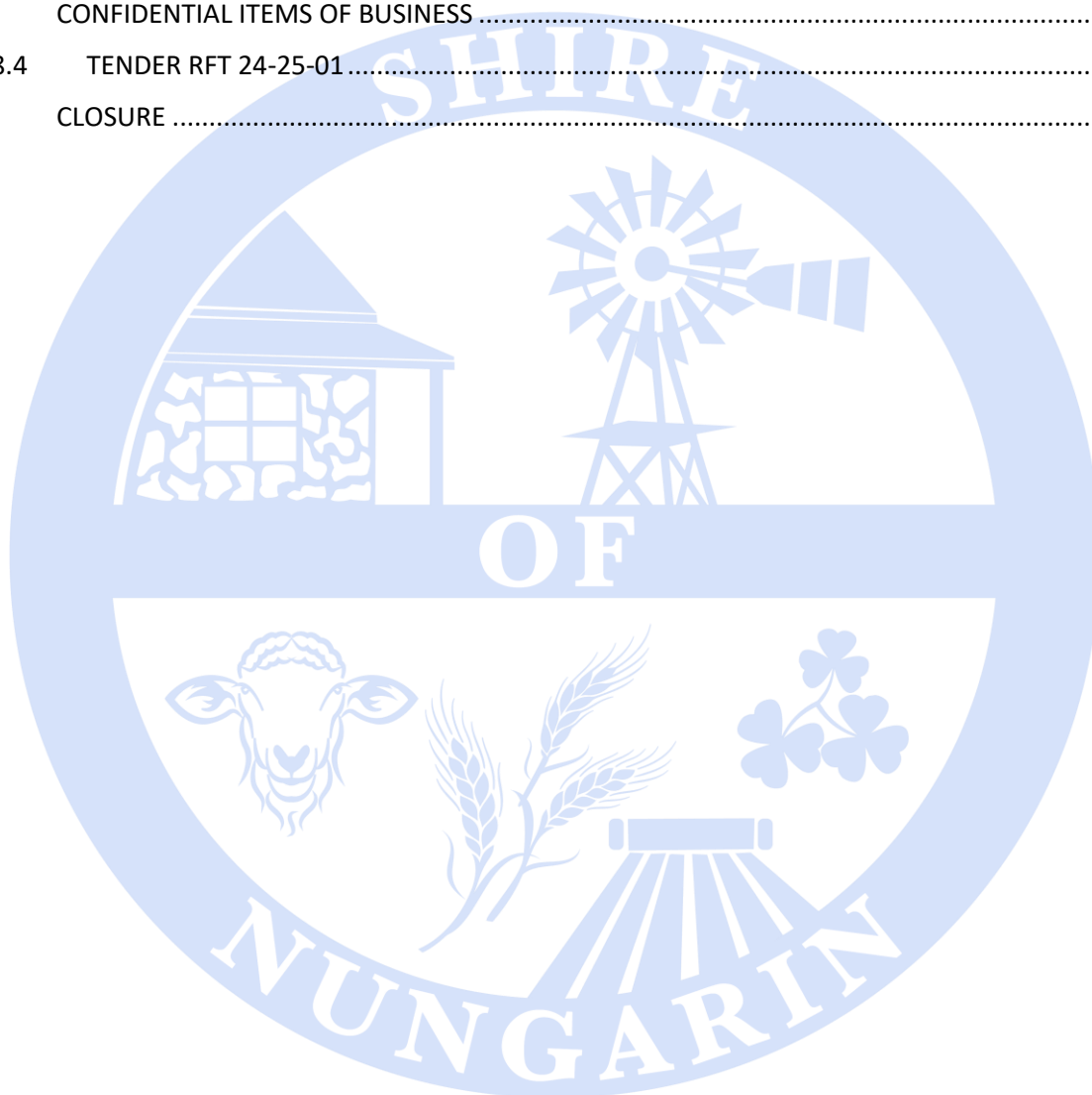
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AGENDA and STAFF REPORTS

ORDINARY COUNCIL MEETING

TO BE HELD IN COUNCIL CHAMBERS, NUNGARIN

ON WEDNESDAY 20th November 2024

1. DECLARATION OF OPENING

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

Affirmation of Civic Duty and Responsibility as Read

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

Acknowledgement of Traditional Custodians

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

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors

Shire President	Cr P de Lacy
Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell
Elected Member	Cr K Dayman
Elected Member	Cr A Eksanow

Elected Member Cr W Lee
 Elected Member Cr M Caughey

Council Officers

Chief Executive Officer Mr D Nayda
 Acting Manager Works & Services Mr D Dhu
 Manager Corporate Services Miss S Sergeant

Observers / Visitors

2.2 APOLOGIES

2.3 REQUEST FOR LEAVE OF ABSENCE

3. DEPUTATIONS AND PETITIONS

3.1 DEPUTATIONS

3.2 PETITIONS

4. PUBLIC QUESTION TIME

- a. Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.
- b. During the Council meeting, after Public Question Time no member of the public may interrupt the meeting’s proceedings or enter into conversation.
- c. Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.
- d. All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary Council Meeting, and at a Special Council Meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the Presiding Member.
- e. The Presiding member will control Question Time and ensure each person wishing to ask a question states their name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask questions will be given two (2) minutes within which to address their question to Council. The Presiding Member may shorten or lengthen this time at their discretion.

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL AND PROXIMITY INTEREST

5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

7.1 ORDINARY COUNCIL MEETING – 16th OF OCTOBER 2024

OFFICER RECOMMENDATION

Moved:.....

Seconded:

For:

Against:

That the Minutes of the Ordinary Council Meeting held on 16th of October 2024 be confirmed as being a true and accurate record.

(Not) Carried by Simple Majority /

8. OFFICER REPORTS

8.1 LISTING OF PAYMENTS FOR THE MONTH OF OCTOBER 2024	
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:	Simple Majority
Attachment Number	8.1A – Payment Listing October 2024

OFFICER RECOMMENDATION

Moved:..... **Seconded:**

For:

Against:

That Council in relation to the Payment Listing for October 2024, resolves to formally accept and acknowledge the contents of the report.
The following payments were outgoing throughout October 2024:

Municipal:

- **EFT: \$106,782.43**
- **Cheque: \$10.95**
- **Direct Debit: \$23,984.06**
- **Credit Card: \$0.00**

- **Trust: \$0.00**
-
- **Grand Total: \$130,777.44**

(Not) Carried by Simple Majority: /

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 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 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

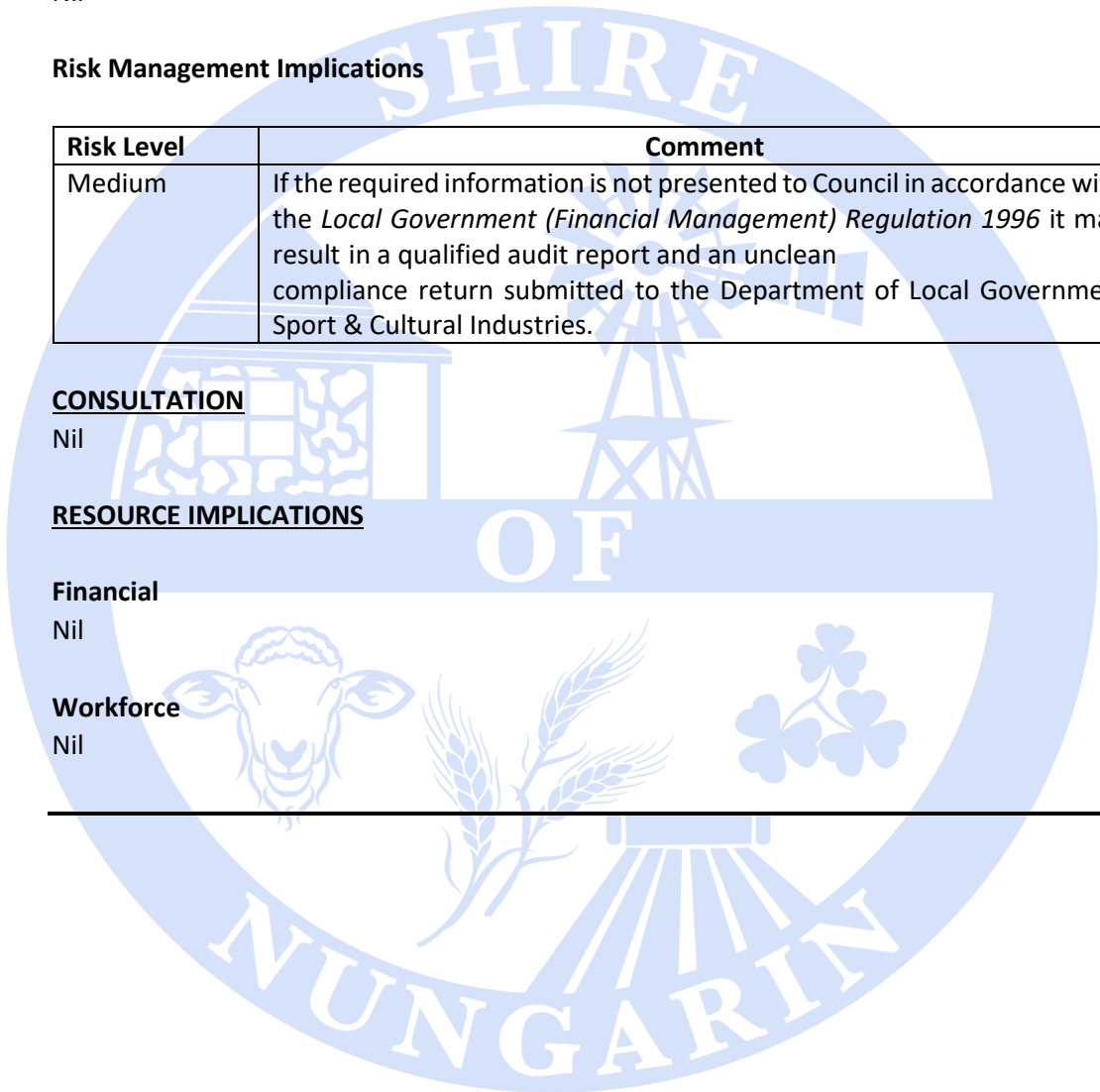
RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil



8.2 MONTHLY FINANCIAL REPORT OCTOBER 2024	
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	8.2A – Monthly Financial Report October 2024

OFFICER RECOMMENDATION

Moved: **Seconded:**

For:

Against:

That Council, regarding the Monthly Financial Report for October 2024, resolves to formally accept and acknowledge the contents of the report

(Not) Carried by Simple Majority /

IN BRIEF

For Council to consider the monthly financial report for the period ending 31st October 2024
 Repeat above format for additional reports

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 Cash Back Reserves;
- (j) Loan Borrowings Statement;
- (k) Trust Statement; and
- (l) 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 2024 shows a closing surplus of \$2,493,407.

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

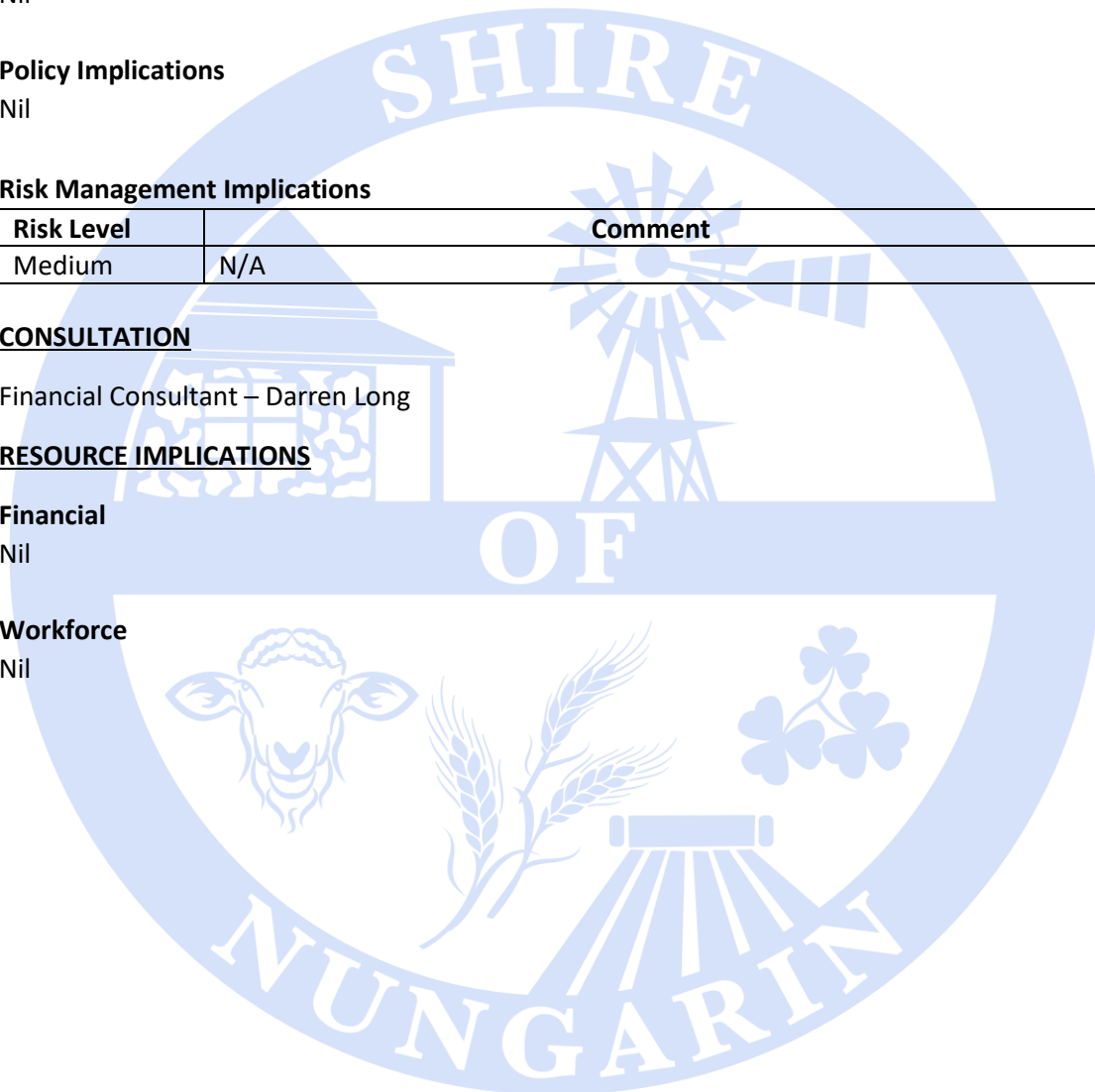
RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil



8.3 INVESTMENT REPORT AS AT 31st October 2024	
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: **Seconded:**

For:

Against:

That the Investment Report as at 31st October 2024 be received.

(Not) Carried by Simple Majority /

IN BRIEF

For Council to receive the investment Report as at the 31st October 2024.

BACKGROUND

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

REPORT DETAIL

The table below details the investments held by the Shire as at 31st October 2024:

INVESTMENT REGISTER						
1 st OCTOBER TO 31 st OCTOBER 2024						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNT TO 31.10.2024	INVESTMENT TRANSFERS	CLOSING BALANCE 31.10.2024
38132004.46	14/10/2024	4.78%	\$1,500,000.00	\$17,875.89	(\$1,517,875.89)	\$0.00
38132004.47	13/01/2025	4.82%	\$1,517,875.89	0.00	0.00	\$1,517,875.89
38132004.48	13/01/2025	4.82%	\$893,496.30	0.00	0.00	\$893,496.30

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 3.07 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

8.5 CHRISTMAS CLOSURE DATES	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda - Chief Executive Officer
Author and Title:	David Nayda - Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	Nil

OFFICER RECOMMENDATION

Moved: **Seconded:**

For:

Against:

That Council approve the closure of the Shire Administration Office and Depot on 20th December 2024 and re-opening on 6th January 2025

(Not) Carried by Simple Majority /

IN BRIEF

Council is requested to consider the closure of the Shire Administration Office and Depot over the Christmas period.

BACKGROUND

Annually the Shire Administration Office and Depot is closed over the Christmas period.

REPORT DETAIL

It is recommended that the Administration Office and the Depot close on 20th December 2024 and reopen on 6th January 2025.

During the closure period the Depot will operate on skeleton staff allowing the much-needed maintenance of machinery and equipment to be done. The Acting Manager Works and Services and the Manager of Corporate Services will be on call should an urgent matter occur requiring immediate action.

The month of December is generally a quiet period, and the closure of the Administration Office / Depot will not have an impact on the community.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnerships.
Objective	Commit to the provision of essential and non-essential services in the community.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Low	Whilst the Administration Office / Depot will be closed, staff will still be available should an urgent matter occur.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

9. CORRESPONDENCE RECEIVED

10. NEW BUSINESS OF AN URGENT NATURE

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

11. CONFIDENTIAL ITEMS OF BUSINESS

OFFICER RECOMMENDATION

Moved:..... **Seconded:**

For:

Against:

That Council proceed behind closed doors as per Section 5.23 (2) of the *Local Government Act 1995* to consider item 8.4 atpm.

(Not) Carried by Simple Majority: /

8.4 TENDER RFT 24-25-01	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda - Chief Executive Officer
Author and Title:	David Nayda - Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	Confidential 11.1A – Tender Evaluation

OFFICER RECOMMENDATION

Moved: **Seconded:**

For:

Against:

The Council:

- 1. Award Tender RFT 24-25-01**
- 2. Authorise the Chief Executive Officer to sign the tender agreement**

(Not) Carried by Simple Majority /

OFFICER RECOMMENDATION

Moved:..... **Seconded:**

For:

Against:

That Council:

Proceed with the meeting in public, the time beingpm

(Not) Carried by Simple Majority: /

12. CLOSURE

The being no further business the meeting closed atpm

Presiding Member

Date