

**SHIRE OF NUNGARIN**



**ORDINARY MEETING OF COUNCIL AGENDA**

**HELD ON THE**

**17<sup>th</sup> July 2019**

**3:00 PM**



**SHIRE OF NUNGARIN**

**NOTICE OF MEETING**

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Nungarin**, Railway Avenue, Nungarin, on **Wednesday 17 July 2019**, commencing at 3:00 pm.

**MEETING AGENDA ATTACHED**

Yours faithfully

**Mr Adam Majid**  
**CHIEF EXECUTIVE OFFICER**

10 July 2019

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Shire of Nungarin

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**SHIRE OF NUNGARIN**

**Council Meeting Agenda**

**17 July 2019**

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**1. DECLARATION OF OFFICIAL OPENING**

*Council recognises that it is permissible to record the Shire's Council and Forum Meetings in the written, sound, vision medium (or any combination of the mediums) when open to the public, however, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.*

*The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.*

**Affirmation of Civic Duty and Responsibility**

***I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Nungarin. We collectively declare that 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 contributions of Elders past, present and future.

**2. RECORDING OF ATTENDANCE, APOLOGIES & LEAVES OF ABSENCE**

**2.1 ATTENDANCE**

Shire President	Cr RE O'Connell
Deputy Shire President	Cr G Coumbe
Elected Member	Cr B Palmer
Elected Member	Cr K Dayman
Elected Member	Cr P de Lacy
Elected Member	Cr J Davis
Chief Executive Officer	Mr A Majid

**2.2 APOLOGIES**

Nil

**2.3 LEAVES OF ABSENCE**

*Record Councillor Leaves of Absence where previously endorsed for this meeting.*

**2.4 NEW REQUESTS FOR LEAVES OF ABSENCE**

**3. DELEGATIONS & PETITIONS**

**3.1 DELEGATIONS**

Nil

**3.2 PETITIONS**

Nil

**4. PUBLIC QUESTION TIME**

**Rules for Council Meeting 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 meeting, and at a Special 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 President.*
- (e) *The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her 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 a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

**4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

#### **4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

### **5. DECLARATIONS OF INTEREST**

*Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct.*

*Councillors / staff are required to submit declarations of interest in writing on the prescribed form.*

#### **5.1 FINANCIAL & PROXIMITY INTERESTS**

*A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.*

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

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

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*

### **6. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

*Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.*

#### **OFFICER RECOMMENDATION/S – ITEM NO 6**

**That the President's report be received.**

### **7. CONFIRMATION OF COUNCIL MINUTES AND RECEIVING OF MINUTES**

#### **7.1 ORDINARY COUNCIL MEETING 19 JUNE 2019**

#### **OFFICER RECOMMENDATION/S – ITEM NO 7.1**

**That the Minutes of the Ordinary Meeting, of the Shire of Nungarin held on 19 June 2019 in Council Chambers be confirmed.**

**7.2 MINUTES OF NEWROC COUNCIL MEETING 25 JUNE 2019**

**OFFICER RECOMMENDATION/S – ITEM NO 7.2**

**That the Minutes of the NEWROC Council Meeting held on 25 June 2019 be received.**

**7.3 MINUTES OF THE GREAT EASTERN COUNTRY ZONE MEETING 27 JUNE 2019**

**OFFICER RECOMMENDATION/S – ITEM NO 7.3**

**That the Minutes of the Great Eastern Country Zone Meeting held on 27 June 2019 be received.**

**8. CHIEF EXECUTIVE OFFICER REPORTS**

**8.1 URBAN PLANNING**

Nil



## 8.2 INFRASTRUCTURE

### 8.2.1 Recreation Grounds

#### INFRASTRUCTURE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	Parks and Gardens
Location / Property Index	:	Various
Application Index	:	N/A
Land Use	:	Parks and Gardens
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Jarid McLachlan - Gardener

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

## **PURPOSE OF REPORT**

For Council to receive Recreation Grounds status report.

## **SUMMARY AND KEY ISSUES**

See officer's comments.

## **LOCATION**

All Recreation grounds

## **BACKGROUND**

Council has traditionally asked for status reports concerning Recreation Grounds and Gardens generally and this report is provided accordingly.

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

There are no specific statutory requirements in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Oval:

Retic remains turned off as a result of good rains. Weeds are treated on an ongoing basis as they appear.

**Cricket Pitch:**

Has good cover and minimal wear and tear. Fertilised as required on an ongoing basis.

**Tennis Courts:**

In line with the oval, retic remains off. Fertilised as required on an ongoing basis.

**Hockey Ground:**

Has firmed up after good rains followed by sunny days. Ants and weeds are treated as required.

**Bowling green:**

Has been treated with the first dose of Surrender for the treatment of mould. Ants and weeds monitored and treated as required.

**General:**

Pavilion lawns continue to present well with ongoing fertilising and good rain. At time of reporting, dam level has raised to approximate 1.0m.

**OFFICER RECOMMENDATION/S – ITEM NO 8.2.1**

**That the Recreation Grounds status report be received.**

## 8.2.2 Works and Services Report

### INFRASTRUCTURE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Manager Works and Services

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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#### PURPOSE OF REPORT

For Council to receive the Manager Works and Services report.

## **SUMMARY AND KEY ISSUES**

- Road counter is currently out on Nungarin North Road.
- Maintenance on machines is continuing as required and small items of plant being repaired.
- Trailers have been attended to with lights being looked at and brakes to bring them all up to a working standard.
- Services have been carried out on both graders.
- Graders have started grading on Herbert Road, Creagh Road, McGlenn Road Hodges Road, Nangeenan North Road, Baird Road, Beurteaux Road, Baandee North Road and Nukarni West Road.
- Road patching is ongoing with works on Nungarin North Road
- Roadside spraying on the main bitumen roads within the shire has been undertaken.
- Signage is being improved throughout the shire with new signs being installed as time permits.

## **LOCATION**

N/A

## **BACKGROUND**

N/A

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

There are no specific statutory requirements in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Refer to summary and key issues above.

**OFFICER RECOMMENDATION/S – ITEM NO 8.2.2**

**That the Manager Works and Services report be received**

**8.3 COMMUNITY DEVELOPMENT**

Nil

## 8.4 MANAGEMENT / GOVERNANCE / POLICY

### 8.4.1 Use of Shire Common Seal – Transfer of Land

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	Lot 72 First Avenue and Lot 104 Second Avenue, Nungarin
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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## **PURPOSE OF REPORT**

For Council to authorise the application of the Shire Common Seal to Transfer of Land documents and for the signing of the same.

## **SUMMARY AND KEY ISSUES**

- Lot 72 First Avenue and Lot 104 Second Avenue are owned by Mr Paniess and have had outstanding rates for a number of years
- The previous Shire CEO, entered into an arrangement whereby a deed was prepared detailing that lots are to be handed over to the Shire and rates monies would be written off
- Final documentation requires approval to apply the Shire Common Seal

## **LOCATION**

N/A

## **BACKGROUND**

A Deed of Settlement and Release was prepared by MGB Legal in 2017 in conjunction with other rates matters commenced in the same year.

The Deed basically states that Mr Paniess transfers ownership of the subject lots to the Shire in lieu of rates being paid.

It is understood that there has been resistance by Mr Paniess to sign the Deed up until recently. With instructions from the Shire office, McLeods were engaged to follow up the Deed.

Mr Paniess was advised to complete the signing of the Deed or the matter would be brought to the courts. Subsequently, the Deed has been signed.

The Shire is now required to complete signing the Deed and the Transfer of Land to enable the Shire's legal representative to apply for titles to the land.

## **CONSULTATION**

This matter was commenced and progressed under the Shire's former CEO. Current administration is seeking to conclude the outstanding matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY IMPLICATIONS**

There are no specific statutory requirements in respect to this matter.

### **FINANCIAL IMPLICATIONS**

Rates monies outstanding will not be realised and will be required to be written off once titles are obtained.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

Agreements relating to the land transfers would appear to have been well in motion prior to the current CEO.

On review of the documents, it is satisfactory to proceed with the course of action in order to obtain the lots in fee simple to then be dealt with how Council sees fit.

### **OFFICER RECOMMENDATION/S – ITEM NO 8.4.1**

**That Council authorises the Shire President and Chief Executive Officer to sign Transfer of Land Papers in relation to Lot 72 on DP 222933 and Lot 104 on DP 222933 (Praniess) and apply the Shire Common Seal to the same.**

**8.4.2 Draft Policy and Delegation – Collection of Outstanding Rates and Service Charges**

**MANAGEMENT/GOVERNANCE/POLICY**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 1</b>	Draft Policy – Collection of Outstanding Rates and Service Charges
<b>Attachment 2</b>	Draft Delegation 4.19 – Rates or Service Charges Recoverable in Court

Voting Requirement	:	Absolute Majority and Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	None Known
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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## **PURPOSE OF REPORT**

Council's consideration is required with respect to the adoption of a draft policy in relation to the collection of outstanding rates and service charges in addition to delegating power to the CEO to recover those charges.

## **SUMMARY AND KEY ISSUES**

- Council is required to have in place certain policies to ensure that administration can fulfil the requirements of the Local Government Act 1995
- Council is also required to consider delegating powers to the CEO to enforce Council's Policy positions to ensure that business operations run as smoothly as possible

## **LOCATION**

N/A

## **BACKGROUND**

On review of the current Shire policy in relation to recovering outstanding Rates, it is noted that it does not actually provide any policy position of the Shire nor does it adequately delegate any powers to the CEO.

The CEO is currently preparing new policies to guide the primary functions of the local government and to ensure that there are document policies which outline Council's position in certain matters.

A thorough policy position enables operations to run more efficiently and have clear guidance on what steps are to be taken.

In relation to the Collection of Outstanding Rates and Service Charges, the draft policy clearly defines an appropriate approach to pursuing and finalising outstanding monies owed.

In conjunction with the draft policy, a delegation is also required to enable the CEO to commence the legal action after having complied with the draft policy.

## **CONSULTATION**

Financial Consultant – Darren Long

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY IMPLICATIONS**

Section 5.42 of the Local Government Act 1995 – Delegation of some powers and duties to the CEO

Section 6.56 of the Local Government Act 1995 – Rates or service charges recoverable in court

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

It is important for a local government to have established clear policies in relation to certain functions of the Local Government Act 1995. The issues of policy has also been identified through Shire audits and will continue to be an area of ongoing concern.

The development of the policy for approval has been developed in accordance with best practice. It is also confirmed by the Shire's financial consultants as being appropriate.

The coinciding delegation allows for the CEO to commence the legal action after having complied with the policy.

### **OFFICER RECOMMENDATION/S – ITEM NO 8.4.2**

#### **Part One:**

**That Council adopts the policy Collection of Outstanding Rates and Service Charges.**

#### **Part Two:**

**That Council, by absolute majority, adopts the Delegation 4.19 – Rates or Service Charges Recoverable in Court.**

### 8.4.3 Adoption of Draft Finance Policies

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Draft Policy – Recovery of Non Rates Debts Policy
Attachment 2	Draft Policy - Significant Accounting Policy

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	None Known
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

## **PURPOSE OF REPORT**

Council's consideration is required with respect to the adoption of a draft finance policies which currently do not exist for the Shire.

## **SUMMARY AND KEY ISSUES**

- Council is required to have in place certain policies to ensure that administration can fulfil the requirements of the Local Government Act 1995
- On review of the Shire's existing framework, it appears there has never been a policy position in relation to the recovery of non-rates debts or significant accounting policies.

## **LOCATION**

N/A

## **BACKGROUND**

On review of the current Shire policies, there is no policy which deals with the recovery or non-rates debts. Non-rates debts are those debts which are not a rate or service charge imposed on a property.

Pursuant to Section 6.16 of the Local Government Act 1995, a local government may impose a fee or charge for services offered by the Shire such as equipment and facility hire, rent of housing, materials etc.

Likewise, it is best practice for a local government to have a developed policy dealing with how it prepares its annual financial statements constituting Significant Accounting Policies.

A Significant Accounting Policy identifies the Shire's commitment to overserving Australian Accounting Standards.

## **CONSULTATION**

Financial Consultant – Darren Long

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

- Section 6.10 of the Local Government Act 1995 – Financial Management Regulations

- Section 6.13 of the Local Government Act 1995 – Interest on money owing to local governments

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

It is important for a local government to have established clear policies in relation to certain functions of the Local Government Act 1995. The issues of policy has also been identified through Shire audits and will continue to be an area of ongoing concern.

The development of the policy for approval has been developed in accordance with best practice. It is also confirmed by the Shire's financial consultants as being appropriate.

### **OFFICER RECOMMENDATION/S – ITEM NO 8.4.3**

**That Council adopts the policies as provided in the Attachments being “Recovery of Non Rates Debts Policy” and “Significant Accounting Policies”.**



## 8.4.4 Adoption of Draft Strategy and Governance Policies

### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Draft Policy – Internal Control Policy
Attachment 2	Draft Policy – Legislative Compliance Policy
Attachment 3	Draft Policy – Risk Management Policy

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	None Known
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

## **PURPOSE OF REPORT**

Council's consideration is required with respect to the adoption of a draft Strategy and Governance policies which currently do not exist for the Shire.

## **SUMMARY AND KEY ISSUES**

- Council is required to have in place certain policies to ensure that administration can fulfil the requirements of the Local Government Act 1995
- On review of the Shire's existing framework, it appears there has never been a policy position Internal Controls, Legislative Compliance or Risk Management
- The lack of a Risk Management Policy was also identified by the Shire's auditors as a significant non-compliance

## **LOCATION**

N/A

## **BACKGROUND**

On review of the current Shire policies, there is no policy in place to deal with Internal Control, Legislative Compliance or Risk Management.

In relation to Risk Management, Council is aware that the auditors identified this as a serious non-compliance matter as part of the audit for the 2018/19 year. Accordingly, a Risk Management Policy has been prepared to satisfy this non-compliance.

In relation to the Internal Control Policy, local governments are required to undertake reviews of systems once every three years. Council is also aware that as of May 2019, a Regulation 5 or a Regulation 17 review appears to have never been done.

Accordingly, the CEO engaged its Financial Consultants to undertake both reviews during a visit in May 2019. The results of this are still being assessed by the CEO and will be presented to Council in due course. The draft policy affirms Council's position in committing to undertaking the reviews according to legislation.

The Legislative Compliance Policy identifies that the local government is aware of its obligations to comply with governing legislation and ensures that appropriate measures and actions are in place so that legislative functions are performed.

## **CONSULTATION**

Financial Consultant – Darren Long  
LGIS Risk Management

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY IMPLICATIONS**

- Section 6.5 of the Local Government Act 1995 – Accounts and Records
- Section 7.13 of the Local Government Act 1995 – Regulations as to audits

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

It is important for a local government to have established clear policies in relation to certain functions of the Local Government Act 1995. The issues of policy has also been identified through Shire audits and will continue to be an area of ongoing concern.

The development of the policies for approval have been developed in accordance with best practice. It is also confirmed by the Shire's financial consultants as being appropriate.

### **OFFICER RECOMMENDATION/S – ITEM NO 8.4.4**

**That Council adopts the policies as provided in the Attachments being “Internal Control Policy”, “Legislative Compliance Policy” and “Risk Management Policy”.**

## 8.5 CORPORATE

### 8.5.1 Investments Report as at 30 June 2019

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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#### PURPOSE OF REPORT

For Council to receive the investment Report as at 30 June 2019.

### **SUMMARY AND KEY ISSUES**

- The Investment Report is presented for Council to receive.

### **LOCATION**

N/A

### **BACKGROUND**

Money held in the Municipal Fund of the Shire of Nungarin that is not required for the time being may be invested under the Trustee Act 1962 Part III.

### **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

### **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

Council Policy 3.07 applies to the investment of surplus funds.

### **STATUTORY IMPLICATIONS**

#### **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.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

The worksheet below details the investments held by the Shire as at 30 June 2019:

SHIRE OF NUNGARIN INVESTMENTS AS AT 30 JUNE 2019								
INSTITUTION	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N°	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>MUNICIPAL FUND</b>								
CBA	N/A	Operating A/C	12481074	Ongoing	N/A	N/A	Variable	\$895,668.95
<b>TOTAL</b>								<b>\$895,668.95</b>

SHIRE OF NUNGARIN INVESTMENTS AS AT 30 JUNE 2019								
INSTITUTION	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N°	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>RESERVE FUNDS</b>								
CBA	N/A	Interest Bearing Cheque A/C	12481082	Ongoing	N/A	N/A	Variable	\$499,243.01
<b>TOTAL</b>								<b>\$499,243.01</b>
<b>TRUST</b>								
CBA	N/A	Trust a/c	12481090	Ongoing	N/A	N/A	Variable	\$7,588.94
<b>TOTAL</b>								<b>\$7,588.94</b>

INVESTMENT REGISTER						
1 June 2019 TO 30 JUNE 2019						
COMMONWEALTH BANK						
ACCOUNT N°	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 30.06.2019	INVESTMENT TRANSFERS	CLOSING BALANCE 30.06.2019
38132004	04/06/2019	1.95%	\$201,816.90	\$0.00	(\$201,816.90)	\$0.00

**OFFICER RECOMMENDATION/S – ITEM NO 8.5.1**

That the Investment Report as at 30 June 2019 be received.

## 8.5.2 Accounts for Payment June 2019

### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Accounts Paid – June 2019

Voting Requirement	:	Simple Majority
Subject Index	:	Finance
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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## **PURPOSE OF REPORT**

That Council receives and note the payment of accounts for the month of June 2019.

## **SUMMARY AND KEY ISSUES**

All payments relate to normal operational matters for the Shire within budget.

## **LOCATION**

N/A

## **BACKGROUND**

Attachment 1 details all accounts paid since the last reporting period.

Payment Types for Municipal Account:

EFT	\$759129.43
Cheque	\$ 9110.00
Direct Debits	<u>\$ 7594.25</u>
<b>TOTAL</b>	<b>\$775833.68</b>

Payment Types for Trust Account:

EFT	<u>\$ 39763.04</u>
<b>TOTAL</b>	<b>\$ 39763.04</b>

The total amount for all payments from all accounts is therefore **\$815,596.72**

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

There are no specific statutory requirements in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no financial implications at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Nil

**OFFICER RECOMMENDATION/S – ITEM NO 8.5.2**

**That Council receives and notes the list of accounts paid for June 2019, totalling \$815,596.72, and that the list be recorded in the minutes.**

### 8.5.3 Financial report – June 2019

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Monthly Financial Report 30 June 2019

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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#### PURPOSE OF REPORT

To report on financial activity for the period 1 July 2018 to 30 June 2019.

## **SUMMARY AND KEY ISSUES**

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

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **CONSULTATION**

Financial Consultant – Darren Long

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Nil

## **OFFICER RECOMMENDATION/S – ITEM NO 8.5.3**

**That the financial report for the period 1 July 2018 to 30 June 2019 be received.**

**9. DELEGATES REPORTS**

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

**10. NEW BUSINESS OF AN URGENT NATURE**

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

Nil

**11. MOTIONS ON NOTICE**

*(Automatically sent back to Administration for consideration at the next Council meeting)*

Nil

**12. CONFIDENTIAL ITEMS OF BUSINESS**

12.1 Expressions of Interest – McCorry’s Old Hotel

**13. CLOSURE**

There being no further business the meeting closed at            pm.

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

\_\_\_\_\_  
Date