

Date: 14 April 2022

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 20 April 2022 at 3:00pm to consider and resolve the matters set out in the attached agenda.

A handwritten signature in black ink that reads 'Long'.

Leonard Long  
Chief Executive Officer

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### **DISCLAIMER**

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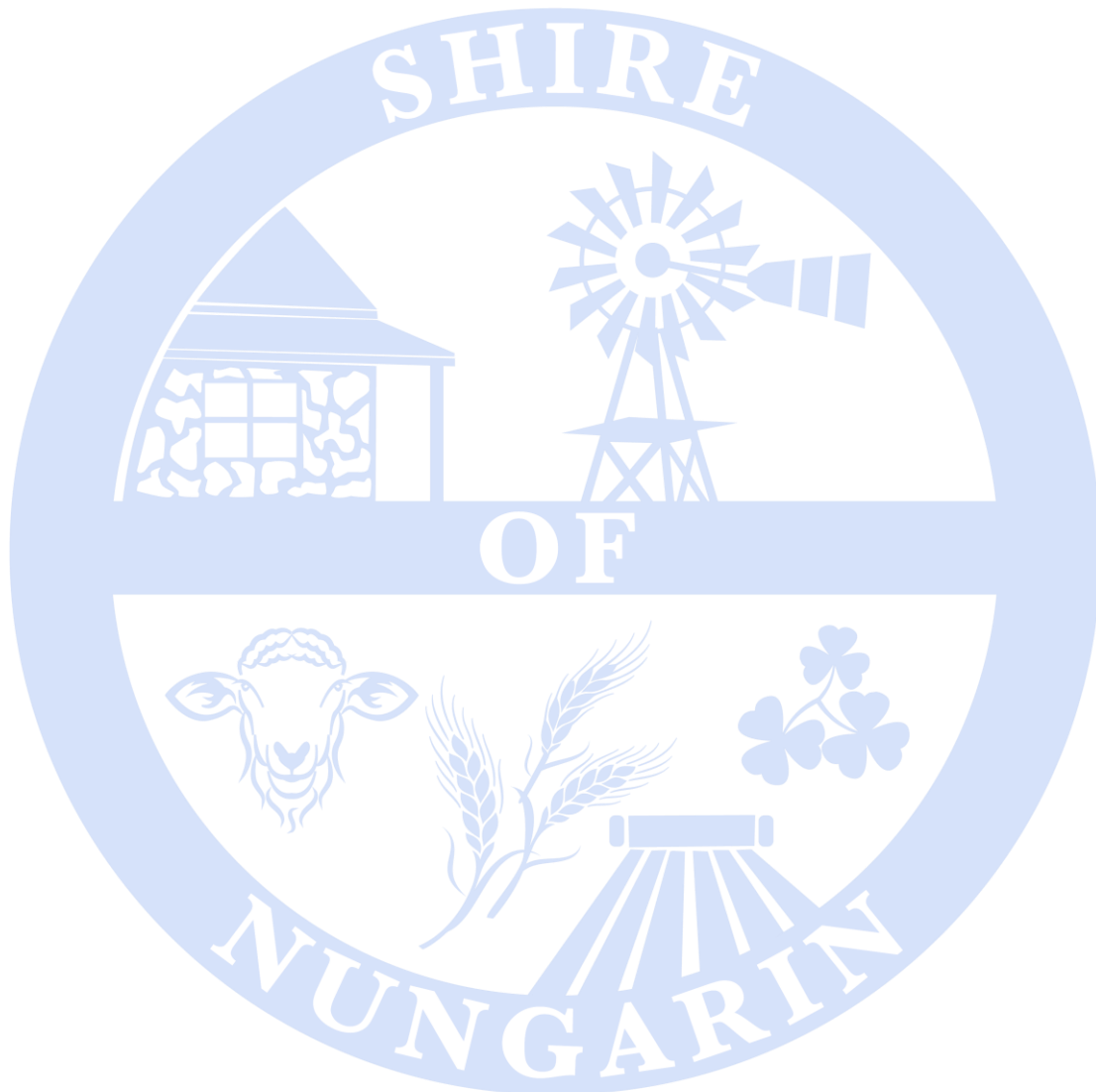
*Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.*

*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.



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## AGENDA

### 1. DECLARATION OF OPENING

Council recognises 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 declared the meeting open at \_\_\_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 J Davis
Elected Member	Cr W Lee
Elected Member	Cr M Caughey

##### **Council Officers**

Chief Executive Officer	Mr L Long
Manager Works & Services	Mr C Large

##### **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**

**7.1 ORDINARY COUNCIL MEETING – 16 March 2022**

**OFFICER RECOMMENDATION..../04/22**

**That the Minutes of the Ordinary Council Meeting held on 16 March 2022 be confirmed as being a true and accurate record.**

**Moved:** .....

**Seconded:** .....

..... / ...

**8. OFFICER REPORTS**

<b>8.1 LISTING OF PAYMENTS FOR THE MONTH OF MARCH 2022</b>	
<b>File Ref:</b>	10.13 Payment Listings
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Vanessa Seward, Executive Assistant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	8.1A – Payment List

**OFFICER RECOMMENDATION .../04/22**

That Council Resolves to:

1. Receive the following payments made throughout the month of March 2022:

<b>Municipal</b>	<b>Cheque</b>	<b>\$ 15,289.13</b>
	<b>EFT</b>	<b>\$ 177,409.60</b>
	<b>Direct Debit</b>	<b><u>\$ 26,643.93</u></b>
		<b>\$ 219,342.66</b>
<b>Trust</b>	<b>Cheque –</b>	<b>Nil</b>
	<b>Grand Total</b>	<b>\$ 219,342.66</b>

**Moved:** .....

**Seconded:** .....

..... / ...

**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 March 2022

**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 COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnership.
<b>Objective</b>	Annually review compliance methods.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

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

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

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

Nil

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

Nil

**Policy Implications**

Nil

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
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**

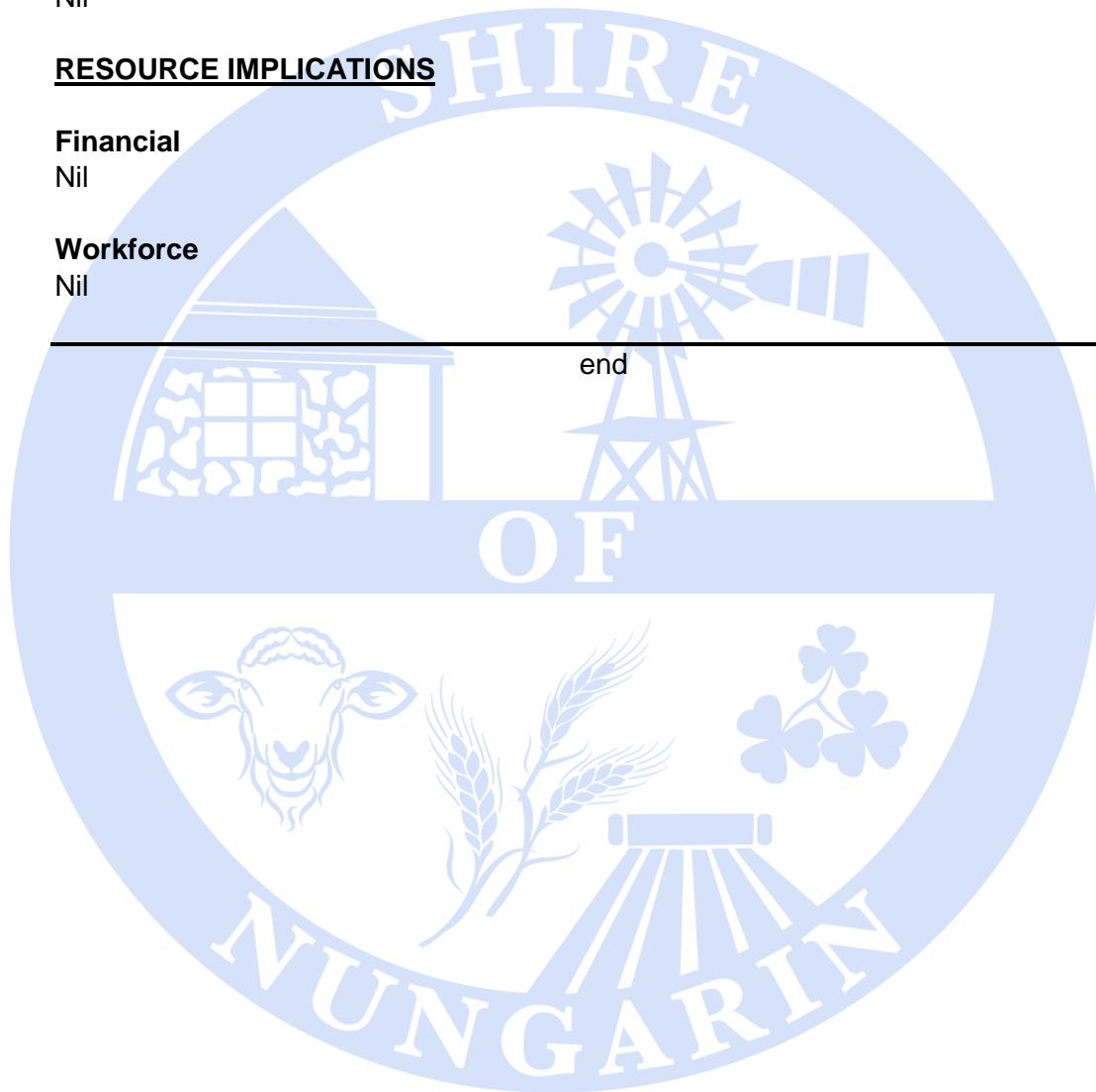
Nil

**Workforce**

Nil

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end





<b>8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MARCH 2022</b>	
<b>File Ref:</b>	10.2.1 Annual Financial Statements 2021/22
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	8.2A – Monthly Statement

**OFFICER RECOMMENDATION .../04/22**

**That Council Resolves to:**

- Receives the monthly financial activity statement for the period ending 31 March 2022.**

**Moved:** .....

**Seconded:** .....

..... / ...

**IN BRIEF**

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

**BACKGROUND**

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

**REPORT DETAIL**

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

- (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.

At its budget meeting, Council adopted a material variance threshold of \$5,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$5,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the Local Government (Financial Management) Regulations 1996. The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances.

The Statement of Financial Activity as at 31 March 2022 shows a closing surplus of \$932,422.

### **SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnership.
<b>Objective</b>	Annually review compliance methods.

### **OTHER STRATEGIC LINKS**

Shire of Nungarin 2021/22 Annual Budget

### **STATUTORY ENVIRONMENT**

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

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

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

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

**SUSTAINABILITY AND RISK CONSIDERATIONS**

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

Nil

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

Nil

**Policy Implications**

Nil

**Risk Management Implications**

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

**CONSULTATION**

Shires Financial Consultant

**RESOURCE IMPLICATIONS**

**Financial**

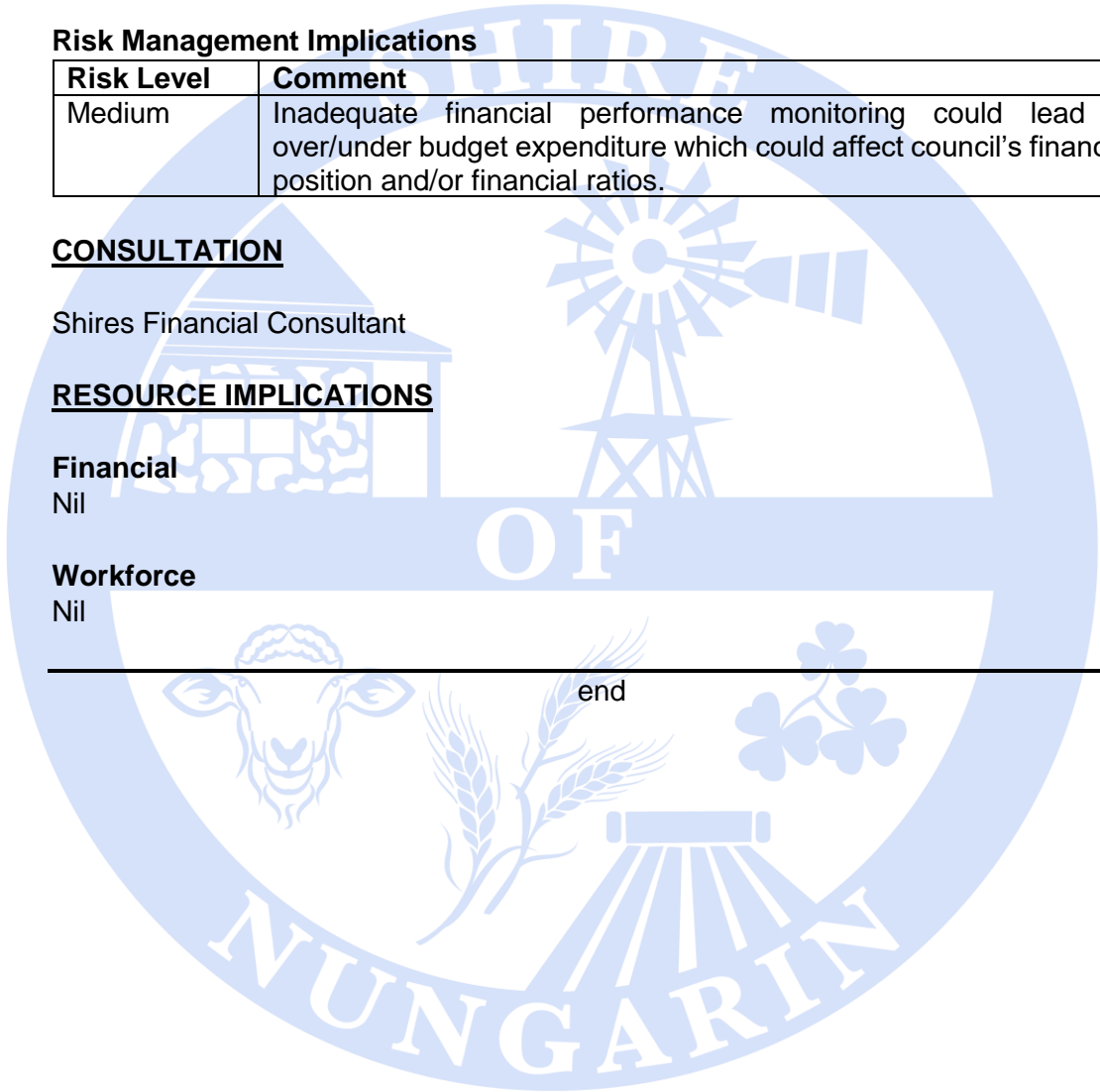
Nil

**Workforce**

Nil

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end



<b>8.3 INVESTMENT REPORT AS AT 31 MARCH 2022</b>	
<b>File Ref:</b>	10.10.1 Annual Investment Reports 2021/22
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer Darren Long, Financial Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	Nil

<b>OFFICER RECOMMENDATION .../04/22</b>	
That Council Resolves to:	
1. Receive the Investment Report as at 31 March 2022.	
Moved:	.....
Seconded:	.....
	..... / ...

**IN BRIEF**

The purpose of this report is to present the status of Council’s investments accounts.

**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 31 March 2022:

<b>INVESTMENT REGISTER</b>						
<b>1 MARCH 2022 TO 31 MARCH 2022</b>						
<b>COMMONWEALTH BANK – FIXED TERM DEPOSIT</b>						
<b>ACCOUNT No</b>	<b>DATE OF MATURITY</b>	<b>INTEREST RATE</b>	<b>OPENING BALANCE</b>	<b>INTEREST EARNED TO 31.12.2021</b>	<b>INVESTMENT TRANSFERS</b>	<b>CLOSING BALANCE 28.2.2022</b>
38132004.26	17/06/2022	0.43%	\$1,145,000.00	\$931.69	\$500,406.85	\$645,524.84

**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnership.

<b>Objective</b>	Annually review compliance methods.
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**OTHER STRATEGIC LINKS**

Nil

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

Nil

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

Nil

**Policy Implications**

Council Policy 3.07 applies to the investment of surplus funds.

**Risk Management Implications**

Risk Level	Comment
Moderate	Inadequate financial performance could lead to the loss of potential income through interest earned from investment accounts.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

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End

<b>8.4 TAKING OF RESERVE 10463 (LOTS 352 AND 3831) KNUNGAJIN ROCK (KNUNGAJIN DAM)</b>	
<b>File Ref:</b>	4.9.2
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	Nil

**OFFICER RECOMMENDATION .../04/22**

**That Council Resolves to:**

1. **Accept the Management Order for Reserve 10463 being Lots 352 and 3831 from the Water Corporation as indicated in Figure 8.4B, subject to the following:**
  - a. **Water Corporation being responsible for any costs associated with the transfer of the Management Order to the Shire of Nungarin;**
  - b. **The Management Order includes the ability for the Shire of Nungarin to operate or sublease an area of the reserve for the purposes of a caravan park including chalet or camping ground.**
  - c. **The infrastructure relating to the catchment area as well as the catchment dam be reinstated and in a full operational condition prior to finalising the transfer of the Management Order to the Shire of Nungarin.**
  - d. **The existing Aboriginal Heritage site be separated from the Management Order proposed to the Shire of Nungarin.**
2. **Support the Water Corporation registering an Easement over the entire Reserve 10463 being Lots 352 and 3831 to protect their existing infrastructure in the reserve, subject to the following:**
  - a. **Water Corporation being responsible for any costs associated with the registration of the Easement referred to in (2.) above;**
  - b. **The Shire of Nungarin being indemnified of any responsibility or cost associated with the damage or maintenance of any Water Corporation infrastructure located within Reserve 10463.**

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

..... / ...

## **IN BRIEF**

Council is requested to consider accepting the Management Order for Reserve 10463 (Knungajin Dam).

## **BACKGROUND**

The Shire has been liaising with the Water Corporation for some time now to acquire the Management Order for the Knungajin Dam located on Cornish Road.

In addition to liaising with Water Corporation, the Shire has also been liaising with the Department of Water Environment and Regulation regarding the upgrade / installation of infrastructure at the dam i.e. pumps, access road upgrade and stand pipe through a grant offered by the Department.

Although not an impediment for Council to take the Management Order there is a small portion of the reserve which is an Aboriginal Heritage site. As part of the transfer process the Department of Planning, Lands and Heritage will liaise with the Traditional Owners to assess any potential aboriginal heritage implications.

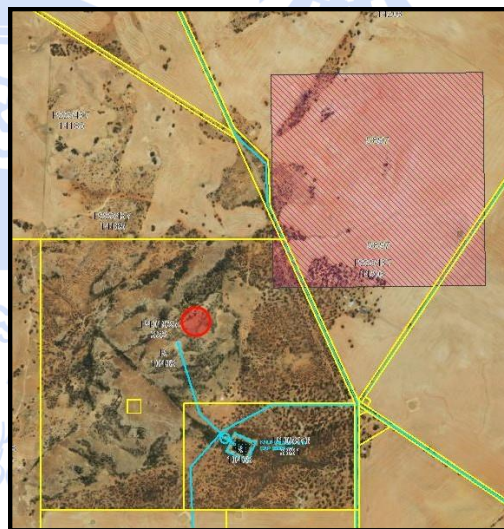


Figure 8.4A – Aboriginal Heritage Site

In addition, there may also be other obligations for this land relating to the South West Native Title Settlement which will also be further assessed by the Department of Planning, Lands and Heritage.

It is worth noting, should Council resolved to accept the vesting, if the Department of Planning, Lands and Heritage propose any unacceptable management arrangements to Council, Council is not obligated to accept them.

## **REPORT DETAIL**

Knungajin Dam is strategically located in the northern section of the Shire to provide water for road construction / maintenance. The ability to be able to utilise water from the dam will reduce water costs associated with road construction / maintenance, with further savings made on staff and plant costs associated with the current need of having to travel substantial distances to obtain water when undertaking road construction / maintenance.



The ability to have access to the water in the dam will also provide a non-potable water supply for firefighting purposes as well as be a potential emergency farmland water source for livestock in the area.

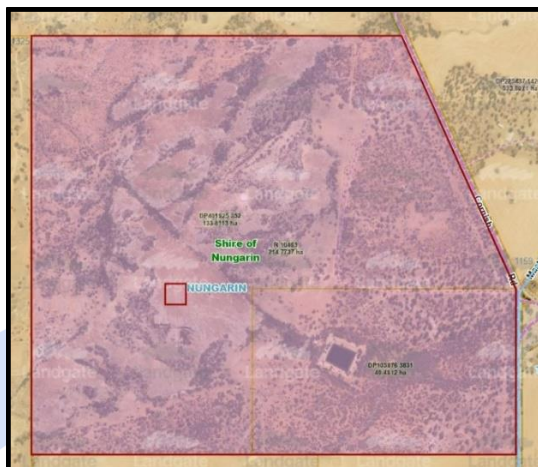


Figure 8.4B – Reserve Area

Should Council resolve to accept the Management Order, the Shire will become responsible for the land management which will include:

- Dam maintenance;
- Fencing maintenance;
- Access road maintenance (as required by the Shire only); and
- Infrastructure used by the Shire.

In this regard the Shire has been liaising with the Department of Water Environment and Regulation, who are currently looking at upgrading and repairing a number of key infrastructure assets on the reserve such as:

- Access road upgrade;
- Solar pump installation;
- Standpipe installation; and
- Water tank installation.

Should Council resolve to accept the Management Order it will be subject to Council also accepting the registration of an easement over the reserve in favour of the Water Corporation. The purpose of the easement will be to protect Water Corporation operational infrastructure remaining on the reserve, which, includes the water tank on the rock and the connecting pipeline corridors (shown in red) and the access track (shown in blue).

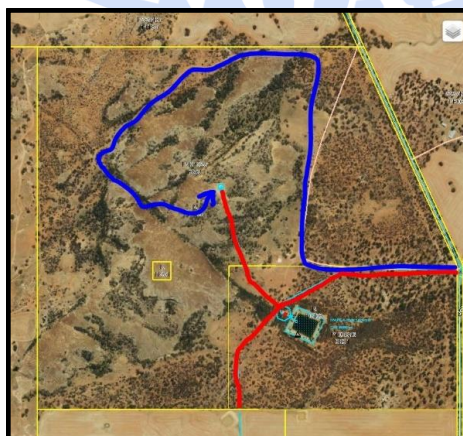


Figure 8.4C – WaterCorp Operational Infrastructure

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

- *Land Administration Act 1997 – Part 4 Reserves*

**SUSTAINABILITY AND RISK CONSIDERATIONS**

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

The acceptance of the reserve would have positive impacts on the economy of the Shire through financial savings and may also provide a future income source through the ability to create an additional recreational ground.

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

Nil

**Policy Implications**

Nil

**Risk Management Implications**

Risk Level	Comment
Medium	The risk involved in accepting the reserve is the potential maintenance cost and should the reserve be developed further as a caravan park / camping ground the risk associated with being in close proximity to a water body.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**

Funds would need to be allocated within the annual budget for the maintenance of the council owned infrastructure. However, this may be offset by the savings accrued through the use of the dam water.

**Workforce**

The acceptance of the reserve will result in additional workforce pressures in regard to possible maintenance.

---

end

<b>8.5 EXTENSION TO THE McCORRY'S OLD HOTEL LEASE</b>	
<b>File Ref:</b>	4.15.2
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	8.5A – Draft Lease

**OFFICER RECOMMENDATION ..../04/22**

**That Council Resolves to:**

1. Authorise the Chief Executive Officer to enter into negotiations for a five (5) year lease (Attachment 8.5A) with Beryl Lee Harmer for the lease of McCorry’s Old Hotel, subject to:
  - a. Giving notice of the proposed lease in accordance with s3.58 of the *Local Government Act 1995*.
2. Authorise the Shire President and Chief Executive Officer to sign the new lease agreement and attach the Shire of Nungarin Common Seal, subject to:
  - a. No submissions being received as a result of the required notice in (1a.) above.

**Moved:** .....

**Seconded:** .....

..... / ...

**IN BRIEF**

The Council is requested to consider entering into a new five (5) year lease agreement with the current tenant Beryl Lee Harmer for the McCorrays Old Hotel.

**BACKGROUND**

At its Ordinary Council Meeting of 17 July 2019, Council resolved as follows:

*“Moved: Cr Palmer, Seconded: Cr Dayman*

*That Council:*

1. *Authorises the Chief Executive Officer to prepare a lease document and negotiate a lease price of \$500 per month with the preferred applicant;*
2. *Subject to formal valuation being received, request the Chief Executive Officer to advertise for public comment the proposed to dispose of land pursuant to Section 3.58 of the Local Government Act 1995;*
3. *Initial term of lease being for a two year period only and any further extensions to be considered by Council;*

4. *Authorises the Chief Executive Officer to negotiate with the remaining applicant should the preferred applicant not be willing to agree to the terms above and/or no longer being interested in the leasing of the subject site.”*

**REPORT DETAIL**

The current tenant has expressed an interest to extend the least by an additional five (5) years). The tenant has requested that in addition to the original approved use, being “Bed and Breakfast”, the tenant be permitted to sub-lease rooms in the building for the purposes of consulting rooms which may be used for Reiki Healing and Kinesiology.

Reiki is a Japanese form of energy healing, which is a subset of alternative medicine. Reiki practitioners use a technique called *palm healing* or *hands-on healing* through which a "universal energy" is said to be transferred through the palms of the practitioner to the patient in order to encourage emotional or physical healing.

Kinesiology is a form of therapy that uses muscle monitoring (biofeedback) to look at imbalances that may be causing disease in the body.

In addition to the above the tenant has also been operating a successful catering business from the property which has proved to be very popular amongst the wider community.

From an officer perspective the additional uses will complement the main use (Bed and Breakfast) whilst also providing additional services to the community.

In order for the tenant to confidently continue to grow the business it is important to have some certainty around the term of the tenure, it is considered the proposed five (5) year lease with the ability to extend for a further five (5) years will provide the tenant with the required business confidence.

**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Economic
<b>Aspiration</b>	A diverse business environment with equitable telecommunications and infrastructure. We are uniquely Nungarin in providing a memorable visitor experience.
<b>Objective</b>	Promote and develop a thriving tourism sector

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

- *Local Government Act 1995 s3.58 Disposing of property.*

*In this section –*

*Dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not.*

## **SUSTAINABILITY AND RISK CONSIDERATIONS**

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

The retention of a successful business in town is of utmost importance to the continued grow of the Shire economy, and may provide the confidence required by potential business operators looking to start a business within the Shire.

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

The current business has proved to be well supported by the community both in and around Nungarin. The approval of the lease may allow the tenant to consider expanding the business and provide services that may improve the quality of life to the community.

### **Policy Implications**

Nil

### **Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	Entering into a lease is a medium risk to Council in the sense the property will be quarantined from being used for any other purpose for a minimum of five (5) years.

## **CONSULTATION**

The proposed lease has been discussed with the current tenant, who has indicated no objection to the lease conditions.

## **RESOURCE IMPLICATIONS**

### **Financial**

In terms of the original lease agreement, a lease price of \$500 per month was approved, with a condition included in the lease providing for an annual increase equal to the Consumer Price Index (CPI) of that year. Unfortunately, this increase was never followed up and the lease price for the second year of the lease was not imposed upon the tenant.

Utilising the original approved lease price of \$500 per month, the Reserve Bank of Australia indicates the Consumer Price Index (CPI) is 2.9%. Based on these figures the monthly lease price for the first year of the lease will be \$565.67 (Incl GST).

### **Workforce**

In terms of the lease conditions, the Shire will be required to undertake some maintenance at the property which is factored in to the annual work requirements of the workforce.

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end

<b>8.6 WRITE OFF OF OUTSTANDING DEBTS</b>	
<b>File Ref:</b>	10.17
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachment Number:</b>	Nil

**OFFICER RECOMMENDATION .../04/22**

**That Council Resolves to:**

**1. Write of off the following outstanding debts in accordance with section 6.12 of the *Local Government Act 1995*:**

- |                           |                        |
|---------------------------|------------------------|
| a. Assessment Debtor 6437 | <b>\$71.58</b>         |
| b. Assessment Debtor 5056 | <b><u>\$147.20</u></b> |
|                           | <b><u>\$218.78</u></b> |

**Moved:** .....

**Seconded:** .....

Absolute Majority Required  
..... / ...

**IN BRIEF**

Council is requested to consider writing off debts the Shire has been carrying for over two (2) years.

**BACKGROUND**

The outstanding amounts have been offset by doubtful debt provisions, the amounts are also minimal and will not have an impact on the budget.

**REPORT DETAIL**

Shire staff have not been successful in tracking down the paperwork associated with the outstanding debts with only the following information available:

- The debt outstanding for debtor 6437 being \$71.58 for the purchase of carpet cleaner, outstanding for over 800 days.
- The debt outstanding for debtor 5065 being \$147.20 for the hire of the community bus, outstanding for over 3600 days.

Although it must not become common practice to write off outstanding debts regardless of the amount, it will be extremely difficult for the Shire to pursue these debts without the associated paperwork.

Given the lack of paperwork it is recommended that these two outstanding debts are written off, so as to “tidy” the Shires debtors list.

**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnerships.
<b>Objective</b>	A Shire that prospers through partnerships and good governance

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

- Local Government Act 1995 – s6.12 Power to defer, grant discounts, waive or write off debts

**SUSTAINABILITY AND RISK CONSIDERATIONS**

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

Nil

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

Nil

**Policy Implications**

Nil

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Low	Writing off the subject debt will not hold a significant risk to Council due to the low amount. In addition, it will not create a precedence due to changes in the administration practices now requiring all paperwork to be recorded in the electronic data base.

**CONSULTATION**

- Darren Long, Shires Financial Consultant.

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

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end

<b>8.7 INCREASE IN RESIDENTIAL RENTAL CHARGES</b>	
<b>File Ref:</b>	4
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Attachment Number:</b>	Nil

**OFFICER RECOMMENDATION ..../04/22**

That Council Resolves to:

- Increase the residential rental charges by 2.5% based on the Local Government Cost Index for 2022/23 provided by the Western Australian Local Government Association (WALGA Economic Update March 2022).

Rental 2021/22		Rental 2022/23	
3x1 dwelling P/W	- \$103	3x1 dwelling P/W	- \$106
4x2 dwelling P/W	- \$147	4x2 dwelling P/W	- \$151
Wheatbelt Agcare P/W	- \$103	Wheatbelt Agcare P/W	- \$106
Pensioner – single P/W	- \$90	Pensioner – single P/W	- \$92
Pensioner – double P/W	- \$103	Pensioner – double P/W	- \$106

- Request the Chief Executive Officer to notify each of the tenants that the increase in rental charge will come into effect as from 1 July 2022.

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

Absolute majority required  
 ..... / ...

**IN BRIEF**

Council is requested to consider the recommended Local Government Cost Index increase on the Shires residential dwellings.

**BACKGROUND**

The residential rentals for Shire residential dwellings have been relatively low for a number of years now with a moderate increase approved last year through the adoption of annual budget.

A search on realestate.com for rental properties in the Wheatbelt indicates even with the proposed increase the Shire rentals are still considered low, with the lowest rental price being \$220 P/W for a two (2) bedroom unit.



**REPORT DETAIL**

In previous years there has been little to no maintenance done on the Shires residential dwellings and is evident in the state of the dwellings. To ensure the Shire's assets retain their market value it is imperative that continuous maintenance is undertaken.

In this regard the income derived through rent collection is used to fund maintenance and when necessary upgrades to the dwellings. Unfortunately, the Shire is not immune to the increase of costs associated with maintenance and service costs.

If rentals are not increased in line with the recommended Local Government Cost Index of 2.5%, would result in the cost of the required maintenance having to be covered by the overall ratepayers. This will in turn have an impact on the overall budget and may result in projects having to be shelved in order to afford the maintenance of the Shire's residential dwellings.

**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnerships
<b>Objective</b>	A Shire that prospers through partnerships and good governance

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

Nil

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

The economy of the is linked to the population, when maintenance falls below expectations the Shire risks losing the tenants to other towns which would be detrimental to its economy.

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

The ability for the Shire to provide dwellings to those in the community which wish to live close to family does have a positive impact on the community.

**Policy Implications**

Nil

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	Not increasing the rentals price in line with the Local Government Cost Index would result in either the devaluation of the asset due to no maintenance or impact the ability to undertake community projects.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**

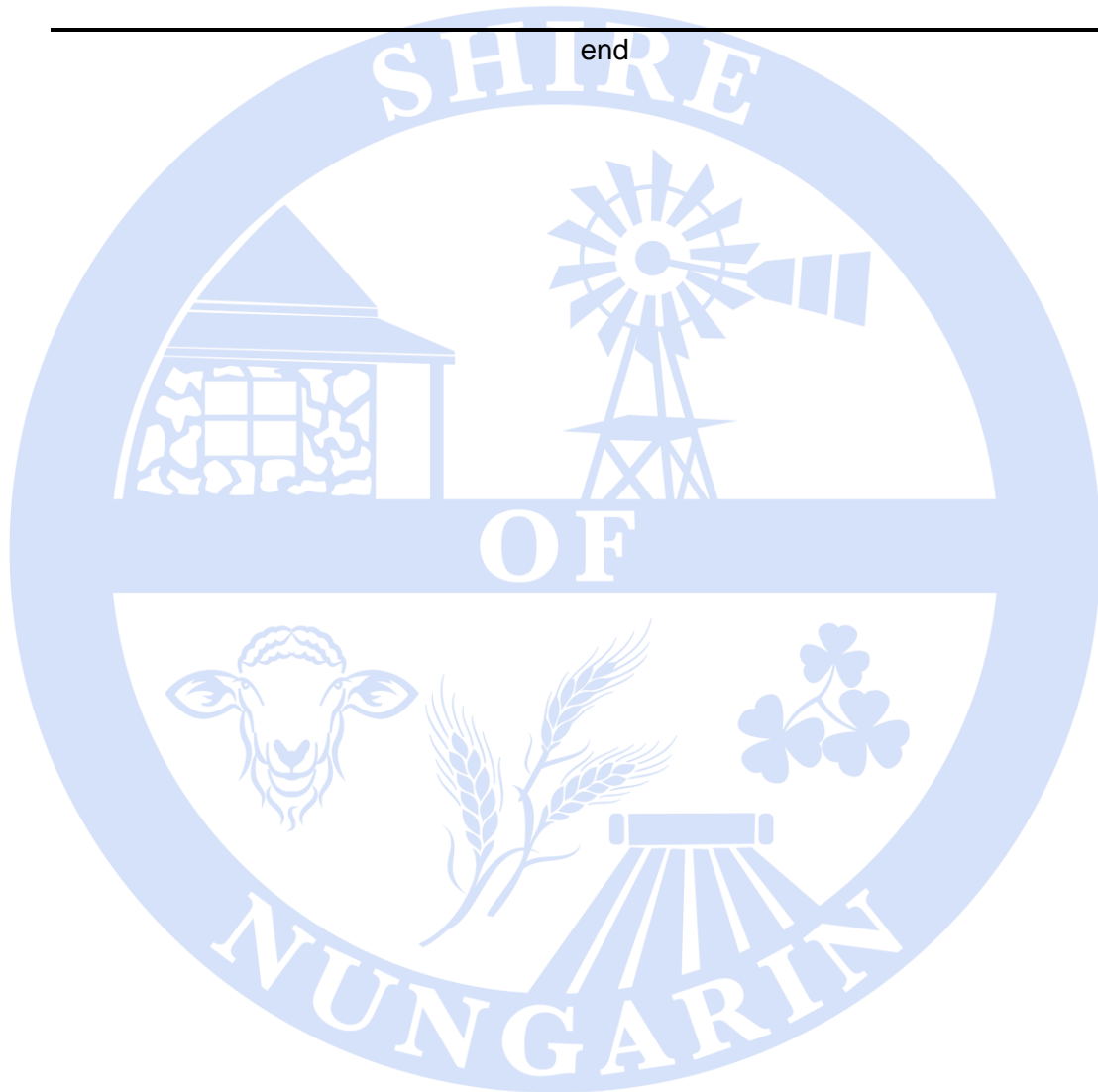
Nil

**Workforce**

Nil

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end



<b>8.8 CHANGE OF DECEMBER ORDINARY COUNCIL MEETING DATE</b>	
<b>File Ref:</b>	11.6
<b>Previous Item Ref:</b>	OCM Res 6784/12/21
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	Nil

**OFFICER RECOMMENDATION .../04/22**

**That Council Resolves to:**

- Change the date of the Ordinary Council Meeting for December 2022 from 14 December 2022 to 7 December 2022.**

**Moved:** .....

**Seconded:** .....

..... / ...

**IN BRIEF**

Council is requested to consider changing the date for the 14<sup>th</sup> December 2022 Ordinary Council Meeting.

**BACKGROUND**

At its Ordinary Council Meetings of 15 December 2021 Council resolved as follows:

*“That Council Resolves to:*

- Approve the 2022 Ordinary Council Meetings to be held on the third Wednesday of every month with the exception of the December meeting, and commencing at 3pm to be held in the Council Chambers.*
  - 16 February 2022
  - 16 March 2022
  - 20 April 2022
  - 18 May 2022
  - 15 June 2022
  - 20 July 2022
  - 17 August 2022
  - 21 September 2022
  - 19 October 2021
  - 16 November 2022
  - 14 December 2022

2. Requests the Chief Executive Officer to advertise the above dates accordingly.

Moved: Cr M Caughey  
 Seconded: Cr RE O'Connell

CARRIED 6/0"

**REPORT DETAIL**

Councils are generally required to meet on a monthly basis to consider matters that have not been delegated to the Chief Executive Officer. To accommodate staff leave over the December period Council is requested to bring the December Ordinary Council Meeting forward by a week.

**SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023**

<b>Focus Area</b>	Civic Leadership
<b>Aspiration</b>	A strong local democracy with an actively engaged community and effective partnership.
<b>Objective</b>	A Shire that prospers through partnerships and good governance

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

- *Local Government Act 1995*  
s.5.25 Regulations about council and committee meetings and committees
- *Local Government (Administration) Regulations 1996*  
r.12 Publication of meeting details

**SUSTAINABILITY AND RISK CONSIDERATIONS**

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

Nil

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

Nil

**Policy Implications**

Nil

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	For the Shire to operate efficiently it is important to set dates for Ordinary Council Meetings.

**CONSULTATION**

- Shire President
- Deputy Shire President

**RESOURCE IMPLICATIONS**

**Financial**

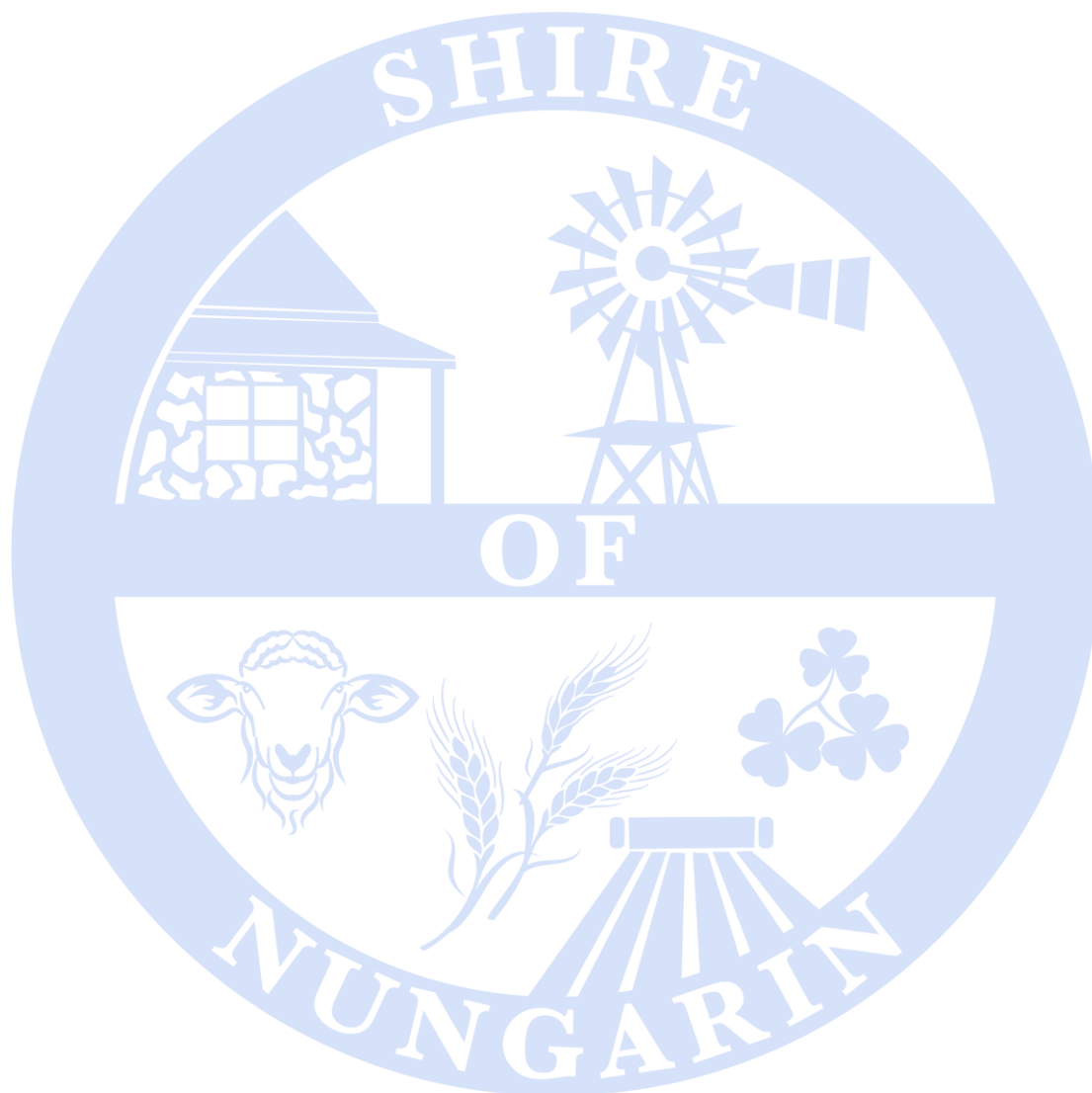
Nil

**Workforce**

Nil

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end



**9. DELEGATES REPORTS**

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

**9.1 Cr O’Connell (APPENDIX 9.1A)**

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

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

**11. CONFIDENTIAL ITEMS OF BUSINESS**

<b>11.1 AGREEMENT BETWEEN SHIRE OF NUNGARIN AND CRISP WIRELESS PTY LTD</b>	
<b>File Ref:</b>	7.1.3
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	11.1A Draft Agreement

Note: Council Resolution for item 11.1 (**COUNCIL RESOLUTION ...../04/22**) remain confidential in accordance with Regulation 14(2) of the *Local Government (Administration) Regulations 1996*.

<b>OFFICER RECOMMENDATION .../04/22</b>	
That Council Resolves to:	
1.	Proceed with the meeting in public, the time being .....pm.
Moved:	.....
Seconded:	.....
	..... / ...

**12. CLOSURE**

The being no further business the meeting closed at .....

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

\_\_\_\_\_  
Date