

Date: 16 September 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 21 September 2022 at 4:30pm to consider and resolve the matters set out in the attached agenda.

A handwritten signature in cursive script that reads 'Long'.

Leonard Long
Chief Executive Officer

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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.

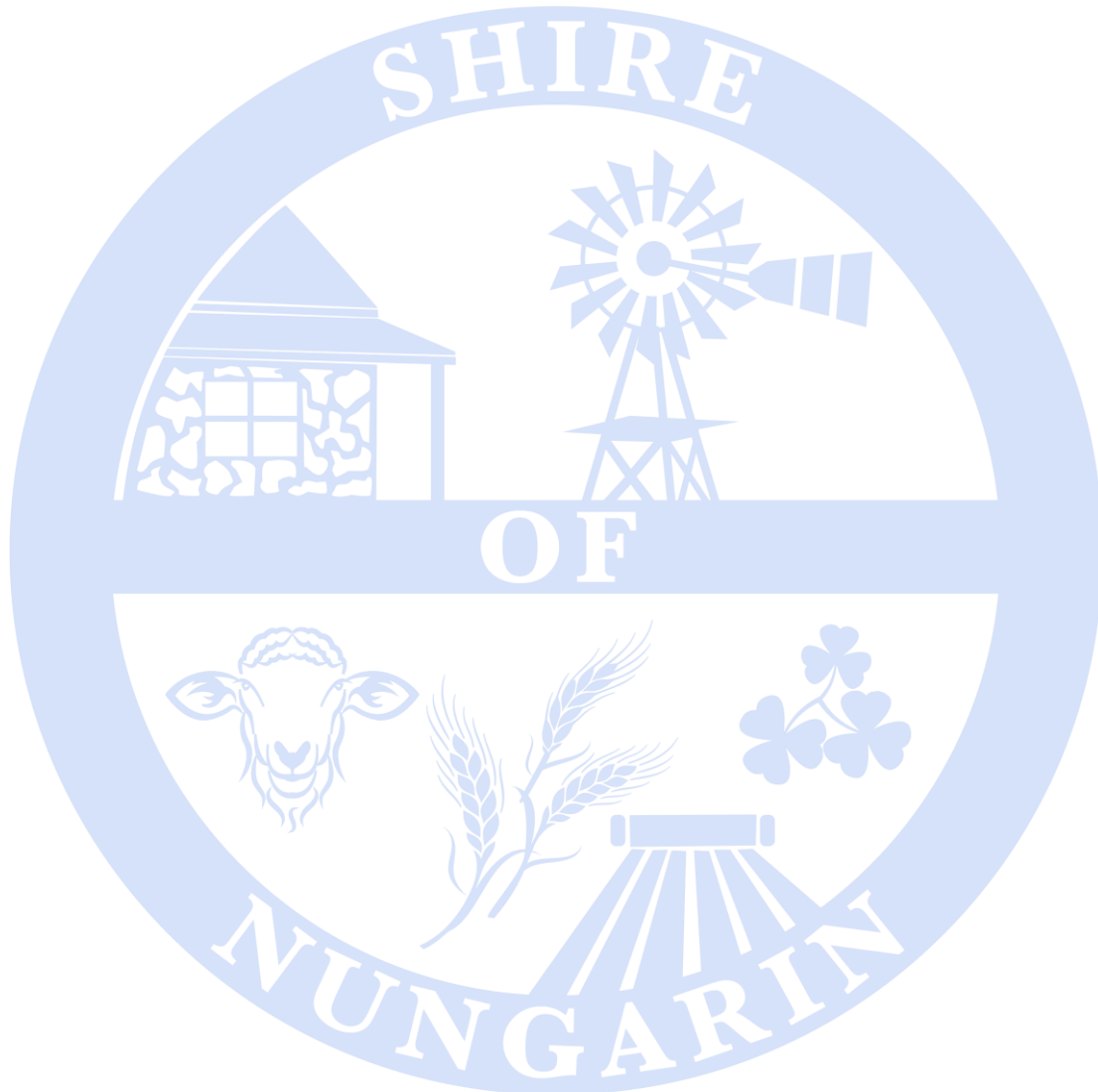


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AGENDA

1. DECLARATION OF OPENING

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
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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 – 17 August 2022

OFFICER RECOMMENDATION.../09/22

That the Minutes of the Ordinary Council Meeting held on 17 August 2022 be confirmed as being a true and accurate record.

Moved:

Seconded:

.....

8. OFFICER REPORTS

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

OFFICER RECOMMENDATION .../09/22

That Council Resolves to:

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

Municipal	Cheque	\$ 19,070.15
	EFT	\$397,740.74
	Direct Debit	\$ 24,890.32
	Credit Card	\$ <u>0</u>
		\$441,701.21
Trust	Cheque –	Nil
	Grand Total	\$441,701.21

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 August 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

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnership.
Objective	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

Risk Level	Comment
Medium	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclear compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

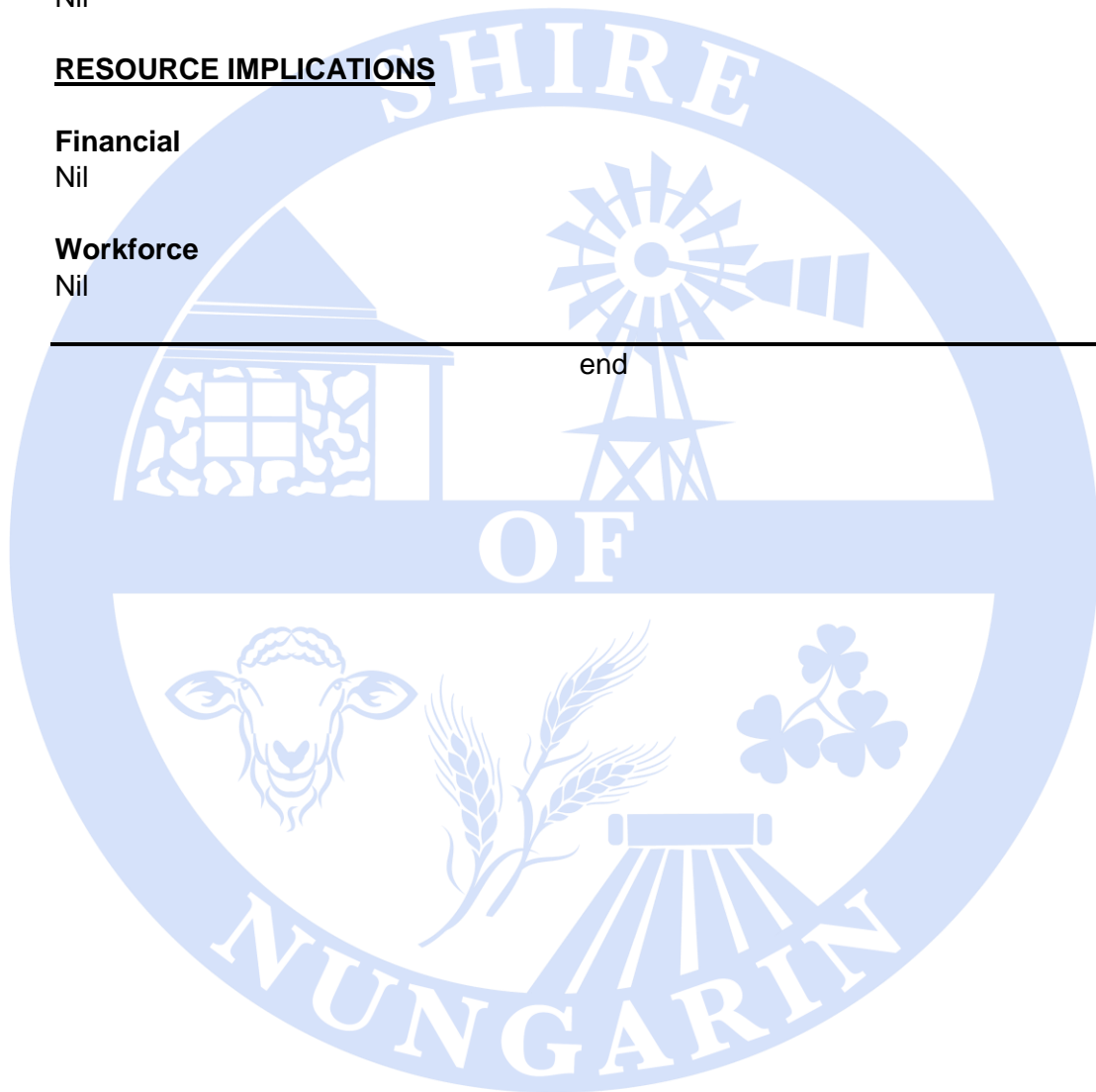
Financial

Nil

Workforce

Nil

end



8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 AUGUST 2022	
File Ref:	10.2.2
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer Darren Long, Financial Consultant
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	8.2A – Monthly Statement

OFFICER RECOMMENDATION .../09/22

That Council Resolves to:

- 1. Receives the monthly financial activity statement for the period ending 31 August 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. Attached to this report is a copy of the month by month cumulative budget estimates, set out in the Statement of Financial Activity format.

The Statement of Financial Activity as at 31 August 2022 shows a closing surplus of \$2,047,096.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

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

OTHER STRATEGIC LINKS

Shire of Nungarin 2022/23 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

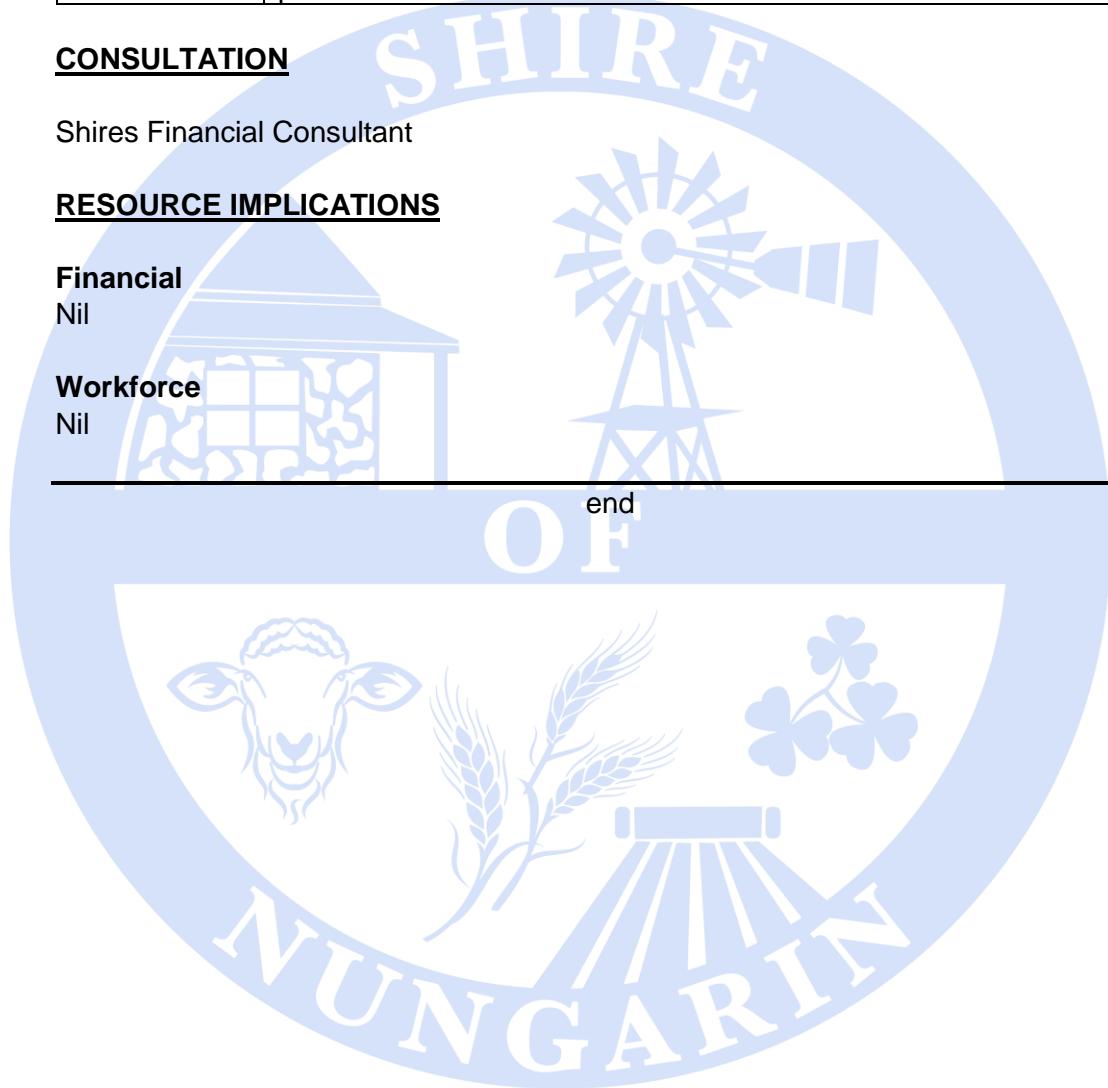
Financial

Nil

Workforce

Nil

end



8.3 COUNCIL POSITION ON WALGA AGM AGENDA ITEMS	
File Ref:	3.7.4
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	Attachment 8.3A: AGM Agenda & Attachments

OFFICER RECOMMENDATION .../09/22

That Council Resolves to:

1. Authorise the voting delegates or the proxy to vote as follows on the agenda items contained in the WALGA Annual General Meeting agenda:

- a. **Item 1.3: Adoption of AGM Association Standing Orders – _____;**
- b. **Item 1.4: Confirmation of Previous Minutes - _____;**
- c. **Item 2: Adoption of Annual Report - _____;**
- d. **Item 3.1: Road Traffic Issues – _____;**
- e. **Item 3.2: Car Parking and Traffic Congestion Around Schools – _____;**
- f. **Item 3.3: Proposal for Regional Road Maintenance Contract with Main Roads WA – _____;**
- g. **Item 3.4: Northern Australia Beef Roads Program – _____;**
- h. **Item 3.5: 3D House Printing Building Compliance – _____;**
- i. **Item 3.6: South West Native Title Settlement – _____;**
- j. **Item 3.7: Land Offset Compensation to Local Governments – _____;**
- k. **Item 3.8: Review of the Rating Methodology used by the Valuer General – _____;**
- l. **Item 3.9: WA Local Government Rating Model - _____**
- m. **Item 3.10: Reform of the Cat Act 2011 - _____; and**
- n. **Item 3.11: WALGA Best Practice Governance Review Principles – _____.**

2. Authorise the voting delegates or the proxy to decide on any of the items listed in (1.) above should any amendments be proposed at the WALGA Annual General Meeting.

Moved:

Seconded:

.....

IN BRIEF

The theme for the 2022 WA Local Government Convention is “*Embrace Change*”, the convention is an opportunity for local governments to get together to discuss key issues, and network with other.

BACKGROUND

The annual general meeting is to be held at the Crown Perth, Grand Ballroom on Monday 3 October 2022. The Shire will be represented at the meeting by Councillor de Lacy and Cr Dayman.

REPORT DETAIL

Councillors will be requested to vote on the following issues:

- (a) Item 1.3: Adoption of AGM Association Standing Orders, Ref: Attachment 1 of Attachment A;
- (b) Item 1.4: Confirmation of Previous Minutes, Ref: Attachment 2 of Attachment A;
- (c) Item 2: Adoption of Annual Report;
- (d) Item 3.1: Road Traffic Issues

Motion: That WALGA Advocate on behalf of the local government sector to the State Government and in particular, Main Roads, to increase importance and eight given to local knowledge and input regarding road traffic issues including requests for speed reduction, intersection treatments and overall preventative and traffic safety measures.

- (e) Item 3.2: Car Parking and Traffic Congestion Around Schools

Motion: That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites including but not limited to:

- (1) Reviewing car parking standards for schools;
- (2) Ensuring sufficient land is set aside for the provision of parking on school sites;
- (3) Reviewing the co-location of schools to avoid issues being exacerbated;
- (4) Restricting school access from major roads;
- (5) Developing programs to educate drivers; and
- (6) Develop options and implement initiatives to encourage alternative modes of transport to school.

- (f) Item 3.3: Proposal for Regional Road Maintenance Contracts with Main Roads WA

Motion: That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a similar program that is currently in play in Queensland and introduce a sole invitee Program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA.

(g) Item 3.4: Northern Australia Beef Roads Program

Motion: That WALGA work with the Hon Madeleine King MP Minister for Resources and Minister for Northern Australia to make Beef Road Funding Program to allow for equitable support across Australia's beef and agriculture industries.

(h) Item 3.5: 3D Printing Building Compliance

Motion: That WALGA requests

- (1) Assistance from Minister for Industry and Science The Hon Ed Husic MP, Minister for Housing and Homelessness, Small Business The Hon Julie Collins MP, Minister for Infrastructure, Transport, Regional Development and Local Government The Hon Catherine King MP to work with Ministers from all State and Territory Governments who have Building and Construction in their portfolios, to collaborate and to consider removing impediments within the National Construction Code Series and associated Australian Standards, that dissuade industry from adopting 3D printing as a building method.
- (2) That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.

(i) Item 3.6: South West Native Title Settlement

Motion: That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.

(j) Item 3.7: Land Offset Compensation to Local Governments

Motion: That WALGA advocate to the State Government that the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.

(k) Item 3.8: Review of the Rating Methodology used by the Valuer-General

Motion: Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.

(l) Item 3.9: WA Local Government Rating Model

Motion: That WALGA advocate to the State Government and the Valuer Generals' Office that a different rating model be trialled across several Councils whereby the Unimproved Value rate is abolished, and properties are rated for Gross Rental Value or Capital Value.

(m) Item 3.10: Reform of the *Cat Act 2011*

Motion: That the WA Local Government sector requests the WA State Government Prioritise reforms to the *Cat Act 2011*, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.

(n) Item 3.11: WALGA Best Practice Governance Review – Principles

Motion: That:

- (1) The update on the Best Practice Governance Review project be noted, and
- (2) The principles to inform WALGA’s future governance model, as follows and as per the attached Principles document, be endorsed:
 - (a) Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies.
 - (b) Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders.
 - (c) Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

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	It is important for elected members to attend to ensure they keep up to date with the latest developments in Local Government.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

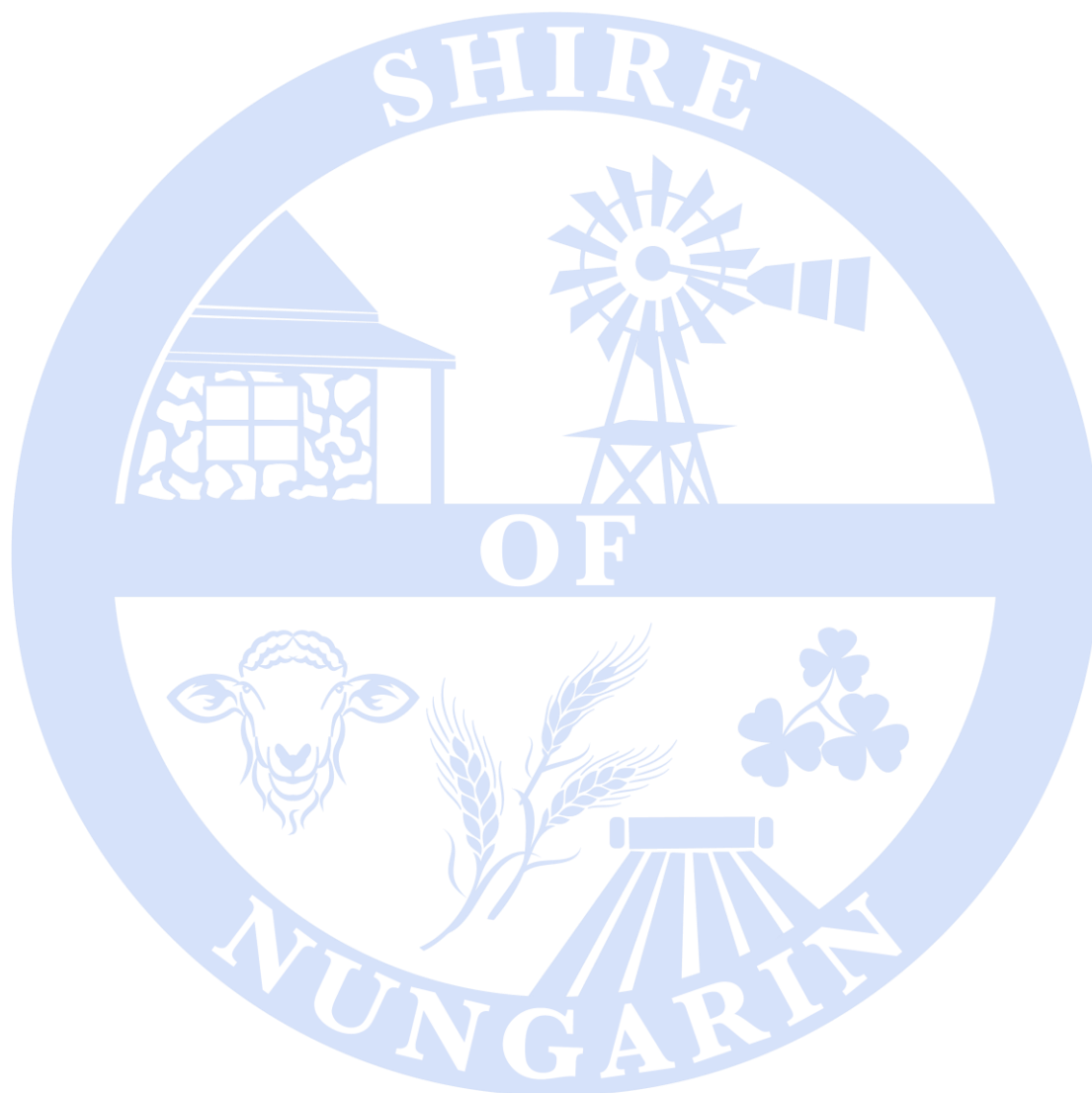
Financial

Nil

Workforce

Nil

end



8.4 AMALGAMATION OF THE VOLUNTEER BUSHFIRE BRIGADES	
File Ref:	8.3
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	Nil

OFFICER RECOMMENDATION/09/22

That Council Resolves to:

- 1. Approve the amalgamation of the Champion, Danberrin, Knungajin / Elabbin, Kwelkan and Mangowine Volunteer Bushfire Brigades into one central brigade being the Nungarin Central Brigade.**
- 2. Request the Chief Executive to gazette the amalgamation approved in (1.) above.**
- 3. Request the Chief Executive Officer to advise the Department of Fire and Emergency Services (DFES) of (1.) above.**

Moved:

Seconded:

.....

IN BRIEF

Council is requested to consider the amalgamation of the six (6) volunteer bushfire brigades into one central brigade.

BACKGROUND

The Shire currently has six (6) volunteer bushfire brigades registered with DFES. However, only one brigade has fully trained members and the required equipment to attend a fire ground.

REPORT DETAIL

Currently the volunteer bushfire brigades are made up as follows:

- | | |
|--------------------------|---|
| (1) Knungajin / Elabbin: | two (2) untrained members |
| (2) Mangowine: | three (3) untrained members |
| (3) Danberrin: | two (2) untrained members |
| (4) Champion: | one (1) untrained member |
| (5) Kwelkan: | three (3) untrained member |
| (6) Central Town: | ten (10) trained and one (1) untrained member |

Being a local government with Volunteer Bushfire Brigades with members not fully trained to the required level creates significant concerns with regard to the *Work Health and Safety Act 2020 (WA)*.

For this reason, it is strongly recommended to amalgamate the six (6) brigades into one central brigade to ensure any response to a fire is led by a suitably trained volunteer, who understands the requirements for trained / untrained volunteers to be able to attend fire grounds in the case of a registered fire.

In this regard only, the Central Town Volunteer Bushfire Brigade has volunteers trained to DFES requirements as well as the required DFES equipment, as such should be the “main” volunteer brigade.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Bush Fires Act 1954;*
- *Work Health and Safety Act 2020.*

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
High	Due to limited resources and experience in firefighting it is not possible for the Shire to continue with five (5) brigades. Not amalgamating the volunteer brigades places the Council and staff in an extremely vulnerable position and open to legal litigation.

CONSULTATION

Throughout the past 24 months Shire staff have been liaising via email and telephone with all the volunteers on numerous occasions requesting volunteers contact the Shire

in order to make the necessary training arrangement. Unfortunately to date only a handful have responded.

RESOURCE IMPLICATIONS

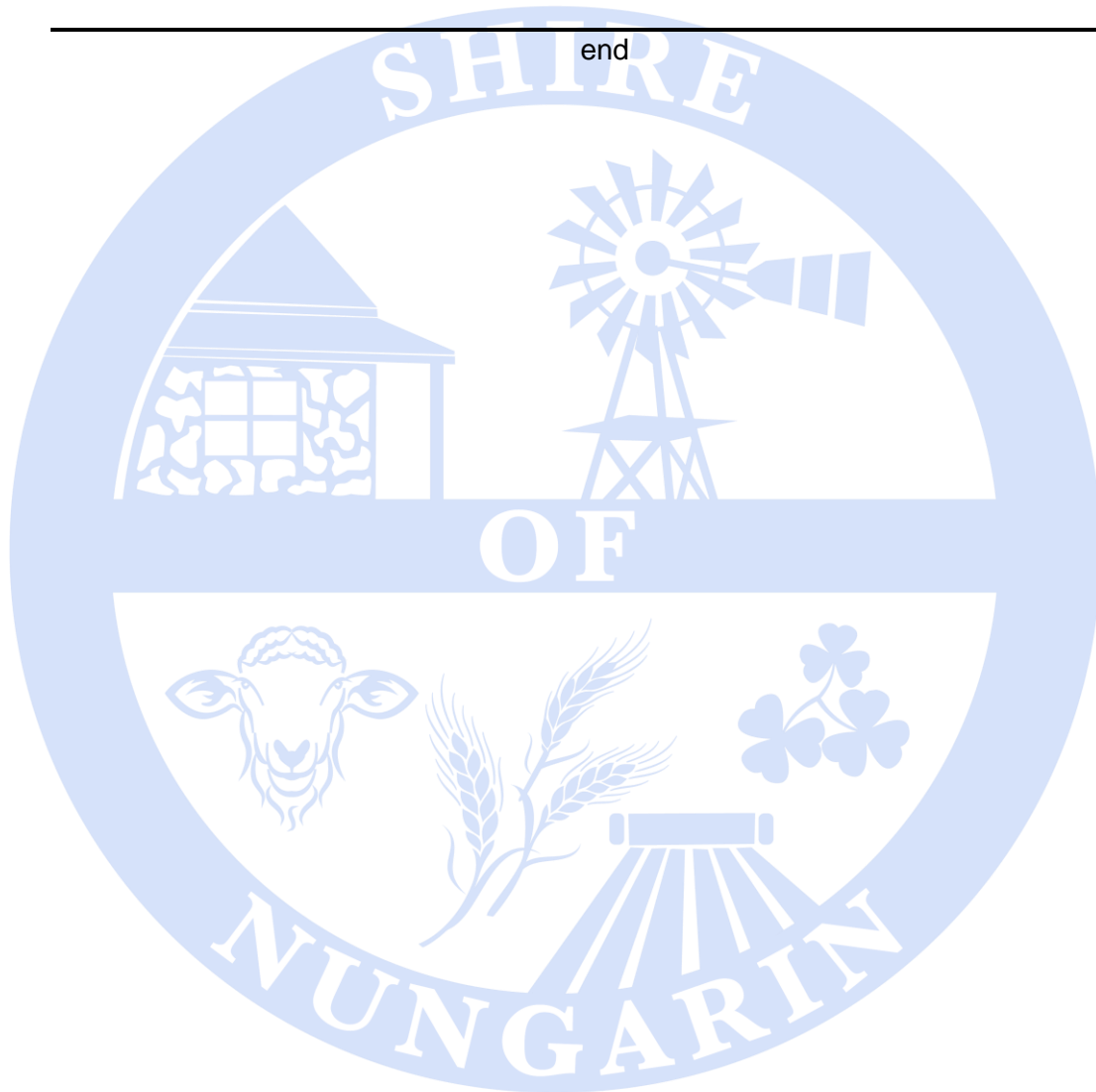
Financial

Nil

Workforce

Nil

end



8.5 LOCAL EMERGENCY MANAGEMENT COMMITTEE	
File Ref:	8.2
Previous Item Ref:	Res 6693 of 21 April 2022
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	Attachment 8.5A – Local Emergency Management Arrangements (LEMA)

OFFICER RECOMMENDATION/09/22

That Council Resolves to:

- 1. Request the Chief Executive Officer write to the Shire of Trayning requesting the support from the Shire of Trayning to create a joint Local Emergency Management Committee between the Shire of Nungarin and the Shire of Trayning.**
- 2. Adopts the amended Shire of Nungarin Local Emergency Management Arrangement Attached as Attachment 8.5A.**

Moved:

Seconded:

.....

IN BRIEF

Council is requested to consider creating a joint Local Emergency Management Committee between the Shires of Nungarin and Trayning to improve efficiencies.

BACKGROUND

In terms of section 38 of the *Emergency Management Act 2005*, the Shire is required to establish a Local Emergency Management Committee. However, multiple local governments can unite to form one committee.

REPORT DETAIL

The function of a Local Emergency Management Committee is to:

- Advise and assist the Shire in ensuring there are Local Emergency Management Arrangements (LEMA’s) established for the Shire;
- Liaise with public authorities and other persons in the development, review and testing of the LEMA; and
- Carry out emergency management activities as directed by the State Emergency Committee or prescribed by the regulations.

In terms of Section 41 of the *Emergency Management Act 2005*, the Shire is required to ensure emergency management arrangements are in place.

The Shire has not had an active Local Emergency Management Committee for a number of years, as a result is in contravention of the *Emergency Management Act 2005*.

At its Ordinary Council Meeting of 21 April 2021, Council resolved as follows:

“That Council:

1. *Adopts the Shire of Nungarin Local Emergency Management Arrangements (APPENDIX 10.4A).*
2. *Requests the Chief Executive Officer to forward a copy of the Nungarin Local Emergency Management Arrangements to the State Emergency Management Committee.*

Moved: Cr R Mizia

Seconded: Cr G Coumbe

CARRIED 7/0”

LEMC meetings are required to be attended by the following agencies / officers:

- Chairperson – Shire President
- OIC – Mukinbudin Police Station – Local Emergency Coordinator and Deputy Chair
- Chief Executive Officer
- Chief Bush Fire Control Officer
- Deputy Chief Executive Officer
- DFES Representative
- DEC Representative
- Nungarin St John Ambulance
- St John Ambulance – Kununoppin Sub Centre
- Nungarin Primary School
- Department of Communities

The Shire of Nungarin and the Shire of Trayning committee members are mostly similar with minor differences, the joining of the two Shires LEMC's will be far more efficient, for both the attendees and the Shires administration.

Should both Councils resolve to create a joint LEMC, the details around the Chair (normally the Shire President) and the location of the meeting (normally in the Shire) could possibly be shared between both Shires.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Emergency Management Act 2005*

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government’s district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

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
High	Not having a combine LEMC may result in the required attendees not always being available, due to the distance to travel and the amount of LEMCs being held at the same time. This has been the case in both the recent LEMC attended by the Chief executive Officer and Shire President.

CONSULTATION

Nil

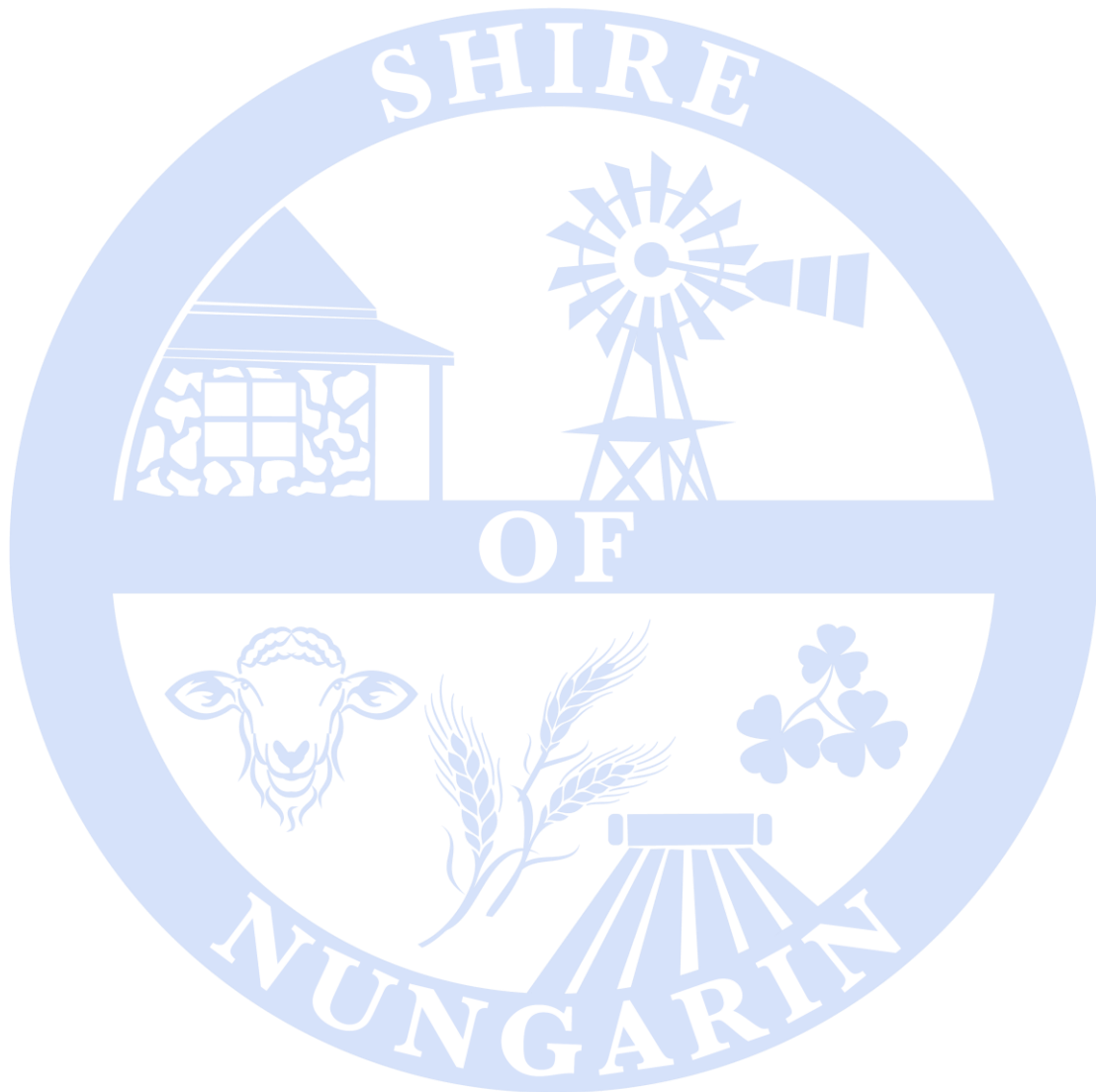
RESOURCE IMPLICATIONS

Financial

The 2022/23 Annual budget has taken into consideration the outstanding debts, the writing off of the debt will have no impact on the adopted budget.

Workforce
Nil

end



8.6 BUDGET AMENDMENT PURCHASE OF TRAFFIC COUNTERS	
File Ref:	10.1.12.2
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Attachment Number:	Nil

OFFICER RECOMMENDATION/09/22

That Council Resolves to:

- 1. Approve the amendment to the adopted 2022/23 Annual Budgets as follows:**

Account	Description	Debit	Credit	Purpose
GL404101	Council Chambers Furniture & Equipment	\$10,600		Purchase of road counters
GL412327	Road Plant Purchases		\$10,600	Purchase of road counters

Moved:
Seconded:

Absolute Majority Required

IN BRIEF

Council is requested to consider amending the adopted budget to allow for the purchase of traffic counters.

BACKGROUND

As part of applying for various road maintenance grants such as Regional Road Group funding shires are required to provide traffic counts to justify grants without traffic data it is unlikely grants will be approved.

REPORT DETAIL

The Shire currently has two (2) traffic counters one of which is broken beyond repair. Unfortunately, this has occurred after the adoption of the 2022/23 budget. To be able to do the required traffic counts the Shire needs at least three (3) counters.

Funds allocated in the adopted budget for the purchase of a new chambers desk has been identified as potential funding for the counters. Whilst the chambers desk is old and needs to be replaced it can be delayed for a further twelve months, allowing the funds to be reallocated to allow the purchase of the traffic counters.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Social
Aspiration	Our Shire ss healthy and happy, contributing to our progress, with accessible places and spaces and our transport is well connected and safe.
Objective	Deliver safe and efficient road, rail and air connections.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- Local Government Act 1995 (LG Act):

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
High	Failure to be able to provide traffic counts to various grant authorities for road construction / maintenance will result in those grants not being approved and road becoming unsafe for use.

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

The amendment will still result and a balanced budget as existing funds will be reallocated between accounts.

Workforce

Nil

end

8.7 ADOPTION OF MAIN STREET REVITALISATION PLAN – COMMERCIAL PRECINCT	
File Ref:	3.6.3.2
Previous Item Ref:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	Attachment 8.7A - Main Street Revitalisation Plan CONFIDENTIAL Attachment 8.7B – Legal Advice

OFFICER RECOMMENDATION/09/22

That Council Resolves to:

1. **Adopt the Main Street Revitalisation Plan attached hereto as ATTACHMENT 8.7A subject to the following amendments:**
 - a. **The removal of synthetic grass on the verges;**
 - b. **The plan include gazebos as indicated on attachment 8.7A**

Moved:

Seconded:

.....

IN BRIEF

Council is requested to consider the adoption of the draft Main Street Revitalisation Plan “Commercial Precinct” Attachment 8.7A taking into consideration comments received form a community workshop.

BACKGROUND

A community workshop was held in the Council Chambers on 16 August 2022 to present the draft Main Street Revitalisation Plan to the community. In addition, an email was sent out to a number of residents and business owners who were not able to attend the workshop.

The workshop was well attended with approximately twenty community members attending and providing valuable comment on the proposed plan.

REPORT DETAIL

The Main Street Revitalisation plan “Civic Precinct” is along Railway Avenue between Danberrin Road and Waterhouse Terrace.

The planter boxes along Nungarin – Merredin Road will need to be removed due to its close location to the main road. Additionally, minimal plants in the well-established landscaping adjacent to Railway Avenue is proposed to be removed.

A major improvement to the aesthetics of the area which will also soften the current hardscape is the inclusion of verge trees on the south-western side of Railway Avenue. It will however be important should this aspect be approved to ensure the tree that is selected is suitable to be planted on a verge i.e. root system and trunk type.

The following comments have been received from the community attending the workshop as well as those that responded to email invites.

Community Comment	Shire Response
Synthetic turf should not be included in the landscape area.	Agreed, synthetic turf will be out of place and with the harsh summer climate may not remain in a good condition.
Potential to modify the access to the fuel bowsers to accommodate larger vehicles.	The grant does not include road modifications. However, this could be planned for in the coming financial year.
The public art should be relocated to the Tourist Information Sign	Agreed, the public art is an entrenched part of the existing main street and should be preserved.
In addition to the proposed mix of plants include Callistemons, Acacia's, Eremophilea's and Coral Gums, White Mallee trees.	<p>It is important that trees with non-invasive root systems are selected to ensure the infrastructure in the area is not damaged in future years.</p> <p>Further, it is considered important to use native Australian trees but not similar to what is existing naturally in the area. The objective should be to create a landscape that is native but different thereby allowing the main street to stand out and encourage visitors to stop along the main street.</p> <p>It is proposed that the area west of the second entry (from Danberrin Road) off the main road be planted with natives included Mallee Trees.</p>
Less succulents, more shade trees and no grasses	<p>A variety of plants is proposed and could also include Eremophilea's. The use of grasses could also create a variety in the overall planting.</p> <p>The plan proposes the planting of approximately 40 trees in addition to the existing trees which will provide a lot of shade.</p>
Install new gazebos along the main street	The plan could be amended to include gazebos. However, there installation will depend on the cost.
Feature Tree in front Total Concept Cabinet Making be removed as for loading and unloading issues and that the tree in the future would obscure the business signage	Legal advice has been sort from McLeod's Barristers (confidential Attachment 8.7B) regarding the planting of a tree should Council resolve to proceed.

Possible Street Trees:

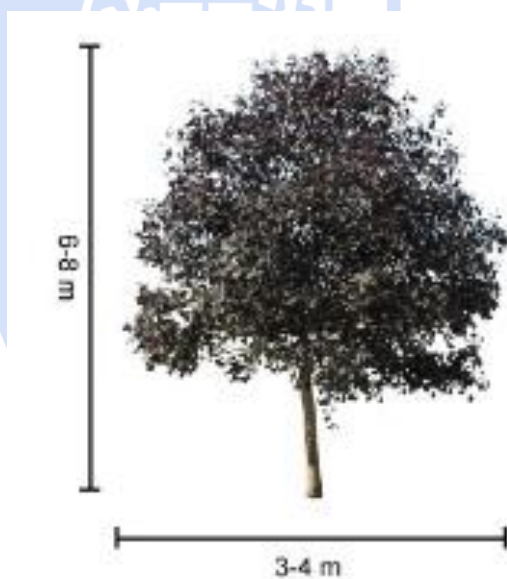
The ideal street tree from a maintenance point of view is one that has a tall, straight trunk that spreads its branches above head height. It needs to be tolerant of pruning, resistant to drought and pollution, and must also be neat and tidy in its habit.

This means no dangerous fruits and potentially slippery flowers, twigs, bark or branches to drop on the pavement or street below. Root systems should also be safe, not highly invasive and not prone to suckering. In many areas native trees are demanded for public plantings. These are usually evergreen trees.

From an aesthetic point of view, street trees need to create an appealing street view, which is accentuated by uniform growth and size. The choice of a named variety rather than a species usually delivers on this need for uniformity.

A good street tree should also provide shade for both pedestrians and parked cars, and offer interest to the street scene for example from their flowers, leaves or bark.

When assessment is made of trees for their potential use in street plantings the number of truly suitable species and varieties drops considerably when all criteria are met.



Description: Vintage Red™ (Sugar Gum) Eucalyptus has beautiful foliage and is a proven landscape tree for southern states, also a great garden feature. Foliage colour is deep red maturing to purple to grey tones.

It produces rich dark red stems that are almost black, then peels off to reveal smooth grey bark. Responds very well to pruning, it produces denser foliage and can be kept as a shrub if pruned.

Size: 6 – 8m high x 3 – 4m wide, can be pruned down to 2-4m high.

Planting Density: 1 plant per 3-8m², 1 plant per 2-4 linear metres.

Uses: Attractive specimen tree, cut foliage, landscape tree for southern states.

Position: Full sun to part shade. Tolerates cold and drought. Vintage Red™

Eucalyptus suits sandy loam to well drained clay soils.

Care: Water as required for 8-13 weeks until established. If required use slow release fertiliser in spring. For best results or to keep Vintage Red™ Eucalyptus smaller prune early spring each year.

Where it works: VIC, SA, WA & NSW



**BRACHYCHITON acerifolius x bidwillii
‘Red Robin’ grafted**

A small native tree (5-8 metres) with rounded canopy, produces a brilliant display of deep red flowers on red stems in spring to summer and unlike Brachychiton acerifolius, retains its leaves when flowering. It has large, lush acer-shaped leaves. It is a stunning small tree, hardy, frost and drought tolerant.

HEIGHT AND SHAPE AT MATURITY

Small tree: 5-8 metres
Rounded Shape

SPECIAL USES

As a street tree
As a specimen

Along roadside
Has non-invasive roots
Power line friendly

CONDITIONS

Suitable in full sun
Suitable in most soils
Needs well drained soil
Is tolerant of moderate frost
Is tolerant of pollution
Is tolerant of coastal exposure
Is tolerant of tropical heat



ELATTOSTACHYS xylocarpa

A dense, small, evergreen native tree (5-7 metres) with attractive bronze new foliage and holly-shaped leaves. Is a hardy, ideal as a small feature tree, hedge or for screening and is power line friendly.

HEIGHT AND SHAPE AT MATURITY

Small tree: 5-7 metres
Rounded shape

SPECIAL USES

As a small street tree
As a specimen
As a hedge
As a screen
As a small shade tree
Along roadside
Has non-invasive roots
Power line friendly

CONDITIONS

- Suitable in full sun
- Suitable in most soils
- Is tolerant of moderate frost
- Is tolerant of coastal exposure
- Is tolerant of tropical heat

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Social
Aspiration	Out Shire is healthy and happy, contributing to our progress, with accessible places and spaces and our transport is well connected
Objective	Plan and deliver sport and recreation, public spaces and community events.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The improvement of the landscaping along the main street may encourage passers-by to stop and visit existing businesses along the main street.

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

The creation of more shade trees along Railway Avenue will create a softer appearance and at the same time will create comfortable meeting places for the community along Railway Avenue.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	Not adopting the plan will delay the commencement of the project which is required to be completed by end of June 2023.

CONSULTATION

- Community Workshop held on 16 August 2022; and
- Email requests to community members

RESOURCE IMPLICATIONS

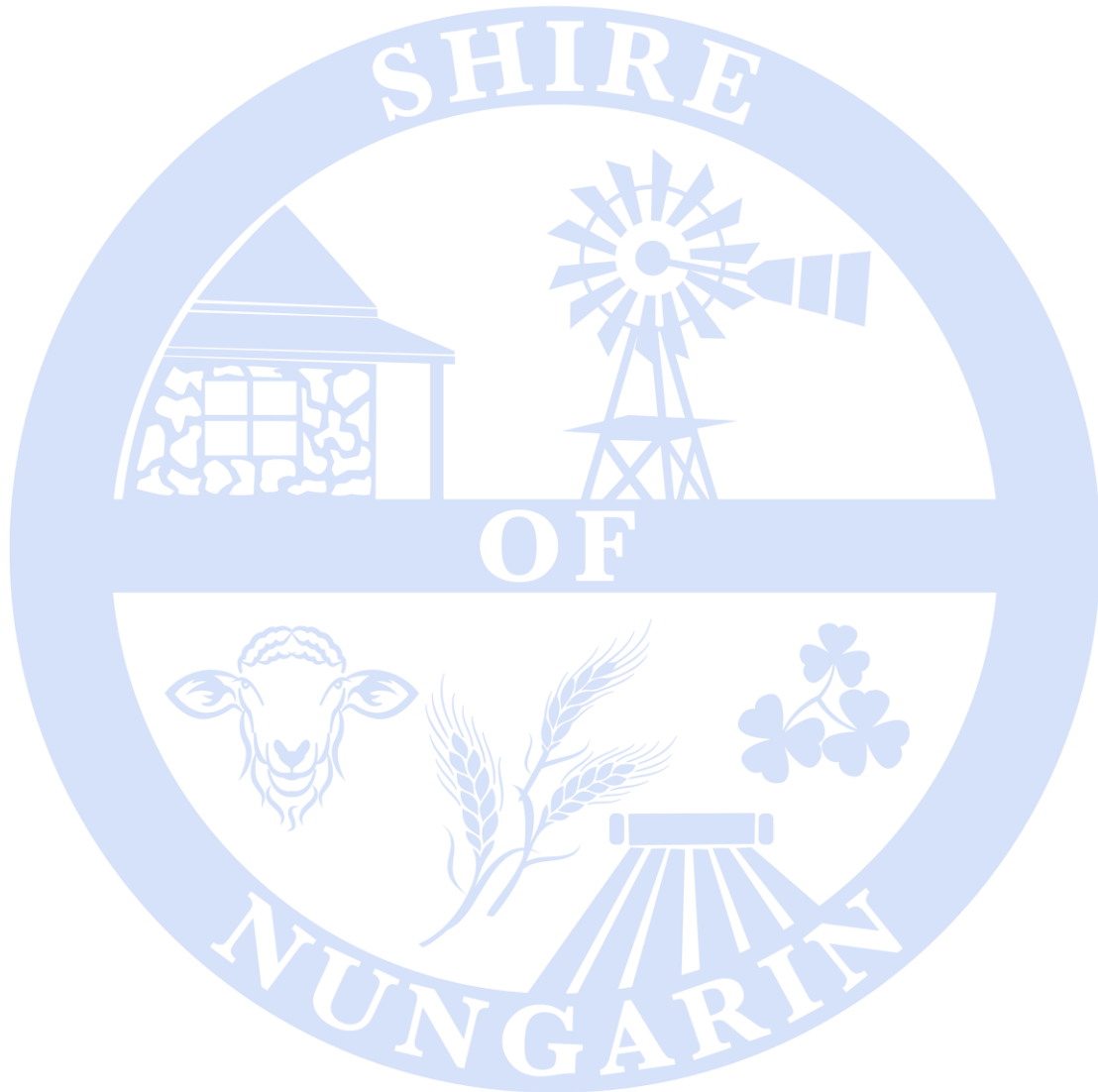
Financial

The project is fully funded through the Local Roads and Community Infrastructure Grant stream.

Workforce

Nil

end



8.8 PROPOSED BUDGET AMENDMENT – CONSTRUCTION OF THE BUSHFIRE SHED	
File Ref:	3.6.1
Previous Item Ref:	SCM4/07/22, RES 6876/08/22
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Attachment Number:	Nil

OFFICER RECOMMENDATION/09/22

That Council Resolves to:

1. Amend the Ordinary Council Meeting of 17 August 2022 Resolution 6876/08/22, which was recorded as

a. Approve the amendment to the adopted 2022/23 Annual Budget as follows:

Account	Description	Debit	Credit	Purpose
GL414510	Transfer to Building Reserve		\$100,000	Final payment of bushfire shed construction
GL405103	Bushfire Brigade Building	\$100,000		Final payment of bushfire shed construction

to now read:

(b) Approve the amendment to the adopted 2022/23 Annual Budget as follows:

Account	Description	Debit	Credit	Purpose
GL405103	Transfer to Building Reserve		\$100,000	Final payment of bushfire shed construction
GL414510	Bushfire Brigade Building	\$100,000		Final payment of bushfire shed construction

Moved:

Seconded:

.....

IN BRIEF

Council is requested to approve the amendment as recommended, the amendment is required to tidy up the accounting due to an administrative error and will not have any material change to the reason for the original resolution.

BACKGROUND

The builder invoiced the Shire in June 2022 with an invoice which was not accepted due to discrepancies between their payment record and the Shires records. The invoice consisted of the final contract claim as well as the payment of two (2) variations which were approved by DFES.

Following a meeting in early August (after the adoption of the budget) between the contractor, Shire Financial Consultant and the CEO the discrepancies have been resolved and now accepted.

REPORT DETAIL

The cost of the construction of the Bush Fire Shed was through a grant from DFES, who paid the full contract amount including the variations at the end of the 2021/22 financial year.

As a result of the final invoice only being resolved after the adoption of the budget sufficient funds were not allocated to cover the final invoice, as such the amendment is required.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*

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	The funds have been received from DFES to pay the contractor, not agreeing to the amendment would likely result in legal action by the contractor.

CONSULTATION

- Shire Financial Consultant

RESOURCE IMPLICATIONS

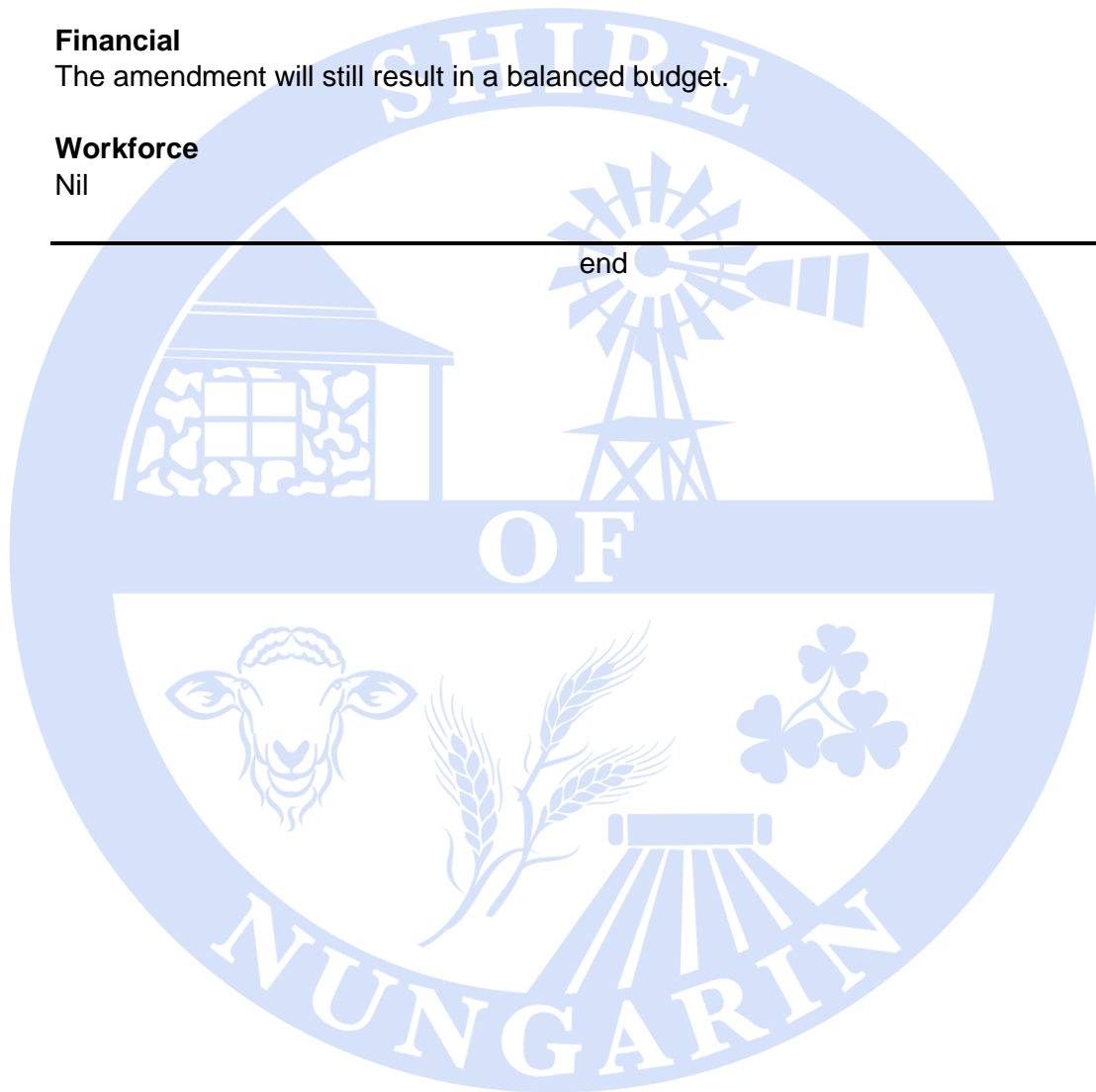
Financial

The amendment will still result in a balanced budget.

Workforce

Nil

end



8.7 BUDGET AMENDMENT - PURCHASE OF NEW GRADER	
File Ref:	3.4.5
Previous Item Ref:	SCM4/07/22, RES 6875/08/22
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Attachment Number:	Nil

COUNCIL RESOLUTION/09/22

That Council Resolves to:

1. Amend item 1 of the Ordinary Council Meeting of 17 August 2022 Resolution 6875/08/22, which was recorded as

a. Approve the amendment to the adopted 2022/23 Annual Budget as follows:

Account	Description	Debit	Credit	Purpose
GL512303	Transfer from Plant Reserve		\$261,800	Purchase of Grader
GL412325	Grader	\$261,800		Purchase of Grader

to now read as:

b. Approve the amendment to the adopted 2022/23 Annual Budget as follows:

Account	Description	Debit	Credit	Purpose
GL512303	Transfer from Plant Reserve		\$35,932	Purchase of Grader
GL412310	Transfer to Plant Reserve		\$234,068	Purchase of Grader
GL412325	Grader Purchase	\$270,000		

Moved:

Seconded:

.....

IN BRIEF

Council is requested to approve the amendment as recommended, the amendment is required to tidy up the accounting due to an administrative error and will not have any material change to the reason for the original resolution. Further, the small increase in cost to the grader is due to an upgrade in the blade controls for which officers have negotiated with the suppliers to pay half.

BACKGROUND

The “Plant Replacement Program” endorsed by Council at its May Ordinary Council Meeting, identified the current CAT 12H Grader to be replaced in 2023/24. It was hoped to be able to adhere to the endorsed “Plant Replacement Program”, unfortunately, both the CAT 12H Grader and the Champion Grader have been plagued with continuous breakdowns resulting in the road maintenance program falling behind, and repair costs escalating.

REPORT DETAIL

The optimum time to undertake gravel road maintenance is during the winter months so as to take advantage of the wet weather which assists in the compaction of the gravel roads. This leaves a fairly short window for the Shire to undertake the road maintenance which is done on a road hierarchy basis being priority 1 to priority 3 roads. The priority listing is based on the usage of the roads i.e. bus routes, haulage routes etc. As such it is important for the Shire to ensure the roads remain trafficable to undertake annual road maintenance.

Unfortunately, the Shire has not followed a “Plant Replacement Program” in the past which has resulted in the plant being old and in a bad state of disrepair, although this is now being addressed.

The current graders, the CAT 12H is a 2004 model was purchased second hand and has approximately 15000hrs and the second grader a Champion is a 1994 model with approximately 20000hrs.

Over the past three (3) years the Shire has spent approximately \$80,000 (\$26,666 / year) in maintenance, repairs and labour. This has not just resulted in significant down time for the graders but also locking staff into repairing the graders taking them away from other much needed jobs.

As per the requirements of the Procurement and Tender Policy 1.22, the following three quotes were obtained:

- | | |
|--|------------------|
| • Afagri CAT 140 Base Motor Grader | \$456,500 (incl) |
| • Westrac Pty Ltd, CAT 140 Base Motor Grader | \$390,500 (incl) |
| • McIntosh and Son, 4230D Liugong Grader | \$335,500 (incl) |

The CAT Grader quoted is the base model and does not have the ability to have an aftermarket levelling system installed (no wiring harness supplied). Whereas, the Liugong Grader includes the rippers as well as a levelling system.

With the trade-in value of \$66,000 (incl) for the CAT 12H grader the Liugong Grader actual cost to Council is \$270,000.

Given the price difference and the positive feedback received from a Shire in South Australia who have purchased a similar grader, it is recommended to purchase the Liugong Grader.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Local Government (Functions and General) Regulations*
 - *Reg 11. When tenders have to be publicly invited*
 - (1A) *In this regulation —*
state of emergency declaration has the meaning given in the Emergency Management Act 2005 section 3.
 - (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*
 - (2) ***Tenders do not have to be publicly invited according to the requirements of this Division if —***
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (aa) *the supply of the goods or services is associated with a state of emergency; or*
 - (b) ***the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.***

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

While not a direct economic generator if roads are not maintained it does impact on the wear and tear of the community's trucks and equipment especially during harvest season, this could have a negative impact.

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

Nil

Policy Implications

- Procurement and Tender Policy 1.22

- In terms of the policy, any works, development or services estimated between the value of \$100,000 - \$249,000, must have at least three written quotations from suppliers by formal invitation:
- The Chief Executive Officer may raise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 5.4 of this Procurement Policy to the maximum of \$100,000 (Excl GST).

Risk Management Implications

Risk Level	Comment
Medium	Not continuing the building would have any detrimental impact on the town and could leave the building underutilised or empty.

CONSULTATION

- WALGA – regarding need to tender.
- Franklin Harbour Shire, who have purchased the same grader approximately eight (8) months ago. Having spoken to the Works Manager, who has indicated they are satisfied with the grader and have had no issues with it. However, did recommend that the following be done to the grader, both of which have been included in the quote:
 - Automatic Pin; and
 - Throttle Control Switch.

RESOURCE IMPLICATIONS

Financial

The Shire currently has sufficient funds available to be able to purchase the grader.

Workforce

Nil

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

12. CLOSURE

The being no further business the meeting closed at

Presiding Member

Date

