



**MINUTES**  
**ORDINARY COUNCIL MEETING**  
**19 JULY 2023**

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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 4:30 pm.

#### **Affirmation of Civic Duty and Responsibility as Read**

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

#### **Acknowledgement of Traditional Custodians**

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

### **2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

#### **2.1 ATTENDANCE**

##### **Councillors**

Shire President	Cr P de Lacy
Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell
Elected Member	Cr K Dayman
Elected Member	Cr J Davis
Elected Member	Cr M Caughey

##### **Council Officers**

Acting Chief Executive Officer	Mr D Nayda
Manager Corporate Services	Ms C Pearce

##### **Observers / Visitors**

Natalie Veal

#### **2.2 APOLOGIES**

Cr W Lee

**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 – 21<sup>st</sup> of June 2023**

**COUNCIL RESOLUTION 47/07/23**

That the Minutes of the Ordinary Council Meeting held on 21<sup>st</sup> of June 2023 be confirmed as being a true and accurate record.

Moved: Cr M Caughey

Seconded: Cr J Davis

**CARRIED BY ABSOLUTE MAJORITY**

## 8. OFFICER REPORTS

8.1 LISTING OF PAYMENTS FOR THE MONTH OF JUNE 2023	
File Ref:	10.13
Previous Items:	Nil
Applicant:	Nil
Author and Title:	David Nayda, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.1A – Payment List

### **COUNCIL RESOLUTION 47/07/23**

That Council Resolves to:

1. Receive the following payments made throughout the month of June 2023:

Municipal	Cheque	\$18,873.28
	EFT	\$196,896.83
	Direct Debit	<u>\$8,511.50</u>
		\$224,281.61
Trust	Cheque –	Nil
	Grand Total	\$224,281.61

Moved: Cr K Dayman  
 Seconded: Cr G Coumbe

**CARRIED BY ABSOLUTE MAJORITY**

### **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 June 2023.

### **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 INTEGRATED STRATEGIC PLAN 2023 – 2033**

<b>Focus Area</b>	Our Organisation
<b>Community Priority</b>	Effective forward planning, and engagement with our community
<b>Success Measurement</b>	We deliver sound financial and asset management

**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 unclean compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

<b>8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JUNE 2023</b>	
<b>File Ref:</b>	10.2.2
<b>Previous Item Ref:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	David Nayda, Acting Chief Executive Officer Darren Long, Finance Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachment Number:</b>	8.2A – Monthly Statement

### **COUNCIL RESOLUTION 48/07/23**

**That Council Resolves to:**

- 1. Receives the monthly financial activity statement for the period ending 30 June 2023.**

**Moved: Cr M Caughey**

**Seconded: Cr J Davis**

**CARRIED BY ABSOLUTE MAJORITY**

### **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:

- Statement of Comprehensive Income by Function/Program;
- Statement of Comprehensive Income by Nature/Type;
- Statement of Financial Activity;
- Summary of Net Current Asset Position;
- Statement of Explanation of Material Variances;
- Statement of Financial Position;
- Statement of Cash Flows;
- Detailed Operating and Non-Operating Schedules;
- Statement of Cash Back Reserves;
- 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.

The Statement of Financial Activity as at 30 June 2023 shows a closing surplus of \$1,951,273. A substantial amount of this surplus (\$1,555,631) is due to the advance paid general purpose and local road grants for 2023/2024 by the Commonwealth Government. Figures are subject to change due to year-end adjustments and any audit adjustments.

**SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033**

<b>Focus Area</b>	Our Organisation
<b>Community Priority</b>	Effective forward planning, and engagement with our community
<b>Success Measurement</b>	We deliver sound financial and asset management

**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**

<b>Risk Level</b>	<b>Comment</b>
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 Darren Long

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

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<b>8.3 PIONEER PATHWAYS MOU</b>	
<b>File Ref:</b>	7.6
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	David Nayda, Acting Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	8.3A

#### **COUNCIL RESOLUTION 49/07/2023**

- 1) That the Pioneer Pathways Memorandum of Understanding be extended to 30 June 2024, including a financial contribution of \$3,500.
- 2) Cr Dayman to be added to Pioneer Pathway email list and as Shire Representative.

**Moved: Cr K Dayman**  
**Seconded: Cr G Coumbe**

#### **IN BRIEF**

Council is requested to consider extending the Pioneer Pathways Memorandum of Understanding for another 12 months.

#### **BACKGROUND**

At the Pioneers Pathway Advisory Group meeting held on 8 June 2023, it was resolved to ask member Councils to extend the existing Memorandum of Understanding for another twelve months to 30 June 2024, with a financial contribution of \$3,500 per member.

#### **REPORT DETAIL**

Established in the late 1990's, Pioneers Pathway is a self-drive trail focussing on locations and individuals specific to each member Shire which represents the pioneering days of the gold rush and beyond. It is a celebration of local pioneers and a way of keeping the history alive.

The Memorandum of Understanding expired on 30 June 2023. Representation is through the nomination of one elected member and the option of one community member. Generally speaking, the basic role of each member Council, in addition to monetary support, is to promote and maintain the relevant sites within their Shire. Beyond this, Pioneers Pathway develops additional infrastructure grants to better highlight the sites within each Shire.

**SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033**

<b>Focus Area</b>	Our Economy
<b>Community Priority</b>	Economic Partnerships
<b>Strategic Action</b>	2.3.1 Continue to work with NEWROC, New Travel, Pioneer Pathway and other regional stakeholders to promote tourism and grown the economy

**OTHER STRATEGIC LINKS**

There are no other strategic links.

**STATUTORY ENVIRONMENT**

There are no statutory implications.

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

The economy of the Shire will benefit from the membership of Pioneer Pathways, due to the number of people the functions attracts to town who are likely to spend money in town.

**Policy Implications**

Nil.

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Low	There are low risks associated with membership of the Pioneer Pathways.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS****Financial**

The proposed membership fee for 2023/24 is \$3,500

**Workforce**

Nil

<b>Risk Level</b>	<b>Comment</b>
Medium	

**CONSULTATION**

List all consultation / discussion regarding the issue

**RESOURCE IMPLICATIONS**

**Financial**

Reference any impact on the budget

**Workforce**

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Reference any impact on the workforce

<b>8.4 ARTS CENTRE REQUEST</b>	
<b>File Ref:</b>	
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	David Nayda, Acting Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority / Absolute Majority
<b>Attachment Number</b>	8.4a

<b>COUNCIL RESOLUTION 50/07/2023</b>	
<b>That:</b>	
<ol style="list-style-type: none"> <li>1) The Shire provides in principle support for a grant application by Natalie Veal for a series of murals for the Nungarin Townsite.</li> <li>2) If the grant application is successful, Ms Veal be required to provide more details regarding the proposed murals for Council consideration.</li> </ol>	
<b>Deputisation: Cr M Caughey</b> <b>Deputisation: Cr G Coumbe</b>	
<b>Moved: Cr K Dayman</b> <b>Seconded: Cr J Davis</b>	
<b>CARRIED BY ABSOLUTE MAJORITY</b>	

**IN BRIEF**

Natalie Veal has contacted the Shire requesting for permission to paint murals on the exterior of a number of Shire buildings.

**BACKGROUND**

Local artist Natalie Veal is applying for grant funding to paint murals on the sides of a number of buildings, include five Shire buildings/facilities.

**REPORT DETAIL**

Ms Veal is proposing to apply for funding to paint murals on the following facilities/buildings:

- Rec Centre, back wall / exterior of Building/ Mens & Ladies amenities
- Swimming pool wall, Skate park & concrete drainage across from Nungarin Primary School with School & School Children involvement in design ideas
- 3 x Panels for mounting on CWA building for their 100th Celebration
- Side wall Community & Mens Shed



- Craft shop, Op Shop & Wegner's congruent street frontage Mural
- CBH building- long wall facing town on Nungarin CBH building facing town and main road frontage

Please note the projects would be condition on approval for funding. Letters of support from other people are attached.

Natalie Veal left the meeting at 4:43pm.

**SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033**

<b>Focus Area</b>	Tourism promotion and attractions
<b>Aspiration</b>	We work towards enhancing our tourism assets and experiences in a coordinated manner
<b>Objective</b>	Continue to work with NEWROC, New Travel, Pioneer Pathway and other regional stakeholders to promote tourism and grow the economy

**OTHER STRATEGIC LINKS**

Refer to any strategic documents the issue may relate to.

**STATUTORY ENVIRONMENT**

There may be strategic implications regarding the CWA building as it is a National Trust Building.

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic –**

The murals would improve townscape and could have a positive impact on the economy of the Shire.

**Social**

Having an attractive townscape engenders pride within the community.

**Policy Implications**

There are no policy implications.

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	There are no risks in supporting the application, but there may be issues with the CWA Building as it is a National Trust Building. Ms Veal has provided little detail about the murals

**CONSULTATION**

The Shire has not consulted with the National Trust in relation to the CWA building at this time.

### **RESOURCE IMPLICATIONS**

#### **Financial**

There are no immediate financial implications in supporting the grant application, but there may be future asset management implications.

#### **Workforce**

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Reference any impact on the workforce

**9. DELEGATES REPORTS**

Cr O'Connell verbal report provided  
Cr Coumbe provided a quick verbal brief of the Museum

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

**11. CONFIDENTIAL ITEMS OF BUSINESS**

**COUNCIL RESOLUTION 51/07/2023**

**That Council Resolves to:**

1. Proceed behind closed doors as per Section 5.23(2) of the Local Government Act 1995 to consider item 11.1 at 5:31pm.

**Moved: Cr RE O'Connell**

**Seconded: Cr J Davis**

**CARRIED BY ABSOLUTE MAJORITY**

**11.1 CONFIDENTIAL ITEM: KUNUNOPPIN MEDICAL PRACTICE DEED OF VARIATION**

Cr Caughey and Crystal Pearce left the chambers at 5:42pm, returning at 5:43pm.

**11.2 CONFIDENTIAL ITEM: RECRUITMENT OF CHIEF EXECUTIVE OFFICER**

**COUNCIL RESOLUTION 56/07/2023**

**That Council Resolves to:**

1. Proceed with the meeting on public, the time being 5:46pm.

**Moved: Cr RE O'Connell**

**Seconded: Cr G Coumbe**

**CARRIED BY ABSOLUTE MAJORITY**

**12. CLOSURE**

The being no further business the meeting closed at 5:49pm

  
Presiding Member

16.8.2023  
Date