



## Ordinary Council Meeting Minutes

13<sup>th</sup> December 2023

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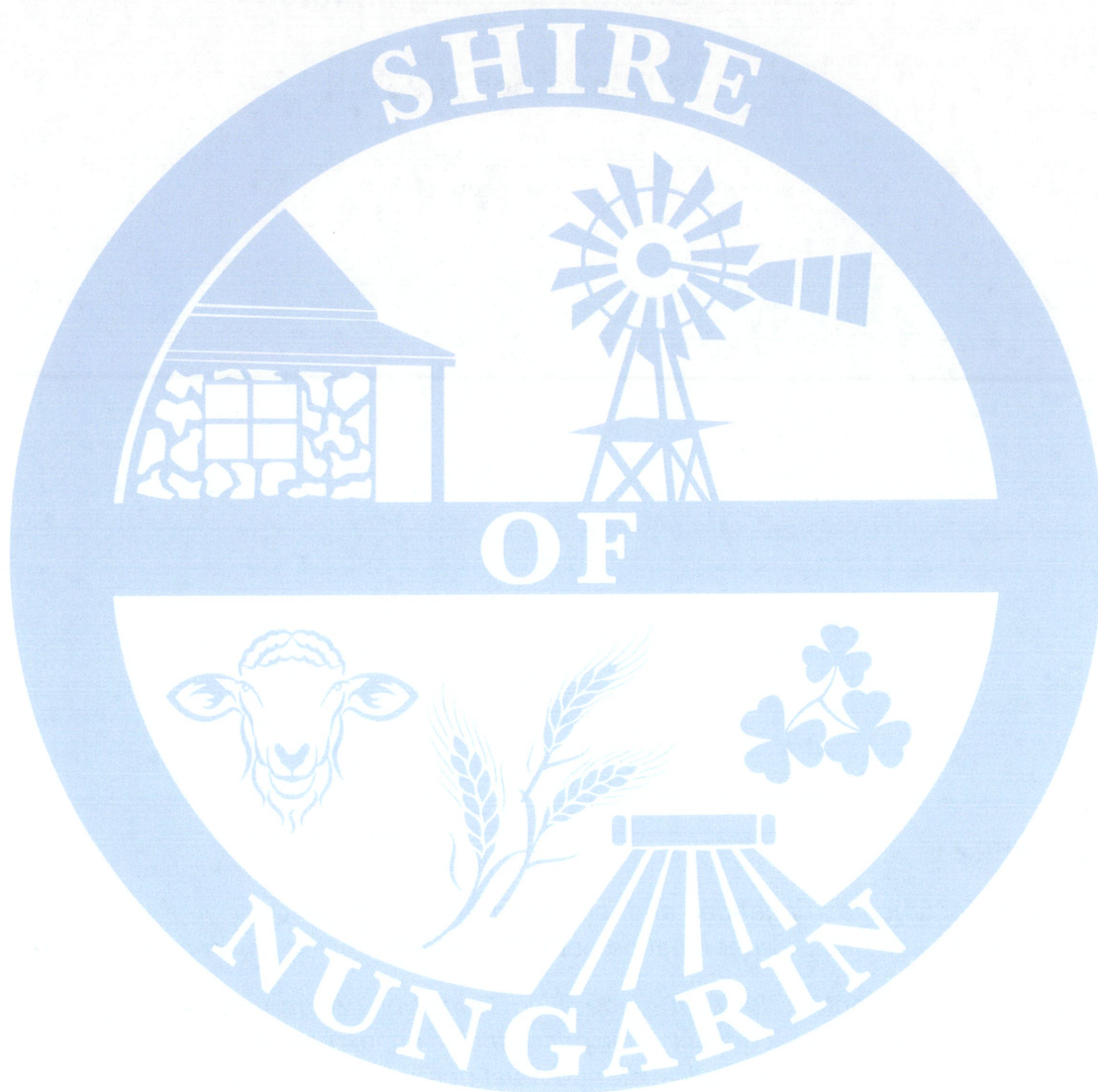
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### **PUBLIC QUESTION TIME**

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 4:30pm.

#### 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  
Deputy Shire President  
Elected Member  
Elected Member  
Elected Member  
Elected Member  
Elected Member

Cr P de Lacy  
Cr G Coumbe  
Cr RE O'Connell  
Cr K Dayman  
Cr A Eksanow  
Cr W Lee  
Cr M Caughey

##### **Council Officers**

Chief Executive Officer      Mr R Halse  
Manager Works & Services      Mr D Nayda  
Manager Corporate Services      Ms C Pearce

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

#### 2.2 APOLOGIES

- Nil

#### 2.3 REQUEST FOR LEAVE OF ABSENCE

- Cr de Lacy requests leave for February 2024 OCM
- Cr Caughey requests leave for February 2024 OCM

### **3. DEPUTATIONS AND PETITIONS**

#### **3.1 DEPUTATIONS**

- Nil

#### **3.2 PETITIONS**

- Nil

### **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**

- Nil

#### **4.2 PUBLIC QUESTION TIME**

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

#### **5.1 FINANCIAL AND PROXIMITY INTEREST**

- Nil

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

- Cr O'Connell declared an interest in item 11.2
- Cr Dayman declared an interest in item 11.2
- Cr Caughey declared an interest in item 11.2

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

- Nil

**7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION**

**7.1 ORDINARY COUNCIL MEETING – 15 November 2023**

**COUNCIL RESOLUTION 104/12/23**

That the Minutes of the Ordinary Council Meeting held on 15 November 2023 be confirmed as being a true and accurate record.

Moved: Cr M Caughey

Seconded: Cr K Dayman

**CARRIED**

**8. OFFICER REPORTS –**

**8.1 LISTING OF PAYMENTS FOR THE MONTH OF NOVEMBER 2023**

<b>File Ref:</b>	10.13
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Ric Halse
<b>Author and Title:</b>	Ric Halse
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	8.1A

**COUNCIL RESOLUTION 105/12/23**

That Council Resolves to:

**1. Receive the following payments throughout the month of October 2023**

<b>Municipal</b>	<b>Cheque</b>	<b>\$1374.20</b>
	<b>EFT</b>	<b>\$312,974.52</b>
	<b>Direct Debit</b>	<b>\$23,075.84</b>
<b>Trust</b>	<b>Cheque</b>	<b>-</b>
	<b>Grand Total</b>	<b>\$337,424.56</b>

Moved: Cr G Coumbe

Seconded: Cr W Lee

**CARRIED**

**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 November 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>Aspiration</b>	Effective forward planning, and engagement with our community
<b>Objective</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 –**

nil

**Social**

nil

**Policy Implications**

nil

**Risk Management Implications**

Risk Level	Comment
Medium	If the required information is not presented to Council in accordance with the 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



<b>8.2 MONTHLY FINANCIAL REPORT NOVEMBER 2023</b>	
<b>File Ref:</b>	
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Ric Halse
<b>Author and Title:</b>	Ric Halse Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	8.2A

### **COUNCIL RESOLUTION 106/12/23**

1. That the financial report for the period ending 30 November 2023 be received.

**Moved: Cr K Dayman**  
**Seconded: Cr RE O'Connell**

**CARRIED**

### **IN BRIEF**

For Council to consider the monthly financial report for the period ending 30 November 2023.

### **BACKGROUND**

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed

### **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 30 November 2023 shows a closing surplus of \$2,328,346.

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

<b>Focus Area</b>	Our organisation
<b>Aspiration</b>	Effective forward planning, and engagement with our community
<b>Objective</b>	We deliver sound financial and asset management

## **OTHER STRATEGIC LINKS**

nil

## **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 –**

nil

**Social**

nil

**Policy Implications**

nil

**Risk Management Implications**

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

**CONSULTATION**

Financial Consultant – Darren Long

**RESOURCE IMPLICATIONS**

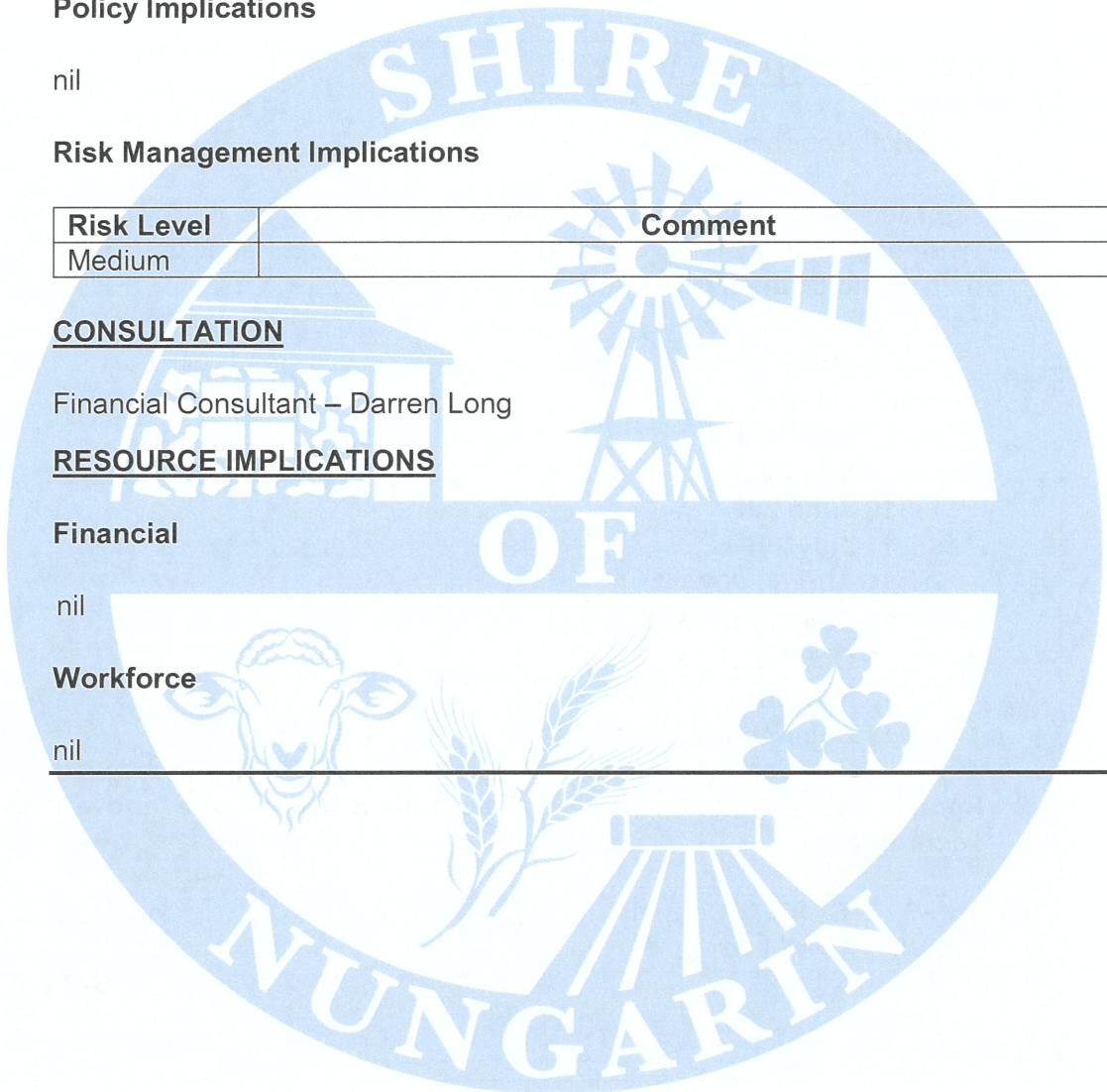
**Financial**

nil

**Workforce**

nil

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<b>8.3 ORDINARY COUNCIL MEETING DATES 2024</b>	
<b>File Ref:</b>	11.6
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	
<b>Author and Title:</b>	Ric Halse Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	Nil

### **COUNCIL RESOLUTION 107/12/23**

**That Council Resolves to:**

**1. Approve the 2024 Ordinary Council Meetings to be held on the third Wednesday of every month with meetings to commence at 4:30pm and held at the Council Chambers.**

- 21 February 2024
- 20 March 2024
- 17 April 2024
- 15 May 2024
- 19 June 2024
- 17 July 2024
- 21 August 2024
- 18 September 2024
- 16 October 2024
- 13 November 2024
- 18 December 2024

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

**Moved: Cr RE O'Connell**

**Seconded: Cr W Lee**

**CARRIED**

### **IN BRIEF**

Council is requested to consider the recommended dates for the Ordinary Council Meetings to be held in 2024.

### **BACKGROUND**

Ordinary Council Meetings have traditionally been held on the third Wednesday of the month.

**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.

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

<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 –**

The timely consideration of Council matters may have a positive impact on the local economy.

**Social**

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**

nil

**RESOURCE IMPLICATIONS****Financial**

nil

**Workforce**

nil

<b>8.4 SHIRE OFFICE HOLIDAY HOURS</b>	
<b>File Ref:</b>	
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil Choose an item.
<b>Author and Title:</b>	
<b>Declaration of Interest:</b>	Ric Halse
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	

**COUNCIL RESOLUTION 108/12/23**

That Council notes closure hours for the 2023/2024 holiday break of the Shire, being 4pm Friday, 22 December 2023 and re-open 8am Wednesday 3 January 2024.

Moved: Cr RE O'Connell  
 Seconded: Cr G Coumbe

**CARRIED****IN BRIEF**

Each year the Shire of Nungarin requests staff to take annual leave for a 'shut-down' period over the public holiday period in December/January.

**BACKGROUND**

Council is asked to note that the Shire administration office will close 4pm Friday 22 December 2023 and re-open 8am 3 January 2024. Staff will be asked to access leave entitlements for days which are not designated as Public Holidays/Public Holidays In Lieu.

**REPORT DETAIL**

Nil.

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

<b>Focus Area</b>	Community
<b>Aspiration</b>	Responds to the needs of all residents
<b>Objective</b>	To ensure consistent delivery of service

**OTHER STRATEGIC LINKS**

nil

**STATUTORY ENVIRONMENT**

nil

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic –**

nil

**Social**

nil

**Policy Implications**

nil

**Risk Management Implications**

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

**CONSULTATION**

nil

**RESOURCE IMPLICATIONS**

**Financial**

nil

**Workforce**

nil

<b>8.5 ROADS ASSET MANAGEMENT PLANNING</b>	
<b>File Ref:</b>	
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Ric Halse
<b>Author and Title:</b>	Ric Halse, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	

### **COUNCIL RESOLUTION 109/12/23**

The Council, with respect to the Shire of Nungarin Roads Asset Management Plan:

- a) Acknowledge the receipt of the Roads Asset Management Plan – June 2023.
- b) Support the development of a Network of Road Hierarchy, defining road categorisation to guide strategic decision-making.
- c) Support the development of a 10-year road works program, outlining schedules for maintenance and capital works.

Moved: Cr K Dayman  
 Seconded: Cr RE O'Connell

**CARRIED**

### **IN BRIEF**

In compliance with the Office of the Auditor General (OAG) request, the Council is mandated to develop a comprehensive suite of Asset Management Plans covering all assets within its jurisdiction, spanning roads, infrastructure, land, and buildings. This all-encompassing strategy aims to provide an in-depth insight into the Council's asset portfolio, fostering effective management and adhering to financial governance best practices.

The inaugural plan in this suite is the Roads Asset Management Plan, strategically designed to be a guiding tool for decision-making, efficient resource allocation, and the promotion of the Council's assets' long-term sustainability.

This report will delve into the methodology and findings derived from the Roads Asset Management Plan. It will provide an overview of current activities in progress and outline future financial considerations. These considerations are essential to strategically plan for sustaining an effective road network that caters to the needs of the community.



## **BACKGROUND**

The Shire of Nungarin has undertaken an infrastructure asset valuation, focusing on its roads and other road infrastructure assets. This valuation aligns with AASB 13 Fair Value Measurement, necessitating the valuation to be grounded in market-based measurements. To facilitate this process, the RAMM Asset Management System is employed for data management, alongside a road condition survey to evaluate the condition of the assets. Key components of the valuation include determining treatment lengths, replacement costs, depreciated replacement costs, and annual as well as cumulative depreciation. Parameters considered encompass total useful lives, standard unit replacement cost rates, overheads, residual value, and the date of valuation. The report provides an exhaustive overview of the valuation methodology, accompanied by appendices offering detailed breakdowns of roads and other infrastructure components. Refer to the attached to assess this breakdown.

In the assessment of replacement costs and depreciation, several pivotal factors are taken into account. These include treatment lengths, standard unit replacement cost rates, overheads, residual value, and the date of valuation. These parameters play a crucial role in calculating annual and cumulative depreciation, ensuring compliance with AASB 13 Fair Value Measurement.

## **REPORT DETAIL**

### **ROAD ASSESSMENT**

The road sections surveyed are categorised as follows:

- a) Unsealed Roads: 380 km
- b) Sealed Roads: 130 km

The field survey adhered to the WALGA Road Visual Condition Assessment Manual – Version 1 – 2016. Data collected from this survey, combined with provided works information, has been utilised to update the data in RAMM.

It is noteworthy that ARRB assessed more significant roads in December 2022 using specialist monitoring equipment. The roads surveyed by ARRB for the Shire include Chandler Road, Chandler - Merredin Road, Cornish Road, Danberrin Road, English Road, Koorda - Bullfinch Road, Merredin - Knungajin Road, Nungarin North Road, and Quantacutting - Weira Road, each covering specific sections, either sealed or unsealed.

## **FINANCIALS**

The financial highlights of the report encompass:

**1. Valuation Methodology:** An elucidation of the methodology employed for valuing infrastructure assets, adhering to market-based measurements in accordance with AASB 13 Fair Value Measurement.

**2. Replacement Costs:** Information detailing the determination of replacement costs, factoring in treatment lengths, standard unit replacement cost rates, overheads, and residual value.

**3. Depreciation:** Calculations pertaining to annual and cumulative depreciation, critical in establishing the current value of assets and assessing their condition over time.

**4. Asset Condition Assessment:** Discussion of the road condition survey's role in assessing asset condition, a vital factor in determining depreciation and overall value.

**5. Data Management:** Emphasis on the use of the RAMM Asset Management System for efficient data management, contributing to the accuracy of the valuation process.

As of 30 June 2023

**Shire of Nungarin**  
2022/23 Yr Roads & Non Roads Infrastructure Evaluation Summary

Asset Type	Component	Replacement Cost (\$)	Fair Value (\$)	Annual Depreciation (\$)	Accumulated Depreciation (\$)	Quantity
Roads	Subgrade Structure	\$15,905,870	\$15,905,870	\$0	\$0	502 (km)
	Pavement Structure	\$28,344,423	\$10,024,428	\$496,810	\$18,319,995	456 (km)
	Surface Structure	\$5,486,566	\$2,587,984	\$397,898	\$2,898,582	130 (km)
Signs	Signs	\$223,438	\$158,283	\$14,891	\$65,155	669 (ea)
Drainage	Culverts	\$4,612,580	\$2,821,832	\$51,350	\$1,790,748	652 (ea)
Footpaths	Footpath	\$647,866	\$156,390	\$14,962	\$491,476	4.3 (km)
SW Channel	Table Drain (Shallow)	\$2,723,725	\$1,457,142	\$158,323	\$1,266,583	987 (km)
	Open Drain (Excavated)	\$1,075,296	\$501,805	\$71,686	\$573,491	390 (km)
	Kerbing	\$220,704	\$154,702	\$2,880	\$66,002	5.8 (km)
	Underground Pipe	\$248,000	\$141,360	\$2,480	\$106,640	0.8 (km)
<b>Grand Total</b>		<b>\$59,488,469</b>	<b>\$33,909,795</b>	<b>\$1,211,279</b>	<b>\$25,578,674</b>	

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

<b>Focus Area</b>	
<b>Aspiration</b>	
<b>Objective</b>	

### OTHER STRATEGIC LINKS

The Works Manager is currently in the initial phases of formulating a comprehensive ten-year plan for roads. This plan will necessitate the Council to establish a hierarchy within its network, outlining the prioritisation for remedial works throughout the specified period. It is acknowledged that certain roads may receive minimal attention, limited to emergency repairs.

In a promising development, the Federal Government has recently declared a commitment of \$1 billion in funding for Local Governments nationwide, specifically earmarked for regional roads. While the precise details of the distribution remain undisclosed, it is anticipated that Nungarin will benefit significantly, receiving a substantial contribution.

Adding to the positive outlook, the impending Federal election in the first half of 2025 raises the likelihood of grants being allocated for various projects during the 2024/2025 financial year. This potential influx of funds could play a pivotal role in advancing critical initiatives within the community.

### **STATUTORY ENVIRONMENT**

Regulation 17A(4)(b) of the Financial Management Regulations requires a local government to revalue its revalued assets when it is of the opinion that the fair value is likely to be materially different to the carrying amount.

### **SUSTAINABILITY AND RISK CONSIDERATIONS**

#### **Economic**

The annual depreciation of \$1.2 million for road assets underscores the significance of prioritising road projects based on the road hierarchy. This prioritisation ensures that allocated funds deliver optimal value for the community.

Furthermore, during deliberations for the 23/24 Financial Year, Council may explore the establishment of a dedicated 'Road Infrastructure' reserve. This proactive measure aims to quarantine funds, strategically programming them to contribute to major capital road works outlined in alignment with the 10-year road works plan. Such a reserve would enhance fiscal planning and support the effective implementation of planned infrastructure projects.

#### **Social**

Social matters have not been taken into account as part of this council report.

#### **Policy Implications**

Policy matters have not been taken into account as part of this council report.

#### **Risk Management Implications**

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

### **CONSULTATION**

Community consultation is not deemed necessary for inclusion in this council report.

### **RESOURCE IMPLICATIONS**

#### **Financial**

Financial considerations have not been incorporated into the council resolution, indicating that this report does not have any direct implications in terms of financial matters.

## Workforce

Workforce considerations have not been incorporated into the council resolution; however, adoption of the 10-year roads works program will provide specific details around workforce resourcing.

<b>8.6 MEMORIAL HALL LEASE</b>	
<b>File Ref:</b>	4.15.3
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil Choose an item.
<b>Author and Title:</b>	Crystal Pearce Manager of Corporate Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority / Absolute Majority
<b>Attachment Number</b>	8.6A – Electrical Safety Certificate

### COUNCIL RESOLUTION 110/12/23

That Council Resolves to:

1. Renew the tenancy agreement for twelve (12) months upon an arrangement being reached regarding the outstanding payments.
2. Authorise the Chief Executive Officer to commence negotiations on behalf of council regarding outstanding payments.

Moved: Cr W Lee  
 Seconded: Cr K Dayman

**CARRIED**

### IN BRIEF

The tenancy agreement for Lot 168 Railway Avenue (Memorial Hall) has expired and there are outstanding service charges.

### BACKGROUND

The Shire has issued a tenancy agreement to Natalie Jane Veal for the use of Lot 168 Railway Avenue, the tenancy agreement has now expired and the Shire is seeking council direction with regards to the future of this lease. Further to this, the Shire has outstanding service charges relating to the use of the leased premise and the Shire will consider options on how to recover service charges from tenant.

Current lease was for a period of six (6) months being executed on 24<sup>th</sup> March 2022, this expired in September 2022.

In order for a new lease to be executed, council is asked to consider how to resolve outstanding service charges. Without a resolution to this effect it is recommended that the Shire does not enter into a new lease arrangement.

## **REPORT**

This report centres on the expired tenancy agreement for Lot 168 Railway Avenue (Memorial Hall) and addresses the need to determine a resolution for outstanding service charges owed by the tenant, Natalie Jane Veal. The primary proposal emphasises that if the tenant agrees to settle the outstanding service charges, the Council should positively consider entering into a new lease arrangement.

### **1. Tenancy Agreement Conclusion and Future Direction:**

The initial six-month lease issued to Natalie Jane Veal on 24th March 2022, for the use of Lot 168 Railway Avenue, has now expired as of September 2022. The Shire seeks council direction on the future of this lease, outlining the decisions that influence the outcome relating to the outstanding service charges.

### **2. Electricity Metering Issue Clarification:**

#### **Dispute and Examination:**

A dispute emerged regarding electricity charges raised by the tenant, alleging excess consumption. The Shire conducted a comprehensive examination, leading to a validated acknowledgement of the tenant's concerns. It was determined that the Shire's water pump was drawing power from Lot 168 Railway Avenue.

#### **Corrective Measures:**

As a corrective measure, the Shire engaged an electrical contractor to install a submeter on the main switchboard in January 2023. This submeter specifically isolates and measures the electricity consumption of the Shire's water pump, the focal point of the dispute.

#### **Billing Discrepancy Resolution:**

The submeter revealed that the Shire's water pump averages 98.9 KW per quarter. In response, a reduction of \$304.64 was applied to rectify the billing discrepancy, ensuring accuracy in measuring energy consumption.

Electricity charges from the period of October 2022 – March 2023 with an amount of \$984.42 have not been forwarded on to the tenant during the dispute period. Due to the generosity of council during this time, there should not be a need to apply any further reductions to the electricity account.

#### **Validation through Electrical Safety Certificate:**

To further validate the accuracy of the submeter, the Shire enlisted the services of an electrical contractor, who provided an electrical safety certificate. This certificate formally assures that the submeter is connected solely to the water pump, assuring precision in tracking energy consumption.

**3. Outstanding Service Charges Resolution:**

The outstanding service charges amount to \$3,768.99, necessitating a resolution. For transparency, the charges are itemised in the table below. The Shire presents three options for council to consider, enabling the tenant to make repayment:

Transaction Description	Date	Amount
Rent for Memorial Hall, August 2023	August 2023	\$220.00
Rent for Memorial Hall, February 2023 – June 2023	February-June, 2023	\$1,100.00
Rent for Memorial Hall, October 2023	October 2023	\$220.00
Rent for Memorial Hall, November 2023	November 2023	\$220.00
Rent for Memorial Hall, December 2023	December 2023	\$220.00
Electricity Charges 05/04/23 – 07/06/23	April-June, 2023	\$605.46
Electricity Charges 08/06/23 – 04/08/23	June-August, 2023	\$766.47
Electricity Charges 05/08/23 – 03/10/23	August-October, 2023	\$417.06
<b>Total owing</b>		<b>\$3,768.99</b>

**Option 1: Full Payment:**

The Shire's preferred arrangement is for the tenant to pay all service charges in full, offering the simplest resolution administratively.

**Option 2: Repayment Agreement:**

If the tenant is unable to make a full payment, Option 2 proposes a repayment agreement for a term not exceeding 12 months. This option requires a signed payment agreement between both parties and a clause stating that failure to fulfil repayment obligations may result in the termination of the lease.

6 months	
Fortnightly	12 x payments \$314.08
Monthly	6 x payments \$628.17

12 months	
Fortnightly	24 x payments \$157.04
Monthly	12 x payments \$314.08

**Option 3: Write-off Consideration:**

While Option 3 allows the Council to write off service charges, it is strongly discouraged due to potential financial difficulties and the establishment of an undesirable precedent.

*A previous council resolution made is as follows*

**Council Resolution 6916/12/22**

1. **Authorise the Chief Executive Officer to enter into a three (3) year lease with the ability to extend the lease for a further three (3) years of the Memorial Hall to Ms. Natalie Veal (Lessee) for the purpose of an Artist Studio including conducting classes and serving light meals. Subject to:**
  - a. **Compliance with a3.58 of the Local Government Act 1995;**
  - b. **A monthly rental fee of \$220 (INC GST) per month, payable on the first of each month in advance;**
  - c. **The rental fee is increased annually by CPI for the duration of the lease;**
  - d. **Prior to the commencement of any works (internal & external) the approval of Council is to be obtained in writing.**
  - e. **The Shire will cover the power bill received after the 7<sup>th</sup> December 2022.**

**4. Recommendation and Future Steps:**

Subject to the tenant agreeing to repayment terms, it is recommended that the Council issue a new lease arrangement, mirroring previous leasing conditions. The proposed term spans 12–36 months, with an annual CPI increase, or no greater than 10%. Failure to achieve an amicable solution may necessitate issuing a notice to vacate the premise and seeking recovery of outstanding service charges through small claims court.

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

<b>Focus Area</b>	Community and Economy
<b>Community Priority</b>	Economic Partnerships
<b>Objective</b>	Economic and community growth achieved through community partnerships

**OTHER STRATEGIC LINKS**

nil

**STATUTORY ENVIRONMENT**

nil

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic – Impact on the Economy of the Shire and Community**

Economic development is a major concern and should be supported and encouraged wherever possible. It is officer’s opinion, Council has assisted the tenant to get the business off the ground, by initially providing three (3) month’s rent free and a period of no electricity charges during the time of deliberation.

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

The additional activity of art services brought into the town has been beneficial for the community

**Policy Implications**

nil

**Risk Management Implications**

Risk Level	Comment
High	Not leasing the building would have some detrimental impact on the main street activation, however, a continued subsidising of private commercial businesses could have financial impact on Council.

**CONSULTATION**

nil

**RESOURCE IMPLICATIONS**

**Financial**

The current cost to council to maintain the building for the 2023/24 FNY are as follows:

- Insurance                 \$2,328 (This would be paid regardless of a tenant and as such should not be factored in.
- Pest Control             \$400 (This would be paid regardless)
- Fire Equipment         \$300
- Maintenance            \$3,000 (Varies from year to year)
- A/C Installation         \$8,200 (To reduce costs on repairs and maintenance to current system)
- Expenditure             \$11,500 (2023/2024)
- Income                    \$2,640 / annum

**Workforce**

nil

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<b>8.7 WRITE OFF RATES LOT 128 (112) BENSON AVENUE NUNGARIN</b>	
<b>File Ref:</b>	A1073
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil Choose an item.
<b>Author and Title:</b>	Crystal Pearce, Manager Corporate Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	Nil

### **COUNCIL RESOLUTION 111/12/23**

**That Council Resolves to:**

- 2. Write off \$27,214.98 of outstanding rates debts on Lot 128 (112) Benson Avenue Nungarin, in accordance with section 6.12 of the *Local Government Act 1995*.**

**Moved: Cr M Caughey**

**Seconded: Cr A Eksanow**

**CARRIED BY ABSOLUTE MAJORITY**

### **IN BRIEF**

Council is requested to consider writing off debts for a property that has since been sold to recover the unpaid rates debt.

### **BACKGROUND**

The Shire successfully completed the process of debt recovery for Lot 128 (112) Benson Avenue Nungarin due to default in rates payments and proceeded with public auction for the sale of the property.

### **REPORT DETAIL**

The owner of the property is deceased and no other living relative connections could be established, as such the Shire commenced the process of property disposition in accordance with the *Local Government Act 1995*.

The property went to public auction on the 24<sup>th</sup> August 2022 and was purchased for the amount of \$20,000.

In order for the new owner's to be issued with a current rate notice Council is being asked for formally write off the outstanding debts relating to the previous owner.

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

<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 partnership and good governance

**OTHER STRATEGIC LINKS**

nil

**STATUTORY ENVIRONMENT**

- Local Government Act 1995 (LG Act):
  - S6.12 Power to defer, grant discounts, waive or write off debts.

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic –**

nil

**Social**

nil

**Policy Implications**

nil

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	Writing off the subject debt will not hold a significant risk to Council, nor will it create a precedence, as the property has been 'acquired' through the legal system and has been sold.

**CONSULTATION**

nil

## **RESOURCE IMPLICATIONS**

### **Financial**

The current outstanding rates of the property is \$27,214.98, the 2023/24 Annual Budget has taken into consideration the outstanding debts, the writing off of the debts will have no impact on the adopted budget.

### **Workforce**

nil

<b>8.8 WRITE OFF RATES LOT 40 (23) FIRST AVENUE NUNGARIN</b>	
<b>File Ref:</b>	A1015
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil Choose an item.
<b>Author and Title:</b>	Crystal Pearce, Manager Corporate Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	Nil

### **COUNCIL RESOLUTION 112/12/23**

**That Council Resolves to:**

- 3. Write off \$6,061.43 of outstanding rates debts on Lot 40 (23) First Avenue Nungarin, in accordance with section 6.12 of the *Local Government Act 1995*.**

**Moved: Cr RE O'Connell**

**Seconded: Cr G Coumbe**

**CARRIED BY ABSOLUTE MAJORITY**

### **IN BRIEF**

Council is requested to consider writing off debts for a property that has since been sold to recover the unpaid rates debt.

### **BACKGROUND**

The Shire successfully completed the process of debt recovery for Lot 40 (23) First Avenue Nungarin due to default in rates payments and proceeded with public auction for the sale of the property.

**REPORT DETAIL**

The owner of the property is deceased and no other living relative connections could be established, as such the Shire commenced the process of property disposition in accordance with the *Local Government Act 1995*.

The property went to public auction on the 24<sup>th</sup> August 2022 and was purchased for the amount of \$5000.

In order for the new owner’s to be issued with a current rate notice Council is being asked for formally write off the outstanding debts relating to the previous owner.

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

<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 partnership and good governance

**OTHER STRATEGIC LINKS**

nil

**STATUTORY ENVIRONMENT**

- Local Government Act 1995 (LG Act):
  - S6.12 Power to defer, grant discounts, waive or write off debts.

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic –**

nil

**Social**

nil

**Policy Implications**

nil

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	Writing off the subject debt will not hold a significant risk to Council, nor will it create a precedence, as the property has been ‘acquired’ through the legal system and has been sold.

**CONSULTATION**

nil

**RESOURCE IMPLICATIONS****Financial**

The current outstanding rates of the property is \$6061.43, the 2023/24 Annual Budget has taken into consideration the outstanding debts, the writing off of the debts will have no impact on the adopted budget.

**Workforce**

nil

**9. CORRESPONDENCE RECEIVED**

9.1 Great Eastern Country Zone meeting minutes (attachment 9.1A)

9.2 Water Corporation presentation (attachment 9.2A)

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

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

**11. CONFIDENTIAL ITEMS OF BUSINESS****COUNCIL RESOLUTION 113/12/23**

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 5:35pm.

Moved: Cr RE O'Connell

Seconded: Cr G Coumbe

**CARRIED /****11.1 CONFIDENTIAL - M40 MAINTENANCE**

<b>File Ref:</b>	
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	
<b>Author and Title:</b>	Ric Halse Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	11.1A

<b>11.2 CONFIDENTIAL - CITIZEN OF THE YEAR AWARDS 2024</b>	
<b>File Ref:</b>	
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	
<b>Author and Title:</b>	Ric Halse Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority / Absolute Majority
<b>Attachment Number</b>	11.2A 11.2B 11.2C

**COUNCIL RESOLUTION 116/12/23**

That Council Resolves to:

- Proceed with the meeting on public, the time being 5:54pm.

Moved: Cr RE O'Connell  
 Seconded: Cr G Coumbe

**CARRIED /**

**12. CLOSURE**

The being no further business the meeting closed at 5:54pm

  
 Presiding Member

21.2.24  
 Date

