

14 June 2024

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 **19 June 2024 at 4.30 pm** to consider and resolve the matters set out in the attached agenda.

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- ii. Statements or decisions made at Council or Forum meetings regarding applications for approvals or licenses are not in themselves effective approvals and should not be relied upon as such.
- iii. Individuals or entities with applications before the Shire must rely solely on written notifications of the Shire's decisions and any associated conditions, rather than on verbal statements or actions at meetings.
- iv. Advice provided by Shire employees about legal operations or functions is based on their knowledge and ability and does not constitute legal advice. For legal matters or official Shire representations, advice should be formally requested in writing.
- v. The order of business allows for a Public Question time at the beginning of the meeting.
- vi. 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.
The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

David Nayda
Temporary Chief Executive Officer

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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 A Eksanow
Elected Member	Cr W Lee
Elected Member	Cr M Caughey

Council Officers

Temporary Chief Executive Officer	Mr D Nayda
Acting Manager Works & Services	Mr D Dhu
Manager of Corporate Services	Ms C Pearce

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

Public Question Time allows individuals to ask questions relevant to Council business during Council meetings. Questions must be submitted in writing 48 hours before the meeting, directed to the President, and pertain to agenda items for Ordinary or Special Council Meetings. The public cannot interrupt or engage in discussions post-Question Time. The Presiding Member oversees the session, requiring individuals to state their name, address, and relevant agenda item number before speaking. Generally, individuals have two minutes to ask their questions, though this time can be adjusted by the Presiding Member.

a) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

b) PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

a) FINANCIAL AND PROXIMITY INTEREST

b) DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

6. ANNOUNCEMENT BY THE PRESIDING MEMBER

Leave blank for Presiding Member.

7. PREVIOUS MEETING MINUTES

a) ORDINARY COUNCIL MEETING – 15 May 2024

[OCM Minutes – 15th May 2024](#)

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That the Minutes of the Ordinary Council Meeting held on 15 May 2024 be confirmed as being a true and accurate record.

b) AUDIT AND FINANCE COMMITTEE MEETING – 20 March 2024

[FACM Minutes – 20 March 2024](#)

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council:

- 1. Acknowledge the Minutes of the Finance and Audit Committee Meeting held on 20 March 2024 be confirmed as being a true and accurate record.**
- 2. Receive the recommendations for the OAG Auditors Report and Management Letter.**
- 3. Adopt the Audited Annual Financial Report for the year ended 30 June 2023.**

c) SPECIAL COUNCIL MEETING MINUTES (CONFIDENTIAL ITEM) – 23 May 2024

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council:

Accepts the Confidential Minutes of the Special Council Meeting held on 23 May 2024 at 12:00pm.

8. OFFICER REPORTS

8.1 LISTING OF PAYMENTS FOR THE MONTH OF MAY 2024	
File Ref:	NA
Previous Items:	Nil
Responsible Officer:	David Nayda, Temporary Chief Executive Officer
Author and Title:	Crystal Pearce, Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	<u>8.1A – Payment listing May 2024</u>

OFFICER RECOMMENDATION	
Moved:	.....
Seconded:	.....

<p>That Council in relation to the Payment Listing for May 2024, resolves to formally accept and acknowledge the contents of the report. The following payments were outgoing throughout May 2024</p>	
Municipal:	
<ul style="list-style-type: none"> • EFT: \$259,014.51 • Cheque: \$0.00 • Direct Debit: \$29,856.93 • Credit Card: \$1,209.66 	
Trust:	
<ul style="list-style-type: none"> • Cheque: \$0.00 	
<ul style="list-style-type: none"> • Grand Total: \$578,952.54 	

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal, Trust and Credit Card funds throughout the month of May 2024.

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

Focus Area	Our organisation
Aspiration	Effective forward planning and engagement with our community
Objective	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 for each account which requires council authorisation in that month (i) the payee’s name;
 - i. the amount of the payment; and
 - ii. sufficient information to identify the transaction.
 - iii. 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
 - b) prepared; and

c) 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

8.2 MONTHLY FINANCIAL REPORT MAY 2024	
File Ref:	NA
Previous Items:	Nil
Responsible Officer:	David Nayda - Temporary Chief Executive Officer
Author and Title:	Darren Long Consultant
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	<u>8.2A – Monthly Financial Report May 2024</u>

OFFICER RECOMMENDATION	
Moved:	.....
Seconded:	.....

That Council Resolves to:	
The Council, regarding the Monthly Financial Report for May 2024, resolves to formally accept and acknowledge the contents of the report.	

IN BRIEF

For Council to consider the monthly financial report for the period ending 31 May 2024.

SUMMARY AND KEY ISSUES

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

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.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Our organisation
Aspiration	Effective forward planning, and engagement with the community
Objective	We deliver sound financial and asset management

OTHER STRATEGIC LINKS

There are no Strategic Plan implications evident at this time.

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: Monthly Statement of Financial Activity

1. **Preparation of Monthly Statements:** A local government must prepare a monthly statement of financial activity. This statement reports on the sources and applications of funds as outlined in the annual budget under regulation 22(1)(d). The statement must include the following details for the month:
 - a) **Annual Budget Estimates:** Includes any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c).
 - b) **Budget Estimates to End of Month:** Estimates up to the end of the month to which the statement relates.
 - c) **Actual Amounts:** Details actual expenditure, revenue, and income up to the end of the month.
 - d) **Material Variances:** Highlights significant differences between the budget estimates and actual amounts.
 - e) **Net Current Assets:** Reports the net current assets at the end of the month.
2. **Subsequent Regulations (Sub-regulations 2, 3, 4, 5, and 6):** These sub-regulations prescribe additional details that must be included in the monthly statement of financial activity.

OFFICER COMMENT

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
- 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 May 2024 shows a closing surplus of \$1,066,644.00.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

No economic risks to report.

Social

No social risks to report.

Policy Implications

No policy risks to report.

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Financial Consultant – Darren Long.

RESOURCE IMPLICATIONS

Financial

No financial implications to report.

Workforce

No workforce implications to report.

8.3 INVESTMENT REPORT AS AT 31 MAY 2024	
File Ref:	Nil
Previous Items:	Nil
Responsible Officer:	Crystal Pearce, Manager Corporate Services
Author and Title:	Crystal Pearce, Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	Nil

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council in relation to the Investment Report for the period 31 May 2024, resolves to acknowledge receipt of this report.

IN BRIEF

For Council to receive the investment Report as at 31 May 2024.

BACKGROUND

Money held in the Municipal Fund of the Shire of Nungarin that is not required for the time being may be invested in accordance with the *Local Government Act 1995* and the *Trustees Act 1962* Part III.

REPORT DETAIL

The table below details the investments held by the Shire as at 31 May 2024. Investment funds from the Municipal account ending in 1074 reached maturity at 04 March 2024. These funds and accumulated interest have since been transferred back into the associated bank account.

INVESTMENT REGISTER						
1 MAY 2024 TO 31 APRIL 2024						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT N°	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNT TO 31.05.2024	INVESTMENT TRANSFERS	CLOSING BALANCE 31.05.2024
38132004	03/06/2024	4.99%	\$860,204.92	\$0.00	\$0.00	\$860,204.92

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

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

OTHER STRATEGIC LINKS

No Strategic Plan implications

STATUTORY ENVIRONMENT

Local Government Act 1995

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and
 - (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —
authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959 (Commonwealth)* section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

Nil

Social -

Nil

Policy Implications

Council Policy 3.07 applies to the investment of surplus funds.

Risk Management Implications

Risk Level	Comment
Low	

CONSULTATION

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

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

8.4 ELECTED MEMBERS ALLOWANCES AND MEETING ATTENDANCE FEES	
File Ref:	
Previous Items:	Nil
Responsible Officer:	David Nayda, Temporary Chief Executive Officer
Author and Title:	David Nayda, Temporary Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	8.4A – Policy GEM 2 Councillors Fees, Allowances and Reimbursements 8.4B – Local Government CEO and Elected Members Determination No 1 of 2024

OFFICER RECOMMENDATION													
Moved:												
Seconded:												
												
That Council resolves to:													
Approve the following meeting attendance fees and allowances per Elected Member for the 2024/2025 financial year.													
<table> <tbody> <tr> <td>a) Presidents annual allowance</td> <td style="text-align: right;">\$11000</td> </tr> <tr> <td>b) Presidents Council meeting attendance fee</td> <td style="text-align: right;">\$10000</td> </tr> <tr> <td>c) Deputy Presidents annual allowance</td> <td style="text-align: right;">\$2750</td> </tr> <tr> <td>d) Elected Members Council meeting attendance fee</td> <td style="text-align: right;">\$4000</td> </tr> <tr> <td>e) Elected Members annual ICT allowance</td> <td style="text-align: right;">\$1,440</td> </tr> <tr> <td>f) Travel allowance as per Council Policy GEM 2 – Council Members Fees, Allowances and Reimbursement of Expenses.</td> <td></td> </tr> </tbody> </table>		a) Presidents annual allowance	\$11000	b) Presidents Council meeting attendance fee	\$10000	c) Deputy Presidents annual allowance	\$2750	d) Elected Members Council meeting attendance fee	\$4000	e) Elected Members annual ICT allowance	\$1,440	f) Travel allowance as per Council Policy GEM 2 – Council Members Fees, Allowances and Reimbursement of Expenses.	
a) Presidents annual allowance	\$11000												
b) Presidents Council meeting attendance fee	\$10000												
c) Deputy Presidents annual allowance	\$2750												
d) Elected Members Council meeting attendance fee	\$4000												
e) Elected Members annual ICT allowance	\$1,440												
f) Travel allowance as per Council Policy GEM 2 – Council Members Fees, Allowances and Reimbursement of Expenses.													

IN BRIEF

Council is requested to consider and set the Elected Members Sitting Fees and Allowances which are to be incorporated into the 2024/25 Financial Budget.

BACKGROUND

The Salary and Allowances Tribunal (hereafter referred to as the Tribunal) through the Salaries and Allowance Act 1975 determine the minimum and maximum salaries and allowances for local government Chief Executive Officers and Elected Members. On 26th March 2024, the Tribunal determined that remuneration, fees and annual allowance ranges provided to Chief Executive Officers and Elected Members be increased by 4%.

The increase was considered to be appropriate within the wider framework of senior public offices and the current economic climate

Elected members are provided these fees and allowances to recognise the commitment of their time and to ensure they are not out of pocket for expenses properly incurred in the fulfilment of their duties. The Tribunal's original 2013 determination stated that "*fees and allowances provided to elected members are not intended to be full time salaries for members*". The Tribunal continues to recognise the degree of voluntary community service in the role of elected members.

REPORT DETAIL

President and Deputy President Allowances:

Currently the Shire President Allowance is \$6,000 and the Deputy Shire President Allowance is \$1,500. In terms of table 10 of the *Salaries and Allowances Act 1975*, the Shire President should be paid a minimum allowance of \$556 and a maximum of \$21,710.

To reflect the additional work required by the Shire president which includes weekly meetings with the Chief Executive Officer, it is recommended the current allowance be increased to \$11,000. This is still well below the maximum determined by the Salaries and Allowances Tribunal.

With regard to the Deputy Shire President, s5.98A of the *Local Government Act 1995* gives a local government the ability to decide to pay the Deputy Shire President an allowance of up to a percentage determined by the Salaries and Allowances Tribunal. In terms of s7.3(1) of the *Salaries and Allowances Act 1975*, this percentage has been determined to be up to 25% of the Shire Presidents allowance. As such it is recommended to increase the Deputy Shire Presidents Allowance from the current \$1,500 to \$2,750 being 25% of the Shire Presidents recommended allowance.

Elected Members Meeting Fees:

In terms of the *Salaries and Allowances Act 1975* the Shire of Nungarin is listed as a band 4 local government. There are two (2) options of payment available to Elected Members, payment per meeting or annual meeting attendance fees.

Council currently utilises the option of fees per meeting, in terms of table 4 of the *Salaries and Allowances Act 1975*, a band 4 local government should pay between \$99 (minimum) and \$260 (maximum) to a council member other than the president to attend Council meetings. Currently elected members are paid \$200 per meeting. In terms of the same table (table 4) the president should be paid between \$99 (minimum) and \$530 (maximum) to attend Council meetings. Currently the president is paid \$240 per meeting.

In addition to attending Council meetings, elected members also attend numerous committee meetings, as a representative of Council. Using the current payment

system, table 6 of the *Salaries and Allowances Act 1975*, indicates the minimum payment for elected members including the Shire President and Deputy Shire President should be \$52 and a maximum of \$130 per committee meeting. However, it should be considered Elected Members attend a number of meetings where they may not be directly representing Council but would be of interest to Council. These meetings are attended without the ability for Elected Members to claim payment or out of pocket costs.

Although the role of Elected Members is very much a voluntary role it should not result in a financial loss to the Elected Member. Taking the above into consideration, as well as the potential loss of income incurred by Elected Members due to the attendance of Council and Committee meetings as well as various other Council functions it is recommended Council move from the current payment option to an annual payment option for the attendance of all meetings related to Council business.

Should Council resolve to move to an annual payment system, table 8 of the *Salaries and Allowances Act 1975*, will apply. Table 8 indicates the minimum annual payment for an Elected Member should be \$3,884 and the maximum \$10,286 and for the President a minimum of \$3,884 and a maximum of \$21,138.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- Local Government Act 1995
- Local Government (Administration) Regulations 1996
- *Salaries and Allowances Act 1975*

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	Although Elected Members position are largely considered to be voluntary it is imperative to ensure Elected Members are not left out of pocket as a result of being on Council. This could result in a situation where nobody in the community is willing to become an

	Elected Member which could have a significant negative impact on the operations of the Shire.
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CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Should the recommendation be approved, the required funds will be incorporated in the 2024/25 financial budget.

Workforce

Nil.

8.5 ANNUAL REPORT FOR 2022/23 AND ANNUAL ELECTORS MEETING	
File Ref:	3.13 & 11.4.1
Previous Items:	Nil
Responsible Officer:	David Nayda, Temporary Chief Executive Officer
Author and Title:	David Nayda, Temporary Chief Executive Officer Darren Long, Financial Consultant
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	8.5A – 2022/23 Annual Report

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council Resolves to:

- 1. Adopt the Annual Report including the Audited Financial Statements and Auditors Report for the year ending 30 June 2023.**
- 2. Endorse the content of the “Report Detail” in the agenda item as the Shire of Nungarin’s report to the Minister.**
- 3. Advertise an Electors’ General Meeting to be held on the 17th July 2024 at 2:30pm**

IN BRIEF

Council is requested to consider and adopt the Shire of Nungarin Annual Report for the 2022/23 financial year. Council is also being tasked to consider advertising an Annual Electors meeting to be held on Wednesday 17th July 2024 at 2:30pm.

BACKGROUND

In accordance with the *Local Government Act 1995*, local governments are required to accept the annual report by absolute majority no later than 31 December after the relevant financial year. However, due to significant executive staffing changes during the financial year, the annual report has only now been completed.

Further, a general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year. In this regard it is recommended the Electors’ General Meeting be held on 17th July 2024 to ensure compliance with the *Local Government Act 1995*.

REPORT DETAIL

The Shire of Nungarin’s Annual Report is an account of the Shire’s activities throughout the 2022/23 financial year which highlights the progression and achievements towards the strategic objectives detailed in Council’s Strategic Community Plan.

The annual report which includes the 2022/23 annual financial report and auditors report once adopted will be available on Councils website as well as at the Administration Office for public viewing. Copies will be provided to ratepayers and community members upon request.

The OAG appointed Dry / Kirkness who completed the audit on behalf of the OAG.

Details of management issues, suggestions etc. are contained within a separate management report and are addressed on an ongoing basis. A copy of the 2022/23 Annual Financial Statements can be found at **Attachment 8.5A**.

Following adoption of the Annual Report, the Annual Financial Statements and the official audit report the document will be presented to the Electors at the Annual General Electors meeting. It is also a requirement that a copy of the audit report and Financial Statements be forwarded to the Dept. of Local Government.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

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

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and

- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
 - (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Local Government (Administration) Regulations 1996

15. Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

Local Government Act 1995

7.9 Requires the Auditor to examine the accounts and annual financial report by 31 December following the end of the financial year. The Office of the Auditor General has not complied with this requirement.

7.12A Sets out the requirements for local governments in respect to audits. This includes the need to prepare a report to the Minister within 3 months of receiving the audit report if the auditor identifies any items it considers significant.

Local Government (Audit) Regulations 1996

10. Requires the audit report to be forwarded to the Audit Committee within 30 days of completing the audit.

16. Describes the functions of the audit committee.

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The Annual Report demonstrates to the community sound management of the Shire's resources during the 2022/23 financial year.

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

The Annual Report outlines achievements that demonstrate the Shire's commitment to improving the quality of life in the community.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
High	Council is required to prepare and accept an annual report at the conclusion of each financial year which is then publicised to the community. Council risks not being compliant with the <i>Local Government Act 1995</i> and Regulations requirements. There is also a reputational factor where Council could fail to communicate to the community in a transparent and accountable way.

CONSULTATION

Throughout the preparation of the Annual Financial Report the Shire's Auditors Dry / Kirkness consulted the Shires' Financial Consultant Darren Long, as well as Shire staff.

In November 2024 the Auditors together with the Auditor Generals' Office had an exit meeting to present the Annual financial Report.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

End

8.6 WA Local Government Convention 2024

File Ref:	
Previous Items:	Nil
Responsible Officer:	David Nayda Acting Chief Executive Officer
Author and Title:	David Nayda Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	Nil

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council Resolves to:

- 1. Approve Cr's..... and the Chief Executive Officer to attend the 2024 Western Australian Local Government Association (WALGA) – Local Government Convention and Exhibition to be held on the 8,9 and 10 October.**
- 2. Authorise Councillor(s).... To be the proxy delegate should one of the Councillors in (1) above not be able to attend the WALGA – Local Government Convention and Exhibition.**

IN BRIEF

Council is requested to consider which Elected Members will be attending the 2024 WALGA – Local Government Convention and Exhibition to be held in October.

This report recommends Council be represented at both the convention and Annual General Meeting by nominating delegates and proxies accordingly.

BACKGROUND

The 2024 WALGA Local Government Convention and Exhibition will be held at the Perth Convention and Exhibition Centre on Tuesday 8 October 2024 (Exhibition open and welcome drinks) Wednesday 9 October and Thursday 10 October.

During this convention, the Annual General Meeting is also normally held, however this is yet to be confirmed.

REPORT DETAIL

The theme for the 2024 convention is 'Innovation Ecosystem and will speak to the ability of WALGA and the sector to foster dynamic change within the fabric of WA through

collaboration, promotion and daring to think big. It will evoke new ideas, heightened passion for communities and facilitate connections for ongoing skills and ideas sharing within the sector.

It is common practice for the WALGA Annual General Meeting to also take place during the course of the convention, however, this has not yet been confirmed for this year. A separate report will be presented to Council to provide Council direction regarding the agenda recommendations of Annual General Meeting, once the agenda has been confirmed. There is a distinct benefit in attending the convention. It gives Councillors an opportunity to network with each other potentially over matters currently being experienced in their local government. This interaction is important in so many ways as it provides a forum for sharing ideas and experiences. In addition, the convention also allows delegates to raise concerns with high level government officials as well as political representative.

In previous years Shire of Nungarin has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee is \$2000, depending on involvement with member development programs.

Whilst it is often hard to quantify the benefit of attending conferences, the convention get together does provide the opportunity to view a range of vendors wares, speak with various representatives.

It also provides a good opportunity for delegates to network with each other potentially over matters currently being experienced in their local government. This interaction is important in so many ways as it provides a forum for sharing ideas and experiences and as such is more akin to training.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	The Convention program will enable delegates to gain information that will benefit local government, as will interaction with elected members from throughout Western Australia.
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

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Nil

Economic –

Nil

Social

Nil

Policy

GEM 2 Members Fees, Allowances and Reimbursements of Expenses; and Gem 7 Council Members Attendance at Events and Functions.

Risk Management Implications

Risk Level	Comment
Medium	Attendance at the Annual General Meeting will ensure the Shire remains informed of upcoming issues within local government

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The cost of attending the convention will be included in the 2024/25 budget preparations.

Workforce

Nil

8.7 WRITE OFF OUTSTANDING DEBT FOR MCCORRYS HOTEL	
File Ref:	4.17
Previous Items:	
Applicant:	Beryl Harmer
Responsible Officer:	David Nayda – Temporary Chief Executive Officer
Author and Title:	David Nayda – Temporary Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	8.7A – Request to waive outstanding debt

OFFICER RECOMMENDATION	
Moved:	.....
Seconded:	.....

That Council Resolves to:	
Write off the outstanding debt in accordance with section 6.12 of the Local Government Act 1995.	

IN BRIEF

Council is requested to consider writing off rental debt for debtor 6936 at McCorry’s Hotel due to painting work carried out by the Lessee. There was a verbal agreement made between the tenant and 2 x previous Chief Executive Officers.

BACKGROUND

In 2022 the Lessee put a proposal forward to the Chief Executive Officer at the time to paint 3 x rooms at McCorry’s Hotel in exchange for waiving rent for a period of 2 months. The painting works were carried out but the tenant did not receive a credit towards the debtor account.

In 2024, the Lessee proposed to the Chief Executive Officer to carry out further painting works in exchange for waiving rental arrears. Again, the Lessee did not receive further correspondence confirming the rental arrears had been waived.

On 6 June, the tenant sent correspondence as per attachment [8.7A – Request to waive outstanding debt](#) to have these outstanding issues resolved.

The current rental arrears requesting to be waived amount to \$1697.01.

REPORT DETAIL

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Civic Leadership
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Aspiration	A strong local democracy with an actively engaged community and effective partnership
Objective	Provide and maintain adequate community services and facilities that responds well to the needs of all ages and sectors of the community.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Section 6.12 – Power to defer, grant discounts, waive or write off debts.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Low	Writing off the subject debt will not hold a significant risk to Council. It will also not set a precedent due to changes made in the administrative practice now requiring all requests to be made in writing and recorded in the Shire's record keeping system for future reference.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

End

8.8 WRITE OFF RATES LOT 38 (19) FIRST AVENUE NUNGARIN	
File Ref:	A1062
Previous Items:	OCM Res 6860/07/22
Applicant:	Nil Choose an item.
Responsible Officer:	David Nayda, Temporary Chief Executive Officer
Author and Title:	Crystal Pearce, Manager of Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	8.8A - Transfer of Land Executed Documents 8.8B – Landgate Title Search

OFFICER RECOMMENDATION	
Moved:	.....
Seconded:	.....

That Council resolves to:	
Write off all outstanding rates debts on Lot 38 (19) First Avenue Nungarin, in accordance with section 6.12 of the <i>Local Government Act 1995</i>.	

IN BRIEF

Council is requested to consider writing off debts for a property that has since been obtained by the Shire of Nungarin from the executor of the estate due to unpaid rates.

BACKGROUND

In 2022 the Shire successfully completed the process of debt recovery for Lot 38 (19) First Avenue Nungarin due to default in rates payments.

REPORT DETAIL

The owner of the property is deceased, the executor of the estate did not challenge the outstanding rates and voluntarily handed the property over to Council.

According to Landgate, the date of execution was 13 December 2021, however the transfer of land documents for the property in mention were executed on 29 August 2022. Due to significant staffing changes officers are unaware of why there was a delay in the process. At the time of execution, the transfer was not carried out in the rating system and has continued accumulating debt.

In order for the officers to transfer the property to the Shire, the outstanding rates of \$29,127.07 are required to be written off.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- Local Government Act 1995 (LG Act):
 - o 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

Risk Level	Comment
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.

CONSULTATION

nil

RESOURCE IMPLICATIONS

Financial

The current outstanding rates of the property is \$29,127.07, 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

8.9 PROPOSED CHANGE TO POLICY F4 CORPORATE CREDIT CARD	
File Ref:	3.11
Previous Items:	Nil
Applicant:	Nil Choose an item.
Responsible Officer:	David Nayda, Temporary Chief Executive Officer
Author and Title:	Crystal Pearce, Manager of Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.9A - Draft Policy F4 Corporate Credit Card

OFFICER RECOMMENDATION	
Moved:	.....
Seconded:	.....

That Council resolves to:	
Amend Policy F4 Corporate Credit Card to allow the Manager of Corporate Services to have a corporate credit card.	

IN BRIEF

Council is requested to consider amending Policy F4 Corporate Credit Card to allow the Manager of Corporate Services to have a corporate credit card.

BACKGROUND

Policy F4 Corporate Credit Card currently authorises the Chief Executive Officer to hold a Corporate Credit Card.

REPORT DETAIL

There have recently been circumstances where there has been no available credit card for purchases due to no permanent Chief Executive Officer for lengthy periods of time. To prevent limitations on officer’s ability to perform financial transactions, having a second card available will reduce these limitations in the future and will provide more flexibility to the organisation for purchasing of goods and services

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

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

Objective	A Shire that prospers through partnership and good governance
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OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

nil

Social

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Medium	Significant auditing protocols are required to ensure compliant use of a corporate card with expenditures on the card being reflected on the monthly payment listed provided to Council.

CONSULTATION

nil

RESOURCE IMPLICATIONS

Financial

Purchases made with the credit card will be required to have a corresponding budget approval by Council through the Annual Financial Budget.

Workforce

Nil

8.10 PROPOSED STREETS ALIVE APPLICATION PROJECTS	
File Ref:	
Previous Items:	Nil
Applicant:	Tanya Stobie
Responsible Officer:	Crystal Pearce – Manager of Corporate Services
Author and Title:	Crystal Pearce – Manager of Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.10A – Street Alive Application Projects 8.10B – SOCK Road Sign

OFFICER RECOMMENDATION	
Moved:	.....
Seconded:	.....

That Council:	
	<ol style="list-style-type: none"> 1. Consider the proposed Streets Alive Project design and provide recommendations as per attachment 8.10A – Street Alive Application Projects; 2. Authorise the installation of a SOCK (Save our Country Kids) road sign as shown in attachment 8.10B – SOCK Road Sign along the Railway Avenue Road Reserve on the condition: <ol style="list-style-type: none"> (a) The maintenance of the sign will be the responsibility of the applicant.

IN BRIEF

Council is requested to consider the proposed Streets Alive Project designs provided by The Community Resource Centre.

BACKGROUND

Town Team Movement, in partnership with the State Government and WALGA have released their first round of funding for the Streets Alive Grant.

REPORT DETAIL

The Community Resource Centre is in the process of applying for a \$5000 grant for the first round of funding. The aim of this grant is to build the capability and capacity of local communities to deliver traffic calming and road safety initiatives in local streets and neighbourhoods.

The objective is to change attitudes and behaviours around speed to emphasise streets for people over cars and to improve safety of town centres and make them more vibrant and people-friendly.

The proposal aims to enhance the School Bus Pick-Up and Drop-Off Zone on Railway Avenue. Currently, the area lacks appropriate signage which poses a risk to students and drivers alike.

The design includes a large, eye-catching mural along the road. This mural will serve as both an artistic feature and a functional element. Positioned strategically as a crosswalk, the mural will encourage drivers to slow down as they approach the school zone. The vibrant colours and engaging design will capture attention, making the area more noticeable and safer for pedestrians.

To beautify the area and create a pleasant walking environment, there are proposed stand-alone raised garden beds. These beds will add greenery and visual appeal to the street. They will also act as a buffer between the road and the side walk enhancing safety.

The teardrop shaped banners will be strategically placed along the school zone and will serve as additional cues for drivers, signalling the presence of the bus stop and encouraging caution.

The Streets Alive designs shown in attachment [8.10A – Street Alive Application Projects](#) serves as an example and are not the final designs.

In addition to the above proposal, there is a request to install a brightly coloured SOCK (Save Our Country Kids) road sign as shown in attachment [8.10B – SOCK Road Sign](#), this is to be placed in the school zone area in the Railway Avenue road reserve to promote road safety and awareness. The sign measures 60cm's x 60cm's and will be reflective.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Civic Leadership
Aspiration	A strong local democracy with an actively engaged community and effective partnership
Objective	Provide and maintain adequate community services and facilities that responds well to the needs of all ages and sectors of the community.

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

To encourage and promote road safety and awareness in a highly sensitive school Pick-Up and Drop-Off Zone.

Social

nil

Policy Implications

nil

Risk Management Implications

Risk Level	Comment
Low	

CONSULTATION

Nungarin Community Resource Centre

RESOURCE IMPLICATIONS

Financial

nil

Workforce

Nil

End

8.11 TOTAL CONCEPT CABINET MAKERS	
File Ref:	
Previous Items:	Nil
Applicant:	Nick Malaspina
Author and Title:	David Nayda - Temporary Chief Executive Officer
Responsible Officer:	David Nayda - Temporary Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.11A – 38 Railway Avenue

<u>OFFICER RECOMMENDATION</u>	
Moved:	.....
Seconded:	.....

That Council Resolves to:	
<ol style="list-style-type: none"> 1. Consider the proposal from Total Concept Cabinetmaking to allow part of the shire foot path to be land scaped into garden beds as indicated on attachment 8.11A subject to: <ol style="list-style-type: none"> a. The applicant providing measurement specifications regarding width, length and height; b. The applicant bearing all costs associated with the placement of garden beds; c. The applicant will be responsible for all maintenance and upkeep of garden beds and plants and; d. The applicant will be responsible for damage to any infrastructure due to the placement of the garden beds. 	

IN BRIEF

The owner of Total Concept Cabinet Making, 38 railway Avenue, is seeking shire approval for a proposed garden expansion.

BACKGROUND

Total Concept Cabinet Making is a current operating business within the Shire of Nungarin. The current owner of the business has contacted the Shire, met with the previous CEO and together viewed the proposed area for garden bed expansion and subsequently the owner has submitted plans for consideration.

REPORT DETAIL

The owner is wanting to place two garden beds outside of the property boundary line, this will require works to be completed on part of the Shire's footpath on Railway Avenue and Mitchell Terrace.

The garden bed for Railway Avenue will be placed outside of a proposed fence line bordering the property's boundary line along the entire length of the frontage of the building and extending around the length of the right side of the building on Mitchell Terrace.

The applicant will supply the garden plants, rock mulch and install a relic line to the garden beds, install a path concrete step to finish and cut the foot path and accept any responsibility involved.

Native plants have been selected as indicated on attachment 8.11A and foot path planting will be a ground cover to avoid any visual issues with cars exiting Mitchell Terrace.

The applicant has also requested if they can plant the native plant 'Running Postman', as indicated in attachment 8.11A, in the Shire Garden on the corner of Railway Avenue and Mitchell Terrace and requested to dig a hole and add some native plant soil to help with the growing process.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Economic
Aspiration	A diverse business environment with equitable telecommunications and infrastructure. We are uniquely Nungarin in providing a memorable visitor experience.
Objective	Develop and maintain a prosperous local economy supported by an increased population and, new value adding industries

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Low	Not approving the landscaping of garden beds would not create any risk for the Shire, however, it could impact negatively on the activation of the main street.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

9. CORRESPONDENCE RECEIVED

nil

10. NEW BUSINESS OF AN URGENT NATURE

New business of an urgent nature approved by the Presiding Member

11. CONFIDENTIAL ITEMS OF BUSINESS

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council resolves to:

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

11.1 CONFIDENTIAL ITEM: RECRUITMENT OF CHIEF EXECUTIVE OFFICER

11.2 CONFIDENTIAL ITEM: APPOINTMENT OF TEMPORARY CHIEF EXECUTIVE OFFICER

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council resolves to:

Proceed with the meeting on public time being....pm

12. CLOSURE

The being no further business the meeting closed at {time}.

Presiding Member

Date