



# Agenda

## Ordinary Council Meeting

Wednesday 16<sup>th</sup> April 2025

Commencing at 5:00PM

To be held in the Council Chambers,  
Railway Avenue Nungarin



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**Date: 11 April 2025**

**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 16<sup>th</sup> of April 2025 at 5:00pm to consider and resolve the matters set out in the attached agenda.**

**Chief Executive Officer  
David Nayda**

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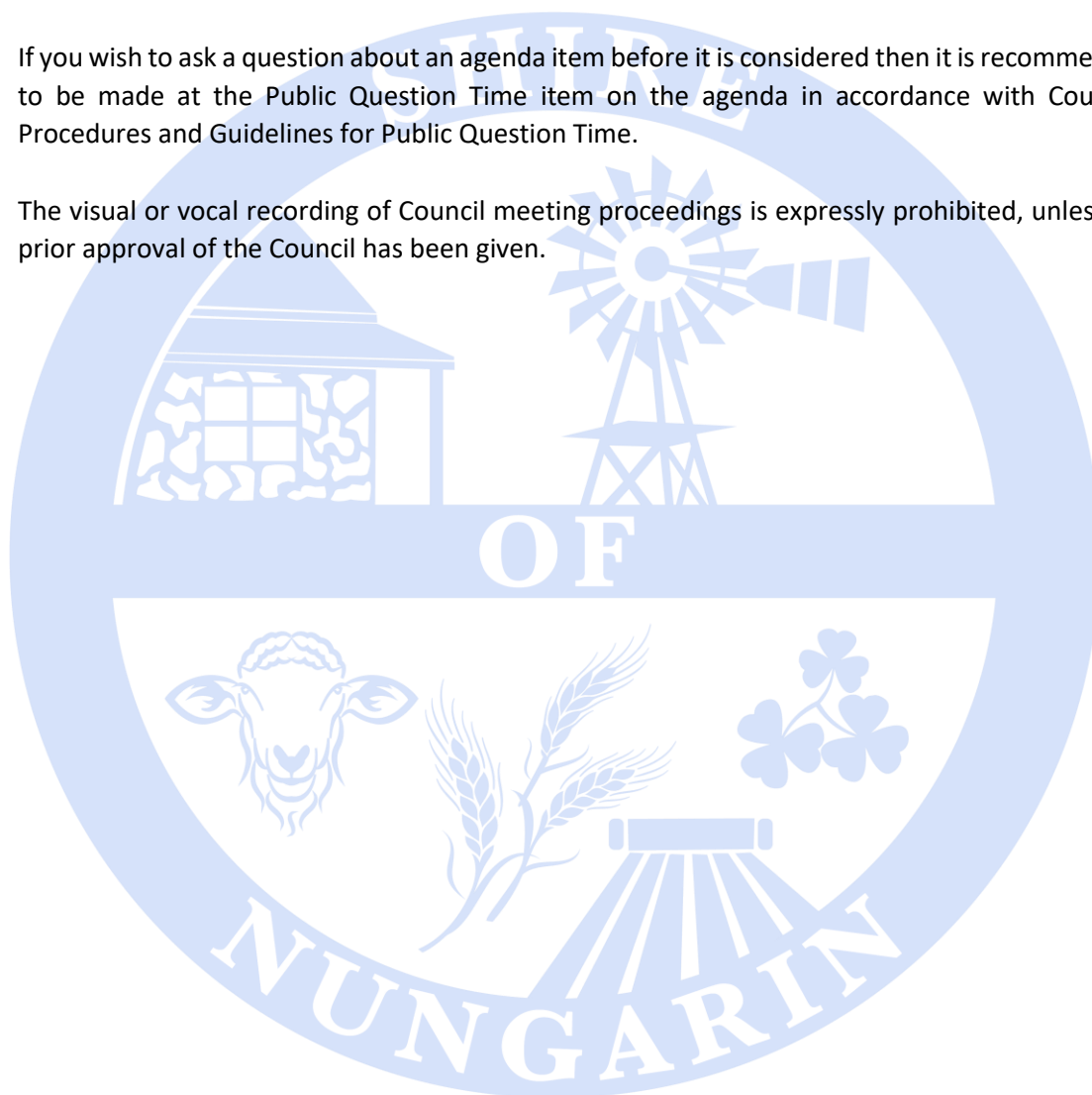
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### **PUBLIC QUESTION TIME**

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.





**ORDINARY COUNCIL MEETING  
TO BE HELD ON  
WEDNESDAY 16<sup>th</sup> of April 2025  
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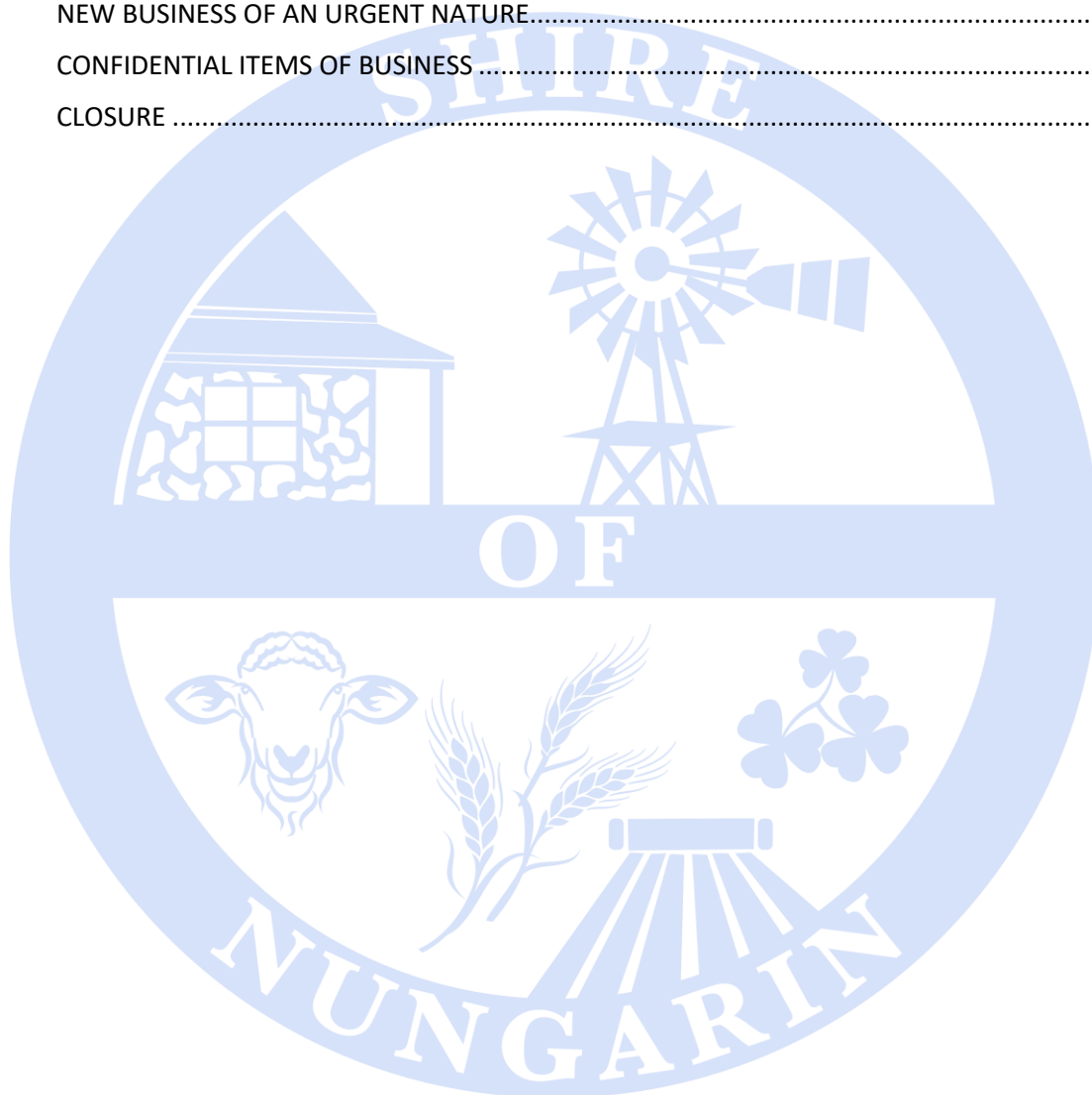
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## AGENDA and STAFF REPORTS

ORDINARY COUNCIL MEETING

TO BE HELD IN COUNCIL CHAMBERS, NUNGARIN

ON WEDNESDAY 16<sup>th</sup> of April 2025

### 1. DECLARATION OF OPENING

The Presiding Member to declare 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  
Elected Member

Cr W Lee  
Cr M Caughey

**Council Officers**

Chief Executive Officer  
Manager Works & Services  
Manager Corporate Services

Mr D Nayda  
Mr A Wootton  
Miss S Sergeant

**Observers / Visitors**

**2.2 APOLOGIES**

**2.3 REQUEST FOR LEAVE OF ABSENCE**

**3. DEPUTATIONS AND PETITIONS**

**3.1 DEPUTATIONS**

**3.2 PETITIONS**

**4. PUBLIC QUESTION TIME**

- a. Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.
- b. During the Council meeting, after Public Question Time no member of the public may interrupt the meeting’s proceedings or enter into conversation.
- c. Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.
- d. All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary Council Meeting, and at a Special Council Meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the Presiding Member.
- e. The Presiding member will control Question Time and ensure each person wishing to ask a question states their name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask questions will be given two (2) minutes within which to address their question to Council. The Presiding Member may shorten or lengthen this time at their discretion.

**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4.2 PUBLIC QUESTION TIME**

**5. DECLARATIONS OF INTEREST**

**5.1 FINANCIAL AND PROXIMITY INTEREST**

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

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

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

**7.1 CONFIRMATION ORDINARY COUNCIL MEETING – 19<sup>th</sup> OF MARCH 2025**

**OFFICER RECOMMENDATION**

**Moved:.....**

**Seconded: .....**

**That the Minutes of the Ordinary Council Meeting held on 19<sup>th</sup> of March 2025  
be confirmed as being a true and accurate record.**

**(Not) Carried by Simple Majority /**

**For:**

**Against:**



**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 is required to be submitted to Council showing the prescribe information.

**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>	Celebration of local culture, heritage and place

**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 authorization in that month:
  - (i) the payee's name;
  - (ii) the amount of the payment;
  - (iii) sufficient information to identify the transaction and;
  - (iv) 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 <i>Local Government (Financial Management) Regulation 1996</i> it may result in a qualified audit report and an unclean compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

**CONSULTATION**

Nil

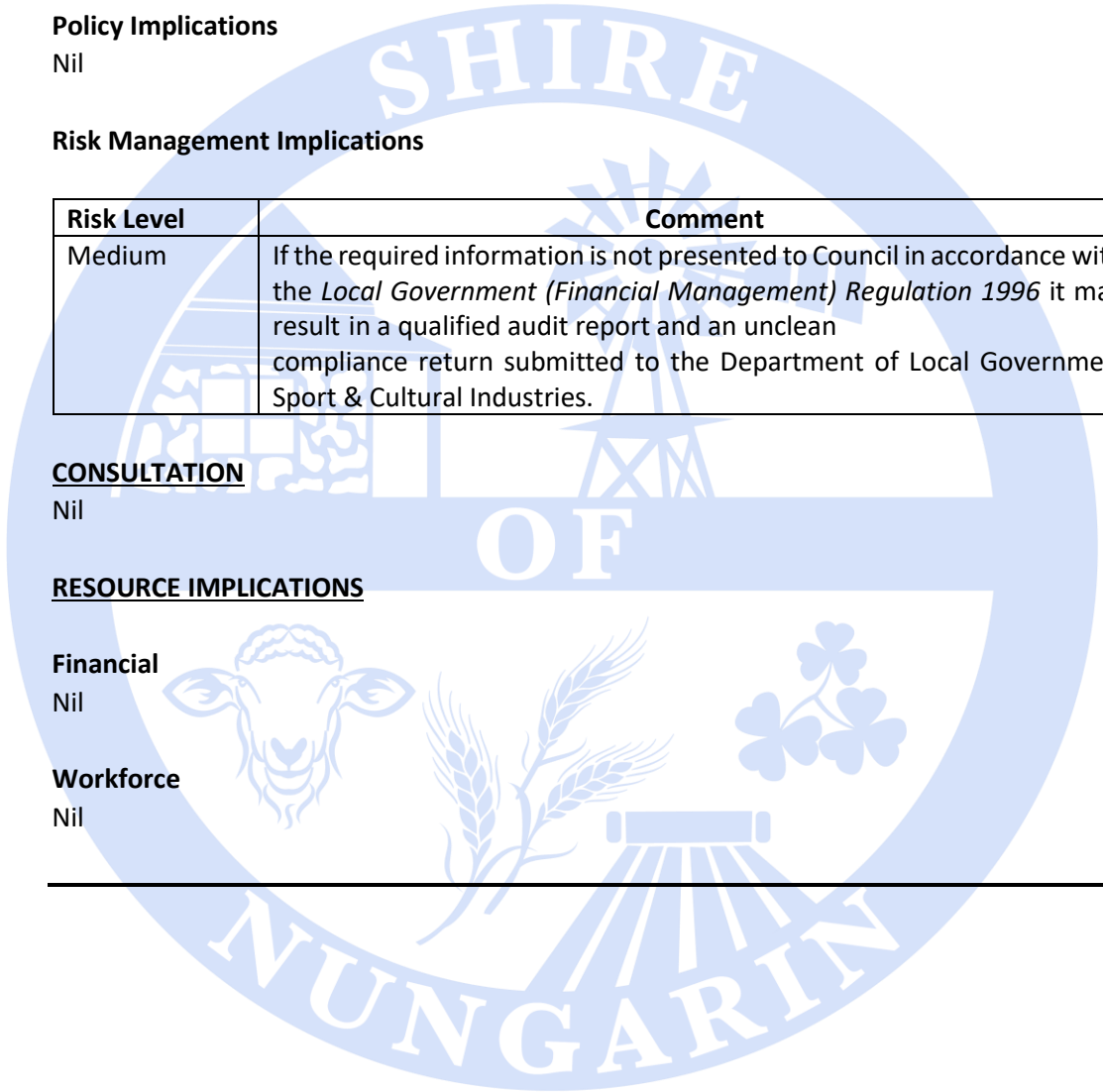
**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil





## **STRATEGIC IMPLICATIONS**

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 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.
- (2) Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to 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 by Nature/Type;
- (d) Statement of Financial Activity by Program;
- (e) Summary of Net Current Asset Position;
- (f) Statement of Explanation of Material Variances;
- (g) Statement of Financial Position;
- (h) Statement of Cash Flows;
- (i) Statement of Cash Back Reserves;
- (j) Loan Borrowings Statement;
- (k) Trust Statement; and
- (l) Detailed Operating and Non-Operating Schedules.

## **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<sup>st</sup> March 2025 shows a closing surplus of \$1,126,769.00.

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic**

Nil

**Social**

Nil

**Policy Implications**

Nil

**Risk Management Implications**

Risk Level	Comment
Medium	N/A

**CONSULTATION**

Financial Consultant – Darren Long

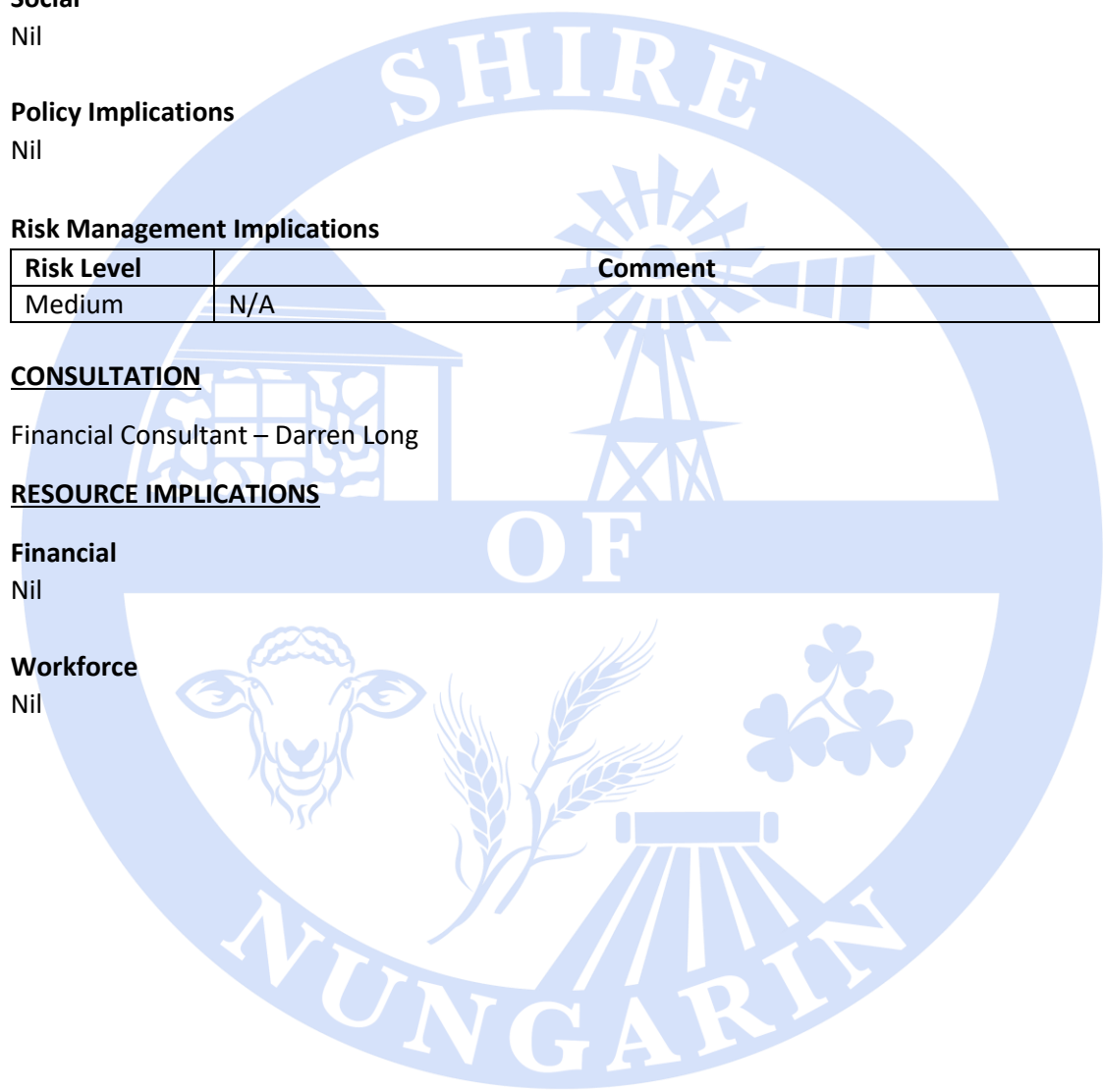
**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil





INVESTMENT REGISTER						
1 MARCH 2025 TO 31 MARCH 2025						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT Nº	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNT TO 31.03.2025	INVESTMENT TRANSFERS	CLOSING BALANCE 31.03.2025
38132004.53A	22/04/2025	4.79%	\$700,000.00	\$0.00	\$0.00	\$700,000.00
38132004.53B	22/04/2025	4.79%	\$904,233.43	\$0.00	\$0.00	\$904,233.43

**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**

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
  - (b) [deleted];
  - (c) prescribe circumstances in which a local government is required to invest money held by it; and
  - (d) provide for the application of investment earnings; and
  - (e) generally provide for the management of those investments.

**Local Government (Financial Management) Regulations 1996**

**19. Investments, control procedures for**

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

- (2) The control procedures are to enable the identification of —
  - (a) the nature and location of all investments; and
  - (b) the transactions related to each investment.

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

- (1) In this regulation —

**authorised institution** means —

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

**foreign currency** means a currency except the currency of Australia.

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

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic**

Nil

**Social**

Nil

**Policy Implications**

Council Policy 3.07 applies to the investment of surplus funds.

**Risk Management Implications**

Risk Level	Comment
Low	

**CONSULTATION**

Financial Consultant – Darren Long

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

<b>8.4 LOCAL GOVERNMENT ELECTIONS</b>	
<b>File Ref:</b>	11.2 – 11.2.2
<b>Previous Items:</b>	
<b>Responsible Officer:</b>	David Nayda Chief Executive Officer
<b>Author and Title:</b>	David Nayda Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	8.4A LGE 2025 Cost Estimate 8.4B Written Agreement LGE 2025

**OFFICER RECOMMENDATION**

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

**That Council Resolves to:**

- 1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commission to be responsible for the conduct of the 2025 ordinary election together with any other elections or polls which may be required;**
- 2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, the method of conducting the election will be as a postal election.**

**(Not) Carried by Absolute Majority /**

**For:**

**Against:**

**IN BRIEF**

The purpose of this report is to consider whether the Shire will utilise the Western Australian Electoral Commission to conduct the 2025 Local Government Ordinary Elections.

**BACKGROUND**

Due to the increase in complexity, most Local Governments will consider utilizing the services of the Electoral Office in managing the election process as it streamlines the process and ensures a compliant process.

The next Local Government election is due to be held on 18<sup>th</sup> October 2025. In accordance with the *Local Government Act 1995* (the Act), Council can opt to conduct an election either as an in-person election or a postal election.

Current legislation dictates, if a Council decides to conduct a postal election, the Western Australian Electoral Commission (WAEC) must conduct the election, with the cost of the election to be recouped by the WAEC on the basis of full accrual cost recovery.

This year’s election is significant as it will be voting using the optional preferential system. This will add a degree of complexity to the system.

The Shire has received a cost estimate from the WAEC to conduct the election as a postal ballot, being the only option if using the WAEC.

**REPORT DETAIL**

The Shire has traditionally held an in-person election and local government elections occur on the third Saturday in October, every two years. Councillors each serve a term of four years. The Shire has three Councillors whose term expires in 2025.

Council does have the option of postal voting, which in the opinion of the WAEC, has the potential to attract larger numbers of voters.

Alternatively, Council may opt for the traditional in-person voting system.

In the recent years no election was required due to the nominations not being contested. Should this be the case again, the cost to Council for having the WAEC run the process is estimated to be \$6,000.

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

<b>Focus Area</b>	Our Organisation
<b>Aspiration</b>	Skilled and capable shire staff and community
<b>Objective</b>	Elected members are trained and supported to make well informed decisions.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**4.20. CEO to be returning officer unless other arrangements made**

- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

*\* Absolute majority required.*

**4.61. Choice of methods of conducting election**

- (1) The election can be conducted as a —  
*postal election* which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or  
*voting in person election* which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
  
- (2) The local government may decide\* to conduct the election as a postal election.  
*\*Absolute Majority required*

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic**

Nil

**Social**

Undertaking the election utilising the WA Electoral Commission alleviates a political and administrative burden on the CEO and staff of the Shire of Nungarin in the conduct of the election.

**Policy Implications**

Nil

**Risk Management Implications**

Risk Level	Comment
Medium	With the added complexity in the election process, there is a possibility the election process could be questioned in the case of an election needing to be held. This would result in a delay as well as reputational damage to the Council.

**CONSULTATION**

Western Australian Electoral Commission (WAEC)

**RESOURCE IMPLICATIONS**

**Financial**

The adoption of the recommendation would require Council to ensure the cost, estimated to be \$9,837.00 (excl. GST), for the WAEC to run the election to be included in the 2025/26 budget. This cost estimate was provided by the WAEC based on the following:

- 200 electors;
- Response rate of approximately 85%;
- 3 vacancies;
- Count to be conducted at the offices of the Shire of Nungarin using CountWA;
- Appointment of a local Returning Officer.

**Workforce**

As part of the election process, staff may be required to assist the Returning Officer.

<b>8.5 COUNCIL FOOTPATH POLICY WS7</b>	
<b>File Ref:</b>	N/A
<b>Previous Items:</b>	Nil
<b>Responsible Officer:</b>	David Nayda Chief Executive Officer
<b>Author and Title:</b>	David Nayda Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	8.5A Footpath Plan 2025 8.5B Footpath – Crossover Specs 8.5C Footpath Policy

**OFFICER RECOMMENDATION**

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

**The Council resolves to:**

- 1. Adopt the Council Footpaths WS7 policy.**
- 2. Endorse the Shire of Nungarin’s Footpath Plan 2025.**

**(Not) Carried by Absolute Majority /**

**For:**

**Against:**

**IN BRIEF**

The Shire of Nungarin currently does not have a footpath policy or plan. This agenda item aims to adopt a policy and a plan designed to secure funding that will enable the Shire to provide modernized and compliant footpaths, aligning with current standards.

**BACKGROUND**

A recent review of the Shire’s footpath identified that the current footpaths around Nungarin are unsafe and outdated. The footpaths were last upgraded 10 years ago, however the work wasn’t completed to the required standards or thickness to ensure long-term durability.

**REPORT DETAIL**

This policy and plan will enable the Shire to pursue funding under a 50/50 contribution arrangement for the replacement of footpaths where necessary.

The Council would need to commit to budgeting 50% of the required funds annually.

The proposed plan prioritizes addressing the most deteriorated sections of the footpath first, followed by progressive improvements.

Failure to replace the existing footpath poses significant liability risks, as it increases the likelihood of public injuries and potential claims for compensation.

Moreover, upgrading the footpath will enhance the town's aesthetics, contributing to improved community appeal and attracting tourists to the area

**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**

Nil

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic**

Nil

**Social**

Nil

**Policy Implications**

Nil

**Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	Failure to maintain the footpaths places the Shire at risk of litigation, as it increases the likelihood of public safety incidents and potential legal claims.

**CONSULTATION**

Staff

**RESOURCE IMPLICATIONS**

**Financial**

50% contribution requires to be budget for each year.

**Workforce**

Workforce maybe required

**9. CORRESPONDENCE RECEIVED**

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

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

**11. CONFIDENTIAL ITEMS OF BUSINESS**

**12. CLOSURE**

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

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

\_\_\_\_\_   
 Date

