



Minutes

Ordinary Council Meeting

Wednesday 20th August 2025

Commenced at 5:00PM

Held in the Council Chambers,
Railway Avenue Nungarin





ORDINARY COUNCIL MEETING

HELD ON

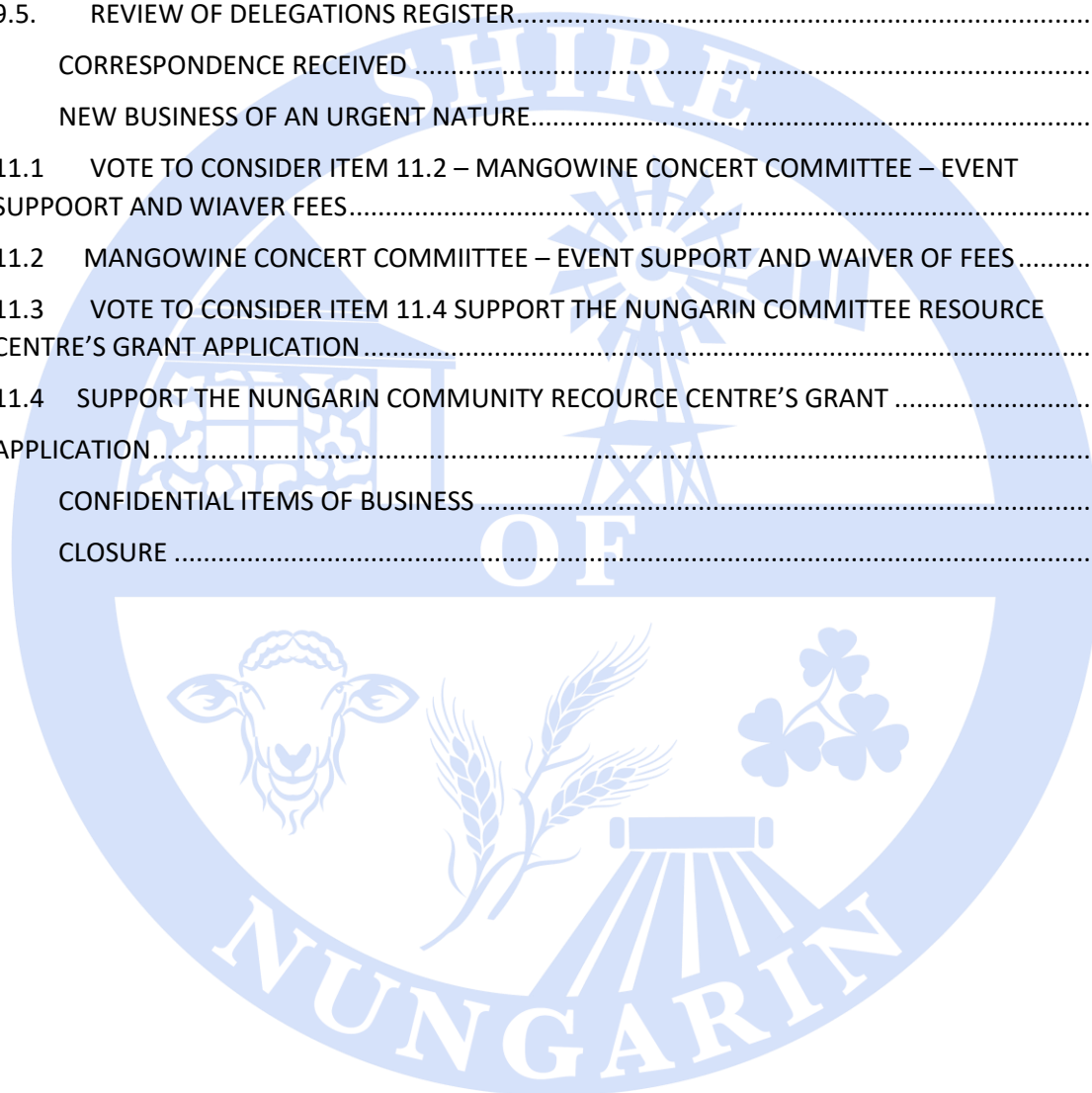
WEDNESDAY 20th AUGUST 2025

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MINUTES and STAFF REPORTS

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBERS, NUNGARIN

ON WEDNESDAY 20th AUGUST 2025

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5:01pm.

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
Elected Member
Elected Member
Elected Member
Elected Member
Elected Member

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

Council Officers

Chief Executive Officer
Manager Corporate Services

Mr D Nayda
Miss S Sergeant

Observers / Visitors

Nil

2.2. APOLOGIES

Deputy Shire President Cr G Coumbe
Manager Works & Services Mr A Wootton

2.3. REQUEST FOR LEAVE OF ABSENCE

That Council approve leave of absence to Cr Coumbe for the 20th August 2025 Ordinary Council Meeting.

Moved: Cr RE O'Connell

Seconded: Cr W Lee

Carried: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow
Against: Nil

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

Nil

5. DECLARATIONS OF INTEREST

5.1. FINANCIAL AND PROXIMITY INTEREST

Nil

5.2. DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

Declarations of interest of impartiality for Agenda Item 11.2 Mangowine Concert Committee – Event Support and Waiver of Fees were declared by:

Cr RE O' Connell – Member of Nungarin Community Resource Centre;
Cr K Dayman – Chairperson of Nungarin Community Resource Centre Committee;
Cr A Eksanow – Member of Community Resource Centre Committee;
Cr P de Lacy – Committee member of the Nungarin Community Resource Centre.

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

7.1. CONFIRMATION MINUTES ORDINARY COUNCIL MEETING – 25th OF JULY 2025

COUNCIL RESOLUTION

64/08/25

Moved: Cr A Eksanow

Seconded: Cr K Dayman

That the Minutes of the Ordinary Council Meeting held on 25th of July 2025 be confirmed as being a true and accurate record.

Carried by Simple Majority: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow

Against: Nil

8. CONFIRMATION OF MINUTES RECEIVED**8.1. RECEIPT OF MINUTES NEWROC MEETING HELD 5th AUGUST 2025****COUNCIL RESOLUTION** **65/08/25****Moved:** Cr RE O'Connell**Seconded:** Cr M Caughey**That the Minutes of the NEWROC Meeting held on 5th of August 2025 be received.****Carried by Simple Majority: 6/0****For:** Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow**Against:** Nil**8.2. RECEIPT OF MINUTES RAIL TRAIL MEETING HELD ON 7th AUGUST 2025****COUNCIL RESOLUTION** **66/08/25****Moved:** Cr K Dayman**Seconded:** Cr M Caughey**That the Minutes of the Rail Trail Meeting held on 7th of August 2025 be received.****Carried by Simple Majority: 6/0****For:** Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow**Against:** Nil

8.3. RECEIPT OF MINUTES GREAT EASTERN COUNTRY ZONE MEETING HELD 13th JUNE 2025

COUNCIL RESOLUTION

67/08/25

Moved: Cr RE O'Connell

Seconded: Cr A Eksanow

That the Minutes of the Great Eastern Country Zone Meeting held on 13th of June 2025 be received.

Carried by Simple Majority: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow

Against: Nil



9. OFFICER REPORTS

9.1. LISTING OF PAYMENTS FOR THE MONTH OF JULY 2025	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	Selina Sergeant Manager of Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.1A – Payment Listing July 2025

COUNCIL RESOLUTION**68/08/25****Moved: Cr K Dayman****Seconded: Cr W Lee**

That Council in relation to the Payment Listing for July 2025, resolve to formally accept and acknowledge the contents of the report.

The following payments were outgoing throughout July 2025:

Municipal:

- EFT: \$220,676.94
- Cheque: \$0.00
- Direct Debit: \$30,393.02
- Credit Card: \$6,903.68
- Direct Wages: \$80,888.95
- Trust: \$0.00
- Grand Total: \$338,862.59

Carried by Simple Majority: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow

Against: Nil

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 July 2025.

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

Focus Area	Community
Aspiration	Responds to the needs of all residents
Objective	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



9.2. MONTHLY FINANCIAL REPORT JULY 2025	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	Darren Long Consultant
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.2A – Monthly Financial Report July 2025

COUNCIL RESOLUTION**69/08/25****Moved: Cr RE O'Connell****Seconded: Cr A Eksanow**

That Council, regarding the Monthly Financial Report for July 2025, resolve to formally accept and acknowledge the contents of the report

Carried by Simple Majority: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow

Against: Nil

IN BRIEF

For Council to consider the monthly financial report for the period ending 31st July 2025.

SUMMARY KEY ISSUES

The *Local Government Act 1995* and Regulations require local government 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 our community
Objective	Deliver sound financial and asset management

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) S 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 Capital Grants and Contract Liabilities;
- (j) Statement of Capital Expenditure;
- (k) Statement of Cash Back Reserves;
- (l) Statement of Loan Borrowings;
- (m) Statement of Trust Funds held; and
- (n) 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 31st July 2025 shows a closing surplus of \$2,112,450

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

9.3. INVESTMENT REPORT AS AT 31 JULY 2025	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	Darren Long Consultant
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	Nil

COUNCIL RESOLUTION**70/08/25****Moved: Cr W Lee****Seconded: Cr M Caughey****That the Investment Report as at 31st July 2025 be received.****Carried by Simple Majority: 6/0****For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow****Against: Nil****IN BRIEF**

For Council to receive the investment Report as at 31st July 2025.

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

There were no investments made during the month of July 2025.

INVESTMENT REGISTER						
1 JULY 2025 TO 31 JULY 2025						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.07.2025	INVESTMENT TRANSFERS	CLOSING BALANCE 31.07.2025
38132004	-	-	-	-	-	-

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
 - (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

9.4. REVIEW OF SHIRE OF NUNGARIN POLICY MANUAL	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	David Nayda Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	8.4A

COUNCIL RESOLUTION 71/08/25

Moved: Cr M Caughey Seconded: Cr A Eksanow

That Council resolve to review and accept the Shire of Nungarin Policy Manual.

Carried by Absolute Majority: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow

Against: Nil

IN BRIEF

It is good practice to review policies on an annual basis to ensure policies remain applicable and operational.

BACKGROUND

- 1) To provide Council with a formal written record of policy decisions;
- 2) To provide employees with clear directions to respond to issues and act in accordance with Council's directions;
- 3) To enable Councillors to adequately handle general enquiries relating to the role of Council;
- 4) To support Council in maintaining an ongoing process for reviewing policy decisions, ensuring alignment with community expectations, current legislative developments, and prevailing circumstances; and
- 5) To provide residents with timely access to advice regarding Council policy matters.

Council decisions on single issues are not considered policy.

Changes to policy will only be made as a result of:

- 1) An annual operational review;
- 2) A Council decisions arising from an agenda item;
- 3) Creation of new policy items; or
- 4) Addition of more compliance or clarity to existing policy items.

REPORT DETAIL

The policy manual for the Shire of Nungarin was last reviewed and approved by the Council in October 2022 and is due for a review.

Currently, there are small alterations to the existing policies adopted by the Council; it is recommended that an annual review of current policies be conducted in line with local government best practices and as advised within the policy manual itself.

Councillors are requested to review the current policy which involves going through the existing policies to ensure they are still relevant, effective, and in line with any legislative changes or new circumstances that may have arisen over the past years. This process is crucial to maintaining the integrity of the Council's operations and to ensure the policies continue to serve the best interests of the Shire of Nungarin.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Policies which are required as a result of statutory legislation are to contain a statement providing a reference to the relevant legislation.

Council is no longer required by legislation to conduct annual reviews of its policies, however it is considered "best practice" to do so.

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic**

Policies may have an impact on financial and economic processes and decisions, particularly those in the Finance category.

Social

Nil

Policy Implications

The review encompasses all policies. Please refer to 'Attachment 8.4a' for details on the policies subject for review.

Risk Management Implications

Risk Level	Comment
Medium	Not having certain policies could be a breach of various Acts, further, policies also provide guidance to the community on a number of matters, without which could result in community angst in certain areas.

CONSULTATION

Legal Advice was sought where considered necessary.

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

9.5. REVIEW OF DELEGATIONS REGISTER	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	David Nayda Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	8.5A

COUNCIL RESOLUTION 72/08/25

Moved: Cr K Dayman **Seconded:** Cr W Lee

That Council endorse the attached Shire of Nungarin Register of Delegations.

Carried by Absolute Majority: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow

Against: Nil

IN BRIEF

Council is required to review and endorse its Delegations Register annually.

BACKGROUND

A major review of the Delegations register was undertaken by Council in 2021 following recommendations from the Department and to reflect amendments to the Local Government Act.

REPORT DETAIL

The current Register of Delegations has been included as an attachment to this item. No changes are proposed to the Delegation Register adopted by Council at its Ordinary Council Meeting of 15 December 2021. With a change the condition in 2.8.12 this year.

OLD

Value of property that may be disposed under this Delegation shall not exceed \$100,000 including plant and assets with a depreciated value not exceeding \$100,000, in accordance with the provisions of section 5.43(d) of the *Local Government Act 1995*.

NEW

Council delegate its authority and power to the Chief Executive Officer to dispose of surplus equipment, materials, tools, etc with a market value of less than \$20,000 by-

- 1) Calling a request for proposals; or
- 2) Holding of a surplus goods sale at the Council depot; or
- 3) Any other fair means;

Subject to-

- (a) The items not being listed on Councils Asset Register; and
- (b) The items being either no longer required, no longer serviceable or are outmoded.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Sound governance
Aspiration	Statutory compliance
Objective	Timely decision enactment

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995.

s.5.16 – Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation. * Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from

performing any of its functions by acting through another person.

s.5.17 – Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (c) any power or duty that requires a decision of an absolute majority of the council; and
 - (d) any other power or duty that is prescribed; and
 - (e) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (f) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (g) the local government's property; or
 - (h) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

s.5.18 – Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

s.5.42 – Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

s.5.43 – Limits on delegations to CEO

- A local government cannot delegate to a CEO any of the following powers or duties —
- (a) any power or duty that requires a decision of an absolute majority of the council;
 - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
 - (c) appointing an auditor;
 - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
 - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
 - (f) borrowing money on behalf of the local government;
 - (g) hearing or determining an objection of a kind referred to in section 9.5;
 - (h) any power or duty that requires the approval of the Minister or the Governor;
 - (i) such other powers or duties as may be prescribed.

s.5.44 – CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

s.5.45 – Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

s.5.46 – Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

*Local Government (Administration) Regulations 1996*r.18G – Delegations to CEOs, limits on (Act s.5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot

delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

r.19 – Delegates to keep certain records (Act s.5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

10. CORRESPONDENCE RECEIVED**11. NEW BUSINESS OF AN URGENT NATURE****11.1 VOTE TO CONSIDER ITEM 11.2 – MANGOWINE CONCERT COMMITTEE – EVENT SUPPORT AND WIAVER FEES****Moved:** Cr RE O'Connell**Seconded:** Cr K Dayman

That Council Agree to consider item 11.1 Mangowine Concert Committee – Event Support and Waiver of Fees.

Carried by Simple Majority: 6/0**For:** Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow**Against:** Nil

11.2 MANGOWINE CONCERT COMMITTEE – EVENT SUPPORT AND WAIVER OF FEES	
File Ref:	N/A
Previous Items:	71/08/24
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	David Nayda Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	11.1 A

COUNCIL RESOLUTION 73/08/25**Moved: Cr RE O'Connell****Seconded: Cr A Eksanow****That Council approves the following as per request received from the Mangowine Concert Committee to:**

- **Waive the hire fees (including any bonds) for the hire of the Nungarin Recreation Centre from 3rd – 5th October 2025;**
- **Give permission to use of the Mangowine Homestead ground for the Mangowine Concert as well as give written permission to consume alcohol on the premises;**
- **Give permission to use of the Nungarin Community Bus free of charge on Saturday 4th October 2025;**
- **Approve for Council to print the Mangowine Concert Programs free of charge;**
- **Provide access, free of charge, to the Blue Room, mattresses, showers, toilets and kitchen at the Recreation Centre for Curtin University Student Volunteers from 3rd – 5th October**
- **Provide payment for 2 meals per Curtin University Student Volunteer on Saturday 4th October and 1 meal per Student Volunteer on Sunday 5th October.**

Moved: RE O'Connell**Seconded: Cr A Eksanow****That Council agree to discuss options for mattresses with the Mangowine Concert Committee.****Carried by Absolute Majority: 6/0****For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow****Against: Nil****IN BRIEF**

Council is requested to consider approving all requests by the Mangowine Concert Committee for the Nungarin Harvest Festival weekend.

BACKGROUND

Annually council support the Nungarin Harvest Festival and Mangowine Concert. Council has received a formal request from the Mangowine Concert Committee detailing the support required to ensure the continued success and sustainability of the Nungarin Harvest Weekend and Mangowine Concert.

REPORT DETAIL

The Nungarin Harvest Festival—comprising the Friday night Community Dinner, Mangowine Concert, and Nungarin Wheatbelt Markets—are cornerstone annual events that play a pivotal role in promoting tourism and enhancing regional visibility for the town of Nungarin. These events are widely

recognised across Western Australia and serve as a vibrant showcase of the town's character, hospitality, and community spirit.

The Community Dinner has grown in popularity and is now a highly anticipated occasion among both residents and visitors. In support of such fundraising initiatives, it is considered appropriate for Council to aid through the waiving of hire fees and the provision of financial support where feasible.

It should be noted, however, that the waiver of bonds does not absolve the Hirer of their obligations under the Hire Agreement. Any damage, loss of equipment, or failure to return facility keys will remain the responsibility of the Hirer and will be pursued accordingly.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995, s.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
Medium	The waiver of hire fees and bonds carries a low to medium level of financial and operational risk, the overall benefit to the town—particularly in terms of tourism, regional exposure, and community engagement—significantly outweighs these concerns

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The waiver of fees and bonds, procurement of staff to print programs, providing monetary support for meals will have very little significance to the adopted budget.

Workforce

Nil

11.3 VOTE TO CONSIDER ITEM 11.4 SUPPORT THE NUNGARIN COMMITTEE RESOURCE CENTRE'S GRANT APPLICATION

Moved: Cr M Caughey

Seconded: Cr W Lee

That Council Agree to consider item 11.2 Support the Nungarin Community Resource Centre's grant application.

Carried by Simple Majority: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow

Against: Nil

11.4 SUPPORT THE NUNGARIN COMMUNITY RESOURCE CENTRE'S GRANT APPLICATION	
File Ref:	N/A
Previous Items:	71/08/24
Responsible Officer:	David Nayda Chief Executive Officer
Author and Title:	David Nayda Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	11.2 A

COUNCIL RESOLUTION 74/08/25

Moved: Cr K Dayman

Seconded: Cr A Eksanow

That Council support the Nungarin Community Resource Centre's application for funding under the Streets Alive Grant – Stream 2, for the project titled Drive with Caution: The Return!

Carried by Simple Majority: 6/0

For: Cr Pippa, Cr Caughey, Cr Dayman, Cr O'Connell, Cr Lee, Cr Eksanow

Against: Nil

IN BRIEF

BACKGROUND

REPORT DETAIL

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT**SUSTAINABILITY AND RISK CONSIDERATIONS****Economic**

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Low	

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

12. CONFIDENTIAL ITEMS OF BUSINESS**13. CLOSURE**

There being no further business the meeting closed at 5:17pm

Presiding Member

Date