



Minutes

Ordinary Council Meeting

Wednesday 18th September 2024

Commenced at 4:31PM
Held in Council Chambers,
Railway Avenue
Nungarin WA 6490



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**SHIRE
ORDINARY COUNCIL MEETING
HELD WEDNESDAY 18th SEPTEMBER 2024
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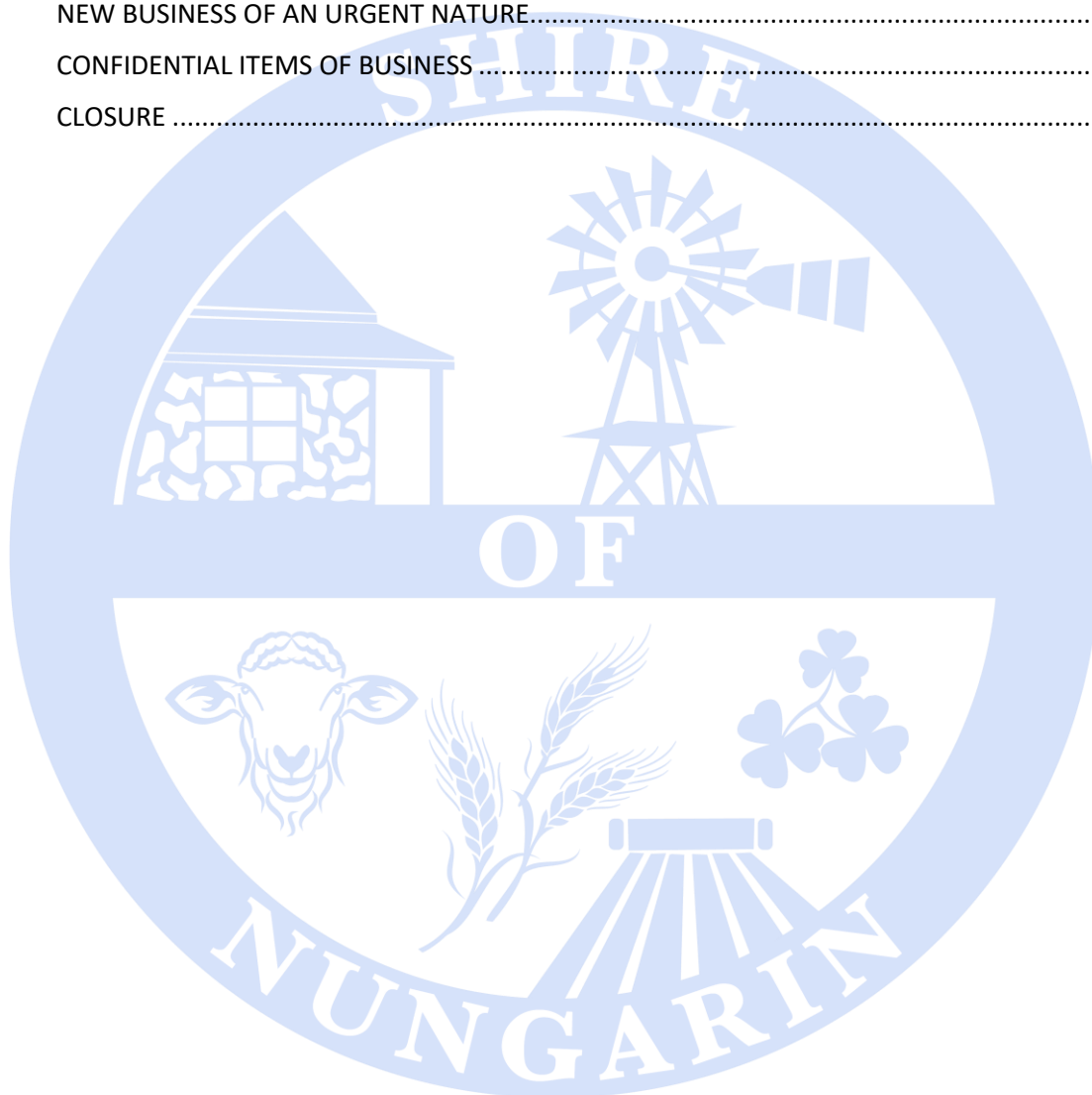
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MINUTES and STAFF REPORTS

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBERS, NUNGARIN

ON WEDNESDAY 18th SEPTEMBER 2024

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 4:31pm.

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 – Via Teams
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 Corporate Services Miss S Sergeant

Observers / Visitors

Nil

2.2 APOLOGIES

Nil

2.3 REQUEST FOR LEAVE OF ABSENCE

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
Nil

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

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

7.1 ORDINARY COUNCIL MEETING – 21st of August 2024

COUNCIL RESOLUTION 74/09/24

Moved: Cr A Eksanow

Seconded: Cr G Coumbe

For: Cr. de Lacy, Cr Coumbe, Cr O’Connell, Cr Dayman, Cr Eksanow, Cr Lee, Cr Caughey

Against: Nil

That the Minutes of the Ordinary Council Meeting held on 21st of August 2024 be confirmed as being a true and accurate record.

Carried by Simple Majority 7/0

8. OFFICER REPORTS

8.1 LISTING OF PAYMENTS FOR THE MONTH OF AUGUST 2024	
File Ref:	N/A
Previous Items:	Nil
Responsible Officer:	David Nayda Temporary Chief Executive Officer
Author and Title:	Selina Sergent Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.1A – Payment Listing August 2024

COUNCIL RESOLUTION 75/09/24**Moved:** Cr A Eksanow**Seconded:** Cr M Caughey**For:** Cr. de Lacy, Cr Coumbe, Cr O'Connell, Cr Dayman, Cr Eksanow, Cr Lee, Cr Caughey**Against:** Nil

That Council in relation to the Payment Listing for August 2024, resolves to formally accept and acknowledge the contents of the report.

The following payments were outgoing throughout August 2024:

Municipal:

- **EFT: \$390,645.27**
- **Cheque: \$0.00**
- **Direct Debit: \$10,436.41**
- **Credit Card: \$0.00**

- **Trust: \$0.00**

- **Grand Total: \$401,081.68**

Carried by Simple Majority: 7/0**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 August 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 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



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 Capital Expenditure;
- (j) Statement of Cash Back Reserves;
- (k) Loan Borrowings Statement;
- (l) Trust Statement; and
- (m) 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 August 2024 shows a closing surplus of \$3,042,838.

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

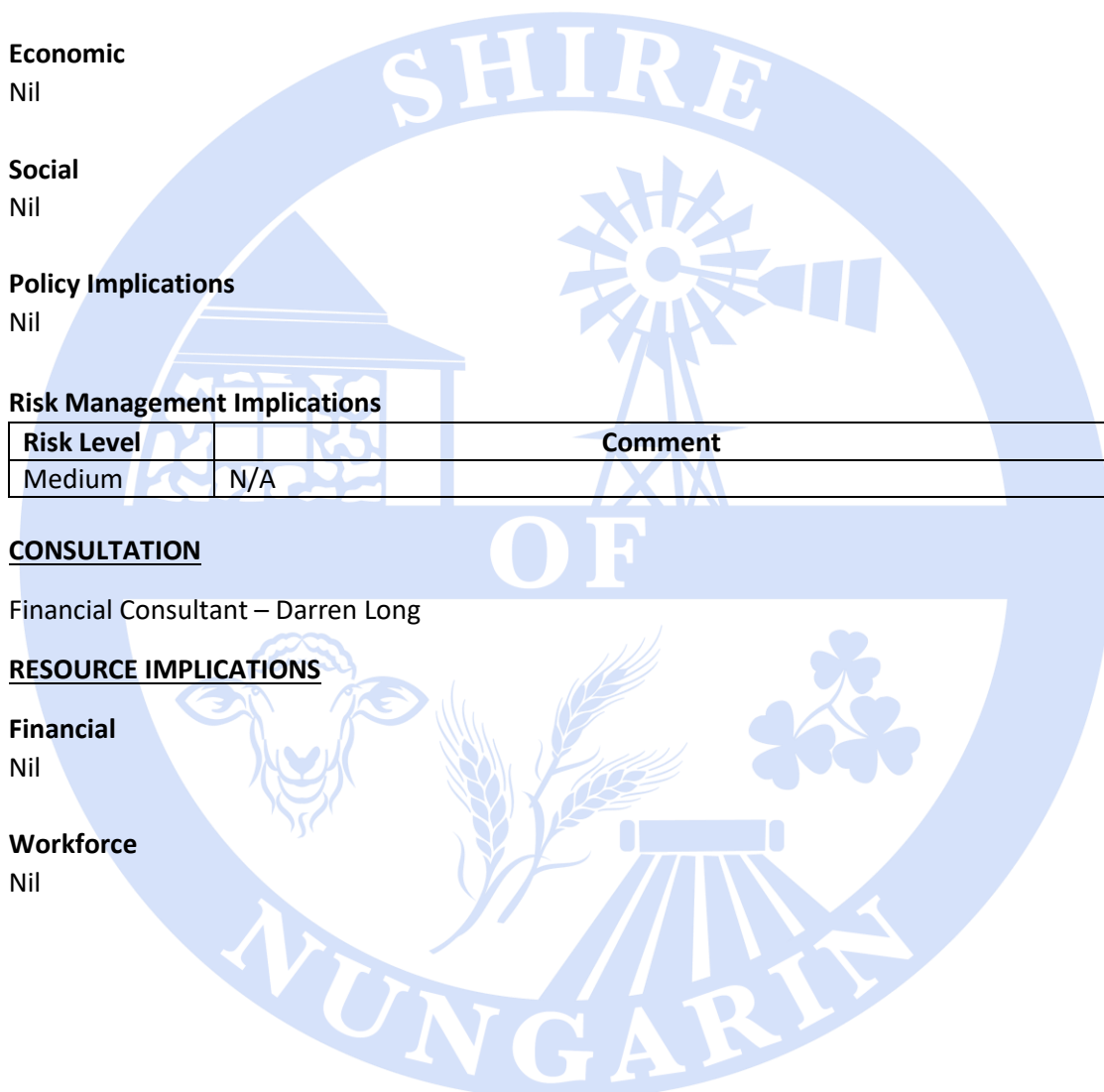
RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil



8.3 INVESTMENT REPORT AS AT 31st AUGUST 2024	
File Ref:	N/A
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	Nil

COUNCIL RESOLUTION 77/09/24

Moved: Cr G Coumbe

Seconded: Cr M Caughey

For: Cr. de Lacy, Cr Coumbe, Cr O’Connell, Cr Dayman, Cr Eksanow, Cr Lee, Cr Caughey

Against: Nil

That the Investment Report as at 31st of August 2024 be received.

Carried by Simple Majority: 7/0

IN BRIEF

For Council to receive the investment Report as at 31st of August 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 31st of August 2024:

INVESTMENT REGISTER						
1 AUGUST 2024 TO 31 AUGUST 2024						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT N ^o	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.08.2024	INVESTMENT TRANSFERS	CLOSING BALANCE 31.08.2024
38132004	14/10/2024	4.78%	\$0.00	\$0.00	\$1,500,000.00	\$1,500,000.00

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) 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

8.4 REVIEW OF DELEGATIONS REGISTER	
File Ref:	Nil
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 – Register of Delegations

COUNCIL RESOLUTION 78/09/24

Moved: Cr K Dayman

Seconded: Cr M Caughey

For: Cr. de Lacy, Cr Coumbe, Cr O’Connell, Cr Dayman, Cr Eksanow, Cr Lee, Cr Caughey

Against: Nil

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

Carried by Simple Majority: 7/0

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 of Local Government Sport and Cultural Industries and to reflect amendments to the *Local Government Act 1995*.

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.

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	Outdated compliance documents pose a risk to the Shire of Nungarin, including non-compliance with regulatory requirements, operational inefficiencies, ineffective risk management, and potential issues in procurement and financial management. This is why it is recommended that a review of the Delegations Register is conducted every year.

CONSULTATION

Council, Staff and Community

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

8.5 FEES AND CHARGES AMENDMENT	
File Ref:	N/A
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	8.5A and 8.5B

COUNCIL RESOLUTION 79/09/24

Moved: Cr A Eksanow

Seconded: Cr RE O'Connell

For:

Against:

That Council amend the Fees and Charges Schedule wording to state that the Caravan Park fees are inclusive of GST.

Carried by Simple Majority: 7/0

IN BRIEF

A recent review of Council's Fees and Charges has revealed that the Caravan Park fees are stated as not inclusive of GST (GST is recorded as 'N') when they should have GST included (GST should be recorded as 'C')

BACKGROUND

Nil

REPORT DETAIL

Details		Fee/Charge	GST	Act or Regulation
CPI Increase 7.00%		GENERAL PURPOSE FUNDING (Where applicable GST is included)		
CARAVAN PARK AND CAMPING (Where applicable GST is included)				
<i>Town Caravan Park</i>				
	Unpowered Site	\$21	N	Caravan & Camping Grounds Act 1995
	Powered Site	\$27	N	Caravan & Camping Grounds Act 1995
	Weekly Rate Unpowered Site (Mon - Sun)	\$100	N	Caravan & Camping Grounds Act 1995
	Weekly Rate Powered Site (Mon - Sun)	\$150	N	Caravan & Camping Grounds Act 1995
<i>Mangowine Homestead</i>				
	Unpowered Sites	\$11	N	Caravan & Camping Grounds Act 1995
	Powered Sites	\$21	N	Caravan & Camping Grounds Act 1995
	Weekly Rate Unpowered Site (Mon - Sun)	\$50	N	Caravan & Camping Grounds Act 1995
	Weekly Rate Powered Site (Mon - Sun)	\$100	N	Caravan & Camping Grounds Act 1995
<i>Reserves</i>				
	Eagle Stone	\$11	N	Caravan & Camping Grounds Act 1995
	Talgomine Rock	\$11	N	Caravan & Camping Grounds Act 1995
	Danberrin Rock	\$11	N	Caravan & Camping Grounds Act 1995
CEMETERY (Where applicable GST is included)				

As per above screenshot, a statement is included on every page of the Fees and Charges stating that “Where applicable GST is included” meaning that if the letter in the GST column is C, the fees noted have GST included in them.

Currently, the letter noted for Caravan Park fees in Fees and Charges is N, indicating that GST is not applicable and hence not included in the stated fees. As Council does not have over 70% of its patrons staying long-term at the Caravan Park, fees should be inclusive of GST which is indicative by the letter C.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Finance
Aspiration	Effective forward planning, and engagement with our community
Objective	To deliver transparency regarding Ordinary Council Meeting dates

OTHER STRATEGIC LINKS

STATUTORY ENVIRONMENT

Council’s Caravan Park fees in the Fees and Charges are currently stating that there is no GST included in the fees. GST Bulletin GSTB 2001/3 – Simplified calculation of input tax in caravan park operators, issued 21st August 2001, applicable on and from 1st July 2001, states that GST is payable on short-term accommodation which is for a term less than 28 days.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

Social

Policy Implications

Risk Management Implications

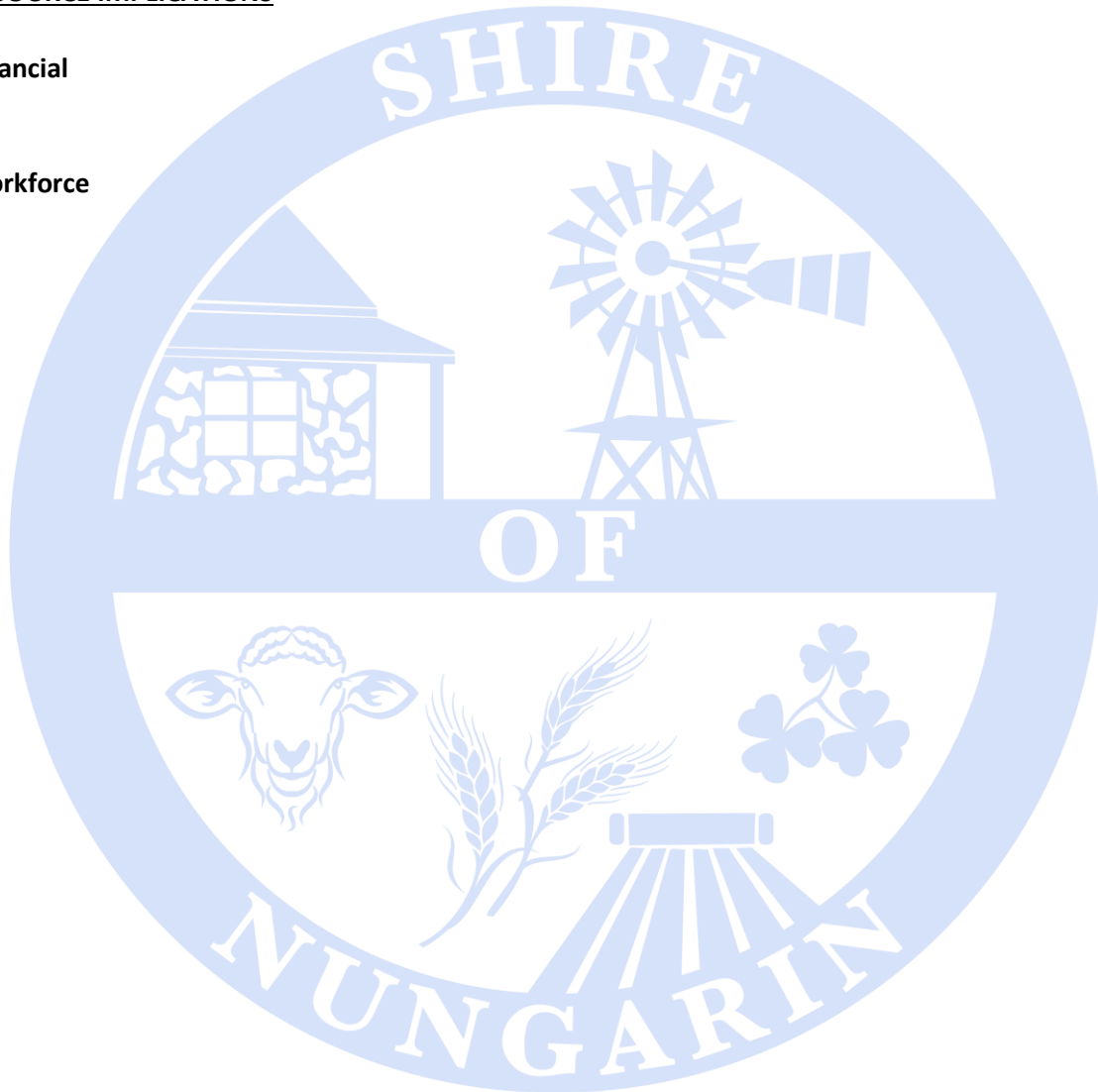
Risk Level	Comment
Low	

CONSULTATION

RESOURCE IMPLICATIONS

Financial

Workforce



8.6 BUDGET AMENDMENT FOR HEAVY - DUTY TAG-ALONG TRAILER	
File Ref:	N/A
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	Nil

COUNCIL RESOLUTION 80/09/24

Moved: Cr M Caughey

Seconded: Cr G Coumbe

For: Cr. de Lacy, Cr Coumbe, Cr O’Connell, Cr Dayman, Cr Eksanow, Cr Lee, Cr Caughey

Against: Nil

That Council authorise the following amendments to the 2024/2025 budget to accommodate the new design configuration for the Heavy-Duty Tag-Along Trailer:

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
412329	Purchase Plant & Equipment – Heavy Duty Tag Along Trailer	\$27,500	\$0	\$98,000	\$125,500
512303	Transfer from Plant Reserve	(\$27,500)	\$0	\$0	(\$27,500)

Carried by Simple Majority: 7/0

IN BRIEF

The new configuration design cost was not included in the adopted budget.

BACKGROUND

An internal review during 2023-2024 of the purchase of a Tri-axle tag-a-long trailer with a load carrying capacity of 21 tonnes was found not to have the capacity to transport Council’s new multi-wheel roller when fully laden with water ballast.

Investigations revealed that the tag-a-long trailer would require a minimum 23-tonne transport capacity.

Following negotiations with the supplier, it was determined that a new trailer design configuration of a 4-axle dog-trailer, would better meet Council’s plant transport requirements. This configuration change resulted in additional costs over the initial contracted amount.

REPORT DETAIL

Financial Implications

The new configuration design cost was not included in the adopted budget. The additional cost for the configuration change is detailed in the table below:

Description	Amount
Original Tri-Axle Tag-a-long configuration	\$98,000
Revised 4-Axle Dog-Trailer configuration	\$125,500
Increase in Price	\$27,500

It is proposed that the additional cost of \$27,500 be funded from a transfer from the Plant reserve.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	
Aspiration	
Objective	

OTHER STRATEGIC LINKS

WSFN

STATUTORY ENVIRONMENT

Nil

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	<p>The greatest risk surrounding this report is the financial penalty as a result of rescinding the contract for the 3-axel trailer.</p> <p>There is also some risk in the delivery of the trailer prior to the project commencement date.</p>

CONSULTATION

Financial Consultant – Darren Long

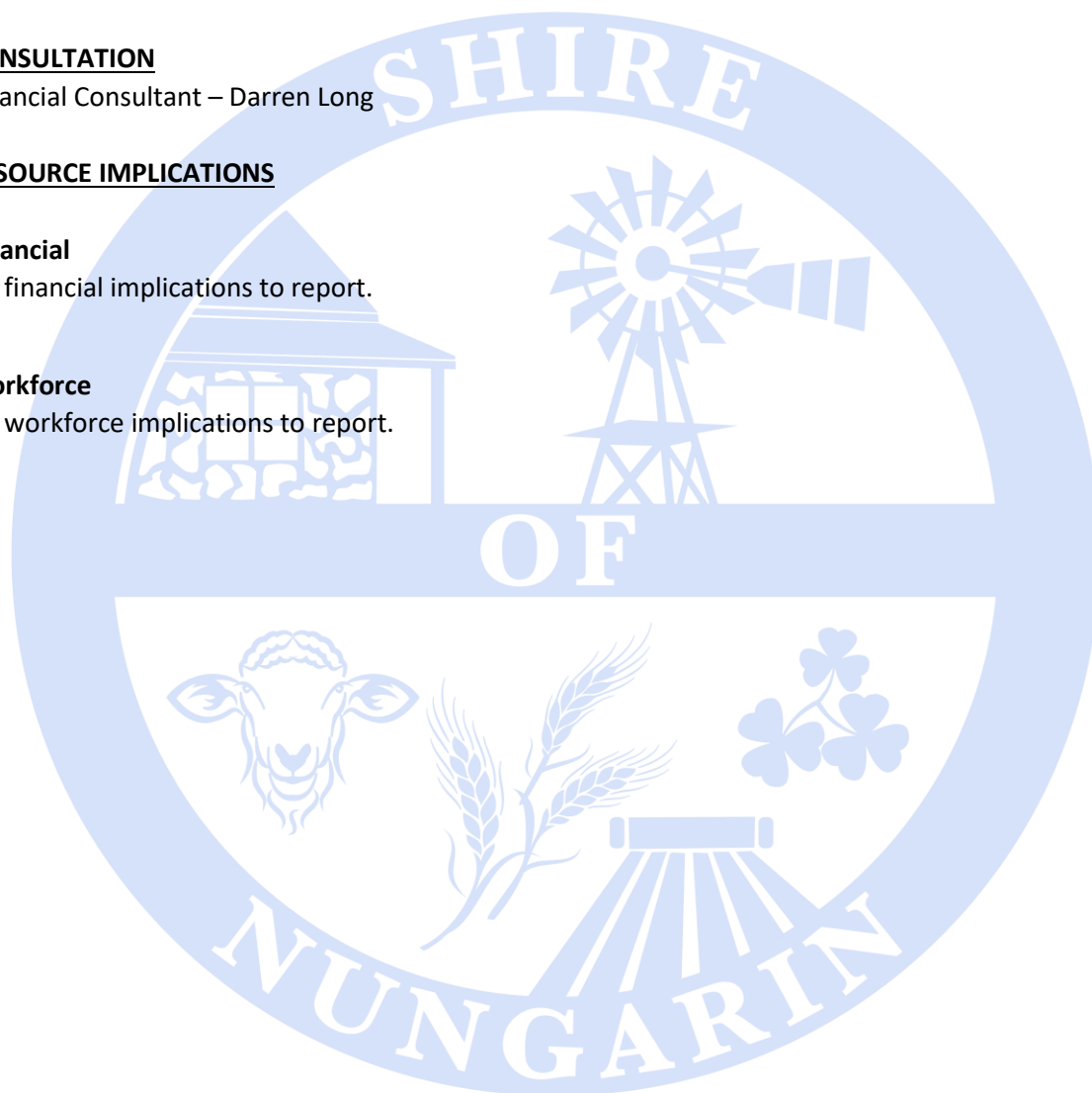
RESOURCE IMPLICATIONS

Financial

No financial implications to report.

Workforce

No workforce implications to report.



3. Authorise Cr Dayman and Cr O’Connell 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.

REPORT DETAIL

There are six motions listed on the attached agenda for the Annual General Meeting as follows:

7.1 Amendments to the Cat Act 2011 – Allow Local Governments to Make Local Laws to Contain Cats to the Owner’s Property

That WALGA advocate to the State Government to make changes to the Cat Act 2011 to permit local laws to be made to the following effect:

1. *Cats are to be confined to the cat owner’s residence premises;*
2. *Cats within public places are to be under effective control and not to create a nuisance;*
3. *Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance;*
4. *Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law*

7.2 Advocacy for Legislative Reforms To Counter Land-Banking

That WALGA:

1. *In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following:*
 - a. *Prohibiting demolition of habitable housing until a Development Application (DA) has been approved;*
 - b. *development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application.*
 - c. *provide Local Authorities with the ability to apply a “penalty fee” over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met.*
 - d. *Development of a mandatory register of unoccupied residential properties, with the ability of Local Governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time.*
2. *Distributes the draft “WALGA Advocacy Position for Legislative Reforms to counter Land-Banking” to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones.*

7.3 Advocacy for Expansion of Differential Rating to Include Long Term Unoccupied Commercial Buildings (Property Activation Levy)

That WALGA:

1. *Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following:*
 - a. *Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and*
 - b. *Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property;*
 - i. *is commercially habitable with annual investment in maintenance*
 - ii. *remains connected to essential services*
 - iii. *is undergoing periodic compliance checks and,*
 - iv. *has a plan in place to redevelop or make operational.*
 - c. *Develop legislation that enables Local Government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the Local Government.*
2. *Distributes the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings to all West Australian Local Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones.*

7.4 Action on Asbestos for Western Australia

That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for regional areas.

7.5 Addressing the Impracticality of Local Governments Funding Department of Communities and Government Regional Officer Housing

That WALGA advocates to the State Government for the State Government to fully fund Department of Communities (Social) and Government Regional Officer Housing.

7.6 Advocacy for Accessibility

That WALGA develops an Advocacy Position calling for the WA Government to adopt the Liveable Housing Design Standards for accessibility as part of the National Construction Code, consistent with WALGA's 2020-2025 Strategic Plan Sector Vision to enable inclusive Local Governments enhancing community wellbeing and economic prosperity.

The WALGA Annual General Meeting agenda items include a comment from the Member explaining the motion and one from the WALGA Secretariat. Each of the motions will either have little impact on the Shire of Trayning, or potential benefits.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	
Aspiration	
Objective	

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	

CONSULTATION

Nil

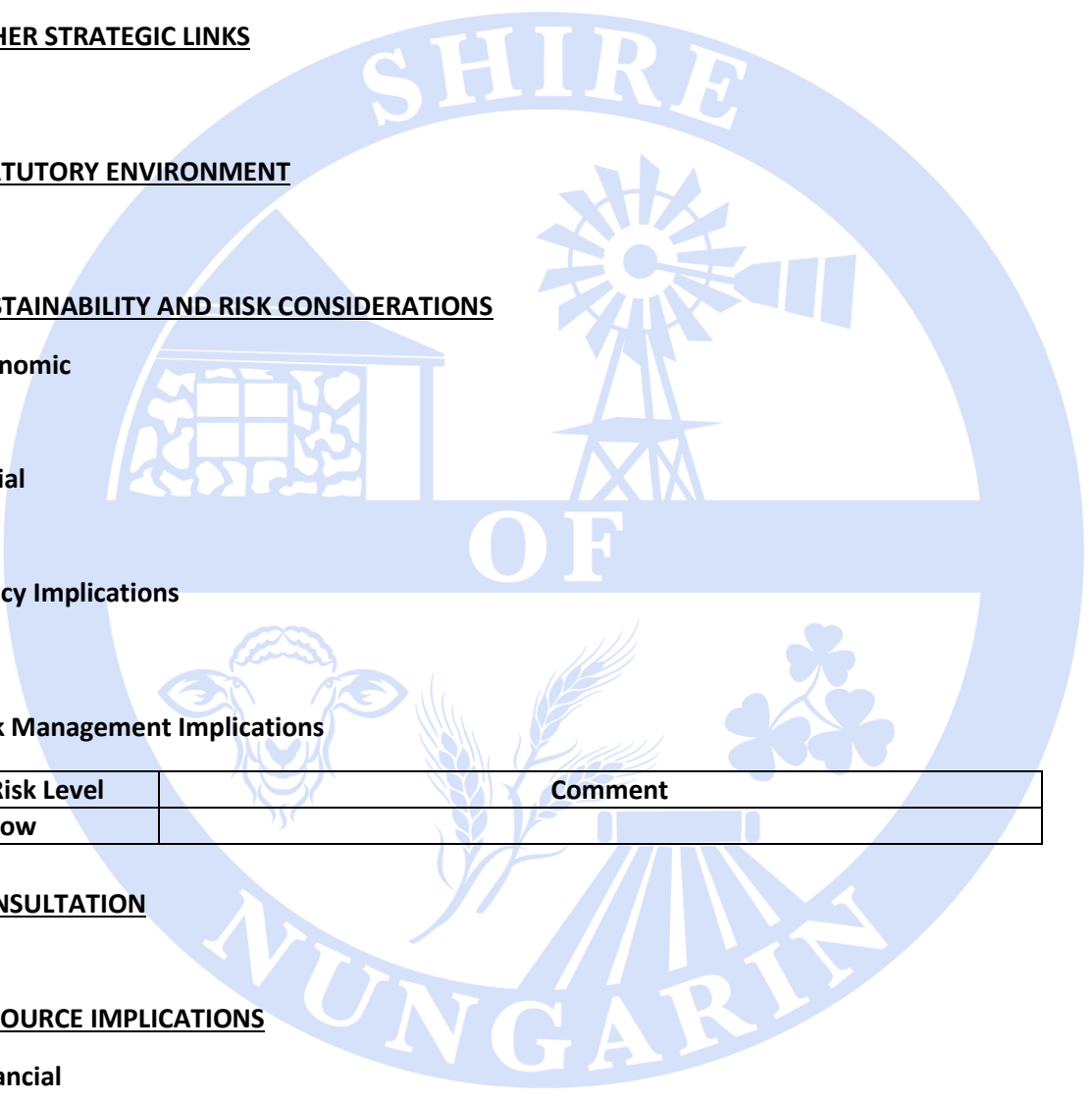
RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil



BACKGROUND

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

REPORT DETAIL

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ul style="list-style-type: none"> • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.</p>
Background	<p>The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p>
State Council Resolution	<p>February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017</p>

October 2008 – 427.5/2008

Supporting Documents [Advocacy Positions for a New Local Government Act](#)
[WALGA submission: Local Government Reform Proposal \(February 2022\)](#)

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolution February 2022 – 312.1/2022
 March 2019 – 06.3/2019
 December 2017 – 121.6/2017

2.5.17 CONDUCT OF POSTAL ELECTIONS

Position Statement The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolution May 2023 – 452.2/2023
 March 2019 – 06.3/2019
 December 2017 – 121.6/2017
 March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

(a) The sector continues to support four-year terms with a two year spill;

OR

(c) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections

OR

- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

- (c) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Focus Area	Governance
Key Issues	<ul style="list-style-type: none"> • Local Governments are being asked to consider WALGAs current and alternative advocacy positions as they relate to Local Government Elections • Local Government decision (Council) required by 28 October • Template Agenda Item provided to assist Council in preparing their positions
Objective	Council Decision to WALGA by 28 October 2024 for inclusion in the December 2024 State Council Agenda

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	low

CONSULTATION

WALGA

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

9. CORRESPONDENCE RECEIVED

Nil

10. NEW BUSINESS OF AN URGENT NATURE

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

Nil

11. CONFIDENTIAL ITEMS OF BUSINESS

Nil

12. CLOSURE

The being no further business the meeting closed at 4:49pm

Presiding Member

Date

