

12 July 2024

To: Shire President
Deputy Shire President
Councillors



Notice and agenda Ordinary Council Meeting

An Ordinary Council Meeting of the Shire of Nungarin will be held in the Council Chambers on **17th July 2024 at 4.30 pm** to consider and resolve the matters set out in the attached agenda.

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- iv. Advice provided by Shire employees about legal operations or functions is based on their knowledge and ability and does not constitute legal advice. For legal matters or official Shire representations, advice should be formally requested in writing.
- v. The order of business allows for a Public Question time at the beginning of the meeting.
- vi. If you wish to ask a question about an agenda item before it is considered then it is recommended to be made at the Public Question Time item on the agenda in accordance with Council's Procedures and Guidelines for Public Question Time.
The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

David Nayda
Temporary Chief Executive Officer

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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at ___pm.

Affirmation of Civic Duty and Responsibility as Read

I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Nungarin. We collectively declare we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability.

Acknowledgement of Traditional Custodians

We wish to acknowledge the Traditional Custodians of the land we are meeting on, the Njaki Njaki Nyoongar people, and recognise the contribution of Elders past, present and future.

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors

Shire President	Cr P de Lacy
Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell
Elected Member	Cr K Dayman
Elected Member	Cr A Eksanow
Elected Member	Cr W Lee
Elected Member	Cr M Caughey

Council Officers

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

Observers / Visitors

2.2 APOLOGIES

2.3 REQUEST FOR LEAVE OF ABSENCE

3. DEPUTATIONS AND PETITIONS

3.1 DEPUTATIONS

3.2 PETITIONS

4. PUBLIC QUESTION TIME

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

a) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

b) PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

a) FINANCIAL AND PROXIMITY INTEREST

b) DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

6. ANNOUNCEMENT BY THE PRESIDING MEMBER

Leave blank for Presiding Member.

7. PREVIOUS MEETING MINUTES

a) ORDINARY COUNCIL MEETING – 19th June 2024

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That the Minutes of the Ordinary Council Meeting held on 19th of June 2024 be confirmed as being a true and accurate record.

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

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council:

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

8. OFFICER REPORTS

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

IN BRIEF

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That Council in relation to the Payment Listing for June 2024, resolves to formally accept and acknowledge the contents of the report. The following payments were outgoing throughout June 2024

Municipal:

- EFT: \$134,794.47
- Cheque: \$2108.95
- Direct Debit: \$17,260.32
- Credit Card: \$0.00

Trust:

- Cheque: \$0.00

- **Grand Total: \$154,163.74**

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

BACKGROUND

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council; ‘

- The Payee’s name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction.

REPORT DETAIL

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribe information.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following is required;

1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared
 - a) the payee’s name;
 - b) the amount of the payment;
 - c) the date of the payment; and
 - d) sufficient information to identify the transaction.
2. A list of accounts for approval to be paid is to be prepared each month showing for each account which requires council authorisation in that month (i) the payee’s name;
 - i. the amount of the payment; and
 - ii. sufficient information to identify the transaction.
 - iii. the date of the meeting of the council to which the list is to be presented.
3. A list prepared under sub regulation (1) or (2) is to be —
 - a) presented to the council at the next ordinary meeting of the council after the list is

- b) prepared; and
- c) recorded in the minutes of that meeting.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

Nil

Social

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclean compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

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

OFFICER RECOMMENDATION	
Moved:
Seconded:

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

IN BRIEF

For Council to consider the monthly financial report for the period ending 30 June 2024.

SUMMARY AND KEY ISSUES

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

BACKGROUND

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

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

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

OTHER STRATEGIC LINKS

There are no Strategic Plan implications evident at this time.

STATUTORY ENVIRONMENT

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Finance) Regulations 1996

Local Government (Financial Management) Regulations 1996:

Regulation 34: Monthly Statement of Financial Activity

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

OFFICER COMMENT

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- a) Statement of Comprehensive Income by Function/Program
- b) Statement of Comprehensive Income by Nature/Type
- c) Statement of Financial Activity
- d) Summary of Net Current Asset Position
- e) Statement of Explanation of Material Variances
- f) Statement of Financial Position
- g) Statement of Cash Flows
- h) Detailed Operating and Non-Operating Schedules
- i) Statement of Cash Back Reserves
- j) Loan Borrowings Statement
- k) Trust Statement

MATERIAL VARIANCE COMMENTARY ON YEAR TO DATE

Regulation 34 of the Local Government (Financial Management) Regulations 1996 require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income.

Attached to this report is a copy of the month-by-month cumulative budget estimates, set out in the Statement of Financial Activity format.

The Statement of Financial Activity as at 30 June 2024 shows a closing surplus of \$2,660,485

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic

No economic risks to report.

Social

No social risks to report.

Policy Implications

No policy risks to report.

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Financial Consultant – Darren Long.

RESOURCE IMPLICATIONS

Financial

No financial implications to report.

Workforce

No workforce implications to report.

8.3 INVESTMENT REPORT AS AT 30 JUNE 2024	
File Ref:	Nil
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

OFFICER RECOMMENDATION	
Moved:
Seconded:

That Council in relation to the Investment Report for the period 30 June 2024, resolves to acknowledge receipt of this report.	

IN BRIEF

For Council to receive the investment Report as at 30 June 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 30 June 2024:

INVESTMENT REGISTER						
1 JUNE 2024 TO 30 June 2024						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT N°	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNT TO 30.06.2024	INVESTMENT TRANSFERS	CLOSING BALANCE 31.05.2024
38132004	03/06/2024	4.99%	\$860,204.92	\$21,404.31	\$881,608.23	\$0.00

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) make provision in respect of the investment of money referred to in subsection (1); and
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and
 - (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

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

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

- (1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959 (Commonwealth)* section 5; or

- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

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

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

Nil

Social -

Nil

Policy Implications

Council Policy F2 applies to the investment of surplus funds.

Risk Management Implications

Risk Level	Comment
Low	

CONSULTATION

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

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

8.4 REVIEW OF SHIRE OF NUNGARIN POLICY MANUAL	
File Ref:	
Previous Items:	Nil
Responsible Officer:	David Nayda, Temporary Chief Executive Officer
Author and Title:	David Nayda, Temporary Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	8.4a

OFFICER RECOMMENDATION	
Moved:
Seconded:

That Council resolves to:	
1. Reviews and accepts Shire of Nungarin Policy Manual (Attachment 8.3A).	

IN BRIEF

To ensure policies remain applicable and operation it is good practice to review policies on an annual basis.

BACKGROUND

1. To provide Council with a formal written record of policy decisions;
2. To provide employees with clear direction to respond to issues and act in accordance with the Council’s direction;
3. To enable Councillors to adequately handle general enquiries relating to the role of Council;
4. To enable Council to maintain a process to continually review policy decisions and to ensure they are in keeping with the community expectations, current legislative trends and circumstances; and
5. To enable residents to obtain immediate advice on matters of Council policy.

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; or
2. A Council decision arising from an agenda item.

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 no 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.

Council are ask to consider if this policy manual for review with no changes. If the council agrees, the review would involve 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 year. This process is crucial to maintain 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 – (Impact on the Economy of the Shire and Region)

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

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

Policies may have an implication to the community and landowners, particularly those in the 'Community' and 'Planning & Regulatory' categories.

Policy Implications

This review encompasses all policies. Please refer to 'Attachment 8.4a' for details on the policies subject to 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 sort were considered necessary.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

The annual review will provide staff with clear direction to respond to issues and act in accordance with the Council's direction. There is no significant implications resulting from the proposed Policies Documentation.

8.5 PIONEERS PATHWAY	
File Ref:	
Previous Items:	Nil
Responsible Officer:	David Nayda, Temporary Chief Executive Officer
Author and Title:	David Nayda, Temporary Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority/ Simple Majority
Attachment Number	8.5a

OFFICER RECOMMENDATION

Moved:

Seconded:

.....

That the Council Approves

The endorsement of the Pioneers Pathway Memorandum of Understanding for 2024-2027 and commits to a financial contribution of \$12,000.00 spread over three years.

IN BRIEF

The current Memorandum of Understanding (MoU) is set to expire on 30 June 2024. The PP Advisory Group recommends that this MoU be renewed for another three-year period, extending its validity to 30 June 2027. The intent and objectives of the MoU will remain unchanged, focusing on continued collaboration and support between the parties involved.

BACKGROUND

The Pioneers Pathway has had a MoU between member Councils since 2017. The purpose of the to provide funding to continue to collaboratively develop historical tourism in the region through the development, promotion and marketing of the Pioneers' Pathway Self Drive Trail from Perth to Merredin reminiscing the path of the Pioneers' during the gold rush in the eastern goldfields and the development of agriculture and communities in the region.

REPORT DETAIL

In alignment with the objectives of the MoU, it has been proposed to incrementally increase the Council's financial commitment over the next three years.

Specifically, the recommended financial contribution is as follows:

\$3,500 for the year 2024-2025

\$4,000 for the year 2025-2026

\$4,500 for the year 2026-2027

The recommended increase in financial commitment is driven by sever factors that underscore the importance and benefits of continuing this partnership, noting that there has not been an increase in Council contributions since 2017.

This is a strategic decision addressing the current environment of inflation and rising costs aimed at sustaining and enhancing the partnership, ensuring that the objectives of the MoU are met effectively and efficiently over the next three years.

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Nil

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

Nil

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Medium	Memorandum of Understanding costs the Shire of Nungarin slightly more than the current one, the financial impact of increasing the Shire's proportion of the annual costs may force the Shire to reassess whether to continue to support of pioneers pathways.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

End

9. CORRESPONDENCE RECEIVED

Nil

10. NEW BUSINESS OF AN URGENT NATURE

New business of an urgent nature approved by the Presiding Member

11. CONFIDENTIAL ITEMS OF BUSINESS

Nil

12. CLOSURE

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

Presiding Member

Date