



Minutes

Ordinary Council Meeting

Wednesday 20th November 2024

Commenced at 4:31PM

Held in the Council Chambers,
Railway Avenue Nungarin



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**ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY 20th November 2024
AGENDA SUMMARY and TABLE OF CONTENTS**

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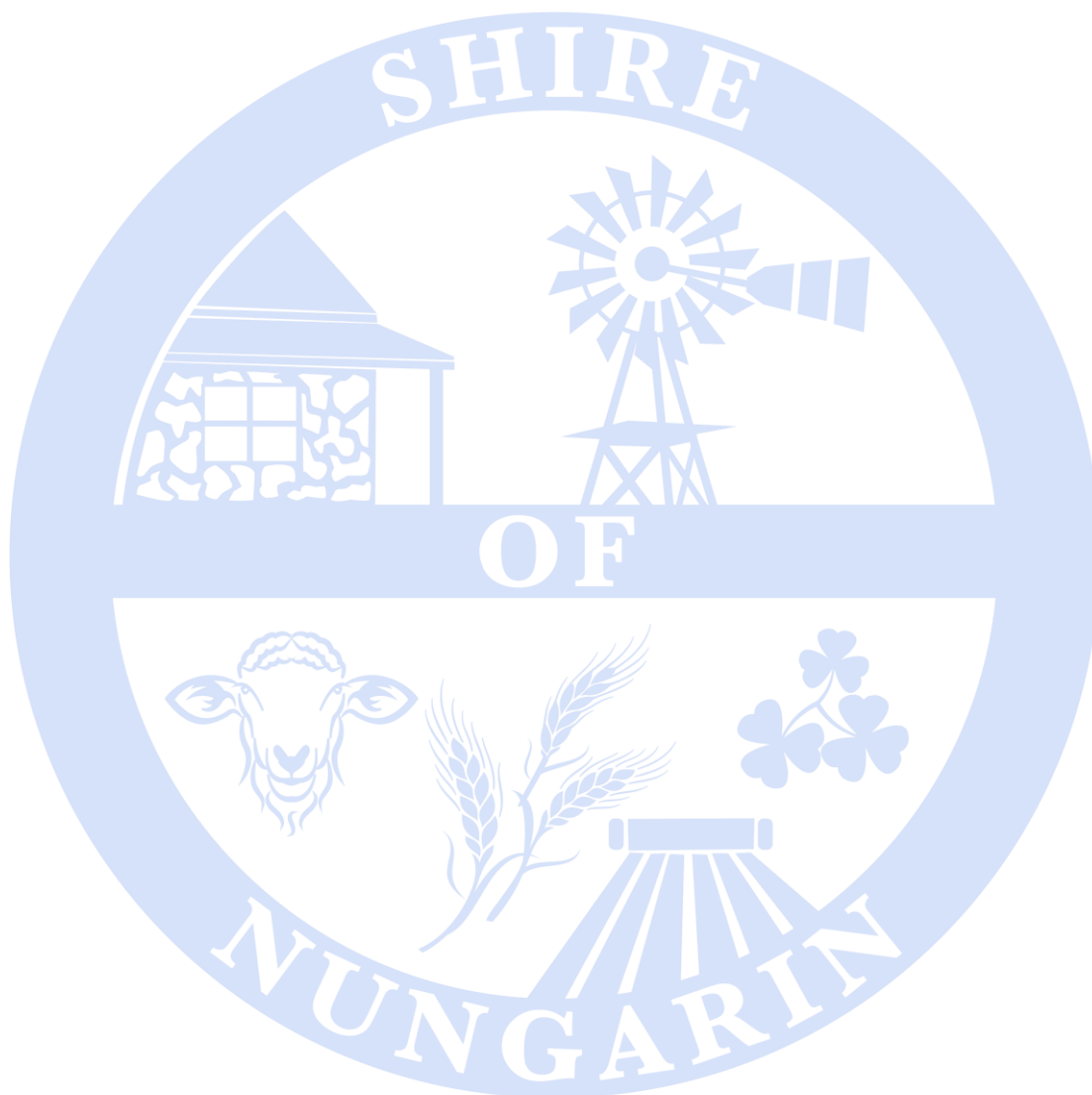
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AGENDA and STAFF REPORTS

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBERS, NUNGARIN

ON WEDNESDAY 20th November 2024

1. DECLARATION OF OPENING

The Presiding Member to declare the meeting open at 4:31 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

Chief Executive Officer Mr D Nayda
Manager Corporate Services Miss S Sergeant

Observers / Visitors

Nil

2.2 APOLOGIES

Acting Manager Works & Services Mr D Dhu

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 – 16th OF OCTOBER 2024

COUNCIL RESOLUTION 94/11/24

Moved: Cr K Dayman

Seconded: Cr W Lee

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 16th of October 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 OCTOBER 2024 | |
| File Ref: | N/A |
| Previous Items: | Nil |
| Responsible Officer: | David Nayda - Chief Executive Officer |
| Author and Title: | Selina Sergeant - Manager Corporate Services |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Attachment Number | 8.1A – Payment Listing October 2024 |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| COUNCIL RESOLUTION | 95/11/24 |
| 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 Council in relation to the Payment Listing for October 2024, resolves to formally accept and acknowledge the contents of the report. | |
| The following payments were outgoing throughout October 2024: | |
| Municipal: | |
| <ul style="list-style-type: none"> • EFT: \$106,782.43 • Cheque: \$10.95 • Direct Debit: \$23,984.06 • Credit Card: \$0.00 | |
| <ul style="list-style-type: none"> • Trust: \$0.00 | |
| <ul style="list-style-type: none"> • Grand Total: \$130,777.44 | |
| 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 October 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

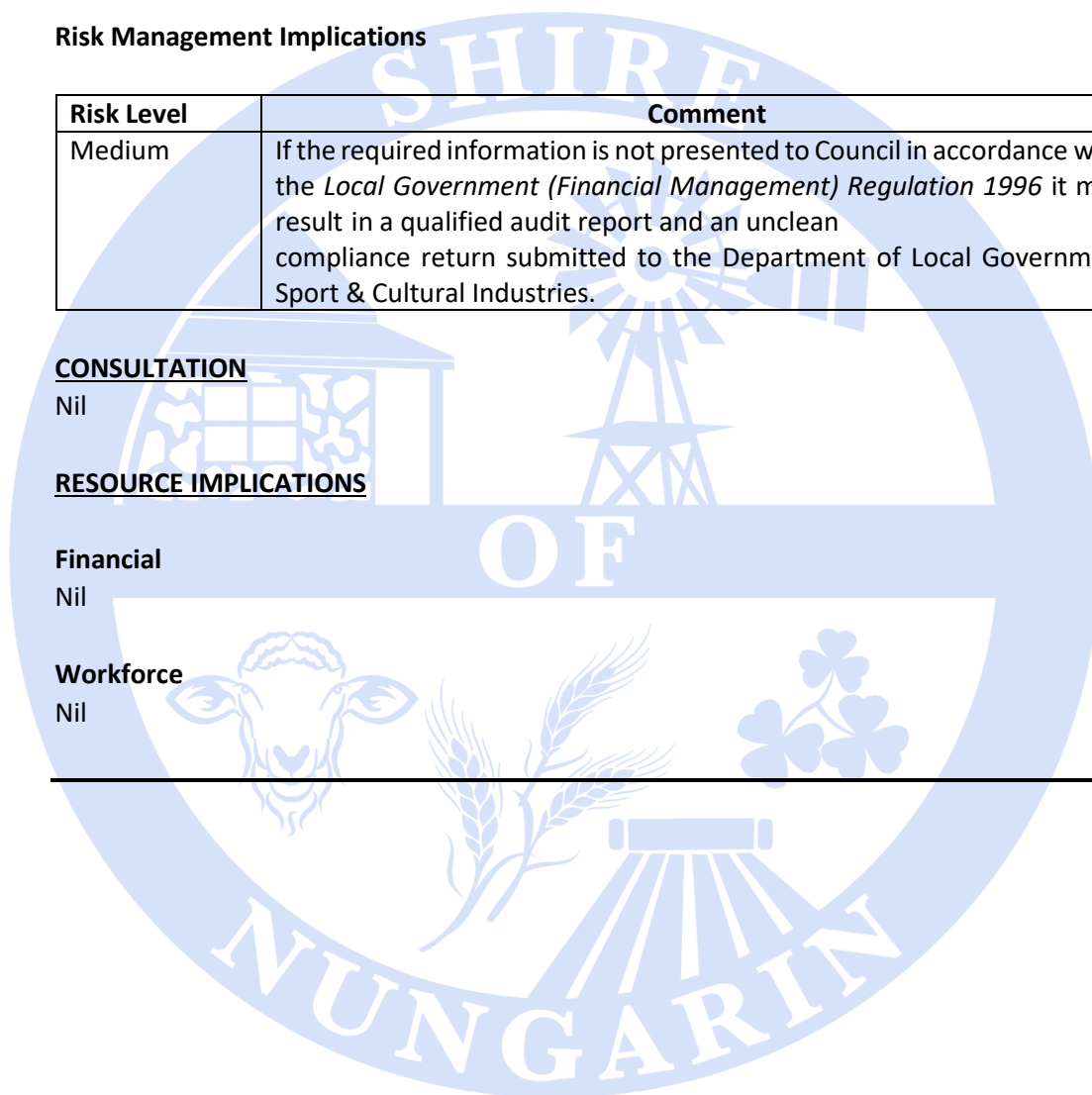
RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil



| 8.2 MONTHLY FINANCIAL REPORT OCTOBER 2024 | |
|--------------------------------------------------|----------------------------------------------|
| 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 October 2024 |

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <u>COUNCIL RESOLUTION</u> | 96/11/24 |
| Moved: | Cr M Caughey |
| Seconded: | Cr W Lee |
| For: Cr. de Lacy, Cr Coumbe, Cr O’Connell, Cr Dayman, Cr Eksanow, Cr Lee, Cr Caughey | |
| Against: Nil | |
| That Council, regarding the Monthly Financial Report for October 2024, resolves to formally accept and acknowledge the contents of the report | |
| Carried by Simple Majority: 7/0 | |

IN BRIEF

For Council to consider the monthly financial report for the period ending 31st October 2024
Repeat above format for additional reports

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

MATERIAL VARIANCE COMMENTARY ON YEAR TO DATE

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income. Attached to this report is a copy of the month-by-month cumulative budget estimates, set out in the Statement of Financial Activity format.

The Statement of Financial Activity as at 31st October 2024 shows a closing surplus of \$2,493,407.

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

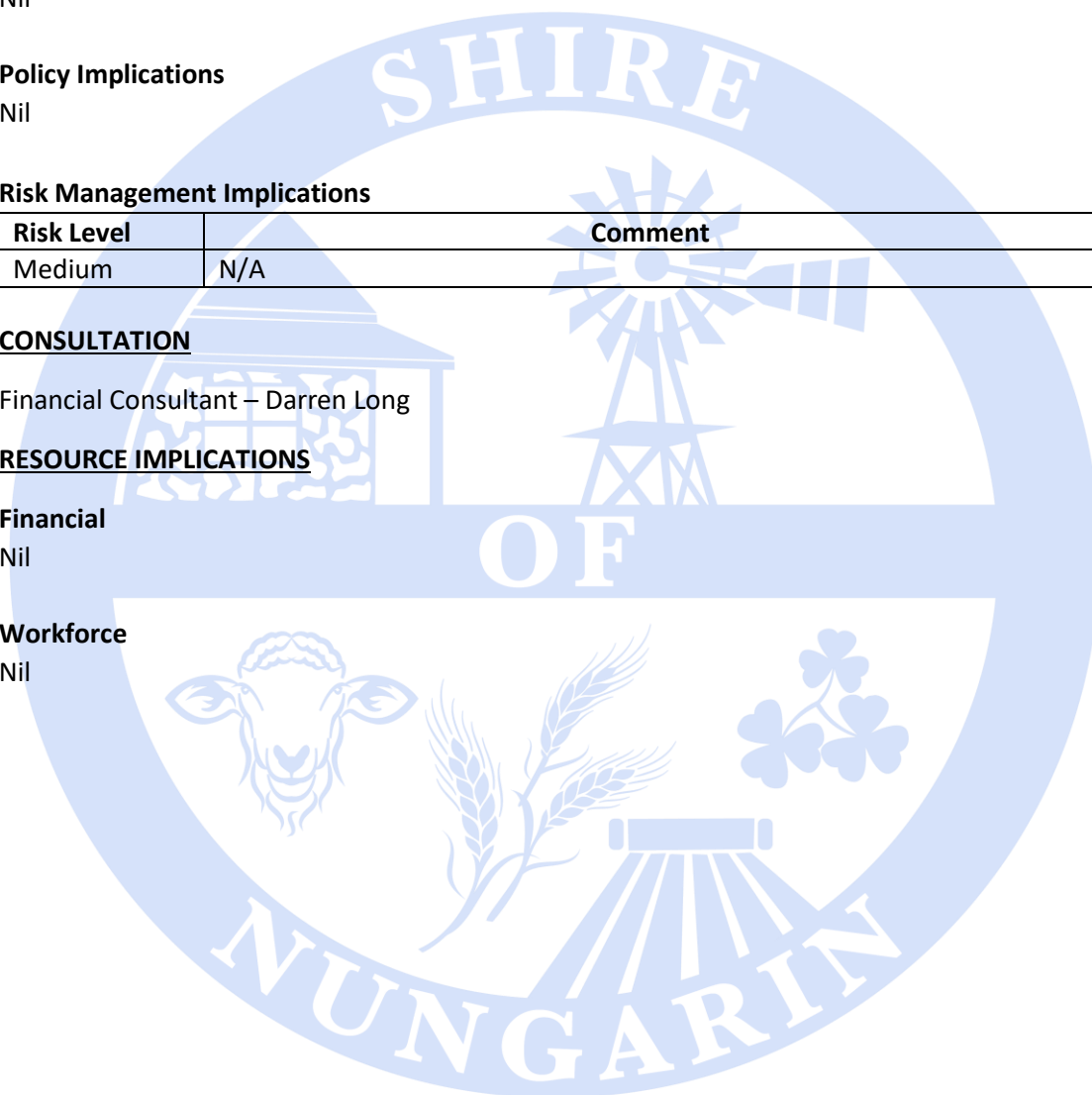
RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil



| 8.3 INVESTMENT REPORT AS AT 31st October 2024 | |
|-----------------------------------------------------------------|---------------------------------------|
| 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 97/11/24

Moved: Cr G Coumbe Seconded: Cr K Dayman

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 October 2024 be received.

Carried by Simple Majority: 7/0

IN BRIEF

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

| INVESTMENT REGISTER | | | | | | |
|----------------------------------------------------------|------------------|---------------|-----------------|------------------------------|----------------------|----------------------------|
| 1 st OCTOBER TO 31 st OCTOBER 2024 | | | | | | |
| COMMONWEALTH BANK – FIXED TERM DEPOSIT | | | | | | |
| ACCOUNT N ^o | DATE OF MATURITY | INTEREST RATE | OPENING BALANCE | INTEREST EARNT TO 31.10.2024 | INVESTMENT TRANSFERS | CLOSING BALANCE 31.10.2024 |
| 38132004.46 | 14/10/2024 | 4.78% | \$1,500,000.00 | \$17,875.89 | (\$1,517,875.89) | \$0.00 |
| 38132004.47 | 13/01/2025 | 4.82% | \$1,517,875.89 | 0.00 | 0.00 | \$1,517,875.89 |
| 38132004.48 | 13/01/2025 | 4.82% | \$893,496.30 | 0.00 | 0.00 | \$893,496.30 |

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

| | |
|------------------------------------|---------------------------------------|
| 8.4 CHRISTMAS CLOSURE DATES | |
| 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: | Simple Majority |
| Attachment Number | Nil |

COUNCIL RESOLUTION 98/11/24**Moved: Cr M Caughey****Seconded: Cr RE O'Connell****For: Cr. de Lacy, Cr Coumbe, Cr O'Connell, Cr Dayman, Cr Eksanow, Cr Lee, Cr Caughey****Against: Nil****That Council approve the closure of the Shire Administration Office and Depot on 20th December 2024 and re-opening on 6th January 2025****Carried by Simple Majority: 7/0****IN BRIEF**

Council is requested to consider the closure of the Shire Administration Office and Depot over the Christmas period.

BACKGROUND

Annually the Shire Administration Office and Depot is closed over the Christmas period.

REPORT DETAIL

It is recommended that the Administration Office and the Depot close on 20th December 2024 and reopen on 6th January 2025.

During the closure period the Depot will operate on skeleton staff allowing the much-needed maintenance of machinery and equipment to be done. The Acting Manager Works and Services and the Manager of Corporate Services will be on call should an urgent matter occur requiring immediate action.

The month of December is generally a quiet period, and the closure of the Administration Office / Depot will not have an impact on the community.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

| | |
|-------------------|-----------------------------------------------------------------------------------------|
| Focus Area | Civic Leadership |
| Aspiration | A strong local democracy with an actively engaged community and effective partnerships. |
| Objective | Commit to the provision of essential and non-essential services in the community. |

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 | Whilst the Administration Office / Depot will be closed, staff will still be available should an urgent matter occur. |

CONSULTATION

Nil

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

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <u>COUNCIL RESOLUTION</u> | 99/11/24 |
| Moved: Cr RE O'Connell | 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 proceed behind closed doors as per Section 5.23 (2) of the <i>Local Government Act 1995</i> to consider item 8.4 at 4:38pm. | |
| Carried by Simple Majority: 7/0 | |

| | |
|---------------------------------|----------------------------------------|
| 11.1 TENDER RFT 24-25-01 | |
| 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: | Simple Majority |
| Attachment Number | Confidential 11.1A – Tender Evaluation |

COUNCIL RESOLUTION **100/11/24**

Moved: Cr RE O'Connell **Seconded:** Cr A Eksanow

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

Against: Nil

The Council:

- 1. Tender RFT 24-25-01 was awarded
- 2. Authorise the Chief Executive Officer to sign the tender agreement

Carried by Simple Majority: 7/0

COUNCIL RESOLUTION **101/11/24**

Moved: Cr K Dayman **Seconded:** Cr RE O'Connell

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

Against: Nil

That Council:

Proceed with the meeting in public, the time being 4:44pm

Carried by Simple Majority: 7/0

12. CLOSURE

The being no further business the meeting closed at 4:45pm

Presiding Member

Date