



COUNCIL CALENDAR

Date	Time	Meeting
15 February 2022	4.00pm	Ordinary Council Meeting
15 March 2022	4.00pm	Ordinary Council Meeting

14 December 2021 MEETING PROGRAM

2.30pm	Audit and Risk Committee
3.00pm	Councillor Discussion Forum
4.00pm	Ordinary Council Meeting

MEETING GUESTS

Nil

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MINUTES

Shire of Narembeen Ordinary Council Meeting Tuesday 14 December 2021, commencing at 4.00pm

1.0 Opening & Welcome

Presiding Person, Cr Kellie Mortimore welcomed everyone to the meeting and declared the meeting open at 4.01pm

2.0 Attendance & Apologies

Attendance

Councillors

Cr Kellie Mortimore	Shire President, Presiding Person
Cr Scott Stirrat	Deputy Shire President
Cr Chris Bray	Member
Cr Trevor Cole	Member
Cr Michael Currie	Member
Cr Holly Cusack	Member
Cr Warren Milner	Member

Officers

Mr David Blurton	Chief Executive Officer
Ms Tamara Clarkson	Executive Manager Corporate Services
Ms Salma Khan	Corporate Services Officer (Minute taker)

Apologies

Nil

Approved leave of absence

Nil

3.0 Declarations of Interest

Nil

4.0 Announcements

4.1 Application for leave of absence

Nil

5.0 Public Question Time & Deputations (15 min)

Nil

6.0 Minutes of Previous Meetings

6.1 Confirmation of Minutes of Ordinary Meeting of Council

6.1.1 Confirmation of Minutes

Confirmation of Minutes from the Shire of Narembeen Ordinary Meeting held on Tuesday 16 November 2021.

RECOMMENDATION:

That the minutes of the meeting of the Shire of Narembeen Ordinary Meeting held on Tuesday 16 November 2021 be confirmed as a true and accurate record of the proceedings.

COUNCIL RESOLUTION

MIN 7299/21 MOTION - Moved Cr.S Stirrat

Seconded Cr.T Cole

That the minutes of the meeting of the Shire of Narembeen Ordinary Meeting held on Tuesday 16 November 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED 8/0

6.1.2 Business Arising

Business Arising from the Minutes of the Shire of Narembeen Ordinary Meeting held Tuesday 16 November 2021.

6.2 Endorse Minutes - Audit and Risk Committee

6.2.1 *Endorse* Minutes of the Audit and Risk Committee Meeting held on Tuesday 14 December 2021.

RECOMMENDATION

That the minutes of the Shire of Narembeen Audit Committee Meeting held on Tuesday 14 December 2021 be received and the following actions endorsed:

That Council:

1. Adopt the Shire of Narembeen Annual Report 2020/2021, including the Annual Financial Report and Independent Auditor's Report.
2. Advertise for the Shire of Narembeen Annual Electors Meeting to be held at 3.30pm on Tuesday 15 February 2022 in Council Chambers.

COUNCIL RESOLUTION

MIN 7300/21

MOTION - Moved Cr. A Hardham

Seconded Cr. M Currie

That the minutes of the Shire of Narembeen Audit Committee Meeting held on Tuesday 14 December 2021 be received and the following actions endorsed:

That Council:

- 1. Adopt the Shire of Narembeen Annual Report 2020/2021, including the draft Annual Financial Report and Independent Auditor's Report.*
- 2. Advertise for the Shire of Narembeen Annual Electors Meeting to be held at 3pm on Tuesday 15 February 2022 in Council Chambers.*

CARRIED 8/0

As the minutes were not available at the time of the meeting, Council endorsed the minutes from the Audit and Risk Committee meeting.

Council changed the meeting time to 3pm to allow for refreshments prior to the Council meeting.

7.0 Status Report

RECOMMENDATION:

That the Status Report for December 2021 be received.

COUNCIL RESOLUTION

MIN 7301/21

MOTION - Moved Cr. C Bray

Seconded C. W Milner

That the Status Report for December 2021 be received.

CARRIED 8/0

8.0 Reports

8.1 Chief Executive Officer

AGENDA ITEM: 8.1.1 Bendering Farm- License Agreement

Subject:	Bendering Farm Licence Agreement
Applicant:	NA
File Ref:	ADM164
Disclosure of Interest:	NA
Author:	David Blurton, Chief Executive Officer
Date:	1 November 2021
Attachments:	Nil

PURPOSE

For Council to consider the lease of an unused portion of Bendering Farm to Notting Nominees Pty Ltd, who is the current lessee of the property.

BACKGROUND

The Shires of Kondinin, Corrigin, Kulin and Naremben purchased 64 hectares of freehold land in the Shire of Kondinin for the Bendering Tip in 2007 for \$63,000. The Shires also entered into a Licence to Use Land agreement with the former owner of the land on 1 October 2009 for the use of part of the land for a period of 10 years expiring on 1 October 2019.

Renewal of the lease was discussed at the RoeROC meeting in July 2021 and the following was decided.

1. *A market valuation be obtained for the Bendering Tip farming land;*
2. *The CEO negotiate a lease arrangement with the current occupier based on RoeROC Delegates directions;*
3. *The lease arrangement be advertised as required under Section 3.58(3)(a) of the Local Government Act 1995; and*
4. *The item be brought back to RoeROC for consideration of the lease and submissions at the next meeting.*

Following this meeting an indicative value was received indicating an amount of \$4,670 per annum.

CONSULTATION

RoeROC members

STATUTORY IMPLICATIONS

Local Government Act 1995

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or

- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
 - or
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or

Local Government Act 1995

Section 5.43(d)

A local government cannot delegate to a CEO any of the following powers or duties —

- (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.

FINANCIAL IMPLICATIONS

Financial implications for this proposal will be advertising for the transaction and legal fees for the drafting of the agreement.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Corporate Business Plan 2020/21 – 2023/24

We place value on our role as part of RoeRoc and will investigate opportunities to work collaboratively to achieve goals.

VOTING REQUIREMENTS

Simple Majority

COMMENT

In discussions with the current lessee, they are happy to continue with the value of the lease being offset by the cost of maintaining the property creating a nil balance. i.e.

Annual Lease amount (payable to RoeROC)	\$4,670
Cost to maintain firebreaks and fences (Payable to Lessee)	\$4,670
Balance of transactions	\$ 0

The consideration of the maintenance value of the property is due to the fact that the property is surrounded by the current lessee's farming land and as such, it would be difficult to get another tenant to lease the property due to small size and location. If the current lessee does not renew the lease, then RoeROC will be responsible for maintaining the rest of the land at its own cost. It is easier to make the transactions simple that they cancel each other out for a simple process.

To ensure that the provisions of the Local Government Act 1995 Section 3.58 (3)(a) are followed, advertising has taken place inviting submission on the proposed disposal and no submissions were received. Member shires now need to resolve the final transaction individually as the property is owned by each Shire as equal partners.

As the area of arable will be impacted with changes to the area used for rubbish disposal, but the final transaction value is still nil, it is recommended that the Agreement be established for a five year period with an option to renew for five years.

OFFICER RECOMMENDATION

That Council lease a 45 hectare portion of Lot 23945 on Deposit Plan 151345 on Kondinin-Narembeen Road, Kondinin (Bendering Waste Site) to Notting Nominees Pty Ltd for a period of five years with a five-year option for nil cost.

COUNCIL RESOLUTION

MIN 7302/21 **MOTION** - Moved Cr. A Hardham Seconded Cr. C Bray

That Council lease a 45 hectare portion of Lot 23945 on Deposit Plan 151345 on Kondinin-Narembeen Road, Kondinin (Bendering Waste Site) to Notting Nominees Pty Ltd for a period of five years with a five-year option for nil cost.

CARRIED 8/0

8.2 Executive Manager Corporate Services

AGENDA ITEM: 8.2.1 - Local Government Reform – Draft Submission

Subject:	Local Government Reform – Draft Submission
Applicant:	NA
File Ref:	ADM676
Disclosure of Interest:	Nil
Author:	Tamara Clarkson, Executive Manager Corporate Services
Date:	6 December 2021
Attachments:	LG Reform – Shire draft submission and WALGA submission

PURPOSE

Provide an update on the Local Government Reform and for Council to endorse the draft submission to the Department of Local Government Sport and Cultural Industries.

BACKGROUND

In 2017, the McGowan Government announced a review of the *Local Government Act 1995*. This was the most significant and comprehensive review of the legislation that occurred in more than two decades.

There were several recommendations that have been implemented including universal training for elected members, mandatory code of conduct and best practice standards for CEO recruitment.

On 10 November 2021, the Minister for Local Government, Hon John Carey MLA announced his plan for major reforms of the *Local Government Act 1995*.

The proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the Local Government Review Panel Final Report.

Major changes to the Local Government Act and Regulations will provide for a stronger, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

Consultation is open until 25 February 2022.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate Services

STATUTORY IMPLICATIONS

Local Government Act 1995.

FINANCIAL IMPLICATIONS

Currently there are no financial implications, however any changes to the *Local Government Act* may result in financial implications for the Shire.

POLICY IMPLICATIONS

Currently there are no policy implications, however any changes to the *Local Government Act* may result in policy implications for the Shire.

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Corporate Business Plan 2020/21 – 2023/24

VOTING REQUIREMENTS

Simple Majority

COMMENT

Councillors were asked to provide comment, and this has been collated in to the draft submission with staff providing additional comment.

WALGA have finalised their submission the proposed reform, this has been attached to provide further clarification and information.

OFFICER RECOMMENDATION

That Council:

1. Endorse draft submission, and
2. A copy of this resolution together with attached submission be forwarded to the Minister for Local Government.

COUNCIL RESOLUTION

MIN 7303/21 **MOTION** - Moved Cr. W Milner Seconded Cr. M Currie

That Council:

1. *Endorse draft submission with changes, and*
2. *A copy of this resolution together with attached submission be forwarded to the Minister for Local Government.*

CARRIED 7/1

AGENDA ITEM: 8.2.2 - Schedule of Accounts for November 2021

Subject:	Schedule of Accounts for November 2021
Applicant:	NA
File Ref:	NA
Disclosure of Interest:	Nil
Author:	Kathryn Conopo, Administration Officer
Date:	6 December 2021
Attachments:	Creditors Payment List – November 2021, Credit Card Payments List 14 October – 12 November 2021

PURPOSE

For Council to review the payments made by the Shire of Narembeen in November 2021.

BACKGROUND

The Shire's schedule of accounts is to be provided to council each month pursuant to the Local Government (Financial Management) Regulation 1996.

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Reg. 13 List of Accounts

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 payments; and
 - d. Sufficient information to identify the transaction.

3. A list prepared under sub regulation (1) or (2) is to be –
 - a. Presented to the council at the next ordinary meeting of council after the list is prepared; and
 - b. Recorded in the minutes of that meeting.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017-2027

Goal 2: Internal and external relationships actively grow our Shire population and positive financial position.

2.1 Our organisation model is responsive to economic conditions, the delivery of core services and infrastructure so too the successful pursuit of economic opportunities that benefit our community.

VOTING REQUIREMENTS

Simple majority

COMMENT

A schedule of accounts paid during the month of November 2021 is attached to this report and the total amount paid from the municipal fund is as follows:

Municipal Account: \$ 511,755.91
Trust Account: \$ 634.38

OFFICER RECOMMENDATION

That Council:

1. Receive the Creditors Payment List for November 2021
2. Receive the Credit Card Payment List for 14 October – 12 November 2021

COUNCIL RESOLUTION

MIN 7304/21 MOTION - Moved Cr. C Bray

Seconded Cr. M Currie

That Council:

1. *Receive the Creditors Payment List for November 2021*
2. *Receive the Credit Card Payment List for 14 October – 12 November 2021*

CARRIED 8/0

AGENDA ITEM: 8.2.3 - Financial Report period ending 31 November 2021

Subject:	Financial Report November 2021
Applicant:	Shire of Narembeen
File Ref:	N/A
Disclosure of Interest:	Nil
Author:	Teresa Cousins, Finance Officer
Date:	6 th December 2021
Attachments:	November 2021 Financial Report

PURPOSE

The monthly statement of Financial Activity discloses the Shires financial activities for the period ending 30 November 2021.

BACKGROUND

The monthly financial report is presented in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*. A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity Report summarises the Shire's financial activities.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate Services

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity.

Regulation 34(2) requires the statement of financial activity to report on the sources and applications of funds, as set out in the annual budget.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

- Minor Compliance risk considered low.
Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.
- Financial Impact risk considered moderate.
Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017-2027

Focus upon our local economic drivers to retain and grow existing businesses, employment and to attract new industry.

Corporate Business Plan 2020/21 – 2023/24

Goal Area 1. Focus upon local economic drivers to retain and grow existing businesses, employment and to attract new industry.

VOTING REQUIREMENTS

Simple Majority

COMMENT

Council's closing position at 30 November 2021 amounts to \$3,403,246 with current assets of \$8,441,539 and \$313,325 in reserve funds and \$4,500,000 in term deposits.

The figures contained as at 30 June 2021, will not be finalised until the annual report and an audit is completed.

OFFICER RECOMMENDATION

That Council receive the Shire of Narembreen's Financial Report for the month of November 2021.

COUNCIL RESOLUTION

MIN 7305/21 MOTION - Moved Cr. A Hardham Seconded Cr. W Milner

That Council receive the Shire of Narembreen's Financial Report for the month of November 2021.

CARRIED 8/0

RECOMMENDATION

That Council close the meeting to public, under Section 5.23 (c) of the *Local Government Act 1995*, so that it can discuss Item 8.3.1 as it relates to a potential contractual agreement.

COUNCIL RESOLUTION

MIN 7306/21 **MOTION** - Moved Cr. C Bray Seconded Cr. A Hardham

That Council close the meeting to public, under Section 5.23 (b) of the Local Government Act 1995, so that it can discuss Item 8.3.1 which relates to a contractual matter.

CARRIED 8/0

4.51pm the meeting was closed to members of the public.

8.3 Confidential Reports provided under separate cover

CONFIDENTIAL AGENDA ITEM: 8.3.1 Tender 04/2021 Narembeen-Kondinin Road SLK 10.2-13.2 widen and overlay

Subject:	Tender 04/2021 Narembeen - Kondinin widen and overlay
Applicant:	NA
File Ref:	ADM053
Disclosure of Interest:	NA
Author:	David Blurton, Chief Executive Officer
Date:	7 December 2021
Attachments:	Nil

In accordance with Section 5.23 (2) (c) it is recommended that the meeting be closed to the public to discuss a matter relating to a potential contractual agreement.

OFFICER RECOMMENDATION

That Council

1. Reject the tender submitted by WCP Civil for tender 04-2021 Narembeen-Kondinin SLK 10.2-13.2 widen and overlay
2. Direct staff to review the project scope with a view to commencing a new tender process in the 2022 year.

COUNCIL RESOLUTION

MIN 7307/21 **MOTION** - Moved Cr. C Bray Seconded Cr. A Hardham

That Council

1. *Reject the tender submitted by WCP Civil for tender 04-2021 Narembeen-Kondinin SLK 10.2-13.2 widen and overlay*
2. *Direct staff to review the project scope with a view to commencing a new tender process in the 2022 year.*

CARRIED 8/0

RECOMMENDATION

That Council re-open the meeting to public.

COUNCIL RESOLUTION

MIN 7308/21

MOTION - Moved Cr. M Currie

Seconded Cr. C Bray

That Council re-open the meeting to public.

CARRIED 8/0

5.02pm the meeting was reopened to members of the public.

9.0 Urgent business as permitted by Council

Nil

10.0 Councillor's Reports

Cr K Mortimore

Attended

- Zone Meeting
- Senior Citizens dinner
- School Concert
- Community Wellbeing Plan meeting
- Audit Exit meeting
- Shire Staff party

Cr S Stirrat

Attended

- Nil

Cr H Cusack

Attended

- Housing Working Group
- School Concert

Cr T Cole

Attended

- Nil

Cr C Bray

Attended

- Community Wellbeing Plan meeting
- General Business
- Made contact with Lawrie Short at the Rural Water Council. Next meeting March 2022

Cr A Hardham

Attended

- Housing Working Group
- Community Wellbeing Plan meeting
- School Concert
- Dance Concert

Cr M Currie

Attended

- School Concert

Cr W Milner

Attended

- Housing Working Group

General Business:

- Requested an update on the uniform orders for Council. T Clarkson advised it will be considered in the new year
- Telstra building – Looking tired and messy. Shire is liaising with Telstra to clean it up.

11.0 Date, time & place of next meeting

Tuesday 15 February 2022, 4.00pm at the Shire of Narembeen Council Chambers.

12.0 Closure

There being no further business the Chair declared the meeting closed at 5.14pm.