



#### COUNCIL CALENDAR

Date	Time	Meeting
January 2021		No Meeting
17 February 2021	4.00pm	Ordinary Meeting of Council
17 March 2021	4.00pm	Ordinary Meeting of Council
21 April 2021	4.00pm	Ordinary Meeting of Council

#### DECEMBER MEETING PROGRAMME

2.30pm	Audit Committee Meeting
3.30pm	Councillor Discussion Forum
4.00pm	Ordinary Council Meeting

#### MEETING GUESTS

Nil

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# DECLARATION OF INTEREST FORM

**TO: CHIEF EXECUTIVE OFFICER**

As required by Section 5.65 of the Local Government Act 1995, I \_\_\_\_\_  
hereby disclose my interest in the following matters of the agenda papers for the Council meeting  
dated \_\_\_\_\_.

## FINANCIAL INTEREST

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

## CLOSELY ASSOCIATED PERSON AND IMPARTIALITY INTEREST

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

## PROXIMITY INTEREST

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

### NOTES:

- For the purposes of the financial interest provisions you will be treated as having a financial interest in a matter if either you, or a person with whom you are closely associated, have a direct or indirect financial interest or a proximity interest in the matter.  
**NB: It is important to note that under the Act you are deemed to have a financial interest in a matter if a person with whom you are closely associated has a financial interest or a proximity interest. It is not necessary that there be a financial effect on you.**
- This notice must be given to the Chief Executive Officer prior to the meeting.
- It is the responsibility of the individual Councillor or Committee Member to disclose a financial interest. If in doubt, seek appropriate advice.
- A person who has disclosed an interest must not preside at the part of the meeting relating to the matter, or participate in, be present during any discussion or decision-making procedure relating to the matter unless allowed to do so under Section 5.68 or 5.69 of the Local Government Act 1995.

### OFFICE USE ONLY:

- PARTICULARS OF DECLARATION GIVEN TO MEETING
- PARTICULARS RECORDED IN MINUTES
- PARTICULARS RECORDED IN REGISTER

**CHIEF EXECUTIVE OFFICER:** \_\_\_\_\_ **DATED:** \_\_\_\_\_

# NOTICE OF MEETING

To the President & Councillors,

In accordance with the provisions of Section 5.5 of the Local Government Act, you are hereby notified that the 669<sup>th</sup> Ordinary Meeting of Council has been convened for:

**Date:** 16 December 2020  
**At:** Shire of Narembeen Council Chambers  
1 Longhurst Street, Narembeen  
**Commencing:** 4.00pm



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**David Blurton**  
**Chief Executive Officer**  
Date: 10 December 2020

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## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Narembeen for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Narembeen disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Narembeen during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Narembeen. The Shire of Narembeen warns that anyone who has an application lodged with the Shire of Narembeen must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Narembeen in respect of the application.

# AGENDA

## Shire of Narembeen Ordinary Council Meeting Wednesday 16 December 2020, commencing at 4.00pm

### 1.0 Opening & Welcome

### 2.0 Attendance & Apologies

#### Attendance

Councillors

Staff

#### Apologies

#### Approved leave of absence

### 3.0 Declarations of Interest

### 4.0 Announcements

4.1 Application for leave of absence

### 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 Wednesday 18 November 2020

#### RECOMMENDATION:

That the Minutes of the Meeting of the Shire of Narembeen held Wednesday 18 November 2020 be confirmed as a true and accurate record of the proceedings.

#### COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

CARRIED /

#### 6.1.2 Business Arising

Business Arising from the Minutes of the Shire of Narembeen Ordinary Meeting held Wednesday 18 November 2020.

### 6.2 Confirmation of Minutes Special Meeting of Council

#### 6.2.1 Confirmation of Minutes

Confirmation of Minutes from the Shire of Narembeen Special Meeting of Council held on Wednesday 2 December 2020

#### **RECOMMENDATION:**

That the Minutes of the Meeting of the Shire of Narembeen Special Meeting of Council held 2 December 2020 be confirmed as a true and accurate record of the proceedings.

#### **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /**

### 6.3 Roe Tourism Inc Annual General Meeting and General Meeting

#### **RECOMMENDATION:**

That Council Receive the Minutes from the Roe Tourism Inc General Meeting 16 November 2020 and Annual General Meeting 16 November 2020.

#### **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /**

<b>7.0 Status Report</b>
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**RECOMMENDATION:**

That the Status Report for December 2020 be received.

**COUNCIL RESOLUTION**

**MIN**                      **MOTION** - Moved Cr.                                      Seconded Cr.

**CARRIED /**

<b>8.0 Corporate Business Plan Reporting</b>
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**RECOMMENDATION:**

That the Corporate Business Plan Report be received.

**COUNCIL RESOLUTION**

**MIN**                      **MOTION** - Moved Cr.                                      Seconded Cr.

**CARRIED /**

### **9.1 Acting Chief Executive Officer**

#### **OFFICER RECOMMENDATION**

That Council closes the meeting to the public under section 5.23 (2)(a) and (c) of the Local Government Act 1995 so that it can discuss matters of recruiting a permanent Chief Executive Officer

#### **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /**

**CONFIDENTIAL AGENDA ITEM 9.1.1 – Appointment of Chief Executive Officer Recruitment Consultant.**

#### **OFFICER RECOMMENDATION**

That Council re opens the meeting to public

#### **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /**



## **AGENDA ITEM: 9.1.2 - Extension of Liquor Licensing Area – Narembeen Club Inc.**

<b>Subject:</b>	Extension of Liquor Licencing Area – Narembeen Club Inc.
<b>Applicant:</b>	Narembeen Club Inc. – Kyla Padfield Secretary/Treasurer
<b>File Ref:</b>	ADM495
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Scott Wildgoose, Acting CEO
<b>Date:</b>	08 December 2020
<b>Attachments:</b>	Letter from Narembeen Club Re: Extension of Liquor licensing area for enhanced sport viewing.

### **SUMMARY**

For Council to review the request from Narembeen Club Inc. to expand their liquor licensing area into the public open space reserve vested with the Shire.

### **BACKGROUND**

The Narembeen Club Inc. had discussed the idea for an outdoor beer garden viewing area with the Shire's previous CEO in May/June 2020. The Narembeen Club Inc. (Club) subsequently asked for feedback on the idea in July 2020. At the time the CEO wanted to wait until after the Sport and Recreation Plan workshop had been conducted to get a gauge on community opinion relating to spectator facilities. In September 2020, the idea was further discussed between the Club and the Community and Economic Development Officer and it appeared costs would be prohibitive to the development but that the Club would keep the Shire informed if it progressed further.

The Sport and Recreation Plan Workshops were held on the 3 and 5 August 2020 with over 30 attendees representing the sporting interests of the Shire. One of the findings of the workshops was that the participants felt that one of the groups potentially missing out on sport and recreation benefits were non-participants/spectators. Spectator facilities were mentioned several times, it was believed that older or disabled community members may not want to participate in the sport but would want to feel involved but the spectator facilities on offer are not comfortable or offering the best lines of sight. An improved recreation centre viewing area was raised by two workshop groups as a potential project to be associated with the plan and improved seating options for all sports was mentioned by three workshop groups.

With the first draft of the Sport and Recreation Plan presented to the Councillor Discussion Forum it was not proposed that the recreation centre viewing area be included within the sport and recreation plan – this was mostly linked to financial constraints and that other projects were seen to be more aligned with the goals of the plan.

### **COMMENT**

On the 26 November 2020, the Club wrote to the Acting CEO (letter attached) to seeking approval from the Shire to extend their liquor licencing to incorporate a new viewing area that they intend to construct on the south side of the playground.

The letter from the club provides an overview sketch of the area the proposed new licence area may cover and details on possible building materials. There is not much detail on the process of construction they intend on using.

From a planning perspective there are two options in looking at this proposal as follows:

#### Option 1 – Ancillary development

The Shire can view the proposed brick paved / deck/ viewing area as development that is ancillary to the existing recreation centre which does not require planning approval.

At this stage, the proposal is small enough, in the Shire planning consultants view, to be considered ancillary development.

#### Option 2 – Require Planning Approval

There are no specific exemptions from the need for planning approval unless the Shire considers the development is ancillary as outlined above.

The Shire can require the proponents to lodge a planning application for the new licence area and further advice on the type of materials to be used, capacity/ maximum numbers, whether food can be consumed there etc

The application would have to be referred to Council and the Shire has the ability to advertise it for public comment if the location is considered to potentially impact on any neighbours or the Shire wants further community input.

It is the officer's recommendation that the Shire treat this proposal at the size that it currently is as an ancillary use, given the proposal does not propose to restrict access when the club is closed it is likely to be used by general community members as a meeting and socialising place adjacent to the playground.

#### Liquor Licence

Either way, the club will need a Section 40 certificate to be issued by the Shire to support their liquor licence application. A Section 40 Certificate is required under the Liquor Licence Act and must advise whether the proposal complies with the planning requirements or whether it requires planning approval.

If this proposal is classed as ancillary use it will not require a planning application to be made and the Shire can issue a Section 40 Certificate to support the licenced area extension.

As well as a Section 40 the club would also require Section 39 approval to confirm that the proposed area complies with the Health Act 1911; the Food Act 2008; the Local Government Act 1995; the Building Act 2011; and any written laws relating to sewerage and drainage.

Section 39 certificates are required for all new liquor licence applications and applications for any alterations to existing licensed premises. There is no prescribed form for section 39 certificates, however a pro-forma is available from the department if required.

This certificate is not required to be lodged at the same time as the application if the applicant is seeking the conditional grant of a liquor licence. The certificate, however, must be lodged prior to the issue of the licence.

Much of the Section 39 review would be conducted by the EHO and the contracted Building Services officers. Given the simplistic alteration to the existing licenced area that this outdoor licenced area proposes, I do not envisage any issues with the Club gaining compliance in this area.

#### Building

Although no planning application would be required if the use is deemed ancillary the Shire would still require the Club to submit a building application for the construction to commence. If a wooden deck is to be used it is likely to involve more building scrutiny than a concrete slab however in all circumstances a review would need to be done in terms of the safety and access aspect of the proposal i.e., how high will the drop down from the veranda be, will a ramp be in place for wheelchair access, will a handrail be installed on the step down from the slab/deck to the grass.

#### Other considerations

On initial review the proposed area appears to be a reasonable distance from the playing surface boundary lines and there is no reticulation in the area. Drainage from the playground is in storm water drainage that runs under the area, but the proposed area should not interact or interfere with this. The Club will need to assess how the area is going to adequately drain especially if it is a concrete slab with a limestone surround.

The Club would need to undertake a dial before they dig before any work could commence as it is likely they would need to go down more than 100mm in certain areas.

If they intend to add lighting to the area (unless it is solar lighting) then electrical requirements may also be a concern.

It is expected most of these issues would be addressed during the building approval process.

The proposed new licence area would be outside the Club's current lease area, as such the lease would need to be subtly amended to make the Club responsible for the maintenance, cleaning, and management of this area although it is outside of their leased area. If the Shire wanted to revise the lease area it would need ministerial approval given it is an amendment to a public open space reserve. If the new licensed area is unrestricted i.e., you do not need to be a patron or member to use it, then it could just stay as part of the public open space unless the Shire or Club really sees a need for it to form part of the leased area. I suggest this would be unnecessary.

Council may also want to consider whether they would be in favour of this development given the proposed new licence area is adjacent to the children's playground. Whilst the Shire does not want to encourage alcohol consumption around children, the consumption of alcohol at country sporting events is a regular occurrence and given the social dynamics of the community children are often inside the club and on the veranda which are already licenced areas. If anything, having a licenced area close to the playground may encourage parents to supervise their children closely and reduce the number of complaints regarding the safety of the playground which are linked to children not using the equipment in the appropriate manner.

## **CONSULTATION**

Shire of Kalamunda Building Services  
Liz Bushby, TPI Planning  
Kyla Padfield, Narembreen Club Inc.

## **STATUTORY IMPLICATIONS**

This type of proposal crosses several statutory areas including:

- Liquor Control Act 1998
- Health Act 1911
- Food Act 2008
- Local Government Act 1995
- Building Act 2011
- Planning and Development Act 2005

## **FINANCIAL IMPLICATIONS**

The Club proposes to undertake this development themselves, so it is unlikely to have a financial impact upon the Shire.

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC PLAN REFERENCE**

3.2 Shire owned sport and recreation facilities enable access to competitive competitions, leisure activities for all ages and help us be physically and mentally fit.

#### **RELATED PARTY TRANSACTIONS**

N/A

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

That Council:

1. Provide approval for the proposed extension of the licenced area at the Narembeen Recreation Centre adjacent to the playground – and approve that the proposed use be deemed ancillary to the existing Recreation Centre.
2. Endorse the Acting CEO to work with the Narembeen Club Inc. to ensure they submit adequate plans and building applications relating to the development and that any construction is of a suitable quality to be located within a public open space.

#### **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /**

## AGENDA ITEM: 9.1.3 – National Australia Day Council – Australia Day Grants – Budget Amendment

<b>Subject:</b>	National Australia Day Council – Australia Day Grants – Budget Amendment
<b>Applicant:</b>	N/A
<b>File Ref:</b>	ADM 603
<b>Disclosure of Interest:</b>	N/A
<b>Author:</b>	Sheree Thomas, Community and Economic Development Officer
<b>Date:</b>	7 December 2020
<b>Attachments:</b>	NilE

### SUMMARY

Council are to consider a budget amendment in relation to grant funding received from the National Australia Day Council.

### BACKGROUND

The National Australia Day Council (NADC), with the support of the Commonwealth government developed \$8 million in grants across two packages to assist the local government sector to deliver Australia Day events in 2021.

The grants were designed to help make Australia Day 2021 events COVID safe as well as promote the new NADC message of *Reflect. Respect. Celebrate.*

Local governments were eligible to apply for the following grants:-

1. Up to \$20,000 to help fund measures to enforce social distancing, such as additional seating, additional shade structures, cleaning products and hand sanitiser to ensure the event met the relevant states COVID safe requirements.
2. \$1,000 to promote the new NADC message.

### COMMENT

Staff saw this funding as a great opportunity to provide additional seating and shade structures at the Narembeen Aquatic Centre for Australia Day as well as providing longer term benefits through other community uses. The purchase of additional cleaning products and hand sanitiser for Australia Day will ensure our community stays safe when celebrating at this event.

The Shire of Narembeen were fortunate to receive the full amount for both funding streams and items to be purchased include:-

\$20,000 COVID Safe Grant:-

- Shade Structures 7,500
- Seating 10,000
- Cleaning Supplies/Hand Sanitiser 2,000
- Personal Protective Equipment 500

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\$20,000

The \$1,000 NADC Branding Grant will be spent on promotional items such as lectern signage, Instagram cut-out, pullup banner, tablecloths and napkins.

Given the COVID Safe grant includes capital items of shade structures and seating, a budget amendment is required. Please note, the suggested budget amendment is for the capital component only. It is suggested that Council allow an increase for capital expenditure of \$17,500, the other items to be purchased will be in line with cost allowances within the current operating budget.

## **CONSULTATION**

Scott Wildgoose, Executive Manager Corporate Services  
Michael Lethlean, Narembeen Pool Manager

## **STATUTORY IMPLICATIONS**

Local Government Act 1995

### **6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

## **FINANCIAL IMPLICATIONS**

There are no financial implications as the grant funding received will equal the amount spent on items listed in the comment section of this report.

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC PLAN REFERENCE**

*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.

*Goal 3: We contribute to a healthy community.*

3.1 We can provide leadership and networks to our local community groups to help them achieve their goals, identify common priorities and to provide opportunities for active participation in our community.

## **RELATED PARTY TRANSACTIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **OFFICER RECOMMENDATION**

That Council:-

1. Approve an increase in revenue under Schedule 11 – Recreation and Culture by \$21,000 (ex gst).
2. Approve an amendment to the 2020/2021 Annual Budget to include additional non-operating expenditure of \$17,500 (ex gst) to cover the capital purchases of seating and shade structures.

## **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /  
ABSOLUTE MAJORITY REQUIRED**

## **AGENDA ITEM: 9.1.4 - Schedule of Accounts for November 2020**

<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Sharon Baldwin – Administration Officer
<b>Authorising Officer:</b>	Scott Wildgoose - EMCS
<b>Date:</b>	4 December 2020
<b>Attachments:</b>	November 2020 Creditors Payment List, November 2020 Credit Card Payment List

### **SUMMARY**

For Council to review the payments made by the Shire of Narembreen in November 2020.

### **BACKGROUND**

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

### **COMMENT**

A schedule of accounts paid during the month of November 2020 is attached to this report and the total amounts paid from the municipal and trust funds are as follows:

Municipal Account: \$655,161.63

### **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



## **STRATEGIC PLAN REFERENCE**

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.

## **RELATED PARTY TRANSACTIONS**

Nil

## **VOTING REQUIREMENTS**

Simple majority.

## **OFFICER RECOMMENDATION**

That Council:

1. Receive the Creditors Payment List for November 2020
2. Receive the Credit Card Payment List for November 2020

## **COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /**

## **AGENDA ITEM: 9.1.5 Monthly Financial Report period ending 30 November 2020**

<b>Applicant:</b>	Shire of Narembeen
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Rachael Moore, Finance Officer
<b>Date:</b>	07 December 2020
<b>Attachments:</b>	November 2020 Financial Report, November 2020 Bank Reconciliation

### **SUMMARY**

To review Council finances as required by legislation.

### **BACKGROUND**

The attached Financial Reports (including Statement of Financial Activity) are submitted on behalf of the Shire of Narembeen for the period ending 30 November 2020.

### **COMMENT**

Council's closing position at 30 November 2020 amounts to \$ 2,311,041 with current assets of \$6,850,985 and \$ 2,806,180 in reserve funds.

### **CONSULTATION**

Executive Manager Corporate Services  
Works Manager

### **STATUTORY IMPLICATIONS**

This report provides Council with the Shire's monthly financial activity statements in accordance with the Local Government (Financial Management) Regulations, specifically Reg. 34 - Financial Activity Statement.

### **FINANCIAL IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC PLAN REFERENCE**

Nil

### **RELATED PARTY TRANSACTIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That Council:-

1. Receive the Shire of Narembeen's Financial Report for the month of November 2020;
2. Receive the bank reconciliation for the month of November 2020 for all Shire Bank Accounts;

**COUNCIL RESOLUTION**

**MIN**

**MOTION** - Moved Cr.

Seconded Cr.

**CARRIED /**

<b>10.0 Urgent business as permitted by Council</b>
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<b>11.0</b>	<b>Councillor's Reports</b>
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**Cr K Mortimore**

Attended

- 

**Cr P Lines**

Attended

- 

**Cr R DeLuis**

Attended

- 

**Cr A Hardham**

Attended

- 

**Cr S Stirrat**

Attended

- 

**Cr A Wright**

Attended

- 

**Cr W Milner**

Attended

- 

**Cr R Cole**

Attended

- 

<b>12.0</b>	<b>Date, time &amp; place of next meeting</b>
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Wednesday [Click here to enter text.](#), 4.00pm at the Narembreen Shire Council Chambers.

<b>13.0</b>	<b>Closure</b>
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There being no further business the Chair declared the meeting closed at \_\_\_\_\_.