



COUNCIL CALENDAR

| Date | Time | Meeting |
|-------------------|-------------|--------------------------|
| 15 August 2023 | 5.00pm | Ordinary Council Meeting |
| 19 September 2023 | 5.00pm | Ordinary Council Meeting |

JULY MEETING PROGRAM

| | |
|--------|--------------------------|
| 2.30pm | Council Forum |
| 5.00pm | Ordinary Council Meeting |

MEETING GUESTS

Nil

Contents

| | | |
|-------------|---|-----------|
| 1.0 | OPENING & WELCOME | 3 |
| 2.0 | ATTENDANCE & APOLOGIES | 3 |
| 3.0 | DECLARATIONS OF INTEREST | 3 |
| 4.0 | ANNOUNCEMENTS | 3 |
| 4.1 | APPLICATION FOR LEAVE OF ABSENCE | 3 |
| 5.0 | PUBLIC QUESTION TIME & DEPUTATIONS (15 MIN) | 4 |
| 6.0 | MINUTES OF PREVIOUS MEETINGS | 4 |
| 6.1 | CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL | 4 |
| 6.1.1 | CONFIRMATION OF MINUTES | 4 |
| 6.1.2 | BUSINESS ARISING | 4 |
| 6.2 | RECEIVE MINUTES - PLANT COMMITTEE | 4 |
| 6.2.1 | RECEIVE MINUTES – PLANT COMMITTEE MEETING HELD ON TUESDAY 20 JUNE 2023..... | 4 |
| 6.2.2 | COMMITTEE RECOMMENDATIONS | 5 |
| 7.0 | STATUS REPORT | 5 |
| 8.0 | REPORTS | 6 |
| 8.1 | CHIEF EXECUTIVE OFFICER | 6 |
| | AGENDA ITEM: 8.1.1 - WALGA Local Government Convention 2023 | 6 |
| | AGENDA ITEM: 8.1.2 - Waiving of Caravan Park Chalet Fees | 9 |
| | AGENDA ITEM: 8.1.3 - Narembeen Medical Services | 11 |
| | AGENDA ITEM: 8.1.4 - RFQ Doctors House..... | 14 |
| | AGENDA ITEM: 8.1.5 - Bushfire Notice 2023/24 | 18 |
| 8.2 | EXECUTIVE MANAGER CORPORATE SERVICES | 21 |
| | AGENDA ITEM: 8.2.1 - Adoption of budget for the year ended 30 June 2024..... | 21 |
| | AGENDA ITEM: 8.2.2 - Disposal of properties held in joint venture with Department of Communities | 26 |
| | AGENDA ITEM: 8.2.3 - Lease agreement for 1/8 Churchill Street, Narembeen | 30 |
| | AGENDA ITEM: 8.2.4 - Monthly financial statements for the month ended 30 June 2023 | 33 |
| | AGENDA ITEM: 8.2.5 - Schedule of accounts for the month ended 30 June 2023 | 35 |
| 8.3 | CONFIDENTIAL ITEMS | 37 |
| | CONFIDENTIAL AGENDA ITEM: 8.3.1 - Variation to service agreement | 37 |
| 9.0 | URGENT BUSINESS AS PERMITTED BY COUNCIL | 38 |
| 10.0 | COUNCILLOR'S REPORTS | 38 |
| 11.0 | DATE, TIME & PLACE OF NEXT MEETING | 38 |
| 12.0 | CLOSURE | 38 |

MINUTES

Shire of Narembeen Ordinary Council Meeting Tuesday 18 July 2023, commencing at 5.00pm

1.0 Opening & Welcome

Presiding Person, Cr Scott Stirrat welcomed everyone to the meeting and declared the meeting open at 5.00pm

2.0 Attendance & Apologies

Attendance

Councillors

| | |
|-------------------|--|
| Cr Scott Stirrat | Deputy Shire President, Presiding Person |
| Cr Chris Bray | Member |
| Cr Amy Hardham | Member |
| Cr Trevor Cole | Member |
| Cr Michael Currie | Member |
| Cr Warren Milner | Member |
| Cr Holly Cusack | Member |

Officers

| | |
|----------------|---------------------------------------|
| Paul Sheedy | Acting Chief Executive Officer |
| Ben Forbes | Executive Manager Corporate Services |
| Kathryn Conopo | Administration Officer (Minute Taker) |

Apologies

Nil

Approved leave of absence

Cr Kellie Mortimore Shire President

3.0 Declarations of Interest

Cr W Milner declared a financial interest in item 8.1.3

4.0 Announcements

4.1 Application for leave of absence

Cr Milner requests a leave of absence for the August 2023 Ordinary Council Meeting.

COUNCIL RESOLUTION

That Cr Milners request for Leave of Absence for the August 2023 Ordinary Meeting of Council be approved.

MIN 7619/23 MOTION - Moved Cr. Hardham

Seconded Cr. Cole

CARRIED 7 / 0

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 20 June 2023

RECOMMENDATION/ COUNCIL RESOLUTION

That the minutes of the meeting of the Shire of Narembeen Ordinary Meeting held on Tuesday 20 June 2023 be confirmed as a true and accurate record of the proceedings.

MIN 7620/23 MOTION - Moved Cr. Cole

Seconded Cr. Currie

CARRIED 7 / 0

6.1.2 Business Arising

Business Arising from the Minutes of the Shire of Narembeen Ordinary Meeting held Tuesday 20 June 2023.

6.2 Receive Minutes - Plant Committee

6.2.1 Receive Minutes – Plant Committee Meeting held on Tuesday 18 July 2023

RECOMMENDATION / COUNCIL RESOLUTION

That the minutes of the Shire of Narembeen Plant Committee meeting held on Tuesday 18 July 2023 be received.

MIN 7621/23 MOTION - Moved Cr. Currie

Seconded Cr. Cole

CARRIED 7 / 0

6.2.2 Committee recommendations

COUNCIL RESOLUTION

That Council:

- Adopt the recommendation of the Shire of Narembeen Plant Committee meeting held on 20 June 2023 and
- Adopt the recommendation of the Shire of Narembeen Plant Committee meeting held on the 18 July 2023

MIN 7622/23 MOTION - Moved Cr Hardham

Seconded Cr. Bray

CARRIED 7 / 0

| |
|--------------------------|
| 7.0 Status Report |
|--------------------------|

RECOMMENDATION / COUNCIL RESOLUTION

That the Status Report for July be received.

MIN 7623/23 MOTION - Moved Cr. Currie

Seconded Cr. Milner

CARRIED 7 / 0

8.0 Reports

8.1 Chief Executive Officer

AGENDA ITEM: 8.1.1 - WALGA Local Government Convention 2023

| | |
|--------------------------------|---|
| Subject: | WALGA Local Government Convention 2023 |
| Applicant: | WA Local Government Association |
| File Ref: | ADM609 |
| Disclosure of Interest: | Nil |
| Author: | Paul Sheedy – Acting Chief Executive Officer |
| Date: | 27 June 2023 |
| Attachments: | Convention Program |

PURPOSE

Council is requested to consider the endorse:

1. Attendance of Councillors at the WALGA Local Government Convention 2023 in Perth on 17 to 19 September 2023, meeting all registration, accommodation, and ancillary costs.
2. Voting delegates for the WALGA AGM on 18 September 2023.
3. Rescheduling of the September 2023 Councillor Discussion Forum and Ordinary Council meeting from 19 September to 26 September 2023.

BACKGROUND

The Local Government Convention is held annually in Perth each year but in recent times the dates have varied from year to year. The date set for the 2023 convention clashes with the September Council meeting.

CONSULTATION

Councillors and Acting Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government (Administration) Regulations 1996, section 12 (3)

12. Publication of meeting details (Act s. 5.25(1)(g))

- (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.

FINANCIAL IMPLICATIONS

The annual budget includes an allocation for 'Councillor Conference Costs' under the Members of Council, Schedule 4, account 4112000 of \$15,000.

Indicative costs for each delegate (assuming partners attend) to attend the conference are as follows, depending on events they choose to attend.

| | |
|---------------------------------------|--------|
| Full conference registration | \$1178 |
| Gala cocktails (delegate and partner) | \$ 250 |
| Tuesday Breakfast (Guest speaker) | \$ 85 |

| | |
|--------------------------|---------------|
| Accommodation (3 nights) | \$1000 |
| Meals & sundry | \$ 600 |
| Travel reimbursement | \$ 550 |
| Total | \$3663 |

POLICY IMPLICATIONS

Council Policy 'Council Member Professional Development' with the relevant sections being as follows:

Travel

Where travel is involved, the actual costs of travel to and from the event venue are to be met by the Shire in accordance with the current WA Salaries and Allowances Tribunal Determination for Local Government CEOs and Elected Members (the Determination).

Accommodation

Reasonable accommodation will be booked for the Council Member at, or in proximity, to the event venue. If it is not reasonable to expect travel to occur on the day of the event, the booking may allow for arrival the day prior to commencement, and departure the day following the close of the event.

A Council Member may choose to upgrade their accommodation standard or extend their visit for personal reasons, however additional costs are to be paid to the Shire by the Council Member (including any additional associated or travel costs) prior to the Shire confirming the booking.

Meals and Incidental Expenses

Meals and incidental expenses will be paid by the Shire with reasonable meal expenses including the purchase of breakfast, lunch, and dinner where these meals are not provided otherwise provided. When meals are included and have been paid for as part of the registration fee or accommodation costs, claims for alternative meals at venues other than the event will not to be paid by the Shire.

Incidental taxi, economy ride-share or public transport modes of transport (i.e.to/from airport, event venue) may be claimed for reimbursement on submission of receipts.

Incidental expenses incurred from accessing products in the accommodation /room mini bar will not be paid by the Shire and should be paid for by the Council Member on departing the venue.

Accompanying persons/entertainment costs

Where partners accompany the Council Member the Shire will cover the cost of accommodation, breakfast, lunch and dinners and conference related dinners attended by partners. Costs associated with attendance at 'partners program' events will not be paid for by the Shire, with the Council Member reimbursing the Shire these costs.

WALGA Conference

Council wishes to have representation at the WALGA Annual Local Government Week Conference each year. It is Council's preference that this conference is attended by the President, Deputy President, CEO and one other councillor to ensure representation but limit costs to a reasonable level, however actual attendees will be determined each year.

Councillors are encouraged to attend the WALGA Annual Local Government Week Conference at least once during their four (4) year term.

RISK MANAGEMENT IMPLICATIONS

The only potential risk is 'financial' in that if a Councillor is nominated to attend and withdraws close to the conference date the Shire could forfeit any conference costs. The risk is considered low and would be assessed as minor.

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022-2032

4. CIVIC LEADERSHIP: Well governed and efficiently managed Local Government

4.2. Compliant and resourced Local Government

‘Elected members are supported in their role through provision of training’.

VOTING REQUIREMENTS

Simple majority

COMMENT

Details of the conference program are detailed in the attachment and with the WALGA AGM being on the Monday two of the delegates attending would be nominated as council’s voting delegates, whilst all those attending are permitted to attend the AGM.

As indicated in the background section of this report if Council agrees to nominate Councillors to attend the conference, then the Council meeting currently listed for the 19 September 2023 is recommend being moved to Tuesday 26 September 2023 at the usual times.

The CEO has not been included in the recommendation below as it’s assumed that that person will attend if Councillors are attending, the CEO’s attendance does not require a decision of Council and a separate budget allocation is provided for the CEO.

WALGA is still finalising the accommodation options, but it’s presumed that the Councillors would be staying at one of the Crown hotels which will be booked once the information has been provide by WALGA.

Finally, Shire of Kulin has advised that they are organising the annual ROEROC dinner during the conference, so an indication of numbers attending is also required for this dinner, which presumably includes partners if attending the conference.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. Nominate Councillors Cusack and Stirrat to attend the WALGA Local Government Convention 2023 and meet conference registration, accommodation, meals and travel costs for delegates and partners as per Council policy.
2. Nominates Councillors Stirrat and Cusack as its voting delegate for the WALGA AGM on Monday 18 September 2023
3. Reschedules its September 2023 Councillor Discussion Forum and Ordinary Council meeting to Tuesday 26 September 2023 at the previously endorsed times (2.30pm and 5.00pm)

MIN 7624/23

MOTION - Moved Cr. Bray

Seconded Cr. Hardham

CARRIED 7 / 0

AGENDA ITEM: 8.1.2 - Waiving of Caravan Park Chalet Fees

| | |
|--------------------------------|--|
| Subject: | Waiving of Caravan Park Chalet Fees |
| Applicant: | Narembeen Homes for the Aged |
| File Ref: | ADM471 |
| Disclosure of Interest: | Nil |
| Author: | Paul Sheedy – Acting Chief Executive Officer |
| Date: | 29 June 2023 |
| Attachments: | Nil |

PURPOSE

Council is being requested to consider waiving or granting a concession for the Caravan Park chalet fees amounting to \$3,640, being for a period of twenty-six (26) nights during July and August 2023.

BACKGROUND

The Narembeen Homes for the Aged Group (NHAG) have provided the following information in support of their request.

'The Narembeen Homes for the Aged are having the six bathrooms renovated at Gum Tree Place in Hilton Way commencing on the 12 July 2023. Most of the Residents are more than happy to relocate to family or friends for the duration of the renovation to their bathroom. We do have 2 residents who are unable to go to family or friends at the time of the renovation. We have organised that these two units are done at separate times so that we only have to house them one at a time. I am writing to request if we could get some financial assistance from the Shire to relocate the two residents concerned in the self-contained units at the Caravan Park. The renovations are commencing on 12th July which will be before your meeting. I have booked the unit in 2, 2-week blocks.

The cost of the renovation is a total of \$160,000 excluding GST, which will be paid by funds from the Aged Homes Committee. These renovations were to be done 3 years ago and then Covid came along. They really are in need of some work and if not addressed now the cost will only keep going up.'

CONSULTATION

Shire President, Secretary NHAG and Acting Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government Act 1995, section 6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,which is owed to the local government.

FINANCIAL IMPLICATIONS

Approval by Council this request would see a reduction in the annual caravan park income.

POLICY IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

The financial implications and risk due to the loss of income is rated as low and minor.

The reputational risk to the Shire in not agreeing to this request is rated as 'Likely' with the consequences rated as 'Minor resulting in a risk rating of 'Moderate'.

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022-2032

1. COMMUNITY: Happy, safe, healthy and inclusive community

1.5 Support volunteer organisations through initiatives that reduce volunteer fatigue and strength their resilience.

VOTING REQUIREMENTS

Simple Majority

COMMENT

The Narembeen Homes for the Aged have booked one chalet (2-bedroom self-contained) at the Caravan Park for a period of twenty-six (26) days as follows:

- 12 July – 24 July 2023 (12 nights)
- 26 July – 9 August 2023 (14 nights)

They are seeking the waiving of the total chalet hire fees for this period or a concession from Council by reducing the hire fee.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council waive the Caravan Park chalet hire fees of \$3,640, as requested by the Narembeen Homes for the Aged.

MIN 7625/23

MOTION - Moved Cr. Currie

Seconded Cr. Hardham

CARRIED 7 / 0

5.22pm Cr Milner left the meeting

AGENDA ITEM: 8.1.3 - Narembeen Medical Services

| | |
|--------------------------------|--|
| Subject: | Narembeen Medical Services |
| Applicant: | Not applicable |
| File Ref: | ADM053 |
| Disclosure of Interest: | Nil |
| Author: | Paul Sheedy – Acting Chief Executive Officer |
| Date: | 29 June 2023 |
| Attachments: | Nil |

PURPOSE

Council to consider the tender submitted and endorse a preferred provider of Medical Services in Narembeen

BACKGROUND

A tender advertisement, RFT 01/2023, was placed in the West Australian newspaper on Saturday 17 June 2023 calling for tender submission for the provision of a General Practice medical service in Narembeen, closing on Monday 3 July 2023.

CONSULTATION

Councillors and Acting Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government Act 1995, section 3,57

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996, clause 11

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

FINANCIAL IMPLICATIONS

The tender submission indicates a substantial increase in the annual cost to the Shire to support a Medical Service in Narembeen.

POLICY IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

There is a potential significant risk that the annual cost of supporting the medical service could impact the annual budget. This can be mitigated by establishing a 'Medical Service' Reserve fund with the allocation of funds from annual surpluses and then transferring some of these funds back into the Municipal fund each year to limit the impact on the budget.

If the medical service was to cease in Narembeen the reputational risk to the Shire could be Moderate to Major. This is being mitigated with the Council's action to endeavour to recruit a new medical practitioner.

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022-2032

1. COMMUNITY: Happy, safe, healthy and inclusive community

1.2 Facilitate and advocate for quality health services, health facilities and programs in the Shire. 'Retention of the GP services, hospital and allied health'.

VOTING REQUIREMENTS

Simple Majority

COMMENT

Only one tender was received at the close of the tender process that being the Medical Provider that had previously expressed an interest as part of the Acting CEO's informal EOI process and met with the Shire resident and Deputy Shire President recently.

Whilst the annual costs, submitted in the tender, will be significantly higher than the Shire currently incurs, the proposal has the benefit of being an all-inclusive annual financial contribution by the Shire for the provision of medical and hospital services in Narembeen with the provider meeting all medical service costs including the management of staff, provision of a locum, operating costs of the medical centre, upgrading and replacement of equipment as required, as well as bringing a whole range of new medical services to the community.

The only additional annual costs to the Shire will be the provision of housing, motor vehicle, and building and maintenance costs at the medical centre and accommodation, which the Shire currently meets with the existing doctor.

Once the Council has made its final decision arrangements will be made by the Shire President and Acting CEO for the Medical Provider to visit Narembeen to inspect the Medical Centre, accommodation and the town before confirming their acceptance of the Shire's offer.

As they are currently overseas it's expected that this visit will not occur until early August 2023.

A draft 'General Practice Agreement' has been provided to the Acting CEO by Rural Health West and will form the basis of negotiations with the Medical Provider.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That in relation to RFT 01/2023 'Provision of Medical Services to the Narembeen Community' Council accepts the tender proposal from Livingstone Medical Pty Ltd and authorise the Shire President and Acting Chief Executive Officer to negotiate a potential commencement date and the terms of the General Practice Agreement, with the final document being brought back to Council for approval.

MIN 7626/23 **MOTION** - Moved Cr. Cole Seconded Cr. Bray

CARRIED 6 / 0

5.28pm Cr Milner reentered the meeting.

AGENDA ITEM: 8.1.4 - RFQ Doctors House

| | |
|--------------------------------|---|
| Subject: | RFQ Doctors House |
| Applicant: | Not Applicable |
| File Ref: | ADM688 |
| Disclosure of Interest: | Nil |
| Author: | Paul Sheedy – Acting Chief Executive Officer |
| Date: | 4 July 2023 |
| Attachments: | RFQ Quote Assessment Modular WA RFQ 3/2023 Confidential |

PURPOSE

Council to consider the RFQ submissions received for the construction of a doctor's house at lot 69 (24) Cheetham Way, Narembeen and endorse the proposal received from Modular WA for \$533,024 (ex GST).

BACKGROUND

September 2022

Council at its ordinary meeting on 20 September 2022, in considering the report from the Housing Working Group in part resolved (Min 7489/22):

'That Council:

- 4. Allocate \$15,000 in the February 2023 Budget Review for improvements to 16 Hilton Way, Narembeen.'*

March 2023

Council at its ordinary meeting on 21 March 2023, as part of its 2022/23 Budget review, in part endorsed (Min 7563/23) the allocation of \$100,000 for internal renovations to 16 Hilton Way.

At the meeting of the Housing Working Group on 29 March 2023 various housing needs were discussed including, employee, CEACA and doctor's housing. As a result, it was agreed that the priority should be a new doctor's residence to be constructed on a Shire lot in Cheetham Way, utilising the funds previously allocated in the 2022/23 budget for employee housing, and not spend the \$100,000 allocated in the budget review on 16 Hilton Way for internal refurbishment.

Once a new doctor's residence was constructed the Working Group supported 16 Hilton Way being sold with funds utilised to support the construction of employee housing on Shire owned lots in Thomas Street.

Funding and support for CEACA to construct houses in Narembeen was also supported by the Working Group.

April 2023

The recommendations of the Housing Working Group were considered and discussed at the Councillor Discussion Forum on the 18 April 2023

An RFQ was placed on the WALGA 'Preferred Supplier Program' on 13 June 2023 and closing on 28 June 2023, with nine (9) suppliers notified of this request. Only three (3) were received being those included in the Comment section of this report

May 2023

Council at its ordinary meeting on 16 May 2023 (Min 7594/23) resolved:

'That Council approves:

- 1. The construction of a new 4/2 doctor's residence on a Shire owned lot (Lot 69) in Cheetham Way.*

2. *The allocation of unbudgeted expenditure of \$500,000 in the 2022/23 budget, with funds being reallocated from the 'shire staff housing construction' budget allocation and a budget amendment to reflect this change.*
3. *The sale of 16 Hilton Way once the construction of the new doctor's residence is completed.'*

CONSULTATION

Chief Executive Officer, Executive Manager Corporate Services, Economic Development Officer

STATUTORY IMPLICATIONS

Local Government (functions and General) Regulations, clause 11(2)

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;

FINANCIAL IMPLICATIONS

The 2023/24 draft budget has an allocation of \$600,000.

Any additional costs will be considered as part of the 2023/24 budget review in early 2024.

POLICY IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

The major risk assessment is financial, with Western Power and Water Corporation being the unknown costs. however, given that the services run past the lot the risk is rated to be 'Minor'. With funds included in the 2023/24 budget, these risks can be mitigated and reviewed at the midyear budget review.

Not having a modern executive style house available will also increases the risk of not being able to attract and retain a doctor to the town.

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022-2032

1. Community: Happy, safe healthy and inclusive community

1.2 Facilitate and advocate for quality health services, health facilities and programs in the Shire.

'Retention of GP services, hospital and allied health.'

VOTING REQUIREMENTS

Absolute Majority

COMMENT

As indicated in the Background section of this report only three (3) proposals were submitted and these were assessed by the Acting CEO, EMCS and EDO against the Qualitative Criteria included in the RFQ, with the average of these three assessments shown in the attachment.

The RFQ requested proposals for the supply of a 4x2 Modular steel framed house at 'turnkey stage' and to include the following.

- Built in robes and split air conditioning.
- Quality fittings
- Alfresco/outdoor entertainment area
- Porch/patio/entrance
- Transport and installation
- Earthworks and landscaping including reticulation.
- Driveway and fencing
- Double carport
- Service connections
- Building approvals
- Time frame of 12 months from signing contract
- Twelve-month defect period
- High energy rating (min 6 star -desirable)

Additional cost that will be incurred include, utility connections, fill for the lot, planning application fees and any additional headworks costs from Western Power and Water Corporation.

A provision sum of \$166,176 (incl GST), or \$153,070 (ex GST) has been included in the quotation for various works (site works, site survey, earthworks, plumbing, electrical, fencing and gates, concrete hardscape, landscaping etc.) and will be adjusted once the final scope of work has been determined, so overall cost could decrease or increase.

The following are not included in the contract and so there will potentially be some increase costs for variations.

- Replacement of carport with double garage
- Stormwater connection to road
- Lawn at rear of property (front is to be low maintenance plants)
- Small shed
- Upgrading of external cladding to painted Duraplank.
- Other minor upgrades to internal areas (see attachment)

Modular WA have provided the following indicative timeframes for various stages of the project, however given that the EDO is on leave until 14 August 2023 these time frames are expected to be extended.

- Design document and approvals – 3/10/23
- Preliminary site works – 9/01/24
- House construction and transport to site – 24/01/24
- Installation and practical completion – 12/03/24

Modular WA have previously provided houses for the Shire of Wiluna, Shire of Bruce Rock and Town of Port Hedland and as can be seen from the quotations received their quotation is substantially less than the other two received.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council accept the quotation received from Modular WA for \$533,024 (Ex GST) to construct a 4x2 modular steel framed house on lot 69 (24) Cheetham Way, Narembeen with the CEO authorised to approved minor variations, which are to be reported to the next Councillor Discussion Forum.

MIN 7627/23 **MOTION** - Moved Cr. Hardham Seconded Cr. Currie

CARRIED 7 / 0

AGENDA ITEM: 8.1.5 - Bushfire Notice 2023/24

| | |
|--------------------------------|--|
| Subject: | Bushfire Notice 2023/24 |
| Applicant: | Not applicable |
| File Ref: | ADM136 |
| Disclosure of Interest: | Nil |
| Author: | Paul Sheedy – Acting Chief Executive Officer |
| Date: | 5 July 2023 |
| Attachments: | Shire of Narembeen Bushfire Notice 2023/24 |

PURPOSE

Council to consider and endorse the annual Bushfire Notice that is provided to all landowners and is to be included in the rate notice mailing.

BACKGROUND

Council is required to give all landowners within the Shire notice of their responsibilities to undertake fire mitigation actions by set dates each year.

CONSULTATION

Chief Bushfire Control Officer and Acting Chief Executive Officer

STATUTORY IMPLICATIONS

Bush Fires Act 1954, section 33

33. Local government may require occupier of land to plough or clear fire-break

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, **give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the *Government Gazette* and in a newspaper circulating in the area** requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —

- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
- (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

- (c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
- (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

- (2) **A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government** and may

be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.

FINANCIAL IMPLICATIONS

If the notice is included with the rate notice the only cost incurred is photocopy printing costs. However, if it's posted out separately there would also be additional postage costs.

The alternative as per the Bush Fires Act is to publish the notice in the government gazette and local newspaper which would incur significant additional costs (government gazette)

POLICY IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Failure to issue the notice in compliance with the Bush fires act could potentially restrict the ability of the Shire to enforce firebreak and fire hazard removals in a timely manner prior to the summer period.

The risk of landowners, especially those in residential areas, not undertaking adequate fire mitigation/reduction without receiving a notice is considered to be 'Possible' with consequence being from 'Minor' to 'Major' depending on the damage caused to property and or buildings.

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022-2032

1. COMMUNITY: Happy, safe, healthy, and inclusive community

1.6 Support emergency services planning, risk mitigation, response and recovery

VOTING REQUIREMENTS

Simple Majority

COMMENT

As outlined in the 'Statutory Implications' section of this report there are two ways that a local government can provide an annual notice to landowners of their requirement to undertake fire mitigation measures (firebreaks, clearing inflammable material). One is relatively easy and inexpensive (notice with rates), whilst the other is significantly expensive (publishing in government gazette) and achieves nothing as a majority if not all landowners would not see or read the government gazette.

From what has been ascertained, in past years the Bushfire Notice is considered by the Bushfire Advisory Committee in September, then endorsed by Council and published on the Shire website and local newspaper (Fence Post).

This method does not comply with the requirements of the Bushfires Act 1954 in regard to providing notice to the owners or occupier of land and any prosecutions run the risk of being dismissed for this non-compliance, So the Acting CEO has discussed this with the Chief Bushfire Control Officer and it has been agreed that this new process to allow for the notice to be included with the rates is the appropriate way to go. If the Bushfire Advisory Committee wish to make changes, they can do this, and it would be incorporated into the following year's notice.

There has been a several changes made to the previous Bushfire Notice, in discussion with the Chief Bushfire Control Officer and are detailed as follows:

Definitions

A definition for Inflammable material has been included.

Townsite Land

The previous wording appeared to be confusing, so new wording has been included in relation to land 2000^m2 or less and land more than 2000^m2.

Restricted/Prohibited Burning Periods

The second Restricted Burning Period date has been amended from 15 April to 15 March as that is the date previously included in the Government Gazette, so it can't be permanently extended by the Shire. The Shire is permitted to vary this date up to a maximum of two (2) weeks either way.

Permit Issuing Officers

Phone details have been updated to mobile phone numbers only.

OFFICER RECOMMENDATION

That Council endorse the 'Bushfire Information, SHIRE OF NAREMBEEN BUSHFIRE NOTICE – 2023/2024 SEASON' as detailed in the attachment.

COUNCIL RESOLUTION

That Council endorse the 'Bushfire Information, SHIRE OF NAREMBEEN BUSHFIRE NOTICE – 2023/2024 SEASON' as detailed in the attachment with minor changes.

MIN 7628/23 **MOTION** - Moved Cr. Hardham Seconded Cr. Bray

CARRIED 6 / 1

8.2 Executive Manager Corporate Services

AGENDA ITEM: 8.2.1 - Adoption of budget for the year ended 30 June 2024

| | |
|--------------------------------|---|
| Subject: | Adoption of budget for the year ended 30 June 2024 |
| Applicant: | Not applicable |
| File Ref: | ADM465 |
| Disclosure of Interest: | Nil |
| Author: | Ben Forbes - EMCS |
| Date: | 5 July 2023 |
| Attachments: | Annual budget for the year ended 30 June 2024 Schedule of fees and charges for year ended 30 June 2024 |

PURPOSE

For Council to review the annual budget and supporting documentation and to endorse the following for the year ended 30 June 2024:

- statutory budget
- schedule of fees and charges
- minimum rates and the rate in the dollar for general rate categories
- interest rates and administration charges on rates paid via instalments
- interest rates on overdue rates
- instalment option due dates
- early payment discount terms and percentage
- Council's materiality threshold.

BACKGROUND

The 2024 draft budget has been prepared after consultation with staff and Councillors, including a budget workshop for Councillors to provide feedback on all budget requests received and management's planned capital and operating expenditure for the 2024 financial year.

The budget has been prepared in accordance with the principles and planned works of the Shire's Strategic Community Plan, Corporate Business Plan and Sport and Recreation Plan (where applicable).

The proposed plant replacement program has been reviewed by the Plant Committee and endorsed by Council.

In accordance with the Corporate Business Plan a 5% increase in rate revenue has been budgeted for to cover the proposed budget deficiency.

CONSULTATION

Councillors
Members of the public
Staff

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 6.2:

6.2. *Local government to prepare annual budget*

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to*

*prepare and adopt**, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
 - (a) *the expenditure by the local government; and*
 - (b) *the revenue and income, independent of general rates, of the local government; and*
 - (c) *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
 - (a) *particulars of the estimated expenditure proposed to be incurred by the local government; and*
 - (b) *detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) *the amount it is estimated will be yielded by the general rate; and*
 - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*

and

 - (c) *the fees and charges proposed to be imposed by the local government; and*
 - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
 - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
 - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) *such other matters as are prescribed.*
- (5) *Regulations may provide for —*
 - (a) *the form of the annual budget; and*
 - (b) *the contents of the annual budget; and*
 - (c) *the information to be contained in or to accompany the annual budget.*
[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

FINANCIAL IMPLICATIONS

The budget will govern all income and expenditure incurred by the Shire for the 2024 financial year, pending any amendments throughout the year.

As noted in the Rate Setting Statement in the attached annual budget document, the proposed budget for the year ended 30 June 2024 will fully utilise the brought forward surplus of \$3,711,604 whilst maintaining the previously established rating policy in the Corporate Business Plan.

It should be noted that the budgeted 2024 performance is significantly impacted by:

- multiple large capital expenditure projects being fully funded by municipal funds
- assumed 98% prepayment of 2024 Federal Assistance Grants in 2023
- increases to provisions for several operational expenses.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

The annual budget proposes a risk to the overall strategic direction and management of the Shire.

Key areas of risk are addressed by Councillor and staff collaboration and community consultation in the budget preparation process, in addition to the guiding principles of the Shire's strategic planning documents.

STRATEGIC PLAN REFERENCE

Shire of Narembeen – Strategic Community Plan

Strategic Community Plan 2022 – 2032

Strategic priority #1: Happy, safe, healthy and inclusive community.

Objective #1.2: facilitate and advocate for quality health services, health facilities and programs in the Shire.

Objective #1.4: Recreational, social and heritage spaces are safe and encourage active and healthy lifestyles.

Strategic priority #2: retain and grow existing business, employment and attract new industry.

Objective #2.2: safe and efficient transport network enables economic growth.

Objective #2.4: retain and grow our local skills base.

Strategic priority 4: well governed and efficiently managed Local Government.

Objective 4.1: compliant and resourced Local Government.

In addition to required operational expenditure, the budget for the year ended 30 June 2024 includes provisions for:

- facilitation of health services to the residents of the district
- new and improved recreational areas
- significant roadworks and road maintenance
- new Shire housing
- additional resources to grow the skills-base of the Local Government.

VOTING REQUIREMENTS

Absolute majority

COMMENT

The attached annual budget for the year ended 30 June 2024 contains 5 distinct parts:

1. budget introduction and statutory reports as required by the Local Government Act 1995
2. notes to the statutory reports
3. notes regarding non-operating activities, including:
 - capital expenses categorised by the type of asset acquired (property, plant and equipment or infrastructure) and whether or not the acquisition is grant funded
 - all secured non-operational grant funding
 - assets to be disposed of
4. detailed operational expenditure by program
5. the schedule of Fees and Charges for the year ended 30 June 2024 – to be adopted as part of the annual budget as per the Local Government Act 1995 requirements.

As per the Rate Setting Statement, the Shire has budgeted for net rates (after budgeted discount) of \$2,046,893 to fund the Shire's 2024 budget deficit, including ex-gratia rates of \$24,089.00. Refer to Note 1(a): Rates and Service Charges (page 9) for the estimated rates revenue based on assessment categories. Staff have prepared the budget based on a 5% overall increase in gross rating revenue for both categories, as per the below:

| Category | 2024 budgeted rate in the dollar | 2024 budgeted minimum rate | Budgeted rate income |
|------------------------------------|----------------------------------|----------------------------|-----------------------|
| Townsite (GRV) | \$0.12871 | \$510.00 | \$261,683.00 |
| Rural and mining (UV) | \$0.01072 | \$510.00 | \$1,796,722.00 |
| Budgeted gross rate revenue | | | \$2,058,405.00 |

Due to receipt of the majority of the 2024 Financial Assistance Grant in June 2023, operating income for 2024 has been received in 2023, which is shown as opening surplus as opposed to budgeted income.

Several key operating costs have seen significant increases in the budget, based on projections as at the time of preparation. These include provisions for 3 additional staff and increases to costs for community amenities and services.

As previously mentioned, a large portion of the extensive capital works program is own source funded, which requires the opening surplus to be fully utilised. Several of the own source funded projects are one-off to address areas of imminent concern to Council; there are no current plans for such extensive own source funded capital works programs to continue in future years.

It should be noted that the budgeted movements in reserves essentially reverse contributions of surplus funds from the year ended 30 June 2023. Across the 2023 and 2024 financial years, reserves are budgeted to grow from \$4,133,569 to \$4,392,480; most of the interest earnings on reserves are being reinvested.

The closing surplus for the year ended 30 June 2024 is an estimate which relies on several assumptions as at the time of preparation. The surplus is likely to change following the reconciliation of the accounts as at 30 June 2024 as part of the preparation of the annual report. It is management's expectation that the surplus will increase following the recognition of revenue currently categorised as 'contract liabilities'. These adjustments will be reflected in the revised surplus estimates in the February 2024 budget review.

Overall, the 2024 annual budget represents a response by the Shire to changes in its operational environment and in the availability and cost of necessary community amenities and services.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

The Council endorse the following:

1. The Shire of Narembreen annual budget for the year ended 30 June 2024, as attached, as per s.6.2(1) of the Local Government Act 1995
2. Levying a Rate in the Dollar of \$0.12871 for all GRV-based townsite assessments, noting that all non-mining and non-rural assessments are categorised as 'townsite'
3. Levying a Rate in the Dollar of \$0.01072 for all UV-based rural and mining assessments
4. Levying a minimum rate of \$510 for all rateable GRV and UV assessments
5. Setting the following repayment options for rates as per with s6.45(1)(a) of the Local Government Act 1995:

| Option | Due By |
|------------------------------------|------------------|
| Option A – One Payment | 31 August 2023 |
| Option B – Four Instalment Options | 31 August 2023 |
| | 31 October 2023 |
| | 31 December 2023 |
| | 28 February 2024 |

6. No instalment option being offered for rubbish charges
7. An instalment plan administration fee of \$10.00 per reminder rate notice issued, as per s6.45(3) of the Local Government Act 1995
8. Instalment interest to be levied at 5.50% as per s6.45(3) of the Local Government Act 1995
9. Late payment penalty interest to be levied at 7.00% for all rates and Emergency Services Levies that are overdue by 31 August 2023 (including partially) unless otherwise on the endorsed instalment plan as per s6.51(1) of the Local Government Act 1995
10. An early payment discount of 2% for all assessments paid in full on or before 31 August 2023 as per s6.46 of the Local Government Act 1995
11. The Schedule of Fees and Charges for the year ended 30 June 2024, as attached, as per s6.16(3)(a) of the Local Government Act 1995
12. A materiality threshold of 10% or \$25,000, whichever is greater, in accordance with Local Government (Financial Management) Regulations 1996 section 34(5).

MIN 7629/23

MOTION - Moved Cr. Milner

Seconded Cr. Cole

CARRIED 7 / 0

AGENDA ITEM: 8.2.2 - Disposal of properties held in joint venture with Department of Communities

| | |
|--------------------------------|--|
| Subject: | Disposal of joint venture properties |
| Applicant: | Not applicable |
| File Ref: | ADM125 |
| Disclosure of Interest: | Nil |
| Author: | Ben Forbes – Executive Manager Corporate Services |
| Date: | 5 July 2023 |
| Attachments: | Joint venture agreement – 31 Currall St Joint venture agreement – 33 Currall St Joint venture agreement – 24 Doreen St |

PURPOSE

For Council to consider and endorse the disposal of 9 properties to Department of Communities which are currently jointly held via joint venture agreements.

BACKGROUND

The Shire of Narembeen is currently party to 3 separate joint venture agreements with the Department of Communities (the Department) which cover 9 residential properties in Narembeen, as follows:

| Street address | Number of properties | Agreement ending |
|------------------------------|----------------------|-------------------|
| 31 Currall Street, Narembeen | 3 | 31 May 2025 |
| 33 Currall Street, Narembeen | 4 | 15 September 2044 |
| 24 Doreen Street, Narembeen | 2 | 10 September 2029 |

The ownership percentage split between the Shire and the Department is, as per the joint venture agreements, based on the input into the initial capital costs. Because the Shire only provided the land and nominal cash contributions, the Shire only has a minimal ownership of each property.

The joint venture agreement stipulates that the Shire will be responsible for all administration and ongoing costs associated with each property, and that the Shire must appoint tenants in accordance with the Department of Communities criteria, in exchange for receiving the rent from each property. In recent history, this arrangement has netted the Shire an immaterial profit or a small loss each financial year.

At the April 2023 discussion forum, following a meeting held by the Housing Committee, Council agreed that if the Department was not willing to sell the properties on an unrestricted basis to Council, that Council would be open to disposing of the properties to the Department.

Following this, staff met with representatives of the Department, and were advised that the Department has no appetite to sell the properties to Council but *may* buy Council out of its share. In order for the Department to commence their internal processes to buy out Council's share, they require a formal resolution of Council.

Although there is significant variance in the end date of each agreement, the Department has maintained that they intend to deal with all agreements in the same manner, at the same time.

CONSULTATION

Councillors
Housing Committee
Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 3.58

- (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.
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
(a) the names of all other parties concerned; and
(b) the consideration to be received by the local government for the disposition; and (c) the market value of the disposition —
(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Local Government (Functions and General) Regulations 1996, Section 30

- (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 —*
..
(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* iii) *the Commonwealth; or*
another local government or a regional local government;
- (3) *A disposition of property other than land is an exempt disposition if —*

(a) *its market value is less than \$20 000; or*

(b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

FINANCIAL IMPLICATIONS

Disposing of the properties to the Department will realise Council's share of the market value and remove the ongoing net rental profit or loss.

In accordance with the terms of the joint venture agreements, the properties will need to be revalued prior to the sale by a valuer approved of by the Department. If there is a dispute over the valuation, the Shire may engage another valuer and the average valuation will be binding as the sale price. The Shire will then receive its proportionate share of the equity as sale proceeds, with the final profit or loss determined by the written down value of the property as at the time of disposal.

Two of the agreements state additional costs shall "be negotiated between the parties", whilst one stipulates that all additional costs will be paid for by the Shire. It should be assumed that the Shire will incur the valuation costs as part of the process.

The properties were last revalued by the Shire as at 30 June 2022 as part of regular accounting compliance obligations. Based on these valuations, management estimates that the Shire's share of the equity is approximately \$150,000.00.

There are unlikely to be any financial implications in the 2024 financial year, as the process will take an extended period; there are no provisions in the 2024 annual budget for the outcome of this resolution.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Nil

VOTING REQUIREMENTS

Simple Majority

COMMENT

Managing property on behalf of the Department is not a core business of Council. As there is no longer a financial incentive, reducing the administrative workload and realising Council's share of the equity of the properties will allow Council to reallocate these resources to other, more appropriate areas.

In the event that it seems likely for the properties to be sold to the Department in the 2024 financial year, the budget review will include a provision for the sale proceeds to be transferred into the housing reserve.

OFFICER RECOMMENDATION

That Council:

- Agree to dispose of all properties located at 31 Currall Street, 33 Currall Street and 25 Doreen Street to the Department of Communities in accordance with the terms of the respective Joint Venture Agreements
- Authorise the Shire President and the Chief Executive Officer to affix the common seal and execute any future sale contracts with the Department of Communities, as per this resolution.

COUNCIL RESOLUTION

- *Agree to dispose of all properties located at 31 Currall Street, 33 Currall Street and 24 Doreen Street to the Department of Communities in accordance with the terms of the respective Joint Venture Agreements*
- *Authorise the Shire President and the Chief Executive Officer to affix the common seal and execute any future sale contracts with the Department of Communities, as per this resolution.*

MIN 7630/23 **MOTION** - Moved Cr. Hardham Seconded Cr. Milner

CARRIED 7 / 0

AGENDA ITEM: 8.2.3 - Lease agreement for 1/8 Churchill Street, Narembeen

| | |
|--------------------------------|---|
| Subject: | Lease agreement for 1/8 Churchill Street, Narembeen |
| Applicant: | WA Country Health Services Wheatbelt |
| File Ref: | ADM090 |
| Disclosure of Interest: | Nil |
| Author: | Ben Forbes – Executive Manager Corporate Services |
| Date: | 5 July 2023 |
| Attachments: | Lease agreement (2020) – 1/8 Churchill Street (unsigned) Draft lease agreement (2023) – 1/8 Churchill Street |

PURPOSE

For Council to consider and endorse the proposed lease terms from WA Country Health Services Wheatbelt for 1/8 Churchill Street, Narembeen.

BACKGROUND

The WA Country Health Services Wheatbelt (WACHS) provides an essential service for the districts aged residents, working out of the Shire-owned commercial unit 1/8 Churchill Street Narembeen.

The current agreement expired on 30 June 2023; in negotiating a new agreement, WACHS has been allowed to continue for an additional month (July 2023) on the same terms.

Due to budget constraints, Shire staff have been advised that WACHS is unable to continue offering services at 1/8 Churchill Street under the terms of the current lease, but that they can continue to do so if the agreement is changed to WACHS only paying for outgoings.

CONSULTATION

Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 3.58

- (5) *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.
- (6) *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.
- (7) *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.

- (8) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Local Government (Functions and General) Regulations 1996, Section 30

(2) 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 —

- ..*
- (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 iii) the Commonwealth; or*
 - another local government or a regional local government;*

... (4) A disposition of property other than land is an exempt disposition if —

- (a) its market value is less than \$20 000; or*
- (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

FINANCIAL IMPLICATIONS

The previous lease agreement (which has been budgeted for) provided for rent at a rate of \$60.00 a week.

By Council agreeing to the proposed terms, there will be a \$3,120.00 deficit to the annual budget.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 - 2032

Strategic priority #1: Happy, safe, healthy and inclusive community.

Objective #1.2: facilitate and advocate for quality health services, health facilities and programs in the Shire.

Strategic priority #2: retain and grow existing business, employment and attract new industry.

Objective #2.4: retain and grow our local skills base.

VOTING REQUIREMENTS

Simple Majority

COMMENT

WACHS provides an essential service to the elderly residents of the district, and their request has minimal financial impact on the Shire. The potential cost to the Shire to secure similar services via other channels would likely far exceed the cost of agreeing to a nil value lease.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council agree to WACHS proposed lease terms of the tenant paying \$0.00 annual rent and all variable outgoings associated Unit 1, 8 Churchill Street, Narembeen.

MIN 7631/23

MOTION - Moved Cr. Cole

Seconded Cr. Milner

CARRIED 7 / 0

AGENDA ITEM: 8.2.4 - Monthly financial statements for the month ended 30 June 2023

| | |
|--------------------------------|---|
| Subject: | Monthly financial statements for month ended 30 June 2023 |
| Applicant: | Shire of Narembeen |
| File Ref: | Not applicable |
| Disclosure of Interest: | Nil |
| Author: | Ben Forbes – Executive Manager Corporate Services |
| Date: | 4 July 2023 |
| Attachments: | Monthly financial statements – June 2023 |

PURPOSE

For Council to accept the financial statements for the month ended 30 June 2023.

BACKGROUND

The monthly financial reports are 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

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

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

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 - 2032

Strategic priority 4.2: “We have sound financial and asset management policies and practices in place”

VOTING REQUIREMENTS

Simple Majority

COMMENT

Council’s closing funding surplus as at 30 June 2023 is \$3,711,605, with cash on hand of \$9,787,133 including \$4,252,582 of reserves.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council receive the monthly financial statements for the month ended 30 June 2023.

MIN 7632/23 **MOTION** - Moved Cr. Bray Seconded Cr. Hardham

CARRIED 7 / 0

AGENDA ITEM: 8.2.5 - Schedule of accounts for the month ended 30 June 2023

| | |
|--------------------------------|---|
| Subject: | Schedule of accounts for the month ended 30 June 2023 |
| Applicant: | Not Applicable |
| File Ref: | ADM018 |
| Disclosure of Interest: | Nil |
| Author: | Kathryn Conopo – Senior Administration Officer |
| Date: | 6 July 2023 |
| Attachments: | Creditor payments – 1 June to 30 June 2023, Credit Card Payments List 15 April to 15 May 2023 |

PURPOSE

For Council to review and endorse the payments made by the Shire of Narembeen in June 2023.

BACKGROUND

The Shire's schedule of accounts is to be provided to council each month pursuant to the Local Government (Financial Management) Regulations 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 2022-2032

CIVIC LEADERSHIP: Well governed and efficiently managed Local Government.

4.2 Compliant and resourced Local Government

We have sound financial and asset management policies and practices in place

Transparent, accountable, and integrated reporting.

VOTING REQUIREMENTS

Simple majority

COMMENT

A schedule of accounts paid during the month of June 2023 is attached to this report and the total amount paid from the municipal and trust fund is as follows:

Municipal Account: \$ 544,554.23

Trust Account: \$ 2,004.11

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. Receive the Creditors Payment List – 1 June to 30 June 2023
2. Receive the Credit Card Payments List 15 April to 15 May 2023

MIN 7633/23

MOTION - Moved Cr. Currie

Seconded Cr. Hardham

CARRIED 7 / 0

8.3 Confidential Items

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council close the meeting to public, under Section 5.23 (2) (c) of the Local Government Act 1995, so that it can discuss contractual matters.

MIN 7634/23 **MOTION** – Moved Cr. Currie Seconded Cr. Cole

CARRIED 7 / 0

The meeting was closed to public.

CONFIDENTIAL AGENDA ITEM: 8.3.1 - Variation to service agreement

| | |
|--------------------------------|---|
| Subject: | Variation to services agreement |
| Applicant: | PM Services |
| File Ref: | Not applicable |
| Disclosure of Interest: | Nil |
| Author: | Ben Forbes – Executive Manager Corporate Services |
| Date: | 5 July 2023 |
| Attachments: | DRAFT Transfer Station Service Agreement – July 2023 Transfer Station Service Agreement – August 2020 RFT 01/2020 – Provision of Waste Transfer Station Operation and Management RFT 01/2020 – PM Services submission |

PURPOSE

For Council to consider and endorse a variation to the existing services agreement for the management of the Shire's transfer station.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

- agree to the extend the contract term, as per Section 10 of the Service Agreement
- endorse the varied service agreement, as attached
- authorise the CEO to execute the varied agreement, as attached.

MIN 7635/23 **MOTION** – Moved Cr. Hardham Seconded Cr. Currie

CARRIED 7 / 0

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council re-open the meeting to public.

MIN 7636/23 **MOTION** – Moved Cr. Cole Seconded Cr. Hardham

CARRIED 7 / 0

The meeting was re-opened to the public.

9.0 Urgent business as permitted by Council

Nil

10.0 Councillor's Reports

Cr K Mortimore

Attended

-

Cr S Stirrat

Attended

-

Cr H Cusack

Attended

- Meeting with CEACA CEO

Cr T Cole

Attended

- SOCK Week
- Plant Committee Meeting

Cr C Bray

Attended

- SOCK Week

Cr A Hardham

Attended

-

Cr M Currie

Attended

- Plant Committee Meeting

Cr W Milner

Attended

- SOCK Week
- Plant Committee Meeting

11.0 Date, time & place of next meeting

Tuesday 15 August 2023, 5.00pm at the Shire of Narembeen Council Chambers.

12.0 Closure

The Chair acknowledged that this was the last meeting for the Acting Chief Executive Officer, and thanked Paul for his time and experience, and offering stability for the past eight months.

There being no further business the Chair declared the meeting closed at 6.09pm.