



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

UNCONFIRMED MINUTES

30 August 2023
at
1.00pm

SHIRE OF NGAANYATJARRAKU

ORDINARY MEETING OF COUNCIL

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.

Chief Executive Officer

Date: 31-08-2023

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 30 August 2023.

Presiding Member: _____ Date: 27 / 09 / 2023

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1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 pm.

2 ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed members of the public to the gallery.

3 ATTENDANCE

3.1 PRESENT

Elected Members:	President Deputy President Councillor Councillor Councillor	D McLean P Thomas (President phone approval given 28/08/2023) D Frazer J Frazer (President phone approval given 28/08/2023) J Porter
Staff:	CEO FM EA FAC AC OC	D Mosel L Anand (via video conference) S Toska G Handy S Richardson S Latham
Guests:	Nil	
Members of the Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr. A Jones

3.3 APPROVED LEAVE OF ABSENCE

4 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 DECLARATION BY MEMBERS.

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note:

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under *Section 5.68* or *Section 5.69* of the *Local Government Act 1995*.

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in the matter.

These notes are included in each agenda so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor, or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members (i.e., sporting, social, religious, etc), and the Councillor is not a holder or office of profit or a guarantor and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt, declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under *s5.68(1)(b)(ii)* of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under *s5.69(3)* of the *Local Government Act*, with or without conditions.

Declarations of Interest provided:

Item Number / Name	Type of Interest	Nature / Extent of Interest

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

8 PETITIONS, DEPUTATIONS, PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL

Voting Required
Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 26 July 2023 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (as circulated and available on the Shires official website) be confirmed as a true and accurate record.

Carried: 5/0

10 CEO REPORTS

10.1 CLIMATE CHANGE DECLARATION

FILE REFERENCE: EH.00

AUTHORS NAME AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 22 August 2023

DISCLOSURE OF INTERESTS: The author has no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

For Council to consider adopting a Climate Change Declaration as presented in Attachment 10.1.

Background

Climate change is a reality that will have significant and ongoing impacts on the environment, society, and economy of Western Australia, as well as the Local Government sector. Human behaviours, pollution, and consumption patterns contribute to both immediate and long-term effects on the climate and environment. The Local Government has the responsibility to mitigate and manage the effects of climate change on the community to the best of its abilities.

Under the United Nations Framework Convention on Climate Change, Australia is a signatory to the Paris Agreement which aims to limit global temperature rises to well below two (2) degrees Celsius, and to pursue efforts to limit even further to 1.5 degrees Celsius.

The Government of Western Australia released in 2020 the “Climate Policy: A plan to position Western Australia for a prosperous and resilience low-carbon future” as the state government commits to working with industry and the community, to reinvigorate the economy, prepare for climate change and achieve the aspiration of net zero emissions by 2050.

In recognition of the significance of taking action on climate change, the Western Australia Local Government Association (WALGA) developed a WALGA Climate Change Policy statement in 2018 that states:

Local Government acknowledges:

- a. *The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.*
- b. *Climate change threatens human societies and the Earth’s ecosystems.*
- c. *Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.*
- d. *A failure to adequately address this climate change emergency places an unacceptable burden on future generations. Local Government is committed to addressing climate change.*

Local Government is calling for:

- e. *Strong climate change action, leadership, and coordination at all levels of government.*
- f. *Effective and adequately funded Commonwealth and State Government climate change policies and programs.*

The WALGA Climate Change declaration is a voluntary pledge Councils can make to demonstrate their commitment to climate action through localised mitigation and adaptation initiatives achievable to their council. The declaration has been in existence since 2012 with 51 Councils across the state having signed the WALGA Climate Change declaration to date, representing 83% of the State’s population.

Signing the declaration supports WALGA in its advocacy efforts to the Commonwealth and State Governments for improved policy outcomes and increased resourcing and funding, to ensure Local Governments are adequately supported in delivering on-ground action for their communities in the face of

increasing impacts from climate change. This includes pilot programs such as the Regional Climate Alliance, which WALGA successfully advocated for following the State Government's release of the Climate Change Policy in 2019.

Comment

The Shire of Ngaanyatjarraku engages in collaboration with the Regional Climate Alliance to advocate and strive for compromise in meeting the needs of both present and future generations through the continuous integration of environmental protection, social advancement, and economic prosperity.

Statutory Environment

Local Government Act 1995, Section 3.1

(1A) Without limiting subsection (1), the general function of a local government must be performed having regard to the following:

(a) the need –

- (i) to promote the economic, social, and environmental sustainability of the district; and*
- (ii) to plan for, and to plan for mitigating, risks associated with climate change; and*
- (iii) in making decisions, to consider potential long-term consequences and impacts on future generations.*

Financial Implications

Commitments in the Climate Change Declaration which require the Shire to invest will be undertaken within the existing budget and / or external grant funding sought or prioritised through future budgets.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy 8.2, Maintain corporate governance, responsibility, and accountability.

Climate change actions have a multifaceted impact across various sectors of the Shire of Ngaanyatjarraku's Community Plan, with the potential to positively influence different levels of the community.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

10.2 – WALGA Climate Change Declaration.

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council:

- 1. Notes the State and Federal Government climate initiatives, and that the Shire continues to work with the State and Federal Governments to seek funding to support and assist our communities and regional approach to implementing the State and Federal Government initiatives.**
- 2. Resolves to sign the WALGA Voluntary Climate Change Declaration.**

Carried: 5/0

UNCONFIRMED

10.2 WALGA ROADWISE COUNCIL INVITATION

FILE REFERENCE: RD.00

AUTHORS NAME AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 22 August 2023

DISCLOSURE OF INTERESTS: The author has no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Background

In August 2022 Council resolved as follows:

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr D Frazer

- 1. That the proposal to form a RoadWise Advisory Group be endorsed.**
- 2. That the General Manager Operations be endorsed as Chairman of the newly formed Shire of Ngaanyatjarraku RoadWise Advisory Group.**
- 3. That it be noted that that the first meeting of the Shire of Ngaanyatjarraku RoadWise Advisory Group will be held on Wednesday 7th September 2022.**
- 4. That at six monthly intervals or earlier, the Shire Council be advised of activities of the group.**

Carried: 5/0

Correspondence has been received from WALGA inviting the Shire to register to receive individualised support through the new RoadWise Councils funded service. To meet the changing needs of local government in road safety, the RoadWise program has evolved from a program of campaigns and projects to a provider of funded services and products for local government.

The new RoadWise Councils Framework informs the approach WALGA's road safety team takes in supporting local governments in working towards delivering best practice road safety. The framework considers the elements which determine the level of safety of the road transport system within the context of local governments.

Not all local governments have been invited to register. Initially 76 local governments have been invited (based on their current commitment to road safety) to ensure that the support offered is not diluted. The formation of the Ngaanyatjarraku RoadWise Advisory Group under the previous RoadWise program model was identified by WALGA as a key commitment by Council to road safety and the Shire was prioritised for invitation. Delivery of the Ngaanyatjarraku RoadWise Advisory Group will continue to be supported to achieve greater outcomes under the new service.

As support through the RoadWise Councils service is available to a limited number of local governments, there is a requirement to formalise the relationship. The invitation can be accepted by Council resolution providing a commitment to road safety.

The benefits for Local Governments that register as RoadWise Councils include:

- Use of the RoadWise logo.
- Priority access to WALGA's road safety services and products.
- Exclusive quarterly meetings and support from a Road Safety Advisor.

- Priority access to participate in WALGA’s road safety policy development, training, professional development forums and knowledge-sharing workshops offered by WALGA.
- Access to incentives and sponsored programs, and
- Participation in the new RoadWise Recognised initiative.

Comment

By accepting the invite to become a RoadWise Council, we will be provided with ongoing support and assistance in the management of current and impending local road safety issues such as:

- Speeding through work zones,
- Driver behaviour,
- Pedestrian and vehicle conflicts, and
- Conflicts between local traffic and the increasing levels of mine, tourist and freight vehicles.

Becoming a RoadWise Council may also open access to additional funding streams to create safer roads, roadside environments, and road user behavioural programs. It will also provide additional support for the current RoadWise Advisory Group endorsed by Council in August 2022.

Statutory Environment

Local Government Act 1995, Part 5, Subdivision 2 – sections 5.8 to 5.18

Local Government (Administration) Regulations 1996, Part 2, Council and committee meetings.

Financial Implications

The only foreseeable financial implications of forming the proposed advisory group are the time for 2 Senior Shire Officers to attend meetings, and to develop and implement strategies. However, this is considered to be outweighed by the possible benefits to the Shire’s constituents and the likely additional grant funding streams that should be opened up by becoming a RoadWise Council and forming the committee.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 1, Our People

Outcome 1, Happy people

Strategy 1.1, Support and facilitate community involvement and participation opportunities.

Goal 2, Our Land

Outcome 5, Travelling our Land.

Strategy 5.1, Effective management and planning of road infrastructure.

Goal 3, Our Leadership

Outcome 7, Good Leadership, effectively representing and advocating for our communities.

Strategy 7.1, Provide strategic leadership and good governance.

Strategy 7.2. Advocate on behalf of our communities.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

10.2a – Invitation to Register as RoadWise Council

10.2b – RoadWise Council Registration Form

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr D Frazer

That Council:

- 1. Accepts WALGA's invitation of becoming a RoadWise Council.**
- 2. Delegate authority to the CEO to nominate two personnel (being the CEO and Works Manager) to be the primary point of contact for road safety matters associated with being a RoadWise Council.**

Carried: 5/0

UNCONFIRMED

10.3 ADOPTION OF 2023-2024 FEES AND CHARGES

FILE REFERENCE: FM.09

AUTHORS NAME AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 21 August 2023

DISCLOSURE OF INTERESTS: The author has no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

The purpose of this report is for the Council to adopt the proposed Schedule of Fees and Charges for 2023-2024 financial year and that the schedule be imposed from 1 July 2023.

Background

A local government may impose and recover a fee or charge for goods or services it provides. The proposed Fees and Charges have been collated and compiled in consultation with Coordinators responsible for providing the relevant services to the community and where possible ensuring appropriate levels of income/cost recovery are generated for the Shire.

Comment

The proposed increases to Fees and Charges 2023-2024 includes the following assumptions and changes:

- All fees and charges to be increased by 3% rounded by nearest 0.50 with exceptions to statutory charges and rates.
- Rates to increase by 5% as there have been no increases since 2020-2021. This would make rate in dollar to 22c compared to 21c in last year.
- Statutory charges are set by legislative bodies and are adopted as per rates current on their websites.
- Mileage – per game for travel to other Communities as per the recommended ATO rate.

Statutory Environment

Local Government Act 1995, Section 6.16 (Imposition of Fees and Charges), 6.17 (Setting level of Fees and Charges) and 6.19 (Local Government to give notice of Fees and Charges) relates.

Section 6.19 requires that the Local Government provides local public notice of proposed new fees and the date the new fee will be applied from. It is proposed the new fees be applied from 1 July 2023.

Local Government Act 1995, Section 1.7 (Local Public Notice).

Financial Implications

It is expected that the proposed change will be included in the budgeting process for the 2023-2024 budget.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities.

Outcome 8, A well-functioning organisation

Strategy 8.1, Maintain corporate governance, responsibility, and accountability.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

10.3 – Fees and Charges Schedule.

Voting Requirement

Absolute Majority Required.

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That with respect to the Fees and Charges for 2023-2024, Council:

- 1. Adopt the Fees and Charges schedule, and**
- 2. Authorise the Chief Executive Officer to provide local public notice of the above Fees and Charges which are to be imposed from 1 July 2023.**

Carried: 5/0

10.4 ADOPTION OF 2023-2024 BUDGET

FILE REFERENCE: FM.05

AUTHORS NAME AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 21 August 2023

DISCLOSURE OF INTERESTS: The author has no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

The Statutory Form of the Budget has now been finalised, the document is now submitted to Council for adoption.

Background

The 2023-2024 Annual Budget has been prepared based on the principles contained in the Long-Term Financial Plan (LTFP) and Corporate Business Plan as well as discussions with the Shire President / Councillors, a detailed review of expenditure and efficiency measures considering substantive matters raised in previous reports to Council. The Budget has also considered the requirements of Section 6.2 of the Local Government Act 1995.

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australia Accounting Standards.

It is proposed that there will be 5% increase in rates (exploration tenements) and 3% increase in fees and charges for the 2023-2024 FY. Operating expenses are forecast to increase due to CPI increases, and Staff salaries have been forecast to rise by 5.3% in accordance with the determinations for staff on Awards / Contracts. The superannuation guarantee charge (SGC) increase from 10.50% to 11.00% will also materially impact staff costs.

Major highlights include:

- General Minimum Rate at \$252.50 (five assessments).
- Rates Unimproved Value at 22c in the dollar.
- 3% increase in Fees and Charges.
- Increased Bank Interest Income (higher interest rates).
- Transfers to Asset Replacement Reserve
- Changeover of two vehicles in accordance Plant Replacement Program.
- TV equipment upgrade - Warburton TV Tower.

Statutory Environment

Section 6.2 of the Local Government Act 1995 requires that a local government is to prepare (in the prescribed manner) and adopt (by absolute majority), between June 1 in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

Section 6.16 of the Local Government Act 1995 allows a local government to impose and recover a fee or charge for any goods or services it provides or proposes to provide (absolute majority required).

Section 6.32 of the Local Government Act 1995 states that a local government in order to make up the budget deficiency is to impose a general rate on rateable land that may be imposed uniformly or differentially. A local government may also impose a minimum payment (absolute majority required).

Section 6.51 of the Local Government Act 1995 allows a local government to charge interest on a rate or service charge that remains unpaid after its due and payable (absolute majority required).

Regulation 17 of the Local Government (Financial Management) Regulations 1996 states that a reserve

account is to have a title that clearly identifies the purpose for which the money in the account is set aside.

Regulation 23(a) of the Local Government (Financial Management) Regulations 1996 requires the annual budget to include the objects and reasons of any differential rates imposed.

Regulation 26 of the Local Government (Financial Management) Regulations 1996 requires that the annual budget is to include details for each discount, incentive, concession, and waiver to be allowed.

Regulation 27 of the Local Government (Financial Management) Regulations 1996 sets out the detail accompanying notes to the budget are to contain.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 states that each financial year a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements for financial activity for reporting material variances.

Regulation 64(2) of the Local Government (Financial Management) Regulations 1996 sets out the local government is to determine the due date for instalments after the first instalment.

Regulation 70 of the Local Government (Financial Management) Regulations 1996 states that the maximum interest rate for overdue rates under section 6.51(1), is 11%.

Section 67 of the Waste Avoidance and Resource Recovery Act 2007 enables a local government to impose an annual charge in respect of premises provided with a waste service by the local government.

Section 5.98 of the Local Government Act 1995 sets out fees etc payable to Council members.

Section 5.98A of the Local Government Act 1995 sets out allowances payable to deputy Presidents and deputy Mayors.

Section 5.98(2), (3), and (4) of the Local Government Act 1995 sets out allowances payable of a kind prescribed as being an expense.

Section 7B(2) of the Salaries and Allowances Act 1975 requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine –

- The amount of fees to be paid to Council members;*
- The amount of expenses to be reimbursed to Council members;*
- The amount of allowances to be paid to Council members.*

Regulations 30-32 of the Local Government (Administration) Regulations 1996 set the limits, parameters and types of allowances that can be paid to elected members.

Section 30.6 of the Local Government Officers' (Western Australia) Award 2021 sets the rate for meeting attendance travel costs per kilometre.

Section 5.63(1)(b) specifically excludes the need for Elected Members to "Declare a Financial Interest" in imposing a rate, charge, or fee. Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity, or Impartiality must be declared.

Financial Implications

The budget outlines planned expenditure and revenue and determines the financial parameters for the Shire of Ngaanyatjarraku to operate within for the 2023-2024 financial year. The Budget is a balanced budget.

It must be noted that Financial Assistance Grants for the 2023-2024 year were pre-paid by the Federal Government into the 2022/23 FYE and forms a large part of the Surplus brought forward in the Rate Setting Statement.

The Shire is transferring funds to the Asset Replacement Reserve towards the resealing of four community sealed road networks (est. circa \$411,335).

The Shire’s Long-Term Financial Plan will be updated in 2024 as Fair Value assessment will be undertaken in October 2023 and will require an update of the Road Asset Maintenance Management system, revised Asset Management Plan to see the true impact of longer-term funding requirements from 2023-2024 onwards. This will be the subject of a further report to Council.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our Communities.

Outcome 8, A well-functioning organisation

Strategy 8.2, Maintain corporate governance, responsibility, and accountability.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

10.4 – 2023-2024 Draft Statutory Budget

Voting Requirement

Absolute Majority Required for all recommendations.

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

For the purpose of yielding the deficiency (100%) disclosed by the proposed Municipal Fund Budget and pursuant to section 6.34 of the Local Government Act 1995, Council impose the following general minimum rates of Unimproved Values:

UV Mining	\$0.2200 in the dollar (\$)
General Minimum	\$252.50 per rateable property

Carried: 5/0

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council offers the following options for the payment of rates by instalments:

Option 1 (Full Payment)

Full amount of rates and charges including arrears, to be paid on or before 10 October 2023 or 35 days after the date of service appearing on the rate notice whichever is the later.

Option 2 (Two Instalments)

First instalment to be made on or before 10 October 2023 or 35 days after the date of service appearing on the rate notice, whichever is the later and including all arrears and half the current rates and service charges; and

Second instalment to be made on or before 12 December 2023 or the first business day two months from the due date of the first instalment appearing on the rate notice, whichever is the later.

Option 3 (Four Instalments)

First instalment to be made on or before 10 October 2023 or 35 days after the date of service appearing on the rate notice, whichever is the later and including all arrears and one quarter of the current rates and service charges;

Second instalment to be made on or before 12 December 2023 or the first business day two months from the due date of the first instalment on the rate notice, whichever is the later;

Third instalment to be made on or before 13 February 2024 or the first business day two months from the due date of the second instalment appearing on the rate notice, whichever is the later; and

Fourth instalment to be made on or before 17 April 2024 or the first business day two months from the due date of the third instalment appearing on the rate notice, whichever is the later.

Carried: 5/0

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council, in accordance with Section 67 of the Waste Avoidance and Recovery Act 2007, impose the following receptacle charge for 2023-2024:

- Domestic rubbish removal \$358.50 (GST Free) per bin; and
- Commercial rubbish removal \$1360.00 (GST Free) per service.

Carried: 5/0

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council, in accordance with section 6.16 of the Local Government Act 1995, adopt Attachment 10.3 Schedule of Fees and Charges as presented in the Budget for the year ending 30 June 2024.

Carried: 5/0

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council, in accordance with section 6.2 of the Local Government Act 1995, adopt Attachment 10.4 Annual Budget for the year ending 30 June 2024.

Carried: 5/0

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulation 1996, adopts the following materiality thresholds:

Condition

Variance exceeding 10% or \$20,000 whichever is greater

Action

Must Report

(Note: Management discretion may be used on reporting Actual Variances less than 10% or \$20,000)

Carried: 5/0

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council adopt the following Councillor Allowances for the 2023-2024 period:

In accordance with Section 5.98(1) and (2A) of the Local Government Act 1995, Local Government (Administration) Regulation 30(3A) and Part 6.2 and 6.3 of the Local Government CEO and EM Determination 2023 pursuant to Section 7(B) of the Salaries and Allowance Act, Councillor meeting attendance fees be set at \$250 per Council meeting, and \$125 per Committee or other prescribed meeting.

In accordance with Section 5.98(1) and (2A) of the Local Government Act 1995, Local Government (Administration) Regulation 30(3A) and Part 6.2 and 6.3 of the Local Government CEO and EM Determination 2023 pursuant to Section 7(B) of the Salaries and Allowances Act, Shire President meeting attendance fees be set at \$510 per Council meeting, and \$125 per Committee or other prescribed meeting.

In accordance with Sections 5.98(5) and 5.98A(1) of the Local Government Act 1995, Local Government (Administration) Regulation 33, and Part 7.2 of the Local Government CEO and EM Determination 2023 pursuant to Section 7B of the Salaries and Allowances Act, the annual allowance for the Shire President is set at \$6000.

In accordance with Sections 5.98A(1) of the Local Government Act 1995, Local Government (Administration) Regulation 33A and Part 7.3 of the Local Government CEO and EM Determination 2023 pursuant to Section 7B of the Salaries and Allowances Act, the annual allowance for the Deputy Shire President is set at \$1500.

In accordance with Section 5.98(2), (3), and (4) of the Local Government Act 1995, Local Government (Administration) Regulation 31(1)(b) and Part 8.2(5) of the Local Government CEO and EM Determination 2021, travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the Local Government Officers' (Western Australia) Award 2021 is currently \$1.0352 per kilometre.

Carried: 5/0

11 OPERATIONS COORDINATOR

11.1 ACTION REPORT – OPERATIONAL SERVICES

FILE REFERENCE: CP.00, PE.00, RD.00 & WM.00

AUTHORS NAME AND POSITION: Stephen Latham
Operations Manager

AUTHORISING OFFICER AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 21 August 2023

DISCLOSURE OF INTERESTS: The author and the authorising officer have no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

To inform Council of Building Maintenance, Plant & Equipment, Road and Waste activities and actions for the preceding month.

Background

Not applicable.

Comment

See attachment 11.1.

Statutory Environment

Not applicable.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 1, Our People

Outcome 2, Healthy People

Strategy 2.2, Ensure appropriate regulatory health and waste services provision with funding.

Goal 2, Looking after our Land

Outcome 6, Living on our Land

Strategy 6.1, Maintain Shire owned buildings and facilities

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy 8.2, Provide a good place to work

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

11.1 – Action Report – Operational Services

Voting Requirement
Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council receives the Action Report – Operational Services for July 2023 as per Attachment 11.1.

Carried: 5/0

UNCONFIRMED

11.2 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE:	EM.00
AUTHORS NAME AND POSITION:	Gordon Houston Environmental Health and Building Surveyor
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	21 August 2023
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

To inform Council of Environmental Health and Building Services activities and actions for the preceding month.

Background

Not applicable.

Comment

See attachment 11.2.

Statutory Environment

Not applicable.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 1, Our People

Outcome 2, Healthy People

Strategy 2.2, Ensure appropriate regulatory health and waste services provision with funding.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

11.2 – Action Report – Environmental Health & Building Services

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

That Council receives the Action Report – Environmental Health & Building Services for July 2023 as per Attachment 11.2.

Carried: 5/0

UNCONFIRMED

12 FINANCE MANAGER

12.1 MONTHLY PAYMENTS LISTING

FILE REFERENCE:	FM.07
AUTHORS NAME AND POSITION:	Lokesh Anand Finance Manager
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	21 August 2023
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

For Council to confirm the payment of accounts listed in the attached Accounts for Payment.

Background

In accordance with the Local Government (Financial Management) Regulations 1996, the Chief Executive Officer is required to present a list of payments to the Council at the next ordinary meeting of the Council after the list is prepared.

Comment

The payments made are consistent with previous months, as per attachment 12.1.

Statutory Environment

Local Government (Financial Management) Regulations 1996

S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (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; and*
 - b. The amount of the payment; and*
 - c. The date of the payment; and*
 - d. Sufficient information to identify the transaction.*

- (2) A list of accounts for approval to be paid is to be prepared each month showing –*
 - a. For each account which requires council authorisation in that month –*
 - i. The payee's name; and*
 - ii. The amount of the payment; and*
 - iii. Sufficient information to identify the transaction; and*
 - b. The date of the meeting of the council to which the list is to be presented.*

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

Financial Implications

The Shire makes annual budget allocations for payment of accounts.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities.

Outcome 8, A well-functioning organisation.
Strategy 8.1, Maintain corporate governance, responsibility, and accountability.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

12.1 – Payment Listing, July 2023

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council receives the Payment Listing for July 2023 totalling payments of \$1,120,766.58 as per attachment 12.1

Carried: 5/0

12.2 COUNCIL INVESTMENTS

FILE REFERENCE:	FM.04
AUTHORS NAME AND POSITION:	Lokesh Anand Finance Manager
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	21 August 2023
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

For Council to be advised of the Shires Municipal Account and Investments.

Background

To invest the Shire of Ngaanyatjarraku surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

Comment

Preservation of capital is to be the principal objective with consideration given to liquidity, cash flow requirements and return on investments.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Shire's risk tolerance. Any additional target set by the Shire will also consider the risk limitation and prudent investment principles.

Better rates have been thru a quotation process with the Commonwealth Bank and as such funds have been deposited there. Westpac have now agreed to be more competitive, and funds have also been invested with them. Westpac's 31-day Notice account interest rate has also improved and with the Shire's Muni Operating account remaining stable. These funds are mainly from the Commonwealth's FAG's 2023-2024 and Roads Grants paid in advance along with Shire reserve accounts.

Attached is a copy of the Shire Investment Register recording the details of these longer-term investments.

Statutory Environment

Local Government Act 1995, Section 6.14

Power to Invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local government's may –*

- a. *Make provision in respect of the investment of money referred to in subsection (1); and*
- b. *[deleted]*
- c. *Prescribe circumstances in which a local government is required to invest money held by it; and*
- d. *Provide for the application of investment earnings; and*
- e. *Generally, provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

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

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

- (1) *In this regulation –*
Authorised institution means –
 - (a) *An authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
 - (b) *The Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
Foreign currency means a currency except the currency of Australia.
- (2) *When investing money under section 6.14(1), a local government may not do any of the following –*
 - (a) *Deposit with an institution except an authorised institution;*
 - (b) *Deposit for a fixed term of more than 3 years;*
 - (c) *Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *Invest in bonds with a term to maturity of more than 3 years;*
 - (e) *Invest in a foreign currency.*

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities.

Outcome 8, A well-functioning organisation.

Strategy 8.1, Maintain corporate governance, responsibility, and accountability.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Corporate Policy – Finance 2.12 - Investment.

Attachments

12.2 – Investment Register

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr P Thomas

That Council receives the report on Council Investments as at 31 July 2023 per attachment 12.2

Carried: 5/0

UNCONFIRMED

13 NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION

14 CONFIDENTIAL MATTERS

14.1 RFT 01 2022/23, ROAD CONSTRUCTION AND MAINTENANCE

FILE REFERENCE: PL.23

AUTHORS NAME AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 24 August 2023

DISCLOSURE OF INTERESTS: The author has no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Attachments

Attachment provided under separate cover – Confidential Report 14.1

Voting Requirement

Simple Majority Required.

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council:

- 1. Resolves that Report 14.1 is confidential in accordance with s5.23 (2) of the Local Government Act 1995.**
- 2. Close the meeting to the public pursuant to subsection 5.23 (2)(a) of the Local Government Act 1995.**
- 3. Authorises the Chief Executive Officer and Administration Coordinator to remain in the meeting for Report 14.1.**

Carried: 5/0

All members of the public gallery and staff left the meeting at 1.20 pm. (Note: Chief Executive Officer to remain to answer any questions and Administration Coordinator to remain to take minutes).

Voting Requirement

Simple Majority Required

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council re-open the meeting to the public.

Carried: 5/0

No members of the public gallery or staff members re-entered the room at 1.26 pm.

The Presiding Member advised of Council's decision for the Confidential Agenda Item.

14.1 (1) Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

That Council revokes its decision of June 28,2023, to accept RFT01 FYE2023 Road Construction and Maintenance from Desert Sands (Trustee for Ty Service Trust)

Carried: 5/0

14.1 (2) Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council award tender RFT01 FYE2023 Road Construction and Maintenance to Breakaway Earthmoving Pty Ltd ABN 88 655 255 310, ACN 124 797 842.

Carried: 5/0

14.1 (3) Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr D Frazer

That Council resolve that Breakaway Earthmoving's request for a 3-year initial term and revised rates for the haulage route maintenance task is considered a minor variation in consideration of the overall contract.

Carried: 5/0

14.1 (4) Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council delegate authority to the Chief Executive Officer to determine the requirements for the additional maintenance crew for the mine haulage route maintenance, with rates to be refined and agreed based on the pricing provided by Breakaway (dated 4th August 2023) and include into the contract.

Carried: 5/0

14.1 (5) Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr P Thomas

That Council delegate authority to the Chief Executive Officer to renew the contract at the end of each contract term (for an additional three years, up to a total of 9 years), subject to contractor performance to the satisfaction of the Chief Executive Officer, providing this does not exceed the annual budget allocation or reduce the overall scope.

Carried: 5/0

15 NEXT MEETING

Scheduled for Wednesday, 28 September 2023 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1.00pm.

16 CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 1.30 pm.

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