



**Shire of Ngaanyatjarra**  
ON A JOURNEY

**ORDINARY MEETING OF COUNCIL**

**MINUTES**

**30 November 2022**

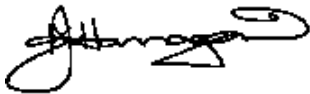
**at**

**1.00 pm**

**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: 1-12-2022

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 30 November 2022.

**Presiding Member:** \_\_\_\_\_



Date: 21 / 12 /2022

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## 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00pm.

## 2. ANNOUNCEMENT OF VISITORS

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

## 3. ATTENDANCE

### 3.1 PRESENT

<b>Elected Members:</b>	President Deputy President Councillor Councillor Councillor	D McLean P Thomas (phone approval given 29/11/22) D Frazer (phone approval given 29/11/22) L West J Porter
<b>Staff:</b>	CEO GMO CFO AC DGC DIS	K Hannagan (via video-conference) D Mosel K Fisher (via video-conference from 1.11pm) S Richardson C Green (via video-conference) L Morgan (via video-conference)
<b>Guests:</b>		
<b>Members of Public:</b>	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

Cr. J Frazer (resolved October 2022 OCM)

## 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;
- (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 a matter.

These notes are included in each agenda for the time being 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 of 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 *s.5.68(1)(b)(ii) or the Local Government Act*, or
  - 6.2 Where the Minister allows the Councillor to participate under *s.5.69(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 PREVIOUS MEETINGS**

**9.1 ORDINARY MEETING OF COUNCIL**

**Voting Requirement**  
Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas                      Seconded: Cr J Porter**

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 26 October 2022 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 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

<b>FILE REFERENCE:</b>	GV.05
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	23 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

#### **Summary**

The purpose of this agenda item is to report back to Council on the progress of the implementation of Council resolutions.

#### **Background**

The best practice in governance supports the regular review of Council decisions to ensure that they are actioned and implemented in a timely manner.

#### **Comment**

All resolutions of Council have been acted upon.

#### **Statutory Environment**

*Local Government Act 1995:*

Section 2.7

*"Role of council*

*(1) The council —*

- a) governs the local government's affairs; and*
- b) is responsible for the performance of the local government's functions.*

*(2) Without limiting subsection (1), the council is to —*

- a) oversee the allocation of the local government's finances and resources; and*
- b) determine the local government's policies."*

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. The decision to have the report in the Council's monthly agenda is entirely Council's prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council 'speaks by resolution'.

Section 5.100 of the Act expressly provides that a person who is a committee member but is not a council member or an employee is not to be paid a fee for attending any meeting.

#### **Financial Implications**

There are no known financial implications for this matter.

#### **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

**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**

Not applicable

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr L West**

**Seconded: Cr J Porter**

**That Council notes the monthly report, Progress on the implementation of Council Resolutions.**

**Carried: 5/0**



## 10.2 SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2023

<b>FILE REFERENCE:</b>	GV.00
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	17 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interests in the proposal.

### Summary

It is a statutory requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council each year.

### Background

This report sets out the proposed locations and commencement times of Council Meetings for the calendar year 2023.

Council has generally set dates for Audit Committee meetings as required during the year.

### Comment

In determining the dates, times and locations for the Ordinary Meeting of Council for the upcoming year, consideration has been given to a number of factors including travel and other cultural events that may clash.

To have consistency with operational requirements for preparing Council agendas it is suggested that meetings be held on the last Wednesday of the month. It is also suggested that the January 2023 meeting not be held due to the Christmas break and the December 2023 meeting to also be scheduled for the third Wednesday (20 December 2023) as that year it can be accommodated as it is not as close to the Christmas period.

It is also proposed to close the Warburton Administration Building from 2.00pm Friday 23 December 2022 up to and including Monday 2nd January 2023.

### Statutory Environment

#### Local Government Act 1995

*Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart. Section 5.25(1)(g) indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.*

#### Local Government (Administration) Regulations 1996

*Regulation 12 specifies the Date, Time and Venue of Ordinary Council Meetings for the next 12 months must be advertised once a year.*

### Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of the advertisement and the associated Council meetings.

### 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

**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**

Not Applicable

**Attachments**

Not applicable

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr L West**

That Council:

1. adopts the Schedule of Ordinary Council Meeting dates, times and locations for the period February 2023 to December 2023 as outlined below:

DATE	LOCATION	TIME
Wednesday, 22 February 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 29 March 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 26 April 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 31 May 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm

Wednesday, 28 June 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 26 July 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 30 August 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 27 September 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 25 October 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 29 November 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 20 December 2023	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm

2. Gives Public Notice of closure of the Warburton Administration Building from 2.00pm Friday 23 December 2022 up to and including Monday 2 January 2023.

**Carried: 5/0**

## 10.3 APPLICATION FOR THE ESTABLISHMENT OF A BUSH FIRE BRIGADE AT WARBURTON

<b>FILE REFERENCE:</b>	ES.00
<b>AUTHORISING OFFICER AND POSITION</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	14 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to receive an update on the establishment of a Bush Fire Brigade (BFB) at Warburton, with the Department of Fire and Emergency Services (DFES) for provision of infrastructure, equipment, apparatus and appliances under the Local Government Grant Scheme (LGGS).

### Background

West Australians (WA) in rural and pastoral areas rely heavily on Bush Fire Brigades (BFB) for protection against the threat and devastation of fire. Over 19,500 bush fire service volunteers protect WA from bushfires through fire prevention and risk management, fire suppression and fire safety education. These volunteers operate through 566 BFB's, which are administered and trained by respective Local Governments and supported by the Department of Fire and Emergency Services (DFES).

BFB volunteer firefighters are trained to operate equipment, vehicles and appliances used in fire suppression operations. BFB volunteers are trained in:

- Personal and team safety.
- Fire suppression methods.
- Vehicle driving on and off road.
- Communications.
- First aid.
- Leadership and emergency management procedures. (Source: DFES)

Providing a BFB at Warburton increases emergency response capability at the community as well as the surrounding areas. The Shire currently has no BFB and are a long distance from established units in the Shire of Laverton.

### Comment

The Shire resolved in October 2022 as follows:

## **Officers Recommendation and Council Resolution**

**Moved: Cr L West**

**Seconded: Cr D Frazer**

### **That Council:**

- 1 authorise an application to the Department of Fire and Emergency Services for the establishment of a Bush Fire Brigade at Warburton as per Attachment 10.3 (b).**
- 2 request DFES under the Bush Fires Act 1954 to appoint a bushfire control officer from their staff to work with the Shire to resolve issues in relation to bushfire management; and**
- 3 request DFES to specify the Shire as a fire district, which would enable the Fire and Emergency Services Commissioner to provide assistance to the Shire in the manner contemplated in the Fire Brigades Act 1942.**

**Carried: 5/0**

The Shire has received the following written response from DFES dated 31 October 2022:

1. Supported;
2. Supported; and
3. Not supported as the current risk profile of the Shire does not require the shire to be declared a fire district in accordance with the Fire Brigades Act 1942.

Furthermore, DFES have requested their superintendent to commence discussions with the Shire regarding the establishment of a Memorandum of Understanding (MoU) between DFES and the Shire. The MoU will outline the roles and responsibilities of both parties for ongoing management of the WVBFB and the provision of support provided by DFES to the Shire.

### **Statutory Environment**

*The Bush Fires Act 1954 Section 41 (1) states:*

#### *41. (1) Bush fire brigades*

*For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*

### **Financial Implications**

The LGGS provides funding for the BFB with administrative support provided by the Shire.

### **Strategic Implications**

Integrated Strategic Plan 2018 – 2028

Goal: Looking after our people

Outcome 2: Healthy People

Strategy 2.1: Advocate for adequate health and emergency services provision

Action 2.1.2: Lobby for appropriate levels of health and emergency services provision

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjaraku Risk Management

Strategy, Risk Assessment Matrix. The perceived consequence level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

**Policy Implications**

Not Applicable.

**Attachments**

Attachment 10.3 – 31 October letter from DFES.

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr L West**

**That Council note the above-mentioned report and the attached letter from DFES.**

**Carried: 5/0**

## 11. GENERAL MANAGER OPERATIONS

### 11.1 AMENDMENTS TO THE LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS 2022

<b>FILE REFERENCE:</b>	GV.00
<b>AUTHOR'S NAME AND POSITION:</b>	David Mosel General Manager Operations
<b>AUTHORISING OFFICER AND POSITION</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	21 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

#### Summary

To note the changes that took effect to the Local Government (Administration) Amendment Regulations 2022, allowing Western Australian local governments to continue to conduct council meetings electronically.

The regulatory amendments will enable councils to continue to conduct up to half of all council meetings by electronic means from 9 November 2022.

#### Background

Temporary provisions to enable councils to hold meetings electronically, and to enable councillors to attend via electronic means, were introduced in 2020 as part of the State Government's immediate and world-leading response to the COVID-19 pandemic.

As part of the State Government's package of local government reforms, the Local Government (Administration) Regulations 1996 (Regulations) have been amended to enable local governments to continue to conduct council and committee meetings electronically outside of emergency situations.

From 9 November 2022, the new provisions will:

- Enable councils to hold up to half of all council meetings by electronic means in a 12-month period. In relation to the proposed meeting referred, means the period of 12 months ending on the day on which the proposed meeting is to be held.
- Provide for council members to, with the approval of the mayor, shire president, or majority of the council, attend a council meeting by electronic means. There will be a cap in the number of council meetings that a councillor can attend by electronic means, which will not apply to councillors living with a disability (as defined in the Disability Services Act 1993).
- In deciding whether to authorise a member to attend a meeting by electronic means, the mayor, president or council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting. The CEO must be consulted before a determination is made.
- A member who attends a meeting under an authorisation by electronic means is, whether or not the member is physically in the State, taken to attend and be present at the meeting

for the purposes of the Act and these regulations while the member is in contact by those electronic means with each other member present at the meeting.

- The member must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting, is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).
- If the member makes the declaration under subregulation (5) and subsequently cannot maintain confidentiality, the member must leave the meeting or the closed part of the meeting.
- A member's declaration under subregulation must be recorded in the minutes of the meeting.

The cap applies to in-person meetings conducted from 9 November 2022 onwards. This means that meetings held entirely by electronic means, and meetings that have previously been conducted under the State of Emergency will not be counted towards the cap.

In light of these amendments, local governments should maintain a record of electronic meetings held, and each individual council member's attendance by electronic means at in-person meetings. The 50% cap for members attending electronically is determined by counting the number of meetings the member has already attended by electronic means in the preceding 12 months.

While these provisions have been introduced, and provide flexibility to the sector, local governments should, where practical, make every effort to hold their meetings in person.

In addition to the provision of electronic meetings, other amendments to the Regulations provide for:

- reimbursement of travel and childcare costs associated with mandatory training
- updated local government training course codes and names in accordance with national accreditation standards
- the removal of references to previous employee gift disclosures that are no longer required.

The regulatory amendments will be reviewed after a 12-month period. There will be a public consultation process, and members of the public will have the opportunity to provide feedback on how council meetings have operated under these regulations.

New provisions relating to livestreaming and recording of council meetings are also being progressed as part of the State Government's local government reforms.

## **Statutory Environment**

Local Government (Administration) Amendment Regulations 2022 (Regulation 4, Regulation 5, Regulation 6, Regulation 7 & Regulation 8).

## **Financial Implications**

There are no financial implications resulting from the recommendations of this report.

## **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



**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**

Not Applicable

**Attachments**

Not Applicable.

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr J Porter**

**That Council note the changes that took effect to the Local Government (Administration) Amendment Regulations 2022, allowing Western Australian local governments to continue to conduct council meetings electronically and other matters.**

**Carried: 5/0**

## 12 CHIEF FINANCIAL OFFICER REPORTS

### 12.1 MONTHLY PAYMENTS LISTING

<b>FILE REFERENCE:</b>	FM.07
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Chief Financial Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	15 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has 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.

#### 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

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr L West**

**That Council receives the Payment Listing October 2022 totaling payments of \$1,115,124.66 as per Attachment 12.1.**

**Carried: 5/0**

## 12.2 COUNCIL INVESTMENTS

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Chief Financial Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	24 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	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 as attached.

### 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, cashflow requirements and return on investment.

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 Commonwealth Banking and as such \$5.7m has now been deposited there. Westpac have now agreed to be more competitive and \$3.6m has been invested with them. Westpac's 31 day Notice account interest rate has also improved and a further \$3.1m is held here. These funds are mainly from the Commonwealth's FAG's 2022/23 and Roads grants paid in advance along with shire reserve accounts. An investment Register has now been developed to record 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 governments may —*
- (a) make provision in respect of the investment of money referred to in subsection (1); and*
  - [(b) deleted]*
  - (c) prescribe circumstances in which a local government is required to invest money held by it; and*
  - (d) provide for the application of investment earnings; and*
  - (e) generally, provide for the management of those investments.*

#### *Local Government (Financial Management) Regulations 1996*

19. *Investments, control procedures for*
- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
  - (2) The control procedures are to enable the identification of —*
    - (a) the nature and location of all investments; and*
    - (b) the transactions related to each investment.*
- 19C. *Investment of money, restrictions on (Act s. 6.14(2)(a))*
- (1) In this regulation —*
    - authorised institution means —*
      - (a) an authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
      - (b) the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
    - foreign currency means a currency except the currency of Australia.*
  - (2) When investing money under section 6.14(1), a local government may not do any of the following —*
    - (a) deposit with an institution except an authorised institution;*
    - (b) deposit for a fixed term of more than 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**

Not applicable.

#### **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 – Westpac screen prints of Municipal Accounts and CBA / Westpac Investment Register.

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr J Porter      Seconded: Cr L West**

**That the report on Council Investments as at Attachment 12.2 be received.**

**Carried: 5/0**

## 12.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDED

<b>FILE REFERENCE:</b>	FM.10
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Chief Financial Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	24 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	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 receive the monthly financial report.

### Background

Council is to prepare monthly financial reports as required by the Local Government (Financial Management Regulations) 1996.

Council has resolved those details and explanations of the material variances reflected on the Statement of Financial Activity are provided as required by Local Government (Financial Management) Regulation 34(1) (d). The attached statements include details of variances between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold of \$20,000 or 10.00% whichever is the greater (refer last page of statements). These materiality levels have been applied in the preparation of this report.

### Comment

Comments in relation to budget to actual variances are included as notes (last page) in the Financial Reports attached. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred. 'Permanent' variances to note as at end October 2022 are:

- Rate Income over budget \$190k due to Rates now charged due to the Oz Minerals mining development
- Employee Costs underbudget due to staff vacancies
- Insurance expenses slightly higher than budgeted.

The 2021/22 Annual Financial Statements are still being audited, as such the opening surplus amount brought forward may change the October statements.

### Statutory Environment

*Local Government Act 1995*

#### 6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.

*Local Government (Financial Management) Regulations 1996.*

#### 34. Financial activity statement required each month (Act

- s. 6.4)(1A) In this regulation —  
committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
    - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
    - (b) budget estimates to the end of the month to which the statement relates; and
    - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
    - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
    - (e) the net current assets at the end of the month to which the statement relates.
  - (2) Each statement of financial activity is to be accompanied by documents containing
    - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
    - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
    - (c) such other supporting information as is considered relevant by the local government.
  - (3) The information in a statement of financial activity may be shown —
    - (a) according to nature and type classification; or
    - (b) by program; or
    - (c) by business unit.
  - (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
    - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
    - (b) recorded in the minutes of the meeting at which it is presented.
  - (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

### **Financial Implications**

Monthly financial reporting is a primary financial management and control process. It provides the Council with the ability to oversee the Shire's financial performance against budgeted targets.

### **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**

No policy implications apply in the preparation of the report.

**Attachments**

12.3 - Monthly Financial Report, October 2022;

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr L West**

**That Council receives the monthly financial report for October 2022.**

**Carried: 5/0**

## 13. DIRECTOR GOVERNANCE & STRATEGIC REPORTS

### 13.1 WARBURTON CONCEPT PLAN (WCP)

<b>FILE REFERENCE:</b>	ED:00
<b>AUTHOR'S NAME AND POSITION:</b>	Cary Green Director Governance and Corporate
<b>AUTHORISING OFFICER AND POSITION</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	22 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

#### Summary

For Council to note the Warburton Concept Plan (WCP) and endorse the following:

1. The implementation of a Project Steering Committee to install governance arrangements for the implementation of the project.
2. The following key stakeholders for the Project Steering Committee
  - Shire of Ngaanyatjarraku
  - NCAC
  - Warburton Community Council

#### Background

In June 2021, The Shire of Ngaanyatjarraku engaged The Fulcrum Agency and KPMG Darwin to develop a Concept Plan and Business Plan for the proposed development works in Warburton. This included, gaining funding and the implementation of the Warburton Concept Plan as outlined in the Shire of Ngaanyatjarraku Prospectus including establishment of:

- Warburton Roadhouse surrounds and Civic Centre upgrades; and
- Expansion of the Tjulyuru Regional Gallery

#### Comment

This Warburton Concept Plan (WCP) report summarises the design, engagement, and development of the Shire of Ngaanyatjarraku's brief for a concept design for the Warburton Entry and Gallery Upgrades. The project design documents provide a Civic Precinct Masterplan including upgrades to the entry, public art and landscape zones, traveller rest stops, increased legibility, and safety for roadhouse users (including caravan and trailer parking areas), a landscape and indigenous knowledge trail and improvements to the pedestrian connections between the roadhouse and the Shire building.

The project scope and ambition were modified throughout the course of the project, and has been refined into two streams noted below:

#### **Part A" Tjulyuru Gallery Upgrades to existing building:**

Public facing, for exhibitions and other forms of display of the Collection or new works overtime. The Gallery is a key tourist experience and driver of visitation to the Civic precinct. Plus, an interpretive walk and upgrade of the access road around the Gallery building.

#### **Part B: Warburton Roadhouse Precinct Upgrades**

A welcoming, safe, and attractive precinct that connects the roadhouse and civic centre, encouraging connections and opportunities for guided or unguided walks and trails, landscape views and restful places.

The opportunity of this stream is to create a longer stop for travellers, enabling an increased spend in the local roadhouse and Warta Shop, integrating the pedestrian linkages between the two, and providing for enhanced demand for local art and crafts.

From the 2 streams above, an overall Precinct Masterplan was developed, and a series of component parts were identified:

Part A comprises three main components in and around the Shire buildings:

A1 - Road Upgrades + Tourist Parking / Widen Road / Car & caravan parking and turnaround

A2 - Indigenous Interpretive Tourist Walk / Wayfinding / interpretive signage / Mass native plantings, Steel edge planters / Weed control / Accessible path

A3 - Tjulyuru Gallery / Existing Gallery and shop interior upgrades (minor works including a refresh of finishes, fixtures, and lighting) / New entry statement / Minor landscaping / amphitheatre refurbishment

Part B

B1 - Minor Road + Infrastructure Upgrades / widen road / Traffic Islands / Bollards / Upgraded fuel bowser access / Car, caravan and bus parking

B2 - Travelers Rest Stop / Minor landscaping / Small play area / Toilets / Shade & seating areas

Refer to the WCP Report - Drawing A1.02 for the Overall Master Plan, Part A and Part B delineation.

#### Project Proposal – Governance and Management

1. Firstly, the Overall Project requires validation and endorsement from the Shire Council and the Community (via NCAC / Warburton Community)
2. Next is to develop governance arrangements for the implementation of the project. Each of the three key stakeholders should nominate an adequate representative to act in the best interests of all parties involved. This steering committee would meet regularly (i.e., monthly) to monitor implementation progress, resolve issues and remove barriers to implementation.
3. The steering committee should decide whether the project is fit to proceed and the preferred option. Key factors to consider will be the:
  - Site plan
  - Ability to secure funding
  - Governance and management
  - Ongoing financial viability of the upgrades
4. It will be critical to ensure a clear framework for delivering the anticipated project. An agreement between the Shire, NCAC the Community should be developed around the roles, responsibilities, and governance of the project as it progresses.

#### The Collection

Key issues and questions to be resolved:

- There needs to be a clear governance model for the Collection (including ownership, insurances, curatorial or conservation planning, management of access, etc)
- Should the Collection remain in Warburton or be fully / partially relocated?
- Who owns/governs/manages the Collection?
- What is the form of access – digital, physical, and how should this be managed?
- Collection has been dispersed, some in digital form, some hardcopies exist outside of the Warburton community (i.e. with Gary Proctor in NSW, with University Sydney IKP – website now down) and potentially in Perth with unknown sources.
- It is recommended that an agreed process for the database's consolidation be established as soon as an appropriate governance model is determined.

### **Statutory Environment**

Local Government Act 1995

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

### **Financial Implications**

All future delivery options will be fully costed and will form part of future operational budget requests subject to appropriate funding grants.

### **Strategic Implications**

Plan for the Future, 2021 – 2031

Goal 3, Our Land

Outcome 4, Enjoying our land.

Strategy 4.2, Support appropriate tourism and visitor attraction initiatives

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is low as the plan is in the development stages.

### **Policy Implications**

Not Applicable.

### **Attachments**

Attachment 12.1 – Warburton Concept Plan (WCP)

### **Voting Requirement**

Simple Majority

#### **Officers Recommendation and Council Resolution**

**Moved: Cr L West                      Seconded: Cr J Porter**

**That Council:**

- 1. Notes the Warburton Concept Plan**
- 2. Endorse the implementation of a Project Steering Committee to install governance arrangements for the implementation of the project.**
- 3. Endorse the following key stakeholders and seek representatives from them for the Project Steering Committee**
  - Shire of Ngaanyatjarraku (representative Cr Damian McLean with all Councilors as proxy)**
  - NCAC**
  - Warburton Community Council**
- 4. Requests the CEO to publish a copy of the Plan on the Shire's website as an 'informing' plan to the Integrated Planning and Reporting Framework.**

**Carried: 5/0**

## 13.2 REVIEW OF COUNCIL POLICY 2.1 PURCHASING

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Cary Green Director Governance and Strategic
<b>AUTHORISING OFFICER AND POSITION</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	24 November 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

### Summary

For Council to consider the change to Council Policy 2.1 – Purchasing, to improve the effectiveness and efficiency of the policy.

### Background

To improve the efficiency and effectiveness of the Purchasing Policy, the following changes have been recommended. Include, in the \$100,000 to \$249,000 purchase value threshold, the provision to purchase from a WALGA PSA, CUA or other tender exempt arrangement, where a minimum of one (1) written quotation is to be obtained

### Comment

The rationale behind the changes is that the WALGA PSA, CUA and other tender exempt arrangements have already been through a rigorous procurement process, which address all regulatory purchasing requirements. This exemption is already in the Policy for purchases between \$25,000 to \$99,999. However, the Shire is to purchase two replacement vehicles (normally one) through the States, Common Use Agreement, (due to the exceptionally long delivery times of up to 2 years) and the purchase amount moves into the next bracket which has been overlooked for inclusion of this exemption.

Attachment 13.2 – Council Policy 2.1 – Purchasing, shows the recommended policy review changes for Council consideration. Namely the addition of the following commentary to the purchasing process, in the \$100,000 to \$249,000 purchase value threshold:

- If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.

### Statutory Environment

Section 2.7(2)(b) of the Local Government Act 1995 sets out the role of council that includes determining Council policies.

### Financial Implications

There are no known financial implications for this matter.

### 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

### Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is high prior to treatment, the adoption of reviewed policies will reduce the risk to low.

**Policy Implications**

Updated policies are intended to provide the Shire with clearer direction to guide the CEO/administration in the execution of decisions of Council, achieve the strategic direction of the Shire of Ngaanyatjarraku and maintain legislative compliance.

**Attachments**

Attachment 13.2 – Council Policy 2.1 – Purchasing (excerpt)

**Voting Requirement**

Absolute Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr J Porter            Seconded: Cr L West**

**That Council:**

- 1.    adopts by absolute majority the amended Council Policy 2.1 – Purchasing, as per Attachment 13.2 to this report; and**
- 2.    updates the policy manual on the Shire’s official website.**

**Carried: 5/0**

## **14. DIRECTOR INFRASTRUCTURE SERVICES REPORTS**

### **14.1 ACTION REPORT – DIRECTOR**

**FILE REFERENCE:** RD.00

**AUTHOR’S NAME AND POSITION:** Les Morgan  
Director

**AUTHORISING OFFICER AND POSITION:** Les Morgan  
Director Infrastructure

**DATE REPORT WRITTEN:** 22 November 2022

**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 Works Engineering activities and actions for the preceding month.

#### **Background**

Not applicable

#### **Comment**

See attachment.

#### **Statutory Environment**

Not applicable

#### **Financial Implications**

No known financial implications for this matter.

#### **Strategic Implications**

Plan for the Future 2021 - 2031

Goal 2, Our Land

Outcome 5, Travelling our Land

Strategy: 5.1, Effective management and planning of road infrastructure

#### **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**

Attachment 14.1 – Action Report, Infrastructure Services

#### **Voting Requirement**

Simple Majority Required.

#### **Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr L West**

**That Council receives the Action Report, Infrastructure Services, November 2022.**

**Carried: 5/0**

## 14.2 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

**FILE REFERENCE:** EM.00

**AUTHOR'S NAME AND POSITION:** Gordon Houston  
EHO & Building Officer

**AUTHORISING OFFICER AND POSITION:** Les Morgan  
Director Infrastructure

**DATE REPORT WRITTEN:** 22 November 2022

**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 & Building Services activities and actions for the preceding month.

### **Background**

Not applicable

### **Comment**

See attachment.

### **Statutory Environment**

Not applicable

### **Financial Implications**

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**

Attachment 14.2 – Action Report, EHO / Building Services

### **Voting Requirement**

Simple Majority Required.

#### **Officers Recommendation and Council Resolution**

**Moved: Cr J Porter**

**Seconded: Cr D Frazer**

**That Council receives the Action Report, EHO / Building Services for November 2022.**

**Carried: 5/0**



**15. NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION**

**16. CONFIDENTIAL MATTERS**

**16 NEXT MEETING**

Scheduled for Wednesday, 21 December 2022 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

**17 CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 1.15.pm.