



# SHIRE OF WOODANILLING



## ORDINARY MEETING OF COUNCIL Confirmed Minutes 21 September 2023

### The Disclaimer

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Woodanilling warns that anyone who has an application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Woodanilling for any act, omission or statement or intimation occurring during a Council Meeting.

Agendas and Minutes are available on the Shire website [www.woodanilling.wa.gov.au](http://www.woodanilling.wa.gov.au)

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# ORDINARY MEETING OF COUNCIL MINUTES

Cr Jefferies opened the meeting at 10.00am and welcomed Councillors, Staff and members of the public. Cr Jefferies welcomed candidates to today's meeting and welcomed them to each member.

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1. DISCLOSURE OF INTEREST

Division 6 Subdivision 1 of the *Local Government Act 1995* requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

#### DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the *Local Government Act 1995*.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

**Nil disclosures.**

## 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

#### Present:

Cr S Jefferies	Shire President
Cr HR Thomson	Deputy Shire President
Cr D Douglas	
Cr T Brown	
Cr B Smith	

#### Officers:

Kellie Bartley	Chief Executive Officer
Mike Hudson	Executive Manager Infrastructure
Lyn Mills	Executive Assistant to CEO

#### Apologies:

Cr Morrell

#### Observers:

Mr Greg Smith  
Mr Ian Garstone  
Mr Rod Marshall

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 4. PUBLIC QUESTION TIME

Nil



## 10. REPORTS OF OFFICERS

## 11. REGULATORY SERVICES

Nil to report

## 12. INFRASTRUCTURE SERVICES

### 12.1. 2018 CASE BACKHOE INSURANCE SETTLEMENT OFFER – LGIS CLAIM NUMBER - MO0065498

<b>File Reference</b>	ADM0353
<b>Date of Report</b>	11/9/2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Mike Hudson, Executive Manager Infrastructure
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	<b>Attachment 12.1.1</b> – Motor Vehicle Total Loss Report

#### BRIEF SUMMARY

This item seeks Council approval to authorise the Chief Executive Officer to accept the proposed settlement for PBKH1-2018 Case Backhoe 580ST (the backhoe) from the Shires insurer LGIS.

#### BACKGROUND/COMMENT

During standard operations at the Woodanilling refuse site, the backhoe rolled over onto its side. The rollover left the operator dazed and situationally unaware, resulting in the backhoe engine being left running for what Officers estimate to be 10 minutes.

A subsequent mechanical investigation by Hunter Mechanical revealed the following;

- The crankshaft is severely damaged;
- Metal filings were found in the engine oil;
- Metal filings were found in the transmission oil;
- Metal filings were found in the hydraulic oil; and
- The Rom, although visually ok, would require re-certification.

An assessor was appointed by the Shire's insurer, LGIS, following a full visual inspection it was determined the backhoe would be classified as a write off. The response the Shire received from LGIS was:

*'The Assessor has deemed the backhoe a total loss and as per the LGIS Motor Fleet Protection, our settlement offer is based on the current market value of the backhoe and not the sum insured.'*

*Based on assessment, information provided, market research and salvage values, we recommend the following Total Loss Settlement:*

<i>Market Value</i>	<i>\$115,000.00</i>
<i>Less GST</i>	<i>\$10,454.55</i>
<i>Less Policy Excess</i>	<i>\$300.00</i>
<b><i>Total Settlement Recommendation</i></b>	<b><i>\$104,245.45</i></b>

Following the offer, the Chief Executive Officer (CEO) and the Executive Manager Infrastructure (EMI) challenged the determination and requested the offer be reassessed, and to include the Shire's retrieval and mechanical investigation costs. LGIS agreed to the retrieval and investigative costs of \$ 2,981.30, but did not move on the original settlement offer.

The Shire independently sought a valuation from the machine dealership who provided an approximated valuation of \$ 90,000 - \$ 100,000.

The Shire of Woodanilling insures its plant, buildings, and equipment for unexpected events. In the case of the backhoe insurance settlement, the Shire is obligated to follow the terms of the policy. By signing the Discharge Form, which signifies that the motor vehicle claim has been fully settled under the Shire's Fleet Protection Policy, the ownership of the backhoe is transferred to the insurance company.

**STATUTORY/LEGAL IMPLICATIONS**

Sections 6.15 and 6.8 of the *Local Government Act 1995* allow a Local Government the ability to receive revenue and income and to expend from municipal funds not included in the annual budget.

**POLICY IMPLICATIONS**

There is currently no policy that is related to this item.

**FINANCIAL IMPLICATIONS**

The budget will require an adjustment with regards to the increase in funds for the payment to be made for the vehicle claim. Noting that a claim for insurance refunds total of \$4,054.29 includes a variation for a recent claim for windscreen damage on vehicle WO.00 (EMI vehicle) with a value of \$1,072.99. The reimbursement for the Case Backhoe is the total of \$2,981.30.

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
005270	Plant & Equipment Disposed	\$104,245.45		\$24,000.00	\$128,245.45
144006	Insurance Refunds on Motor Vehicle Claims	\$ 4,054.29		\$0.00	\$4,054.29
<b>Net Effect to Budget</b>				\$24,000.00	\$132,299.74
<b>REASON: Financial settlement for the total loss of PBKH1- 2018 Case Backhoe</b>					

**STRATEGIC IMPLICATIONS**

**THEME 4**

**Roads and Transport**

**VISION**

To maintain a quality road transport network which is safe and accessible to all users.

**OBJECTIVES**

To identify future transport needs.

**STRATEGIES**

Road Maintenance – by carrying out maintenance in accordance with the Maintenance Standards set out in the Shire of Woodanilling Road Maintenance Plan.

**CONSULTATION/COMMUNICATION**

Consultation has been conducted with the Chief Executive Officer, EMI, the appointed Assessor, LGIS and McIntosh & Son. The EMI discussed and reviewed the plant on the initial incident with the mechanic.

**RISK MANAGEMENT**

In not proceeding to purchase identified vehicles, there is a risk in distorting the changeover of vehicles and heavy plant in the future years to the detriment to the current plant and equipment. Therefore, it is assessed that the risk is “Medium” as reflected below.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

### VOTING REQUIREMENTS

Absolute Majority

### OFFICER'S RECOMMENDATION

That Council:

1. Authorises the Chief Executive Officer to accept and finalise the claim for the LGIS settlement for claim MO0065498;
2. Authorises a budget amendment that allows the Chief Executive Officer to receive the funds totalling \$107,226.75 for the purpose of the settlement and retrieval costs for the Case Backhoe (PBKH1); and
3. Pursuant to section 6.8 of the *Local Government Act 1995* approves the budget variation detailed in the table below:

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
005270	Plant & Equipment Disposed	\$104,245.45		\$24,000.00	\$128,245.45
144006	Insurance Refunds on Motor Vehicle Claims	\$ 4,054.29		\$0.00	\$4,054.29
<b>Net Effect to Budget</b>				\$24,000.00	\$132,299.74
<b>REASON: Financial settlement for the total loss of PBKH1- 2018 Case Backhoe</b>					

**COUNCIL RESOLUTION OCM 242/09/2023**

**Moved Cr Thomson**

**Seconded Cr Smith**

That Council:

- 1) Authorises the Chief Executive Officer to accept and finalise the claim for the LGIS settlement for claim MO0065498;
- 2) Authorises a budget amendment that allows the Chief Executive Officer to receive the funds totalling \$107,226.75 for the purpose of the settlement and retrieval costs for the Case Backhoe (PBKH1); and
- 3) Pursuant to section 6.8 of the *Local Government Act 1995* approves the budget variation detailed in the table below:

<b>Account Number</b>	<b>Account Description</b>	<b>Increase</b>	<b>(Decrease)</b>	<b>Original Budget</b>	<b>Revised Budget</b>
005270	Plant & Equipment Disposed	\$104,245.45		\$24,000.00	\$128,245.45
144006	Insurance Refunds on Motor Vehicle Claims	\$ 4,054.29		\$0.00	\$4,054.29
<b>Net Effect to Budget</b>				\$24,000.00	\$132,299.74
<b>REASON: Financial settlement for the total loss of PBKH1- 2018 Case Backhoe</b>					

**CARRIED 5/0**

**For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson**

**Against: Nil**



## 12.2. BUDGET AMENDMENT – STRUCTURAL REPAIRS TO BRIDGE 4849 ON ONSLOW ROAD

<b>File Reference</b>	ADM0391, ADM0327
<b>Date of Report</b>	6 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author/s of Report</b>	Mike Hudson, Executive Manager Infrastructure
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	<b>Attachment 12.2.1</b> – 2023/2024 Shire of Woodanilling Onslow Road Bridge request of works

### BRIEF SUMMARY

This report requests Council's approval for a budget variation to facilitate substructure repairs to Bridge 4849 on Onslow Road, Woodanilling.

### BACKGROUND

Main Roads WA holds the legal authority and responsibility to effectively manage assets on classified roads, State Roads, and National Highways. One of their crucial tasks is to regulate the signage on bridges across all public roads, ensuring the safe passage of heavy loads. Due to these statutory obligations, MRWA has a long-standing tradition of assisting LGAs and other bridge owners in the management of bridges on public roads. This assistance encompasses various activities such as collecting and maintaining bridge data, conducting condition inspections, planning and scheduling preservation, maintenance, and refurbishment projects, providing engineering and technical support, and overseeing construction works.

Main Roads conducted a Level 2 Bridge Inspection of Bridge 4849. This inspection serves several specific objectives, including ensuring that the structure meets the current safety and service requirements for road users, documenting the bridge's current physical and functional condition, verifying the effectiveness of any previous repairs, identifying any changes in inventory since the last inspection, providing valuable feedback to design and maintenance engineers, assessing the need for establishing or revising the bridge's load carrying capacity, determining maintenance requirements and potential future issues, gathering data to determine the Condition States and the Bridge Condition Index (BCI), and establishing a comprehensive performance history.

The inspection identified numerous structural defects that require remedial works to maintain the structural integrity of the bridge.

### COMMENT

The repairs for the bridge consist of standardised structural fixes. Regrettably, the Shire's work crew lacks the necessary expertise and specialised equipment to carry out the repairs. For the Shire to carry out the repairs poses a financial risk to the Shire as there is a potential for cost overruns. To mitigate this risk, Main Roads offers a "Request for Assistance in the Delivery of the Bridge Program," which allows Shires to hand over both the design and construction of bridge works to Main Roads. This approach enables the Shire to utilise Main Roads' resources and reduces the risk involved. Therefore, it is the preferred method of delivery in this case.

The Shire received the recent income revenue from the Federal Assistance Grants program, with the additional total of \$314,000 for the purpose of the substructure repairs on Bridge Number 4849, Onslow Road, Woodanilling. With two thirds from Federal funding and one third from State Contributions. The split for funding is \$314,000/\$157,000. The Shire is not required to add to this Agreement.

### STATUTORY/LEGAL IMPLICATIONS

This request aligns to Section 6.8 of the *Local Government Act 1995*, which states:

#### **Local Government Act 1995**

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

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

\* Absolute Majority required.

### POLICY IMPLICATIONS

There are currently no Council policies associated with this item.

### FINANCIAL IMPLICATIONS

There is no financial risk to the Shire when the works are facilitated by Main Roads WA. The programmed allocation for the works is \$471,000 of which \$ 314,000 has been paid to the Shire through Financial Assistance Grants 2023-24 – Special Projects, the remainder, an amount of \$ 157,000 will be a funded from a State Roads allocation. Main Roads will invoice the Shire on the completion of the works.

In the event of a funding shortfall:

- Whoever is delivering the project will need to carry the risk.
- For this project, Main Roads is carrying the risk. Any shortfall Main Roads will cover from other LGA projects that have savings.
- If funding shortfall is significant, the project needs to be parked for a year(s) and additional funding sought prior to awarding works.

In the event of a funding surplus: - if delivery by Main Roads

- Federal Government Contribution, retained by Shire for expenditure on other bridges within the Shire (Bridge funding is very limited)
- State Contribution, used by Main Roads to cover funding shortfalls/over expenditures on other Local Government bridge projects.

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
121350	Bridges Construction – Capital Expenditure	(\$314,000)		\$0.00	(\$314,000)
032030	Grants Commission Grant – Special Income	\$314,000		\$0.00	\$314,000
Net Effect to Budget				\$0.00	\$0.00
The total project cost will not have a negative effect on the budget due to project being fully funded					
Reason: To provide for the income and expenditure for bridge repairs to Bridge 4849.					

### STRATEGIC IMPLICATIONS

#### THEME 4

#### Roads and Transport

#### OBJECTIVES

To maintain a quality road transport network which is safe and accessible to all users.

#### STRATEGIES

Road Maintenance – by carrying out maintenance in accordance with the Maintenance Standards set out in the Shire of Woodanilling Road Maintenance Plan.

## CONSULTATION/COMMUNICATION

Consultation has been conducted with the Chief Executive Officer and Main Roads Asset Manager Structures - Great Southern Region Regional Operations.

## RISK MANAGEMENT

In not proceeding with the bridge repairs, there is a risk of accelerated deterioration of the structural elements, ultimately leading to the bridge being Load Rated or at worst, failure of structural elements causing closure of the bridge. Therefore, it is assessed that the risk is "Medium" as reflected below.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER'S RECOMMENDATION

That Council:

- Approves the expenditure for the purpose of structural repairs to Bridge 4849 on Onslow Road in the Shire of Woodanilling totalling \$314,000.00; and
- Authorises the following amendments to the 2023/2024 Budget detailed in the table below:

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
121350	Bridges Construction – Capital Expenditure	(\$314,000)		\$0.00	(\$314,000)
032030	Grants Commission Grant – Special Income	\$314,000		\$0.00	\$314,000
Net Effect to Budget				\$0.00	\$0.00
The total project cost will not have a negative effect on the budget due to project being fully funded					
Reason: To provide for the income and expenditure for bridge repairs to Bridge 4849.					

**COUNCIL RESOLUTION OCM 243/09/2023****Moved Cr Douglas****Seconded Cr Thomson**

That Council:

1. Approves the expenditure for the purpose of structural repairs to Bridge 4849 on Onslow Road in the Shire of Woodanilling totalling \$314,000.00; and
2. Authorises the following amendments to the 2023/2024 Budget detailed in the table below:

	<b>Account Description</b>	<b>Increase</b>	<b>(Decrease)</b>	<b>Original Budget</b>	<b>Revised Budget</b>
121350	Bridges Construction – Capital Expenditure	(\$314,000)		\$0.00	(\$314,000)
032030	Grants Commission Grant – Special Income	\$314,000	<b>Account Number</b>	\$0.00	\$314,000
<b>Net Effect to Budget</b>				\$0.00	\$0.00
The total project cost will not have a negative effect on the budget due to <u>project</u> being fully funded					
Reason: To provide for the income and expenditure for bridge repairs to Bridge 4849.					

**CARRIED 5/0****For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson****Against: Nil**

### 12.3. REPLACEMENT MACHINE FOR THE SHIRE BACKHOE

<b>File Reference</b>	ADM0243
<b>Date of Report</b>	12 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Mike Hudson, Executive Manager Infrastructure
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	<b>Attachment - Nil</b>

#### BRIEF SUMMARY

This item seeks Council endorsement for the purchase of an excavator as a replacement for the Shire's Case Backhoe, which was declared a write-off after an incident at the Shire's refuse site.

#### BACKGROUND/COMMENT

After the unfortunate incident on June 30, 2023, where the Shire backhoe – 'PBKH1- 2018 Case Backhoe' rolled over at the Shire refuse site and was declared a write-off, the need for a replacement machine has been identified. After careful evaluation, it has been determined that acquiring an excavator with a value equivalent to the insurance payout for the backhoe is the most suitable and practical solution.

Excavators are known for their versatility and ability to perform a wide range of tasks. The decision to opt for an excavator as a replacement machine is based on several factors. Firstly, an excavator offers similar functionalities to a backhoe, making it a suitable alternative for the tasks previously performed by the backhoe. Additionally, an excavator can handle a wider range of excavation and earthmoving tasks efficiently, making it a versatile and valuable asset for the Shire. Based on the cost equivalent scenario, the class range available, is a 6.5-tonne excavator. An excavator in this class range, although smaller in size, can handle various excavation and construction projects effectively. Its compact design allows for manoeuvrability in tight spaces, making it suitable for drainage, culvert cleaning and excavation of grave sites.

Generally, smaller equipment tends to be more cost-effective in terms of purchase price, maintenance, and operational costs. The 6.5-tonne excavator has a lower initial cost compared to the larger 11-tonne backhoe, it consumes less fuel and requires fewer maintenance expenses, resulting in long-term cost savings.

Smaller excavators offer improved operator comfort and safety features. They are designed with ergonomic controls, better visibility, and advanced safety systems. The 6.5-tonne excavator will provide a more comfortable working environment for operators, reducing fatigue and enhancing both safety and productivity.

Ultimately, the decision to purchase a 6.5-tonne excavator over an 11-tonne backhoe was decided on both operational needs and budget constraints. Evaluating these factors helped determine the most suitable replacement that offered the best value and performance for the intended tasks.

This item is aligned with the previous item presented to Council for consideration. It is the Officer's recommendation to purchase the excavator with the support and provisions under the requirements with LGIS settlement process.

#### STATUTORY/LEGAL IMPLICATIONS

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995*, it is the role of the Council to determine the Shire policies. In terms of Regulation 11A (1) of the *Local Government (Functions and General) Regulations 1996*, a local government is to implement a purchasing policy in relation to contracts for supply of goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less.

**Local Government Act 1995**

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

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

\* Absolute Majority required.

**POLICY IMPLICATIONS**

Council Policy 54 – Purchasing Policy. This Policy outlines how the Shire of Woodanilling will deliver best practice in the purchasing of goods, services and works, that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities.

**FINANCIAL IMPLICATIONS**

The purchase of an excavator is a non-budgeted item. Council has not set aside funds in the current annual budget for the purchase. The funding for the purchase of the excavator will come from the insurance settlement for PBKH1 – 2018 Case Backhoe of \$104,245. Council will need to authorise the unbudgeted capital expenditure as outlined in the table below.

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
123300	Purchase Plant & Equipment – Capital Expenditure	\$90,000		\$137,600	\$227,600
<b>Net Effect to Budget</b>					\$90,000
<b>REASON: Financial settlement for the total loss of PBKH1- 2018 Case Backhoe</b>					

**STRATEGIC IMPLICATIONS**

**THEME 4**

Roads and Transport

**OBJECTIVES**

To maintain a quality road transport network which is safe and accessible to all users.

**STRATEGIES**

Road Maintenance – by carrying out maintenance in accordance with the Maintenance Standards set out in the Shire of Woodanilling Road Maintenance Plan.

**CONSULTATION/COMMUNICATION**

Consultation has been conducted with Council, the Chief Executive Officer, and plant operators

**RISK MANAGEMENT**

Failure to adhere to the road maintenance plan for the shire may result in a misallocation of road funding, leading to a decline in the overall sustainability of the road network. Consequently, the risk level is deemed to be "High" based on the aforementioned factors.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

#### VOTING REQUIREMENTS

Absolute Majority

#### OFFICER'S RECOMMENDATION

That Council

1. authorises the Chief Executive Officer to proceed to purchase an excavator up to the value of \$90,000.00 (excluding GST) as per Council's Purchasing Policy; and
2. Pursuant to section 6.8 of the *Local Government Act 1995* authorises an amendment to the 2023/2024 budget, as detailed in the table below:

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
123300	Purchase Plant & Equipment – Capital Expenditure	\$90,000		\$137,600	\$227,600
<b>Net Effect to Budget</b>					\$90,000
<b>REASON: Financial settlement for the total loss of PBKH1- 2018 Case Backhoe</b>					

**COUNCIL RESOLUTION OCM 244/09/2023**

**Moved Cr Thomson**

**Seconded Cr Smith**

That Council:

- 1) Authorises the Chief Executive Officer to proceed to purchase an excavator up to the value of \$90,000.00 (excluding GST) as per Council's Purchasing Policy; and
- 2) Pursuant to section 6.8 of the *Local Government Act 1995* authorises an amendment to the 2023/2024 budget, as detailed in the table below:

<b>Account Number</b>	<b>Account Description</b>	<b>Increase</b>	<b>(Decrease)</b>	<b>Original Budget</b>	<b>Revised Budget</b>
123300	Purchase Plant & Equipment – Capital Expenditure	\$90,000		\$137,600	\$227,600
<b>Net Effect to Budget</b>					\$90,000
<b>REASON: Financial settlement for the total loss of PBKH1- 2018 Case Backhoe</b>					

**CARRIED 5/0**

**For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson**

**Against: Nil**



## 13. CORPORATE SERVICES

### 13.1. LIST OF ACCOUNTS FOR PAYMENT – 31 AUGUST 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	11 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Brooke Dellacqua, Senior Finance Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 13.1.1</b> – List of Accounts for Payment – 31 August 2023

#### BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 31 August 2023, as required under the *Local Government (Financial Management) Regulations 1996*.

#### BACKGROUND/COMMENT

In accordance with *Local Government (Financial Management) Regulations 1996*, Clause 13 (1) schedules of all payments made through Council's bank accounts are presented to Council for inspection.

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid is to be provided to Council, where such delegation is made.

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within **Attachment 13.1.1**.

#### Payments up to 31 August 2023

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay)	Municipal	\$21,772.83
Cheque Payments #15376 & 15377	Municipal	\$7,456.45
EFT Payments #6812 to #6864	Municipal	\$173,432.78
<b>Sub Total</b>	<b>Municipal</b>	<b>\$202,662.06</b>
Payments	<b>Trust</b>	\$0.00
Payments	<b>Reserve</b>	\$0.00
<b>Totals</b>		<b>\$202,662.06</b>

#### STATUTORY/LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

#### 13. **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.*

**POLICY IMPLICATIONS**

The Chief Executive Officer, under relevant delegation, is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

**FINANCIAL IMPLICATIONS**

There are no financial implications that have been identified as a result of this report or recommendation.

**STRATEGIC IMPLICATIONS**

**THEME 3**

**Governance**

**OBJECTIVES**

To promote continual improvement that is supported by efficient and effective governance structures and processes.

**STRATEGIES**

By ensuring legislation is used to effectively enable quality decision making.

**CONSULTATION/COMMUNICATION**

There are no community engagement implications that have been identified as a result of this report or recommendation.

**RISK MANAGEMENT**

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not accept the payments. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Shire Officer’s provide a full detailed listing of payments made in the timely manner.

<b>Consequence</b>	<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Extreme</b>
<b>Likelihood</b>					
<b>Almost Certain</b>	Medium	High	High	Severe	Severe
<b>Likely</b>	Low	Medium	High	High	Severe
<b>Possible</b>	Low	Medium	Medium	High	High
<b>Unlikely</b>	Low	Low	Medium	Medium	High
<b>Rare</b>	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER'S RECOMMENDATION

That Council accepts the list of accounts and details of the credit card amounts, totalling \$202,662.06 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 August 2023, as contained within **Attachment 13.1.1**

#### COUNCIL RESOLUTION OCM 245/09/2023

Moved Cr Thomson

Seconded Cr Smith

That Council accepts the list of accounts and details of the credit card amounts, totalling \$202,662.06 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 August 2023, as contained within **Attachment 13.1.1**.

**CARRIED 5/0**

**For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson**

**Against: Nil**

## 13.2. MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	12 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	DL Consulting
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 13.2.1</b> – Monthly Financial Report 31 August 2023

### BRIEF SUMMARY

The Monthly Financial Report for period ending 31 August 2023 is presented for Council's consideration.

### BACKGROUND/COMMENT

In accordance with regulation 34 of the *Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council. The Monthly Financial Reports have been prepared in accordance with statutory requirements.

The Statement of Financial Activity as at 31 August 2023 shows a closing surplus of \$1,977,882.

### STATUTORY/LEGAL IMPLICATIONS

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as they prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

### POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

### FINANCIAL IMPLICATIONS

The Budget will be regularly monitored on at least a monthly basis, by the Chief Executive Officer and Accountant. Responsible Officers are also required to review their particular line items for anomalies each month, with a major review required by law, between 1 February and 28 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

Any material variances that have an impact on the outcome of the budgeted closing surplus/deficit position are detailed in the Monthly Financial Report contained within **Attachment 13.2.1**.

### STRATEGIC IMPLICATIONS

#### THEME 3

#### Governance

#### OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

#### STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

### CONSULTATION/COMMUNICATION

Reporting Officers receive monthly updates to track expenditure and income and to be aware of their work commitments versus budget allocations.

## RISK MANAGEMENT

The risk in relation to this matter is assessed as “Low” on the basis that if Council does not receive the Monthly Financial Reports for the month reported leading to the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER’S RECOMMENDATION

That Council receive the Monthly Financial Report for the period of 31 August 2023, in accordance with section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1995* as presented in **Attachment 13.2.1**.

### COUNCIL RESOLUTION OCM 246/09/2023

Moved Cr Smith                      Seconded Cr Douglas

That Council receive the Monthly Financial Report for the period of 31 August 2023, in accordance with section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1995* as presented in **Attachment 13.2.1**.

**CARRIED 5/0**

For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson

Against: Nil

## 14. COMMUNITY SERVICES

Nil to Report

## 15. OFFICE OF CEO

### 15.1. INFORMATION BULLETIN – AUGUST 2023

<b>File Reference</b>	ADM0105
<b>Date of Report</b>	11 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Gen Harvey, Landcare WWLZ (for attached report) Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 15.1.1</b> – WWLZ – Information Report for August 2023

#### BRIEF SUMMARY

The purpose of the information bulletin is to keep Elected Members informed on matters of interest and importance to Council.

#### BACKGROUND/COMMENT

The Information Bulletin Report/s deal with monthly standing items and other information of a strategic nature relevant to Council.

Copies of other relevant Councillor information are distributed via email as required or possible Elected Member nominated on the relevant working group have been in attendance.

This month's Information Bulletin attachment includes:

#### Reports:

- Wagin Woodanilling Landcare Zone – August 2023 (**Attachment 15.1.1**)

#### Circulars, Media Releases, Newsletters, Letters:

- Community Engagement Session – Strategic Community Plan (150 Square)
- 2023 Elections – Cr Jefferies, Returning Officer and & 2023 Elections timelines
- ACH Act 2021 repealed
- Annual Return Reminders
- WALGA State Conference – Katanning
- Bloom Festival

#### STATUTORY/LEGAL IMPLICATIONS

There is no statutory or legal implications relating to this report.

#### POLICY IMPLICATIONS

There is no current policy implications with regards to this report.

#### FINANCIAL IMPLICATIONS

There are no financial implications that have been identified as a result of these reports or recommendation.

#### STRATEGIC IMPLICATIONS

#### THEME 2

#### Enhancing Natural and Built Environment

#### OBJECTIVES

To ensure our natural resource management (NRM) decisions and aims are in reference to the Wagin Woodanilling Landcare Action Plan.

**STRATEGIES**

By co-operative management and empowering community involvement, whilst allowing for ecologically sustainable activities.

**CONSULTATION/COMMUNICATION**

There are no community engagement implications that have been identified as a result of this report or recommendation.

**RISK MANAGEMENT**

The risk in relation to this matter is assessed as “Low” on the basis that if Council does not accept the reports.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION**

That Council accepts the Information Bulletin Report for the month of August 2023.

**COUNCIL RESOLUTION OCM 247/09/2023**

Moved Cr Brown                      Seconded Cr Thomson

That Council accepts the Information Bulletin Report for the month of August 2023.

**CARRIED 5/0**

For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson  
Against: Nil

## 15.2. APPOINTMENT OF DUAL FIRE CONTROL OFFICER

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	10 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 15.2.1</b> – Shire of West Arthur – Dual Fire Control Officer

### BRIEF SUMMARY

In accordance with legislation requirements the Council is required to formally appoint its Bushfire Control Officers. This is done to ensure compliance and lawfully legitimise their authorisation under the *Bush Fires Act 1954*, in fulfilling their duty.

### BACKGROUND/COMMENT

This report seeks Councils consideration to appoint Dual Fire Control Officer from the Shire of West Arthur. Council has been requested by the Shire of West Arthur to appoint Dual Fire Control Officer under the *Bush Fires Act, 1954* to empower these volunteers to act in their appointed roles across the municipal boundary.

This includes the appointment of the following person in the capacity of Dual Fire Control Officer from Shire of West Arthur:

- Mr Neil Morrell

A copy of the letter from the Shire of West Arthur is provided at **Attachment 15.2.1**.

### STATUTORY/LEGAL IMPLICATIONS

As mentioned the appointment of a Dual Fire Control Officer for the 2023/2024 Bush fire season is undertaken in accordance with Section 38 of the *Bush Fire Act, 1954*.

### POLICY IMPLICATIONS

There are no policies applicable to this proposal.

### FINANCIAL IMPLICATIONS

There is no impost on the Shire's finances in relation to this matter.

### STRATEGIC IMPLICATIONS

#### THEME 3

#### Law & Order

#### OBJECTIVES

To increase public awareness and empowerment of the community's role in crime prevention, animal control and fire management

#### GOALS

#### Short Term

- LO.2** Implementation of Fire Management Plan adopted recommendations including, but not limited to: -Policies -Committee-Consideration of Town Brigade
- LO.6** Local Emergency Management to ensure preparedness for local emergencies



## CONSULTATION/COMMUNICATION

There has been no consultation in relation to this matter.

## RISK MANAGEMENT

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not accept the report.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council appoints under Section 38 of the *Bush Fire Act 1954*, the following Dual Fire Control Officer from the Shire of West Arthur:

- Mr Neil Morrell

As authorised officer in the capacity of Dual Fire Control Officer for the 2023/2024 Bush Fire Season.

### COUNCIL RESOLUTION OCM 248/09/2023

Moved Cr Thomson

Seconded Cr Douglas

That Council appoints under Section 38 of the *Bush Fire Act 1954*, the following Dual Fire Control Officer from the Shire of West Arthur:

- Mr Neil Morrell

As authorised officer in the capacity of Dual Fire Control Officer for the 2023/2024 Bush Fire Season.

**CARRIED 5/0**

For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson

Against: Nil

**15.3. SHIRE OF WOODANILLING POLICY MANUAL REVIEW – COUNCIL POLICY 13 – CAMPING OF RECREATION VEHICLES AND OVERFLOW – CAMPING GROUNDS**

<b>File Reference</b>	<b>ADM0115</b>
<b>Date of Report</b>	12 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 15.3.1</b> – Policy Number 13 – Camping of Recreation Vehicles and overflow – camping grounds

**BRIEF SUMMARY**

The purpose of this report is to recommend to Council to revoke Council Policy 13 – Camping of Recreation Vehicles and overflow – camping grounds.

**BACKGROUND/COMMENT**

Shire Officers have commenced the review of the policies to be presented to Council over the next 12 months. The review will identify to revoke, review or endorse Business Operating Procedures due to their administrative nature and to also continue with the process of reviewing all Council policies to ensure they are still relevant and correct for the day to day workings of the Shire.

There is no formal requirement for Council to review the Policy Manual, however it is one of the principal roles of Council under Section 2.7 of the *Local Government Act 1995* which is to determine the Policies of the Local Government and as such they should be regularly reviewed by Council.

Regular review of the Shire’s Policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which can be made.

The Council Policy 13 – Camping of Recreation Vehicles and overflow – camping grounds, is to be revoked as this is now set by legislation under the *Caravan Parks and Camping Grounds Act 1995*. This legislation sets out the requirements with regards to the matters of operational sites that are designated for RV sites.

Should the requirement for an overflow site be required in the near future, an application can be made by relevant persons and/or the current caravan park owners to Council on request. Council may consider these requests through the proper process and apply the relevant fees and charges.

**STATUTORY/LEGAL IMPLICATIONS**

Section 2.7 (2) (b) of the *Local Government Act 1995* prescribes that a primary function of the Council is determining the Local Government Policies.

**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.*

**POLICY IMPLICATIONS**

The policy has been detailed in the item that is being presented.

### FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

### STRATEGIC IMPLICATIONS

#### THEME 3

#### Governance

#### OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

#### STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

#### CONSULTATION/COMMUNICATION

The consultation process has occurred with Senior Officers on the matters associated with this item, including the Contractor EHO and Ranger on these matters.

#### RISK MANAGEMENT

The risk has been assessed and identified as “Low” should the officer’s recommendation is not supported.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER’S RECOMMENDATION

That Council revokes Council Policy 13 – Camping of Recreation Vehicles and Overflow – Camping Grounds as contained in **Attachment 15.3.1** effective 21 September 2023.

**COUNCIL RESOLUTION OCM 249/09/2023**

**Moved Cr Smith**

**Seconded Cr Brown**

That Council revokes Council Policy 13 – Camping of Recreation Vehicles and Overflow – Camping Grounds as contained in Attachment 15.3.1 effective 21 September 2023.

**CARRIED 5/0**

**For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson**

**Against: Nil**

## 15.4. AMENDMENT TO 2023/2024 FEES AND CHARGES – LABOURER RATES

<b>File Reference</b>	<b>ADM0035</b>
<b>Date of Report</b>	12 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	<b>Attachment 15.4.1</b> – Amendment to 2023/2024 Fees & Charges (Labour Rates)

### BRIEF SUMMARY

The purpose of this report is for Council to accept an amendment to the fees and charges for the labour rates for private works that maybe undertaken by shire staff.

### BACKGROUND/COMMENT

In accordance with section 6.16 of the *Local Government Act 1995*, Council may impose and recover a fee or charge for any goods and services it provides or proposes to provide. Fees and charges are to be imposed when adopting the Annual Budget, although may be imposed during the year, and may be amended from time-to-time.

Council adopted the 2023/2024 fees and charges for advertising, effective 1 July 2023 at its Special Council Meeting held on 29<sup>th</sup> July 2023.

With review of the current costings for the labour rates for the Depot Works Crew, the amendment was made for at cost. This has proven not to work aligned with certain grant funded works that the Shire may consider.

The rates are to be reverted back to the original rates of the following:

Charge Details	Year 2022/2023 Fee (inc GST)	Year 2023/2024			Act or Regulation
		Fee (excl. GST)	GST	Fee (Incl. GST)	
<b>Other Property &amp; Services</b>					
<b>Private Works</b>					
Labourer	\$ 99.00			At-cost	LG Act 1995 - Section 6.16
Labourer - outside normal working hours	\$ 132.00			At-cost	LG Act 1995 - Section 6.16
Labourer	\$ 99.00	\$ 90.00	\$ 9.00	\$ 99.00	LG Act 1995 - Section 6.16
Labourer - outside normal working hours	\$ 132.00	\$ 120.00	\$ 12.00	\$ 132.00	LG Act 1995 - Section 6.16

These changes are as contained in **Attachment 15.4.1**.

To ensure compliance, Council is requested to endorse the amendment to the above fees and charges and give local public notice of its intention to do so and the effective date.

### STATUTORY/LEGAL IMPLICATIONS

Sections 6.16 and 6.19 of the *Local Government Act 1995* prescribes the imposition of fees and charges and that the local government to give notice of fees and charges.

#### 6.16. *Imposition of fees and charges*

- (1) *A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
  - (b) *supplying a service or carrying out work at the request of a person;*
  - (c) *subject to section 5.94, providing information from local government records;*

- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.

\* Absolute majority required.

**6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**POLICY IMPLICATIONS**

The policy has been detailed in the item that is being presented.

**FINANCIAL IMPLICATIONS**

The increase in the labour rates will be aligned to any projects that are required outside of the normal works program. Associated income or revenue will be allocated to the private works program as required.

**STRATEGIC IMPLICATIONS**

**THEME 3**

**Governance**

**OBJECTIVES**

To promote continual improvement that is supported by efficient and effective governance structures and processes.

**STRATEGIES**

By ensuring legislation is used to effectively enable quality decision making.

**CONSULTATION/COMMUNICATION**

The consultation process has with the Chief Executive Officer, Contract Accountant and Executive Manager Infrastructure.

**RISK MANAGEMENT**

The risk has been assessed and identified as “Low” should the officer’s recommendation is not supported.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

### VOTING REQUIREMENTS

Absolute Majority

### OFFICER'S RECOMMENDATION

That Council in accordance with section 6.16 of the *Local Government Act 1995*;

1. Resolves to amend the current Schedule of Fees and Charges, effective 21 September 2023, with the following amendments detailed in the table below:

Charge Details	Previous	Fee (Excl. GST)	GST	Fee (Incl. GST)
Labourer	At cost	\$90.00	\$9.00	\$99.00
Labourer – outside normal working hours	At cost	\$120.00	\$12.00	\$132.00

2. Pursuant to section 6.19 of the *Local Government Act 1995*, give local public notice of the amendment to the fees and charges.

### COUNCIL RESOLUTION OCM 250/09/2023

Moved Cr Thomson

Seconded Cr Douglas

That Council in accordance with section 6.16 of the *Local Government Act 1995*;

1. Resolves to amend the current Schedule of Fees and Charges, effective 21 September 2023, with the following amendments detailed in the table below:

Charge Details	Previous	Fee (Excl. GST)	GST	Fee (Incl. GST)
Labourer	At cost	\$90.00	\$9.00	\$99.00
Labourer – outside normal working hours	At cost	\$120.00	\$12.00	\$132.00

2. Pursuant to section 6.19 of the *Local Government Act 1995*, give local public notice of the amendment to the fees and charges.

**CARRIED 5/0**

**For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson**

**Against: Nil**

**15.5. LATE ITEM - NEW COUNCIL POLICIES & REVIEW OF DELEGATION – COUNCIL POLICY 112 - DISPOSAL OF PROPERTY, PLANT & EQUIPMENT, COUNCIL POLICY 113 - REGIONAL PRICE PREFERENCE, DELEGATION 10 – DISPOSAL OF PROPERTY, PLANT & EQUIPMENT**

<b>File Reference</b>	<b>ADM0115</b>
<b>Date of Report</b>	14 September 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<p><b>Attachment 15.5.1</b> – New Council Policy 112 - Disposal of Property, Plant &amp; Equipment</p> <p><b>Attachment 15.5.2</b> – New Council Policy 113 – Regional Price Preference</p> <p><b>Attachment 15.5.3</b> – Current Delegation 10 – Disposal of Property, Plant &amp; Equipment</p> <p><b>Attachment 15.5.4</b> – Amended Delegation 10 – Disposal of Property, Plant &amp; Equipment</p>

**BRIEF SUMMARY**

The purpose of this report is to recommend to Council to adopt two new Council Policies – 112 – Disposal of Vehicles and 113 – Regional Price Preference along with an amended delegation – Delegation Number 10 – Disposal of Property, Plant & Equipment, for the purpose of operation matters associated with disposal of plant and equipment and the use of the delegation threshold.

**BACKGROUND/COMMENT**

The Shire has recently reviewed operational matters associated with the current plant and equipment that is due for replacement. With regards to this, the Shire does not have a policy or delegation to dispose of vehicles that are aligned with the legislative requirements or thresholds.

This policy and delegation are contained in **Attachments 15.5.1** and **15.5.4**.

This will allow for the Chief Executive Officer to contain with normal practices to dispose of vehicles, plant or equipment that is over the threshold of \$20,000. The policy will provide for best practices approach to the procurement and disposals by providing a transparent, equitable and competitive purchasing and disposal practices.

The delegation increases this disposal of property for more than \$20,000. The current delegation is contained in **Attachment 15.5.3** with the changes being made in **Attachment 15.5.4** for Council to consider.

Regional Price Preference Policy was required to be created due to the reference in the Council Policy 54 – Purchasing Policy. This will allow for the Shire Officers to engage supplies whilst giving effect to regional preference when considering tendering, expressions of interest and contracts.

The distance of 150 kilometres has been considered as contractors/suppliers has provided to be difficult at times for Council officers to finalise projects and complete capital items.

The new Council Policy 113 – Regional Price Preference is contained in **Attachment 15.5.2**.

The officers recommendation is to for Council to endorse the two new policies and the amended delegation for officers to implement operational changes that are more aligned to best practices.



**STATUTORY/LEGAL IMPLICATIONS**

Section 2.7 (2) (b) of the *Local Government Act 1995* prescribes that a primary function of the Council is determining the Local Government Policies.

**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.*

**POLICY IMPLICATIONS**

The policy has been detailed in the item that is being presented.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

**STRATEGIC IMPLICATIONS**

**THEME 3**

**Governance**

**OBJECTIVES**

To promote continual improvement that is supported by efficient and effective governance structures and processes.

**STRATEGIES**

By ensuring legislation is used to effectively enable quality decision making.

**CONSULTATION/COMMUNICATION**

The consultation process has occurred with Senior Officers on the matters associated with this item.

**RISK MANAGEMENT**

The risk has been assessed and identified as “Low” should the officer’s recommendation is not supported.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That Council;

1. Adopts the Council Policy – 112 Disposal of Vehicle Policy as contained in **Attachment 15.5.1** effective from 21 September 2023;
2. Adopts the Council Policy – 113 – Regional Price Preference as contained in **Attachment 15.5.2** effective from 21 September 2023; and
3. Adopts the amended Delegation 10 – Disposal of Property, Plant & Equipment as contained in **Attachment 15.5.4** effective 21 September 2023.

### **COUNCIL RESOLUTION OCM 251/09/2023**

**Moved Cr Thomson**

**Seconded Cr Smith**

That Council:

1. Adopts the Council Policy – 112 Disposal of Vehicle Policy as contained in Attachment 15.5.1 effective from 21 September 2023;
2. Adopts the Council Policy – 113 – Regional Price Preference as contained in Attachment 15.5.2 effective from 21 September 2023; and
3. Adopts the amended Delegation 10 – Disposal of Property, Plant & Equipment as contained in Attachment 15.5.4 effective 21 September 2023.

**CARRIED 5/0**

**For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson**

**Against: Nil**

## 16. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil to Report

## 17. CONFIDENTIAL REPORTS

Nil to Report

## 18. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

Shire President, Cr Jefferies tabled a notice of motion without notice for the purchase of artworks from the Bloom Festival – September 2023 – Woodanilling Art Exhibition

### 18.1. NOTICE OF MOTION - WOODANILLING ART EXHIBITION

Proposed Notice of Motion – Purchase of Artwork/s from Bloom festival – September 2023 – Woodanilling Art Exhibition

#### COUNCIL RESOLUTION OCM 252/09/2023

**Moved Cr Douglas**                      **Seconded Cr Thomson**

That Council approves the Notice of Motion for Purchase of Artwork/s from Bloom Festival – September 2023 – Woodanilling Art Exhibition

**CARRIED 5/0**

**For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson**

**Against: Nil**

Cr Jefferies advised that he would like to see the support of the Woodanilling Art Exhibition by being able to support and purchase artwork/s that is currently on display, ready for Friday Night's opening night. Cr Jefferies acknowledged a large number of pieces that are currently prepaid for display for the event.

#### **COUNCILLOR RECOMMENDATION**

That Council;

1. Authorise the Chief Executive Officer to make purchase of at least two pieces of art work from the Shire of Woodanilling Art Exhibition up to the value of \$3,000.00; and
2. Select from the art pieces to be held and authorise the Chief Executive Officer to make payment for the pieces from General Ledger – Donations Account – 041150.580.

#### COUNCIL RESOLUTION OCM 253/09/2023

**Moved Cr Smith**                      **Seconded Cr Brown**

That Council;

1. Authorise the Chief Executive Officer to make purchase of at least two pieces of art work from the Shire of Woodanilling Art exhibition up to the value of \$3,000.00
2. select from the art pieces to be held and authorise the Chief Executive Officer to make payment for the pieces from General Ledger – donations Account – 041150.580

**CARRIED 5/0**

**For: Cr Jefferies, Cr Douglas, Cr Smith, Cr Brown Cr Thomson**

**Against: Nil**

**19. CLOSURE OF MEETING**

Councillor Stephen Jefferies thanked everyone for attending today and closed the meeting at 10:27am. Cr Jefferies advised that Elected Members will now proceed to the Art Exhibition to decide on the artwork.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the

17/10/23.

Presiding Member – Councillor Stephen Jefferies.

  
17/10/23.