

ORDINARY MEETING OF COUNCIL

MINUTES

Tjulyuru Cultural and Civic Centre Warburton Community

27 November 2019 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: 27-11-2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 27 November 2019.

Presiding Member:

Date:

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 pm.

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	President Councillor Councillor Councillor	D McLean J Frazer A Jones L West	
	Councillor	J Porter	
Staff:	CEO EYPC	K Hannagan A Shinkfield (from 1.02pm)	
Guests:			
Members of		•	
Public:	There were two_members of the public in attendance at the commencement of the meeting.		

3.2 APOLOGIES

Cr, P Thomas

Cr. D Frazer

Cr. A Bates

3.3 APPROVED LEAVE OF ABSENCE

3.3.1 Cr J Frazer has submitted a request for leave of absence for 18 December 2019 Ordinary Meeting of Council if need be (sick child in Alice Springs).

Council Resolution

Moved: Cr A Jones Seconded: Cr L West

That Council in accordance with Section 2.25 (1) of the Local Government Act 1995 grants leave of absence to Cr D Frazer for the 18 December 2019 Ordinary Meeting of Council if need be.

Carried: 5/0

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in 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 measure 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.
- 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 <u>MUST</u> 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:
- 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

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 MINUTES OF ORDINARY MEETING OF COUNCIL (ATT 9.1)

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 23 October 2019 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.

10. CEO REPORTS

10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

FILE REFERENCE: GV.05

AUTHOR'S NAME AND Kevin Hannagan
POSITION: Chief Executive Officer

DATE REPORT WRITTEN: 16 November 2019

DISCLOSURE OF INTERESTS: The author has no financial, proximity or impartiality

interest 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

Wherever possible, Council decisions are implemented as soon as practicable after a Council meeting. However, there are projects or circumstances that mean some decisions take longer to action than others.

Ongoing monthly reports will show the status of Council Resolutions that have not been actioned.

Generally, all resolutions have been enacted. Some matters are of an on-going nature and will take several months to complete. Attached is a list of those items not yet completed.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"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'.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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 10.1 - Council Resolutions - Status Report

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr L West

That Council notes the attached Council Resolutions – Status as at October 2019 (Attachment 10.1) and this report.

10.2 ATTENDANCE BY TELEPHONE CR THOMAS

FILE REFERENCE: GV.00

AUTHOR'S NAME AND Kevin Hannagan

POSITION: Kevin Hannagan

Chief Executive Officer

DATE REPORT WRITTEN: 5 November 2019

DISCLOSURE OF INTERESTS: The author has no financial, proximity or impartiality

interests in the proposal.

Summary

For Council to consider a request from Cr Thomas to attend the next Ordinary meeting of Council by telephone.

Background

Cr P Thomas has advised that he may not be able to attend the next ordinary meeting of Council in person and has requested Council approval to attend by telephone if necessary.

Comment

In accordance with Regulation 14A (2) Cr Thomas has attended the July, August and September meetings by telephone for the 2019/20 financial year.

Statutory Environment

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to
 - (a) the matters to be dealt with at ordinary or at special meetings of councils; and
 - (b) the functions of committees or types of committee; and

(ba) the holding of council or committee meetings by telephone, video conference or other electronic means;

Local Government (Administration) Regulations 1996

14A. Attendance by telephone etc. (Act s. 5.25 (1) (ba))

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if
 - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
 - (b) the person is in a suitable place; and
 - (c) the council has approved* of the arrangement.
- (2) A council cannot give approval under sub-regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.

- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.
- (4) In this regulation —

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

- (a) in a townsite or other residential area; and
- (b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

* Absolute majority required.

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

Financial Implications

There are no known financial implications.

Strategic Implications

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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

Absolute Majority Required

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That Council approves Cr P Thomas request to attend the next Ordinary Meeting of Council by telephone if necessary.

10.3 PROVISION OF EARLY YEARS SERVICE BY PLAY GROUP WA

FILE REFERENCE: Cs.00

AUTHOR'S NAME AND Kevin Hannagan Chief Executive Officer

DATE REPORT WRITTEN: 14 November 2019

DISCLOSURE OF INTERESTS: The author has no financial, proximity or impartiality interest

in the proposal.

Summary

To update Council on provision of Early Years Child Services post 2019.

Background

The Shires funding agreement with Department of Prime Minister and Cabinet / Play Group WA (PGWA) expires on 31 December 2019 and will not be renewed.

Comment

The new National Indigenous Australians Agency (NIAA) commenced on 1 July 2019 and will be responsible for provision of funding for early years services across the lands. The NIAA are in the process of undertaking a consultation / engagement process across the Shire to determine the model for delivery of services into the future.

The NIAA have approached PGWA to undertake provision of interim services for Warburton during 2020 whilst they finalise their new service delivery model. It is believed that NIAA are also considering interim services for Blackstone and Jameson for 2020.

PGWA will directly employ an ex Shire employee (who finishes with the Shire at end of school term 4, 2019) for 2020. PGWA have requested to use the Shires early years facilities in Warburton during 2020 by lease / purchase arrangement:

- Lease of Early Years Building, 20 January 2020 to 20 December 2020 @ \$2,000 / week plus GST;
- Lease of Staff House, 20 December 2019 to 20 December 2020 @ \$566.50 / week plus GST, in accordance with the Shire's adopted Fees and Charges 2019/20; and Utilities / maintenance / Gardening, \$120 /week plus GST;
- Sale of 2013 Nissan Navara Ute, \$10,000 plus GST, which is above the Shire's written down book value of the vehicle.

Statutory Environment

Local Government Act 1995

- 3.58. Disposing of property
 - (1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to
 - (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii)inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
- (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
 - (5) This section does not apply to —
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

WA Accounting Manual, Section 9

The carrying amount of a non-current asset is removed from the statement of financial position under the following conditions:

- · It is disposed (e.g. on sale, trade or gifted or lost), or
- There is no further economic benefit expected from its use or disposal (e.g. technical obsolescence or exhaustion of capacity).

Removing the asset generates a profit or loss that is to be shown in the statement of comprehensive income. There may be an exception to this rule if the asset class is on the revaluation model (see the section on revaluation of assets).

Financial Implications

There will be a need to allow for the positive unbudgeted income of approximately \$140,000 in the Mid-Year budget review in 2020.

Strategic Implications

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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 Frazer

That Council notes this report and authorises the following leases / disposal of equipment to Play Group WA:

- 1. Lease of Early Years Building, 20 January 2020 to 20 December 2020 @ \$2,000 / week plus GST;
- Lease of Staff House, 20 December 2019 to 20 December 2020 @ \$566.50
 / week plus GST, in accordance with the Shire's adopted Fees and
 Charges 2019/20; and Utilities / maintenance / Gardening, \$120 /week plus
 GST;
- 3. Sale of 2013 Nissan Navara Ute, 1EHI533, \$10,000 plus GST, which is above the Shire's written down book value of the vehicle.

10.4 MRWA HEAVY VEHICLE ACCESS APPLICATION

FILE REFERENCE: Rd.00

AUTHOR'S NAME AND Kevin Hannagan Chief Executive Officer

DATE REPORT WRITTEN: 16 November 2019

DISCLOSURE OF INTERESTS: The author has no financial, proximity or impartiality interest

in the proposal.

Summary

For Council to consider an application to Main Roads WA, Heavy Vehicle Services for 60m Quad Road Train Performance Based Standard (PBS) Scheme Vehicle Access Approval, requesting AMMS Level 3 Mass 23.5t for tri axle groups use of the Great Central Road.

Background

The Commissioner of Main Roads (the Commissioner) has the authority under provisions in the Road Traffic (Vehicles) Act 2012 to approve Restricted Access Vehicles (RAV) access on a public road. The Commissioner has delegated this authority to Main Roads Heavy Vehicle Services (HVS).

HVS administers the route assessment and approval process in order to provide efficient road access for RAVs, without having an adverse impact on road safety, the road infrastructure and public amenity. All route assessments must be conducted in accordance with the Route Assessment Guidelines relevant to the particular vehicle configuration and mass limit being requested.

HVS decides whether a road will be approved for RAV access and may apply travel and road conditions to an approval when considered necessary for road safety, infrastructure protection or public amenity.

Local Governments are key partners in the shared responsibility of safe and efficient RAV access within Western Australia and manage approximately 88 percent of West Australian roads. It is fundamental that Main Roads and Local Governments continue to build strong partnerships to ensure the best possible outcomes. Main Roads WA ensures engagement with Local Government about RAV access on their roads.

Comment

When considering an application for RAV access approval, HVS must consider the following:

- Where the assessment identifies the road meets all of the relevant Route Assessment Guidelines, the road can be added to the relevant RAV Network;
- Where the assessment identifies the road does not meet all of the relevant Route Assessment Guidelines, however reasonable conditions can be applied to mitigate any associated risks, the road can be added to the relevant RAV Network;
- Where the assessment identifies the road does not meet all of the relevant Route
 Assessment Guidelines and applying reasonable conditions is not likely to mitigate any
 associated risk or is not likely to be complied with, the road should not be added to a RAV
 Network. However, access approval may still be granted under individual permit, following
 additional assessment based on the individual access requirement.
- Where the assessment identifies the road does not meet all of the relevant Route Assessment Guidelines, regard should be given to the historic performance of similar vehicles on the route, subject to relevant upgrades being made to the route within a reasonable time.

Generally, HVS would support access to the Great Central Road as they generally require roads

to be on the relevant base network prior to being approved for PBS access, this provides consistency and reduces confusion. However, if any of the above base networks are not supported i.e. Tri Drive 5 or Tri Drive 5.3, consideration should be given in supporting access for the proposed PBS 4B routes only.

The PBS scheme offers potential for heavy vehicle operators to achieve higher productivity and improved safety through innovative vehicle designs. There are many benefits in providing access for PBS vehicles. Some of these benefits include.

- Braking capability and vehicle stability is improved with a mandatory requirement in WA for Electronic Braking Systems (EBS) and Rollover Stability Systems (RSS), which is not a requirement on conventional road trains.
- PBS vehicles are often height restricted, which is determined by the PBS assessment which further reduces the rollover risk and improves overall stability.
- PBS vehicles are subject to stringent axle spacing requirements, reducing the impact on the road infrastructure
- PBS vehicles reduce the number of vehicle movements compared to conventional heavy vehicles which overall reduces congestion and the crash risk exposure.

Shire officers have given this application considerable analysis and have liaised with HVS and the transport firm who made the application and the freight generator they are working for. As such it is recommended to support the application with conditions.

The reasoning behind the conditions is that these roads were never initially 'designed' to any standard, they started as bulldozed tracks many years ago. Whilst realignment and pavement of sections have been taken over time it was never envisaged that such heavy traffic would be accessing the road today. The Shire as 'road manager' is responsible for the road and as such needs to act as a responsible manager and ensure the ongoing safe and orderly operation of the roads.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

- (3) The council —
- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.
- (4) 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."

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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

Council Policy ES4.3 – Road Train Permits

Attachments

Not Applicable

Voting Requirement

Simple Majority

Council Resolution

Moved: Cr J Frazer Seconded: Cr L West

That Council supports the application to Main Roads WA, Heavy Vehicle Services for 60m Quad Road Train Performance Based Standard (PBS) Scheme Vehicle Access Approval, requesting AMMS Level 3 Mass 23.5t for tri axle groups use of the Great Central Road with the following conditions:

- 1. That a Road Safety Assessments (RSA) be undertaken of the Great Central Road (from Laverton border to NT border as per application) and the Wanarn Jameson Road (Cutline) to the mine site road turnoff and funded by the 'freight generator';
- 2. That Road Pavement Testing (RPT) be undertaken of the Great Central Road (from Laverton border to NT border as per application) and the Wanarn Jameson Road (Cutline) to the mine site road turnoff and be funded by the 'freight generator';
- 3. Any recommended road improvements from the RSA or RPT to be funded by the 'freight generator';
- 4. That access for the Wanarn Jameson Road be restricted to local operators (Restricted Local Access Permit) to monitor the volume of use; and
- 5. That the freight generator enters into Road Maintenance Agreements (RMA) with the Shire for the Great Central Road (from Laverton border to NT border as per application) and the Wanarn Jameson Road.

Carried: 5/0

Note: Officers Recommendation item 5 amended to include – 'Great Central Road (from Laverton border to NT border as per application) and the' which was omitted from the Officers Recommendation.

10.5 AMENDMENTS TO LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

FILE REFERENCE: ES.00

AUTHOR'S NAME AND Kevin Hannagan Chief Executive Officer

DATE REPORT WRITTEN: 15 November 2019

DISCLOSURE OF INTERESTS: The author has no financial, proximity or impartiality

interests in the proposal.

Summary

For Council to consider minor amendments to its Local Emergency Management Arrangements (LEMA).

Background

Western Australia is subject to a variety of hazards that have the potential to cause loss of life and/or damage and destruction. These hazards result from events of both natural and man-made origin. The Emergency Management Act 2005 (the EM Act) formalises Western Australia's emergency management arrangements.

Under the EM Act, local governments are required to have local emergency management arrangements. Local governments are the closest level of government to their communities and have access to specialised knowledge about the local environment and demographic features of their communities. Effective local emergency management arrangements enhance the community's resilience and preparedness for emergencies through strategies that apply prevention/mitigation, preparedness, response and recovery measures.

Comment

Shire Officers have undertaken a review of 'contacts' and 'available equipment' and updated the LEMA. The amended LEMA was presented to the 24 October 2019 Local Emergency Management Committee meeting. The following extract Item 10 from the Minutes of that meeting are below:

- 10 Local Emergency Management Arrangements (LEMA) and Recovery Plan Review
- Draft September 2019 Review (Appendix 4&7 changes) to be tabled Amendment to Contacts and Equipment lisst as Trailer mounted firefighting units at Warburton and Warakurna stores inoperable and amended Shire Asset Register. Amended LEMA to Nov Council and be re-issued and website updated.

The LEMA is now presented to Council for adoption and forwarding to relevant local agencies and the District Emergency Management Committee.

Statutory Environment

Emergency Management Act 2005

Financial Implications

There are no known financial implications.

Strategic Implications

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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

Council Policy CP.04 - Committees.

Attachments

Amended LEMA to be tabled and website updated after resolution.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Porter

That Council:

- 1 adopts the amended Local Emergency Management Arrangements 2016 2020 (as tabled);
- 2 forwards a copy to the Goldfields Esperance District Emergency Management Committee, relevant local agencies; and
- 3. updates the Shires Website.

10.6 WASTE SERVICES, WARAKURNA

FILE REFERENCE: PL.00

AUTHORISING OFFICER Kevin Hannagan
AND POSITION: Chief Executive Officer

DATE REPORT 20 November 2019

WRITTEN:

DISCLOSURE OF The author has no financial, proximity or impartiality

FINANCIAL INTEREST: interests in the proposal.

Summary

For Council to consider ceasing provision of waste services in Warakurna.

Background

At the July and August Council meeting Council considered reports regarding a review of waste services related to the Shire's Long-Term Financial Sustainability as services were costing the Shire \$3980,000 p.a.

The original proposal was to cease all service provision except Warburton as the Shire did have staff located there to try and manage the service. At other locations the Shire does not have staff to manage the service. It was resolved to cease services at Jameson, Blackstone and Wingellina with transfer of the rubbish trucks to the Community Councils to run the service going forward. Warakurna and Wanarn services were continued as it was hoped that perhaps Warburton staff may be able to visit these locations and manage the service remotely.

Comment

The service at Wanarn has generally been ok since the new staff member took over the role. However, Warakurna has proven difficult as staff have not responded to repeated visits to site and explanations of basic maintenance of the truck such as adding oil when fueling up.

The Shire has recently spent \$9,000 on repairs to the truck. Now staff have disregarded instructions to ensure oil levels are maintained and have driven the truck with no oil until it has seized. The staff members have been dismissed.

The Shire has no staff or 'spare' rubbish truck to provide services, the spare truck was recently sold to Blackstone Community as they had also seized the engine in their truck.

The Warakurna Community Board have been written to and advised the Shire will try and assess damages to the truck by bringing a mobile 'Isuzu' mechanical service from Kalgoorlie, this will be expensive. They have also been advised;

- 1. that it is with regret that the Shire advises this, but to comply with State Government Legislation and to work towards the longer-term sustainability of the Shire we can no longer run rubbish services without an income to fully cover the costs; and
- 2. of the Shire's intention to cease service provision to Warakurna by the Shire, and transfer the truck to the community to provide service, like other locations.

Statutory Environment

Local Government Act 1995

- 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
- determine the local government's policies. (b)
- 6.12. Power to defer, grant discounts, waive or write off debts
- (1) Subject to subsection (2) and any other written law, a local government may —
- when adopting the annual budget, grant* a discount or other incentive for the early payment of (a) any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.
 - * Absolute majority required.

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to
 - the highest bidder at public auction; or
- the person who at public tender called by the local government makes what is, in the (b) opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
- (i) describing the property concerned; and
- (ii) giving details of the proposed disposition; and
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition —
- (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190: or
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

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

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

WA Accounting Manual, Section 9

The carrying amount of a non-current asset is removed from the statement of financial position under the following conditions:

- It is disposed (e.g. on sale, trade or gifted or lost), or
- There is no further economic benefit expected from its use or disposal (e.g. technical obsolescence or exhaustion of capacity).

Removing the asset generates a profit or loss that is to be shown in the statement of comprehensive income. There may be an exception to this rule if the asset class is on the revaluation model (see the section on revaluation of assets).

Financial Implications

Major increases in Income and reductions in Expenditure are required to ensure Long Term Financial Sustainability of the Shire.

The transfer / write off of trucks will generate a loss that is to be shown in the statement of comprehensive income. However, this will be a 'non-cash' item.

Strategic Implications

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "High" risk and can be managed by review of services and close monitoring by executive management.

Policy Implications

Not Applicable.

Attachments

Not Applicable

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That Council:

- 1. Commences the process in accordance with Section 3.58 of the Local Government Act 1995 to transfer ownership of the Isuzu Rubbish Truck 1DHR926 to the Warakurna Community Council for use in community rubbish collection services as outlined in this report; and
- 2. Authorise the Chief Executive Officer to issue Credit Notes for 8 months rubbish services (1 November to 30 June 2020) for unpaid invoices and issue 8/12 refunds for those that have fully paid.

11 DEPUTY CEO REPORTS

11.1 PAYMENTS LISTING, OCTOBER 2019

FILE REFERENCE: FM.07

AUTHOR'S NAME AND Kerry Fisher

POSITION: Deputy Chief Executive Officer

AUTHORISING OFFICER AND Kevin Hannagan

POSITION: Chief Executive Officer

DATE REPORT WRITTEN: 12 November 2019

DISCLOSURE OF Nil

INTERESTS:

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

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's 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 11.1 – Payment Listings

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr A Jones

That Council receives the Payment Listing, October 2019 totalling payments of \$824,199.88 as per Attachment 11.1.

11.2 COUNCIL INVESTMENTS

FILE REFERENCE: FM.04

AUTHOR'S NAME AND Kerry Fisher

POSITION:

Deputy Chief Executive Officer

AUTHORISING OFFICER AND Kevin Hannagan

POSITION: Chief Executive Officer

DATE REPORT WRITTEN: 12 November 2019

DISCLOSURE OF INTERESTS: The author and the authorising officer have no financial,

proximity or 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, forthat investment type, whilst ensuring that liquidity requirements are being met.

Comment

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

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

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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

Corporate Policy CS2.7 Investments.

Attachments

Attachment 11.2 – Westpac screen prints of Municipal and Investment Accounts, NAB and CBA documents for Term Deposits

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr A Jones

That the report on Council Investments as at 12 November 2019 be received.

11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED OCTOBER 2019

FILE REFERENCE: FM.10

AUTHOR'S NAME Kevin Hannagan
AND POSITION: Chief Executive Officer

AUTHORISING OFFICER Kevin Hannagan
AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 19 November 2019

DISCLOSURE OFThe author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to receive the monthly financial report for October 2019.

Background

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

Council has resolved that 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. Depreciation is yet to be run for 2019-20, awaiting the finalisation of the audit of the 2018/19 Annual Financial 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 subregulation (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 subregulation (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

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.3 - Monthly Financial Report October 2019.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr J Frazer

That Council receives the monthly financial reports for October 2019.

12. EHO & BUILDING SERVICES REPORTS

12.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE: EM.00

AUTHOR'S NAME AND Phil Swain

POSITION: Principal EHO & Building Officer

AUTHORISING OFFICER AND Kevin Hannagan

POSITION: Chief Executive Officer

DATE REPORT WRITTEN: 21 November 2019

DISCLOSURE OF INTERESTS: The author and the authorising officer have no financial,

proximity or impartiality interests in the proposal.

Summary

To inform Council of Environmental Health program & 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

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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 12.1 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr J Frazer

That Council receives the Action Report, EHO / Building Services for October and part November 2019.

13. EARLY YEARS PROGRAM REPORTS

14. WORKS EGINEERING REPORTS

14.1 ACTION REPORT – WORKS ENGINEER

FILE REFERENCE: RD.00

AUTHOR'S NAME AND Peter Kerp POSITION: Works Engineer

AUTHORISING OFFICER AND Kevin Hannagan Chief Executive Officer

DATE REPORT WRITTEN: 13 November 2019

DISCLOSURE OF INTERESTS: The author and the authorising officer have no financial,

proximity or 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

Integrated Strategic Plan 2018 - 2028 Goal 1, Our Land Outcome 1.2, Travel the Land Strategy: 1.2.1, Good Roads

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, Works Engineering

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr J Porter

That Council receives the Action Report, Works Engineering for November 2019.

Carried: 5/0

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

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr J Porter

That Council admit Item 15.1, Early Years Program – Gifts be admitted to the meeting

agenda.

Carried: 5/0

15.1 EARLY YEARS PROGRAM - GIFTS

FILE REFERENCE: CS.00

AUTHOR'S NAME AND Anne Shinkfield

POSITION: Early years Coordinator

AUTHORISING OFFICER AND Kevin Hannagan

POSITION: Chief Executive Officer

DATE REPORT WRITTEN: 24 November 2019

DISCLOSURE OF INTERESTS: The author and the authorising officer have no financial,

proximity or impartiality interests in the proposal.

Summary

To inform Council of voluntary / gifted support from organisations / individuals to the Early Years Program.

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028 Goal 3, Leadership Outcome 3.2, Good Leadership

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 15.1 – Advice from Early Years Coordinator of support given.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr L West

That Council:

- 1) formally acknowledges organisations / individuals who have gifted support to the Early Years Program; and
- 2) requests the Chief Executive Officer to write to the organisations / individuals mentioned in this report expressing the Shire's appreciation and advise of future arrangements for management of the program from 2020.

Carried: 5/0

16. CONFIDENTIAL MATTERS

17. NEXT MEETING

Scheduled for Wednesday, 18 December 2019 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

18. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 1.40 pm.