



Shire of Ngaanyatjaraku

ON A JOURNEY

ORDINARY MEETING OF COUNCIL

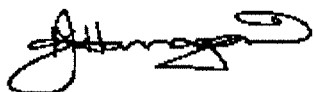
Minutes

**Tjulyuru Cultural and Civic Centre
Warburton Community**

24 October 2018

SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

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

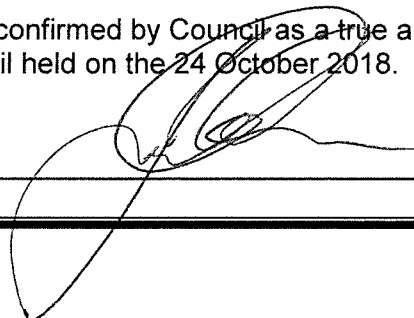


Acting Chief Executive Officer

Date: 24-10-2018

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 24 October 2018.

Presiding Member: _____



Date: ²⁸ / ¹¹ / 2018

DISCLAIMER

The resolutions contained in these Minutes have been confirmed by Council. The Shire of Ngaanyatjarraku warns that anyone who has any 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 Ngaanyatjarraku for any act, omission or statement or intimation occurring during a Council meeting.

1.	DECLARATION OF OPENING	4
2.	ANNOUNCEMENT OF VISITORS.....	4
3.	ATTENDANCE	4
3.1	PRESENT	4
3.2	APOLOGIES	4
3.3	APPROVED LEAVE OF ABSENCE	4
4.	PUBLIC QUESTION TIME.....	4
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2	PUBLIC QUESTION TIME	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.	DECLARATION BY MEMBERS.....	4
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA	4
6.2	DECLARATIONS OF INTEREST	5
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	6
8.	PETITIONS, DEPUTATIONS, PRESENTATIONS.	6
8.1	PETITIONS	6
8.2	DEPUTATIONS	6
8.3	PRESENTATIONS	6
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	6
9.1	MINUTES OF ORDINARY MEETING OF COUNCIL HELD 19 SEPTEMBER 2018 (ATT 9.1) ...	6
10.	CEO REPORTS.....	7
10.1	PROGRESS ON THE IMPLEMENTATION OF COUNCIL DECISIONS	7
10.2	ADMINISTRATIVE COMPLIANCE WITH THE LGA 1995.....	9
10.3	ATTENDANCE BY TELEPHONE CR THOMAS	11
10.4	ANNUAL REVIEW OF DELEGATION REGISTER	13
10.5	FEES AND CHARGES	15
10.6	UNIT HOUSE SWAPS WITH NGAANYATJARRA COUNCIL	17
10.7	PROVISION OF WASTE SERVICES BY NGAANYATJARRA COUNCIL.....	20
10.8	YOUTH SERVICES REVIEW.....	22
10.9	OUTBACK WAY ROAD SEALING UPDATE	25
11.	DEPUTY CEO REPORTS	27
11.1	PAYMENTS LISTING, SEPTEMBER 2018	27
11.2	COUNCIL INVESTMENTS AS AT 15 OCTOBER 2018	29
11.3	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST & 30 SEPTEMBER 2018	31
11.4	RFQ VP120150, CONSTRUCTION & SEALING SECTIONS OF THE GREAT CENTRAL ROAD	35
11.5	OUTBACK HIGHWAY	38
11.6	DE-RECOGNITION OF ASSETS.....	40
11.7	TRANSFER OF ASSET	43
11.8	DEBTORS – RATES (MINING TENEMENTS).....	46
11.9	BUDGET RE-ALLOCATION.....	48
12.	EHO & BUILDING SERVICES REPORTS	50
12.1	ACTION REPORT – EHO / BUILDING SERVICES	50
12.2	RADS APPLICATION – WARAKURNA AIRPORT	52
13.	EYP REPORTS	54
12.1	ACTION REPORT – EARLY YEARS PROGRAM	53
14.	NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION.....	56
14.1	APPROVAL OF INVOICE FOR PAYMENT	56
15.	CONFIDENTIAL MATTERS	58
15.1	CONFIDENTIAL ITEM – POSITION OF DEPUTY CHIEF EXECUTIVE OFFICER	58
15.2	CONFIDENTIAL ITEM – OTHER EMPLOYMENT ACTING CHIEF EXECUTIVE OFFICER.....	59
16.	NEXT MEETING.....	60
17.	CLOSURE OF MEETING	60

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.05 pm.

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	President Deputy President Councillor Councillor Councillor Councillor	D McLean P Thomas L West D Frazer A Jones J Frazer
Staff:	CEO EYP Coordinator	K Hannagan A Shinkfield
Guests:	Nil	
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr. A Bates.

3.3 APPROVED LEAVE OF ABSENCE

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in 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.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act*, with or without conditions.

Declarations of Interest provided:

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

- 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**
- 8. PETITIONS, DEPUTATIONS, PRESENTATIONS**
 - 8.1 PETITIONS**
 - 8.2 DEPUTATIONS**
 - 8.3 PRESENTATIONS**
- 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 19 September 2018 (ATT 9.1)**

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 19 September 2018 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.

Carried: 6/0

10. CEO REPORTS

10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL DECISIONS, STATUS REPORT FOR SEPTEMBER 2018

FILE REFERENCE:	GV.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	15 October 2018
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

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

Background

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

Comment

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.

Councillors will note at Attachment 10.1 that not all Minutes were completed prior to the Chief Executive Officers departure. The issues for Council are as follows:

- Minutes for August, September, October, November, December 2015 – the Auditor has already raised this matter with Council as part of the 2015/16 Audit.
- Minutes for August 2016 and June 17 will be subject of Audit comment for the 2016/17 Audit, in particular the Adoption of the Shire 2016/17 budget for which there are no August minutes of.
- Minutes for December 17 will be subject of Audit comment for the 2017/18 Audit.

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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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 10.1 - Council Resolutions - Status Report to September Council meeting 2018.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council notes the attached Council Resolutions – Status as at September Council meeting 2018 (Attachment 10.1) and this report.

Carried: 6/0

10.2 ADMINISTRATIVE COMPLIANCE

FILE REFERENCE:	CS.06
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	15 October 2018
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider the Monthly Report of outstanding actions to achieve administrative compliance with the Local Government Act 1995 and other projects / tasks.

Background

The Minister for Local Government appointed an Approved Adviser to work with the Shire to meet the administrative requirements of the Local Government Act 1995. The Approved Advisers' Scope of Work is to "Undertake a review of the Shire's policies, systems and procedures to establish the level of compliance with the legislative provisions of the Local Government Act 1995". The Approved advisor has also requested that other important projects / tasks / actions involving operational matters also be added to the calendar.

Comment

Shire Staff have compiled for the Approved Adviser and Council a list of tasks to be undertaken, commonly known as a Compliance / Action Calendar.

A copy of the list of tasks is attached for Councillors information. Further monthly reports will be made to Council advising progress against the task 'due dates'.

The main remaining items outstanding to achieve compliance are the Annual Report for 2016/17 and Audit for 2016/17 Financial Year End. Significant progress is now being made and it is proposed to be compliant by the end of December 2018.

Statutory Environment

Local Government Act 1995, various sections

Local Government (Financial Management) Regulations 1996, various sections

Local Government (Audit) Regulations 1996, various sections

Local Government (Administration) Regulations 1996, various sections

Financial Implications

The costs associated with the Approved Adviser are to be borne by Council, the Annual Budget takes this into account.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "High" risk and will require excellent controls,

managed by senior management / executive and subject to monthly monitoring with specific application of resources.

Policy Implications

There are no known Policy implications for this matter.

Attachments

Attachment 10.2 - Compliance Action List as at 15 October 2018

Voting Requirement

Simple Majority Required.

Cr Thomas left the Chamber at 1.10pm

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr A Jones

That Council notes the Compliance / Action Calendar as at 15 October 2018 (Attachment 10.2) and this Report.

Carried: 5/0

10.3 ATTENDANCE BY TELEPHONE CR THOMAS

FILE REFERENCE: GV.00

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

DATE REPORT WRITTEN: 15 September 2018

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 only attended by telephone for the August meeting this 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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

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.

Carried: 5/0

Cr Thomas returned to the Chamber at 1.11pm

10.4 ANNUAL REVIEW OF DELEGATION REGISTER

FILE REFERENCE: CM.14

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

DATE REPORT WRITTEN: 15 October 2018

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

Summary

For Council to consider the Annual Review of Delegations to the Chief Executive Officer.

Background

The Shire's Delegation Register had a comprehensive review undertaken in 2017 in consultation with the Shire legal representative McLeods, Barristers and Solicitors.

Comment

The Register of Delegations has been reviewed and no changes to existing delegations are required. However, Council at its September 2018 meeting resolved to create a new delegation 2.1.5 Grant or refuse approval of battery powered smoke alarms. The new delegation has been included in the reviewed register, copy attached.

Statutory Environment

Local Government Act 1995, Building Act 2011 and Food Act 2008 various Sections.

In particular:

The Local Government Act 1995

Section 5.42, Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Financial Implications

There are no known financial implications.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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 10.4 – Delegation Register 2018

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr D Frazer

That Council:

- 1. notes the new delegation 2.1.5 Grant or refuse approval of battery powered smoke alarms; and**
- 2. adopts the reviewed Delegation Register 2018 as attached to this report.**

Carried: 6/0

10.5 FEES AND CHARGES

FILE REFERENCE:	CM.14
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	15 October 2018
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider amending its Fees and Charges.

Background

At Councils September 2018 meeting it resolved, in part:

2 - gives local public notice to of its intention to amend its' 2018-19 Schedule of Fees and Charges to include under Building & Regulatory Fees – Application for Approval - ten (10) year battery life, tamperproof smoke detector/s in a dwelling - \$179.40 (GST Free), effective 1 October 2018.

Comment

The Shire has given local public notice in accordance with the Local Government Act 1995 and has received no submissions in relation to the Shire's intention to amend its Fees and Charges.

Statutory Environment

Local Government Act 1995

Section 6.16. Imposition of fees and charges

(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.*

Section 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.*

Section 1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

- (a) published in a newspaper circulating generally throughout the district; and*
- (b) exhibited to the public on a notice board at the local government's offices; and*
- (c) exhibited to the public on a notice board at every local government library in the district.*

Financial Implications

There are no known financial implications.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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 10.5(a) – Copy of Local Public Notice

Attachment 10.5(b) – Amended Fees and Charges

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council:

- 1. Approves the new Fee, Application for Approval - ten (10) year battery life, tamperproof smoke detector/s in a dwelling - \$179.40 (GST Free), effective 1 October 2018, and**
- 2. adopts the Amended Fees and Charges, 2018 as attached to this report.**

Carried: 6/0

10.6 UNIT HOUSE SWAPS WITH NGAANYATJARRA COUNCIL

FILE REFERENCE: CP.00

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

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 17 October 2018

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

Summary

For Council to consider swapping 2 vacant units with Ngaanyatjarra Council to save ongoing rental costs of \$57,000 p.a.

Background

The Shire currently rents:

- 1 x 2 bedroom house, Warburton for the Finance and Administration Coordinator, and
- 1 x 1 bedroom unit, Warakurna for Environmental Health staff when visiting the area.

The cost of rent is approximately \$57,000 p.a.

The Shire also has:

- Duplex x 2 bedrooms, Wanarn with one unit rented out and one vacant, and
- Duplex x 2 bedrooms, Jameson both vacant.

Comment

A meeting has been held with the CEO of NG Council who has agreed to swap the 2 NG Council houses for one of the units in the duplex in Wanarn and one of the units in the duplex in Jameson. This would still leave the Shire a unit in each location should they be needed in the future and will save the Shire \$57,000 p.a. in rent.

Preliminary advice from the Shires Lawyers McLeods, has confirmed that the Shire would need to follow Section 3.58 of the Local Government Act for disposal of property. This would take the form of 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.

Once the required process has been followed the Shire and NG Council's lawyers can have both parties sign a Deed of Transfer for the transfer of building ownership.

Statutory Environment

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

(d) any other disposition that is excluded by regulations from the application of this section.

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.

Financial Implications

The Shire would save \$57,000 p.a. in rental costs.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4, Efficient service offerings to the Community

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

Not applicable

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr P Thomas

That Council:

- 1. Supports the proposal to enter into a house swap with NG Council as outlined in this report;**
- 2. Requests the Chief Executive Officer to give local public notice of the proposed disposition in accordance with section 3.58 of the Local Government Act 1995; and**
- 3. Requests the Chief Executive Officer to instruct the Shires Lawyers to draft an appropriate agreement for the Shire and NG Council to consider.**

Carried: 6/0

10.7 PROVISION OF WASTE SERVICES BY NGAANYATJARRA COUNCIL

FILE REFERENCE: WM.00

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

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 21 October 2018

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

Summary

For Council to write to the CEO of the Department of Water and Environmental Regulation and request that it issue a waste collection permit to the Ngaanyatjarra Council on the basis that the Shire would cease providing waste services within its district.

Background

The Shire currently provides a waste pickup service in which the Shire collects waste and deposits it at community owned landfill sites.

The Shire has:

- consistently had lack of recruitment success resulting in vacant positions across the Shire and subsequent effect on service provision to community;
- no longer receives Grants to offset the cost and charges the communities \$85,500 for a service that costs \$483,000 to run;
- does not have appropriate supervision across the Shire communities resulting in the Shire paying timesheet claims that cannot be verified that work was actually done, to provide appropriate Shire supervision will only increase the cost of the service;
- experienced personal use of Shire trucks for community firewood collection resulting in the radiator being spiked, continued use of the truck until the motor seized, requiring transport of the truck to Perth for repairs estimated at \$30,000 payable by the Shire.

Comment

Waste services are to be charged on a 'user pays' basis as a Fee and Charge by the Shire. The Shire is currently undercharging by \$400,000 p.a. which has drastically impacted the Shires Long Term Financial Sustainability. Since the Grants ceased approximately four years ago the Shire has subsidized from its 'Free Cash' at bank this service and will run out of cash in two years if it continues.

The Shire receives no Grant component in its Financial Assistance Grant (General) for waste services as waste is classified as a 'user pays' service.

A meeting has been held with the CEO of NG Council who has advised that the communities cannot absorb a \$400,000 p.a. increase in waste charges. As such NG Council is prepared to take over the service with the Shire transferring associated plant and vehicles. Supervision at each location can be provided by NG Council's existing Community Service Managers and Supervisors. As all remaining staff are 'casuals' the Shire would need to follow the appropriate industrial processes in advising staff of the proposed changes and impact on them no longer being Shire employees.

Preliminary advice from the Shires Lawyers McLeods, has confirmed that the Shire would need to seek approval of the CEO of the Department to issue a waste collection permit to NG Council in accordance with Section 56 of the WARR Act.

Statutory Environment

Waste Avoidance & Resource Recovery Act 2007

56. *Waste collection permit*

(1) The CEO may, subject to this section and regulations made for the purposes of this section, issue a permit to collect local government waste (a waste collection permit).

(2) The CEO must not issue a waste collection permit to collect local government waste in a local government district or part of a district unless —

(a) a local government does not collect the local government waste specified in the waste collection permit in that district or part of that district; or

(b) the criteria specified in subsection (3) are met.

(3) The CEO may issue a waste collection permit to collect local government waste in a local government district or part of a district if the CEO is of the opinion that —

(a) the collection by the local government of the local government waste specified in the waste collection permit in the district or part of a district is not adequate insofar as the waste management techniques employed are not consistent with modern practice; and

(b) the applicant for the waste collection permit is capable of carrying out improved waste collection.

(4) If a waste collection permit to collect local government waste in a local government district or part of a district is in force, a local government must not collect that local government waste without the written approval of the CEO.

(5) A person aggrieved by a decision of the CEO under this section may apply to the State Administrative Tribunal for a review of the decision.

Financial Implications

The Shire would save \$400,000 p.a. in waste costs not recovered.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4, Efficient service offerings to the Community

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

Confidential Attachment 10.7 - McLeods Legal Advice

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr P Thomas

That Council write to the CEO of the Department of Water and Environmental Regulation and request that it issue a waste collection permit to the Ngaanyatjarra Council outlining the reasons why the Shire would cease providing waste services within its district.

Carried: 6/0

10.8 YOUTH SERVICES REVIEW

FILE REFERENCE:	RC.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	21 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer has an impartiality interests in the proposal.

Summary

For Council to consider the Review of Youth Services Report.

Background

As part of an exercise to develop a sustainable Long-Term Financial Plan, the Shire is taking the opportunity to undertake a Review of Youth Services. The purpose of the review is to better understand if the service is providing an affordable, fit for purpose service on a sustainable basis.

The Shire currently provides a Youth Services Coordinator (Position Vacant) and three Youth Sport and Recreation Officers based in Warburton; two officers in Warakurna and two in Blackstone respectively.

The Shire does not provide dedicated Youth Services related facilities. Services operate out of Community provided facilities in Warburton, Warakurna and Blackstone. Facilities utilised are generally reaching the end of their useful life and are in need of both maintenance and renewal. Facilities also require design changes/additions to ensure functionality as Youth Facilities.

The Shire spends over \$1,000,000 per year on programs relating to Youth Services.

Comment

The Shire has engaged Core Business Australia (CORE) to undertake the review of Youth Services.

A literature review was undertaken off-site and from the 17th to 20th September, representatives of CORE met with a range of key stakeholders in Warburton, Warakurna and Blackstone.

A 'de-identified' summary of the major issues and opinions reported by participants during engagement is included within their report. Whilst de-identified, information within their report relates to individual staff, general staffing and Human Resource related matters and as such they have requested the report remain Confidential.

However, the preferred option and implementation schedule are as follows.

Preferred Option – Staged Service Development

That the Shire continues to manage and proactively develops a Youth Services program with the following features:

- Planning and design of services should be done in a collaborative manner with other agencies. This includes that the Shire offers to coordinate an interagency forum and facilitate development of an interagency Youth plan;

- The Shire collaborate with Community's to develop a facility plan. The Shire assists the Community to upgrade facilities, with the Shires contribution being assisting with scoping and sourcing of capital grants; An initial scope of facilities includes:
 1. A fit for purpose indoor facility in Warburton, Warakurna and Blackstone respectively including:
 - Separate areas for different age groups;
 - Suitable sized indoor court space for basketball and other ball sports;
 - Programable activity space (i.e. art, unstructured recreation and other similar activities);
 - Appropriate amenities.
 2. A fit for purpose outdoor facility in Warburton, Warakurna and Blackstone respectively. Full specifications would be developed during the implementation of recommendations phase of this project;
 3. The Shire initially focuses on enhancing current service delivery (youth activity programs) and due to the scope, cost and funding not currently being defined does not provide 'case management' or 'counselling' services. The demand for, funding and responsible agency for these services will be investigated as part of development of the Interagency Youth Plan;
 4. Service related position descriptions to be reviewed and redefined with updated skill, qualification and experience requirements added. Implementing more appropriate titles to be considered to reduce role confusion;
 5. A structured training program is implemented to provide current workers the opportunity to develop their skills and qualifications;
 6. A new structure of programming is implemented, based on effective programming principles. Key features include:
 - Separation of age groups;
 - Programs and activities are designed to be diverse and engage a range of interests. Programs are variable on a week-by-week basis with the aim of maximising engagement. It would likely be beneficial to retain some elements of this in the program while also adding sequential theme-based activities over an 8-10 week or similar time span. An example would be coordinating age-based soccer programs in all areas, culminating in an intertown competition. Each program would feature skills development sessions, building up over time, and structured games;
 - Programs aimed at recognising and developing potential of participants to become leaders;
 - Programs to foster job ready skills in participants;
 - Fosters activities which are self-sustaining in the long run due to the potential for maximum engagement (i.e. junior sport/ development of sporting leagues/inter town competition);
 - Includes sound role modelling and an intrinsic reward system;
 - Service hours are reviewed with priority on 'high risk' times for anti-social behaviour by youth, providing activities that engage the maximum number of youth possible;
 - A strategic focus on developing the ability of participants to be successful in both the Aboriginal and Non-Aboriginal cultures.
 7. The Shire implements a leadership program with the aim of developing skills to maximise employment of locals (while also encouraging skilled and experienced workers from other areas).

Implementation

Implementation Phase 1:

In order to initialise benefits as soon as possible it is recommended that the Shire engages an appropriately skilled and qualified interim Youth Services Manager for an immediate start to implement the following:

- Investigate and implement arrangements to ensure worker coverage during the coming key periods;
- Facilitate a session to form an interagency working group and document an interagency youth plan;
- Develop a leadership program. This includes advertising and engaging one (or more on a rotational basis if warranted) Youth and Recreation Supervisor/ Senior Worker(s) from within the current staff pool;
- Develop and deliver a structured training program for program staff; and
- Manage collaboration with Community's to develop a facility plan. Assists Community's to scope work and source capital grants;
- Implement other recommendations of this review.

Implementation Phase 2:

It is expected that phase one would take six to twelve months. By twelve months a permanent Manager should be recruited and inducted to continue with strategy and initiatives set.

Statutory Environment

Not Applicable

Financial Implications

The Shire's budget has an allocation for the Youth Services Manager position.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4, Efficient service offerings to the Community

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

Confidential Attachment 10.8 –Review of Youth Services Report

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr A Jones

That Council:

1. **Notes the Preferred Option and Implementation Phases as outlined in this report; and**
2. **Instructs the Chief Executive Officer to further engage a CORE consultant as Youth Services Manager (as per their RFQ Schedule of Rates for additional works) to undertake the Implementation Phase.**

Carried: 6/0

10.9 OUTBACK WAY ROAD SEALING UPDATE

FILE REFERENCE: RD.00

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

DATE REPORT WRITTEN: 22 October 2018

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

Summary

For Council to consider a further request from Main Roads WA (MRWA) and the Shire of Laverton (SoL) for the Shire of Ngaanyatjaraku to transfer a further \$1.5m of road funding to the Shire of Laverton to enable them to complete their 50km of road sealing and for the Shire to support MRWA to project manage future funding grants for sealing of the Outback Way (OW).

Background

The Shire has previously agreed to transfer \$4m of unspent grant monies to the Shire of Laverton to enable them to finish sealing their 50km length of road.

A meeting of MRW, SoL, Shire of NG ACEO and WML on 12 September 2018 was held to discuss progress on the OW sealing project.

Comment

Essentially there were two main items that came out of the meeting for Council consideration:

1. Further transfer of \$1.5m funding to SoL – The Shire of NG is some 18 months behind schedule in its road sealing project with approximately \$4.425m unspent. It was the consensus of the meeting that rather than have the Laverton sealing finish short and have a gap in sealing to the continuation from the NG Shire border that it would be best to have a continuous seal length. As such the request is supported. This will leave the Shire of NG \$2.925m to remediate works already done and seal a proportion of the 12 kms with the remaining funds.
2. Future Project Management by MRWA – the SoL and NG expressed concerns with managing the next \$46.5m funding due to the impact it would have on cash flow, availability of staffing, disruption to Shire programs and the complexity of new grant compliance conditions from the Federal government. As such Main Roads offered to use a similar approach on this project recognising the benefits for local suppliers/ contractors and business enterprises. The project can be delivered under a model that includes local government involvement in project delivery and/or governance, if desired. Main Roads has considered different delivery and governance options and is willing to provide Councils with a proposal for their consideration.

Statutory Environment

Not applicable

Financial Implications

There are no financial implications as the project costs are fully grant funded by the State and Federal Governments. However, the Shire will need to reflect any changes to its budget in the Mid-Year Budget Review.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4, Efficient service offerings to the Community

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

Not applicable

Voting Requirement

Simple Majority Required.

Cr D Frazer left the Chamber at 1.33pm

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That Council instructs the Chief Executive Officer to write to Main Roads WA, Goldfields Esperance Region (copy Shire of Laverton) advising that the Shire of Ngaanyatjaraku:

- 1. supports the request for a variation to the Outback Highway agreement allowing a further \$1.5m of grant funding to be transferred from Shire of Ngaanyatjaraku to Shire of Laverton to assist completion of their 50.6km section of the road to the Shire of NG border; and**
- 2. endorses Main Roads WA to take the lead role in planning and delivering future works (commencing with the next funding round of \$46.5m) on the Shires section of the Great Central Road (Laverton border to NT border), working in an agreed collaborative arrangement with local government.**

Carried: 6/0

11. DEPUTY CEO REPORTS

11.1 PAYMENTS LISTING, SEPTEMBER 2018

FILE REFERENCE:	FM.07
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	15 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to confirm the payment of accounts listed in the Accounts for Payment, September 2018.

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

Not applicable.

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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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, September 2018

Voting Requirement

Simple Majority Required.

Cr D Frazer returned to the Chamber at 1.35pm

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr L West

That Council receives the Payment Listings, September 2018 totaling payments of \$660,430.80, as per Attachment 11.1.

Carried: 6/0

11.2 COUNCIL INVESTMENTS AS AT 15 OCTOBER 2018

FILE REFERENCE: FM.04

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

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 15 October 2018

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 at 15 October 2018.

Background

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

Comment

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

The amount invested in the Cash Management Account includes approximately \$350,000 of Employee Entitlements, a separate reserve Account will soon be created for this.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

Corporate Policy CS2.7 Investments.

Attachments

Attachment 11.2 – Westpac screen print of Municipal and Investment Accounts

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr L West

That the report on Council Investments as at 15 October 2018 be received.

Carried: 6/0

11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST & 30 SEPTEMBER 2018

FILE REFERENCE: FM.10

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

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 20 October 2018

DISCLOSURE OF INTERESTS: The 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 the periods ended 31 August 2018 and 30 September 2018.

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 10% (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 Report attached for August & September 2018. At this time of the year, most comments are related to 'Timing' regarding when the budget was formulated versus actual costs being incurred.

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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.3(a) - Monthly Financial Report for the period to 31 August 2018

Attachment 11.3(b) - Monthly Financial Report for the period to 30 September 2018

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr P Thomas

That Council receives the monthly financial reports for 31 August and 30 September 2018.

Carried: 6/0

11.4 RFQ VP120150, CONSTRUCTION & SEALING SECTIONS OF THE GREAT CENTRAL ROAD

FILE REFERENCE: CM.19

AUTHOR'S NAME AND POSITION: Geoff Handy
Finance & Administration Coordinator

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 12 October 2018

DISCLOSURE OF INTERESTS: The authorising officer has an impartiality interest in the proposal.

Summary

A Request for Quotation VP120150, Construction & Sealing Sections of the Great Central Road was distributed to four organisations via WALGA Vendor Panel's Engineering Consultancy, Project Management list.

Four conforming quotations were received via Vendor Panel in response to the RFQ.

As the Acting Chief Executive Officer was affiliated with one of the respondents he did not participate in the opening or evaluation process and requested the Finance and Administration Coordinator to conduct the evaluation using the services of WALGA.

The evaluation panel has now completed its assessment of the quotations and makes their recommendation.

Background

The Request specified the requirements of the Shire and invited suitably qualified and experienced respondents to submit bids for the RFQ, in accordance with the specification.

The scope of this quote included provision of a suitably qualified and experienced contractor to undertake the Project Management for construction and sealing sections of the Great Central Road as funding is approved by the federal / state governments.

The selection criterion utilised in this RFQ consisted of Compliance and Disclosure, Qualitative and a weighted pricing assessment.

The Compliance and Disclosure criteria were not point scored and were assessed on a Yes/No basis as to whether the criterion is satisfactorily met. A 'No' statement by the respondent does not automatically disqualify the response from proceeding through to assessment of the qualitative criteria.

A scoring system was used as part of the assessment of the weighted qualitative criteria.

After initial compliance assessment, the submissions were deemed compliant for further assessment. The evaluation panel then assessed the submissions against the selection criteria and value for money.

The Evaluation and Recommendation Report, including the overall evaluation scores and rankings, are attached as a confidential item.

Comment

The tenders have been assessed with the below scores and rankings.

Rank	Tenderer	Score (/100)
1	Greenfield Technical	72.15
2	WML	71.94
3	GHD	61.33
4	Core Business Australia	55.58

The evaluation panel concluded that Greenfield Technical are suitable and provided a value for money submission in relation to RFQ VP120150.

Consultation

WALGA

Statutory Environment

Local Government Act

Section 3.57. Tenders for providing goods or services

Local Government (Functions & General) Regulation 1996

Section 14. Publicly inviting tenders, requirements for:

As the procurement is a RFQ via WALGA's Vendor Panel a tender is not required as an exemption applies to all WALGA Preferred Supplier Contracts.

Financial Implications

The provision for the Construction & Sealing Sections of the Great Central Road was made in the 2018/19 Budget.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4, Efficient service offerings to the Community

Risk Management

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

Policy Implications

Corporate Services Policy CS2.6, Purchasing

Attachments

Confidential Attachment 11.4 – WALGA Evaluation and Recommendation Report

Declaration of Interest

Prior to consideration of this Agenda Item, Kevin Hannagan, Acting Chief Executive Officer will leave the chamber.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr J Frazer

In respect to Request for Quotation VP120150, Construction & Sealing Sections of the Great Central Road, Council:

- 1. Resolves that Evaluation Report ATTACHMENT 11.4 is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2): (c) “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”;**
- 2. Notes the attached Evaluation Report, CONFIDENTIAL ATTACHMENT 11.4;**
- 3. Accepts the Quote submitted on 12 September 2018 by Greenfield for Project Management, Construction and Sealing Sections of the Great Central Road as the most advantageous Quote to form a Contract;**
(Note: Complies with Regulation 18(4) of the Functions and General Regulations)
- 4. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract;**
(Note: Complies with Regulation 20(1) of the Functions and General Regulations)
- 5. Should a Contract not be formed within thirty (30) business days with Greenfield, that the Chief Executive Officer may form a Contract with the next most advantageous Tenderer WML.**
(Note: Complies with Regulation 20(2) of the Functions and General Regulations)

Carried: 6/0

11.5 OUTBACK HIGHWAY

FILE REFERENCE:	RD.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	15 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to re-confirm its participation in the Outback Highway Development Committee (OHDC) and formally acknowledge that the financial member local government councils are an Alliance of Local Government Councils, and will be referred to as such.

Background

From Laverton, Western Australia to Winton, Queensland, via the Northern Territory's Red Centre, The Outback Way, carves a well-worn 2700km track through the heart of Australia.

The Purpose of the organisation is to cause the upgrade and sealing of the Outback Way, for the good of the nation.

The Outback Way is the vision of Patrick Hill, in 1997, Patrick raised the idea and garnered support from all the Local Councils along the route which led a motion from the floor of the Australian Local Government Association Conference, in essence, to upgrade the existing roads and create the Outback Way.

The Outback Highway Development Council Inc. was formed in 1998 and the group of councils has continuously supported the development through both financial and in-kind support. The Organisation continuously lobby's for the upgrade and promotes the tourism of the Outback Way.

The OHDC Inc. since 1997 has secured \$230 Million for the upgrade and sealing of the route totaling 2700km, 1300km sealed and 1400km good formed gravel. The Funding has lifted 70% of the gravel sections to a type 3 gravel road and with those sections being sealed, a further 300km seal on priority sections along the entire route, will be completed by 2021.

Comment

The Shire of Ngaanyatjarraku has been a member since the Committees inception. At the recent 2018 Annual General Meeting, the Committee resolved to request each member Council to formally acknowledge that the financial member local government councils are an Alliance of Local Government Councils, and will be referred to as such.

Statutory Environment

Not Applicable

Financial Implications

The Shire's budget has an annual allocation of \$25,000 for membership of the OHDC.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4, Efficient service offerings to the Community

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

Not Applicable

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council re-confirms its participation in the Outback Highway Development Committee Inc. (OHDC) and formally acknowledge that the financial member local government councils are an Alliance of Local Government Councils and will be referred to as such.

Carried: 6/0

11.6 DE-RECOGNITION OF ASSETS

FILE REFERENCE:	CP.03
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	19 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider de-recognition and disposal of non-current assets from its Asset Register.

Background

The Shire's Asset Register has not been reviewed for some time, as such there are items obsolete or not fit for purpose and should be written off.

Comment

The review has identified:

- Furniture and Equipment (F&E) no longer in service. Attached is a list of individual items totaling \$2,899.29. As the value of the individual items are below the \$20,000 limit as specified in Regulation 30 of the Local Government (Functions and General) Regulations 1996, they are classified as an exempt disposition and as such not subject to the disposal process required under Section 3.58 of the Local Government Act 1995.
- Plant and Equipment (P&E) no longer in service or not fit for purpose. Attached is a list of individual items totaling \$23,741.29. As the value of the individual items are below the \$20,000 limit as specified in Regulation 30 of the Local Government (Functions and General) Regulations 1996, they are classified as an exempt disposition and as such not subject to the disposal process required under Section 3.58 of the Local Government Act 1995.
- Plant and Equipment (P&E) no longer in service and not fit for purpose. The Hino Streetsweeper is not operational and is not the appropriate piece of equipment for the Shire to use. The individual items written down value is \$29,397.82. As the value of the individual item is above the \$20,000 limit as specified in Regulation 30 of the Local Government (Functions and General) Regulations 1996, it is subject to the disposal process required under Section 3.58 of the Local Government Act 1995.

It is proposed to try and sell some of the items locally to generate some revenue for the Shire. The Hino Streetsweeper will be disposed of in accordance with Section 3.58 of the Local Government Act 1995.

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.

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

The write off of \$2,899.29, \$23,741.29 and will generate a loss that is to be shown in the statement of comprehensive income. However, this will be a 'non-cash' item. It is proposed to try and sell some of the items locally to generate some revenue for the Shire. The Hino Streetsweeper will be disposed of in accordance with Section 3.58 of the Local Government Act 1995.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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 11.6 – List of Furniture / Plant and Equipment items to be written off.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr P Thomas

That Council authorises:

- 1. the write off of \$2,899.29 effective 1 July 2018, for obsolete Furniture and Equipment items;**
- 2. the write off of \$23,741.29 effective 1 July 2018, for obsolete Plant and Equipment items; and**
- 3. the Chief Executive Officer to commence the process in accordance with Section 3.58 of the Local Government Act 1995 to dispose of the Hino Streetsweeper.**

Carried: 6/0

11.7 TRANSFER OF ASSET

FILE REFERENCE:	CP.03
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	19 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider commencing the process to transfer the former Place for Parents building to NG Health for use in their Home and Community Care (HACC) program.

Background

The Shire intends to transfer ownership of Lot 39, Warburton, Place for Parents to Ngaanyatjarra Health Service for use in their HACC program. NG Health have invested considerable funds in refurbishing the building to be suitable for this purpose.

Comment

The Building Asset is surplus to the Shire's operating requirements and is listed in its Asset Register with a written down value of \$215,655.81 as at 30 June 2018.

The Shire will be required to follow Section 3.58 of the Local Government Act 1995 to transfer ownership to NG Health. The process would be:

- give local public notice of the proposed disposition;
- consider any submissions made;
- the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made; and
- authorise a Deed of Transfer to NG Health.

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.

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

The write off of \$215,655.81 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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

Not Applicable

Voting Requirement

Simple Majority Required.

Cr J Frazer left the Chamber at 1.50pm

Cr J Frazer returned to the Chamber at 1.52pm

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr D Frazer

That Council commence the process in accordance with Section 3.58 of the Local Government Act 1995 to transfer ownership of the Place for Parents building to Ngaanyatjarra Health Service for use in their HACCC program as outlined in this report.

Carried: 6/0

11.8 DEBTORS – RATES (MINING TENEMENTS)

FILE REFERENCE:	FM.08
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	22 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider writing-off an irrecoverable rate debtor for mining tenement E69/2894, Assessment 2782.

Background

As per August Council Report, a review of remaining rate debtor balances has been undertaken to determine action required to clean up the outstanding debtors.

Comment

A follow up letter to the holder of the above Mining Tenement has resulted in the rates notice being returned to sender. Furthermore the tenement has been forfeited to the Mining Department on 28 July 2017.

As such the Shire will not be able to recover the debt.

Statutory Environment

Local Government Act 1995

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 —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of 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.*

Financial Implications

The write-off of the rate debtor considered irrecoverable will result in an expense to the Shire for the 2018/19 Financial Year End of \$2,913.49 as at the date of this report.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.8 – Register for Tenement E69/2894.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That Council approves the write-off the balance of mining tenement rate debtor Assessment A2782 of \$2,913.49 which includes current penalty interest.

Carried: 6/0

11.9 BUDGET RE-ALLOCATION

FILE REFERENCE:	FM.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	17 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider re-allocation of budgeted amounts to cover the cost of escalated damages to Shire buildings.

Background

The Shire has within its adopted 2018/19 Budget maintenance for its properties that also included repairs from break-ins to an amount usually incurred each year.

Comment

In the last few months there has been a major increase in burglaries within Warburton. Of major concern is that the damages have escalated from just repairs for the broken in areas but now malicious damage is being caused to properties. A Shire unit recently broken into has had most of the ceilings within the building destroyed and other malicious damages estimated at \$20,000 to repair.

Shire Officers are concerned that the adopted budget for such repairs will soon be exceeded but given the urgent nature of needing to repair staff housing and shire offices, repairs may soon need to be undertaken without a budget allocation to do so. As such approval is sought from Council to undertake urgent repairs if necessary and an adjustment to be made in the Mid-Year Budget Review to cover these costs.

Of further concern is the affect on occupants of the Shire houses whose homes have been invaded and personal items also stolen. This is having an effect on the morale of existing staff. It is also proposed to finish caging the remaining staff houses.

Furthermore, the Shire has had to greatly reduce its purchase of local artists paintings for sale through the Warta Shop as sales have plummeted and Stock Levels are too high due to the lack of tourists now stopping in Warburton and purchasing artwork. Attached is an excerpt from the Wiki Camps App that grey nomads and other travelers use, advising others not to stop in Warburton due to the burglaries and damages.

Statutory Environment

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.*

Financial Implications

The Shire can as part of the Mid-Year Budget Review can amend its budget to accommodate this expenditure. However, to maintain a balanced budget this will mean a reduction in budget item GL 85319 Youth Festivals and Events \$90,000.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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 11.7 – Excerpt from Wiki Camps App

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr D Frazer

That Council authorises the Chief Executive Officer to:

- 1. Incur additional expenditure over the adopted 2018/19 Budget Allocation for urgent repairs to shire houses and buildings as outlined in this report;**
- 2. Incur additional capital expenditure over the adopted 2018/19 Budget Allocation for caging of remaining Shire staff housing; and**
- 3. Make additional budget allowance for such additional expenditure in the Mid-Year Budget Review as outlined in this report.**

Carried: 6/0

12. EHO & BUILDING SERVICES REPORTS

12.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE:	EM.00
AUTHOR'S NAME AND POSITION:	Phil Swain Principal EHO & Building Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	16 October 2018
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 through the period on-site September 2018.

Background

Not applicable

Comment

Not Applicable

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku'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 12.1 – Action Report, EHO / Building Services, September 2018

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council receives the Action Report, EHO / Building Services for September 2018.

Carried: 6/0

12.2 RADS APPLICATION – WARAKURNA AIRPORT

FILE REFERENCE:	DB:02
AUTHOR'S NAME AND POSITION:	Phil Swain Health & Building Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	13 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

Ngaanyatjarra Council have requested Shire endorsement of a proposal to extend the airfield apron at Warakurna, under the Regional Airports Development Scheme (RADS).

Background

The Shire has received a request to approve an application under the RADS to extend the concrete apron (as shown in Attachment 12.2) at the Warakurna Airport. The concrete extension will extend the apron by five (5) metres.

Comment

The proposal is in accordance with the Community Layout Plan for Warakurna as the airfield area is designated "community" and the alterations are within the community zone. The proposal is not subject to development approval as there is no existing Local Planning Scheme. The approval requires no building permit as it relates to the alteration of airport infrastructure and is exempt from the application of the Building Act 2011 and the Building Regulations 2012.

The extension of the apron will permit easier movement of patients from ambulances to the Royal Flying Doctor Service aircraft and reduce the likelihood of propeller driven flying stones from aircraft as they taxi.

Statutory Environment

Western Australian Planning Commission - Community Layout Plan – Warakurna

Financial Implications

There are no known financial implications for the Shire with respect to this matter.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4, Efficient service offerings to the Community

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 12.2 – Photograph of apron area and map of the Warakurna Airport Location

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr P Thomas

That Council supports the application by Ngaanyatjarra Council to the Regional Airports Development Scheme to extend the airport apron at the Warakurna Airport.

Carried: 6/0

13. EYP REPORTS

13.1 ACTION REPORT – EARLY YEARS PROGRAM

FILE REFERENCE:	CS.13
AUTHOR'S NAME AND POSITION:	Anne Shinkfield Early Years Program Coordinator
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	24 October 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

To inform Council of Early Years Program activities and events over the last few months.

Background

Not applicable

Comment

Not applicable

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Strategic Community Plan 2016 – 2026

Goal 1, Our Community

Outcome 1.1 The best start in life for our youth

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 13.1 – Activity Report, Early Years Program, October 2018

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr P Thomas

That Council receives the Action Report, Early Years Program for October 2018.

Carried: 6/0

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

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr A Jones

That Council admits urgent business Report 14.1 Approval of Invoice for Payment.

Carried: 6/0

14.1 APPROVAL OF INVOICE FOR PAYMENT

FILE REFERENCE: FM.07

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

DATE REPORT WRITTEN: 23 October 2018

DISCLOSURE OF INTERESTS: The author has a proximity or impartiality interest in the proposal.

Summary

For Council to approve an Invoice from Core Business Australia for payment.

Background

The invoice is related to a progress payment for RFQ 2017/18, Youth Services Review that Council awarded to Core Business Australia at its July 2018 Council meeting.

Comment

The Acting Chief Executive Officer is not able to authorise invoices for payment as he has a conflict in approving the payment. As such it is proposed to refer the attached invoice to Council for approval of payment.

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*

(b) *determine the local government's policies.*

Financial Implications

The associated cost of Youth Services Review has been made in the 2018/19 adopted budget.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4.3, Provide local government services

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

Not Applicable

Attachments

Attachment 14.1 – Core Business Australia, Invoice 0801

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr J Frazer

That Council approves the attached Invoice 0801 from Core Business Australia for payment.

Carried: 6/0

15. CONFIDENTIAL MATTERS

15.1 CONFIDENTIAL ITEM – POSITION OF DEPUTY CHIEF EXECUTIVE OFFICER

FILE REFERENCE: PL.00

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

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 21 October 2018

DISCLOSURE OF INTERESTS: The author has a financial interest in the proposal.

Declaration of Interest

Prior to consideration of this Agenda Item:

Kevin Hannagan declared an impartiality interest and a financial interest in Items 15.1 & 15.2.

Report / Attachments are Confidential as per Local Government Act 1995, Section 5.23

REASON FOR CONFIDENTIALITY

The report is confidential in accordance with s5.23(2) of the Local Government Act 1995 because it deals with matters affecting s5.23(2):

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr J Frazer

That Council close the meeting to the public at 2.06 pm pursuant to sub section 5.23 (2)(a) and (b) of the Local Government Act 1995.

Carried: 6/0

All members of the public gallery and staff members K Hannagan and A Shinkfield left the Chamber at 2.06 pm.

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr P Thomas

That Council approves an amendment to the Deputy Chief Executive Officers Contract of Employment to include Leave entitlements.

Carried: 6/0

15.2 CONFIDENTIAL ITEM – OTHER EMPLOYMENT ACTING CHIEF EXECUTIVE OFFICER

FILE REFERENCE: PL.00

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 21 October 2018

DISCLOSURE OF INTERESTS: The author has a financial interest in the proposal.

Report / Attachments are Confidential as per Local Government Act 1995, Section 5.23

REASON FOR CONFIDENTIALITY

The report is confidential in accordance with s5.23(2) of the Local Government Act 1995 because it deals with matters affecting s5.23(2):

- (c) a matter affecting an employee or employees;*
- (d) the personal affairs of any person;*

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr P Thomas

That Council approves the Acting Chief Executive Officers request to complete work for the Shire of Ashburton as a contractor for Core Business Australia.

Carried: 6/0

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr A Jones

That Council re-open the meeting to the public at 2.10 pm.

Carried: 6/0

Staff member K Hannagan re-entered the Chamber at 2.10 pm.

The Presiding Member advised of Council's decision for the Confidential Agenda Items 15.1 & 15.2

16. NEXT MEETING

Scheduled for Wednesday, 28 November 2018 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

17. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 2.12 pm.