



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

29 July 2020

at

1.00 pm

SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

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

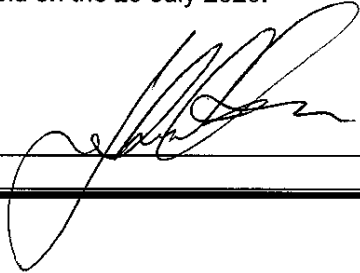


Chief Executive Officer

Date: 30-07-2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 29 July 2020.

Presiding Member: _____



Date: 24 8/2020

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1. **DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.05pm.

2. **ANNOUNCEMENT OF VISITORS**

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

3. **ATTENDANCE**

3.1 **PRESENT**

Elected Members:	President Councillor Councillor Councillor Councillor	D McLean J Frazer L West J Porter D Frazer
Staff:	CEO FAC	K Hannagan (via MS Teams on TV from 1.05pm) G Handy
Guests:	Nil	
Members of Public:	There was one member of the public in attendance at the commencement of the meeting, Harriet Olney, Independent, NCAC.	

3.2 **APOLOGIES**

Nil

Cr A Jones advised prior to the meeting that he had injured his hand and was attending the local clinic to have it attended to, as such he may not make the meeting and sought a leave of absence.

Council Resolution

Moved: Cr L West Seconded: Cr J Frazer

That Council in accordance with Section 2.25 (1) of the Local Government Act 1995 grants leave of absence to Cr A Jones for the 29 July 2020 Ordinary Meeting of Council.

Carried: 5/0

3.3 **APPROVED LEAVE OF ABSENCE**

Cr. A Bates

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

5.1 LEAVE OF ABSENCE CR BATES

FILE REFERENCE:	GV.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	23 July 2020
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to consider a further leave of absence for Councillor Bates.

Background

At last months ordinary Council Meeting a report was provided advising as follows:

Advice is being sought from the Department of Local Government, Sport & Community Industries in relation to Leave of Absence for Cr A Bates.

Comment

The Chief executive Office has written to the Minister for Local Government; Heritage; Culture & the Arts outlining the circumstances and requesting approval, under section 2.25(2) of the Local Government Act 1995 (the Act), to grant a further leave of absence to Cr Alwyn Bates.

The Minister has now replied advising:

Under the Act, I have given approval for the council of the Shire of Ngaanyatjaraku (the Shire) to grant a further leave of absence to Cr Bates from 26 August 2020 until 26 November 2020 inclusive.

This enables the Council to pass a resolution to grant Cr Bates additional leave under section 2.25(1) of the Act if the council deems it appropriate to do so.

Statutory Environment

Local Government Act 1995

2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 5.1, Letter from the Minister for Local Government; Heritage; Culture & the Arts

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That Council having received advice (Attachment 5.1) from the Minister for Local Government; Heritage; Culture & the Arts and in accordance with Section 2.25 (1) of the Local Government Act 1995 grants leave of absence to Cr A Bates for the 26 August 2020 until 26 November 2020 inclusive Ordinary Meetings of Council if required.

Carried: 5/0

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 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 (ATT 9.1)

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 24 June 2020 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.

Carried: 5/0

10. CEO REPORTS

10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

FILE REFERENCE:	GV.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	20 July 2020
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

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

Background

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

Comment

All resolutions have been enacted.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

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

(a) oversee the allocation of the local government's finances and resources; and

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 10.1 - Council Resolutions - Status Report

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council notes the attached Council Resolutions – Status as at June 2020 (Attachment 10.1) and this report.

Carried: 5/0

10.2 DEEDS OF TRANSFER – RUBBISH TRUCK, WANARN

FILE REFERENCE: CP.03

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

DATE REPORT WRITTEN: 15 July 2020

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

Summary

For Council to transfer one Rubbish Truck, 2009 Isuzu NPR300 with caged body tipper, Rego 1EKS995 to the Community Board of Wanarn to enable the community to undertake their own rubbish collection services.

Background

The Shire at its June meeting resolved the following:

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Porter

That Council:

- 1. Approves the write-off of rate debtors as per Attachment 15.1(a) for FYE 2019/20 of \$46,095.00**
- 2. Advise the Wanarn community and other agencies of the Shires intention to cease waste services from 1 October 2020 as waste services will not be included in the Shires 2020/21 Annual Budget beyond that date as it has no income source to provide the service.**
- 3. Commence the process in accordance with the Local Government Act 1995 for transfer of the Wanarn rubbish truck to the Wanarn community to enable them to undertake their own waste services.**
- 4. As part of the Shires 2020/21 Annual Budget formulation process, review service provision (given the loss of Ex-gratia Rates Income) to try and achieve a balanced budget with the least impact on services to communities.**

Carried: 6/0

Comment

The Shire has for some time now been incurring large deficits in relation to rubbish services and has ceased services for non-payment at other locations, Wingellina, Blackstone, Jameson and Warakurna. The rubbish charges made should be at full-cost recovery, but the Shire has only charged recovery at approximately 20-25% of cost and has continued to incur losses.

The Shire CEO has advised the CEO NCAC that the Shire may no longer be in a financial position to provide rubbish collection for Warburton and Wanarn with no income source. This has been acknowledged and it was agreed that NCAC and the Shire would further progress this matter with the State. The Shire CEO has discussed with the Shire President of the Shire informing the Department of Water and Environmental Regulation that the Shire cannot provide waste services

for the Ngaanyatjarra Lands and that it has been advocating for the NG Lands Rubbish services to be included in REMS Contracts like is done for the Kimberley and Pilbara aboriginal remote communities.

As such waste services will not be included in the Shires 2020/21 Annual Budget for Wanarn as it has no income source to provide the service and Wanarn community and other agencies will need to be advised of this. Note that Warburton Community have since paid its rubbish fees.

It is now proposed to transfer ownership to the Wanarn community and cease charging Fees and Charges for Waste services.

Local Public Notice has been given of the proposed disposition in accordance with section 3.58 of the Local Government Act 1995, with no submissions received.

In accordance with section 3.58 of the Local Government Act 1995, Council must comply with the following:

(c) the market value of the disposition —

(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.

A Fair Valuation was undertaken for vehicles in 2014/15 and the May 2020 Written Down Value was \$22,000.

It is proposed that the above value is based on a valuation carried out more than 6 months before the proposed disposition that the Shire believes to be a true indication of the value at the time of the proposed disposition.

Attached is Deed of Transfer using the template developed by the Shires lawyers McLeod Legal.

Statutory Environment

Local Government Act 1995

3.58. *Disposing of property*

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

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

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

- (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

WA Accounting Manual, Section 9

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

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

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

Financial Implications

The write off of approximately \$22,000 will generate a loss that is to be shown in the statement of comprehensive income for the 2020/21 FYE. However, this will be a 'non-cash' item.

Strategic Implications

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

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku'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

10.2 Deed of Transfer

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council:

- 1. Authorises the transfer of one Rubbish Truck, 2013 Isuzu NPR300 with caged body tipper, Rego 1EKS995 to the Community Board of Wanarn to enable the community to undertake their own rubbish collection services effective 1 September 2020;**
- 2. Endorses the written down value of \$22,000 as a true indication of the value at the time of the proposed disposition based on valuations carried out more than 6 months before the proposed disposal; and**
- 3. Authorises the use of the Common Seal to enable the President and Chief Executive Officer to enter into a Deed of Transfer as attached to this report.**

Carried: 5/0

10.3 DEEDS OF TRANSFER – RUBBISH TRUCK, WARAKURNA

FILE REFERENCE: CP.03

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

DATE REPORT WRITTEN: 15 July 2020

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

Summary

For Council to transfer one Rubbish Truck, 2009 Isuzu NPR300 with caged body tipper, Rego 1DHR926 to the Community Board of Warakurna to enable the community to undertake their own rubbish collection services.

Background

The Shire at its November 2019 meeting resolved the following:

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That Council:

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

Carried: 5/0

Comment

Due to an oversight the Deed has been omitted from presentation to Council for authorisation of use and as such has not been completed to finish the process.

It was proposed to transfer ownership to the Warakurna community and cease charging Fees and Charges for Waste services, this has subsequently happened.

Local Public Notice was given of the proposed disposition in accordance with section 3.58 of the Local Government Act 1995, with no submissions received.

In accordance with section 3.58 of the Local Government Act 1995, Council must comply with the following:

(c) the market value of the disposition —

(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.

A Fair Valuation was undertaken for vehicles in 2014/15 and the 30 June 2019 Written Down Value was \$14,783.06.

It is proposed that the above value is based on a valuation carried out more than 6 months before the proposed disposition that the Shire believes to be a true indication of the value at the time of the proposed disposition.

Attached is Deed of Transfer using the template developed by the Shires lawyers McLeod Legal.

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned; and*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
(a) *the names of all other parties concerned; and*
(b) *the consideration to be received by the local government for the disposition; and*
(c) *the market value of the disposition —*
(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
(a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
(d) *any other disposition that is excluded by regulations from the application of this section.*

WA Accounting Manual, Section 9

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

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

Removing the asset generates a profit or loss that is to be shown in the statement of

comprehensive income. There may be an exception to this rule if the asset class is on the revaluation model (see the section on revaluation of assets).

Financial Implications

The write off of \$14,783.06 will generate a loss that is to be shown in the statement of comprehensive income for the 2019/20 FYE. However, this will be a 'non-cash' item.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku'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

10.3 Deed of Transfer

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr D Frazer

That Council:

- 1. Authorises the transfer of one Rubbish Truck, 2009 Isuzu NPR300 with caged body tipper, Rego 1DHR926 to the Community Board of Warakurna to enable the community to undertake their own rubbish collection services effective 1 February 2020;**
- 2. Endorses the written down value of \$14,783.06 as a true indication of the value at the time of the proposed disposition based on valuations carried out more than 6 months before the proposed disposal; and**
- 3. Authorises the use of the Common Seal to enable the President and Chief Executive Officer to enter into a Deed of Transfer as attached to this report.**

Carried: 5/0

10.4 COUNCILLOR VACANCY TO REMAIN UNFILLED

FILE REFERENCE: GV.07

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

DATE REPORT WRITTEN: 23 July 2020

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

Summary

For council to be advised of the response from the Electoral Commissioner to allow the vacancy caused through the disqualification of Cr. Preston Thomas to remain unfilled until the next ordinary Council election in accordance with section 4.17 of the Local Government Act 1995.

Background

Council at its June 2020 meeting resolved as follows:

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That Council:

1. pursuant to section 4.17(3) and 4 (A) of the Local Government Act 1995, Council requests the WA Electoral Commissioner to permit the vacancy created by the disqualification of Councillor Preston Thomas to remain unfilled until the next ordinary election in October 2021; and
2. writes a letter of thanks to Cr Thomas for his years of service with the Shire and Ngaanyatjaraku Community.

Carried: 6/0

Comment

A response has now been received from the Electoral Commissioner advising:

I have considered the information provided in your correspondence and advise that approval is given under section 4.17(3) of the *Local Government Act 1995* to defer filling the vacancy until the October 2021 ordinary elections.

Statutory Environment

Local Government Act 1995:

2.25. Disqualification for failure to attend meetings

(4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

(d) advises or accepts under section 2.27 that he or she is disqualified.....

4.17. Cases in which vacant offices can remain unfilled

(3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

(4A) Subsection (3) applies —

(a) if —

(i) the office is for a district that has no wards; and

(ii) at least 80% of the number of offices of member of the council in the district are still filled; or

(b) if —

(i) the office is for a ward for which there are 5 or more offices of councillor; and

(ii) at least 80% of the number of offices of councillor for the ward are still filled.

(4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

Financial Implications

There would be a cost to hold an in-person extraordinary election if Council wished to fill the vacancy, this would vary in price depending on if it is conducted 'in-house' or via engaging the WA Electoral Commission (WAEC) to run the process on the Shire's behalf. Council's annual budget has generally made provision of approximately \$5,000 (plus staff and travel costs) for the costs of running elections in-house; appointing the WAEC to oversee and manage the election is likely to cost significantly more (estimated \$10,000 - \$20,000) and a quotation would be sought to ascertain the amount should Council wish to proceed in this way.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

Not applicable

Attachments

Attachment 10.4 – Response from WA Electoral Commissioner.

Voting Requirement

Simple majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council notes the response from the WA Electoral Commissioner as per Attachment 10.4.

Carried: 5/0

10.5 COUNCIL MEMBER TRAINING

FILE REFERENCE: GV.06

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

DATE REPORT WRITTEN: 24 July 2020

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

Summary

For council to be advised of a report prior to publishing it on the shire's website in accordance with section 5.127 of the Local Government Act 1995.

Background

In 2019 the State Government introduced new legislation in the Local Government Act 1995 - Division 10 — Training and development, in the below Statutory Environment section of this report, details of that legislation are provided.

Comment

This report is relevant to Section 5.127 – Report on training.

All local governments will be undertaking their first reports since the new provisions come into effect. With the Act not being specific about the reporting requirements, the following advice has been provided by the Department of Local Government to WALGA in relation to this report:

What training is required to be reported?

The intent is for the local government to report back to the community on what training councillors have undertaken so local governments are encouraged to include all training rather than just the Council Member Essentials course. This is also consistent with the requirement for a CPD policy – the report can align to what the local government has prepared in the policy (ie. other training that has been identified for councillors, especially those not required to complete the Council Member Essentials course that year. There will be some years where there is potentially no one completing the course and therefore if this section is interpreted narrowly there would be nothing to report).

The format of the report

The Act is not prescriptive on the level of details required; each local government is to determine the appropriate level of information required for the public. The advice from the DLGSC is that a simple matrix table is sufficient for this purpose. Some suggested headings include:

- *Title of the training programs*
- *Date(s) of the program*
- *Training provider*
- *Cost*
- *Location*

In relation to the mandatory Council Member Essentials, WALGA would also advise local governments to consider:

- *Identifying when relevant Council Members were elected, their progress toward completion of each Council Essential course and for those not yet completed, the due date for when they must be completed.*
- *Identifying Council Members who were not required to complete the training, but have done so anyway and similarly noting their progress.*

Does the report need to be endorsed by council?

There is no requirement in the Act for the report to be endorsed by council, however given the report is about council members themselves it would probably be prudent for the CEO to provide it to council prior to publishing it on the website.

The Shire made an Annual Budget allocation in its 2019/20 Budget as it was aware that new legislation would include compulsory training but it was unknown at the time exactly what form this would take and how much.

In September 2019, the Shire subscribed to the WALGA 'Council Member Essentials Training Courses' an eLearning Subscription, Option 1. This option provides a TMS portal with standard student portal view with WALGA branding.

Requirements:

- a contemporary internet browser – as a minimum Internet Explorer 10 is required to ensure functionality, however Google Chrome is recommended, and
- an internet connection to download additional resources within the course modules, and to notify WALGA Training of completion after passing the Summary Quiz.

This option was chosen as it is impractical and would be quite expensive for Councillors to attend 'in-person' or bring WALGA trainers to Warburton.

This training program consists of all five of WALGA's Stage One training courses that all newly Elected Members will be required to complete within 12 months of being elected.

Structure and Recommended Pathway

- Understanding Local Government, (approx. two hours)
- Conflicts of Interest, (approx. two hours)
- Serving on Council, (approx. four hours)
- Meeting Procedures, (approx. two hours)
- Understanding Financial Reports and Budgets, (approx. two hours)

Participants will receive a Certificate of Achievement after successfully completing each course and assessment within Stage One. Assessments for each individual training course will be released upon course completion. Full details of each module are contained in Attachment 10.5. As most Councillors do not have access to the internet or computer equipment a 'modified' online process was arranged with WALGA. This has resulted in the shire purchasing a large television for the Council Chamber, computer and peripherals to enable streaming of the online courses via the Shires NBN Satellite internet connection.

WALGA were to also modify their record keeping process to enable Shire Officers to help with computer access and the Councillors to undertake group training prior to each monthly Council meeting. It was agreed that the above could be arranged and start training to either the February or March Council meetings. Unfortunately, the Covid19 Pandemic started at this time and it has not been possible to undertake group training in the Shire Council Chamber. It is hoped that training will commence prior to the July or August Council meetings.

WALGA have been advised that it is highly unlikely that Councillors will complete the training within the legislated 12-month period of October 2020. WALGA have reported this to the Department requesting an extension for the Shire until 31 March 2021. The Department have advised that the Minister can't grant exemptions or extensions, however they did note the Shire's special circumstances and they advised that there is no penalty for not completing the courses by October 2020. The Shire will now develop and document a Training Plan.

Statutory Environment

Local Government Act 1995:

5.126. *Training for council members*

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*

- (a) *prescribe a course of training; and*
- (b) *prescribe the period within which training must be completed; and*
- (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
- (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

5.127. *Report on training*

(1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*

(2) *The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

5.128. *Policy for continuing professional development*

(1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*

** Absolute majority required.*

(2) *A local government may amend* the policy.*

** Absolute majority required.*

(3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

(4) *The CEO must publish an up to date version of the policy on the local government's official website.*

(5) *A local government —*

(a) must review the policy after each ordinary election; and

(b) may review the policy at any other time.

Financial Implications

The Shire made a budget allocation for the new compulsory training in it 2019/20 annual Budget.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

Governance Policy, 1.8 Elected Member Ongoing Professional Development

Attachments

Attachment 10.5 – WALGA, Council Member Essentials training program.

Voting Requirement

Simple majority

Officers Recommendation and Council Resolution

Moved: Cr D Porter

Seconded: Cr J Frazer

That Council notes this report on Council Member Training.

Carried: 5/0

10.6 GVROC MEMORANDUM OF UNDERSTANDING 2020-2022

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	24 July 2020
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to sign and seal the GVROC Memorandum of Understanding 2020-2022.

Background

The current GVROC MoU has expired and needs to be renewed.

Comment

The Shire of Ravensthorpe has officially withdrawn from the GVROC and they have been removed from the MOU presented for endorsement.

Statutory Environment

Local Government Act 1995

3.61. *Establishing regional local government*

- (1) *Two or more local governments (referred to in this Division as the participants) may, with the Minister's approval, establish a regional local government to do things, for the participants, for any purpose for which a local government can do things under this Act or any other Act.*
- (2) *An application for the Minister's approval is to be —*
 - (a) *in a form approved for that purpose by the Minister; and*
 - (b) *accompanied by a copy of an agreement between the participants to establish the regional local government (referred to in this Division as the establishment agreement).*
- (3) *The participants are to supply the Minister any further information about the application that the Minister asks for.*
- (4) *If the Minister approves the application the Minister is to declare, by notice in the Gazette, that the regional local government is established —*
 - (a) *on the date; and*
 - (b) *under the name; and*
 - (c) *for the purpose, set out in the notice.*

3.64. *Establishment agreement, what it must contain*

The following matters are to be set out or provided for in the establishment agreement for a regional local government —

- (a) *the name of the regional local government; and*
- (b) *a description of the region for which the regional local government is established; and*
- (c) *the number of offices of member on the council of the regional local government and, in respect of each participant, the number of members to be appointed by that participant; and*
- (d) *the appointment and tenure of members and deputy members of the council of the regional local government; and*
- (e) *the election or appointment of a chairperson and deputy chairperson of the regional local government from amongst members of its council and the term of office of a chairperson and deputy chairperson, which is not to exceed 2 years; and*
- (f) *the purpose for which the regional local government is established; and*
- (g) *a means of determining the financial contributions of the participants to the funds of the regional local government; and*
- (h) *procedures for the winding up of the regional local government or for the withdrawal of a*

participant from the regional local government; and

(i) procedures for the division of assets and liabilities between the participants in the event of the regional local government being wound up or a participant withdrawing from the regional local government; and

(j) a means of resolving disputes between participants as to matters relating to the regional local government; and

(k) any other prescribed matter.

Financial Implications

The Shires makes allowance for membership subscription in its Annual Budgets.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 10.6 – GVROC MOU 2020-2022

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council authorises the use of the Common Seal to enable the President and Chief Executive Officer to sign the GVROC Memorandum of Understanding 2020-2022 as per Attachment 10.6.

Carried: 5/0

11 DEPUTY CEO REPORTS

11.1 PAYMENTS LISTING, JUNE 2020

FILE REFERENCE:	FM.07
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	9 July 2020
DISCLOSURE OF INTERESTS:	Nil

Summary

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

Background

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

Comment

The payments made are consistent with previous months.

Statutory Environment

Local Government (Financial Management) Regulations 1996

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

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) the payee's name; and*
 - (b) the amount of the payment; and*
 - (c) the date of the payment; and*
 - (d) sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing-*
- (a) for each account which requires council authorisation in that month —*
 - (i) the payee's name; and*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction;*
and
 - (b) the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be —*
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) recorded in the minutes of that meeting.*

Financial Implications

The Shire makes annual budget allocations for payment of accounts.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 11.1 – Payment Listings

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Porter

That Council receives the Payment Listing, June 2020 totaling payments of \$601,130.09 as per Attachment 11.1.

Carried: 5/0

11.2 COUNCIL INVESTMENTS

FILE REFERENCE:	FM.04
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	21 July 2020
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

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

Background

To invest the Shire of Ngaanyatjarraku surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, 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.

The Shire has received half its 2020/21 Financial Assistance Grants, General and Roads in advance, this is the main contributor to higher than normal bank balances.

Statutory Environment

Local Government Act 1995

Section 6.14 Power to Invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b) deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*

- (d) provide for the application of investment earnings; and
- (e) generally, provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. *Investments, control procedures for*
- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
 - (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*
- 19C. *Investment of money, restrictions on (Act s. 6.14(2)(a))*
- (1) *In this regulation —*
 - authorised institution means —*
 - (a) *an authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
 - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
 - foreign currency means a currency except the currency of Australia.*
 - (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 3 years;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.*

Financial Implications

Not applicable.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

Corporate Policy Finance 2.12 Investment.

Attachments

Attachment 11.2 – Westpac screen prints of Municipal and Investment Accounts. (No monies are currently being held with any other institutions.)

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That the report on Council Investments as at 23 July 2020 be received.

Carried: 5/0

11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDED

FILE REFERENCE:	FM.10
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	16 July 2020
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 June 2020.

Background

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

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

Comment

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

Please note that the figures in this report are subject to financial year-end adjustment and Audit. As such there are some items of income / expenditure to come.

Statutory Environment

Local Government Act 1995

6.4. Financial report

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

Local Government (Financial Management) Regulations 1996.

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —
committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an

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

Financial Implications

Monthly financial reporting is a primary financial management and control process. It provides the Council with the ability to oversee the Shire's financial performance against budgeted targets. Please note that the figures in this report are subject to financial year-end adjustment and Audit.

Strategic Implications

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

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.3 - Monthly Financial Report Jun 2020.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council receives the monthly financial report for June 2020.

Carried: 5/0

12. EHO & BUILDING SERVICES REPORTS

12.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE: EM.00

AUTHOR'S NAME AND POSITION: Maurice Walsh
EHO & Building Officer

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 15 July 2020

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 & Building Services activities and actions for the preceding month.

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 14.1 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr J Porter

That Council receives the Action Report, EHO / Building Services for June 2020.

Carried: 5/0

13. WORKS ENGINEERING REPORTS

13.1 RURAL ROAD RENAMING

FILE REFERENCE: RD.00

AUTHOR'S NAME AND POSITION: Peter Kerp
Works Engineer

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 14 July 2020

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-naming of its Rural Road Network to indigenous road names.

Background

Council at its Ordinary Council Meeting held 25 March 2020 resolved:

That Council:

1. *Supports the renaming of:*

a). *Giles Mulga Park Road to Irrunytju Road from Great Central Road to South Australian border as shown highlighted blue on Attachment 13.1*

b). *Blackstone Warburton Road to Papulankutja Road from Warburton to Yjunction of proposed Irrunytju Road as shown highlighted green on Attachment 13.1*

c). *Wanarn Jameson Road to Mantamaru Road from Great Central Road to Tjunction of proposed Papulankutja Road as shown highlighted yellow on Attachment 13.1.*

2. *Write to Ngaanyatjarraku Council Aboriginal Corporation (NCAC) seeking their support and endorsement of the proposed road name changes; and*

3. *Following further Council resolution of written endorsement from NCAC, advise Landgate accordingly so road name changes can be actioned and finalised compliant with Landgate's Policies and Standards for Geographical Naming in Western Australia 2017*

Comment

The Shire has received correspondence dated 22 June 2020 (Attachment 13.1.(a)) from Ngaanyatjarra Council Aboriginal Corporation (NCAC) advising the Corporation's endorsement of the proposed road name changes.

The Shire Works Engineer has spoken with Landgate who advise that Council formally resolve receipt of written advice from NCAC endorsing the proposed road name changes, so road name changes can be actioned by Landgate and finalized compliant to Landgate's Policies and Standards for Geographical Naming in Western Australia 2017.

Statutory Environment

Section 26 and 26A of the *Land Administration Act 1997*

Financial Implications

Landgate advise all fees applicable to process the name changes under the Land Administration Act 1997 will be waived in this instance.

Council would bear all costs associated with purchase and installation of eight (8) new road name signs (<\$2,500)

Strategic Implications

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

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

13.1 (a), Letter response from NCAC
13.1 (b), Map of Rural Roads

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council advise Landgate of written endorsement by NCAC of the proposed renaming of rural road names as follows:

- a) Giles Mulga Park Road to Irrunytju Road from Great Central Road to South Australian border as shown highlighted blue on Attachment 13.1 (a);**
- b) Blackstone Warburton Road to Papulankutja Road from Great Central Road to Y-junction of proposed Irrunytju Road as shown highlighted green on Attachment 13.1 (a); and**
- c) Wanarn Jameson Road to Mantamaru Road from Great Central Road to T-junction of proposed Papulankutja Road as shown highlighted yellow on Attachment 13.1 (a).**

Carried: 5/0

13.2 COMMUNITY ACCESS ROADS RENAMING

FILE REFERENCE: RD.00

AUTHOR'S NAME AND POSITION: Peter Kerp
Works Engineer

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 14 July 2020

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-naming of its Community Access Road Network to indigenous road names.

Background

Council at its Ordinary Council Meeting held 25 March 2020 resolved:

1. Supports the naming of:

- a) Kanpa Road – from Great Central Road to Kanpa Community SLK 0.00 – SLK 25.13 (highlighted teal blue, Attachment 13.2) currently known as Bail Facility Access Road on Shire of Ngaanyatjarraku Road Asset Data Base;
- b) Tjirrkarli Road– from Great Central Road to Tjirrkarli Community SLK 0.00 – SLK 97.00 (highlighted orange, Attachment 13.2) currently known as Tjirrkarli Community Access Road on Shire of Ngaanyatjarraku Road Asset Data Base;
- c) Patjarr Road (highlighted royal blue) – from Great Central Road to Patjarr Community SLK 0.00 – SLK 192.70 (highlighted royal blue, Attachment 13.2) currently known as Patjarr Community Access Road in the Shire of Ngaanyatjarraku Road Asset Data Base;
- d) Wanarn Road - from Great Central Road to Wanarn Community SLK 0.00 – SLK 19.00 (highlighted yellow, Attachment 13.2) currently known as Wanarn Community Access Road in Shire of Ngaanyatjarraku Road Asset Data Base;
- e) Warakuna Road – from Great Central Road to Warakuna Community SLK 0.00 - SLK 6.30 (highlighted green, Attachment 13.2) currently known as Warakuna Community Access Road in Shire of Ngaanyatjarraku Road Asset Data Base;
- f) Tjukurla Road – from Great Central Road to Tjukurla Community SLK 0.00 – SLK 94.08 (highlighted pink, Attachment 13.2) currently known as Tjukurla Community Access Road in Shire of Ngaanyatjarraku Road Asset Data Base; and
- g) Wingellina Road – from Giles Mulga Park Road (proposed new road name Irrunytju Road) to Wingellina Community, SLK 0.00 – SLK 7.27 (highlighted purple, Attachment 13.2) currently known as Wingellina Community Access Road in Shire of Ngaanyatjarraku Road Asset Data Base.

2. Write to Ngaanyatjarraku Council Aboriginal Corporation (NCAC) seeking their support and endorsement of the proposed name changes; and

3. Following further Council resolution of written endorsement from NCAC advise Landgate accordingly so that road name changes can be actioned and finalised compliant to Landgate's Policies and Standards for Geographical Naming in Western Australia 2017.

Comment

Shire received correspondence dated 22 June 2020 (Attachment 13.1(a)) from Ngaanyatjarraku Council Aboriginal Corporation (NCAC) detailing the Corporation's endorsement of the proposed community access road name changes.

The Shire Works Engineer has spoken with Landgate who advise that Council formally resolve

receipt of written advice from NCAC endorsing the proposed road name changes, so community access road name changes can be actioned by Landgate and finalized compliant to Landgate's Policies and Standards for Geographical Naming in Western Australia 2017. These community access roads would be identified as private roads with private access but maintained by the Shire of Ngaanyatjaraku.

Statutory Environment

Section 26 and 26A of the *Land Administration Act 1997*

Financial Implications

Landgate advise all fees applicable to process the name changes under the Land Administration Act 1997 will be waived in this instance.

Council would bear all costs associated with purchase and installation of seven (7) new road name signs (<\$2,200).

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.2, Travel the Land

Strategy: 1.2.1, Good Roads

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 13.2, Map of Community Access Roads

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Porter

That Council following written endorsement of NCAC, advise Landgate it supports renaming of community access roads as follows:

- a) Kanpa Road from Great Central Road to Kanpa Community SLK 0.00 – SLK 25.13 as shown highlighted teal blue on Attachment 13.2**
- b) Tjirrkarli Road from Great Central Road to Tjirrkarli Community SLK 0.00 – SLK 97.00 as shown highlighted orange on Attachment 13.2**
- c) Patjarr Road from Great Central Road to Patjarr Community SLK 0.00 192.97 as shown highlighted royal blue on Attachment 13.2**
- d) Wanarn Road from Great Central Road to Wanarn Community SLK 0.00 – SLK 19.00 as shown highlighted yellow on Attachment 13.2**
- e) Warkuna Road from Great Central Road to Warakuna Community SLK 0.00 SLK 6.30 as shown highlighted green on Attachment 13.2**
- f) Tjukurla Road from Great Central Road to Tjukurla Community SLK 0.00 – SLK 94.08 as shown highlighted pink on Attachment 13.2**
- g) Wingellina Road from Giles Mulga Park Road (proposed name Irrunytju Road) SLK 0.00 – SLK 7.27 as shown highlighted purple on Attachment 13.2.**

Carried: 5/0

13.3 COMMUNITY RESERVE ROAD NAMES

FILE REFERENCE:	RD.00
AUTHOR'S NAME AND POSITION:	Peter Kerp Works Engineer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	14 July 2020
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-naming of its Township Road Network to indigenous road names.

Background

Council at its Ordinary Council Meeting held 25 March 2020 resolved:

- 1a). *Landgate working in the background to get each community name officially approved, along with new indigenous road names for each community replacing non-indigenous and numbered road names for each community.*
- 1b). *Landgate assigning Community Reserve as a Locality which would allow for unique street addressing as there is duplication of numbered road names and Airstrip Road within numerous communities.*
2. *Write to Ngaanyatjarra Council Aboriginal Corporation seeking their support and endorsement of item 1 (a) and 1 (b).*
3. *Write to Ngaanyatjarra Council Aboriginal Corporation seeking their assistance in renaming existing non-indigenous road names, duplicated indigenous road names, duplicated numbered road names and duplicate Airstrip Road respectively in all ten (10) communities.*

Comment

Shire received correspondence dated 22 June 2020 (Attachment 13.1(a)) from Ngaanyatjarraku Council Aboriginal Corporation (NCAC) detailing the Corporation's endorsement of the proposed township access road name change process.

The Shire Works Engineer has spoken with Landgate in respect to NCAC's correspondence dated 22 June 2020 where NCAC endorse Community Reserve Road Names but have not provided details of indigenous names replacing existing non-indigenous names in the various Communities.

Landgate advise that the matter of replacing existing non-indigenous road names is driven by the NCAC so the proposed road name changes is not a priority for the moment and can be deferred to a later date.

Statutory Environment

Section 26 and 26A of the *Land Administration Act 1997*

Financial Implications

Landgate advise all fees applicable to process the name changes under the Land Administration Act 1997 will be waived in this instance.

Council would bear all costs associated with purchase and installation of new road name signs which would be quite expensive. However, it is noted above that proposed road name changes is not a priority for the moment and can be deferred to a later date when a funding source is identified.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.2, Travel the Land

Strategy: 1.2.1, Good Roads

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachments 13.3.1 to 13.3.11 as identified in this report.

Voting Requirement

Simple Majority Required.

Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council advise Landgate following written endorsement of NCAC that existing road names in all eleven communities remain unchanged as shown on the respective WA Planning Commission Community Layout Plan but may be revisited at some future date by the Shire and NCAC with the support of Landgate.

Carried: 5/0

Note: Recommendation amended to include support of Landgate in assisting with process of renaming community reserve names over time on a community by community basis and as funds are available for new road name signage.

13.4 JAMESON WANARN ROADS RENAMING

FILE REFERENCE:	RD.00
AUTHOR'S NAME AND POSITION:	Peter Kerp Works Engineer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	14 July 2020
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider changes to road names as a result of constructing bypass roads around the Jameson Community.

Background

Recent construction of the Jameson Western Bypass in August 2019 and the current construction of the Jameson Southern Bypass and connecting western and eastern access roads to the Jameson community, require Council consideration of additional road names to these proposed new roads.

Comment

Landgate advise that the western access road coming off the Southern Bypass to the west of Jameson community (highlighted pink Attachment 13.4(a)) is a continuation of the current Wanarn Jameson Road alignment that has a proposed road rename change to Mantamaru Road endorsed by NCAC and supported by Landgate.

The Southern Bypass (highlighted blue Attachment 13.4(a)) currently being constructed will replace the existing alignment of Blackstone Warburton Road with a proposed road rename change to Papulankutja Road endorsed by NCAC and supported by Landgate.

The section of Blackstone Warburton Road (highlighted yellow Attachment 13.4(a)) will be closed on completion of the Jameson Southern Bypass, anticipated completion end of July or first week of August 2020.

The eastern community access road currently under construction (highlighted orange Attachment 13.4(a)) will provide access to the power station and sewerage ponds by various contractors. Landgate are of the view that this road will not be heavily used by community residents and therefore can remain as an un-named road.

The former section of the Warburton Blackstone Road (highlighted Yellow Attachment 13.4(a)) will also need to be closed and rehabilitated.

The newly constructed Jameson Western Bypass requires a new road name (highlighted yellow Attachment 13.4(b)). Landgate do not have a recommended indigenous name but suggest that a name applicable to the mining industry (mineral ore mined in locality) would be supported, alternatively, the Shire in consultation with NCAC could recommend an indigenous name at some future date.

Statutory Environment

Section 26 and 26A of the *Land Administration Act 1997*

Financial Implications

Landgate advise all fees applicable to process the name changes under the Land Administration Act 1997 will be waived in this instance.

Council would bear all costs associated with purchase and installation of additional (2) new road name signs (\$500).

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.2, Travel the Land

Strategy: 1.2.1, Good Roads

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 13.4(a), Roads associated with Jameson Southern Bypass

Attachment 13.4(b), Road associated with Jameson Western Bypass

Voting Requirement

Simple Majority Required.

Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council advise Landgate of the following recommended road name changes as supported by Ngaanyatjarra Council Aboriginal Corporation:

- a) Wanarn Jameson Road to Mantamaru Road as continuation of existing alignment of Wanarn Jameson Road to T-junction of proposed Papulankutja Road (currently Blackstone Warburton Road) highlighted pink Attachment 13.4(a);**
- b) The eastern community access road providing access to the power station and sewerage settling ponds remain an un-named road highlighted orange Attachment 13.4(a);**
- c) The former section of the Warburton Blackstone Road (highlighted Yellow Attachment 13.4(a)) is approved to be closed and rehabilitated; and**
- d) New Jameson Western Bypass Road from Wanarn Jameson Road to Blackstone Warburton Road highlighted yellow Attachment 13.4(b) requires further consultation with local Jameson community and NCAC on an appropriate new road name.**

Carried: 5/0

Note: the reason for change to item d) is that the suggested road name of Nickel Road was not accepted and Council preferred that consultation be undertaken with local Jameson Community and NCAC and be referred back to Council at a later date for consideration.

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

15. CONFIDENTIAL MATTERS

16. NEXT MEETING

Scheduled for Wednesday, 26 August 2020 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

17. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 1.33pm.