



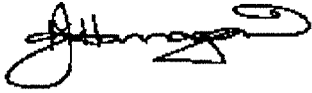
Shire of Ngaanyatjarra
ON A JOURNEY

ORDINARY MEETING OF COUNCIL
MINUTES

24 February 2021
at
12.41 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.

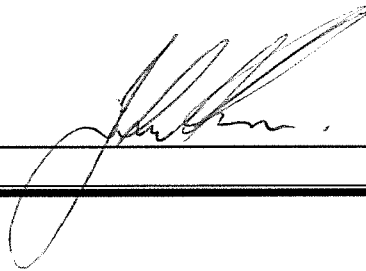


Chief Executive Officer

Date: 25-2-2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 24 February 2021.

Presiding Member: _____



Date: 3/3/2021

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 12.41pm.

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 A Jones J Porter D Frazer J Frazer L West
Staff:	CEO DGC ASSCO	K Hannagan (via MS Teams on TV) C Green LF Salazar
Guests:		
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

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
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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

Voting Requirement
Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Porter

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 16 December 2020 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

9.2 MINUTES OF AUDIT & RISK COMMITTEE MEETING (Tabled)

Voting Requirement
Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council:

- 1. Notes the Unconfirmed Minutes of Audit Committee Meeting held on Wednesday 24 February 2021 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (Tabled); and**
- 2. Adopts the Recommendations from the Audit & Risk Committee.**

Carried: 6/0

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:	10 February 2021
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

A resolution from the July 2020 meeting is still in progress, see Attachment 10.1 for details.

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 D Frazer Seconded: Cr A Jones

That Council notes the attached Council Resolutions – Status table as at December OCM 2020, (Attachment 10.1) and this report.

Carried: 6/0

10.2 OUTBACK WAY GOVERNANCE GROUP

FILE REFERENCE: RD.00

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

DATE REPORT WRITTEN: 18 January 2021

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

Summary

For Council to be kept updated on sealing of the Great Central Road.

Background

The Outback Way Governance Group (OWGG) was established to coordinate the planning and delivery of the works that will be undertaken to extend the sealing of the Great Central Road (GCR) which forms the WA Section of the Outback Way. The Outback Way is the name given to the route that extends from Laverton in WA to Winton in Qld, via Uluru and Alice Springs in the Northern Territory. The Commonwealth Government (80%) combined with the WA State Government (20) are investing in the upgrade and sealing of the Great Central Road so that it can meet the demands of mining, tourism, freight transport and community development from a safe, efficient and sustainable manner. The State Government is the recipient of the Commonwealth funding who have committed \$396m until 2026/27, further funding will be required to complete the whole length.

The Shires Chief Executive Officer has been attending meetings and advocating for works within the Shire of Ngaanyatjarraku. It is MRWA normal practice to construct the sealed road from Laverton and have one contiguous link to the NT Border. However, MRWA have recognised that it will be many years before the sealing is completed to the NT Border. The Shire has also secured funding of \$1.5m p.a. to maintain and renew the gravel section within the Shire until sealing is completed, this has greatly assisted the Shire's financial position.

The Shire has been advocating for some strategic sealing works to be undertaken within the Shire to improve tourism and development potential. MRWA have agreed to submit funding proposals for the following projects to commence in late 2021:

1. commence sealing from the existing seal section west of Warburton through to the end of the township using the existing road alignment;
2. construct a gravel road bypass of Warburton;
3. reconstruct and seal a section of the road at the intersection and entry towards Warakurna; and
4. seal from the above intersection along the western existing gravel road to join up with the sealed section to the roadhouse and caravan park precinct.

Comment

The Warburton bypass at 2 above has come about due to community concerns of the potential risks associated with extremely large b-quad truck movements transporting mining product from the proposed Jameson, West Musgrave project as the road dissects the roadhouse and the main township. A bypass would divert such heavy vehicles and be an alternative access from the east should the Elder Creek overflow for a lengthier period than normal.

The Shire does not have the funds to construct such a bypass and has put the case that savings from using the existing road alignment could be used to construct the bypass. MRWA support this view as construction of a new alignment with all year-round access would cost much more. However, they have advised that the Shire would need to maintain the new 14.9 km gravel bypass.

The Shire has proposed earlier sealing of a section at the Warakurna turn-off to attract attention

of increased tourist numbers to divert off the GCR and visit the roadhouse, caravan park and other facilities at Warakurna and hopefully generate a higher tourist \$ spend for the community. This proposal has MRWA support.

The Shire has also advocated for the section from the Roadhouse precinct to the GCR western intersection to also be sealed at the same time as the Shire does not have the funds to reconstruct and seal this. MRWA support this view but the Shire would need to maintain the new 2km sealed road to the Roadhouse precinct.

Attached is a copy of the Minutes of the group's last meeting held on 4 December 2020 for Councils information.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(3) The council —

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

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

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

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

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

Financial Implications

The Shire has previously resolved to enter into a Road Maintenance Agreement with the operators of the proposed Jameson, West Musgrave project, this could include the Warburton Bypass.

The Shire will also need to consider in its Long Term Financial Plan for the resealing of the Warakurna sealed section (15yrs time) as part of the resealing program for existing sealed town roads.

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

Not applicable

Attachments

Attachment 10.2(a) – copy of OWGG Minutes 5 December 2020.

Attachment 10.2(b) – copy of Wongutha Way Alliance, Project update, January 2021

Voting Requirement

Simple Majority

Cr J Porter left the Chamber at 12.55pm

Cr J Porter returned to the Chamber at 12.56pm

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council notes the Minutes of the Outback Way Governance Group, 5 December 2020 as per Attachment 10.2.

Carried: 6/0

10.3 NORTHERN GOLDFIELDS WORKING GROUP

FILE REFERENCE: GR.00

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

DATE REPORT WRITTEN: 18 January 2021

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

Summary

For Council to be kept updated on the activities of the Northern Goldfields Working Group.

Background

The Northern Goldfields Working Group (NGWG) consists of the Shires of Wiluna, Laverton, Leonora, Menzies and Ngaanyatjarraku, and is an informal group of Chief Executive Officers, Shire Presidents and when convenient, Deputy Chief Executive Officers, that meet regularly to discuss mutual topics. It was developed to provide a collaborative and united approach to regional issues outside of the Goldfields Voluntary Regional Organisation of Councils' scope, with a focus on Northern Goldfields projects.

Comment

The Shires Chief Executive Officer has been attending meetings and advocating for matters affecting the Shire of Ngaanyatjarraku.

Attached is a copy of the Minutes of the group's last meeting held on 27 November 2020 for Councils information.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

(5) The council —

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

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

(6) 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

As per the Memorandum of Understanding the groups purpose was to create a unified approach with financial contributions to support the employment of a person / consultant to undertake the requirements as set out by the NGWG. This may need to be considered as part of the Shire's 2021/22 Annual Budget process.

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

Not applicable

Attachments

Attachment 10.3 – copy of Minutes 27 November 2020.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr A Jones

That Council notes the Minutes of the Northern Goldfields Working Group, 27 November 2020 as per Attachment 10.3.

Carried: 6/0

10.4 OUTBACK HIGHWAY DEVELOPMENT COUNCIL

FILE REFERENCE: GR.00

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

DATE REPORT WRITTEN: 20 January 2021

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

Summary

For Council to be kept updated on the activities of the Outback Highway Development Council Inc. (OHDC).

Background

The (OHDC) consists of Laverton Shire Council, Ngaanyatjarraku Shire Council, Alice Springs Town Council, Boulia Shire Council and Winton Shire Council. The objectives of the association in part are:

- to lobby for and promote the building of an Outback Highway from Laverton in Western Australia to Winton in Queensland.
- to seek governmental and private support for and investment in the building of the Outback Highway.
- through the building of the Outback Highway, increase tourism and freight transport and provide much needed infrastructure to areas along the route of the Outback Highway.

Comment

The Shires Chief Executive Officer has been attending meetings and advocating for matters affecting the Shire of Ngaanyatjarraku.

Attached is a copy of the Minutes of the Association's last meeting held on 12 February 2021 for Councils information.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

(7) The council —

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

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

(8) 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

As per the Rules of Association the Shire is a financial member and an Annual Budget allocation has been made each year of the Shire's membership.

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

Not applicable

Attachments

Attachment 10.4 – copy of Minutes 12 February 2021.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council notes the Minutes of the Outback Highway Development Council Inc, 12 February 2021 as per Attachment 10.4.

Carried: 6/0

10.5 MRWA REGIONAL ROAD GROUP

FILE REFERENCE: RD.00

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

DATE REPORT WRITTEN: 21 January 2021

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

Summary

For Council to be kept updated on the activities of the MRWA Regional Road Group (RRG).

Background

The (RRG) consists of local governments within the Goldfields / Esperance Region. MRWA in cooperation with local government develops and manages the road network to meet the needs of the community.

To assist local government in road management, the State provides road funds for a number of programs administered by the State Road Funds to Local Government Advisory Committee. Regional Road Groups recommend local government road funding priorities to the committee and monitor the implementation of the LG program in their own regions.

Comment

The Shires President and Chief Executive Officer have been attending meetings and advocating for matters affecting the Shire of Ngaanyatjarraku.

Attached is a copy of the Minutes of the RRG's last meeting held on 11 November 2020 for Councils information.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

(9) The council —

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

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

(10) 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

Not applicable

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

Not applicable

Attachments

Attachment 10.5 – copy of Minutes 11 November 2020.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr A Jones

That Council notes the Minutes of the Goldfields / Esperance Region, MRWA Regional Road Group 11 November 2020 as per Attachment 10.5.

Carried: 6/0

10.6 GOLDFIELDS ABORIGINAL LANGUAGE CENTRE

FILE REFERENCE: FM.09

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

DATE REPORT WRITTEN: 25 January 2021

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

Summary

For Council to consider a Community Resource Centre office rental proposal from the Goldfields Aboriginal Language Centre Aboriginal Corporation (GALCAC).

Background

The Goldfields Aboriginal Language Centre (GALCAC) was successful in obtaining 2 jobs under the Federal '1000 Job Package', for full-time interpreter positions based in Warburton. These positions are for 1 full-time female Ngaanyatjarra interpreter and 1 full-time male Ngaanyatjarra interpreter.

The funds provide for 100% of the salary in year 1 and 50% of the salary in year. The aim is to transition the positions, under GALCAC, to a fee-for-service model, so that by year 3, the salary of the interpreters is raised through commercial interpreting activities.

Council may recall that a presentation was made to the Shire Council in 2020 regarding this project and establishment of a new building for GALCAC in Kalgoorlie.

Comment

Covid19 has delayed implementation of this project. Another major problem for its implementation has been locating sponsor office accommodation within Warburton. No spare office space is available at the Community Office or other community facilities.

GALCAC have approached the Shire's CEO to see if the Shire has any accommodation space, which it doesn't.

GALCAC is aware that the Shires Community Resource Centre currently has vacant offices. The CEO has advised GALCAC that income from office rental is used to provide other services to the community which the Shire does not have grant funding. Additionally, the CEO does not have authority to rent any of the CRC offices below the Fees and Charges adopted by Council in its Annual Budget.

GALCAC have now reviewed their budget for the program and advise they could pay 50% of the adopted 2020/21 Fees and Charges. In return GALCAC would acknowledge the Shire as a 'sponsor' of the program.

Furthermore from time to time, the Shire may have the need for some of its community notices to be also printed in local Ngaanyatjarra language.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

(11) The council —

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

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

(12) 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

As the Shire currently has several offices vacant, a rental at 50% would be positive for the Shires financial position.

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

Not applicable

Attachments

Not applicable

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council:

- 1) authorises the Chief Executive Officer to negotiate a 50% reduction in adopted Fees and Charges for Community Resource Office rental; and**
- 2) requests the Goldfields Aboriginal Language Centre Aboriginal Corporation acknowledge the Shire of Ngaanyatjarraku as an official corporate sponsor of the interpreter project in Warburton.**

Carried: 6/0

10.7 MRWA HEAVY VEHICLE ACCESS APPLICATION

FILE REFERENCE: RD.00

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

DATE REPORT WRITTEN: 2 February 2021

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

Summary

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

Background

At the 27 November 2019 Ordinary Meeting, Council resolved the following:

Council Resolution

Moved: Cr J Frazer Seconded: Cr L West

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

That a Road Safety Assessments (RSA) be undertaken of the Great Central Road (from Laverton border to NT border as per application) and the Wanarn Jameson Road (Cutline) to the mine site road turnoff and funded by the 'freight generator';

That Road Pavement Testing (RPT) be undertaken of the Great Central Road (from Laverton border to NT border as per application) and the Wanarn Jameson Road (Cutline) to the mine site road turnoff and be funded by the 'freight generator';

Any recommended road improvements from the RSA or RPT to be funded by the 'freight generator';

That access for the Wanarn Jameson Road be restricted to local operators (Restricted Local Access Permit) to monitor the volume of use; and

That the freight generator enters into Road Maintenance Agreements (RMA) with the Shire for the Great Central Road (from Laverton border to NT border as per application) and the Wanarn Jameson Road.

Carried: 5/0

Comment

The Chief Executive Officer has raised the issue of conducting the above RSA and RPT with the Shire of Laverton and Main Roads WA as a 'joint' approach to the freight generator.

Oz Minerals have been in discussion with MRWA and a meeting of all the parties was held on Monday 8th February 2021 to progress a way forward. As MRWA are project managing the sealing of the GCR they have suggested that they will manage aspects regarding the Great Central Road. Oz Minerals have suggested that instead of undertaking an RSA and an RPT that an Engineering

Assessment be undertaken for the Mantamuru Road (formerly named Jameson Wanarn Road).

An RSA would normally focus on safety with particular attention to any specific locations where hazards exist. An RSA report would list each of those findings but not necessarily identify specific solutions. Whereas an Engineering Assessment against standards would provide a report on the whole road looking at shape, width, geometry, surface material and drainage etc. It would recommend specific treatments broken down into sections along the road and could include preliminary identification of potential material sources. Safety would be considered by assessing against the Aust Roads standards having regard for the type and volume of traffic including road trains. It will be possible for the engineering assessment and report to be used for costing and planning road upgrades whereas the RSA would not.

The subject of the meeting was to discuss scoping of works for the Engineering Assessment.

The purpose of this report is for Council to consider supporting a change in approach to an Engineering Assessment as outlined above.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(13) The council —

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

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

(14) 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

Sometime would be required for Shire Staff to be involved in undertaking the Engineering Assessment.

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

Not applicable

Attachments

Not applicable

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr J Porter

That Council:

- 1) notes this report; and**
- 2) supports the change of approach to that outlined in this report, being the undertaking of an Engineering Assessment of the Mantamuru Road.**

Carried: 6/0

10.8 GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC)

FILE REFERENCE:	GR.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	11 February 2021
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to be kept updated on the activities of the Goldfields Voluntary Regional Organisation of Councils (GVROC).

Background

The GVROC consists of local governments within the Goldfields / Esperance Region.

The objective of the GVROC is to form a strategic alliance for the retention of infrastructure and community services, acquiring funding from government grants, economic development initiatives and private sector funding.

To establish and maintain effective communication and consultative mechanisms between the participating local governments on policy and processes using a management strategy.

Comment

The Shires Chief Executive Officer has been attending meetings and advocating for matters affecting the Shire of Ngaanyatjarraku.

Attached is a copy of the Minutes of the GVROC's last meeting held on 5 February 2021 for Councils information.

Of note is that the City of Kalgoorlie Boulder has now formally made an offer to purchase the Goldfields Records Storage Facility for a purchase price of \$450,000. After the disposal of the Facility the Joint Venture will be promptly wound up. Each of the original parties will be entitled to a one tenth share of this purchase price (\$45,000) less all third-party costs of the sale of the Facility and the winding up of the Joint Venture.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

(15) The council —

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

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

(16) 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 net payment to the Shire from the Sale will need to be considered in the Shires Midyear Budget Review.

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

Not applicable

Attachments

Attachment 10.8 – copy of Minutes 5 February 2021.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr L West

That Council notes the Minutes of the Goldfields Voluntary Regional Organisation of Councils 5 February 2021 as per Attachment 10.8.

Carried: 6/0

10.9 LANDS SERVICE REVIEW

FILE REFERENCE: CM.14

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

DATE REPORT WRITTEN: 12 February 2021

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

Summary

For Council to be updated on progress of the Lands Service Review with State and Federal Government departments.

Background

In June 2020 the Shire wrote to the Minister for Local Government; Culture and the Arts advising that the Shire was experiencing issues related to legislative change and seeking his advocacy to try and resolve some major issues that the Shire has been unsuccessful in negotiating with other State Ministers.

The Minister replied, advising that he noted the proposed actions to be undertaken by the Shire and had provided a copy of the report to the Department of Local Government, Sport and Cultural Industries (DLGSC) for actioning.

Furthermore, he advised that given the breadth of the issues raised, the department would need to liaise with other agencies for response. As such, he asked for the Shire's ongoing patience while additional information could be collated and confirmed the Shire would be notified shortly by a representative of the department regarding the proposed outcome.

Comment

Since then, the Aboriginal Engagement (DPC) unit and the Goldfields Regional and Remote Service Delivery (DoC) unit have set up a joint working group made up of State representatives across various portfolios, the National Indigenous Australians Agency (NIAA) and the Ngaanyatjarra Council Aboriginal Corporation (NCAC) and the Shire of Ngaanyatjarraku (SoNG).

The main issues raised by the Shire for urgent Stage 1 resolution by the working party are:

- Swimming pools to open in Warburton, Warakurna and Blackstone for the upcoming swim season (NCAC);
- Waste Management services;
- Recreation services;
- Youth Services;
- Early Years Child development;
- Environmental Health services; and
- Fire and Emergency Services

Longer term Stage 2 issues will cover the full range of services and infrastructure, including community and human services, economic development, including the link between service provision arrangements and employment, welfare, economic development, education and training that a normal local government provides. This will require a service-mapping exercise including:

1. Map current service provision arrangements across State, Local, Commonwealth, and non-government sectors:
 - a. What services are provided, and by whom?
 - b. What are the funding arrangements and costs?

2. Identify service gaps, overlaps and inefficiencies, including by reference to:
 - Comparator Shires
 - RSRU Municipal Services Standards
3. Provide costed recommendations for future service delivery and funding arrangements.

Progress to date

1. Swimming Pools – whilst this is primarily an NCAC and member communities issue, the Shire has been advocating with various State agencies to try and have the State fund Royal Life Saving WA to operate these pools for the next two seasons to enable a longer term solution to be found. NIAA have funded an analysis of the 3 community pools to develop a LTFP of Opex / Capex requirements for consideration by the State in future Budgets. NIAA, DoC & DPC have provided funding to keep the pools operational to the end of this years season. What will happen next swimming season is unknown.
2. Waste Management – the Shire does not receive Fees for waste services unlike other local governments as the housing is social housing owned by the State who are exempt from paying rates and the land is leased by the State to NCAC’s communities similar to Aboriginal Land Trust Land.

The Shires consultancy has undertaken visits to the lands communities and is finalising a draft Waste Management Plan (WMP) covering immediate and longer-term issues for consideration of funding by the State in future Budgets. The visit to the lands has identified two urgent issues;

- 2.1 Waste collection services were barely functioning at all the communities visited, resulting in residents burning household waste at the front of their homes. The combustion of waste materials results in dangerous toxic emissions that can include dioxins, sulphur dioxide, lead, and mercury. These emissions can cause immediate and long-term harm to the nervous system, lungs, liver and kidneys and result in reproductive and developmental disorders. As waste is being burnt so close to residential homes, members of the communities are almost certainly being exposed to harmful emissions. The Shire was requested to develop an urgent waste pickup plan for two years until the WMP could be considered in the States ongoing budgets. This has been presented to the committee but to date no funding (\$4.27m) is available to implement the urgent interim response.
- 2.2 Asbestos materials, and materials possibly containing asbestos, were identified at or near waste sites in Warburton, Warakurna, Mantamaru, Tjukurla, Tjirrkarli and Kanpa. In all instances it was apparent that these materials were at risk of being further fragmented and asbestos particles becoming airborne by vehicle movements, fire, or children playing. Whilst much of the asbestos identified may have been in-situ for decades, it poses an immediate and severe risk to human health. The DoC are liaising with DPLH to consider an urgent asbestos clean-up. To date it is unclear when the clean-up will be. In the interim the State have funded signs to be posted at the affected landfills warning residents of the asbestos and toxic waste issues.

These issues are presenting significant and ongoing risks to the health of the Shire’s residents and staff. A copy of the consultant’s letter is contained in Attachment 10.9 (a). It is noted that Waste Management Services are provided by the State under their Remote Essential Municipal Services program for other aboriginal communities within the State. The Shire has been advised by the State that the NG Lands will not be included in REMS services to remote aboriginal communities.

It is further noted that in Kununurra the Department of Housing have engaged the local Shire Council to provide such a waste pickup service for local indigenous communities within their Shire boundary on a fee for service basis similar to its ratepayers. Whilst this model is supported by the State in the Kimberley, it is not supported for the NG Lands communities.

The Shire has also received advice from the Warburton Community that the community is now not able to pay its 20% Rubbish Service contribution. As such the Shire will be left with a bad debt of \$41,544 and will not be able to continue to 100% subsidise services for

which it receives no grant / contribution. The State have made a submission to the Remote Aboriginal Communities COVID-19 Emergency Relief Fund to pay this.

3. Recreation Services - the Shires consultant has undertaken visits to lands communities and is finalising a draft Sport & Recreation Plan (SRP) covering immediate and longer-term issues for consideration of funding by the State in future Budgets.
4. Fire & Emergency Services - The Shire is now aware that late last year DFES received supporting letters from the Warburton Community for a Volunteer Emergency Services Unit to be located in Warburton. The Shire continues to advocate for services for the rest of the NG Lands as per Attachment 10.9(c).
5. Early Years Learning (EYL) – Approximately 18 months ago the NIAA commenced a review of services across the NG Lands. EYL are provided on an interim basis to Warburton & Blackstone until the NIAA wider lands review of EYL services is to be completed.
6. Aboriginal Environmental Health Services – the Shire was put in a position to exit provision of this State service as the funding only covered 30% of the cost. The State have subsequently made this funding available to NG Health to provide a reduced service.
7. Lands Service Review – State Agencies are developing a Scope of Works covering all remaining service issues. This would Incorporate a service-mapping exercise including:
 1. Map current service provision arrangements across State, local, Commonwealth, and non-government sectors:
 - What services are provided, and by whom?
 - What are the funding arrangements and costs?
 2. Identify service gaps, overlaps and inefficiencies, including by reference to:
 - Comparator Shires
 - RSRU Municipal Services Standards
 - 3 Provide costed recommendations for future service delivery and funding arrangements.

It is not known when the State will have the resources to undertake this review.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(17) The council —

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

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

(18) 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 Shire has made in its Annual Budget 2020/21 a budget allocation for the above-mentioned strategic plans. The bad debt will need to be written off by Council unless the funding submission is successful. Waste services will not be included in the 2021/22 Annual Budget.

Strategic Implications

Integrated Strategic Plan 2018 – 2028

Goal 1, Looking after our land

Outcome 1.4, Live on the Land

Strategy, 1.3.3 Appropriate services delivered to community

Action - Undertake Lands Service Review

Strategy, 1.3.4 Good Facilities

Action - Work with NCAC to Provide and Maintain Recreation Facilities

Goal 2, Looking after our people

Outcome 2.2 Healthy People

Strategy, 2.2.1 No Rubbish

Action - Rubbish service across lands included in REMS Contract

Strategy, 2.2.2 Good health service

Action - Facilitate delivery of good health service access

Action - Provide environmental health services

Outcome, 2.3 Smart People

Strategy, 2.3.1 Good Education

Action - Provide early years learning service

Goal 3, Leadership

Outcome 3.2, Good Leadership

Strategy, 3.1.2 Financially sustainable local government

Action - Review all Shire Services

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived consequence level of risk is Major prior to the resolution of issues identified in this report and the Shire's Long Term Financial Sustainability is resolved.

Policy Implications

Not Applicable.

Attachments

Attachment 10.9(a) – Consultancy visit – initial findings

Attachment 10.9(b) – Urgent Notice to Minister for Local Government; Heritage; Culture and the Arts

Attachment 10.9(c) – Letter to Commissioner DFES

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr D Frazer

That Council:

- 1. Notes this report on progress made in undertaking the Lands Service Review in accordance with its' Integrated Strategic Plan (SCP/CBP);**
- 2. Ceases Warburton Rubbish kerbside pickup from 1 July 2021;**
- 3. Writes to Minister for Local Government; Heritage; Culture and the Arts advising of the serious health risks in the Shire; and**
- 4. Copies that correspondence to Deputy Premier; Minister for Health; Mental Health, Minister for Housing; Veterans Issues; Youth; Asian Engagement, Minister for Environment; Disability Services; Electoral Affairs and Treasurer; Minister for Finance; Aboriginal Affairs; Lands.**
- 5 Advise the Director General, DEWR that the Shire is not in a position to provide waste services beyond 30 June 2021 as outlined in this report and copy the above-mentioned correspondence.**

Carried: 6/0

10.10 WEST MUSGRAVE COPPER AND NICKEL PROJECT

FILE REFERENCE: EM.00 & PU.00

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

DATE REPORT WRITTEN: 14 February 2021

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

Summary

For Council to be advised of a response to a request from DEWR to review Oz Mineral's referral information and provide advice on any matters concerning the Shire of Ngaanyatjaraku regarding the circa 600-page submission.

Background

OZ Minerals Musgrave Operations Pty Ltd propose to develop the West Musgrave Copper and Nickel Project, located in the West Musgrave Ranges of Western Australia, approximately 1,300 km north-east of Perth near to the intersection of the borders between Western Australia, South Australia and the Northern Territory. The nearest towns include the Indigenous Communities of Jameson (Mantamaru) 26 km north, Blackstone (Papulankutja) 50 km east, and Warburton (Milyirrtjarra) 110 km west of the proposal.

The proposal includes the development of two copper and nickel deposits via two open pits, with processing facilities, a borefield, temporary and permanent waste landforms, a tailings storage facility, accommodation, airstrip and power infrastructure.

The proposal would require the clearing of up to 3,830 ha of native vegetation within a Development Envelope of 20,852 ha. The proposed mine life is 26 years.

At this initial stage of the EIA process, comment is simply sought on whether or not the EPA should assess a proposal and, if so, what level of assessment is considered appropriate.

Comment

On 27 January 2021 DEWR wrote to the Shire regarding the above and gave the Shire until 15 February 2021 to respond.

Additionally, DWER advised they would appreciate any comments or advice on:

- whether the information presented is factually correct, whether the investigations have been conducted in accordance with the appropriate standard/guideline and whether the proposed management is adequately defined;
- where information is inadequate, provide your advice on what is required together with your reasons, in descending order of importance.

Due to the short timeframe for response and lack of specialist expertise the following response has been made.

The Shire is a very small (EFT staff 12) remote aboriginal Shire located 1542 from Perth in the Gibson Desert Region. The Shires housing is social housing provided by the State Government and as such is exempt from paying rates. As such the Shire is totally reliant on grant funding to provide services in accordance with the grants purpose. As such the Shire has no 'discretionary' funding to employ specialists to assess such a complex submission. The Shire is generally supportive of the proposal but is reliant on the resources available to EPA Services to determine if the proposal is compliant with State legislation, approval processes and environmental requirements.

Therefore, the Shire is not in a position to respond to this Notice for additional information and advises that further information is not available and / or cannot be obtained as outlined above.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(19) The council —

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

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

(20) 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

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

Not applicable

Attachments

Attachment 10.10 – copy of response to DEWR.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council notes the response to DEWR / EPA Services as per Attachment 10.10.

Carried: 6/0

11 DEPUTY CEO REPORTS

11.1 PAYMENTS LISTING, DECEMBER 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:	7 January 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 Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 11.1 – Payment Listings

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr J Porter

That Council receives the Payment Listing, December 2020 totaling payments of \$550,376.37 as per Attachment 11.1.

Carried: 6/0

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:	18 February 2021
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 recent reduction of RBA interest rate to 0.10% has greatly reduced term deposit interest to 0.30% for a 12 month term. As such the Shire will not achieve its budgeted interest income for 2020/21 FYE.

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 Shires budgeted 2020/21 Interest Income will need to be reduced as part of the Mid-Year Budget Review process.

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 L West

Seconded: Cr D Frazer

That the report on Council Investments as at 18 February 2021 be received.

Carried: 6/0

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:	22 January 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 December 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. 'Permanent' variances to note are:

- Rate income lower due to surrender of mining tenements
- Interest from investments lower as interest rates reduced

These may be offset by savings from operation costs across various programs.

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 do not contain Depreciation Expense as mentioned above.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.3 - Monthly Financial Report.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr J Frazer

That Council receives the monthly financial report for December 2020.

Carried: 6/0

11.4 PAYMENTS LISTING, JANUARY 2021

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:	5 January 2021
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 generally consistent with previous months, with the following exceptions:

- Easifleet Management, Novated lease for staff member as per contract
- Ngaanyatjarra Construction & Management Services, Kerb scraping Warburton Community roads
- N-Com P/L, New DTV transmitter for Warburton TV transmission hub

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 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 11.4 – Payment Listings

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr D Frazer

That Council receives the Payment Listing, January 2021 totaling payments of \$397,444.92 as per Attachment 11.4.

Carried: 6/0

11.5 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:	14 February 2021
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 January 2021.

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. 'Permanent' variances will be addressed in the Mid-Year Budget Review.

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 do not contain Depreciation Expense as mentioned above.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.5 - Monthly Financial Report.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That Council receives the monthly financial report for January 2021.

Carried: 6/0

12. DIRECTOR GOVERNANCE & CORPORATE REPORTS

12.1 INTEGRATED STRATEGIC PLAN – QUARTERLY PROGRESS REPORT

FILE REFERENCE:	CM.14
AUTHOR'S NAME AND POSITION:	Cary Green Director Governance and Corporate
AUTHORISING OFFICER AND POSITION	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	29 January 2021
DISCLOSURE OF INTERESTS:	The author and authorising officer has no financial, proximity or impartiality interest in the proposal.

Summary

To provide Council with a Quarterly progress report on the Integrated Strategic Plan (2018-2028).

Background

This Integrated Strategic Plan (2018-2028) was formally adopted by the Shire on the 28TH November 2018 and was developed after extensive community engagement with our community's aspirations and needs at its heart. The integrated strategic plan, combines both the Shire's Strategic Community Plan and Corporate Business Plan into one simple, easily understood document that is scale appropriate for the Shire of Ngaanyatjarraku. It will help shape the services that the Shire of Ngaanyatjarraku will deliver over the next ten years.

The ISP is underpinned by a 10-year Long-Term Financial Plan, a 20-year Asset Management Plan and a Workforce Plan which will set out the resources required to deliver the CBP.

Comment

This report provides a quarterly progress update on the strategic goals listed in the plan, to ensure Council and the community are kept abreast of the achievements of the plan. The Shire is currently conducting a major review of the plan. This will also involve a review of all the ISP suite of plans.

Attached are details of progress on each Action Item in the plan.

Statutory Environment

S5.56 (1) of the Local Government Act 1995.

Council's minimum obligations relating to planning for the future (IPR).

Financial Implications

The Integrated Strategic Plan is an informing document that links the Shires Strategic objectives with the operational functions. This plan provides a valuable management tool to allow the Shire to focus on financial sustainability and informs the Long-Term Financial Plan and the Annual Budgets. The Shire has budgeted for the major review process in its Annual Budget 2020/21.

Strategic Implications

Integrated Strategic Plan 2018 – 2028

Strategic Goals

Goal 1 - Our Land, looking after our land

Goal 2 - Our people, looking after our people

Goal 3 – Leadership, show the way for our community

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is medium as the ISP has been adopted. However, continuing to monitor and progress the outcomes of the plan will further reduce the risk.

Policy Implications

Not Applicable.

Attachments

Attachment 12.1 – Integrated Strategic Plan - Quarterly Progress Report

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr J Frazer

That Council notes the Integrated Strategic Plan – Quarterly Progress Report, Attachment 12.1 as at February 2021.

Carried: 6/0

12.2 STRATEGIC IT PLAN (2020-2023)

FILE REFERENCE:	CM:14
AUTHOR'S NAME AND POSITION:	Cary Green Director Governance and Corporate
AUTHORISING OFFICER AND POSITION	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	3 February 2021
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

To note the Strategic IT Plan (2020-2023) and endorse the priority actions tabled in the plan.

Background

In September 2020, the Shire engaged Moore Australia (MA) to develop an ICT Strategic Plan (in conjunction with the Northern Goldfields Compliance Group/NGCG) in compliance with the IPRF. MA engaged independent IT consultants (Focus Networks) to do the technical aspect of the plan.

The attached Strategic IT Plan provides the Shire with direction to address both short-term needs and long-term requirements for cost-effective, practical technological solutions. The primary goal of the IT Plan is to support our business objectives and to facilitate efforts to provide efficient and effective services to our community and stakeholders.

The plan identifies several high-risk weaknesses in our current IT environment in the following areas:

- Governance;
- Business systems and applications;
- Infrastructure and technology;
- Business continuity;
- Security; and
- Project management.

Industry best practices and the current state are identified within the Plan along with future state recommendations for each area. Rectification of the identified weaknesses in the current state is both urgent and important to preventing a potential future failure.

Implementing these changes requires careful planning, as such the plan has provided a priority actions spreadsheet which highlights future actions based on a priority.

Extreme – this should be identified and implemented as a priority in the next 3 months.

High – this should be identified and implemented in the next 3 to 6 months.

Medium – this should be identified and implemented in the next 6 to 12 months.

Low – this should be identified and implemented in the next 12 to 18 months.

As is the case with all strategic plans, this plan is a “living document” which allows for changes over time and serves as a broad guideline for action. The plan is also an ‘informing document’ as part of the IPR Framework.

Comment

See attachment.

Statutory Environment

S5.56 (1) of the Local Government Act 1995.

Council's minimum obligations relating to planning for the future (IPR).

Financial Implications

Each action item will be fully costed and will form part of the IT operational budget for FYE 2021/22.

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's Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is high prior to treatment, implementing the changes required will reduce the risk.

Policy Implications

The IT Plan will provide Councillors and staff with clearer direction to guide the IT Strategy for the Shire.

Attachments

Attachment 12.2 - Strategic IT Plan (2020-2023)

Voting Requirement

Simple Majority

Cr D Frazer left the Chamber at 1.18pm

Cr D Frazer returned to the Chamber at 1.19pm

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council:

- 1. Notes the Strategic IT Plan; and**
- 2. Endorses the priority actions tabled in the IT plan.**

Carried: 6/0

13. EHO & BUILDING SERVICES REPORT

13.1 LIQUOR CONTROL ACT

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Maurice Walsh Environmental Health / Building Services Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	18 February 2021
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

This report recommends that the Shire supports Ngaanyatjarra Council's request to the Minister for Racing Gaming and Liquor to declare the communities within NG Lands to be a place where it is an offence to possess or consume alcohol.

Background

The Ngaanyatjarra Council By-laws advise that no person shall bring liquor onto Community Land without permission of the Committee.

Section 175 (1a) of the Liquor Control Act 1988 advises that the Ngaanyatjarra Council can ask the Minister for Liquor and Gaming, for the Ngaanyatjarra Community Lands to be declared a place where it is an offence to possess or consume alcohol.

It is a requirement that the application to be a declared area under the Liquor Control Act 1988 is a resolution of support by the relevant Local Government Authority.

The Shire is well aware that the consumption of alcohol in the Lands can attribute to public health and social problems within the communities.

On 17 February 2021 the Ngaanyatjarra Council resolved to ask the Minister to declare the communities within Lands to be a place where it is an offence to possess or consume alcohol.

Comment

The way Section 175 (1a) works is that the Police attend on a complaint or becoming aware that someone is taking or has alcohol into a restricted area.

The Police attend and confiscate the alcohol and tip the alcohol out. The alcohol is not taken back to the Station and held as evidence to be used in a later Court action.

The Police take no further action in nearly all cases after the alcohol has been taken and tipped out. There is a very low call on Police time and resources compared to using the Ngaanyatjarra By-Laws made under the Aboriginal Communities Act.

There is no use of arrest powers and very rarely are people summonsed, fined "on the spot", or required to attend Court. The matter is usually finished when the alcohol is seized and tipped out.

The Police advise that Section 175 (1a) deals with alcohol effectively without using the Courts and diverts people from the Justice System.

The Aboriginal Legal Service do not deal with Section 175 (1a) because matters almost never go to Court. Appropriate use of diversion is in line with Aboriginal Legal Service policy.

The Ngaanyatjarra By-Laws would still remain in place if a circumstance arose where being charged and put before a Court was appropriate. An example would be if a person kept bringing drink and the facts needed to be put before a Magistrate.

The area of Land declared under 175 (1a) would be the same as the area covered by the current Ngaanyatjarra By-Laws.

Statutory Environment

Aboriginal Communities Act 1979
Local Government Act 1995
Liquor Control Act 1988
Ngaanyatjarra By-Laws

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

Not applicable

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Porter

That Council supports the NCAC application to the Minister for Racing Gaming and Liquor to declare the communities within the NG Lands to be a place where it is an offence to possess or consume alcohol in accordance with Section 175 (1a) of the Liquor Control Act 1988.

Carried: 6/0

14. WORKS ENGINEERING REPORTS

14.1 ACTION REPORT – WORKS ENGINEER

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:	9 February 2021
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

To inform Council of Works Engineering activities and actions for the preceding months.

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 14.1 – Action Report, Works Engineering

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council receives the Action Report, Works Engineering for January 2021.

Carried: 6/0

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

16. CONFIDENTIAL MATTERS

16.1 SALARIES AND ALLOWANCES TRIBUNAL

FILE REFERENCE: PL.07

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 10 February 2021

DISCLOSURE OF INTERESTS: The author has a financial interest in the proposal as the remuneration of the CEO is the subject of this report.

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council:

- 1. Resolve that the Salaried and Allowances Tribunal Report is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):**
 - (a) a matter affecting an employee or employees;**
- 2. Close the meeting to the public at 1.25pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995.**

Carried: 6/0

All members of the public gallery and staff member K Hannagan (disconnected) left the meeting at 1.25pm. (Note: Director Governance & Corporate to remain and take any minutes.)

Voting Requirement
Simple Majority.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council re-open the meeting to the public at 1.27 pm.

Carried: 6/0

Members of the public gallery and staff members re-entered the room at 1.27 pm, with Kevin Hannagan re-joining via Microsoft Teams video link.

The Presiding Member advised of Council's decision for the Confidential Agenda Item as follows.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr L West

That Council endorses the Submission to the Salaries and Allowances Tribunal as per confidential Attachment 16.1.

Carried: 6/0

17. NEXT MEETING

Scheduled for Wednesday, 31 March 2021 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

18. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 1.29 pm.