



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL


Minutes

**27 October 2021
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.

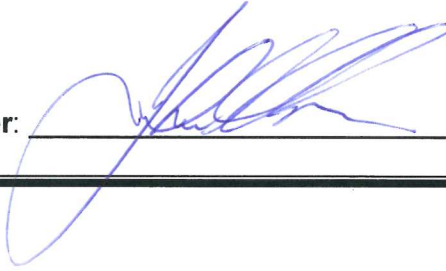


Chief Executive Officer

Date: 28-10-2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 27 October 2021.

Presiding Member: _____



Date: 24 / 11 / 2021

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0. DECLARATION OF COUNCILLORS ELECT

In accordance with section 2.29 of the Local Government Act 1995 Councillors Elect were sworn in by making the Declaration by an Elected Members of Council Form (Attachment 0, Electoral Form 7) prior to the Opening of the Ordinary Meeting of Council.

Thomas, Preston undertook the declaration to be a Councillor for the Shire of Ngaanyatjarraku

Porter, Julie undertook the declaration to be a Councillor for the Shire of Ngaanyatjarraku

The following Crs elect are yet to undertake the declaration:

- Jones, Andrew
- Frazer, Debra
- Benning, Alex

1. DECLARATION OF OPENING, ELECTION OF PRESIDENT / DEPUTY

1.1 DECLARATION OF OPENING

Being the first meeting of the Council following a biennial election day, the Chief Executive Officer assumed the role of Presiding Person until such time as a Shire President was elected.

The Chief Executive Officer declared the meeting open at 1.01pm.

1.2 ELECTION OF SHIRE PRESIDENT

The election of Shire President was conducted in accordance with Schedule 2.3 of the Local Government Act 1995. The Chief Executive Officer conducted the election as per clause 4(2) of Schedule 2.3.

In accordance with Section 2.28 (Item 11) of the Local Government Act 1995 the term of the Shire President ends when the President is next elected at or after the Local Government's next Ordinary Election. Therefore, it was necessary to elect the Shire President for a term of 2 years.

Nominations for the office were to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

As there were no nominations received before the meeting the Chief Executive Officer called for nominations.

Cr P Thomas nominated Cr D McLean as Shire President.

Cr D McLean advised the Chief Executive Officer that he was willing to be nominated for the office.

The Chief executive Officer called for further nominations as nominations were about to close to allow for any nominations made to be dealt with.

There were no further nominations received.

The Chief Executive Officer closed nominations and advised that as there were no further nominations Cr D McLean was elected unopposed as the Shire President.

After the election the Shire President made a declaration (Electoral Form 7) in accordance with Regulation 13 (1)(c) of the Local Government (Constitutions) Regulations 1996.

The Shire President took over the role of Presiding Person.

1.3 ELECTION OF DEPUTY SHIRE PRESIDENT

In accordance with the Section 2.28 (Item 12) of the Local Government Act 1995 the term of the Deputy Shire President ends at the start of the first meeting of the Council after the Local Government's next Ordinary Election. Therefore, it was necessary to elect the Deputy Shire President.

The Shire President conducted the election as per clause 8(2) of Schedule 2.3.

Cr J Porter nominated Cr P Thomas as Deputy Shire President.

Cr P Thomas advised the Shire President that he was willing to be nominated for the office.

The Shire President called for further nominations as nominations were about to close to allow for any nominations made to be dealt with.

There were no further nominations received.

The Shire President closed nominations and advised that as there were no further nominations Cr P Thomas was elected unopposed as the Deputy Shire President.

After the election the Deputy Shire President made a declaration (Electoral Form 7) in accordance with Regulation 13 (1)(c) of the Local Government (Constitutions) Regulations 1996.

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	D McLean P Thomas J Frazer L West J Porter
Staff:	CEO DIS DGS AC	K Hannagan (via Zoom) L Morgan C Green (via Zoom) S Richardson
Guests:	WAPol	Actg. Snr Sgt Mitch Hands, Warburton Inspector Craig Davis, Kalgoorlie
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr. Elect A Jones
Cr. Elect D Frazer
Cr. Elect A Benning

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) withnot 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 leasedland 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 givenwhen 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

Inspector Craig Davis advised the Council that:

- The new Warburton Snr Sgt would commence in December
- Funding has now been provided to make a bus service available for lands residents stranded at locations like Kalgoorlie to be returned to the lands.

The Shire President also advised Insp Davis that the Warburton Community have been pleased with the service of Mitch Hands whilst he has been acting Snr. Sergeant.

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 J Porter Seconded: Cr J Frazer
That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 29 September 2021 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (as circulated and available on the Shires official website) 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 October 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

All resolutions of Council have been acted upon.

Statutory Environment

Local Government Act 1995:

Section 2.7

"Role of council

(1) The council —

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

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

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

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

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

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'.

Section 5.100 of the Act expressly provides that a person who is a committee member but is not a council member or an employee is not to be paid a fee for attending any meeting.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management

Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

Not applicable

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council notes the report Progress on the implementation of Council Resolutions.

Carried: 5/0

10.2 USE OF COMMON SEAL

FILE REFERENCE:	IM.14
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	8 October 2021
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal.

Background

In accordance with Council Policy 1.17, Use of Common Seal, Council is to receive a copy of details from the register of all Common Seals affixed for the previous month at the first Ordinary Council Meeting of each month.

Comment

The relevant extract from the Current Register – Use of Common Seal has been prepared for Council and is attached.

Statutory Environment

Local Government Act 1995:

Section 2.7

“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

Not applicable.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

Council Policy, 1.17, Use of Common Seal

Attachments

Attachment 10.2, Extract from Current Register, Use of Common Seal

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

**That Council receives and notes Attachment 10.2, Extract from Current Register,
Use of Common Seal.**

Carried: 5/0

10.3 APPOINTMENT OF COUNCILLORS AND STAFF TO COMMITTEES

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	11 October 2021
DISCLOSURE OF INTERESTS:	The author has an impartiality interest shared in common as the position of CEO is to be appointed to some committees.

Summary

Following the Election on the 16 October 2021, Council must establish any Committees or Working Groups of Council that it considers are required and consider appointing delegates to those and also nominating delegates to any external committees or organisation as it deems appropriate.

Background

Being the first Ordinary Meeting of Council following the General Local Government Elections on the 16 October 2021, Council is required to give consideration to appointing Councillors and staff members to various committees on which it is represented.

Comment

Staff have reviewed the Committees, Working Groups and External Committees in an effort to ensure they are up to date and the various groups are detailed in the recommendation. In respect to Deputies, it is suggested that Council appoint the Councillors who are not members to the Committee as Deputies so they are able to attend and participate in Committee meetings to ensure quorums.

Statutory Environment

Local Government Act 1995
Part 5 Subdivision 2, Sections 5.8 to 5.18

Local Government (Administration) Regulations 1996
Part 2, Council and committee meetings.

A local government may establish (by an absolute majority) committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Council. Council may also nominate Councillors (or staff) to represent it on external committees such as those established by the State Government (e.g., Land Conservation District Committees).

A Council Committee is to have as its member's persons appointed (absolute majority) by the local government to be members of the committee. At any given time, each Councillor is entitled to be a member of at least one committee and if a Councillor nominates himself or herself to be a member of such a committee or committees, the local government is to include that Councillor in the persons appointed to at least one of those committees as the local government decides (section 5.10 Local Government Act 1995).

If at a meeting of the Council a local government is to make an appointment to a committee that has or will have a Councillor as a member and the President informs the local government of his or her wish to be a member of the committee, the local government is to appoint the President to be a member of the committee.

Where a person is appointed as a member of a committee the person's membership of the committee continues until:

- The person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;

- The person resigns from membership of the committee;
- The committee is disbanded; or
- The next ordinary election day, whichever happens first.

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

Financial Implications

There are no financial implications relevant to this appointment process, but expenses will be incurred to facilitate attendance at some of the listed meetings (e.g. airfares/accommodation to attend GVROC Regional Council Meetings).

Secretariat services of the various Council Committees or Working Groups is detailed as being relevant to the relevant Directorate. That notwithstanding the Office of CEO will assist as required with minute taking and governance control processes as usual.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

Council Policy, 1.12 - Committees

Attachments

Not Applicable

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

That with respect to the appointment of Councilors and Staff to Committees, Council:

- 1. Confirm that all previous appointments of Councilors and Staff to Shire of Ngaanyatjarraku Committees, and the Committees themselves, have expired.**
- 2. Establish the following Committees of Council and make the following appointments to those Committees:**
 - 1. Audit Committee**
Members: All Councilors.
Deputies: N.A.
Secretariat: Chief Executive Officer or nominee.
Membership: All Councilors.
Quorum: 5 Councilors.
Purpose: Under the Local Government Act 1995, S 7.1A, Local Governments are required to appoint an Audit Committee.

2. **Local Emergency Management Committee**

Delegates: Cr D McLean, Chief Executive Officer and Director Infrastructure.

Deputies: All other Councilors.

Secretariat: Chief Executive Officer or nominee.

Membership: Shire of Ngaanyatjarraku – Local Recovery Co-ordinator

Other representation as per determination of the delegate Councilors and the Chief Executive Officer.

Quorum: Pursuant to S38 (4) of the Emergency Management Act 2005.

Purpose: Pursuant to S39 of the Emergency Management Act 2005.

Meeting Cycle: As required.

3. **Nominate or appoint (as applicable) the following appointments to External Groups:**

1. **Goldfields Voluntary Regional Organisation of Councils**

Delegates: Cr D McLean and Chief Executive Officer

Deputies: All other Councilors

Meeting Cycle: As required

2. **MRWA Regional Road Group**

Delegates: Cr D McLean

Deputies: All other Councilors

Meeting Cycle: As required

3. **MRWA Regional Road Group – Technical Working Group**

Delegates: Chief Executive Officer

Deputies: Director Infrastructure

Meeting Cycle: As required

4. **MRWA Great Central Road Sealing Governance Group**

Delegates: Chief Executive Officer

Deputies: Director Infrastructure

Meeting Cycle: As required

5. **Outback Highway Development Council**

Committee Delegate & Treasurer: Chief Executive Officer

Proxy: Director Infrastructure

Meeting Cycle: As required

6. **Northern Goldfields Working Group**

Group Delegate: Chief Executive Officer

Proxy: Director Governance & Strategic

Meeting Cycle: As required.

Carried: 5/0

10.4 SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2022

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	13 October 2021
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

It is a statutory requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council each year.

Background

This report sets out the proposed locations and commencement times of Council Meetings for the calendar year 2022.

Council has generally set dates for Audit Committee meetings as required during the year.

Comment

In determining the dates, times and locations for the Ordinary Meeting of Council for the upcoming year, consideration has been given to a number of factors including travel and other cultural events that may clash.

To have consistency with operational requirements for preparing Council agendas it is suggested that meetings be held on the last Wednesday of the month. It is also suggested that the January 2021 meeting not be held due to the Christmas break and the December 2022 meeting to also be scheduled for the third Wednesday (21 December 2022) as that year it can be accommodated as it is not as close to the Christmas period.

It is also proposed to close the Warburton Administration Building from 4.30pm Wednesday 22nd December 2021 up to and including Monday 3rd January 2022.

Statutory Environment

Local Government Act 1995

Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart.

Section 5.25(1)(g) indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.

Local Government (Administration) Regulations 1996

Regulation 12 specifies the Date, Time and Venue of Ordinary Council Meetings for the next 12 months must be advertised once a year.

Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of the advertisement and the associated Council meetings.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

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

Not Applicable

Attachments

Not applicable

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council:

- 1) **adopts the Schedule of Ordinary Council Meeting dates, times and locations for the period February 2022 to December 2022 as outlined below:**

DATE	LOCATION	TIME
Wednesday, 23 February 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 30 March 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 27 April 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 25 May 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 29 June 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 27 July 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 31 August 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 28 September 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm

Wednesday, 26 October 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 30 November 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm
Wednesday, 21 December 2022	Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community	1.00 pm

2) Gives Public Notice of closure of the Warburton Administration Building from 4.30pm Wednesday 22nd December 2021 up to and including Monday 3rd January 2022.

Carried: 5/0

11 DEPUTY CEO / DIRECTOR CORPORATE SERVICES REPORTS

11.1 MONTHLY PAYMENTS LISTING

FILE REFERENCE:	FM.07
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy CEO / Director Corporate
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	18 October 2021
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal

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

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

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

11.1 – Payment Listing

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council receives the Payment Listing, September 2021 totaling payments of \$ 681,426.26 as per Attachment 11.1.

Carried 5/0

11.2 COUNCIL INVESTMENTS

FILE REFERENCE:	FM.04
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy CEO / Director Corporate
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	20 October 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 reduction of RBA interest rate has greatly reduced term deposit interest.

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

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

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

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

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That the report on Council Investments as at Attachment 11.2 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 CEO / Director Corporate
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	19 October 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.

Background

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

Council has resolved those 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:

- Governance income is higher due to refunds for FBT and workers compensation;
- Road income higher as grant received in advance;
- Housing Expenses are under budget in as the Maintenance Officer has not returned to the lands as yet to undertake budgeted works;
- Housing maintenance is under budget due to unavailability of staff;
- Community Amenities expenditure under as difficulty in sourcing rubbish collection staff and replacement of the Operations Coordinator;
- Recreation expenditure under due to difficulty in recruiting replacement staff;
- Transport expenditure under due to difficulty sourcing grader operators and Covid border closures.
- Tourism under as consultancy project has begun but no invoices received to date.

Please note that depreciation has not been run yet due to finalization of previous years Audit.

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.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

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

11.3 - Monthly Financial Report.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr P Thomas

That Council receives the monthly financial report for September 2021.

Carried 5/0

12. DIRECTOR GOVERNANCE & STRATEGIC REPORTS

12.1 QUARTERLY PROGRESS REPORT ON THE PLAN FOR THE FUTURE

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:	18 October 2021
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

To provide Council with a quarterly progress report on the Plan for the Future (2021 – 2031), including a summary of Strategic Projects as at 18 October 2021

Background

The Plan for the Future (2021 – 2031) was adopted by the Shire on the 26 May 2021 and was developed after extensive community engagement with the community's aspirations and needs at its heart. The Plan for the Future, 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 Plan for the Future 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 will conduct a major review of the plan every four years with a desktop review every two years

The Shire is currently progressing the following Strategic Projects, to deliver on the strategic outcomes detailed in the Plan.

- Warburton Concept Plan
- Waste Management Plan
- Sport and Recreation Plan
- Information and Communications Plan
- Record keeping Plan
- Fleet Management

Warburton Concept Plan

The purpose of this project is to assist the Shire in developing a Concept Plan and Business Case for the proposed development works in Warburton around the Roadhouse and Tjulyuru Cultural & Community Centre.

Progress to date:

- Engaged The Fulcrum Agency and KPMG, to develop a Concept Plan and Business case

- Conducted an onsite visit to Warburton with the consultants and the project manager.
- Interviewed key stakeholders from the Council and community.
- Data collection on the facilities and civic precinct
- Identified key themes,
 - Keeping Ngaanyatjarra culture strong (community-first approaches)
 - Authentic Tourist Experiences (supporting local business, economy)
- Determine 4 key elements of the project
 - Warburton Civic precinct
 - Art Collection
 - Arts space
 - Gallery
- Provided preliminary project options

Waste Management Plan

The Shire completed a Waste management Plan as requested by the Lands Service Review Committee. The Shire was requested by the LSRC on behalf of Treasury to develop an abridged financial plan to undertake the strategic planning aspects in Year 1 with implementation of service in Year 2. This plan was submitted for consideration in the September State Budget, unfortunately the Shire was advised that the State did not approve funding. The Shire has since sought further explanation from the Department of Communities and has been advised that they are undertaking further financial analysis of options and will respond back soon.

Sport and Recreation Plan

The purpose of this project is to assist the Shire in developing a Sport and Recreation Plan to document how a holistic Sport and Recreation service will be provided for the community in a well-managed and sustainable manner. The future strategic direction of Sport and Recreation in our communities will be reliant on a well-developed sustainable model with appropriate external funding secured.

The State have given no response to the plan provided.

The Shire has recently submitted a grant application for funding through the Department of Local Government, Sport and Cultural (DLGSC) for \$50,000 per annum for 3 years to assist fund the S&R School Holiday Program in Warburton.

Information and Communications Plan

The purpose of this project is to assist the Shire in developing an Information and Communication Plan, and to select a suitably qualified managed ICT service provider to administer the Shire's Strategic Information Technology Plan (IT Plan). The primary goal of the IT Plan is to support the business objectives of the Shire and to facilitate efforts to provide efficient and effective services to its community and stakeholders.

The Shire has also introduced the provision of further information to the community on Shire activities via NG Media and has introduced a Media Release section on its website and now has a Facebook page.

Progress to date:

- Engaged Focus Networks to develop the IT Plan and manage our ICT services
- Reviewed our whole ICT operations with a view to improving how we do business
- An audit of existing hardware and software
- Development of staged action plan
- Upgrade of the video and audio facilities in the conference room
- Migration of SharePoint data onto the Focus server
- Migration of Synergy Soft data onto the Focus server
- Implemented an email protection system.

Next Steps:

- Scheduled ongoing maintenance program
- Development of an IT Disaster Recovery Plan
- Developing security solutions

Record Keeping Plan

The purpose of this project is to set out the matters about which records are to be created by the Shire and how it is to keep its records. The plan is required to be updated every 5 years and presented to the State Records Commission in accordance with Section 19 of the *State Records Act 2000* (the Act).

Progress to date:

- Full review of the 2016 RKP
- Review of existing practices and procedures linked to the RKP
- Liaison with Focus networks and other external providers
- An audit of existing record keeping programs
- Liaison with the State Records Office of WA
- Complete the self-evaluation checklist

Next Steps:

- Submit the RKP to the State Records Commissioner for sign off.
- Scheduled ongoing record keeping maintenance program
- Development of a Disaster Recovery Plan
- Review of existing records storage facilities

Fleet Management

The purpose of this project is to develop a Plant Replacement Program to assist with the maintenance and replacement of the Shires fleet of vehicles in a methodical manner.

Progress to date:

- An audit of the existing Shires fleet
- Developed a Fleet Replacement Program (FRP)
- Linked the FRP with the Long Term Financial Plan
- Updated the motor vehicle policies
- Linked to Annual Budget
- Sourced a provider for the Servicing of the fleet (GTN Services)

Next Steps:

- Annual replacement program.
- Scheduled ongoing maintenance program
- Regular review of the FRP, in line with budget priorities

Future Strategic Projects

1. Disaster Recovery Plan
2. Business Continuity Plan
3. CEO Procedures
4. Tele-Communications proposal
5. Housing Strategy
6. GVROC Regional Climate Alliance Program

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 Plan for the Future 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.

Strategic Implications

Plan for the Future, 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is low, however, continuing to monitor the progress of the projects will further reduce the risk.

Policy Implications

Not Applicable.

Attachments

12.1 - Plan for the Future 2021 - 2031 (Strategic Community Plan / Community Business Plan)
progress comments

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

That council notes the quarterly progress report on the Plan for the Future (2021 – 2031), including a summary of Strategic Projects as at 18 October 2021.

Carried 5/0

12.2 GVROC SUBMISSION TO THE 2021 REGIONAL TELECOMMUNICATIONS REVIEW

FILE REFERENCE:	GR.00
AUTHOR'S NAME AND POSITION:	Cary Green Director Governance and Strategic
AUTHORISING OFFICER AND POSITION	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	7 October 2021
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to note the Goldfields Voluntary Regional Organisation of Councils (GVROC) submission to the 2021 Regional Telecommunications review.

Background

A Regional Telecommunications Independent Review Committee has been established under Part 9B of the Telecommunications (Consumer Protection and Service Standards) Act 1999 to conduct a review into telecommunications services in regional, rural and remote parts of Australia.

As part of the Review, the Committee will consider:

- the impact of Government policies and programs to improve regional connectivity and digital inclusion;
- insights from COVID-19 on the changing digital needs of regional, rural and remote areas;
- service reliability issues which impact regional communities and options for mitigating them;
- the role of emerging technologies in delivering telecommunications services in regional Australia;
- ways of encouraging further investment in regional telecommunications;
- the role of telecommunications in supporting broader regional development goals;
- ways to improve co-ordination between government and industry in telecommunications investment; and
- consumer awareness and education regarding telecommunications options in regional areas.

The Committee invited regional communities, businesses and local governments to engage directly with the committee through face-to-face consultations, written submissions and online forums.

The Independent Review Committee will report to the Minister for Regionalisation, Regional Communications and Regional Education by 31 December 2021.

Comment

The Shire of Ngaanyatjarraku was invited through GVROC to make a submission to the Regional Telecommunications Review issues paper. Our submission provided detailed responses to the 16 questions outlining the needs and requirements of the Shire for basic telecommunications in our remote aboriginal communities.

The Shires response was then forwarded to GVROC who in turn provided an overarching response from the 9 Local Governments in the Region. The attached GVROC Submission highlights the issues and challenges faced with telecommunications services in regional, rural, and remote parts of Australia through a focus on the Goldfields Esperance region.

In conclusion the report highlights several key issues to be taken into consideration by the committee as part of the final review, and recommendation for resourcing of regional and remote telecommunications.

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.”

Financial Implications

There are currently no known financial implications for this matter.

Strategic Implications

Plan for the Future, 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

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 12.2 – Copy of the Submission to the 2021 Regional Telecommunications Review

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council notes the Goldfields Voluntary Regional Organisation of Councils (GVROC) submission to the 2021 Regional Telecommunications review.

Carried 5/0

13. DIRECTOR INFRASTRUCTURE SERVICES REPORT

13.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE: EM.00

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

AUTHORISING OFFICER AND POSITION: Les Morgan
Director Infrastructure

DATE REPORT WRITTEN: 14 October 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 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

Plan for the Future 2021 - 2031

Goal 1, Our People

Outcome 2, Healthy People

Strategy: 2.2, Ensure appropriate regulatory health and waste services provision with funding

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 13.3 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

That Council receives the Action Report, EHO / Building Services for September 2021.

Carried 5/0

13.2 ACTION REPORT – WORKS ENGINEER

FILE REFERENCE:	RD.00
AUTHOR'S NAME AND POSITION:	Peter Kerp Works Engineer
AUTHORISING OFFICER AND POSITION:	Les Morgan Director Infrastructure
DATE REPORT WRITTEN:	21 October 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 month.

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 - 2031

Goal 2, Our Land

Outcome 5, Travelling our Land

Strategy: 5.1, Effective management and planning of road infrastructure

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 13.3 – Action Report, Works Engineering

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

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

Carried 5/0

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

14.1 ATTENDANCE BY TELEPHONE CR THOMAS

Council Resolution

Moved: Cr J Fraser Seconded: Cr J Porter

That Council approves Cr P Thomas request to attend the next Ordinary Meeting of Council by telephone (if necessary), as he will be:

(a) in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and

(b) will be in a suitable place.

Carried: 5/0

15. CONFIDENTIAL MATTERS

16. NEXT MEETING

Scheduled for Wednesday, 24 November 2021 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 1.36 pm.