



**MINUTES FOR THE  
ORDINARY COUNCIL MEETING  
HELD ON**

**Wednesday 15 February 2017**

**SHIRE OF MINGENEW**



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## SHIRE OF MINGENEW

### MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 15 February 2017 COMMENCING AT 4.30pm

#### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President, Cr Bagley, declared the meeting open at 4.30pm and welcomed all in attendance.

#### 2.0 ATTENDANCE

MA Bagley	President	Rural Ward
HM Newton	Councillor	Town Ward
GJ Cosgrove	Councillor	Rural Ward
MP Pearce	Councillor	Town Ward
KL Criddle	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward
CR Lucken	Councillor	Town Ward

#### STAFF

MG Whitely Chief Executive Officer

#### APOLOGIES

Nil

#### 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

#### 4.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

4.32pm – The Presiding Person opened public question time and explained that a minimum time of 15 minutes was allowed from the public.

4.33pm – Mr Murray Thomas entered the meeting

Mr Murray Thomas addressed Council on behalf of the Mingenew Tennis Club. Mr Thomas informed Council that for a number of years now the Tennis Club have been having discussions about the possibility of reinstating the tennis courts to the north of the existing courts. The club have been fundraising for a number of years now and the decision had been made to look at building an additional 2-3 synthetic or hard courts which would also include replacing the existing fencing to the north of the existing courts. At this stage a decision had not been made as to whether any additional lighting would be included with the project.

Mr Thomas explained to Council that membership is currently very strong at the Tennis Club and with the facilities being used for junior coaching and school clinics the club feel they can demonstrate the need for the installation of additional courts.

The President asked Mr Thomas if the Tennis Club had prepared any cost estimates for the project and if the Tennis Club were looking any funding opportunities or making a budget submission to Council for a financial contribution. Mr Thomas explained to Council that at this stage no cost estimates had been obtained for the project, however it was the intention of the Tennis Club to seek funding from the Department of Sport & Recreation and make a funding submission to Council.

The Chief Executive Officer explained to Mr Thomas that there are two rounds of funding under the Community Sporting and Recreation Facilities Fund (CSRFF) coordinated by the Department of Sport & Recreation. The Small Grants round is for projects up to \$200,000 and the closing date is March and August each year, while there is also an Annual Grants round for larger projects in excess of \$200,000 which closes in September each year.

4.41pm – Mr Murray Thomas left the meeting

## **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

## **6.0 DECLARATIONS OF INTEREST**

Item 9.1.7 – The President declared an interest as the Treasurer of the Mingenew Turf Club and advised that she would not be participating in discussions and would be leaving the meeting.

Item 12.1.1 – The Chief Executive Officer declared a financial interest in the item, as such would vacate the meeting during Council consideration of the item.

## **7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

### **7.1.1 ORDINARY MEETING HELD 21 DECEMBER 2016**

<b>COUNCIL DECISION – ITEM 7.1</b>
------------------------------------

**Moved Cr Criddle**

**Seconded Cr Eardley**

**That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 21 December 2016 be confirmed.**

**CARRIED: 7/0**

### **7.1.2 AUDIT COMMITTEE MEETING HELD 21 DECEMBER 2016**

<b>COUNCIL DECISION – ITEM 7.2</b>
------------------------------------

**Moved Cr Eardley**

**Seconded Cr Newton**

**That the minutes of the Audit Committee Meeting of the Shire of Mingenew held in the Council Chambers on 21 December 2016 be received.**

**CARRIED: 7/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**9.0 OFFICERS REPORTS**

## **9.1 CHIEF EXECUTIVE OFFICER**

### **9.1.1 SINO STEEL FUNDS**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0100  
**Date:** 8 February 2017  
**Author:** Martin Whitely, Chief Executive Officer

#### **Summary**

This report seeks Council endorsement to use funds held in trust to be used for the refurbishment of the Mingenew Town Hall.

#### **Attachment**

Sino Steel Memorandum of Understanding

#### **Background**

In the past there have been various discussions on suitable projects to utilise the balance of the Sino Steel funds currently held in trust. At the December 2016 Concept Forum meeting Council agreed that the refurbishment of the Mingenew Town would be a suitable project to release the funds for. To formalise this arrangement an item has been prepared to release the funds from trust to pursue further options of refurbishing the Mingenew Town Hall.

#### **Comment**

Part 3 of the MOU outlines the conditions in place for the Community Development Fund. Section 3.4 outlines the criteria of the Committee and as stated in the MOU should consist of four members being the President or Deputy President of the Shire, two members of the community as selected by Council and 1 representative from Sino Steel. In the absence of a Sino Steel representative I believe that it is a fair assumption for a majority Council decision to suffice as this would make up the majority or 75% of the Committee based on the two members of the community being selected Councillors representing the best interests of the community.

The refurbishment of the Town Hall would clearly fall under 3.5 as a disbursement for the benefit of the citizens of the Shire of Mingenew.

There is currently a balance of \$63,415 in the Trust for Sino Steel funds. I will be recommending that these funds be allocated towards the cost of refurbishing the town hall.

There is no budget allocation for the refurbishment of the Town Hall in the 2016/17 financial year; as such Council will need an Absolute Majority of Council to allow expenditure to take place in this financial year. I will be recommending that Council allocate \$300,000 towards the refurbishment of the Town Hall comprising of \$63,415 of Shire resources from the Trust fund and that an application be made to Lotterywest and/or other funding providers for the balance.

#### **Consultation**

All Councillors

Lotterywest

Community survey on refurbishing the Town Hall

**Statutory Environment**

Local Government Act 1995 states as follows;

**6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.
- (2) Where expenditure has been incurred by a local government —
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

**Policy Implications**

Nil

**Financial Implications**

There is no budget allocation for the refurbishment of the Town Hall in the 2016/17 financial year. Allocating funds held in trust and seeking grant funding for the balance of the project will mean that there will be no effect on the Shire's cash position in the 2016/17 financial year.

**Strategic Implications**

Community Strategic Plan

Outcome 1.3.1 – Maintain and enhance existing historical infrastructure and consider heritage listing and Funding opportunities

Outcome 2.4.1 – Maintain and enhance existing historical infrastructure

Outcome 3.2.8 – Undertake improvements to the Mingenew Town Hall to ensure that it continues to be used

Outcome 3.6.1 – Continue to provide quality facilities for events

**Voting Requirements**

Absolute Majority

<b>OFFICER RECOMMENDATION – ITEM 9.1.1</b>
--------------------------------------------

**That Council**

1. Support the refurbishment of the Mingenew Town Hall, and
2. Endorse the transfer of Sino Steel funds held in trust being \$63,415 for the purpose of refurbishing the Town Hall, and
3. An allocation of \$300,000 be made in the budget for the Town Hall refurbishment in the 2016/17 financial year, and
4. Authorise the Chief Executive Officer to pursue funding options for the balance of funds for the project, and
5. Any necessary adjustments required are considered during the 2016/17 Budget Review process

<b>COUNCIL DECISION – ITEM 9.1.1</b>
--------------------------------------

**Moved Cr Cosgrove**

**Seconded Cr Criddle**

**That Council**

- 1. Support the refurbishment of the Mingenew Town Hall, and**
- 2. Endorse the transfer of Sino Steel funds held in trust being \$63,415 for the purpose of refurbishing the Town Hall, and**
- 3. An allocation of \$300,000 be made in the budget for the Town Hall refurbishment in the 2016/17 financial year, and**
- 4. Authorise the Chief Executive Officer to pursue funding options for the balance of funds for the project, and**
- 5. Any necessary adjustments required are considered during the 2016/17 Budget Review process**

**CARRIED 7/0**



### 9.1.2 ROAD CLOSURE POLICY

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0388  
**Date:** 8 February 2017  
**Author:** Martin Whitely, Chief Executive Officer

#### **Summary**

This report recommends that Council adopt a Road Closure Policy.

#### **Attachment**

Road Closure Policy

#### **Background**

In previous Concept Forums there has been discussion on the Shire having a Road Closure Policy. At the latest Concept Forum in December 2016 several different road closure policies were tabled and it was agreed that a Road Closure Policy be tabled for endorsement.

#### **Comment**

The tabled Road Closure Policy is very simple; however in saying that, the policy addresses those concerns raised by Council in the event of having to close roads in the event of inclement weather conditions.

#### **Consultation**

Full Council

#### **Statutory Environment**

Section 3.50 of the Local Government Act 1995  
Section 84 of the Road Traffic Act 1974

#### **Policy Implications**

The adoption of this policy will be a new Shire policy.

#### **Financial Implications**

Nil

#### **Strategic Implications**

Community Strategic Plan  
Outcome 2.5.1 - Maintain and improve road assets

#### **Voting Requirements**

Simple Majority

<b>OFFICER RECOMMENDATION – ITEM 9.1.2</b>
--------------------------------------------

**That Council adopt the Road Closure Policy as tabled.**

**MOTION**

**Moved Cr Cosgrove**

**Seconded Cr Eardley**

**That Council adopt the Road Closure Policy as tabled.**

**AMENDMENT**

**Moved Cr Cosgrove**

**Seconded Cr Pearce**

**That the wording in part 2 of the Policy Statement the Road Closure Policy be amended from “is delegated the power to” to read “has delegated powers as instructed by the Chief Executive Officer and/or President”.**

**CARRIED 7/0**

<b>COUNCIL DECISION – ITEM 9.1.2</b>
--------------------------------------

**The Presiding Person put the amended motion;**

**That Council adopt the Road Closure Policy as tabled with the revised wording amendment.**

**CARRIED 7/0**

**The Presiding Person advised the meeting that the reason for the change would need to be recorded in the minutes.**

**Moved Cr Cosgrove**

**Seconded Cr Pearce**

**That the reason the officer recommendation was changed was to clarify the delegated authority role of the Manager of Works in the process of closing roads.**

**CARRIED 7/0**

### 9.1.3 MID WEST AERO MEDICAL

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0067  
**Date:** 8 February 2017  
**Author:** Martin Whitely, Chief Executive Officer

#### Summary

This report recommends that Council consider an offer from Midwest Aero to increase their level of service delivery in Mingenew.

#### Attachment

Letter from Midwest Aero Medical  
Memorandum of Understanding

#### Background

In September 2015 a Memorandum of Understanding was signed between Midwest Aero Medical and the Shire of Mingenew for the provision of medical services. The agreement states that Midwest Aero Medical will provide a visiting doctor on a weekly basis in consideration of \$500 (GST Inclusive) per visit. The current MOU may be terminated by mutual agreement of both parties in writing at any time or by either party giving six weeks written notice in writing to the other party at any time.

#### Comment

Following discussions with Dr Stuart Adamson in late January 2017 the subject was raised about the viability of offering bulk billed medical services in Mingenew. Currently regular consultations are provided on a fee for service arrangement, whereby a bulk billed service would mean that a regular doctor's consultation would not be charged to the patient.

There is obviously a cost to Midwest Aero Medical in providing this service as the rebateable amount is substantially less than a full consultation fee. Dr Adamson has kindly agreed to absorb much of the additional cost as a service to the local community but has asked that if bulk billing was to be provided then the weekly visit fee would need to increase from \$500 a week to \$750 a week, or \$13,000 (GST Inclusive) per annum. If Council were to agree to the proposal then bulk billing would be reviewed after a six month period to assess the continued viability of the service.

Services that would not be eligible to be bulk billed would include pre-employment medicals, insurance medicals, drivers' license medicals, workers compensation and corporate based services such as skin checks which the Shire currently avail of for staff at a cost of \$50 per person.

A discussion that took place was the current lack of Home and Community Care (HACC) services currently offered in Mingenew. This matter is currently being addressed with Di Franklin, Manager, Aged and Community Care Services for the WA Country Health Service Midwest region but as an interim measure Dr Adamson has offered, with the consent of the patients, to conduct weekly home visits for priority patients. This service would likely involve 2-3 visits each week prior to the commencement of normal patient consultations at the Silver Chain building.

Currently through an agreement with Karara and the Shire the Mingenew, the community are offered free dental and I see the addition of free medical services and the provision of home visits as a real asset and selling point for our community.

If the bulk billing arrangement was to continue as per the proposed agreement, I think the additional \$13,000 per annum is a great investment in terms of the benefits that will be derived for Mingenew.

**Consultation**

Dr Stuart Adamson, Midwest Medical Aero  
Melinda Borchers, Midwest Aero Medical

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

If the trial 6 month period was to commence at the beginning of March 2017 then an additional cost of \$4,333 would be incurred. There is sufficient allocation in the budget under Support for Community Groups to absorb these costs in the 2016/17 financial year.

**Strategic Implications**

Community Strategic Plan

Outcome 3.5.1 - Increased access to appropriate medical services

Outcome 3.5.2 – Continue to support medical practitioners and other health organisations.

Outcome 3.5.3 - Improved provision of home and community care support services

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.3**

**That Council;**

- 1. Agree to the proposal from Midwest Aero Medical to increase the weekly visitation fee to \$750 to allow the provision of bulk billing, and**
- 2. That the bulk billing be trialled for a six month period commencing in March 2017, or sooner if this is practically possible, and**
- 3. After the six month trial period the agreement is reviewed and if continued that a new Memorandum of Understanding be drawn up to include the bulk billing service, and**
- 4. That home visitations are supported by Council**

**COUNCIL DECISION – ITEM 9.1.3**

**Moved Cr Pearce**

**Seconded Cr Eardley**

**That Council;**

- 1. Agree to the proposal from Midwest Aero Medical to increase the weekly visitation fee to \$750 to allow the provision of bulk billing, and**
- 2. That the bulk billing be trialled for a six month period commencing in March 2017, or sooner if this is practically possible, and**
- 3. After the six month trial period the agreement is reviewed and if continued that a new Memorandum of Understanding be drawn up to include the bulk billing service, and**
- 4. That home visitations are supported by Council**

**CARRIED 7/0**

#### 9.1.4 EMERGENCY SERVICES REVIEW LEVY

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0048  
**Date:** 8 February 2017  
**Author:** Martin Whitely, Chief Executive Officer

##### Summary

This report recommends that Council continue discussions with WALGA over the Review of the Emergency Services Levy Issue Paper.

##### Attachment

Review of the Emergency Services Levy Issues Paper

##### Background

The State Government announced in September that it would be adopting all 17 recommendations of the Special Inquiry into the January 2016 Waroona Fire. The State Government have now released the terms of reference for a Review of the Emergency Services Levy (ESL). The review is being undertaken by the Economic Regulation Authority (ERA) and on 30 January 2017 they released an issues paper along with timeframes for the first phase of public consultation. The ERA has released an issues paper which provides background information on the ESL, explains the purpose of the review and the issues the ERA will examine and is shown in the Attachment. The due date for submissions is by 4.00p.m. Friday 10 March.

##### Comment

The Review of the Emergency Services Levy Issues Paper by the Economic Regulation Authority as attached in summary raises the following questions;

1. How should funding be allocated across prevention, preparedness, and response and recovery activities?
2. What should the ERA consider in assessing whether the current method for setting the ESL is appropriate for current and future needs?
3. What emergency service expenditures should be funded by the ESL?
4. How are expenditures on emergency services likely to change in the future?
5. How could the method for setting the ESL be improved?
6. What information should be made public about the administration and distribution of ESL funding?
7. What processes should be in place to ensure accountability in the expenditure of ESL funding?
8. Which agency should be tasked with distributing funding from the ESL?
9. If a rural fire service was established should it be funded by the ESL?
10. How much would a rural fire service cost and what effect would this have on the ESL rates?

In an email from WALGA sent to all CEO's on Monday 6 February 2017 a request was made from WALGA for all local governments to;

1. To provide WALGA with a contact person from each local government for undertaking a survey to inform the submission and a communication point for the Association.
2. To encourage discussion of this agenda item within your council and at Zone meetings, and
3. To include WALGA in any correspondence should a local government decide to make an individual submission

I have already forwarded my details to WALGA as the contact person for the Shire of Mingenew and forwarded the email from WALGA to Barrye Thompson to include as an agenda item for the upcoming Northern Country Zone Meeting to be held on Monday 20 February 2017 in Mingenew.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

WALGA have informed local governments that they have adopted a campaign approach to inform the sector and coordinate the submission. Below are the milestones that WALGA have put in place to meet the timeframes set by ERA.

<b>ESL Milestones</b>	
<b>Actions</b>	<b>Due date</b>
Advice to all State Councillor's, Elected Members and CEOs	<b>Monday 6 February 2017</b>
All councils provide WALGA with one key contact per local government or Advise WALGA that your council will provide a copy of your individual submission	<b>Friday 10 February 2017</b>
Survey released for all councils to address questions raised by the ERA	<b>Monday 13 February 2017</b>
Deadline for all councils to submit survey	<b>Monday 27 February 2017</b>
WALGA to consolidate feedback and finalise draft submission	<b>Monday 3 March 2017</b>
Executive Committee Review	<b>Tuesday 4 March 2017</b>
WALGA submission to ERA	<b>Friday 10 March 2017</b>
<b>WEEKLY communication</b> <ul style="list-style-type: none"> <li>- To key contacts list (including State Councillors, Elected members, CEOs and nominated contacts)</li> <li>- LG News and Councillor Direct articles</li> <li>- Zone and State Council meetings</li> </ul>	<b>Throughout the five weeks.</b>

Further, up to four (4) workshops will be held to assist with the discussion and gathering of data to inform this vital review. WALGA will provide updates to all Zones and State Council as to the progress of the development of the submission throughout the five weeks that has been provided to all stakeholders. In order for the sector have any impact on changes to the ESL, it is critical that all Councils participate in further consultation and are able to provide the financial data as required. It would be prudent of councils to provide it to WALGA to ensure all Council's needs are reflected within the submission.

**Consultation**

WALGA

**Statutory Environment**

- Local Government Act 1995
- Fire and Emergency Services Act 1998
- Bush Fires Act 1954
- Fire Brigades Act 1942
- FESA Act 1998
- Economic Regulation Authority Act 2003

**Policy Implications**

Policy implications may include recommendations that have the potential to effect changes to the Administration of the ESL, Funding allocated to the Local Government Grants Scheme and the Administration of Bushfire Brigades.

**Financial Implications**

Dependent on the outcomes of the Issues Paper there are potential effects on the grant funding received through the ESL Levy and increased operational costs with the administration of emergency and bush fire services within the Shire.

**Strategic Implications**

Community Strategic Plan

Outcome 3.7.3 -Continuously improve emergency services

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.4**

**That Council;**

- 1. Agree to the Shire of Mingenew participating in discussions with WALGA over the Review of the Emergency Services Levy Issue Paper, and**
- 2. Support WALGA in their submission to be made to the Economic Regulation Authority by 10 March 2017,**
- 3. Request that the matter be tabled for discussion at the Northern Country Zone Meeting to be held on 20 February 2017, and**
- 4. Authorise the CEO as and if required to make an individual submission to the Economic Regulation Authority by 10 March 2017.**

**COUNCIL DECISION – ITEM 9.1.4**

**Moved Cr Eardley**

**Seconded Cr Criddle**

**That Council;**

- 1. Agree to the Shire of Mingenew participating in discussions with WALGA over the Review of the Emergency Services Levy Issue Paper, and**
- 2. Support WALGA in their submission to be made to the Economic Regulation Authority by 10 March 2017,**
- 3. Request that the matter be tabled for discussion at the Northern Country Zone Meeting to be held on 20 February 2017, and**
- 4. Authorise the CEO as and if required to make an individual submission to the Economic Regulation Authority by 10 March 2017.**

**CARRIED 7/0**

**9.1.5 TENDER – TOWN HALL REFURBISHMENT**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0013  
**Date:** 8 February 2017  
**Author:** Martin Whitely, Chief Executive Officer

**Summary**

This report recommends that additional information be collated from the tender submissions for the refurbishment of the Mingenew Town Hall.

**Attachment**

Tender Document  
 Tender Submissions received including additional information

**Background**

A scope of works to undertake a refurbishment of the Town Hall was prepared and tenders advertised for these works to be undertaken. The tender was first advertised on 14 December 2017 in the West Australia and closed on 18 January 2017 after an additional week was provided to all people that has expressed an interest due to the Christmas / New Year period break. There was a need to advertise the tender by public notice since there were no suitable contractors on the preferred supplier list to advertise thru the WALGA EQuotes system.

**Comment**

There was significant interest from a number of contractors to complete the project. In the end a total of 3 submissions were received and they are tabled below. All pricing is GST Inclusive;

Hi Constructions Aust Pty Ltd	\$310,956
PS Chester & Son	\$293,491
Coral Coast Homes & Construction	\$291,784

As you will see from the submissions there is limited detailed information as to the breakdown of the costs so I requested an itemised breakdown of the following areas. All pricing is GST Inclusive;

Item	Description	Hi Constructions	PS Chester & Son	Coral Coast
C	Remove and Replace Multi Line Asbestos Panels		7,716	5,050
D	Remove and Replace Asbestos Panels		2,483	977
H	Remove and Replace Asbestos Panels		46,780	12,291
N	Remove and replace asbestos ceiling		4,460	2,168
O	Remove & replace ceiling and cornices		50,320	52,050
U	Remove & replace ceiling		6,444	3,848
X	Remove and replace roof		80,410	81,534
	Preliminary Works Allocation			35,000
	<b>TOTAL COST</b>	<b>\$174,459</b>	<b>\$198,613</b>	<b>\$192,918</b>

While the above pricing provides a bit more detail, it is still difficult to ascertain if all three contractors are quoting on exactly the same works and materials. This is a result of the broad scope of works provided within the tender documents, however it does now give Council a much better insight into the cost of the project and that these costs could be well managed by firstly obtaining a substantial amount of funding but secondly completing much of the minor works in house.



### **Consultation**

Consultation was carried with all of the contractors interested in the tender.

### **Statutory Environment**

Local Government Act 1995

#### **3.57. Tenders for providing goods or services**

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions & General) Regulation 1996 - Part 4 – Provision of Goods and Services and Part 4A – Regional Price Preference, in particular section 11;

#### **11A. Purchasing policies for local governments**

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
  - (a) the form of quotations acceptable; and
  - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
  - (b) the recording and retention of written information, or documents, in respect of —
    - (i) all quotations received; and
    - (ii) all purchases made.

#### **Division 2 — Tenders for providing goods or services (s. 3.57)**

##### **11. When tenders have to be publicly invited**

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
  - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
  - [(ba) *deleted*]
  - (c) within the last 6 months —
    - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

- (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or

- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
  - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
  - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
  - (i) petrol or oil; or
  - (ii) any other liquid, or any gas, used for internal combustion engines;

or

- (h) the following apply —
  - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the *Small Business Development Corporation Act 1983*; and
  - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
  - (iii) the local government is satisfied that the contract represents value for money;

or

- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
  - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
  - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
  - (iii) the original contract contains an option to renew or extend its term; and
  - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

or

- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

*[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6.]*

**Policy Implications**

Policy No. 3007 – Purchasing Policy

**Financial Implications**

Nil

**Strategic Implications**

Community Strategic Plan

Outcome 3.2.8 – Undertake improvements to the Mingenew Town Hall to ensure that it continues to be used

Outcome 3.6.1 – Continue to provide quality facilities for events

Outcome 4.5.1 - Ensure compliance with local, town planning, building and health and all other relevant legislation.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.5**

To assist Council in deciding which tender would be the most advantageous to it to accept, that all three submissions tendered be requested to clarify the information provided in the tender in accordance with the Local Government (Functions & General) Regulations 1996.

**COUNCIL DECISION – ITEM 9.1.5**

Moved Cr Lucken

Seconded Cr Eardley

To assist Council in deciding which tender would be the most advantageous to it to accept, that all three submissions tendered be requested to clarify the information provided in the tender in accordance with the Local Government (Functions & General) Regulations 1996.

**CARRIED 7/0**

### 9.1.6 REVIEW OF DELEGATIONS REGISTER

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0342  
**Date:** 8 February 2017  
**Author:** Martin Whitely, Chief Executive Officer

#### **Summary**

This report recommends changes to the reference “Deputy Chief Executive Officer” in the Shire’s Delegations Register.

#### **Attachment**

Nil

#### **Background**

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per Local Government Act 1995 sections 5.18 and 5.46. These delegations include those from Council to the Chief Executive Officer and Committees, and the Chief Executive Officer to other staff. Council last reviewed the Delegations Register in October 2016.

#### **Comment**

As you are aware the Deputy Chief Executive Officer, Nita Jane tendered her resignation and ceased employment with the Shire on Friday 10 February 2017. Subsequently the vacant position was advertised as a Finance Manager role with applications closing on Wednesday 8 February 2017. As a result any reference to “Deputy Chief Executive Officer” in the Shire’s Delegation Register and Policy Manual will need to be amended to read “Finance Manager”. In the event that the Finance Manager was to commence prior to the next Ordinary Council Meeting on 15 March 2017 I seek Council’s approval to make the above changes.

#### **Consultation**

Nil

#### **Statutory Environment**

Local Government (Functions & General) Regulations 1996

Local Government Act 1995 states;

#### **5.18. Register of delegations to committees**

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

#### **Policy Implications**

Policy No. 3007 – Purchasing Policy

#### **Financial Implications**

Nil

**Strategic Implications**

Community Strategic Plan

Outcome 4.5.1 - Ensure compliance with local, town planning, building and health and all other relevant legislation.

Outcome 4.5.2 - Maintain, review and ensure relevance of Council policies and local laws.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.6**

That Council;

1. Review and Adopt the amended Delegations Register as presented will all references to Deputy Chief Executive Officer be replaced with Finance Manager, and
2. Authorise the Chief Executive Officer to make any necessary amendments to substitute the wording Finance Manager in the place of Deputy Chief Executive Officer for all relevant Shire Policies and Procedures, and
3. The Chief Executive Officer to provide in writing powers and duties allocated to other persons as per section 5.44 (2) of the Local Government Act 1995

**COUNCIL DECISION – ITEM 9.1.6**

Moved Cr Cosgrove

Seconded Cr Criddle

That Council;

1. Review and Adopt the amended Delegations Register as presented will all references to Deputy Chief Executive Officer be replaced with Finance Manager, and
2. Authorise the Chief Executive Officer to make any necessary amendments to substitute the wording Finance Manager in the place of Deputy Chief Executive Officer for all relevant Shire Policies and Procedures, and
3. The Chief Executive Officer to provide in writing powers and duties allocated to other persons as per section 5.44 (2) of the Local Government Act 1995

**CARRIED 7/0**

### 9.1.7 MINGENEW TURF CLUB

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Tania Cosgrove, Mingenew Turf Club  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0226  
**Date:** 9 February 2017  
**Author:** Martin Whitely, Chief Executive Officer

#### **Summary**

This report recommends that Council consider a request from the Mingenew Turf Club for a contribution towards replacing the fencing at the front of the Recreations Centre / Turf Club pavilion.

#### **Attachment**

Letter from Mingenew Turf Club

#### **Background**

A letter has been received from the Mingenew Turf Club ("Turf Club") requesting a contribution for the Turf Club to replace the fencing at the front of the Recreations Centre / Turf Club pavilion.

#### **Comment**

The Turf Club have committed to replacing the fencing at the front of the Recreations Centre / Turf Club pavilion in preparation for this years event which will be held on Saturday 11 March 2017. The total cost of replacing the fence will be \$14,200 and the Turf Club are seeking a contribution of \$4,200 towards the fence.

While the Shire does not have a written policy on the level of financial assistance to sporting and community groups, the third, a third a third principle is often common practise. This would imply that the Turf Club would put in a third of the cost, grant funding would be sought for a further third and the Shire would contribute the final third of the project cost.

Since the Turf Club have indicated that they will not be applying for funding then my suggestion would be that the club pays for a minimum of two thirds of the cost and the Shire will contribute the remaining third. On this occasion the request for \$4,200 is less than 1/3<sup>rd</sup> of the total cost.

It is encouraging that sporting clubs are proactive in fundraising for specific projects and the final project will result in a favourable outcome for the Shire in that there will be a quality fence erected at the Mingenew Recreation Centre grounds, so on that basis I have no objections to the request.

There is sufficient allocation in the budget under Support for Community Groups to absorb these costs in the 2016/17 financial year.

#### **Consultation**

Nil

#### **Statutory Environment**

Nil

**Policy Implications**

Policy No. 3004 – Donations & Grants

Council shall consider requests for donations that are not part of normal budgetary considerations on their individual merit however, generally will decline appeals for donations:

- of a state or National nature
- if they are not concerned or connected with the local area

Exceptions to the above will be Disaster or emergency appeals.

**Financial Implications**

There is sufficient allocation in the budget under Support for Community Groups to absorb these costs in the 2016/17 financial year.

**Strategic Implications**

Community Strategic Plan

Outcome 3.6.1 – Continue to provide quality facilities for events

**Voting Requirements**

Simple Majority

<b>OFFICER RECOMMENDATION – ITEM 9.1.7</b>
--------------------------------------------

**That Council support the request from the Mingenew Turf Club by making a contribution of \$4,200 towards replacing the fencing at the front of the Receptions Centre / Turf Club pavilion.**

**5.05pm – President Bagley left the meeting and Deputy President Newton assumed the role of Presiding Person.**

**MOTION**

**Moved Cr Pearce**

**Seconded Cr Criddle**

**That Council support the request from the Mingenew Turf Club by making a contribution of \$4,200 towards replacing the fencing at the front of the Receptions Centre / Turf Club pavilion.**

**AMENDMENT**

**Moved Cr Pearce**

**Seconded Cr Eardley**

**That the amount of the contribution be amended to “\$4,000” instead of \$4,200”.**

**CARRIED 6/0**

**COUNCIL DECISION – ITEM 9.1.7**

The Presiding Person put the amended motion;

That Council support the request from the Mingenew Turf Club by making a contribution of \$4,000 towards replacing the fencing at the front of the Recreations Centre / Turf Club pavilion.

**CARRIED 6/0**

Deputy President Newton advised the meeting that the reason for the change would need to be recorded in the minutes.

**Moved Cr Eardley**

**Seconded Cr Pearce**

That the reason the officer recommendation was changed was to reflect the amount requested in the letter from the Mingenew Turf Club which was \$4,000 and not \$4,200 as per the office recommendation.

**CARRIED 6/0**

**5.09pm – President Bagley returned to the meeting**

Deputy President Newton read aloud for the benefit of President Bagley the Council decision for Agenda Item 9.1.7

**5.10pm – President Bagley returned as the Presiding Person.**



## 9.2 FINANCE

### 9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 DECEMBER 2016

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0304
<b>Date:</b>	23 January 2017
<b>Author:</b>	Nita Jane, Deputy CEO
<b>Senior Officer:</b>	Martin Whitely, Chief Executive Officer

#### Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 December 2016 is presented to Council for adoption.

#### Attachment

Finance Report for period ending 31 December 2016.

#### Background

The Monthly Financial Report to 31 December 2016 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

#### Comment

<b>SUMMARY OF FUNDS – SHIRE OF MINGENEW</b>	
Municipal Account	35,820
Business Cash Maximiser (Municipal Funds)	1,627,037
Trust Account	134,996
Reserve Maximiser Account	309,742

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 31 December 2016:

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	0	1,460	60	150	1,670

Rates Outstanding at 31 December 2016 were:

	Current	Arrears	TOTAL
Rates	331,211	42,452	373,663
Rubbish	5,827	2,070	7,897
ESL	3,963	670	4,633
Payment Plan Fees	200	0	200
<b>TOTAL</b>	<b>341,201</b>	<b>45,192</b>	<b>386,393</b>

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2016/2017 financial year.

### Consultation

Chief Executive Officer  
Senior Finance Officer

### Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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 —
- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - budget estimates to the end of the month to which the statement relates; and
  - actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - 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 —
- 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
  - an explanation of each of the material variances referred to in subregulation (1)(d); and

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**Policy Implications**

Nil

**Financial Implications**

Financial implications are outlined in comments.

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.2.1**

**That the Monthly Statement of Financial Activity for the period 1 July 2016 to 31 December 2016 be received.**

**COUNCIL DECISION – ITEM 9.2.1**

**Moved Cr Newton**

**Seconded Cr Criddle**

**That the Monthly Statement of Financial Activity for the period 1 July 2016 to 31 December 2016 be received.**

**CARRIED 7/0**

## 9.2.2 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 JANUARY 2017

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0304  
**Date:** 3 February 2017  
**Author:** Nita Jane, Deputy CEO  
**Senior Officer:** Martin Whitely, Chief Executive Officer

### Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 January 2017 is presented to Council for adoption.

### Attachment

Finance Report for period ending 31 January 2017.

### Background

The Monthly Financial Report to 31 January 2017 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

### Comment

<b>SUMMARY OF FUNDS – SHIRE OF MINGENEW</b>	
Municipal Account	1,556,978
Trust Account	133,373
Reserve Account	310,084

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 31 January 2017:

	<b>Current</b>	<b>30+ Days</b>	<b>60+ Days</b>	<b>90+ Days</b>	<b>TOTAL</b>
Amount	1,838	1,061	321	210	3,430

Rates Outstanding at 31 January 2017 were:

	<b>Current</b>	<b>Arrears</b>	<b>TOTAL</b>
Rates	276,357	42,252	318,609
Rubbish	4,873	2,070	6,943
ESL	3,235	670	3,905
Payment Plan Fees	180	0	180
<b>TOTAL</b>	<b>284,645</b>	<b>44,992</b>	<b>329,637</b>

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2016/2017 financial year.

### **Consultation**

Chief Executive Officer  
Senior Finance Officer

### **Statutory Environment**

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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 —
- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - budget estimates to the end of the month to which the statement relates; and
  - actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
  - material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - 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 —
- 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
  - an explanation of each of the material variances referred to in subregulation (1)(d); and

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**Policy Implications**

Nil

**Financial Implications**

Financial implications are outlined in comments.

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.2.2**

**That the Monthly Statement of Financial Activity for the period 1 July 2016 to 31 January 2017 be received.**

**COUNCIL DECISION – ITEM 9.2.2**

**Moved Cr Newton**

**Seconded Cr Criddle**

**That the Monthly Statement of Financial Activity for the period 1 July 2016 to 31 January 2017 be received.**

**CARRIED 7/0**

### 9.2.3 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 DECEMBER 2016

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Disclosure of Interest:** Nil  
**Date:** 9 February 2017  
**Author:** Julie Borrett, Senior Finance Officer  
**Senior Officer:** Nita Jane, Deputy CEO

#### **Summary**

This report recommends that Council confirm the payment of creditors for the month of December 2016 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

#### **Attachment**

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

#### **Background**

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

#### **Comment**

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

#### **Consultation**

Nil

#### **Statutory Environment**

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

#### **Policy Implications**

Payments have been made under delegation.

#### **Financial Implications**

Funds available to meet expenditure.

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.2.3**

That Council confirm the accounts as presented for December 2016 from the Municipal Fund totalling \$339,999.06 represented by Electronic Funds Transfers of EFT 10453 to EFT10535, Direct Deduction DD7898.1, 2 and 3, DD7908.1, 2 and 3, DD7908.1, 2 and 3, Trust Cheque 492 and Cheque numbers 8110-8118.

**COUNCIL DECISION – ITEM 9.2.3**

Moved Cr Cosgrove

Seconded Cr Criddle

That Council confirm the accounts as presented for December 2016 from the Municipal Fund totalling \$339,999.06 represented by Electronic Funds Transfers of EFT 10453 to EFT10535, Direct Deduction DD7898.1, 2 and 3, DD7908.1, 2 and 3, DD7908.1, 2 and 3, Trust Cheque 492 and Cheque numbers 8110-8118.

**CARRIED 7/0**



## 9.2.4 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 JANUARY 2017

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Disclosure of Interest:** Nil  
**Date:** 9 February 2017  
**Author:** Julie Borrett, Senior Finance Officer  
**Senior Officer:** Nita Jane, Deputy CEO

### **Summary**

This report recommends that Council confirm the payment of creditors for the month of January 2017 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### **Attachment**

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

### **Background**

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

### **Comment**

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

### **Consultation**

Nil

### **Statutory Environment**

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

### **Policy Implications**

Payments have been made under delegation.

### **Financial Implications**

Funds available to meet expenditure.

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.2.4**

That Council confirm the accounts as presented for January 2017 from the Municipal Fund totalling \$215,977.48 represented by Electronic Funds Transfers of EFT10538 to EFT10589, Direct Deduction DD7915.1, 2 and 3, DD7936.1 2 and 3 and Cheque numbers 8119 to 8124.

**COUNCIL DECISION – ITEM 9.2.4**

Moved Cr Cosgrove

Seconded Cr Criddle

That Council confirm the accounts as presented for January 2017 from the Municipal Fund totalling \$215,977.48 represented by Electronic Funds Transfers of EFT10538 to EFT10589, Direct Deduction DD7915.1, 2 and 3, DD7936.1 2 and 3 and Cheque numbers 8119 to 8124.

**CARRIED 7/0**

**9.3 ADMINISTRATION**

Nil

## 9.4 TOWN PLANNING

### 9.4.1 DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT MEMBER NOMINATIONS

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	State Department of Planning
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0246
<b>Date:</b>	10 January 2017
<b>Author:</b>	Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
<b>Senior Officer:</b>	Martin Whitely, Chief Executive Officer

#### **Summary**

The State Department of Planning have written to Local Governments seeking nominations for 2 Development Assessment Panel ('DAP') members and 2 alternate members. Council can re-nominate the same Councillors currently serving as DAP members or it may wish to forward new nominations.

#### **Attachment**

Nil

#### **Background**

On 24 March 2011 the *Planning and Development (Development Assessment Panels) Regulations 2011* ('the Regulations') commenced operation leading to the creation of 15 DAP's across the state.

The Mid West/Wheatbelt (Central) DAP consists of 5 members:

- Chairperson (a specialist member);
- 2 specialist members;
- 2 local government representatives from the relevant Local Government;
- 1 specialist member proxy\*;
- 1 local government proxy from each local government\*.

(\* the proxies will only be used when there is failure to reach a quorum, this being the Presiding Member and any two members being in attendance irrespective of whether they are specialist members or Local Government members)

Council resolved at its 19 October 2016 Ordinary Meeting for the following Local Government nominations to serve upon a DAP:

Member - Councillor Michelle Bagley

Member - Councillor Gary Cosgrove

Alternate member/proxy 1 - vacant

Alternate member/proxy 2 - vacant

The State Department of Planning website currently shows Councillor Michelle Bagley and Councillor Gary Cosgrove as the Shire of Mingenew DAP Members.

#### **Comment**

On 4 January 2017 the Department of Planning advised that all current DAP member appointments will expire on 26 April 2017 and that current members whose term is expiring have until 28 February 2017 to re-nominate for their positions.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

Council's are requested to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on your respective DAP as required.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020.

All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government members who have previously undertaken training are not required to attend further training, but are encouraged to attend refresher training.

Only two of the current Councillors in Cr Bagley and Cr Cosgrove have undertaken the training as required.

When selecting nominees, the Council should consider that local government elections may result in a change to DAP membership if current councillors, who are DAP members, are not re-elected. If members are not re-elected, the local government will need to re-nominate for the Minister's consideration.

All DAP members, except those not entitled to receive sitting fees, will be paid sitting fees on a sessional basis. The presiding member will be paid \$500 per session, and all other members will be paid \$400 per session (and travel allowances). Schedule 2 of the Regulations outlines the Fees for DAP members, and a complete copy of the Regulations can be viewed on the Western Australian legislation database website or provided in hard copy to Councillors upon request.

The Regulations provide that travelling costs that DAP members incur when attending meetings are to be paid to all DAP members, including accommodation and airfares. These costs are to be paid as set out in the current Public Sector Commissioner's Circular on this matter (*2009/20 Reimbursement of Travel Expenses for Members of Government Boards and Committees*). For the avoidance of doubt, all DAP members, including those not entitled to be paid sitting fees, will be entitled for reimbursement for these out-of-pocket expenses.

The financial threshold for activating a mandatory DAP is when the estimated cost of development is \$10million or more (except for the City of Perth where it is \$20million). Applicants have the option of requesting that a DAP assess the application where the total development value is between \$2million and \$10million (between \$2million and \$20million in the City of Perth). Local Governments also have the option of resolving by absolute majority to delegate applications for developments of between \$2million and \$10million value to a DAP for determination if they so choose.

DAP meetings operate as follows:

- meetings will be conducted in a place open to the public;
- a person who has made a submission during the advertising period will be permitted to make a presentation to the DAP;
- in some circumstances, the public may be excluded from a meeting where the application contains commercial information of a confidential nature or information about the personal affairs of a person;
- Code of Conduct will be in place for DAP Members to adhere to;
- a record of meetings and voting outcomes by individual DAP members will be kept and made available to the public via websites;
- annual report will be required by the Department for Planning;
- planning staff from the relevant Local Government will prepare a report and recommendation on the development application for the DAP's consideration in making its determination;
- planning staff from the relevant Local Government will be required to attend the DAP to present the application and provide clarity on the assessment report;

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

- secretariat support for the DAP will be provided by the relevant Local Governments on a six monthly rotational basis;
- these duties will include preparing agendas, advertising meetings, organising meetings, taking minutes, publicising meeting outcomes, and notifying applicants and respondents;
- the Chairperson's sessional sitting fee will be higher than the other members to reflect the responsibilities of this role; &
- meeting frequency is proposed to be determined by the individual DAP, meeting frequency will be based on the number of applications submitted for consideration.

### **Consultation**

Martin Whitely, Chief Executive Officer

### **Statutory Environment**

DAP members will be bound by similar requirements regarding their conduct as Local Government Councillors, for example:

- all DAP members will be required to declare any direct or indirect pecuniary interest in a matter, before the meeting on that application commences;
- DAP members will not be permitted to disclose or make improper use of information that they acquire during their time as a member;
- DAP members will be prevented from accepting "prohibited" gifts in all circumstances, and will be permitted to accept other types of gifts ("notifiable" gifts) as long as they notify the Department of Planning;
- Members will be required to comply with the DAP Code of Conduct developed by the Department of Planning; and
- No DAP member will be permitted to make a statement regarding the competence or honesty of a Local Government employee or public sector employee.

A complete copy of the Regulations can be viewed on the Western Australian legislation database website or provided in hard copy to Councillors upon request.

### **Policy Implications**

Nil.

### **Financial Implications**

### **Strategic Implications**

It is alleged by the State Government that DAP's provide the following:

*"Development assessment panels are a mix of independent experts and elected representatives, created to be the decision making body for development applications. These panels will have the power to determine applications for development approval, instead of the relevant decision making authority, for development of a certain class and value. The objectives of the proposed development assessment panel model are to:*

- *streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;*
- *involve independent technical experts in the determination process;*
- *encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and*
- *reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning."*

The Regulations were formulated with the assistance of a working group comprising representatives from WALGA, the Property Council and the Planning Institute of Western Australia. The introduction of

DAP's was opposed by many Local Governments as it was considered that they could:

- slow the planning system in Western Australia;
- be less democratic than the current Local Government process;
- be more open to corruption than the current Local Government system;
- lead to expensive and unworkable outcomes;
- not lead to better informed decision making;
- add financial burden to Local Governments;
- lead to increased fees and charges for landowners and developers;
- make the response to appeal process unworkable;
- disadvantage the regions; and
- reduce local input and representation.

The existence/performance of DAP's was widely debated by many Local Governments at the 2016 WALGA Annual General Meeting.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.4.1**

That Council submit to the Minister of Planning the following Local Government nominations to serve upon a Development Assessment Panel:

Councillor \_\_\_\_\_ (member); and  
Councillor \_\_\_\_\_ (member).

Councillor \_\_\_\_\_ (alternate member/proxy); and  
Councillor \_\_\_\_\_ (alternate member/proxy).

**OFFICER RECOMMENDATION – ITEM 9.4.1**

**Moved Cr Cosgrove**

**Seconded Cr Criddle**

**That Council submit to the Minister of Planning the following Local Government nominations to serve upon a Development Assessment Panel:**

**Councillor Cosgrove (member); and  
Councillor Newton (member)**

**Councillor Criddle (alternate member/proxy); and  
Councillor Eardley (alternate member/proxy)**

**CARRIED 7/0**

## 9.5 BUILDING

### 9.5.1 PUBLIC HEALTH ACT 2016

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0131
<b>Date:</b>	12 January 2017
<b>Author:</b>	Trevor Brandy, Building/EHO Officer
<b>Senior Officer:</b>	Martin Whitely, Chief Executive Officer

#### Summary

This report recommends that Council review the delegations to the Chief Executive Officer under recent changes to Part 2 of the Public Health Act 2016.

#### Attachment

Nil

#### Background

The gazettal of the *Public Health Act 2016* represents a significant update and change to the implementation of environmental health legislation, replacing the *Health Act 1911*. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that implementation is to occur in a staged manner over the next 3 to 5 years.

The old *Health Act 1911* (which will be known as the *Health (Miscellaneous Provisions) Act 1911*), and all regulations made under the Health Act, will continue to be the main enforcement tool used by the Shire's Environmental Health Officers until the provisions of the new Act are proclaimed over the coming years.

There are five (5) stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government. Stage 3 involves key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* coming into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*. This includes gazettal of Environmental Health Officers to enforce the provisions of the Act within their local government authority and annual reporting requirements. Stage 3 is expected to occur on 24th January 2017, with works needed to be undertaken to effect this transition within the Shire of Mingenew.

Stage 4 will adopt changes to the *Public Health Act 2016* relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. Date for commencement is yet to be determined. No action by local government is expected during this implementation stage.

Stage 5 will be the most significant stage of implementation for enforcement agencies as it represents the point at which they move from the framework provided by the *Health (Miscellaneous Provisions) Act 1911* to the *Public Health Act 2016*. The development of new regulations under the *Public Health Act 2016* relating to environmental health matters will commence, and feature provisions for:

- the built environment
- water
- body art and personal appearances
- pests and vectors.

Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.



The following provisions will also commence with the enforcement provisions:

- Public Health Planning
- Public Health Assessments and
- Registration and licensing

Stage 5 will require substantial works by local government to implement this stage. The Department of Health has advised that it will be working closely with Local Government Authorities in the lead up to this stage, including consultation on the development of the required regulations.

**All currently employed Environmental Health Officers will automatically be authorised officers and will continue to enforce both the new and the old public health legislation as the transition continues.**

However, implementation of Stage 3 requires that they must be provided a certificate of authority, to be produced on request. The Shire's authorised delegate is required to sign the certificate.

Using section 21(1)(b)(i) Part 2 of the new Public Health Act 2016, Council may delegate the powers and duties conferred on it to the Chief Executive Officer or an authorised officer of the Local Government. At this time, the effect of the delegation being sought is minor (sign the certificate), however as further provisions are gazetted to expand the powers of the *Public Health Act 2016*, this delegation will provide for the smooth implementation of these provisions as they are implemented.

Precedent for this is already in place for the Health Act (Delegation 30) which enables the CEO to act on behalf of Council in respect to the Act and associated Regulations. This includes initiating legal action on behalf of the Shire for breaches of the *Health Act 1911*. The current delegation will need to remain in place during the transition to the new *Public Health Act 2016*.

### **Comment**

The designation of authorised officers and the appointment of EHOs is now the responsibility of Local Government (enforcement agency). The Department of Health no longer has a role in the designation or appointment of EHOs/authorised officers.

Once Stage 3 comes into effect, all designations must be made under the Public Health Act 2016, and no longer under the Health Act 1911 (to be renamed the Health (Miscellaneous Provisions) Act 1911)

Section 17 of the new Public Health Act 2016, provides Council the ability to appoint Environmental Health Officers/Authorised Officers without the need to apply for approval from the Health Department of WA. As such Council will need to provide delegation to the CEO to carry out this new function.

Section 24 of the new Public Health Act 2016 provides Council the ability to designate a person or class of persons as Authorised Officers and to issue authority cards to those officers. This function was previously carried out by the Health Department of WA. Council will now need to provide delegation to the CEO to carry this new function.

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per Local Government Act 1995 sections 5.18 and 5.46.

### **Consultation**

Martin Whitely, Chief Executive Officer

**Statutory Environment**

Local Government Act 1995 – sections 5.18 and 5.46  
Health Act 1911  
Public Health Act 2016  
Health (Miscellaneous Provisions) Act 1911

**Policy Implications**

Shire of Mingenew Delegations Register

**Financial Implications**

Nil

**Strategic Implications**

Community Strategic Plan  
Outcome 4.5.1 – Ensure compliance with local, town planning, building and health and all other relevant legislation.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.5.1**

**That Council pursuant to Section 21(1)(b)(i) Part 2 of the Public Health Act 2016 resolves to delegate all the powers and duties conferred or imposed on the Shire of Mingenew by the Public Health Act 2016 to the Chief Executive Officer.**

**COUNCIL DECISION – ITEM 9.5.1**

**Moved Cr Cosgrove**

**Seconded Cr Criddle**

**That Council pursuant to Section 21(1)(b)(i) Part 2 of the Public Health Act 2016 resolves to delegate all the powers and duties conferred or imposed on the Shire of Mingenew by the Public Health Act 2016 to the Chief Executive Officer.**

**CARRIED 7/0**

**10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**11.1 ELECTED MEMBERS**

The President advised the meeting that she would like to introduce an urgent item of business. The reason for the urgency was that if the Mingenew Tennis Club was looking to put forward a proposal for funding to Council then some clear direction should be given to the club.

<b>COUNCIL DECISION – ITEM 11.1</b>
-------------------------------------

**Moved Cr Newton**

**Seconded Cr Cosgrove**

**That Council consider an item relating to the Mingenew Tennis Club.**

CARRIED 7/0

**11.1.1 MINGENEW TENNIS CLUB**

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0473
<b>Date:</b>	14 February 2017
<b>Author:</b>	Martin Whitely, Chief Executive Officer

**Summary**

This report recommends that Council formally respond to the Mingenew Tennis Club following their attendance earlier in the meeting during public question time.

**Attachment**

Nil

**Background**

Mr Murray Thomas, Mingenew Tennis Club addressed Council earlier in the meeting during public question time about the Tennis Club's proposed project to install 2-3 new hard court playing surfaces.

**Comment**

With the upcoming round of Department of Sport and Recreation Small Grant funding closing 31 March 2017 Council need to give the Mingenew Tennis Club some clear direction as whether the project would gain "in principle" support from Council and information that would need to be submitted to Council for further consideration.

**Consultation**

Nil

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

There is no provision in the 2016/17 budget for Council to make a financial contribution to the Mingenew Tennis Club. Any request to the Shire for a financial contribution would be considered as part of the 2017/18 budget process.

**Strategic Implications**

**Community Strategic Plan**

Outcome 3.2.7 – Continue to provide facilities to support local community organisations and ensure the best use of community infrastructure

Outcome 3.4.3 – Continue to provide quality facilities for events

**Voting Requirements**

Simple Majority

<b>COUNCIL DECISION – ITEM 11.1.1</b>
---------------------------------------

**Moved Cr Cosgrove**

**Seconded Cr Eardley**

**That Council;**

- 1. Provide “in principle” support for the project on a 1/3<sup>rd</sup>, 1/3<sup>rd</sup> a 1/3<sup>rd</sup> basis, and**
- 2. CEO to liaise with Tennis Club to obtain costings for the project, and**
- 3. Any request for budget submissions are to be made to the Shire by the end of May 2017**

**CARRIED 7/0**

## 11.2 STAFF

The President advised the meeting that the CEO had requested to introduce an urgent item of business. The reason for the urgency was that if a Finance Manager was appointed and required housing then there was currently no staff housing available to offer the Finance Manager.

<b>COUNCIL DECISION – ITEM 11.2</b>
-------------------------------------

**Moved Cr Pearce**

**Seconded Cr Eardley**

**That Council consider the item relating to the current Silver Chain housing arrangements.**

**CARRIED 7/0**

### 11.2.1 SILVER CHAIN HOUSING ARRANGEMENTS

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0473
<b>Date:</b>	14 February 2017
<b>Author:</b>	Martin Whitely, Chief Executive Officer

#### **Summary**

This report recommends that Council adopt a weekly rental for the 1 bedroom unit on Shenton Street to be leased to Silver Chain.

#### **Attachment**

Silver Chain Tenancy Agreement

#### **Background**

In January 2017 I had an informal conversation with Andrea Campbell at Silver Chain whether she would consider letting the Shire use the 3x2 Bedroom house on Phillips Street currently leased to Silver Chain as an option for Staff Housing. The alternate option offered by the Shire would be to lease the fully furnished 1 bedroom unit on Shenton Street.

#### **Comment**

The reason for having the informal conversation arose for several reasons;

- We have scheduled maintenance for the house being painting, replacing the vinyl flooring and a few other minor maintenance issues which will be easier to complete with the property vacated, and
- With recent staff changes there is a current shortage of staff housing
- We have a couple of staff members that have recently or will soon have had new editions with their partners and I would like to offer them a larger house if possible since they are currently both tenanted in our 2x1 units and have been long term employees for the past 8 years.

Andrea was more than accommodating towards the initial request and on viewing the 1 bedroom unit was keen to proceed as she mentioned that she would like to see a young family living in the house as it seemed a little bit of a waste at the moment with her only being there 2 nights a week.

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 15 February 2017

Following further conversations with Andrea I emailed Lesley Pearson & Corrina Michael on 14 January 2017 formally requesting if Silver Chain would consider the alternate accommodation options to which Lesley responded very promptly the same day that she had no objections to the request.

The current lease agreement commenced on 1 November 2003 for a period of 15 years and is due to expire on 6 October 2018. The monthly lease amount is \$737 which is the same amount since the commencement of the agreement. When I emailed Lesley Pearson I make the recommendation that I would suggest to Council that the rent be reduced to \$600 month as I thought this was a fair compromise since they would be moving into a smaller premise.

An option to Council is to leave the monthly lease fee as \$737 month with the Council to pay the utilities for the 1 bedroom unit. I was also proposing a two year lease with a further two year option. I thought this would be the most suitable option since while a one bedroom unit may be adequate for the current staffing arrangements at Silver Chain, ideally the Shire should be looking to have another property available in the future in case the next staff member has a family or simply requires a larger property to reside in.

The current rate as per the Fees & Charges Schedule for the 1 bedroom unit is \$155 a week. There is currently no nightly or monthly amount adopted within the Fees & Charges, but based on \$155 a week this would equate to \$672 a month. It is fair to assume that a monthly rate would be offered at less than the cumulative weekly rate.

### **Consultation**

Ms Andrea Campbell  
Ms Lesley Pearson  
Mrs Michelle Bagley, President

### **Statutory Environment**

#### **Local Government Act 1995 states**

#### **6.16. Imposition of fees and charges**

(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

*\* Absolute majority required.*

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed\* during a financial year; and
- (b) amended\* from time to time during a financial year.

*\* Absolute majority required.*

### **6.17. Setting level of fees and charges**

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

- (a) under section 5.96; or
- (b) under section 6.16(2)(d); or
- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.

(4) Regulations may —

- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
- (b) limit the amount of a fee or charge in prescribed circumstances.

### **6.18. Effect of other written laws**

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

- (a) determine an amount that is inconsistent with the amount determined under the other written law; or
- (b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

### **6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

## **Policy Implications**

### **5001 ALLOCATIONS OF STAFF HOUSING**

When Council Housing becomes available it will firstly be offered to Council Staff and the Chief Executive Officer is given the power to approve all housing allocations. Should Council Staff not require housing assistance, then the vacant residence/s is to be offered for lease by advertisement at the current market rental value.

### **5002 RESIDENTIAL RENTALS/LEASES**

All residential rentals/leases will be covered by a written agreement in accordance with the Residential Tenancies Act and will include a bond. The bond amounts are to be set by Council for both Council employees and private tenants and be reviewed annually.

Council employee tenants are to be given the option of paying the bond amount by instalment deductions from their pay.

**5003 TELEPHONES IN COUNCIL AND STAFF HOUSES**

Payment of telephone expenses in staff residences will form part of contract negotiations with individual staff members. Amounts exceeding negotiated amount within the individual's contractual agreement are to be reimbursed in full by the employee.

Policy Amended – August 2016 (Item 9.1.4)

**5004 WATER CHARGES IN STAFF HOUSES (COUNCIL OWNED)**

That Council will pay all water accounts for staff residences up to an agreed amount as part of its operating maintenance. The current approved amount is \$750 per year unless otherwise negotiated in the employment contract. Amounts exceeding the \$750 threshold or the negotiated amount within an individual's contractual agreement are to be reimbursed in full by the employee.

Policy Amended – August 2016 (Item 9.1.4)

**5005 WATER CHARGES FOR STAFF (OCCUPYING NON-COUNCIL PROPERTY)**

That Council pay water rate charges for staff whilst occupying non-council properties within the Shire of Mingenew.

Policy Amended – August 2016 (Item 9.1.4)

**5006 WATER CHARGES FOR NON-STAFF PERSONS OCCUPYING COUNCIL PROPERTY**

Council meets the cost of the annual water and sewerage rates as part of its operating maintenance programme.

**5007 REIMBURSEMENT OF UTILITY CHARGES**

Where an employee has entered into a negotiated contract with Council with respect to the provision of multiple utility allowances, the amount to be reimbursed is the net amount of the combined utility charges in excess of the total agreed amount for these utilities. Council may at its own discretion resolve to waive the reimbursement of utility charges if they are of the opinion that these charges have incurred as the result of extenuating circumstances.

Policy Adopted – August 2016 (Item 9.1.4)

**Financial Implications**

If the recommendation is passed by Council there will be a small reduction (\$1,644) in revenue raised from the lease agreement with Silver Chain.

**Strategic Implications**

**Community Strategic Plan**

Outcome 3.4.2 – Provide accommodation for service workers

Outcome 3.4.3 – Continue to develop housing for shire employees

Outcome 3.5.2 – Continue to support medical practitioners and other health organisations

**Voting Requirements**

Absolute Majority



**OFFICER RECOMMENDATION – ITEM 11.2.1**

**That Council;**

- 1. Terminates the existing lease with Silver Chain for the property at Lot 90 Phillips Street Mingenew, and**
- 2. Enters into a new lease agreement with Silver Chain for a two year period with an option two year period at the 1 Bedroom Unit on Shenton Street, Mingenew, and**
- 3. Authorises the CEO to negotiate the preferred lease fee with Silver Chain as either \$600 per month excluding utilities or \$737 per month inclusive of utility charges, and**
- 4. That the Shire make all reasonable efforts in the future to ensure that more substantial accommodation is made to Silver Chain upon their request in the future**

**OFFICER RECOMMENDATION – ITEM 11.2.1**

**Moved Cr Lucken**

**Seconded Cr Cosgrove**

**That Council;**

- 1. Terminates the existing lease with Silver Chain for the property at Lot 90 Phillips Street Mingenew, and**
- 2. Enters into a new lease agreement with Silver Chain for a two year period with an option two year period at the 1 Bedroom Unit on Shenton Street, Mingenew, and**
- 3. Authorises the CEO to negotiate the preferred lease fee with Silver Chain as either \$600 per month excluding utilities or \$737 per month inclusive of utility charges, and**
- 4. That the Shire make all reasonable efforts in the future to ensure that more substantial accommodation is made to Silver Chain upon their request in the future**

**CARRIED 6/1**

**12.0 CONFIDENTIAL ITEMS**

**12.1 CEO PERFORMANCE REVIEW**

This matter will be dealt with as a confidential item in accordance with Section 5.23 of the Local Government Act as it contains information about a matter affecting an employee which relates to a matter to be discussed at the meeting.

**5:41pm – The CEO left the meeting**

**COUNCIL DECISION – MEETING CLOSED TO PUBLIC**

**Moved Cr Cosgrove**

**Seconded Cr Eardley**

**That the meeting be closed to members of the public in accordance with section 5.23 of the Local Government Act to allow council to discuss a matter that concerns information about a matter affecting an employee which relates to a matter to be discussed at the meeting.**

**CARRIED 7/0**

**COUNCIL DECISION – ITEM 12.1**

**Moved Cr Cosgrove**

**Seconded Cr Eardley**

**That:**

- 1. The Performance Review of the Chief Executive Officer be received, and**
- 2. The Chief Executive Officer receives a 3% increase on his salary effective from his anniversary date.**

**CARRIED 7/0**

**COUNCIL DECISION – MEETING REOPENED TO PUBLIC**

**Moved Cr Cosgrove**

**Seconded Cr Eardley**

**That the meeting be reopened to members of the public.**

**CARRIED 7/0**

**5:50pm – The CEO returned to the meeting**

**President Bagley read aloud for the benefit of the CEO the Council decision for Agenda Item 12.1.1**

**13.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 15 March 2017 commencing at 4.30pm.

**14.0 CLOSURE**

The Presiding Person closed the meeting at 5.52pm.