



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

Wednesday 16 May 2018

Shire of Mingenew

Ordinary Council Meeting Notice Paper

16 May 2018

Madam President and Councillors,

An Ordinary Meeting of Council is called for Wednesday, 16 May 2018, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm.

Neil Hartley
Acting Chief Executive Officer

11 May 2018

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

Table of Contents

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	4
2.0	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	4
3.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.0	PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	4
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.0	DECLARATIONS OF INTEREST	4
7.0	CONFIRMATION OF PREVIOUS MEETING MINUTES	4
7.1.1	ORDINARY MEETING HELD 18 APRIL 2018	4
7.1.2	SPECIAL MEETING HELD 18 APRIL 2018.....	5
8.0	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	5
9.0	OFFICERS REPORTS	5
9.1	CHIEF EXECUTIVE OFFICER.....	6
9.1.1	BRANDING & PROMOTION.....	6
9.1.2	MINGENEW HOTEL – SELF SERVICE TAB REQUEST	10
9.1.3	2018 WA LOCAL GOVERNMENT CONVENTION	12
9.1.4	REQUEST FOR QUOTATION - ENGINEERING AND SUPERVISORY SERVICES (WANDRRA CIVIL WORKS)	14
9.1.5	LEASE TRANSFER AND EXTENSION - PART LOT 303, ELEANOR STREET, MINGENEW	17
9.2	FINANCE	19
9.2.1	FINANCIAL STATEMENTS FOR PERIOD ENDING 30 APRIL 2018	19
9.2.2	ACCOUNTS FOR PAYMENT – MONTH ENDING 31 APRIL 2018.....	22
9.3	ADMINISTRATION	24
9.4	TOWN PLANNING	24
9.5	BUILDING	24
10.0	ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	24
11.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	24
11.1	STAFF.....	24
11.1.1	APPOINTMENT OF CHIEF EXECUTIVE OFFICER	Error! Bookmark not defined.
11.1.2	LEASE OF MINGENEW CHILDCARE CENTRE	26
12.0	CONFIDENTIAL ITEMS.....	28
13.0	TIME AND DATE OF NEXT MEETING	28
14.0	CLOSURE.....	28

SHIRE OF MINGENEW

MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 16 May 2018 COMMENCING AT 4.30pm

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President HM Newton declared the meeting open at 4.30pm and welcomed all in attendance.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE COUNCILLORS

HM Newton	President	Town Ward
CR Lucken	Deputy President	Town Ward
KJ McGlinn	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
JD Bagley	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward

APOLOGIES

Nil

STAFF

N Hartley	Acting Chief Executive Officer
B Bow	Governance Officer
E Budrikis	Community Development Officer

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

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

There being no members of public present the President proceeded with the meeting allowing a period of 15 minutes for questions from the public up until 4.45pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Cr CR Lucken puts in his appologies for next month.

6.0 DECLARATIONS OF INTEREST

Item 9.1.5 – CEO N.Hartley

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1.1 ORDINARY MEETING HELD 18 APRIL 2018

COUNCIL DECISION – ITEM 7.1.1

MOVED: Cr LM Eardley

SECONDED: Cr CR Lucken

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 18 April 2018 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

CARRIED 7/0

7.1.2 SPECIAL MEETING HELD 18 APRIL 2018

COUNCIL DECISION – ITEM 7.1.2

MOVED: Cr LM Eardley

SECONDED: Cr CR Lucken

That the minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 18 April 2018 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

CARRIED 7/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 BRANDING & PROMOTION

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0074
Date: 25 April 2018
Author: Neil Hartley, Acting Chief Executive Officer

Summary

This report was deferred from the April 2018 Council Meeting and recommends that Council consider the extension to the existing Lateral Aspect contract. Lateral Aspect coordinates the branding and promotion of the Mingenew district. It is proposed that a short term contract extension be offered in order to align the anniversary dates of the contract to the Council's budget consideration timetable.

Attachment

Lateral Aspect Contract Proposal
Lateral Aspect Media Proposal

Background

The primary focus of the Lateral Aspect contract is to promote key Mingenew Events, like Mingenew Expo, Mingenew Races, as well as the regional Wildflower Season.

In July 2016 Lateral Aspect carried out a strategic planning session with Councillors and staff and produced a document that considered ways of promoting the community's assets and attracting additional visitation numbers into the Shire of Mingenew. On completion of the strategic planning session Lateral Aspect were engaged by Council on a retainer basis for a period of two years, commencing 1 August 2016 through to 31 July 2018. During this period Lateral Aspect implemented the Shire's new website, logo and other digital and marketing initiatives.

Lateral Aspect conducted a community engagement evening at the Recreation Centre on 4 April 2018. The event was attended by approximately 15-20 people and received some very positive feedback from those that attended. During the course of their visit Mark Lucas also met with the Mingenew Midwest Expo to discuss any possible leveraging opportunities or advertising synergies that could be maximised to further promote the event. The Mingenew Midwest Expo ("Expo") has indicated that it is very keen to partner with Lateral Aspect to help it promote the 2018 event.

Further discussions with Lateral Aspect in respect to its involvement with the Expo occurred and while it is very keen to be involved with assisting Expo in its preparations for this years event, this would only be financially viable should the Shire continue to retain Lateral Aspect beyond the current agreement. Given that the existing contract with Lateral Aspect will expire on 31 July 2018 it was thought this would be an opportune time for Council to indicate if it intend to extend the contract beyond the first two year term. The proposal from Lateral Aspect is attached for Council information and the proposed retainer fee is the same as the current agreement.

In addition to an annual retainer fee, Lateral Aspect has provided an indicative advertising and promotion budget. This is tabled in the media proposal. This budget would be in addition to the annual retainer fee and used to promote Mingenew via the various outlets as outlined in the media proposal

Comment

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 May 2018

The matter of a new contract for a further two years was presented to the April Council meeting, where Council decided to defer any decision on that question until financial clarification could be provided, this is outlined in the Financial Implications section of this report.

The timing of the contract is not well aligned to the Shire's budget adoption process and in light of that, it is suggested that a small extension (two months to end of September 2018) be provided so that the annual budget process can be completed prior to any new contract needing to be finalised. Also, that in light of being in the early stages of a marketing/branding campaign, changes will no doubt need to be considered as the project matures. It is suggested that to maintain the most flexibility for the Shire, yet offer Lateral Aspect a suitably commercial agreement, the contract be again considered at the time Council decides its 2018/19 budget, for a period of one year (1 October 2018 to 30 September 2019).

Any further extension will need to be considered in light of the requirements of the Local Government Act's S3.57(1) (Tenders for providing goods or services), which is outlined below.

Consultation

Mark Lucas, Lateral Aspect
Lily Ward, Lateral Aspect
Cr Helen Newton, President

Statutory Environment

The Local Government Act 1995 at S3.57(1) (Tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services. The Local Government (Functions and General) Regulations 1996 at Cl.11(1) (When tenders have to be publicly invited) clarifies that tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000.

It is unfortunate that there is no definitive answer to the definition of this \$150,000 sum, but the accepted interpretation is that if that amount is exceeded for any single provider over say a three year period, then it is appropriate that tenders be called. Whilst a single year of Lateral Aspect's contract is only \$41,000 any ongoing extension of that contract will eventually exceed \$150,000.

The contract has already run for two years (\$82,000) and the proposal is that it be extended for a 15 months period (\$47,833). This is a total of \$129,833. It might be said that this level of annual expenditure sits within the Local Government Act, but nonetheless, it is suggested that a review of the program be undertaken in the early part of 2020 with the view to either not continuing with the service further, or calling tenders if it is desired to be continued, perhaps for a two year contract plus a one year option.

Policy Implications

The Shire of Mingenew's Purchasing Policy requires three written quotations for an expected purchase in the range of \$40,000 - \$149,999.

Financial Implications

There is a direct financial impact in appointing Lateral Aspect for an extended contract period and these costs would be need to be accounted for in the 2018/19 and 2019/20 financial years.

The June 2017 Ordinary Meeting Council approved a budget of \$30,000 for advertising and promotion for the 2017/18 financial year. In the attached media proposal an enhanced level of media is proposed and an indicative budget of \$45,280pa is suggested. It would be logical for a two year contract to require a similar amount each financial year, so the two year total for advertising/promotion (2018/19 and 2019/20) would be \$90,560 which represents an approximate 50% increase on past years expenditure levels. While Council is not being requested at this point in time to approve the media proposal, it is important to highlight that an

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 May 2018

advertising and promotion budget will need to be endorsed in addition to the retainer fee to allow Lateral Aspect to promote the Mingenew brand.

Lateral Aspect's proposed retainer fee is the same as the current agreement, that is, \$41,000pa.

As such, if Council were to extend the current contract for a full two year period and implement the proposed advertising and promotion budgets for the 2018/19 and 2019/20 financial years, the total would be in the order of \$86,280pa (or \$172,560 for the two years of the contract). It is however suggested that slightly more conservative direction be taken, offering an initial two months extension (to 30 September 2018) to better align with Mingenew's budget adoption process, plus a further one year in addition (to 30 September 2019) to enable a further review to be undertaken as part of the 2019/20 budget. The cost for this latter option would require payment of \$47,833 for the retainer, plus a suitable sum for advertising promotions \$61,720 (both estimates reflecting 15 months of retainer fee/proposed promotional costs). A total of \$109,553 for the 15 month period to 30 September 2019.

Brand promotion ideally needs to be looked at as a longer term continuous investment as it is always difficult to ascertain the impact of brand promotion for individual years. This is because other environmental and economic impacts can enhance or disadvantage the promotion. For example, even a good quality marketing program might not bear fruit if there is difficult economic times for tourists, conversely, you may see many people visit the area irrespective of the abundance of wildflowers, just because the campaign and the uniqueness of the district has "caught their eye". Opting for the 15 months contract means that all parties will be able to benefit from the arrangement, yet there is ample opportunity for review to occur.

Strategic Implications

Community Strategic Plan

Outcome 1.1.3 – Support and encourage tourism development

Outcome 1.1.4 – Continue to support local events and promote new events

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Require that officers make provision in the draft 2018/19 Budget for the \$41,000 for Marketing consultants, and \$45,280 for Marketing/Communications amounts;**
- 2. Agree to extend the Lateral Aspect contract for two months to expire on 30 September 2018;**
- 3. Subject to a suitable budget allocation being approved for 2018/19, agree to extend the Lateral Aspect contract for a further one year term commencing 1 October 2018 and expiring either 30 September 2019; and**
- 4. That a review of the marketing and promotions program occur early in the 2019 calendar year, with the view to either not continuing with the service further, or calling tenders for a multi-year contract if it is desired to be continued.**

COUNCIL DECISION – ITEM 9.1.1

Moved: Cr LM Eardley

Seconded: Cr GJ Cosgrove

That Council:

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 May 2018

1. Require that officers make provision in the draft 2018/19 Budget for the \$41,000 for Marketing consultants, and \$45,280 for Marketing/Communications amounts;
2. Agree to extend the Lateral Aspect contract for two months to expire on 30 September 2018; and
3. Lay Items 3 and 4 of the Officers Recommendation on the table to allow for the budgetary process to determine the Shire's capacity for further contract extensions.

VOTING DETAILS:

CARRIED 7/0

9.1.2 MINGENEW HOTEL – SELF SERVICE TAB REQUEST

Location/Address: Mingenew Hotel
Name of Applicant: Mr Adrian Burns
Disclosure of Interest: Nil
File Reference: ADM0252
Date: 26 April 2018
Author: Neil Hartley, Acting Chief Executive Officer

Summary

This report seeks the consideration of Council for the positioning of a Self Service TAB (“Pub-Tab”) at the Mingenew Hotel.

Whilst there would be no restrictions from a Town Planning perspective on such a proposal, the State Government and its corporatized licensing agencies always have a keen interest in understanding the local environment, which includes both the statutory (Town Planning Scheme) and the community wellbeing (views of the community) before they decide whether to issue a permit or not. The applicant is therefore required to seek the views of the Shire of Mingenew as part of his application.

Attachment

Nil.

Background

Mr Burns from the Mingenew Hotel/Motel wishes to install a self service tab (pub tab) at his Mingenew hotel. As part of the application process with the Western Australian Totalisator Agency Board (TAB) he needs to consult with the Shire of Mingenew.

A Self Service TAB is an off-course wagering service in a licensed area. A Self Service TAB is characterised by:

A self service wagering terminal (SST)	The betting terminal located in the public area
InfoTAB terminals	Historical and up-to-date racing and sports information for customers.
Televisions	For displaying electronic tote information via Teletext and Sky Channel for racing vision.
Payout terminal	Terminal including scanner placed on the bar to process winning tickets and conduct agency balances etc.
Race day information	All race day information is provided electronically.

The Self Service Terminal operates via a touch screen for customer input and a bank note feeder. The Self Service Terminal processes bank notes only. Once a customer has placed money into the machine giving them credit, they use the Self Service Terminal touch screen to input their bets.

Bets placed by the customer on this touch screen are returned to the customer in the form of a ‘betting voucher’ and any unspent funds are returned in a ‘cash voucher’. The bar codes on both the ‘cash vouchers’ and winning ‘betting vouchers’ can be read by the Self Service Terminal for credit and further betting. The vouchers can only be redeemed for cash at the Payout terminal on the bar.

Comment

It is common for businesses wishing to install self service tab to require a letter from the local government outlining its position. The State Government and its corporatized licensing agencies have a keen interest in understanding the local environment, which includes both the statutory (Town Planning Scheme) and the community wellbeing (views of the community) before they decide whether to issue a permit or not.

There are no other known similar services within Mingenew.

Consultation

Mr Adrian Burns (Mingenew Hotel/Motel)

Statutory Environment

The Shire's Town Planning Scheme #3 outlines that the property is classified as a "A" use (i.e. subject to Council approval) in the Rural Townsite zone and the definition of a Hotel means amongst other things, a premises subject to a hotel license and may include a betting agency... The Shire's yet to be advertised Town Planning Scheme #4, which mirrors the existing zoning and classification, but alters slightly the definition of a Hotel, which now means amongst other things, a premises subject to a hotel license including any betting agency... Such a proposal would therefore sit comfortably within the parameters of the Shire of Mingenew's Town Planning Scheme(s).

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

The Corporate Business Plan (2017-2021) includes a goal to "maintain and increase the number of local businesses" and to "increase the number of visitors" to the district. The Plan also highlights the wish "to improve community health and wellbeing" and it encourages *community consultation* where warranted.

There is no specific goal to see the installation of a Self Service TAB within Mingenew, but improving economic development and tourism go towards being supportive of such an initiative. Council might however wish to consider the views of the wider community in regard to gambling and its impact upon the overall wellbeing of the community of Mingenew and it could for example, conduct some community consultation in order to secure a "community feeling" towards such activities in their town if it wished.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.2

Moved: Cr GJ Cosgrove

Seconded: Cr JD Bagley

That Council support the installation of a Self Service TAB within the Mingenew Hotel on the condition it is discreetly positioned.

VOTING DETAILS:

CARRIED 6/1

9.1.3 2018 WA LOCAL GOVERNMENT CONVENTION

Location/Address: 170 Railway Parade, West Leederville
Name of Applicant: WALGA
Disclosure of Interest: Nil
File Reference: ADM0059
Date: 27 April 2018
Author: Neil Hartley, Acting Chief Executive Officer

Summary

The Western Australian Local Government Association's 2018 WA Local Government Convention is scheduled for 1 – 3 August 2018. This report provides the opportunity for the registration of Councillors to attend, and also for the appointment of voting delegates and proxies for the 2018 WALGA Annual General Meeting.

Attachment

2018 WA Local Government Convention programme.

Background

The WA Local Government Convention is held annually and is an ideal opportunity for Councillors to listen to keynote speakers on a broad range of issues relevant to local government, and to engage in dialogue with their peer Councillors from other local governments across the state. It is an opportunity to learn about contemporary practices from both professional speakers, and other local government Councillors and officers.

The 2018 Convention will be held from Wednesday to Friday (1 to 3 August 2018) at the Perth Convention Centre. Prior to the official opening of the convention there is a President's Forum (Tuesday 31 July, commencing at 3.30pm). The WALGA Annual General Meeting is scheduled for Wednesday 1 August from 1.30pm – 5.00pm.

Comment

Registrations are to be completed on-line and following consultation with the Shire President, it has been suggested that all attending Councillors seek to be accommodated at the Parmelia Hotel, which is both reasonably close to the conference venue, and reasonably priced. Being located at the same accommodation will allow for good coordination and communications to occur amongst Mingenew delegates.

In the past, the President & Deputy President have been the voting delegates for the Shire, with proxy voting delegates chosen from other conference attendees.

Consultation

Shire President

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Funds have been allocated in the 2017/18 budget (\$14,500) for up to five Councillors to attendance at the WA Local Government Convention (although if more wished to attend there would be likely be sufficient funds from other underspent areas to allow that to occur).

Strategic Implications

Community Strategic Plan

Outcome 4.2.2 – To be strong advocates representing the Shire’s interests

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.3

Moved: Cr CR Lucken

Seconded: Cr LM Eardley

That Council:

1. Endorse the following representatives to attend the 2018 WA Local Government Convention –
 - a) Cr RW Newton;
 - b) Cr GJ Cosgrove.;
 - c) Cr CR Lucken.;
 - d) Cr KJ McGlinn.;
 - e) Cr JD Bagley;
 - f) Pr HM Newton.; and
 - g) Chief Executive Officer;
2. Endorse the President and Deputy President as the Shire of Mingenew’s voting delegates; and
3. Endorse Cr JD Bagley and Cr GJ Cosgrove as the proxy voting delegates.

VOTING DETAILS:

CARRIED 7/0

9.1.4 REQUEST FOR QUOTATION - ENGINEERING AND SUPERVISORY SERVICES (WANDRRA CIVIL WORKS).

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0465
Date: 3 May 2018
Author: Neil Hartley, Acting Chief Executive Officer

Summary

This report updates Council on the progress with the program to undertake the repairs to roads damaged as part of the February 2017 storm event. In particular, it proposes that the Shire engage a suitably qualified engineering consultancy to coordinate the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) project.

Attachment

Request for Quotation - Engineering and Supervisory Services (WANDRRA Civil Works).

Background

Mingenew has 19 individual roads with associated drainage infrastructure that were damaged in a storm event of February 2017. This infrastructure requires repairs and reinstatement. Damage sustained includes loss of pavement material on unsurfaced roads, scoured and/or silted table drains and shoulders, wash out and scouring around culvert structures, damage to culverts and headwalls, silting up of culverts, debris build up and floodway damage. The cost for the Shire of Mingenew to undertake the reinstatement of the roads is estimated to be a total of \$3.2m and the Shire has received funding approval from the WANDRRA fund to undertake those repairs.

This funding approval is unique to the extent that WANDRRA funding has generally been allocated on the basis of the works being undertaken as a "full external contract" or via a local government only if undertaken outside of the normal operational hours (e.g. on the weekends or after hours). The Shire however is keen to undertake as much of the work as possible itself, and has commenced repairing some of the roads already, but there will be a considerable balance to be undertaken on a contract basis as the work must be completed and grants acquitted by 30 June 2019. To that end it is suggested that the Shire utilise the services of a contracted Works Supervisor and Contracted Plant/Labour on an hourly controlled basis. Tender and Contract documents for the Works Supervisor and Contracted Plant/Labour have been prepared and this tender will be advertised on 19 May 2018. Whilst it was not certain that the Works Supervisor contract would exceed the \$150,000 tender limit, the Contracted Plant/Labour component most certainly will and so coordinating both as individual tenders was appropriate.

To coordinate the overall project, a suitably qualified engineer is also required and outlined below is a summary of that contractor's responsibilities –

1. Assessment of tenders received for the Works Supervisor position in accordance with Shire of Mingenew Purchasing Policy and Local Government Act requirements;
2. Assessment of tenders received for the Contracted Plant/Labour providers in accordance with Shire of Mingenew Purchasing Policy and Local Government Act requirements;
3. Provision of a recommendation to the Shire of Mingenew's Council, as to the preferred contractor;
4. Coordination of contract documentation signing between Shire of Mingenew and successful Tenderers following Shire of Mingenew Council's decision (contracts will be provided by the Shire of Mingenew);
5. Letters of advice to unsuccessful Tenderers;
6. Preparation of a Gantt Chart clearly highlighting works that can be completed by the Shire of Mingenew, and remaining works that will be required to be managed under external contract, to ensure all civil works are completed by 30 April 2019;

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 May 2018

7. Overall management/coordination of Contracted Works Supervisor and Contracted Plant/Labour providers, and Shire of Mingenew's Works Crew/Office Staff, in order to successfully complete all WANDRRA storm event road damage civil works by 30 April 2019. All repair works to be completed as per authorised grant conditions and consistent with acceptable WANDRRA road building standards. This component is fully inclusive of the all management/coordination expectations, including site visits as required; responding to all technical queries; budget tracking of all works; ensuring all works are undertaken within budget limitations; progressing claims and payment certificates, etc;
8. Coordination of and personal attendance at a monthly progress meeting with all relevant parties;
9. Completion, acquittal, and overall coordination of all grant refund claims (including assisting Shire of Mingenew staff with its own claims as required, for roadworks it has undertaken) by 31 May 2019.

A Request for Quotation was issued to three Geraldton Consulting Engineering organisations on 3 May 2018 with a closing date of 9.00am 16 May, 2018. The services of this Consulting Engineering would commence at the close of the above two tenders, and would be finalised on or about 30 June 2019, which is the deadline date for all WANDRRA works to be finished and all reconciliation and funding claims documentation completed for acquittal.

Comment

There is a considerable amount of works to be undertaken (see table below) and this is beyond the works crew and equipment resource levels of the Shire of Mingenew to undertake. The Shire also lacks the in-house resource levels to oversee and manage such a project within the tight time-lines available and in light of senior level staffing gaps, noting that the work, plus the Roads to Recovery project (Yandanooka North East Road - \$223,467) also needs to be completed by 30 June 2019 otherwise funds will be lost back to the State/Federal Governments. Utilising the services of a consultant Engineer, an on-site Works Supervisor, and all necessary hired in plant/equipment/labour, will ensure that all works can be completed by the deadline date.

Road Name:	Grant Value and Estimated Restoration Cost (excl. GST):
Coalseam Road	\$54,559.28
Colgate Road	\$207,027.66
Enokurra Road	\$89,471.83
Manarra Road	\$135,207.17
Michael Road	\$158,410.33
Mingenew Mullewa Road	\$70,750.50
Mt Scratch Road	\$176,397.50
Mungaterra Road	\$39,912.16
Nanekine Road	\$14,671.31
Pintharuka West Road	\$138,249.28
Switchback Road	\$1,201,346.93
Telara Road	\$63,332.90
Wick Road	\$550,926.68
Yandanooka Melara Road	\$174,640.97
Yandanooka Morawa Road	\$28,602.15
Yandanooka North East Road	\$2,604.69
Yarragadee West Road	\$46,016.27
Depot Hill Road	\$38,143.71
Mingenew South Road	\$20,443.65
TOTAL	\$3,210,714.97

Consultation

Nil

Statutory Environment

The Local Government Act 1995 at S3.57(1) (Tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services. The Local Government (Functions and General) Regulations 1996 at Cl.11(1) (When tenders have to be publicly invited) clarifies that tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000.

Policy Implications

The Shire of Mingenew's Purchasing Policy requires three written quotations for an expected purchase in the range of \$40,000 - \$149,999. Invitations to quote were forwarded to three Engineering consultancies in Geraldton and the details of those quotes will be supplied at the Council Meeting following the closing period (9.00am 16 May 2018).

Financial Implications

The Shire has received funding approval for this WANDRRA flood damage works and all costs associated with those works (including these contracted costs) will be charged to that grant.

Strategic Implications

The Corporate Business Plan 2011-21 outlines that the Shire will *"maintain and Improve road assets"*.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.4

Moved: Cr RW Newton

Seconded: Cr CR Lucken

That Council:

- 1. Endorse the goal of the Shire undertaking as much of the WANDRRA roadworks as it reasonably can;**
- 2. Note the requirement to complete all WANDRRA and Roads to Recovery works, and associated grant reconciliations and acquittals, prior to 30 June 2019;**
- 3. Note that utilising contract plant/equipment, Works Supervisor, and Consulting Engineers is required on this occasion, to ensure that all WANDRRA works are satisfactorily completed prior to 30 June 2019; and**
- 4. Endorse GHD as the successful bidder for RFQ - Request for Quotation - Engineering and Supervisory Services (WANDRRA Civil Works).**

VOTING DETAILS:

CARRIED 7/0

9.1.5 LEASE TRANSFER AND EXTENSION - PART LOT 303, ELEANOR STREET, MINGENEW

Location/Address: Part Lot 303, Eleanor Street, Mingenew
Name of Applicant: Centrel Pty Ltd
Disclosure of Interest: CEO – Works part time for Civil Legal
File Reference: ADM0274
Date: 4 May 2018
Author: Neil Hartley, Acting Chief Executive Officer

Summary

This report seeks Council's consideration to the transfer of the existing lease for the fuel supply service at Part Lot 303, Eleanor Street, Mingenew, from Centrel Pty Ltd, to Gradow Pty Ltd (trading as Great Southern Fuels). Also to note that the second lease term option of three years has been taken up.

CEO N. Hartley declared a Financial Interest given that he works for Civic Legal.

Attachment

Deed of Assignment.

Background

The Shire of Mingenew has an existing lease with Centrel Pty Ltd for a fuel supply service at Part Lot 303, Eleanor Street, Mingenew. The lease initially commenced on 1 July 2012 and has three 3-year extension options in favour of the Lessee and at the Lessee's sole discretion. The Lessee has recently advised of its decision to take up the second of those extensions, so the lease will now be extended to conclude on 30 June 2021, noting that there is a further three year option beyond that point if the Lessee chooses to take it up.

Centrel Pty Ltd has also sought to assign this lease to Gradow Pty Ltd. Gradow is more commonly known under its trading name of Great Southern Fuels. The lease wording for the assignment is consistent with general lease wording, namely, that a Lessee should not unreasonably be denied a transfer, and that any reasonable Lessor expenses of the assignment are met by the Lessee.

Comment

The lease extension clause is at the sole discretion of the Lessee, so that is a simple matter of it advising prior to each expiry period, if it wishes to take up that option (and which it has done).

The matter of the assignment is a little more complex, as Council needs to be comfortable with both the assignment document, and the "assignee". The documentation was forwarded to the Shire's legal advisors, Civic Legal, but its advice was not to hand at the time of the agenda's preparation. In regard to expenses, other than some in-house administrative costs, these should all be met by the Lessee. The Lessee has advised it is willing to meet costs up to \$3,000 so the Shire will not need to incur any outgoing cash costs for the transfer.

Consultation

Civic Legal

Statutory Environment

The Local Government Act has references to leases, but they are not relevant on this occasion, being an existing lease. The existing Lease provides for both the right of the Lessee to extend the lease, and the opportunity (with the Lessor's consent) to assign it.

Policy Implications

Nil

Financial Implications

Other than in-house administrative expenses, the costs of legal advice, company searches etc, will be at the Lessee's expense.

Strategic Implications

The Corporate Business Plan 2011-21 does not include a specific reference to this type of activity, but it does clearly outline that the Shire will work towards maintaining or increasing number of local businesses, industries or services. That is seen as being consistent with supporting the proposal from Centrel Pty Ltd and Gradow Pty Ltd.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.5

Moved: Cr GJ Cosgrove

Seconded: Cr CR Lucken

That Council:

1. **Note that the second Lease extension (from 1 July 2018 to 30 June 2021) has been taken up by the Lessee; and**
2. **Acknowledges that legal advice is being sought on the need for any wording improvements of the proposed Deed of Assignment, to ensure the Shire's best interests are secured; and**
3. **Conditionally endorses the assignment of the existing lease to Gradow Pty Ltd (trading as Great Southern Fuels) subject to all legal and other transfer costs being met by the Lessee, and delegates to the CEO the authority to negotiate a suitably worded Deed of Assignment, ensuring that the best interests of the Shire of Mingenew are maintained.**

VOTING DETAILS:

CARRIED 7/0

9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 APRIL 2018

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0304
Date:	11 May 2018
Author:	Martin Whitely, Consultant
Senior Officer:	Neil Hartley, Acting Chief Executive Officer

Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 30 April 2018 is presented to Council for adoption.

Attachment

Finance Report for period ending 30 April 2018

Background

The Monthly Financial Report to 30 April 2018 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

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Fund & Cash on Hand	\$1,061,483
Restricted Funds (Unspent Grants) – 3 Month Term Deposit @ 2.45%	\$583,500
Trust Fund	\$59,004
Reserve fund (6 Month Term Deposit) @ 2.55%	\$401,872

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 30 April 2018;

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 May 2018

	Current	30+ Days	60+ Days	90+ Days	TOTAL
Amount	25,483	650	42,500	10,497	79,129

Rates Outstanding at 30 April 2018 were:

	April 2018	March 2018
Rates	111,182	139,018
Rubbish	10,187	13,124
ESL	2,415	3,911
TOTAL	123,784	156,083

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2017/18 financial year.

Consultation

Nil

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 —
 - (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.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 16 May 2018

- (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.

Policy Implications

Nil

Financial Implications

Financial implications are outlined in comments.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM DECISION 9.2.1

Moved: Cr CR Lucken

Seconded: Cr RW Newton

That the Monthly Statement of Financial Activity for the period 1 July 2017 to 30 April 2018 be received.

VOTING DETAILS:

CARRIED 7/0

9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 APRIL 2018

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Disclosure of Interest: Nil
Date: 11 May 2018
Author: Martin Whitely, Consultant
Senior Officer: Neil Hartley, Acting Chief Executive Officer

Summary

This report recommends that Council confirm the payment of creditors for the month of April 2018 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).

List of Payments
Payroll, Licensing & Credit Card

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 AND COUNCIL DECISION – ITEM 9.2.2

Moved: Cr RW Newton

Seconded: Cr CR Lucken

That Council confirm the accounts as presented for April 2018 from the Municipal & Trust Fund totalling \$531,261.41 represented by Electronic Funds Transfers of EFT 11434 to 11503, Direct Deduction DD 8414.1, 2, 3, 4, 5 & 6, DD 8435.1, 2, 3, 4, 5 & 6, DD 8436.1 & 2 and Municipal Cheque numbers 8549 to 8552.

VOTING DETAILS:

CARRIED 7/0

9.3 ADMINISTRATION

Nil

9.4 TOWN PLANNING

Nil

9.5 BUILDING

Nil

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 STAFF

11.1.1 APPOINTMENT OF CHIEF EXECUTIVE OFFICER

11.1.2 LEASE OF MINGENEW CHILDCARE CENTRE

COUNCIL DECISION – ITEM 11.1

Moved: Cr RW Newton

Seconded: Cr KJ McGlinn

That the following new business of an urgent nature be considered by Council:

Item 11.1.1 - APPOINTMENT OF CHIEF EXECUTIVE OFFICER

Item 11.1.2 - LEASE OF MINGENEW CHILDCARE CENTRE

VOTING DETAILS:

CARRIED 7/0

COUNCIL DECISION - MEETING CLOSED TO THE PUBLIC

Moved Cr JD Bagley

Seconded Cr KJ McGlinn

- 1) 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 a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

VOTING DETAILS:

CARRIED 7/0

COUNCIL DECISION – ITEM 11.1.1

Moved: Cr LM Eardley

Seconded: Cr RW Newton

That Council:

1. Confirms its belief that Mr Nils Hay is suitably qualified to be appointed to the position of Chief Executive Officer for the Shire of Mingenew;

2. Is satisfied with the provisions of the employment contract to be entered into between the Shire of Mingenew and Mr Hay, subject to the following points of clarification/modification:
- a) The contract being for a three year period, inclusive of an initial six month probabtionary period;
 - b) The “Termination by the Local Government at Will” clause reflecting a payment amount equal to six months of salary only (plus any accrued entitlements).
 - c) The start date being confimed to allow for an existing employment notice period and adequate travel/relocation time to Mingenew;
 - d) The total reward package being \$177,500 exclusive of fringe benefits tax, and in the package configuration as proposed by Mr Hay;
 - e) Various typographical and other corrections to the contract as advised by the executive Management Committee to LOGO being undertaken; and
3. Authorises the Shire President to execute the contract with Mr Nils Hay;

VOTING DETAILS:

CARRIED 5/2

COUNCIL DECISION- MEETING RE-OPENED TO THE PUBLIC

Moved: Cr JD Bagley

Seconded: Cr RW Newton

That the meeting be re-opened to members of the public.

VOTING DETAILS:

CARRIED 7/0

11.1.2 LEASE OF MINGENEW CHILDCARE CENTRE

Location/Address:	Lot 106, 76 Phillip Street, Mingenew
Name of Applicant:	Mingenew Community Resource Centre
Disclosure of Interest:	Nil
File Reference:	ADM0195 (OCR151278)
Date:	15 May 2018
Author:	Neil Hartley (Acting Chief Executive Officer)

Summary

This report seeks consideration to formalising/renewing the lease between the Shire of Mingenew and the Mingenew Community Resource Centre for the Mingenew Education and Care Facility (for four days each week). The lease is proposed for five years on the basis of it being a “peppercorn” lease of \$1/year.

**Cr McGlenn declared an Impartiality Interest given her position on the Community Resource Centre Board.
Pr HM Newton declared an Impartiality Interest given her position of Chair for the Community Resource Centre Board.**

Attachment

Lease Document

Background

The Mingenew Community Resource Centre has run Mingenew’s Education and Care Facility for children for the last several years from the current location of Lot 106, 76 Phillip Street, Mingenew. The existing five year agreement to lease has lapsed (25 February 2018) and a replacement lease is required in order that it can continue to maintain its License to operate as a Education and Care Facility for children.

Comment

The Mingenew Education and Care Facility service has proven to be a very welcomed service by Mingenew families. The Mingenew Community Resource Centre, which is a “not for profit” organisation, operates the centre. Due to its relatively low operational numbers and high compliance costs, the likelihood of a commercial operator wishing to commence a service in Mingenew is considered to be very low.

Consultation

Mingenew Community Resource Centre

Statutory Environment

The Local Government Act at Section 3.58 outlines that a local government can only dispose of property to the the highest bidder at public auction; or via a public tender process. The exception to this is outlined in the Local Government (Functions and General) Regulations 1996 at reg.30 which highlights that section 3.58 does not apply if the land is disposed of to a body, whether incorporated or not —

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions.

The Mingenew Community Resource Centre meets the above exemption ruling.

Lot 106, 76 Phillip Street, Mingenew is owned in freehold title by the Shire of Mingenew.

Policy Implications

Nil

Financial Implications

The Lease was developed using existing administrative resources and the annual payment is the nominal fee of \$1.

Strategic Implications

The Corporate Business Plan 2011-21 outlines that the Shire will continue to support community groups and in particular, to continue to support child care facilities.

Voting Requirements

Simple Majority

COUNCIL DECISION – ITEM 11.1.2

Moved: Cr RW Newton

Seconded: Cr LM Eardley

That Council endorse the lease of Lot 106, 76 Phillip Street, Mingenew to the Mingenew Community Resource Centre for the purposes of a Education and Care Facility for five years from 25 February 2018, at \$1.00/year, as outlined in the attached Lease document.

VOTING DETAILS:

CARRIED 7/0

12.0 CONFIDENTIAL ITEMS

Nil

13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 20 June 2018 commencing at 4.30pm.

14.0 CLOSURE

Pr HM Newton on behalf of the Shire Council sought to recognise and acknowledge the passing of community member Judy Bagley. Mrs Bagley was a long standing volunteer in both the Yandanooka and Mingenew communities and her contribution and commitment to these communities has assisted in shaping them into what they are today.

The President thanked all for attending and declared the meeting closed at 6.28pm.

These minutes were confirmed at an Ordinary Council meeting on 20 June 2018.

Signed _____
Presiding Officer

Date: _____