



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

Wednesday 19 December 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.

PROCEDURE FOR PUBLIC QUESTION TIME, DEPUTATIONS, PRESENTATIONS AND PETITIONS AT COUNCIL MEETINGS

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<p>Petitions A formal process where members of the community present a written request to the Council.</p>	<p>Deputations A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p>Presentations An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government</p>
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PROCEDURE FOR DEPUTATIONS

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business. Any person or group wishing to be received as a deputation by the Council shall send to the CEO an application:

- I. Setting out the agenda item to which the deputation relates;
- II. Whether the deputation is supporting or opposing the officer's or Committee's recommendation; and
- III. Include sufficient detail to enable a general understanding of the purpose of the deputation.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281192 or email governance@mingenew.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- I. is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- II. is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- III. additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

PROCEDURE FOR PRESENTATION

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281102 or email governance@mingenew.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received / awarded by the Shire President or an appropriate Councillor.

PROCEDURE FOR PETITIONS

Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

PROCEDURE FOR PUBLIC QUESTION TIME

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the Local Government Act 1995) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the Shire of Mingenew Standing Orders Local Law 2017:

1. Public Questions Time will be limited to fifteen (15) minutes.
 2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
 3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
 4. Questions will be limited to two (2) per person.
 5. Please state your name and address, and then ask your question.
 6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
 7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
 8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
 9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
 10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.
- **During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**
 - **Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**
 - **Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

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SHIRE OF MINGENEW

MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 19 DECEMBER 2018 COMMENCING AT 4.30pm

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President HM Newton declared the meeting open at 4.34pm and welcomed all in attendance.

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

HM Newton	President	Town Ward
KJ McGlenn	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward

STAFF

N Hay	Chief Executive Officer
J Clapham	Finance Manager
B Bow	Governance Officer
E Budrikis	Community Development Officer
R Brennan	Works Supervisor

VISITORS

Nil

APOLOGIES

CR Lucken	Deputy President	Town Ward
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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 4:49pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Item 11.2.1 Nils Hay Financial Interest

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

COUNCIL RESOLUTION- Resolution 19121801

Moved: Cr Cosgrove / Cr Eardley

That the Officer's Recommendation for agenda item 7.1 & 7.2 be adopted by en bloc decision.

VOTING DETAILS:

PUT AND CARRIED: 6/0

7.1 ORDINARY MEETING HELD 21 NOVEMBER 2018

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION – ITEM 7.1

Moved: Cr Cosgrove / Seconded: Cr Eardley

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 21 November 2018 be confirmed as a true and accurate record of proceedings subject to the following correction to point 2 of Council Resolution 21111817:

1. Delete \$205,046; and
2. Replace with \$215,983; so that it shall read as
Award the contract for RFT 2018/19(3) - Supply & Lay Bitumen and Aggregate to Bitutek Pty Ltd for the fixed price sum of \$215,983 and delegate authority to the Chief Executive Officer to enter into a suitable contract with Bitutek Pty Ltd;

VOTING DETAILS:

CARRIED BY EN BLOC RESOLUTION 19121801

7.2 AUDIT COMMITTEE MEETING HELD 19 DECEMBER 2018

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION – ITEM 7.2

Moved: Cr Cosgrove / Seconded: Cr Eardley

That the minutes of the Audit Committee Meeting of the Shire of Mingenew held in the Council Chambers on 19 December 2018 be received.

VOTING DETAILS:

CARRIED BY EN BLOC RESOLUTION 19121801

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 2017/18 ANNUAL REPORT

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0243
Disclosure of Interest: Nil
Date: 14 December 2018
Author: Nils Hay, Chief Executive Officer

Summary

This report recommends that Council accepts the Draft 2017/2018 Annual Report.

Attachment

Draft 2017/18 Annual Report

Background

The Local Government Act 1995 requires Council to prepare and accept an Annual Report for each financial year by 31 December after that financial year.

The Annual Report highlights, among other inclusions, the Shire of Mingenew's achievements from the Strategic Community Plan in the 2017/18 Financial Year.

Comment

Section 5.53(1) of the Local Government Act 1995 ("LGA") requires local governments to prepare an Annual Report for each financial year. The report summarises the year's highlights and achievements, and includes major initiatives that are proposed to commence or to continue in the next financial year.

Section 5.53(2) of the LGA specifies the content of the Annual Report is to contain:

- a) a report from the mayor or president;
- b) a report from the CEO;
- c) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- d) the financial report for the financial year;
- e) such information as may be prescribed in relation to the payments made to employees;
- f) the auditor's report for the financial year;
- g) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
- h) details of entries made under section 5.121 during the financial year in the register of complaints, including
 -
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
- i) such other information as may be prescribed.

In addition, the State Records Commission Standard 2 requires certain information to be included in the Annual Report.

Section 5.54(1) of the LGA requires the Annual Report for a financial year to be accepted by absolute majority no later than 31 December after the reported financial year.

Section 5.27 (2) of the LGA requires the Annual Electors meeting to be held within 56 days of the Annual Report for the previous financial year being accepted by Council. Should Council accept the draft Annual Report, an Annual Electors Meeting is required to be held no later than 10 January 2018. The Annual Electors Meeting will be held Wednesday 19 December 2018 commencing at 6.00pm which is after the December Ordinary Meeting of Council.

The attached Annual Report 2017/2018 is in draft format. Following acceptance by Council, arrangements will be made for the final production of the report for availability prior to the Annual Electors Meeting. A copy will also be available on the Shire's website.

Consultation

Consultation on the Annual Report will be undertaken through the presentation of the Report to the Annual General Meeting of Electors.

Statutory Environment

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require;and
 - (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Division 2 – Council meetings, committees and their meetings and electors' meetings

Subdivision 4 – Electors' meetings

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Disability Services Act 1993

29. Report about disability access and inclusion plan

- (2) A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.

State Records Commission Standard 2 – Record keeping Plans

Principle 6 – Compliance

Government organisations ensure their employees comply with the recordkeeping plan.

Rationale

An organisation and its employees must comply with the organisations recordkeeping plan.

Organisations should develop and implement strategies for ensuring that each employee is aware of the compliance responsibilities.

Minimum Compliance Requirements

The recordkeeping plan is to provide evidence to adduce that:

1. The efficiency and effectiveness of the organisation's recordkeeping systems is evaluated not less than once every 5 years.
2. The organisation conducts a recordkeeping training program.
3. The efficiency and effectiveness of the recordkeeping training program is reviewed from time to time.
4. The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's recordkeeping plan.
5. The organisation includes within its annual report an appropriate section that addresses points 1-4.

Policy Implications

Nil

Financial Implications

There will be a cost for producing the Annual Report in a few format and funds have been allocated in the 2017/18 Budget to meet these costs.

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION – 19121802

Moved: Cr Eardley Seconded: Cr Newton

That Council:

1. Note the review and recommendation of the Audit Committee;
2. Pursuant to Section 5.54(1) of the Local Government Act 1995 accept the Shire of Mingenew Annual Report for the 2017/2018 financial year as presented in the Attachment to this report.
3. Note that in accordance with Section 5.29 and 5.55 of the Local Government Act 1995, the Chief Executive Officer has provided local public notice of the Annual Electors Meeting to be held on Wednesday 19 December 2018.

VOTING DETAILS:

PUT AND CARRIED BY ABSOLUTE MAJORITY 6/0

9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 NOVEMBER 2018

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 10 December 2018
Author: Cherie Delmage; Projects Finance

Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 30 November 2018 as presented to the Council be received.

Attachment

Finance Report for period ending 30 November 2018

Background

The Monthly Financial Report to 30 November 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	\$1,208,414
Cash on Hand	\$300
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$736,007
Trust Fund	\$20,775
Reserve fund (3 Month Term Deposit) @ 2.50%	\$408,783

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2018/2019 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.

- (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

No financial implications are indicated in this report.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION – 19121803

Moved: Cr Bagley / Seconded: Cr H Newton

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

VOTING DETAILS:

PUT AND CARRIED 6/0

9.2.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2018

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – November 2018
Disclosure of Interest: Nil
Date: 10 December 2018
Author: Cherie Delmage – Projects Finance

Summary

This report recommends that Council receive list of payments for period ending 30 November 2018 in accordance with the 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 AND COUNCIL RESOLUTION – 19121804

Moved: Cr Cosgrove / Seconded: Cr McGlinn

That Council receive the attached list of payments for the month of November 2018 as follows:

\$5,488.50	Municipal Cheques 8575 to 8577;
\$353,468.36	Municipal EFT11953 to EFT12035;
\$13,973.88	Municipal Direct Debit Superannuation Payments;

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\$21,606.70	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$44,520.52	Municipal Direct Debit WATC Loan & Guarantee Fee Payments;
\$1,626.76	Municipal Direct Debit National Australia Bank Fees; and
\$739.25	Municipal Direct Debit Other.
Totalling \$441,423.97	

VOTING DETAILS:

PUT AND CARRIED 6/0

9.2.3 INTERIM BUDGET REVIEW

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0130
Date: 12 December 2018
Author: Cherie Delmage; Finance - Projects

Summary

Council is requested to review and adopt the documentation tabled for the 2018/2019 Interim Budget Review.

Attachment

- a. Interim Budget Review Document with Commentary
- b. Historical Comparison of Roads and P&G expenses
- c. Draft Position Description Temporary Finance Officer

Background

Regulation 33A of the Local Government (Financial Management) requires a local government to carry out a review of its annual budget between 1 January and 31 March each financial year. An interim budget review may be carried out prior to 1 January.

Comment

The attached review is an interim budget review and a further review will be required to comply with our statutory obligations; this is anticipated for March 2019.

The reason for presenting an interim budget review to Council for adoption is to provide a Council with an understanding how the Shire is currently tracking in terms of projects along with budgeted revenue and expenditure, as well as to seek to re-allocate some funds to make provision for additional temporary resourcing in the finance department (position description for proposed role attached).

There are various timing and permanent timing variances that have been addressed in the budget review. Explanations for these variances are provided in the Budget Review commentary and a conservative approach has been taken in finalising the forecast closing surplus position.

In addition to the provision of funds for a temporary finance resource, several of the larger reallocations relate to:

- Roadworks:
 - o It appears that the budget was established with the assumption that there would be significantly less road maintenance activities than in a regular year (particularly 'Asset Preservation Rural'; this fits with the assumption that the Shire would have been largely engaged in WANDRRA works. In practical terms however, not all works that have taken place has been WANDRRA related; this is due to a range of factors including weather, staff availability, timing of release of WANDRRA contracts, utilisation of WANDRRA mobilisation to complete non-WANDRRA works, a range of specific maintenance requests and correct allocation of work to cost centres.
- Parks and Gardens Activities:
 - o Again, there has been a reduction in the budget for this year based on previous years across several of the larger P&G work areas; the rationale for this is less clear, as staffing has not changed in P&G this financial year (e.g. noxious weeds, street cleaning). There have been

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 19 December 2018

several areas which have been underspent, as a result of incomplete job-costing, and these items have been re-allocated towards the larger work areas.

- Tree lopping was not allocated for, but a range of jobs must be completed to both protect power lines and a number of Council assets
- Public convenience maintenance has increased as a result of the significant tourist season that we experienced
- Projects
 - A number of projects will not reach the capital stage this Financial Year, largely due to the fact that additional work/scoping/tendering is required so that external funding can be leveraged to assist with project delivery (likely in FY19-20); these include:
 - Mingenew Hill
 - Mingenew Hall
 - Tennis Court Lights
 - Public consultation around the management of the transfer station is still due to take place in FY18-19 prior to operationalisation; this has reduced the budgeted requirement for Rubbish Site Maintenance
 - Mingenew Revitalisation Plan Project & Wildflower Entrance Statements will be held over as the new Strategic Community Plan is completed, and – in part – because limited capacity exists to execute them at present
- Purchases
 - The purchase of the new Loader generated some budgetary savings
 - It is proposed that the WM and FM vehicles be turned over in the 2019-20 FY. Mileage will be monitored through this period
 - Additional funds are sought for the replacement of the Case tractor, as we have been advised that it is not sufficiently powerful to manage some of the attachments that are used on it (which is resulting in a range of maintenance issues)
 - Fuel, Oil and Tyres are all tracking below budget; given the amount of plant maintenance that has occurred so far this financial year, it is anticipated that the second half of the financial year will not be as capital-intensive as the first
- Rentals
 - A number of rental line items have fallen this year (e.g. Silver Chain lease, which concluded) while others have increased (e.g. the revenue the Shire is deriving from leasing properties to BPH).

Consultation

Nils Hay; Chief Executive Officer

Jeremy Clapham; Finance Manager

Leadership Team: Rocky Brennan, Belinda Bow, Ella Budrikis

Statutory Environment

Local Government (Audit) Regulations 1996

Policy Implications

Nil

Financial Implications

While the proposed amended budget does re-allocate funds across several areas, it has been designed so that there is a nil bottom line impact.

Strategic Implications

The Budget Review process is an integral part of the integrated planning frameworks and risk management processes carried out by Council.

Voting Requirements

Absolute Majority

OFFICER RECOMENDATION AND COUNCIL RESOLUTION- 19121805

Moved: Cr Newton / Seconded: Cr Bagley

That Council:

1. Adopts the 2018/2019 Interim Budget Review as tabled; and
2. Such amendments as adopted, be implemented in to the Shire's Chart of Accounts to reflect those changes adopted in "Note 5 – Predicted Variances" within the 2018/2019 Budget Review document.

VOTING DETAILS:

PUT AND CARRIED BY ABSOLUTE MAJORITY 6/0

9.3 ADMINISTRATION

9.3.1 ELECTED MEMBER ENTITLEMENTS POLICY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0489
Disclosure of Interest:	Nil
Date:	12 December 2018
Author:	Belinda Bow, Governance Officer

Summary

The purpose of this proposed policy is to outline the support that will be provided to Councillors through the payment of allowances and reimbursement of expenses incurred under the *Local Government Act 1995* (the Act) while performing the official duties of office. Council is requested to review the attached Elected Member Entitlements Policy and adopt if satisfied with its contents or alternatively provide feedback to administration to 1) facilitate changes or 2) decline to adopt the policy and maintain the current process.

Attachment

1.1.1 Elected Members Entitlements Policy

Background

Part 5 division 8 of the Act provides for Elected Member entitlements and allowances in recognition of the complexity, time and demands of the role. These entitlements and allowances are governed by the Salaries and Allowances Tribunal "SAT" whom classify local governments according to bands, and then set the parameters in which monetary payments can be made. Whilst the Salaries and Allowances Tribunal reviews its determinations every 12 months it is Council that must set the entitlements and allowances figures within the SAT range through either policy or as a part of the budget process and to also stipulate conditions around such payments.

Currently Councillor sitting fees and allowances are set as a part of the budget process and includes:

- a) Councillor sitting fees;
- b) President & Deputy President allowances.

However there is a lack of clear direction from Council on:

- a) Whether Council would like to continue with an annual sitting fee instead of on a per meeting basis;
- b) Quantum of President and Deputy President Allowances;
- a) Reimbursements; the extent to what, and to how much, will be recoverable
- b) Whether Council would like to set annual professional development entitlements to ensure all Councillors receive the opportunity for development as opposed to fist in, first served;
- c) Agreed monetary values for acknowledgement of service.

This proposed policy provides direction for both Elected Members and staff on all of the above.

Comment

The proposed Elected Members' Entitlements Policy formalises the support and allowances available to the Shire's Elected Members in line with what is currently practiced and is consistent with the provisions set out in the Local Government Act 1995 "the Act" and supporting regulations. As stated, it assumes Council is satisfied with the current provisions and payment options and seeks to govern such payments without imposing a significant impact to the 2018/19 budget.

Sitting Fees

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To guide the annual budget process, the policy proposes that the annual meeting attendance fee for both Councillor and President be expressed as percentage of the maximum SAT determination (see fig 2). You will note that there is no provision for a separate Deputy President sitting fee; despite this having been in place since 2014 (and potentially previously), neither the Act, its regulations or the Salaries and Allowances Tribunal provides for such a fee.

This I can only assume is due the fact that only one person presides at meetings and if it is not the President, then it would be the Deputy acting in the President's capacity, which would therefore entitle the Deputy to the President's fee for that meeting, however given that Council currently have an annual sitting fee in lieu of individual meeting fees payment of this item is not feasible. Given that the legislation does not make provision for this fee it must be removed and if not done through policy, then it will be addressed at the mid-year budget review. The Deputy President is entitled to the same monetary amount as the other Councillors (excluding the President), in line with the provisions of the Act.

Figure 1. The current 2018/19 Shire of Mingenew Council annual attendance fees, in lieu of individual council meeting attendance fees.

<i>G/L</i>	<i>Description</i>	<i>Explanation</i>	<i>Timing</i>	<i>Amount</i>
0162	Members Allowance	Sitting Fee- President (2017/18 - \$6,222)	Quarterly	\$6,278
0162	Members Allowance	Sitting Fee- Deputy President (2017/18 - \$4,131)	Quarterly	\$4,168
0162	Members Allowance	Sitting Fee- 5x Councillors @ \$3,700 each (2017/18- \$3,616 each) (Increased by March Perth CPR each year – 0.9% for 12 months to March 2018)	Quarterly	\$18,245

The percentages suggested for the meeting/sitting fees (33% and 40% of the maximum SAT allowance for the President and Councillors respectively) have been suggested as they achieve, as closely as possible, the current budgeted figures. The table below details the current range set by SAT in which Councillors are able to set their attendance fees within. The Shire of Mingenew is classified as Band 4.

Figure 2- Current SAT Determination for Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – local governments.

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$24,360	\$31,364	\$24,360	\$47,046
2	\$14,718	\$23,000	\$14,718	\$30,841
3	\$7,612	\$16,205	\$7,612	\$25,091
4	\$3,553	\$9,410	\$3,553	\$19,341

Given that percentages have been rounded to the nearest whole number for ease of calculation, the policy would result in an increase to the annual attendance fees as below listed. It equates to an approximate annual increase of \$64.00 per councillor and \$104.00 increase to the President for the Annual Attendance Fee.

Fig 3- Proposed Annual Meeting Attendance Fee

<i>G/L</i>	<i>Description</i>	<i>Explanation</i>
0162	Members Allowance	Annual Sitting Fee- President (2019/20 - \$6382.50)
0162	Members Allowance	Annual Sitting Fee- Councillor (2019/20- \$3,764)

President & Deputy President Allowances

Again the allowances have been expressed as a percentage of the SAT determination for each category. Under the Local Government Act 1995, the Presidential allowance *must* be paid whilst the Deputy President *may* be paid and is to be decided by absolute majority of Council. If the Deputy President allowance is paid, in accordance with s5.98A of the Act, it must be set as 25% of the President’s allowance. The Presidents allowance must be set within Band 4 of the following table.

Figure 4: Current SAT Determination for Annual allowance for a mayor or president of a local government

For a mayor or president		
Band	Minimum	Maximum
1	\$50,750	\$88,864
2	\$15,225	\$62,727
3	\$1,015	\$36,591
4	\$508	\$19,864

Currently the President’s allowance is set at \$7,288 per annum. Given that percentages have been rounded to the nearest whole number for ease of calculation, the policy would increase the President’s allowance to \$7,349.70, equating to a \$61.70 increase in the President’s allowance from current budgeted figures.

The Deputy President’s allowance under this policy would increase to \$1,837.40 from \$1,822.00.

Information, Communication and Technology (ICT) Allowance

The Act provides for Elected Members to be either reimbursed or receive an allowance for ICT costs incurred whilst undertaking their role. Currently the Shire does not pay an ICT allowance as all Councillors are provided with iPads and data connectivity/download capacity on commencement of the role. If an Elected Member were to incur additional costs such as phone expenditure due to the demands of their role, then the proposed policy provides for reimbursement but stipulates a maximum monetary value claimable, provided sufficient evidence be submitted.

Professional Development

As part of the policy, Elected Members are encouraged to attend suitable conferences and training activities to enable them to be more informed and better able to fulfil their duties of office. The policy suggests allocating an annual monetary figure to each individual Elected Member to facilitate such development and to provide a fair and transparent process for selecting professional development opportunities for elected members. The policy has used the current budgetary figure as below listed and allocated over the 7 Elected Members. Travel, meal and accommodation expenses along with the course fees are to come out of the annual allowance, however activities such as community consultation, travel to prescribed meetings etc are excluded and will be separately reimbursed.

Currently individual allocations are not performed and a generic provision for elected member professional development is built into the budget based on previous year’s expenditure. Currently the selection process for training is based on a first in first served principal. Within the 2018/19 budget there is \$5,500 allocated to Elected Member Training/Conferences & a separate provision for Local Government Week.

With the Auditor General taking over the auditing of local governments in the coming years, the reform of the Local Government Act that is underway and the expectation of the administration that the Audit Committee will be required to play a more active role in risk mitigation, I believe it would be timely to start such a process whereby Elected Members are encouraged and supported to actively peruse further local government knowledge through an annual individual allocation for professional development. Given that the allocation includes accommodation expenses for the training event I believe it would be beneficial to increase this figure.

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As per the policy it is suggested that any unused allocation is carried forward at the completion of each annual period, however forfeited at the biennial local government elections.

Accompanying Persons at Conferences and Training

Whilst the Shire has previously not held a policy position on accompanying persons for Conference/Training, it did in regards to Local Government Week.

“Partners are eligible to attend Local Government Week... and the cost of registration, accommodation and meals will be met by Council, provided such expenditure is under the terms and conditions of the Local Government Act” (May 2017 Policy Manual).

Please note that this proposed policy stipulates restrictions to the payment and reimbursement for an accompanying person.

Acknowledgement of Service

This has been included within this policy as it is an entitlement provided for by the Act. What has been proposed is in line with what Council had previously adopted in 2017 and consistent with Council’s policy with relation to gratuities to staff for service.

Comparison of Councillor Entitlements with Surrounding Shires against Proposed Policy

I have completed a comparison of Elected Member entitlements with the surrounding Shires for Council to consider and to assist in determine whether changes need to be made to the policy.

Shire	Structure	Sitting Fees	Pres & D/Pres Allowances	ICT Allowance	Conference/ Training + Travel
Mingenew	Annual Fee	<u>Annual Fig \$28966.50</u> President- \$6,382.50 Councillor- \$3,764.00	President- \$7,349.70 D/Pres- \$1,837.40	\$0	\$21,450 (includes local gov week provision)
Three Springs	Per Meeting (includes committee, RRG, Walga etc)	<u>Annual Fig \$12,672</u> <i>Ordinary Meeting</i> President- \$264 Councillor- \$132 <i>Special/Committee</i> President- \$66 Councillor- \$33	President- \$7,500 D/Pres- \$1,375	\$0	?
Morawa	Annual Fee	<u>Annual Fig \$64,000</u> President- \$16,000 Councillor- \$8,000	President- \$17,000 D/Pres- \$4,250	\$1500	\$23,200 (includes local gov week provision)
Perenjori	Per Meeting (includes committee, RRG, Walga etc)	<u>Budgeted \$32,000</u> <i>Ordinary Meeting</i> President- \$400 Councillor- \$200 <i>Special/Committee</i> Councillor including President- \$118	President- \$22,000 D/Pres- \$6,000	\$0	\$8,000
Carnamah	?	<u>Annual Fig \$19,824</u>	President- \$3,650 D/Pres- \$0	\$3,500	\$2800 each for travel and \$100 per day for food etc.

Consultation

Lyn Fogg- WALGA Governance Advisor.

Statutory Environment

Local Government Act 1995

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B.

(1) A council member who attends a council or committee meeting is entitled to be paid —

- (a) the fee determined for attending a council or committee meeting; or
- (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.....

(5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —

- (a) the annual local government allowance determined for mayors or presidents; or
- (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.

5.98A. Allowance for deputy mayor or deputy president

(1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

* *Absolute majority required.*

(2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B; or
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

* *Absolute majority required.*

[Section 5.99 amended by No. 2 of 2012 s. 16.]

Salaries and Allowances Act 1975

Local Government Chief Executive Officers and Elected Members Determination No. 1 of 2018

1.3 (7) Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for elected council members of a local government or regional local government, each local government or regional local government council will set an amount within the relevant range determined and the amount set will be payable to an eligible elected council member.

1.3 (8) The fees, expenses and allowances determined are intended to recognise the responsibilities of elected council members, mayors and presidents of local governments and chairmen of regional local governments and to remunerate them for the performance of the duties associated with their office.

Local Government (Administration) Regulations 1996

34AC. Gifts to council members, when permitted etc. (Act s. 5.100A)

(1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.

(2) The amount of \$100 for each year served as a council member to a maximum of \$1,000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1). [Regulation 34AC inserted in Gazette 3 May 2011 p. 1596.]

Policy Implications

Council currently has no policies in respect to this matter. The adoption of an Elected Member Entitlement's Policy formalises such entitlements and assists staff in the budget formation process.

Financial Implications

The policy, if adopted, will result in an additional cost to the Shire of approximately \$200 on an annual basis, excluding CPI increases, from what is currently provided for within the 2018/19 budget if no changes to percentages or monetary values are made.

Strategic Implications

The 2017 – 2021 Corporate Business Plan has a range of objectives, outcomes and actions that revolve around these policy issues, including the outcomes '*being an open and accountable local government that is respected, professional and trustworthy*'; and '*to achieve a high level of compliance.*'

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Adopt the attached policy titled 1.1.1 Elected Member Entitlements; and
2. Direct the CEO to address any budget variations resulting from this policy through the mid-year 2018/19 Budget review process.

COUNCIL RESOLUTION - 19121806

Moved: Cr Newton / Seconded: Cr McGlinn

That the policy be referred back to the CEO to:

1. Revise the Professional Development provisions from individual allocations to a pooled fund; and
2. Review the structure of the President and Deputy President's allowance; and
3. Re-present the Policy at the February 2019 Ordinary Council Meeting.

VOTING DETAILS:

PUT AND CARRIED 6/0

9.3.2 COMMUNITY ASSISTANCE SCHEME

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM
Date:	10 December 2018
Author:	Ella Budrikis, Community Development Officer

Summary

For Council to consider the proposed grant application process as the approved way for not for profit community based organisations, event organisers and individuals to apply for Shire funding prior to the budget being adopted.

Attachment

Grant Application Package

Background

The Shire of Mingenew Community Assistance Scheme is to provide assistance to not for profit community based organisations and event organisers to support the promotion and development of social, economic, recreational, art and educational projects that make a positive contribution to the quality of life within the Shire of Mingenew.

The Program is aimed at assisting community-based organisations to undertake projects which can be shown to support the Shire of Mingenew's vision as determined by the community strategic plan 2012

"Standing proud, growing strong."

Comment

With the adoption of the Pilot Community Assistance Scheme it will provide a framework for the Shire of Mingenew to administer community sponsorship. This framework will ensure a consistent approach to all applicants who show support to the Shire's Vision Statement.

The Pilot Community Assistance Scheme is limited by Council's budget allocation which will need to be determined by council as part of the budgeting process. As per the 2018/2019 budget council allocated \$29,800 towards community group requests and donations.

The scheme will only fund up to a maximum of \$5,000 per application and all applicants will be reviewed in accordance with the funding criteria.

Eligibility Criteria for the assessment of application to the Community Assistance Scheme, includes the promotion and development of activities, events infrastructure and services in the Shire of Mingenew.

Applications must meet the following criteria to be eligible for funding:

- The application is for \$5,000 or less, unless otherwise approved by Council;
- Have a public liability certificate;
- The application must demonstrate an alignment to the Shire of Mingenew Strategic Community Plan 2018 – 2022;
- Demonstrate a substantial degree of community support and representation' Submit a detailed budget for the program/project/event;
- Be a properly constituted not-for-profit organisation or be sponsored by an incorporated organisation;
- Provide the names and contact details of two referees;
- Sign a Grant Agreement before any funding is released;

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- Undertake to give due recognition to the Shire of Mingenew for its contribution to their activities;
- Applicants must formally acquit their grant funds within 8 weeks of the completion of the project, on the approved acquittal and evaluation forms provided.

Applications will be assessed against the selection criteria by the Shire of Mingenew Community Assistance Scheme Panel (this will need to be formed).

Successful applicants will be required to provide Council with an evaluation of the project and acquittal of the funding received, based on the criteria for receiving the grant allocation.

Consultation

Nils Hay, Chief Executive Officer

Nicole Nelson, Manager Community Capacity Shire of Irwin

Shannan Taylor, Community Officer Shire of Irwin

Statutory Environment

Nil

Policy Implications

Council have no policies in respect to this matter.

Financial Implications

Budget consideration

Strategic Implications

Improved structure when supporting community groups via funding

Outcome 1.1.4 Continue to support local event and encourage new events

Outcome 4.1.1 Continue to support community groups

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION - 19121807

Moved: Cr Eardley / Seconded: Cr McGlenn

That Council adopt the Pilot Community Assistance Scheme, as outlined in the attachment to the report by the Community Development Officer dated 10 December 2018.

VOTING DETAILS:

PUT AND CARRIED 6/0

9.4 TOWN PLANNING

9.4.1 GERALDTON ALTERNATIVE SETTLEMENT AGREEMENT

Location/Address:	Various Unallocated Crown Land parcels
Name of Applicant:	Department of Planning, Lands & Heritage
Disclosure of Interest:	Nil
File Reference:	ADM0491
Date:	9 December 2018
Author:	Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Senior Officer:	Nils Hay, Chief Executive Officer

Summary

Council is in receipt of correspondence from the Department of Planning, Lands & Heritage seeking its comment in relation to various Unallocated Crown Land parcels within the Shire of Mingenew that have been identified as areas of interest for the native title claimants and are currently being considered for inclusion into the Indigenous Land Use Agreements.

Attachment

Attachment 9.4.1(a) - draft Shire response for Council discussion relating to Unallocated Crown Land Parcels in the Mingenew area – provided as separate CONFIDENTIAL Attachment

Attachment 9.4.1(b) - draft Shire response for Council discussion relating to Unallocated Crown Land Parcels in the Yandanooka area – provided as separate CONFIDENTIAL Attachment

Background

The State of Western Australia is currently negotiating an alternative native title settlement in the greater Geraldton region with four native title claimant groups (Southern Yamatji, Hutt River, Widi Mob and Mullewa Wadjari).

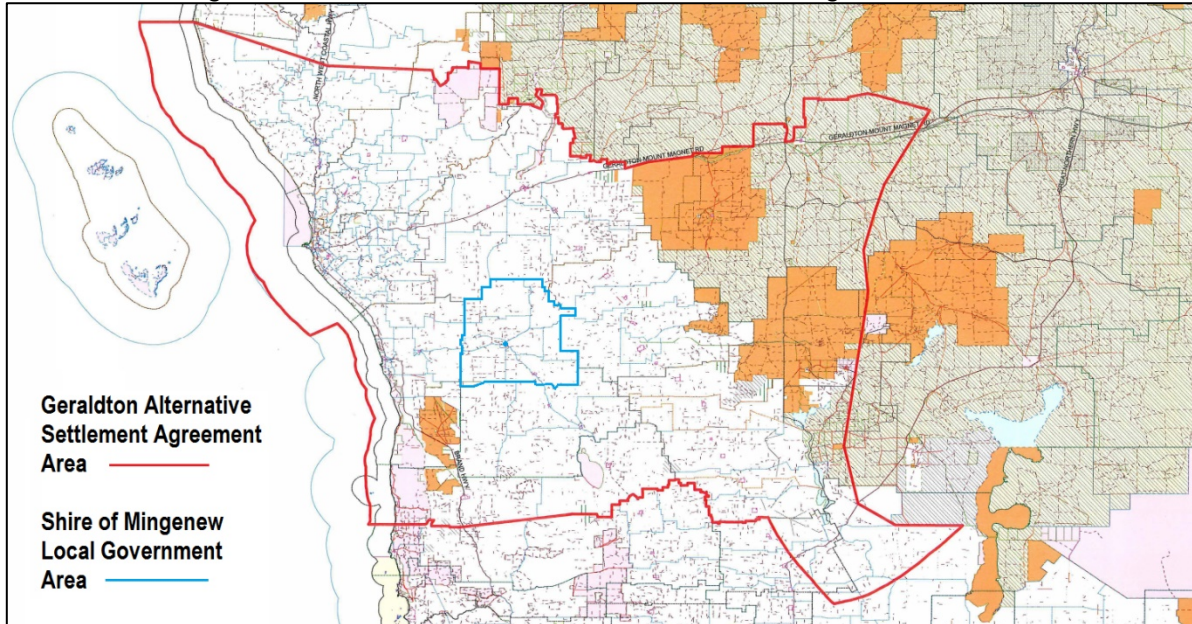
The State's proposal, under the Geraldton Alternative Settlement Agreement ('GASA') is that a settlement package will be agreed in exchange for the surrender of all native title rights and interests within the external boundaries of the GASA.

Negotiations may include the following matters:

- development of, and initial support for, appropriate governance structures to ensure successful implementation of a final agreement;
- a heritage regime based on the Government Standard Heritage Agreement;
- provision by the State of a land base;
- joint vesting and/or management of conservation areas, including areas not yet reserved for conservation purposes;
- development of a ranger program;
- financial assistance for business and economic development opportunities; &
- recognition of traditional ownership.

The State's offer under the GASA includes provision by the State of a land base to the claimant groups. The negotiation of this part of the agreement entails members of the groups' Traditional Owner Negotiation Team selecting various parcels of land within the agreement area which they seek to have transferred to them, or management thereof. The Department of Planning, Lands & Heritage is responsible for reviewing these parcels to identify which of them might be eligible for transfer, what is the appropriate tenure and under what conditions (e.g. freehold, leasing, sole management or joint management of reserves).

Figure 9.4.1 – Geraldton Alternative Settlement Agreement Area



Comment

The Department of Planning, Lands & Heritage are seeking Council's comment upon a Crown Reserve within the Shire of Mingenew with respect to the following:

- 1 Are there any future proposals for the land identified? If so, in what time frame?
- 2 Are there any future proposals for any adjoining land which may impact on the proposed transfer of the land identified?
- 3 Are there any proposed planning scheme amendments which may affect the land identified? If so, in what time frame?
- 4 Are there any known land management issues with the land identified e.g. contamination etc?"

Separate **CONFIDENTIAL Attachments 9.4.1(a) & 9.4.1(b)** provide a cadastral map overlaid upon an aerial photograph and individual comment for each Unallocated Crown Land parcel and it is suggested that this form the basis for Council's discussion and response to the Department of Planning, Lands & Heritage.

Consultation

The Department of Planning, Lands & Heritage have advised that the parties to the proposed agreement are negotiating under tight timeframes imposed by the Federal Court and the **Shire comment is required to be provided by 21 December 2018.**

The Department of Planning, Lands & Heritage advised the Shire on 27 October 2018:

"Please note that this process is being carried out in the context of a Federal Court mediation which is confidential. Accordingly, you are not permitted to share any of the matters pertaining to this referral to a third party."

In relation to Council's resolution at its 19 September 2018 meeting the Department of Planning, Lands & Heritage advised the Shire on 23 October 2018:

"Please note that the GASA team will not be referring to adjoining land owners, noting that this Agreement is mediated by the federal court. The GASA Team will be referring to Main Roads WA

and the Department of Biodiversity, Conservation and Attractions, as well as a number of other agencies, for comments.”

The Department of Planning, Lands & Heritage have also advised that the Shire’s comments may be provided to the Traditional Owner Negotiation Team members for their consideration.

Statutory Environment

Section 14 of the *Land Administration Act 1997* requires that:

“Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.”

Policy Implications

Nil.

Financial Implications

The GASA is following a similar process to that previously undertaken for the South West Native Title Claim Area, which is at a more advanced stage, that also sought to identify Unallocated Crown Land that might be either transferred to the Noongar Boodja Trust as freehold title or leasehold or managed reserves. The South West Native Title Settlement Fact Sheet, previously prepared by the Department of Premier & Cabinet in 2015 for that process, provides some general guidance on frequently asked questions, noting that:

“What is the difference between Freehold land and Managed Reserve Land?”

Each form of land tenure has different benefits.

- Freehold is land that the Noongar Boodja Trust will own like any other private land owner in the State. It allows for the land to be developed, used for commercial purposes, used as security against loans, or to be sold. Like all other freehold land, there are costs that must be met, including local government rates and charges, insurance, fire service levies and any land management cost.*
- Managed reserves are areas of Crown land that has been reserved for a particular purpose. The Trustee will consult with the Noongar community as to the use of any individual reserve – i.e. whether it is held for particular Noongar social, cultural, or economic benefit, whether it can be subdivided, and so on.”*

“Will the Noongar Boodja Trust need to pay rates on the Freehold land allocated under the Settlement?”

As the owner of the freehold land, the Noongar Boodja Trust will be required to meet the normal costs, including rates or service charges, associated with owning freehold land. Freehold land can be exempted from rates under s.6.26(2)(g) of the Local Government Act 1995 (WA) where that land is used exclusively for charitable purposes. However, if the freehold land is used for a commercial purpose or leased for a commercial enterprise, it will not be exempt from rates.”

Strategic Implications

The Shire of Mingenew Strategic Plan notes the following:

- Objective 2 A sustainable natural and built environment that meets current and future community needs.
- Outcome 2.2 Our indigenous and cultural heritage is acknowledged.
- 2.2.1 Continue to liaise with the local indigenous and cultural groups (Key Partners: Local community, DCA, DIA)

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION- 19121808

Moved: Cr Cosgrove / Seconded: Cr McGlinn

That Council endorse and forward the Shire response to the Department of Planning, Lands & Heritage as provided in Attachments 9.4.1(a) and 9.4.1(b).

VOTING DETAILS:

PUT AND CARRIED 6/0

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 ELECTED MEMBERS

Nil

11.2 STAFF

11.2.1 CEO PERFORMANCE APPRAISAL

PROCEDURAL MOTION – ITEM 11.2.1

Moved: Cr McGlinn / Seconded: Cr Newton

That the following new business of an urgent nature be considered by Council:
Item 11.2.1- CEO PERFORMANCE APPRAISAL

VOTING DETAILS:

PUT AND CARRIED 6/0

PROCEDURAL MOTION – ITEM 11.2.1

Moved: Cr McGlinn / Seconded: Cr Newton

That the meeting be closed to members of the public in accordance with section 5.23(2) of the Local Government Act to allow Council to discuss:

- (a) A matter affecting an employee or employees; and
- (b) The personal affairs of any person; and
- (c) 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:

PUT AND CARRIED 6/0

5.46pm - The CEO declared a financial interest in the matter titled 11.2.1 CEO Performance Appraisal and remained in the room to present the details of the report and answer Councillors' questions. The CEO was not required to leave the meeting during the vote.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION - 19121809

Moved: Cr Newton / Seconded: Cr McGlinn

That Council:

1. Endorse the proposed Performance Criteria document for the Chief Executive Officer's Probationary Review; and

2. Delegate s5.38 of the Local Government Act 1995 and r18D of the Local Government (Administration) Regulations 1996 to the Executive Management Committee to serve as Reviewer for the Chief Executive Officer's Probationary Review; and
3. Delegate s5.38 of the Local Government Act 1995 and r18D of the Local Government (Administration) Regulations 1996 to the Executive Management Committee to serve as Reviewer for the Chief Executive Officer's Performance Reviews for the remainder of the CEO's Contract of Employment; and
4. Endorse the engagement of John Phillips Consulting to assist with the Chief Executive Officer's Probationary Review; and
5. Authorise the Executive Management Committee, in consultation with the Chief Executive Officer, to set a date for the Probationary Review; and
6. Authorise the Executive Management Committee to decide, in consultation with the Chief Executive Officer, whether an external facilitator will be engaged to assist with future performance reviews and, if so, the identity of that third party.

VOTING DETAILS:

PUT AND CARRIED BY ABSOLUTE MAJORITY 6/0

12.0 CONFIDENTIAL ITEMS

12.1 REQUEST FOR RATES WRITE-OFF – CLOSED [s5.23 (b), (e)(iii)]

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION – 19121810

Moved: Cr Cosgrove / Seconded: Cr Newton

That Council:

1. Resolves to write off legal fees and penalty interest fees for Rates Assessment A152 to the value of \$7,118.81; and
2. Requests the Chief Executive Officer to contact the party responsible for A152 to arrange a repayment plan for any outstanding rates on Assessment A152.

VOTING DETAILS:

PUT AND CARRIED 6/0

PROCEDURAL MOTION- ITEM 12.1

Moved: Cr McGlinn Seconded: Cr Newton

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

VOTING DETAILS:

PUT AND CARRIED 6/0

13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 20 February 2019 commencing at 4.30pm.

14.0 CLOSURE

The President thanked all for attending and closed the meeting at 5.55pm.

These minutes were confirmed at an Ordinary Council meeting on 20 February 2019.

Signed _____
Presiding Officer

Date: _____