



MINUTES FOR THE ORDINARY COUNCIL MEETING

18 SEPTEMBER 2019

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
18 SEPTEMBER 2019 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
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
AR Smyth	Councillor	Town Ward

APOLOGIES

LM Eardley	Councillor	Town Ward
KJ McGlinn	Councillor	Town Ward

STAFF

N Hay	Chief Executive Officer
J Clapham	Finance Manager
E Greaves	Governance Officer

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 21 AUGUST 2019

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.1 - Resolution 19091801

Moved: Cr Smyth Seconded: Cr Bagley

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 21 August 2019 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

CEO, Nils Hay disclosed a financial interest in Item 11.5 Endorsement of CEO Application for LG Professionals Scholarship. Mr Hay is the potential beneficiary of the scholarship.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 EXECUTIVE MANAGEMENT COMMITTEE MEETING HELD 30 AUGUST 2019

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1.1 - Resolution 19091802

Moved: Cr Bagley Seconded: Cr Cosgrove

That the minutes of the Executive Management Committee meeting held in the Council Chambers on 30 August 2019 be received.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

COUNCIL DECISION - ITEM 10.1.1 - Resolution 19091803

Moved: Cr Cosgrove Seconded: Cr Bagley

That the meeting be closed to the public at 4:38pm as a matter for discussion relates to an employee, in accordance with s5.23(2)(a) of the Local Government Act 1995.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1.2 - Resolution 19091804

Moved: Cr Bagley Seconded: Cr Smyth

That Council endorses the amended Focus Areas and Actions for July 2019 to June 2020.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

COUNCIL DECISION - ITEM 10.1.1 - Resolution 19091805

Moved: Cr Cosgrove Seconded: Cr Newton

That the meeting be reopened to the public at 5:02pm.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

11.1 IMPOSITION OF NEW FEES & CHARGES 2019/20 – COMMERCIAL-SIZED BULK BINS

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0305
Disclosure of Interest: Nil
Date: 2 September 2019
Author: Erin Greaves, Governance Officer and Jeremy Clapham, Finance Manager
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

As part of the new Waste Collection and Disposal Services contract, the Shire is able to offer eligible residents the option of commercial-sized bulk bins (1.5m³ and 3m³). For Council to appropriately recover costs it is recommended that Council impose an annual collection charge for these bins and include the new charges in the Shire's Fees & Charges schedule.

Key Points

- The new Cleanaway contract commences on Monday, 23 September 2019
- The Shire can now offer provision and collection of commercial-sized bins for properties included on the collection route
- Collection of the 1.5m³ and 3.0m³ commercial-sized bins will be conducted on Fridays fortnightly

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 - Resolution 19091806

Moved: Cr Cosgrove Seconded: Cr Bagley

That Council, by Absolute Majority, imposes the following new fees in relation to rubbish collection services:

REFUSE CHARGES					
	Unit	2019/20 Total Cost	2018/19 Total Cost	Statutory or Council Fee	GST Y/N
Commercial 1.5m ³ Bin Collection (Annual Charge or Pro rata)	Per bin	\$1,000.00	-	C	N
Commercial 3.0m ³ Bin Collection (Annual Charge or Pro rata)	Per bin	\$1,250.00	-	C	N

With the charges taking effect as of 23 September 2019.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 5/0

Background

The Shire of Mingenew has not historically offered waste collection services to residents outside of the Mingenew townsite, or maintained fees and charges for bins greater than 240L.

Comment

The new Waste Collection and Disposal Services contract provides for a new commercial-sized bin collection service that is available to residents within the Mingenew townsite and along the rubbish collection truck routes.

It is proposed that residents will be charged pro rata for the first year and then charged as part of the Rates Notice each subsequent year.

In order to impose a charge for this service, Council are required to resolve, by Absolute Majority, the proposed charge and give public notice of its intention to do so.

Consultation

- Leadership Team
- Neighbouring local governments
- Tenderers of Waste Collection Services

Statutory Environment

Local Government Act 1995

6.16. Imposition of fees and charges

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

* Absolute majority required.

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

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

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

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

* Absolute majority required.

6.17. Setting level of fees and charges

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

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

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

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

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

(4) Regulations may —

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

6.18. Effect of other written laws

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

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

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

6.19. Local government to give notice of fees and charges

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

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

Policy Implications

Nil.

Financial Implications

The proposed charge has been calculated on a cost recovery basis and will therefore, have a minimal effect on the Shire's financial position, given that the costs will be charged by Cleanaway and recovered through the ratepayer.

Strategic Implications

Community Strategic Plan

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

Cr Newton left the meeting at 5:06pm.

Cr Newton returned to the meeting at 5:07pm.

11.2 FEES AND CHARGES 2019/20 AMENDMENT – COMMUNITY BUS HIRE

Location/Address: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0305
Date: 3 September 2019
Author: Erin Greaves, Governance Officer
Authorising Officer: Nils Hay
Voting Requirements: Absolute Majority

Summary

An error in the formulation of the Fees and Charges Table (as it relates to Community Bus Vehicle Hire) has occurred for the 2019/20 financial year and requires correction.

Key Points

- The current Fees & Charges 2019/20 reflect a higher charge rate for local businesses than non-local businesses, which does not reflect the amendment to the Fees & Charges established in 2018/19 and current practice
- An absolute majority decision is required to impose or amend the Shire's Fees and Charges
- Local public notice is required to be given outlining the amendment and when it will apply form

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 - Resolution 19091807

Moved: Cr Cosgrove Seconded: Cr Bagley

That Council amends the Shire of Mingenew Fees & Charges 2019/20 relevant to the hire of the Community Bus by:

a) Deleting the following fees and charges:

COMMUNITY BUS VEHICLE HIRE					
	Unit	2019/20 Total Cost	2018/19 Total Cost	Statutory or Council Fee	GST Y/N
Category 1 – Mingenew Primary School & Seniors	Per day	80.00	79.00	C	Y
Category 2 – Community & Sporting Groups, Shire Ratepayers	Per day	90.00	85.00	C	Y
Category 2 – Mingenew Based Business / Commercial Enterprise	Per day	290.00	285.00	C	Y
Category 3 – Non local Business / Commercial / Private Groups	Per day	220.00	215.00	C	Y
COMMUNITY BUS BONDS					
Bus Hire Bond (applicable to all categories)	Per hire event or season	310.00	-	C	N
Cleaning Bond (applicable to all categories)	Per hire event or season	105.00	-	C	N
COMMUNITY BUS KILOMETRE FEE					
Category 1 – Mingenew Primary School & Seniors	Per kilometre on travel > 250kms	0.75	0.75	C	Y
Category 2 – Community & Sporting Groups, Shire Ratepayers	Per kilometre on travel > 250kms	1.60	1.59	C	Y
Category 2 – Mingenew Based Business / Commercial Enterprise	Per kilometre on travel > 250kms	1.60	1.59	C	Y
Category 3 – Non local Business / Commercial / Private Groups	Per kilometre	2.20	2.15	C	Y

b) Adopting in lieu, the following fees and charges:

COMMUNITY BUS VEHICLE HIRE					
	Unit	2019/20 Total Cost	2018/19 Total Cost	Statutory or Council Fee	GST Y/N
Category 1 – Mingenew Primary School & Seniors	Per day	80.00	79.00	C	Y
Category 2 – Mingenew Community & Sporting Groups, Ratepayers and Mingenew Based Business / Commercial Enterprise	Per day	90.00	85.00	C	Y
Category 3 – Non-local Business / Commercial / Private Groups	Per day	220.00	215.00	C	Y
COMMUNITY BUS BONDS					
Bus Hire Bond (applicable to all categories)	Per hire event or season	310.00	-	C	N
Cleaning Bond (applicable to all categories)	Per hire event or season	105.00	-	C	N
COMMUNITY BUS KILOMETRE FEE					
Category 1 – Mingenew Primary School & Seniors	Per kilometre on travel > 250kms	0.75	0.75	C	Y
Category 2 – Community & Sporting Groups, Shire Ratepayers and Mingenew Based Business / Commercial Enterprise	Per kilometre on travel > 250kms	1.60	1.59	C	Y
Category 3 – Non local Business / Commercial / Private Groups	Per kilometre on travel > 250kms	2.20	2.15	C	Y

c) Giving local public notice of the amended charges, that are to apply from 1 October 2019.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 5/0

Attachment

11.2 1.4.3 Community Bus Hire Policy (current)

Background

The Shire of Mingenew generally sets its fees and charges annually as part of the budget adoption process. The Fees and Charges Table was adopted by Council at its 17 July 2019 meeting (item 14.1 – Late Item - Adoption of 2019/20 Budget) however the Community Bus hire charges require reconsideration to align with Council's decision to combine the category 2 user types - *Mingenew Based Business/Commercial Enterprises* and *Category 2- Community & Sporting Groups and Ratepayers* on 17 October 2018 at an Ordinary Council meeting.

Comment

The Fees & Charges, as it stands, requires that *Non local Business / Commercial / Private Groups* (Category 3) pay less than *Mingenew Based Business / Commercial Enterprises*. This discrepancy was identified in 2018 and amended by Council but not transferred to the final Fees & Charges 2019/20 adopted this year.

In identifying this discrepancy, staff recognise a need to review the Community Bus Hire Policy and associated terms and conditions, procedures and forms. The current policy is confusing and conflicts with current practice. It is proposed that this review will be conducted in the second quarter of this financial year.

Consultation

Nil.

Statutory Environment

Local Government Act 1995

6.16. Imposition of fees and charges

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

* Absolute majority required.

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

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

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

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

* Absolute majority required.

6.19. Local government to give notice of fees and charges

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

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

Policy Implications

Council's Community Bus Hire Policy, last adopted in December 2016, requires review to ensure relevancy and consistency with the fee structure, and will be presented to Council at a future meeting.

Financial Implications

The proposed fee amendment is likely to have minimal impact on the Shire's revenue.

A review of the Policy and associated procedures should provide Shire staff with direction and consistency in applying the fees and charges, and potentially resulting in increased revenue.

Strategic Implications

Community Strategic Plan

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

11.3 NEW COUNCIL POLICIES AND POLICY MANUAL REVIEW SCHEDULE

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0489
Disclosure of Interest:	Nil
Date:	5 June 2019
Author:	Erin Greaves – Governance Officer and Jeremy Clapham - Finance Manager
Voting Requirements:	Simple Majority

Summary

A review of the Shire of Mingenew's Policy Manual has been undertaken to ensure compliance and relevance to the community's current and future needs and is available for Council's consideration. In addition, it is recommended that a review of Council's Policy Manual be scheduled based on Policy Area, to ensure the resourcing impact on staff is acceptable and Council policies are regularly monitored for compliance and applicability.

Key Points

- The Shire has identified three policies which are presented for Council consideration and have been based on either WALGA model policies or those adopted by other local governments, ensuring their relevance to the local context.
- Council's policies have historically been reviewed individually and on an as needs basis. The proposed scheduling provides a more systematic and efficient process.
- It is open to Council to review, amend, revoke or develop new policies as required, outside of the scheduled individual policies.
- The ICT Policy allows Council to mitigate its security and access risks by setting control measures for the use of computers, electronic devices, mobile phones and other forms of information and communication technology.
- The Pre-qualified Suppliers policy and associated management procedure provides guidance around purchasing activities at the local and regional level.
- The Fees & Charges Policy and associated management procedure establishes the circumstances under which Council will impose Fees and Charges in accordance with statutory requirements. It also recognises Council's desire to subsidise the community's sporting groups by providing recreation facilities below full cost recovery.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.3 - Resolution 19091808

Moved: Cr Cosgrove Seconded: Cr Smyth

That Council:

1. **Adopts the following new policies (as attached):**
 - a) **1.2.8 Information & Communications Technology (ICT) Policy**
 - b) **1.2.9 Pre-qualified Suppliers Policy**
 - c) **1.3.8 Fees & Charges Policy**

2. Endorses the policy review schedule, as follows:

Policy Area	When	Next Review	Comment
Elected Members	Biennially	November 2019	Following each local government election
Administration	Biennially	February 2020	These policies are fairly standard and not likely to require regular change.
Finance	Annually	September 2021	Scheduled to allow for any recommended improvements to be made from the Annual Audit process
Community	Triennially	October 2019	The Community Bus policy has been identified as needing immediate review.
Works	Triennially	April 2020	Road Closure policy just developed. Gravel Acquisition policy not likely to require regular review.

NOTE: Policies within the Council Policy Manual may be reviewed and amended or revoked at any time by Council decision, as required. The Review Schedule has been developed to ensure a systematic and efficient approach to reviewing the policies is adopted and implemented as a measure of good governance.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

Attachment

- 11.3.1 1.2.8 Information & Communications Technology (ICT) Policy
- 11.3.2 1.2.9 Pre-qualified Suppliers Policy
- 11.3.3 1.3.8 Fees & Charges Policy
- 11.3.4 Consolidated Policy Manual as at July 2019

Background

Whilst there is no statutory requirement for Council to review its Policy Manual, it is considered better practice to ensure Council have a relevant and current policy stance that reflects the ongoing changes within local government and our community.

Many of the policies have been developed using WALGA's model policies or are based on other local government's policies that have been recognised for good governance. Some policies may have been developed or modified to suit our individual or local circumstances.

Comment

The policies within the Policy Manual are strategic, outcome focused and set governing principles, guiding the direction of the organisation, and are to be considered for endorsement by Council.

The management procedures included, following the relevant Council Policy, are developed for administrative and operational purposes and endorsed by the CEO.

A summary of any changes made to the Policy Manual throughout 2019 is provided in the table below, including the proposals for this meeting:

Policy Number	Policy Title	Description of Change
1.1.1	Elected Member Entitlements	Amended policy provides clarity for elected members and management on budgeting and payment of applicable entitlements.
1.4.2	Community Support	Formulated to guide the decision-making process and implementation of the Community Assistance Scheme.
1.3.8	Employee Superannuation	Policy to ensure a consistent approach to superannuation contributions, in addition to the required super guarantee.
1.5.2	Road Closure	New policy adopted at the 17 July 2019 Ordinary Council meeting.
1.2.7	Discrimination, Harassment and Bullying	Was withdrawn from Council's Policy Manual and incorporated into the recently adopted HR Policies and Procedures, as adopted at the 21 August 2019 Ordinary Council meeting.
LPP1	Outbuilding	This Local Planning Policy was amended at the 21 August 2019 Ordinary Council meeting.
1.2.8	ICT	New Policy
1.2.9	Pre-Qualified Suppliers	New Policy
1.3.8	Fees & Charges	New Policy

A consolidated version of the Policy Manual will be issued to Councillors following this meeting.

Consultation

- Leadership Team
- Council Forum

Statutory Environment

Local Government Act 1995

Policy Implications

As outlined.

Financial Implications

There are no direct financial implications

Strategic Implications

Community Strategic Plan

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

The Council Policy Manual has been developed to complement existing legislation and guide decision making. Guidance on local application is provided where required.

11.4 PROPOSED LOT AMALGAMATION – LOTS 8 & 9 BRIDE STREET, MINGENEW

Location/Address:	Lots 8 & 9 corner Bride & King Streets, Mingenew
Name of Applicant:	LandWest for Y & L Lindecker
Disclosure of Interest:	Nil
File Reference:	A644
Date:	10 September 2019
Author:	Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Senior Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking its comment upon an application to amalgamate Lots 8 & 9 on the south-west corner of the Bride & King Street intersection in the Mingenew townsite. This report recommends that Council support the application.

Key Points

- Lots 8 & 9 are 2 x 1,214m² townsite lots that the applicant seeks to amalgamate.
- The amalgamation of the 2 lots would assist the landowner with their development intentions upon the larger 2,428m² property.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.4 - Resolution 19091809

Moved: Cr Cosgrove Seconded: Cr Bagley

That Council advises the Western Australian Planning Commission (WAPC) that it supports the amalgamation of Lots 8 & 9 Bride Street, Mingenew (as shown upon Plan 18180-01, WAPC Application 158319 date stamped 7/8/19).

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

Attachment

Attachment 11.3 - Copy of submitted subdivision application

Background

Lot 8 is a 1,214m² property located on the south-western corner of the Bride & King Street intersection that contains a newly constructed residence.

Lot 9 is a 1,214m² property located immediately south of Lot 8 that contains a residence and 2 outbuildings.

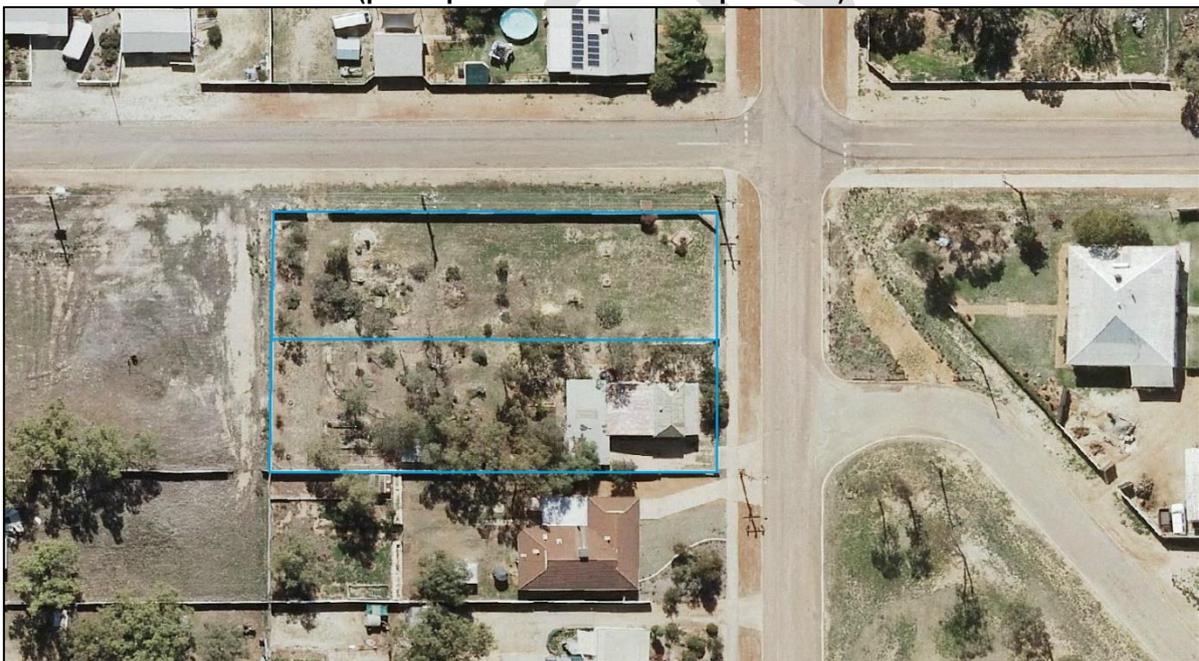
Both lots are owned by the same landowner who is proposing to demolish the existing residence upon Lot 9 and retain the outbuildings. The applicant's submitted supporting correspondence and subdivision plan, that elaborates further upon this proposal has been provided as **Attachment 11.3**.

Were Council to support the application it could be made subject to recommending to the WAPC that a condition of approval be applied requiring that the applicant demolish the residence upon Lot 9 prior to the completion of the amalgamation of the lots. Thereby preventing a property being created that contains 2 residences. However, the officer recommendation has not included this condition to provide development and timing flexibility to the landowner as it is noted that the Shire of Mingenew Local Planning Scheme No.3 (and draft Scheme No.4) list 'Grouped Dwelling' as a discretionary use that can be considered in the 'Residential' zone.

Figure 11.3(a) – Location Plan for Lots 8 & 9 corner Bride & King Streets, Mingenew



**Figure 11.3(b) – Aerial Photograph of Lots 8 & 9 corner Bride & King Streets, Mingenew
(photo pre-dates residence upon Lot 8)**



Comment

The applicant is seeking to develop the land area presently comprising Lots 8 & 9 as one property. It is not uncommon within the Mingenew townsite for landowners to own adjoining lots and have them fenced and landscaped as one property. The proposed lot amalgamation would merely formalise this arrangement and remove the potential, once the existing residence upon Lot 9 is demolished, for a residential zoned lot to contain outbuildings and no residence.

It is noted that the residence upon Lot 9 Bride Street is not listed in the Shire of Mingenew Municipal Inventory of Heritage Places.

Figure 11.3(c) – View of residence upon Lot 8 looking south-west from Bride Street



Figure 11.3(d) – View of residence upon Lot 9 looking north-west from Bride Street



Consultation

The WAPC is not obliged to undertake any public consultation in its assessment of subdivision applications, but has referred the application out to the Shire of Mingenew, Department of Fire & Emergency Services (Unexploded Ordnance Branch), Telstra, Water Corporation and Western Power inviting comment.

Statutory Environment

Lots 8 & 9 Bride Street, Mingenew are zoned 'Residential R12.5' under the Shire of Mingenew Local Planning Scheme No.3 ('the Scheme'), upcoming Scheme No.4 proposes no change to this zoning.

Section 4.2 of the Scheme lists the objectives of the 'Residential' zone as being:

"The use of land in the Residential Zone shall be consistent with the following objectives:

- the zone shall be predominantly residential in use.*
- non-residential uses permitted under the provisions of the Scheme shall be of service to, compatible in character and of a scale and operation which is not detrimental to the predominant residential use.*
- any non-residential use shall not detract from or adversely affect the residential amenity of the area."*

Schedule 1 Part 3 Clause 16 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the objectives of the 'Residential' zone as being (these are duplicated in draft Scheme No.4):

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development."*

The proposed amalgamation of Lots 8 & 9 would not be contrary to the objectives of the 'Residential' zone.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Lots 8 & 9 Bride Street, Mingenew are located within Precinct 2-Residential Town of the Mingenew Townsite Local Planning Strategy and it is not considered that the proposed lot amalgamation would conflict with the directions of this Strategy.

ATTACHMENT 11.3

Our Ref: 18180

05 August 2019



Chief Executive Officer
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir

PROPOSED AMALGAMATION LOTS 8 & 9 ON PLAN 573 BRIDE STREET MIGNENEW

On behalf of the owners of the above property, application is now made for the amalgamation of the above landholdings. Please find attached to the application –

- Landowner Consent to Apply
- Landwest Plan 18180-01 dated 05/07/2019
- Certificates of Title 916/78 & 1180/898

Payment of the prescribed application fee has been forwarded directly.

The landholdings are located in the townsite of Mingenew at the intersection of Bride and King Streets.

Lots 8 & 9 are both 1214m² in area. Lot 9 contains an existing dwelling and outbuildings and is serviced with reticulated water and electrical services. Lot 8 has a dwelling under construction, and also has a reticulated underground power service.

The lots are zoned Residential R12.5 in Shire of Mingenew Local Planning Scheme No 3.

Approval is sought for the creation of an amalgamated lot, 2428m² in area. The existing dwelling on Lot 9 is proposed to be demolished, and its existing Western power service disconnected. The proposed lot will contain a single dwelling only and be serviced by the existing underground electrical supply. The existing water service to Lot 9 will be maintained to service the proposed lot. There is no change to the access or crossover requirements for the proposed amalgamated lot.

We look forward to your determination in due course. Please do not hesitate to contact me with any further queries regarding this application

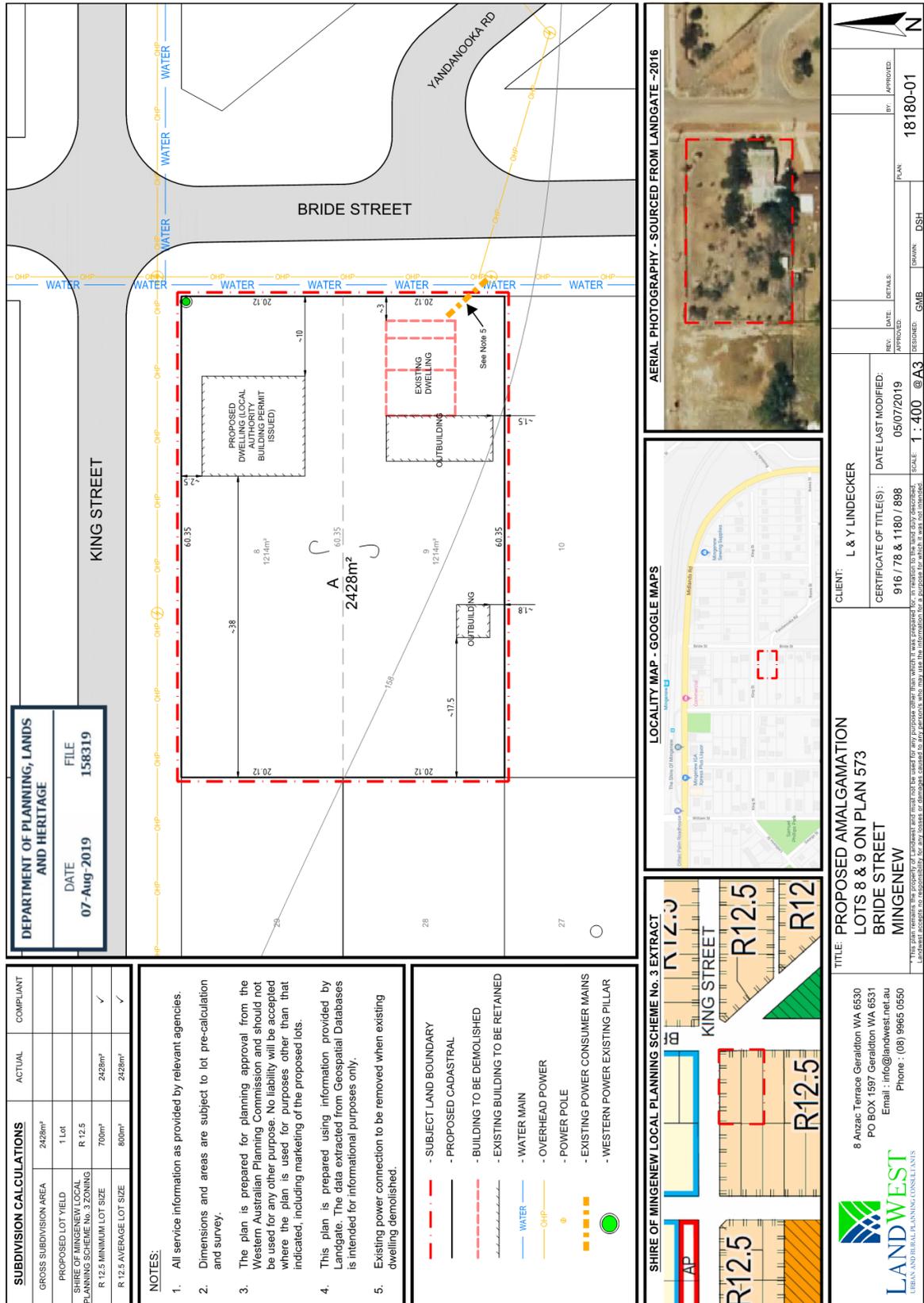
Yours faithfully

Gail Bermingham

enc

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11.5 ENDORSEMENT OF CEO APPLICATION FOR LG PROFESSIONALS SCHOLARSHIP

CEO disclosed interest

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	
Disclosure of Interest:	Financial. CEO seeking endorsement for scholarship for himself
Date:	5 September 2019
Author:	Nils Hay, Chief Executive Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

LG Professionals WA and WA Super offer an annual scholarship to their members to fund an overseas research trip. The recipient is required to develop a research proposal, conduct the study and deliver a report upon their return. As part of the application process, the officer is required to seek either CEO or Council endorsement.

The CEO is seeking endorsement, with a view to travelling to Canada in the latter part of the current financial year to look at how the numerous small local governments cooperate, share services and collectively find economies of scale in order to remain financially viable. Canada has been chosen as there are hundreds of local governments there who have a similar profile in terms of population, remoteness and size to LGs like Mingenew.

The CEO is also interested in the equivalent role (Chief Administrative Officer – CAO) and how – as part of the management of small municipalities – that role is delivered and supported.

Key Points

- If successful, the application will have no cost to the Shire of Mingenew
- The CEO will travel on annual leave towards the end of FY19/20 (trip must be completed in the current financial year). Dates to be worked around CEO's current university study calendar

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.5 - Resolution 19091810

Moved: Cr Bagley Seconded: Cr Cosgrove

That Council endorses CEO Nils Hay's application for the 2019/20LG Professionals Local Government Scholarship.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

Attachments

11.5.1 Local Government Scholarship Information Flyer

Background

Full details of the scholarship can be found on the attached flyer.

Comment

As we, as a Shire, look for alternative and novel methods to better collaborate with our neighbours and manage the reality of being a small local government with limited resources, I believe that my research

proposal (if successful) would offer some viable strategies and insights that could be brought back and adapted to our situation.

Canada has a very large local government system and still maintains a lot of very small municipalities. Unlike parts of rural Australia, Local Government structural reform (i.e. amalgamations) have not been common. It follows that there may be some methods that are being used in the Canadian sector which may have transferability back to WA and the Midwest.

Likewise, there are numerous similarities between the CEO and CAO roles across the two jurisdictions and there may be some useful learnings from the Canadian sector in terms of how CEOs in smaller rural municipalities manage their time and are managed and supported in the delivery of their duties.

The CEO has engaged in some initial consultation with the president of the Canadian equivalent of LG Professionals, and believes that such a trip would be supported and facilitated by that organisation.

This also represents a cost-effective method for a rare professional development opportunity for the CEO.

Consultation

- Local Government Professionals WA
- Jeff Renaud, President Canadian Association of Municipal Administrators (LG Pro equivalent)

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The Scholarship will cover the cost of the trip. There will be no associated cost to the Shire of Mingenew. In the event that there is any shortfall, it will be borne personally by the CEO.

Strategic Implications

Community Strategic Plan:

- Strategy 1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness

12.0 FINANCE

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2019

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0304
Date:	11 September 2019
Author:	Jeremy Clapham – Finance Manager

Summary

This report recommends that the Monthly Financial Report for the period ending 31 August 2019 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 - Resolution 19091811

Moved: Cr Cosgrove Seconded: Cr Newton

That the Monthly Financial Report for the period 1 August 2019 to 31 August 2019 be received.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

Attachment

12.1.1 Monthly Financial Report for period ending 31 August 2019

Background

The Monthly Financial Report to 31 August 2019 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Trust Fund
- Explanation of Material Variances

Comment

Summary of Funds – Shire of Mingenew as at 31 August 2019	
Municipal Fund	\$2,159,156
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$147,000
Trust Fund	\$16,605
Reserve fund (3 Month Term Deposit) @ 2.50%	\$308,490

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 2019/20 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

12.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 AUGUST 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – August 2019
Disclosure of Interest: Nil
Date: 10 September 2019
Authorising Officer: Jeremy Clapham, Finance Manager
Voting Requirement: Simple Majority

Summary

This report recommends that Council receive the list of payments for period ending 31 August 2019 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 - Resolution 19091812

Moved: Cr Cosgrove **Seconded:** Cr Bagley

That Council receive the attached list of payments for the month of August 2019 as follows:

\$23,946.88	Municipal Cheques 8614 to 8616 and 8622 to 8625;
\$208,102.05	Municipal EFT12760 to EFT12870;
\$9,791.11	Municipal Direct Debit Superannuation payments;
\$15,446.55	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$7,010.72	Municipal Direct Debit National Australia Bank Credit Card and Fees; and
\$13,732.45	Municipal Direct Debit Other.

Totalling \$278,029.76 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$67,722.33

Total of all payments - \$345,752.09.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

Attachment

12.2.1 Accounts for Payment

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

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13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING

Nil.

14.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

COUNCIL DECISION - ITEM 14.1 - Resolution 19091813

Moved: Cr Smyth Seconded: Cr Newton

That Council agrees to consider Late Item 14.1 Tender – RFQ 1 2019/20: 2019/20 Annual Supply, Spray and Cover Bitumen Sealing including Seal Design and Aggregate Supply.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

COUNCIL DECISION - ITEM 14.1 - Resolution 19091814

Moved: Cr Smyth Seconded: Cr Newton

That Council closes the meeting to the public at 5.11pm, in accordance with s5.23(2)(c), in order to discuss a matter relating to a contract that may be entered into.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

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14.1 CLOSED SESSION [s5.23 (2)(c)]: TENDER – RFQ 1 2019/20: 2019/20 Annual Supply, Spray and Cover Bitumen Sealing including Seal Design and Aggregate Supply.

Location/Address: Not Applicable
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: TEN018
Date: 16 September 2019
Author: Nils Hay, CEO
Authorising Officer: Nils Hay, CEO
Voting Requirements: Simple Majority

Summary

A request for Quotation RFQ 1 2019/20: 2019/20 Annual Supply, Spray and Cover Bitumen Sealing including Seal Design and Aggregate Supply WALGA's EQuotes Vendor Panel process (vis. The WALGA Preferred Supplier Program) to appoint a suitable Contractor for the supply of a "full contract service" for the supply and laying of bitumen and aggregate for Mingenew's 2019/20 road program.

The CEO, with advice from Greenfield Technical Services, has reviewed the submissions; the summary report is attached.

COUNCIL DECISION - ITEM 14.1 - Resolution 19091815

Moved: Cr Smyth Seconded: Cr Newton

That Council closes the meeting to the public at 5.11pm, in accordance with s5.23(2)(c), in order to discuss a matter relating to a contract that may be entered into.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 14.1 - Resolution 19091816

Moved: Cr Newton Seconded: Cr Smyth

That Council:

- 1. Note the attached Evaluation report (CONFIDENTIAL ATTACHMENT) 14.1.1 with respect to RFQ 1 2019/20: 2019/20 Annual Supply, Spray and Cover Bitumen Sealing including Seal Design and Aggregate Supply;**
- 2. Award the contract for RFQ 1 2018/19: 2019/20 Annual Supply, Spray and Cover Bitumen Sealing including Seal Design and Aggregate Supply to a panel comprising Colas Western Australia Pty Ltd for the sum of \$499,691,90 + GST, followed by Bitutek Pty Ltd for the sum of \$521,933.84 + GST, and delegate authority to the Chief Executive Officer to enter into suitable contracts with Colas Western Australia Pty Ltd and Bitutek Pty Ltd; and**
- 3. Delegate authority to the Chief Executive Officer to manage the Colas Western Australia Pty Ltd and Bitutek Pty Ltd contracts, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and that it is managed within the overall budget for the projects.**

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

COUNCIL DECISION - ITEM 14.1 - Resolution 19091817

Moved: Cr Cosgrove Seconded: Cr Newton

That Council reopens the meeting to the public at 5.19pm.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/0

Attachments

14.1.1 Evaluation Report

14.1.2 Submissions received

Background

The Shire of Mingenew undertook a tender process through WALGA's Preferred Supplier Program (the WALGA's EQuotes Vendor Panel) process to appoint a suitable Contractor for the supply of a "full contract service" for the supply and laying of bitumen and aggregate for its 2019/20 road program.

All sealing works are to be completed on a "full contract basis" (with the only exception being that the Shire or a suitable contractor will prepare the surface of the roads for sealing) with the contractor to supply all materials (including binders, bitumen and aggregate), labour, plant and equipment, and traffic management. The length of the proposed contract is for the remainder of the 2019/20 financial year (to 30 June 2020). Practically though, the work is scheduled to be completed by 30 April 2019 – to both ease the acquittal process and ensure that wet weather has minimal impact upon the works.

The Request (Ref # VP160212) opened on WALGA's EQuotes system on Wednesday 4 September 2019, with tenders closing at midnight on Sunday 16 September 2019.

Four complying submissions were received by the deadline and they were reviewed by the CEO and staff from Greenfield Technical Services. The Evaluation and Recommendation Report, including the overall evaluation scores and rankings, is attached as a confidential item. Of the potential providers on the WALGA Panel for these services, all of the four companies that did bid, had the capacity to undertake the work. The companies Colas Western Australia Pty Ltd (with a score of 97%) and Bitutek Pty Ltd (95%) are recommended for appointment to a panel to supply and lay bitumen and aggregate for 2019/20, subject to them completing the normal contractual commitments to the Shire.

Comment

The contract provided services sought by the Shire of Mingenew is consistent to most other local governments' annual sealed road requirements and has been a regular procurement at Mingenew for many years. It is not a service that the Shire would gear up for and undertake itself.

Quoted prices are subject to rise and fall, based upon the price of bitumen.

Given that there are multiple jobs and likely multiple mobilisations, a panel appointment has been recommended to give the Shire flexibility and also potentially seek to leverage any benefits in price rise and fall, cost of provisional items, and mobilisation efficiencies - noting that Bitutek will also be returning to the Shire later this financial year to complete the sealing on the Mingenew-Mullewa Road held over from 2018/19.

Consultation

WALGA Preferred Supplier service

Greenfield Technical Services

Statutory Environment

The Local Government Act 1995 at Section 3.57 outlines the requirements for calling tenders for the provisions of goods or services. The Local Government (Functions and General) Regulations 1996 at clause 11 outlines when tenders have to be publicly invited, and when that requirement is exempted. One of the exemptions is where *“the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program”*.

Local Government Act 1995 at section 5.23 outlines that meetings are generally open to public, except that the council may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with for example, 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.

Policy Implications

The Shire's Purchasing Policy outlines how the Shire of Mingenew will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to guide this procurement process.

Financial Implications

The preferred submission received is within the Shire's budget allocation for the works to be completed, e.g. at Colas' rates:

Yandanooka NE Rd: \$50,535.20+GST (against contract services budget of \$164,640)
Coalseam Rd SLK 26-28.24: \$105,004.90+GST (against a contract services budget of \$891,000)
Coalseam Rd SLK 4.15-13.66: \$348,651.50+GST (against a contract services budget of \$523,204)

It should be noted that for the above:

- Preliminary costs have been allocated to the Coalseam Road SLK4.15-13.66 job, as it is both the primary job and fully externally funded
- The scope of the Yandanooka NE R2R project has been provisionally reduced from 1.5km to 1km. This is due to the discovery of a culvert in the proposed work area which will require guardrail design and installation as part of the proposed road widening (at an estimated cost of ~\$20,000). To ensure that the tendered projects meet budgetary limits, the scope was reduced.

Following the tendering process for the civil works on this project, the scope may be increased again, utilising the rates provided in this quotation response for the seal component.

Strategic Implications

Strategic Community Plan 2019-29: Strategy 1.1.1 – Provide and support cost effective transport networks.

15.0 CONFIDENTIAL ITEMS

Nil.

16.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 16 October 2019 commencing at 4:30pm.

17.0 CLOSURE

The meeting was declared closed at 5.22pm.

These minutes were confirmed at an Ordinary Council meeting on 16 October 2019.

Signed _____
Presiding Officer

Date: _____

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