



MINUTES FOR THE ORDINARY COUNCIL MEETING

16 OCTOBER 2019

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
16 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
LM Eardley	Councillor	Town Ward
KJ McGlinn	Councillor	Town Ward
AR Smyth	Councillor	Town Ward

APOLOGIES

Nil.

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 18 SEPTEMBER 2019

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.1 - Resolution 16101901

Moved: Cr Cosgrove Seconded: Cr Smyth

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 18 September 2019 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 DECLARATIONS OF INTEREST

President Newton disclosed an impartiality interest with regard to Item 11.3 Disposal by Lease of Bank Building at 50 Midlands Road Mingenew, as she is the Chairperson of the CRC Management Committee. The CRC submitted an expression of interest for the bank building lease.

As a Committee member of the CRC Management Committee, Cr McGlinn also disclosed an impartiality interest.

Cr McGlinn disclosed an indirect financial interest in Item 14.1 Tender – RFT1 2019/20 Mingenew Rural Road Works as her defacto partner is currently employed by one of the tenderer's contractors.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 8 OCTOBER 2019

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1 & 10.2 - Resolution 16101902

Moved: Cr Newton Seconded: Cr Bagley (ENBLOC)

That the minutes of the Local Emergency Management Committee meeting held in the Council Chambers on 8 October 2019 be received.

That the minutes of the Mingenew Bushfire Advisory Committee meeting held in the Council Chambers on 10 October 2019 be received.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

10.2 MINGENEW BUSHFIRE ADVISORY COMMITTEE MEETING HELD 10 OCTOBER 2019

OFFICER RECOMMENDATION - ITEM 10.2

That the minutes of the Mingenew Bushfire Advisory Committee meeting held in the Council Chambers on 10 October 2019 be received.

The Mingenew Bushfire Advisory Committee meeting is scheduled to be held on the evening prior to issuing this Agenda, therefore they will be provided as a late attachment and emailed separately.

11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

11.1 ADOPTION OF LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	
Disclosure of Interest:	Nil
Date:	5 September 2019
Author:	Nils Hay, Chief Executive Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Under Section 41 of the *Emergency Management Act 2005*, a local government is to ensure that emergency management arrangements are in place for that local government district. This is in the form of a Local Emergency Management Arrangements (LEMA) document.

Through the Local Emergency Management Committee (LEMC) the Shire of Mingenew's LEMA has been iteratively built and reviewed, to the point where it has been endorsed to come to Council for adoption.

Key Points

- Legislatively mandated document, reviewed and submitted to District Emergency Management Committee (DEMC) and State Emergency management Committee (SEMC)
- Live document, so will continue to be updated as information changes
- Has been developed in close consultation with Department of Fire and Emergency Services (DFES) representatives and through Mingenew's LEMC

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 - Resolution 16101903

Moved: Cr Cosgrove Seconded: Cr Newton

That Council adopts the Shire of Mingenew Local Emergency Management Arrangements as attached.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Attachments

- Local Emergency Management Arrangements

Background

As noted above, and as per the version control in the draft proposed for adoption, this document has been undergoing development for some time. At the LEMC meeting on 8 October 2019 the LEMC endorsed the document to go to Council for adoption.

Comment

There will be ongoing work improving the LEMA's appendices, particularly the Bushfire Plan and Recovery Plan, however these are not prerequisites to have the Arrangements themselves adopted and noted by the DEMC. There is a DEMC meeting on 18 October and, should Council adopt the LEMA on 16 October, the matter will be put forward for noting there. Initial feedback from DFES has suggested that the document will be noted by the DEMC without issue.

Consultation

- DFES
- LEMC

Statutory Environment

Emergency Management Act 2005

41. Emergency management arrangements in local government district

- (1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.
- (2) The local emergency management arrangements are to set out —
 - (a) the local government's policies for emergency management; and
 - (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district; and
 - (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b); and
 - (d) a description of emergencies that are likely to occur in the local government district; and
 - (e) strategies and priorities for emergency management in the local government district; and
 - (f) other matters about emergency management in the local government district prescribed by the regulations; and
 - (g) other matters about emergency management in the local government district the local government considers appropriate.
- (3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.
- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.
- (5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

42. Reviewing and renewing local emergency management arrangements

- (1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.
- (2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.

43. Local emergency management arrangements to be available for inspection

- (1) A local government is to keep a copy of its local emergency management arrangements at the offices of the local government.
- (2) The arrangements are to be available for inspection, free of charge, by members of the public during office hours.
- (3) The arrangements may be made available in written or electronic form.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Community Strategic Plan:

- Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner
- Strategy 1.3.2 Provide services and processes to enhance public safety

11.2 ACQUISITION OF LAND BY WAY OF GIFTED ASSET

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	
Disclosure of Interest:	Nil
Date:	10 October 2019
Author:	Nils Hay, Chief Executive Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority / Absolute Majority

Summary

Mr Terrence Finnigan owns six blocks of land in the Mingenew townsite. He was previously seeking to revest the land back to the Crown and the Shire approached him to ask if he would be considering providing the land back to the Local Government. Mr. Finnigan has indicated that he would be willing to do so, as such Council must determine if it will accept the gifted assets.

Key Points

- Six lots in Mingenew townsite, five vacant and one with a shed
- Shire would be responsible for any legal transfer fees
- Lots would be freehold, leaving the Shire free to develop/sell the lots

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 - Resolution 16101904

Moved: Cr Eardley Seconded: Cr Cosgrove

- That Council endorses the acquisition of the following lots as gifted assets from Mr. Terrence Finnigan: Lot 14 King Street and Lots 176, 177, 178 Oliver Street and Lots 163, 164 Broad Street Mingenew.
- That Council authorises the Chief Executive Officer to proceed with the transfer of this land to the Shire of Mingenew

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

- That Council makes available of a budget of \$5,000.00 from reserves for the purpose of land transfer costs.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 7/0

Attachments

- Nil

Background

The Shire was notified of Mr. Finnigan's intent to revest six lots (Lot 14 King Street and Lots 176, 177, 178 Oliver Street and Lots 163, 164 Broad Street Mingenew) by the State in August 2019. Following a request to consider the lots as part of the Geraldton Alternative Settlement Arrangement at the August 2019 Ordinary Council Meeting, Council request the CEO contact Mr. Finnigan to determine if he would consider gifting the lots back to the Shire. The CEO wrote to Mr. Finnigan on 23 August 2019 and has subsequently been in intermittent contact regarding this matter.

The lots in question are highlighted on the map below. All are vacant, except for 177 Oliver Street which contains a shed approximately 8x9m in size.



Following contact with Mr. Finnigan, he has confirmed in writing on 2 October 2019 his intent to proceed with transferring the lots back to the Shire.

Comment

This is a positive outcome. In acquiring these lots, the Shire will be in a position to either develop them or sell them to make them available for development by others. This will help to support a key pillar of our 2019-29 Strategic Community Plan relating to the availability of local housing stock. It also provides greater control over the future of this land than the GASA process would have.

Unrelated to this transaction, the Shire has been contacted by a developer seeking land in Mingenew, which suggests there may be a market emerging for the lots (which, legally, would have to be sold by a public tender or expression of interest process).

Consultation

- Mr Terrence Finnigan
- WALGA

Statutory Environment

Local Government Act 1995 section 3.59 'Commercial enterprises by local governments' does not apply. This is an exempt transaction, as per section 8A(2)(b) of the *Local Government (Functions and General) Regulations 1996*, as the value in question is below 10% of the Shire's operating expenditure for the previous financial year.

The Shire will however need to comply with section 3.58 of the *Local Government Act 1995* if and when it chooses to dispose the land, once acquired.

Policy Implications

Nil

Financial Implications

The Shire will be required to cover the costs of the property transfer (estimated to be up to \$5,000 depending upon complexity). This amount has not been previously budgeted for, and a budget amendment is requested.

Any funds remaining following this transaction can potentially be utilised for valuation and acquisition of other land that the Shire may be considering.

It is anticipated this additional expenditure will be able to be offset at the mid-year Budget Review.

In taking on this land, the Shire will be forgoing annual rates of approximately \$9,000 per annum (\$1502 per lot). That said, Mr. Finnigan's primary reason for wanting to dispose of the land was his increasing inability to pay rates on the lots, and it is not completely likely the Shire would have been able to recoup this money.

Strategic Implications

2019-2029 Strategic Community Plan:

- Strategy 3.1.1 Ensure pipeline of land available for development
- Strategy 3.1.2 Develop local housing marketing (support new business model)

11.3 DISPOSAL BY LEASE OF BANK BUILDING AT 50 MIDLANDS ROAD MINGENEW

Pr Newton asked the Deputy President to preside over the meeting and left the room at 4:37pm.

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	
Disclosure of Interest:	Pr Newton and Cr McGlenn
Date:	10 October 2019
Author:	Nils Hay, Chief Executive Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

An EOI campaign has taken place seeking potential lessee to take over the former NAB building in Mingenew. Two applications were received over the campaign, the Mingenew CRC and the Hinterland Collective, a new business seeking to establish itself in Mingenew.

Council is requested to select a preferred lessee to move forward with.

Key Points

- Both applications support the aims of the Strategic Community Plan 2019-29
- CRC application seeks to extend existing CRC activities, including relocation of the Mingenew Tourist Centre and partnership with Tourism & Promotions Committee
- Hinterland Collective application seeks art space for music and writing studios as well as gallery/gift shop

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 10.2 - Resolution 16101905

Moved: Cr Cosgrove Seconded: Cr Eardley

- **That Council endorses the application from The Hinterland Collective to rent the Bank Building at 50 Midlands Road Mingenew; and**
- **That Council authorises the Chief Executive Officer to proceed to enter into a lease for the disposal of the building with The Hinterland Collective**

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Attachments

- CRC Eol Documentation
- The Hinterland Collective Eol Documentation

Background

With the NAB vacating the building at 50 Midlands Road in September 2018, the building has remained vacant. Following the adoption of the Strategic Community Plan 2019-29, Council had a strong strategic document with which to measure potential applicants to ensure that any use of this building supported Council and Community aims.

A public expression of interest campaign for the building ran from 21 August to 27 September 2019, with two applications received (attached).

Comment

Both applications are worthy and support the aims of the SCP.

The CRC application would see existing CRC staff also man the bank building, with the Mingenew Tourist Centre to be relocated therein. They would also seek to utilise the office space to provide a space for visiting services, including government departments.

Opening hours would be 9am to 4pm Monday to Friday. A two-year lease with no rental consideration was offered.

The Hinterland Collective, a new business run by a couple who are in the process of relocating to Mingenew would see the building used as music space/recording studio (The Tracking Station), publisher office (for Blue Dingo Press) and the front of house would be the Hinterland Boutique, an art space and gift shop. They have provided a detailed description of their proposed operations.

The Hinterland Collective would also like to use this based to develop local music events, podcasts and provide writing/music workshops. The Boutique would be open Wednesday-Saturday 10.30am to 3.30pm, Blue Dingo Press Monday-Friday (by appointment) and The Tracking Station by appointment. They are offering \$4,000-\$8,000 per annum in rental consideration for a lease of at least two years (with a willingness to renegotiate after one).

Given that this represents a new enterprise, employing new people in Mingenew, and a small income stream from the Shire, The Hinterland Collective are put forward as the preferred tenants at this stage. It is noted that, if – for whatever reason – the venture does not proceed, the Mingenew CRC will likely remain as a viable back-up option.

If the Mingenew Tourist Centre required additional space, there may be alternative options that can be investigated to facilitate this.

Consultation

- CRC
- The Hinterland Collective

Statutory Environment

Section 3.58 of the *Local Government Act 1995* addresses the disposal of property by lease or sale

- (1) In this section —
 1. dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 2. property includes the whole or any part of the interest of a local government in property but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (6) This section does not apply to —
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Policy Implications

Nil

Financial Implications

Should the Shire choose to proceed with the Hinterland Collective, they will receive approximately \$4,000-\$8,000 in rent per annum from the start date of the lease (tentatively February 2020).

Neither option has requested any building amendments, which had been budgeted for (\$5,000), and this could represent a saving to Council.

Strategic Implications

Both applications support a range of strategies from the 2019-2029 Strategic Community Plan:

- 1.1.2 Provide buildings, facilities and services to meet community needs
- 2.3.1 Develop arts spaces and programs to enliven community spaces and deepen experiences of visitors and community
- 2.3.2 Capture more value from tourism – build local experiences and products, tourism infrastructure and connections, build new day trip and tour markets
- 4.2.1 Facilitate the sustainability and growth of existing community and regional events, and encourage new ones to develop
- 4.3.3 Capture more value from tourism – build local experiences and products, including astrotourism, farm tourism and food tourism

Pr Newton returned to the meeting at 4:47pm and thanked Cr Newton for presiding.

12.0 FINANCE

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 8 October 2019
Author: Jeremy Clapham – Finance Manager

Summary

This report recommends that the Monthly Financial Report for the period ending 30 September 2019 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 10.2 - Resolution 16101906

Moved: Cr Newton Seconded: Cr Smyth

That the Monthly Financial Report for the period 1 July 2019 to 30 September 2019 be received.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Attachments

Monthly Financial Report for period ending 30 September 2019

Background

The Monthly Financial Report to 30 September 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 30 September 2019	
Municipal Fund	\$2,515,831
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$147,000
Trust Fund	\$13,524
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 30 SEPTEMBER 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – September 2019
Disclosure of Interest: Nil
Date: 8 October 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 30 September 2019 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 10.2 - Resolution 16101907

Moved: Cr Smyth Seconded: Cr Cosgrove

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

\$4,840.41	Municipal Cheques;
\$152,485.08	Municipal EFT's;
\$15,225.55	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$29,151.32	Municipal Direct Debit Other;
\$1,254.06	Municipal Other Charges.

Totalling \$202,956.42 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$87,924.00

Total of all payments - \$290,880.42.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

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

12.3 NEW COUNCIL POLICY – DEBT COLLECTION

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0489
Disclosure of Interest:	Nil
Date:	8 October 2019
Author:	Jeremy Clapham - Finance Manager
Voting Requirements:	Simple Majority

Summary

Presently the Shire of Mingenew does not have a Debt Collection Policy. The previous Policy was revoked and replaced with a CEO Directive, containing very little detail. It is considered prudent and in line with the continuous review of Council Policies, that a new Debt Collection Policy be adopted.

Key Points

- The Shire has identified a new policy which is presented for Council consideration and has been based on WALGA model policies and those adopted by other local governments, ensuring its relevance to the local context.
- The Debt Collection Policy will ensure that proper records are maintained of debts owed to the Shire as required by the Local Government Act 1995 and to provide guidance to Council in determining efficient, effective and economical procedures for debt collection.
- The Shire will exercise its debt recovery powers in order to reduce the overall debt burden on ratepayers.
- This Policy, as with all Finance Policies, is due to be reviewed on an annual basis.
- It is open to Council to review, amend, revoke or develop new policies as required, outside of the scheduled individual policies.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.3 - Resolution 16101908

Moved: Cr Smyth Seconded: Cr McGlinn

That Council adopts the new 1.3.9 Debt Collection Policy, as attached.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Attachment

Attachment 12.3.1 Debt Collection Policy

Background

The Shire of Mingenew previously had a Debt Collection Policy, which was replaced with a CEO Directive. The CEO Directive does not have a lot of detail; therefore, it is considered prudent to create a new Policy. In the past, Rates debtors have been well managed, with interest charged on outstanding amounts, and when necessary, debts have been followed up by taking legal action.

For Sundry debtors this has not been the case, with no interest being charged and no legal action being taken. Sundry debtors are generally quite low in value, but to be consistent in the treatment of all debtors, it is considered beneficial to have a new Policy.

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.

Consultation

- Leadership Team
- Council Forum

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations

Policy Implications

As outlined.

Financial Implications

Tight control of debts owed to the Shire will ensure no loss of revenue, however, by following the proposed Policy, it is possible that there will be a small impact on budgeted revenue, if any debts are written off.

Strategic Implications

Community Strategic Plan

Strategy 1.2.1 Manage organisation in a financially sustainable manner

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

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

Prior to consideration of Item 14.1 TENDER – RFT 1 2019-20: Mingenew Rural Road Works, Cr McGlinn disclosed a potential indirect financial interest, outlining that her defacto partner is an employee of one of the tenderers, Cr McGlinn left the meeting at 4:54pm and did not participate in discussion on the Item or vote on the matter.

COUNCIL DECISION - ITEM 13.1 - Resolution 16101909

Moved: Cr Bagley Seconded: Cr Eardley

That Council resolves to accept the Late Item 14.1 – RFT1 2019-20 Mingenew Rural Road Works as presented.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

COUNCIL DECISION - ITEM 13.1 - Resolution 16101910

Moved: Cr Cosgrove Seconded: Cr McGlinn

That Council closes the meeting to the public at 4:55pm to discuss the proposed contract for the tendered work as presented for Late Item TENDER – RFT 1 2019-20: Mingenew Rural Road Works, in accordance with s5.23(2)(c) of the Local Government Act 1995.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

14.0 CONFIDENTIAL ITEMS

14.1 CLOSED SESSION [s5.23 (2)(c)]: TENDER – RFT 1 2019-20: Mingenew Rural Road Works

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

Summary

A Request for Tender RFT 1 2019/20: Mingenew Rural Road Works was issued to appoint a suitable Contractor for the delivery of roadworks (non-sealing) on the Shire's Coalseam Road Regional Roads Group project and Yandanooka North East Road Roads to Recovery project.

As the CEO was on leave for a large part of the tender period, Greenfield Technical Services were engaged to manage the tender process on the Shire's behalf.

Key Points

- Dean Contracting provided best price and second-best qualitative results of the five conforming tenders received
- Coalseam Road component of works anticipated to come in under budget
- Yandanooka NE Road component will require an increased allocation of Road to Recovery funds in current financial year if provisional works (culvert headwall and guardrail design and construction) are completed to support safe widening of the road
- It is recommended that this be completed in current year as we have received a request to lift our FY19-20 allocation of R2R funds from R2R administrator to at least one-fifth of five-year allocation, which will already necessitate an increase in the current year's allocation to at least \$206,086

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 14.1

MOVED: Newton

SECONDED: Bagley

ORIGINAL MOTION:

That Council:

1. Note the attached Evaluation report (CONFIDENTIAL ATTACHMENT) 14.1.1 with respect to RFT 1 2019-20: Mingenew Rural Road Works;
2. Award the contract for Separable Portion A of RFT 1 2018-19: Mingenew Rural Road Works to Dean Contracting Pty Ltd for the sum of \$406,811.80 excluding GST;
3. Award the contract for Separable Portion B of RFT 1 2018-19: Mingenew Rural Road Works, including Provisional Items B3.01 and B5.04 to Dean Contracting for up to \$182,000.00 excluding GST;
4. Amend the 2019-2020 Budget, increasing the allocation for item 4002.1221.42 Yandanooka NE Reconstruct (R2R) to \$251,300 and increasing the corresponding revenue item 4203.18 Roads to Recovery Funding to \$251,300*; and
5. Delegate authority to the Chief Executive Officer to manage the Dean Contracting 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.

*requires decision by absolute majority

AMENDMENTS TO POINTS 3 & 4:

1. Remove “including Provisional Items B3.01 and B5.04” from point 3;
2. Remove “\$182,000” and replace with “\$130,800” in point 3; and
3. Remove “\$251,300” and replace with “\$206,100” in point 4.

SUBSTANTIVE MOTION – ITEM 14.1 – Resolution 16101911

MOVED: Eardley **SECONDED:** Smyth
That Council:

1. Note the attached Evaluation report (CONFIDENTIAL ATTACHMENT) 14.1.1 with respect to RFT 1 2019-20: Mingenew Rural Road Works;
2. Award the contract for Separable Portion A of RFT 1 2018-19: Mingenew Rural Road Works to Dean Contracting Pty Ltd for the sum of \$406,811.80 excluding GST; and
3. Award the contract for Separable Portion B of RFT 1 2018-19: Mingenew Rural Road Works, to Dean Contracting for up to \$103,800 excluding GST; and
4. Amend the 2019-2020 Budget, increasing the allocation for item 4002.1221.42 Yandanooka NE Reconstruct (R2R) to \$206,100 and increasing the corresponding revenue item 4203.18 Roads to Recovery Funding to \$206,100.
5. Delegates authority to the Chief Executive Officer to manage the Dean Contracting 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 ABOLUTE MAJORITY: 7/0

COUNCIL DECISION - ITEM 14.1 - Resolution 16101912

Moved: Cr Newton **Seconded:** Cr Bagley

That Council reopens the meeting to the public at 5:11pm.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Attachments

- 14.1.1 Evaluation Report
- 14.1.2 Comiskey’s Submission
- 14.1.3 Dean Contracting Submission
- 14.1.4 Direct Contracting Submission
- 14.1.5 Roadtech Submission
- 14.1.6 WCP Submission

Background

The RFT was advertised in The West Australian newspaper on Saturday 21 September 2019. Two tender addendums were issued.

The RFT specified that all tenders were to be submitted no later than 2.00pm Tuesday 8 October 2019 to either an electronic tender box (tenderbox@greenfieldtech.com.au), delivered by Post to the nominated Post Office Box or in person to the offices of the Shire of Mingenew.

Tenders were opened by Mr Nils Hay (Shire of Mingenew Chief Executive Officer) and Mr Nigel Goode (Greenfield – Project Manager) in the offices of the Shire on Wednesday 9 October 2019.

The project is in two sections:

Separable Portion A is for the upgrade of approx. 2.5km of the Coalseam Rd (currently unsealed) to a design standard in preparation for sealing by others. The works comprise minor clearing, earthworks to enable minor changes to the formation width and existing horizontal and vertical alignment, basecourse pavement construction and drainage works.

Separable Portion B is for the reconstruction of 1km of the Yandanooka NE Rd to a sealed standard (sealing by others). The scope also includes the construction of new concrete headwalls and guard-rail at a large existing pipe culvert structure, minor clearing, and basecourse pavement construction in preparation for sealing by others. As the engineering details of the headwall and guard railing are under development, this item was a provisional item in Separable Portion B.

Additionally, depending on the Shire's budget and the tendered prices, there is a provisional item to reconstruct a further 0.5km of this same road which also comprises similar work activities.

Five complete tender submissions were received, and the complete evaluation report is attached.

Comment

As per the evaluation, Dean Contracting have been chosen as the preferred contractor. They offered the lowest price and scored second-best on the qualitative measures. They are also Mingenew-based.

The headwall and guardrail requirement at SLK9.57 added an unexpected cost to the project, as the works were only discovered when developing a detailed scope for the job. In widening the road, the edge of the seal will be very close to the edge of the culvert headwall, which will not meet clear zone requirements. The structure in question comprises of 10 culverts, approximately 1500mm in diameter each. Three options were investigated:

1. Lengthen the culverts
 - a. This option was discounted as the current headwalls are almost touching the existing fence line, and this would likely require land acquisition
2. Choose different work location
 - a. This would only be avoiding the issue, but it would be (and still is) feasible to choose a different SLK for this year's works. It is noted, however, that the section selected (immediately north of last year's sealing works) remains one of the worse sections on Yandanooka NE road, and R2R funds are available to complete this work with no additional cost to the Shire
3. Install guardrail
 - a. This option was chosen for further investigation; noting that there would be both engineering and construction costs associated (outlined below). Now that we have been through an RFQ/RFT process, these costs are better known.

The financial implications of this, including alternative approaches, are outlined in the Financial Implications section of this report.

Consultation:

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 must 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

Separable Portion A:

On the basis of the prices provided, the Shire will potentially have some savings on the Coalseam Road project.

As we move through this project and any such savings emerge, we will need to negotiate with Main Roads WA as to the best way to manage additional funds (i.e. increase scope of works to cover a larger section, reallocate to another Shire of Mingenew project or return the funds to the regional pool for another Shire to utilise; the third option is, naturally, least preferable.)

Unfortunately, as RRG funds are separate from R2R funds, any saving here can’t be offset with additional expenditure on Separable Portion B.

Separable Portion B:

Whilst the previously awarded sealing works (\$50,535.68) and roadworks component (\$103,000) fall within budget, the concrete headwall and guardrail upgrade at SLK9.57 required to support the road widening will require a budget amendment, and an increase of the Shire’s FY19-20 Roads to Recovery allocation.

In addition to the construction of the headwall and guardrail (\$79,000), a recent RFQ process for the engineering design work came to \$18,750. As such, if the Shire were to safely complete these works, we would need to allocate a total of \$251,286 for the works, based on the quotes received (noting that receipt of the final design will have some bearing on the final cost of the construction; hopefully by reducing both uncertainty around it, and price).

As outlined above, this work will need to be completed at some stage in the future if the Shire is to widen this section of road. This work can either be completed in the current year, or a different SLK (a section to the south of last year’s sealed section – adjoining SLK 7.58) can be completed instead within this year’s budget.

That noted, the Shire has received a recent request from the Road to Recovery administrators to increase our annual allocation for this financial year (from its current level of \$164,000) to at least one-fifth of our total five-year allocation (which would see it rise to \$206,086). As a result, in any event, we will be required to spend at least \$206,086 of our R2R funds in the current financial year. Given this, and the limited likelihood

that the cost of the culvert works will decrease in the forward years, it's recommended that our budget be amended, and the works be completed this year.

Whilst this will draw down more of our Roads to Recovery funds, the budget amendment will not require additional Shire expenditure (as R2R is matched by own-source shire roadworks – across our entire network - and our own program will sufficiently cover any matching requirements).

Strategic Implications

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

Voting Requirements

Simple Majority

Cr McGlinn returned to the meeting at 5:12pm

Prior to closing the meeting, President Newton acknowledged and thanked retiring Councillors, Cr Eardley and Cr McGlinn for their contributions to Council and the Mingenew community.

15.0 TIME AND DATE OF NEXT MEETING

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

16.0 CLOSURE

The meeting was declared closed at 5.12pm.

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

Signed _____
Presiding Officer

Date: _____