



MINUTES FOR THE ORDINARY COUNCIL MEETING

20 NOVEMBER 2019

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
20 NOVEMBER 2019 COMMENCING AT 5.00PM**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President GJ Cosgrove declared the meeting open at 5:00pm and welcomed all in attendance.

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

GJ Cosgrove	President	Town Ward
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
CV Farr	Councillor	Town Ward
HR McTaggart	Councillor	Rural Ward
HM Newton	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.

Prior to Item 5., Cr Gary Cosgrove and Cr Robert Newton read aloud and signed the Declaration by Elected Member of Council (Form 7), *Local Government (Constitution) Regulations 1998*, section 13(1)(c) witnessed by Nils Hay, Chief Executive Officer.

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 16 OCTOBER 2019

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 7.1 - Resolution 20111901

Moved: Cr **Bagley**

Seconded: Cr **Smyth**

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 16 October 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

Nil.

9.0 DECLARATIONS OF INTEREST

Nil.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 AUDIT & RISK COMMITTEE MEETING HELD 20 NOVEMBER 2019

COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1.1 - Resolution 20111902

Moved: Cr **McTaggart**

Seconded: Cr **Smyth**

That Council on recommendation from the Audit Committee:

1. Receives for inclusion into the Shire's 2018/19 Annual Report, the Annual Financial Report and Auditors Independent Audit Report for the financial year ended 30 June 2019 as attached; and
2. Accepts the content of the Annual Report of the Shire of Mingenew for the 2018/19 financial year, as presented in the attachment to this report.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1.2 - Resolution 20111903

Moved: Cr **R Newton**

Seconded: Cr **C Farr**

That Council:

1. Endorses the Customer Service Charter content as attached, and
2. Authorises the Chief Executive Officer to make minor amendments as required, from time to time, including formatting for promotional purposes.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

11.1 APPOINTMENT OF COMMITTEE DELEGATES

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0303
Disclosure of Interest:	Nil
Date:	6 November 2019
Author:	Erin Greaves
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Absolute Majority / Simple Majority

Summary

Council are asked to nominate and appoint members to Council's Committees and the various organisations that have Council representation.

Key Points

- The Shire President and Chief Executive Officer reserve the right to attend any meeting
- The Shire of Mingenew Executive Management Committee is the only committee of Council with delegated authority.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 - Resolution 20111904

Moved: Cr RW Newton

Seconded: Cr JD Bagley

That Council:

1. By Absolute Majority, appoints the following members to the Shire of Mingenew's Committees of Council:

SHIRE OF MINGENEW BUSH FIRE ADVISORY COMMITTEE MANAGEMENT COMMITTEE

Cr JD Bagley and Cr AR Smyth as proxy delegate.

SHIRE OF MINGENEW EXECUTIVE MANAGEMENT COMMITTEE

Cr RW Newton, Cr GJ Cosgrove and Cr JD Bagley, and Cr HR McTaggart as proxy delegate.

SHIRE OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE

Cr AR Smyth and the Chief Executive Officer (or his/her nominee), and Cr RW Newton as proxy delegate.

2. Delegates the following members to represent Council on community-run committees:

MINGENEW COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE

Cr HR McTaggart and the Community Development Officer, and Cr HM Newton as proxy delegate.

MINGENEW SILVER CHAIN BRANCH COMMITTEE

Cr HR McTaggart and the Community Development Officer, and Cr C Farr as proxy delegate.

MINGENEW TOURIST AND PROMOTIONS COMMITTEE

Cr CV Farr and the Community Development Officer, and Cr AR Smyth as proxy delegate.

3. Delegates the following members to represent the Shire of Mingenew on external committees and groups:

JOINT DEVELOPMENT ASSESSMENT PANEL

Cr GJ Cosgrove and Cr CV Farr, and Cr JD Bagley and Cr HM Newton as proxy delegates.

NORTH MIDLANDS REGIONAL ROAD GROUP

Cr GJ Cosgrove and Cr JD Bagley, and Cr AR Smyth as proxy delegate.

NORTHERN COUNTRY ZONE OF WALGA

Cr GJ Cosgrove and Cr JD Bagley, and Cr CV Farr as proxy delegate.

WILDFLOWER COUNTRY INC.

Cr CV Farr and the Community Development Officer, and the Chief Executive Officer as proxy delegate.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

NOTE: At the Special Meeting of Council held at 3:30pm today (20 November 2019) Cr R Newton, Cr H McTaggart, Cr AR Smyth and Mr M Battilana were appointed delegates of the Audit & Risk Committee.

Attachments

- 11.1.1 Local Emergency Management Committee Terms of Reference
- 11.1.2 Development Assessment Panels information booklet
- 11.1.3 Reference information for Elected Members on a Regional Road Group
- 11.1.4 Becoming a Zone Delegate or State Councillor

Background

Council appointed a majority of delegates following the 2017 local government ordinary election, and reviewed some appointments following a Councillor resignation in March 2019.

Comment

A summary of the purpose of each Committee is provided below:

Executive Management Committee (EMC)

The Executive Management Committee is purposed with coordinating and undertaking the CEO Performance Review each year. This Committee has delegated powers in accordance with s5.16 and s5.38 of the *Local Government Act* and R18D of the *Local Government (Administration) Regulations 1996* to "Review the performance of the Chief Executive Officer at least once in relation to every year of employment.". This authority is conditional on the following:

1. Authority is subject to the Local Government Act 1995 and its associated Regulations.
2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review.

Council have authorised the Committee, in consultation with the CEO, to:

- Set the date of the Performance Review; and
- determine if an external facilitator is to be engaged to assist with future performance reviews and be involved in the selection of that third party.

Local Emergency Management Committee

The Local Emergency Management Committee (LEMC) has been established in accordance with s38(1) of the *Emergency Management Act 2005* for the purpose of making the Shire of Mingenew a safe community by managing the risk of emergencies through the delivery and implementation of emergency prevention, preparedness, response and recovery strategies.

The Terms of Reference set out the specific objectives of the Committee and other management details.

Voting membership consists of one Councillor representative endorsed by Council.

Mingenew Community Resource Centre Management Committee (CRCMC)

The Mingenew Community Resource Centre (CRC) Management Committee oversees the management of the Mingenew CRC and is not a Committee of Council.

Council have previously provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Mingenew Silver Chain Branch Committee (MSCBC)

The Mingenew Silver Chain Branch Committee supports the local Silver Chain through in-kind and financial assistance to improve and renew equipment and services of the local branch.

Council have provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Mingenew Tourist and Promotions Committee

The Mingenew Tourist and Promotions (T&P) Committee are a *"not-for-profit organisation comprised of community-minded volunteers who take pride in the appearance of our town and work to ensure that it is an appealing place to live, work and visit."*

This Committee has outlined a desire to work with the Shire to meet its strategic objectives and achieve its aim: *"to put our Shire on the map by giving visitors a memorable experience while here and showcasing Mingenew as an appealing place to live. First impressions are the most lasting impressions, so the town's appearance has to be a top priority. We aim to promote our natural and manmade environment to attract visitors all year round not just during the wildflower season"*. The Committee have requested that a Councillor representative be appointed to the Committee to facilitate discussion at a Council level on projects and ideas.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Joint Development Assessment Panel (JDAP)

A Joint Development Assessment Panel (JDAP) is made up of specialist and local government members and are established to determine development applications that meet set type and value thresholds as if it were

the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

There are 8 JDAPs in Western Australia with the Shire of Mingenew being members of the Mid-west/Wheatbelt region. Local members are members of a local government council who are nominated by that local government to sit on a DAP. Local governments are required to nominate two councillors as local members, and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should the local government fail to nominate four representatives, the Minister has the power to appoint two alternative community representatives to ensure local representation is always present on a panel. The regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

An information booklet has been provided as an attachment should Councillors and members of the community wish to learn more about Development Assessment panels and their role.

Mid-West Regional Road Group

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs are important in providing Local Government with a voice in how the State Government's contribution to local roads is spent. Regional Road Group members serve a vital and valuable role in ensuring that road funding decisions maximise community benefits and preserve and improve the road system across Western Australia. The RRG is also responsible for reviewing the Restricted Access Vehicle (RAV) network.

Most decisions of this Committee are made by consensus and only one Council representative has voting rights. Council representatives are expected to keep Council informed of the business and decisions made by the Regional Road Group.

Northern Country Zone of WALGA

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment. Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in developing policy and legislative initiatives for Local Government.

Zone delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level. In fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues. There is also an expectation that Zone delegates will report back to their Council about decisions made by the Zone.

Wildflower Country Inc.

Western Australia's Wildflower Country is the collective group of nine local government areas located just north of Perth in Western Australia; Carnamah, Coorow, Dalwallinu, Greater Geraldton – including Mullewa, Moora, Morawa, Mingenew, Perenjori and Three Springs.

The purpose of Wildflower Country Incorporated is to promote this beautiful region as a unique and captivating tourism destination, for the collective mutual benefit of the entire Wildflower Country region. Wildflower Country assists with collaborative destination marketing, and in producing memorable and positive visitor experiences, as well as assisting to develop the tourism industry within the area.

Each local government is entitled to one voting representative.

Statutory Environment

Local Government Act 1995

Local Government (Administration) Regulations 1996

Emergency Management Act 2005

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

12.0 FINANCE

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 OCTOBER 2019

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

Summary

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

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 - Resolution 20111905

Moved: Cr RW Newton

Seconded: Cr AR Smyth

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

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Attachment

Monthly Financial Report for period ending 31 October 2019

Background

The Monthly Financial Report to 31 October 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 October 2019	
Municipal Fund	\$2,264,099
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$147,814
Trust Fund	\$1
Reserve fund (3 Month Term Deposit) @ 2.50%	\$310,035

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 OCTOBER 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – October 2019
Disclosure of Interest: Nil
Date: 11 November 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 October 2019 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 - Resolution 20111906

Moved: Cr HM Newton

Seconded: Cr JD Bagley

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

\$6,551.60	Municipal Cheques;
\$224,243.23	Municipal EFT's;
\$74,236.75	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$66,245.70	Municipal Direct Debit Other;
\$1,426.61	Municipal Other Charges.

Totalling \$372,703.89 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$102,494.50

Total of all payments - \$475,198.39.

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

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

Nil.

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

Nil.

14.0 CONFIDENTIAL ITEMS

Nil.

15.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 18 December 2019 commencing at 4.30pm.

16.0 CLOSURE

The meeting was declared closed at 5.32pm.

These minutes were confirmed at an Ordinary Council meeting on 19 February 2020.

Signed _____
Presiding Officer

Date: _____