



MINUTES FOR THE ORDINARY COUNCIL MEETING

18 DECEMBER 2019

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
18 DECEMBER 2019 COMMENCING AT 4.30PM**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President GJ Cosgrove declared the meeting open at 4:30pm 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

J Clapham Finance Manager

STAFF

N Hay Chief Executive Officer
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 SPECIAL COUNCIL MEETING HELD 20 NOVEMBER 2019

Council agreed to hold over Items 7.1. and 7.2 until the next Council Meeting however the motion was not put at the time of consideration. This was corrected in a motion at Item 11.6. A copy of the motion is provided below:

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 11.6, 7.1 AND 7.2 - Resolution 20111906

Moved: Cr H Newton

Seconded: Cr McTaggart

That Council:

- 1. lays over Item 11.6 Freedom of Information 1992 – Information Statement to the next Council Meeting; and**
- 2. lays over the confirmation of the Minutes of the Special Meeting and Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 20 November 2019 until the next Council Meeting.**

NOTE: It was realised that a motion was not given or voted on at Item 7.1 and 7.2 to lay over the confirmation of minutes earlier in the meeting and therefore, rectified with this motion.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 20 November 2019 be confirmed as a true and accurate record of proceedings.

7.2 ORDINARY COUNCIL MEETING HELD 20 NOVEMBER 2019

OFFICER RECOMMENDATION - ITEM 7.2

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 20 November 2019 be confirmed as a true and accurate record of proceedings.

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

Cr RW Newton disclosed a Proximity Interest and Cr HM Newton disclosed an Impartiality Interest in Item 11.4 Purchase of Land - Rear Portion of 32 (Lot 91) William Street, Mingenew and 25 (Lot 85) Victoria Road, Mingenew.

10.0 RECOMMENDATIONS OF COMMITTEES

Nil.

11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

11.1 COUNCIL MEETING DATES 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0504
Disclosure of Interest: Nil
Date: 25 November 2019
Author: Erin Greaves, Governance Officer
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

Council are asked to set the schedule for meeting times and dates for the Ordinary Council meetings to be held in 2020.

Key Points

- In 2019, the meetings have been held on the third Wednesday of each month (excluding January) and it is proposed that this continue
- Council meetings have not, historically, been held in January due to the low service demand and availability of Councillors and staff
- Council is required to set and give local public notice of the date, time and place of its ordinary council meetings at least once every calendar year

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1 - Resolution 20111901

Moved: Cr H Newton

Seconded: Cr A Smyth

That Council sets the 2020 Ordinary Council meeting dates to commence at 4:30pm in accordance with the below schedule:

Month	Ordinary Council Meeting
January	Nil
February	19
March	18
April	15
May	20
June	17
July	15
August	19
September	16
October	21
November	18
December	16

Meetings will be held in the Shire of Mingenew Council Chambers at 21 Victoria Street, Mingenew.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Background

Council have historically set and advertised its meeting dates for the third Wednesday of each month, excluding January. It is common practice of local governments within Western Australia to not hold a meeting in January due to the reduced service demand, minimal work's programming and decreased staff levels resulting from staff utilising their annual leave entitlements.

Comment

It is open to Council to consider changing the date and time of meetings, although the current date schedule considers a number of factors:

- Accessibility of meetings to the public
- Availability of Council members
- Length of meetings
- Start times
- Ability to prepare accurate financial reports for the preceding report period
- Public holidays
- Mingenew Midwest Expo / other community events
- Local Government Elections (applicable every second year)

Concept Forums are also scheduled to be held on the same day as Council meetings but are generally not open to the public. The purpose of these meetings are for Elected Members and staff to interact regarding new concepts or matters that are not yet ready or appropriate for general public consumption. No decisions are made at the meeting.

Statutory Environment

Local Government Act 1995

5.25 Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to –*
(g) *the giving of public notice of the date and agenda for council or committee meetings.*

Local Government (Administration) Regulations 1996

Regulation 12 Meetings, public notice of (Act s. 5.25(1)(g))

- 1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which –*
 - a) *the Ordinary Council Meetings; and*
 - b) *the Committee Meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
are to be held in the next 12 months.
- 2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- 3) *Subject to subregulation (4), if a Special Meeting of a Council is to be open to members of the public the local government is to give local public notice of the date, time and place and purpose of the meeting.*
- 4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

Policy Implications

Nil

Financial Implications

The Statements of Financial Activity must be presented to Council within 2 months after the end of month to which the statement relates. Meaning that the December and January statements must be presented at the February 2020 meeting.

The approval of accounts for payment and financial statements normally provided in January would be scheduled for consideration at the February meeting. In regard to the presentation of statements of financial activity to Council, the Local Government (Financial Management) Regulations 1996 Section 6.4, states the following;

- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (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.*

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 2018/19 ANNUAL REPORT

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0244
Disclosure of Interest: Nil
Date: 26 November 2019
Author: Erin Greaves
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider the Shire of Mingenew 2018/19 Annual Report for the year ending 30 June 2019.

Key Points

- Council received the audited Annual Financial Report for inclusion in and general content of the 2018/19 Annual Report at the November Ordinary Council meeting;
- Council is required to prepare and accept its Annual Report before 31 December each year;
- Section 5.34 of the Local Government Act 1995 outlines what an Annual Report must contain;
- Sections 7.12 and 7.2 outline the local government's responsibilities regarding auditing of its accounts and financial report, and reporting in the Annual Report;

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.2 - Resolution 20111902

Moved: Cr H Newton

Seconded: Cr Bagley

That Council:

- 1) accepts the 2018/19 Annual Report, as presented in Attachment Booklet – December 2019, for the year ended 30 June 2019 (noting that aesthetic changes may be made, as approved by the Chief Executive Officer, to produce a final public document);**
- 2) holds the Annual Electors Meeting at 6:00pm on Monday, 10 February 2020 in the Council Chambers, 21 Victoria Street, Mingenew; and**
- 3) gives local public notice of the availability of the 2018/19 Annual Report.**

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Attachment

2018/19 Annual Report

Background

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

The Annual Report highlights the Shire of Mingenew's achievements from the Strategic Community Plan in the 2018/19 Financial Year and reports on a number of compliance matters, as legislated.

The *Local Government Act 1995* requires Council to hold a general meeting of electors once every financial year and not more than 56 days after accepting the annual report from the previous financial year. The last Electors Meeting was held in December 2018. Due to the timing and availability of Council's Auditors this

year, and the timing and low attendance of last year's meeting, it is proposed that the Electors' meeting be held in February 2020, after the holiday period.

Comment

The 2018/19 Annual Report, prepared in accordance with the requirements of the *Local Government Act 1995*, is enclosed with the agenda papers for Councillors' perusal, consideration and acceptance.

Council's Auditors, Butler Settineri, have completed an audit of Council's financial records and have forwarded an audit report to the Shire President as well as a management letter.

The audit report is included in the annual report with no matters, in the opinion of the auditors, to indicate significant adverse trends in the financial management practices of the Shire and no other matters indicating non-compliance with Part 6 of the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* or applicable financial controls of any other written law.

The 2018/19 Annual Report reports against the previously adopted Strategic Community Plan 2012-2012. However, from this point on the newly adopted Strategic Community Plan 2019-2029 will be used.

Consultation

Office of the Auditor General
Butler Settineri

Statutory Environment

The *Local Government Act 1995* Section 5.53 provides that the Annual Report is to contain the following:

- A report from the Shire President;
- A report from the Chief Executive Officer;
- An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year,
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
- The auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
- details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - the number of complaints recorded in the register of complaints; and
 - how the recorded complaints were dealt with; and
 - any other details that the regulations may require; and
 - Such other information as may be prescribed.

The *Local Government Act 1995* Section 7.2 outlines that the accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.

The *Local Government Act 1995* Section 7.12A provides:

- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —

- (a) *prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and*
- (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.*

The Local Government (Audit) Regulations Section 10 provides:

- (1) *An auditor's report is to be forwarded to the persons specified (Mayor or President, CEO and Minister) within 30 days of completing the audit.*
- (2) *The report is to give the auditor's opinion on —*
 - (a) *the financial position of the local government; and*
 - (b) *the results of the operations of the local government*
- (3) *The report is to include —*
 - (a) *any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government;*
 - (b) *any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law;*
 - (c) *details of whether information and explanations were obtained by the auditor; and*
 - (d) *a report on the conduct of the audit;*
 - (e) *the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —*
 - (i) *the asset consumption ratio; and*
 - (ii) *the asset renewal funding ratio.*
- (4) *Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified (Mayor or President, CEO and Minister) with the auditor's report.*

The Local Government Act 1995 Section 5.27 and 5.29 provides:

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

5.29. Convening electors' meetings

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

Policy Implications

Nil

Financial Implications

The Annual Auditor's Report outlines there are no material matters, in the Auditor's opinion, that is considered to suggest a significant adverse trend in the financial position or management practices.

The Shire will be liable for advertising fees associated with the statutory notice required. Budget provision has been made for such advertising.

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 ELECTED MEMBER POLICIES REVIEW

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0489
Disclosure of Interest: Nil
Date: 10 December 2019
Author: Erin Greaves, Governance Officer
Authorising Officer: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

Council are requested to review the Elected Member Policies within the Council Policy Manual, in accordance with its adopted policy review schedule.

Key Points

- Council adopted a policy review schedule at its October 2019 Ordinary Council meeting which has the Elected Member policies scheduled for review biennially, following each ordinary local government Election;
- The Elected Member policies have been developed to consider the recent changes proposed under the Local Government Legislation Amendment Act 2019;
- A table under Officer's Comment summarises the proposed changes;

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.3 - Resolution 20111903

Moved: Cr Bagley

Seconded: Cr McTaggart

That Council adopts the following Elected Member policies:

- 1.1.1 Elected Members Entitlements (*as amended*)**
- 1.1.2 Elected Member Communications (*as amended*)**
- 1.1.3 Communication between Elected Members and Staff (*as amended*)**
- 1.1.4 Code of Conduct (Councillors and Committee Members) (*no changes currently proposed*)**
- 1.1.5 Elected Member Training and Professional Development (*NEW*)**
- 1.1.6 Elected Member and CEO Attendance at Events (*NEW*)**

As provided in Attachment Booklet – December 2019, for incorporation into the Council Policy Manual.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Attachment

Attachment 11.3.1 Elected Member Policies

Background

The *Local Government Legislation Amendment Act 2019* has resulted in a number of significant changes to the Local Government Act 1995, including the requirement to adopt policies relating to training and development for Elected Members, and attendance at events by the CEO and/or Elected Members. In response to these changes, two new policies have been developed for Council consideration. The legislation requires that the policy relating to training and development needs to be adopted and reviewed within three months of each ordinary local government election and ties in with the new mandatory training requirements.

This has coincided with the Elected Member policy reviews scheduled to commence in November 2019, as per Council's resolution at the September 2019 Ordinary Council Meeting.

Comment

The review of Council's current Elected Member policies identified minimal changes required.

The table below summarises the propose changes or main inclusions for each policy to be reviewed:

Policy Name	Changes Proposed	Justification / Explanation
1.1.1 Elected Member Entitlements	Minor grammatical changes / additions	A majority of Section 2 has been removed, which relates to Conference and Training Expenses, and is now included in the proposed NEW Elected Member Training and Professional Development Policy. The reimbursement entitlements have remained in this policy.
1.1.2 Elected Member Communications	Minor grammatical changes / additions	Additions made based on WALGA model policies regarding communication and social media to cater to trending needs
1.1.3 Communication between Elected Members and Staff	Minor grammatical changes and additions.	No major changes proposed.
1.1.4 Code of Conduct (Councillors and Committee Members)	No change	As a result of the proposed amendments to the Local Government Act regarding the adoption of a Model Code of Conduct, and associated consultation currently underway, no change is proposed for now.
1.1.5 Elected Member Training and Professional Development	NEW	This is a new statutory requirement under the Local Government Act 1995 (sections 5.126 – 5.128) which requires Elected Members to complete the prescribed training course and outlines that the local government must develop a policy for training and professional development.
1.1.6 Elected Member and CEO Attendance at Events	NEW	The proposed new policy has been developed to meet the new requirements under s5.90A of the Local Government Act 2019 which requires that a policy is to be prepared and adopted that deals with the attendance of Elected Members and the CEO at events, and must address: <ul style="list-style-type: none"> • The provision of tickets to events; and • Payments in respect of attendance; and • Approval of attendance by the local government and criteria for approval; and • Any prescribed matter

Consultation

Elected Members

Review of other local government adopted policies

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

There are no 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

Prior to discussion of Item 11.4 Cr RW Newton disclosed a Proximity Interest as an adjacent landowner to 32 (Lot 91) William Street, Mingenew and therefore left the meeting at 4:39pm and did not participate in discussion or voting. Cr HM Newton disclosed an Impartiality Interest as a parishioner of the Catholic Church but remained in the meeting.

11.4 PURCHASE OF LAND - REAR PORTION OF 32 (LOT 91) WILLIAM STREET, MINGENEW AND 25 (LOT 85) VICTORIA ROAD, MINGENEW

Location/Address: 350m² rear portion of 32 (Lot 91) William Street, Mingenew
1012m² allotment, 25 (Lot 85) Victoria Street, Mingenew

Name of Applicant: R.C. Bishop of Geraldton-Mingenew (Catholic Church)
Uniting Church in Australia, Property Trust

File Reference: A397 and A539

Disclosure of Interest: Nil

Date: 9 December 2019

Author: Erin Greaves, Governance Officer

Authorising Officer: Nils Hay, Chief Executive Officer

Voting Requirements: Absolute Majority

Summary

Council are presented with two proposals to purchase land.

Key Points

- The rear portion of 32 (Lot 91) William Street, Mingenew is proposed to remedy a legacy issue relating to the leach drain for the property at 34 (Lot 12) William Street, Mingenew (Shire-owned) being constructed on the former.
- The purchase of 25 (Lot 85) Victoria Street, Mingenew, would allow the Shire ownership and control over the property on which the Fire Shed currently sits.
- The Fire Shed is currently leased to the Shire from the Uniting Church of Australia and the Church have requested we purchase the lot prior to any further additions/works on the property

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.4 - Resolution 20111904

Moved: Cr HM Newton

Seconded: Cr AR Smyth

That Council:

- 1) **Delegates authority to the CEO to negotiate and make an offer to authorised representatives of the R.C. Bishop of Geraldton-Mingenew to purchase the rear portion of 32 (Lot 91) William Street, Mingenew, as shown in Attachment 11.5, based on the independent valuation conducted by LMW Perth; and**
- 2) **Delegates authority to the CEO to negotiate and make an offer to Uniting Church in Australia Property Trust to purchase 25 (Lot 85) Victoria Street, Mingenew for based the independent valuation conducted by LMW Perth; and**
- 3) **Subject to an offer and acceptance:**
 - a. **Agrees to pay the settlement fees associated with the purchased properties; and**
 - b. **Authorises the transfer of funds from the Lands Transfer Reserve to the Municipal Account for the purchase.**

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 6/0

Attachment

Attachment 11.4.1 Property Valuation Report from LMW Perth – 25 Victoria Road, Mingenew
Attachment 11.4.2 Property Valuation Report from LMW Perth – 32 William Street, Mingenew

Background

32 (Lot 91) William Street, Mingenew - Leach Drain

The leach drain and associated infrastructure for the property situated on 35 (Lot 12) William Street, Mingenew was constructed at the rear of 32 (Lot 91) William Street.



The Catholic Church currently own 28, 30 and 32 William Street, Mingenew.

Fire Shed

The Shire currently leases 25 Victoria Street, Mingenew from the Uniting Church of Australia Property Trust (UCAPT) for the purpose of a Fire Shed. The Shire is currently liable for all costs associated with the property including Rates. An extension to the shed is being considered, which will require purchasing the block from the Church (as they have indicated that their approval of such extensions is contingent upon this)

The UCAPT have indicated an openness to selling 25 (Lot 85) Victoria Street, Mingenew at an independently valued price.



Comment

Fire Shed

The Shire and Bushfire Management Committee have been in discussions about ensuring the Fire Shed is suitably equipped to meet current and future needs but is limited under the current lease terms. It is therefore, considered in Council's interest to acquire the land to meet its strategic objective "1.1.2 Provide buildings, facilities and services to meet community needs".

Land with Leach Drain

The proposal to purchase the rear portion of 32 (Lot 91) William Street, Mingenew, will combine the leach drain with corresponding residence at 35 (Lot 12) William Street, Mingenew. Lot 12 is currently 1,566m², if the Shire acquires the 350m² from the adjoining Lot 91 it will be 1,916m² in area, and Lot 91 would be reduced in area from 1,164m² to 814m².

Town Planning advice has been sought from the Shire's consultant, Simon Lancaster at the Shire of Chapman Valley regarding future subdivision:

"This area is zoned Residential 12.5 for which the Residential Design Codes of WA sets an average lot size of 800m² (with a minimum lot size of 700m² in any subdivision).

So, an application could normally be lodged with reasonable expectation of approval that sought to excise the land from Lot 91 into Lot 12, and also an application that went further than this and sought to subdivide Lot 12 into 2 lots.

However, the complication is that the area is not serviced by sewer and the Government Sewerage Policy (copy attached) generally requires that the average lot size be 1,000m² with a minimum individual lot size of 950m² in townsites without reticulated sewer..."

"...Therefore either subdivision proposal isn't going to be fully compliant with the Government Sewerage Policy as creating 2 lots would produce a lot of 814m² and 1,916m² (which meets the average but not the minimum lot size under the policy), and creating 3 lots would result in lots of 814m², and around 1,000m² and 916m² (which doesn't meet the average or minimum policy requirements)."

Consultation

Simon Lancaster, Shire of Chapman Valley (planning advice)

Catholic Church
Uniting Church of Australia

Statutory Environment

Local Government Act 1995

major land transaction means a land transaction other than an exempt land transaction if the total value of

—
(a) the consideration under the transaction; and
(b) anything done by the local government for achieving the purpose of the transaction,
is more, or is worth more, than the amount prescribed for the purposes of this definition;

Local Government (Functions and General) Regulations 1996

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —

(a) – does not apply to us (metro or large regional lg)

(b) if the land transaction is entered into by any other local government, the amount that is the lesser of —

(i) \$2 000 000; or

(ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

(2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —

(a) the total value of —

(i) the consideration under the transaction; and

(ii) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed under subregulation (1); and

(b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —

(i) the total value of the transaction; or

(ii) variations throughout the State in the value of land.

8. Exempt land transactions prescribed (Act s. 3.59)

(1) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —

(a) without intending to produce profit to itself; and

(b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.

Policy Implications

Nil

Financial Implications

Council authorised a transfer of Municipal funds of \$10,000 to the Land Transfers Reserve earlier this year. Further authorisation was provided to transfer back, up to \$10,000 for any land purchases. The Land Transfers Reserve currently holds \$72,000 (including the \$10,000 transfer to the Reserve in early 2019/20). Should Council wish to purchase the land, it will need to give consideration to the purchase of land earlier in this meeting and make appropriate provision.

The anticipated costs (based on the average valuation price) for these two purchases are:

Land purchase price	Rear portion 32 (Lot 91) William Street, Mingenew	\$2,000
Land purchase price	25 (Lot 85) Victoria Street, Mingenew	\$5,000
Settlement Fees		unknown
	TOTAL	\$7,000 plus settlement fees

Strategic Implications

Community Strategic Plan:

Strategy 1.1.2 Provide buildings, facilities and services to meet community needs

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

11.5 PROPOSAL TO PURCHASE LAND – 4 (LOT 93) WATTLE STREET, MINGENEW

Location/Address:	4 (Lot 93) Wattle Street, Mingenew
Name of Applicant:	Andrew Merc Property on behalf of JW Chapman and ME Fawcett
File Reference:	A283
Disclosure of Interest:	Nil
Date:	9 December 2019
Author:	Erin Greaves, Governance Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary

Council are presented with a proposal to purchase the vacant land at 4 (Lot 93) Wattle Street, Mingenew.

Key Points

- Correspondence has been received from Andrew Merc Property, seeking interest from Council in purchasing the property.
- 4 (Lot 93) Wattle Street, Mingenew is a vacant 903m² block located on the corner of Wattle Street and View Street currently zoned residential (under Local Planning Scheme No.3 and No. 4)
- The approximate market value for similar properties is between \$8,000 and \$10,000

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.5 - Resolution 20111905

Moved: Cr RW Newton

Seconded: Cr JD Bagley

That Council declines the offer to purchase 4 (Lot 93) Wattle Street, Mingenew and authorises the Chief Executive Officer to formalise the advice to Andrew Merc Property as representatives acting on behalf of the property owners.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 7/0

Attachment

11.5.1 Provided under separate, confidential in accordance with s5.23(2)(c) and (e)(ii) of the Local Government Act 1995 – Correspondence from Andrew Merc Property

Background

The CEO received correspondence from Andrew Merc Property on 14 November 2019, enquiring of Council's potential interest in purchasing 4 (Lot 93) Wattle Street, Mingenew and gave an indicative price range.

Comment

Although, no formal valuation of this specific property has been conducted similar properties of the same size are selling for between \$8,000 - \$10,000 with sealed road access (his property does not have sealed road access). The indicative offer suggested by Andrew Merc Property is considered higher than current market value.

No strategic or operational purpose has been identified for the land therefore the recommendation has been made to reject the offer.

The land transaction is under the value, as prescribed, to be considered a major land transaction.

Statutory Environment

Local Government Act 1995

major land transaction means a land transaction other than an exempt land transaction if the total value of

-
- (a) the consideration under the transaction; and
 - (b) anything done by the local government for achieving the purpose of the transaction,
- is more, or is worth more, than the amount prescribed for the purposes of this definition;

Local Government (Functions and General) Regulations 1996

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

- (1) The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —
- (a) – does not apply to us (metro or large regional lg)
 - (b) if the land transaction is entered into by any other local government, the amount that is the lesser of —
 - (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.
- (2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —
- (a) the total value of —
 - (i) the consideration under the transaction; and
 - (ii) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed under subregulation (1); and
 - (b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —
 - (i) the total value of the transaction; or
 - (ii) variations throughout the State in the value of land.

8. Exempt land transactions prescribed (Act s. 3.59)

- (1) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —
- (a) without intending to produce profit to itself; and
 - (b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.

Policy Implications

Nil

Financial Implications

Council authorised a transfer of Municipal funds of \$10,000 to the Land Transfers Reserve earlier this year. Further authorisation was provided to transfer back, up to \$10,000 for any land purchases. The Land Transfers Reserve currently holds \$72,000 (including the \$10,000 transfer to the Reserve in early 2019/20). Should Council wish to purchase the land, it will need to give consideration to the purchase of land earlier in this meeting and make appropriate provision.

Strategic Implications

Community Strategic Plan:

Strategy 3.1.1 Ensure pipeline of land available for development.

Strategy 2.4.1 Support community volunteers to maximise impact of their contributions

11.6 FREEDOM OF INFORMATION ACT 1992 – INFORMATION STATEMENT

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0076
Disclosure of Interest:	Nil
Date:	12 December 2019
Author:	Erin Greaves, Governance Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

This report includes a copy of the revised Shire of Mingenew Information Statement (IS) and recommends that Council review and endorse the Information Statement as amended.

Key Points

- The Shire is required to annually publish an Information Statement under the *Freedom of Information Act 1992*
- The proposed Information Statement 2020 has only been changed minimally to reflect the current workforce and Council structure

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEMS 11.6, 7.1 AND 7.2 - Resolution 20111906

Moved: Cr H Newton

Seconded: Cr McTaggart

That Council:

1. lays over Item 11.6 Freedom of Information 1992 – Information Statement to the next Council Meeting; and
2. lays over the confirmation of the Minutes of the Special Meeting and Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 20 November 2019 until the next Council Meeting.

NOTE: It was realised that a motion was not given or voted on at Item 7.1 and 7.2 to lay over the confirmation of minutes earlier in the meeting and therefore, rectified with this motion.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

OFFICER RECOMMENDATION - ITEM 11.6

That Council endorses and publishes the Information Statement 2020, as presented in Attachment Booklet – December 2019, in accordance with the *Freedom of Information Act 1992*.

Attachment

Attachment 11.6.1 Information Statement 2020

Background

Part 5 of the *Freedom of Information Act 1992* (WA) (the FOI Act) requires each agency to prepare and publish an information statement within 12 months after the commencement of the FOI Act, and to update the statement at intervals of not more than 12 months (sections 96 and 97 of the FOI Act).

Further, the Act requires that all Local Governments have an information statement made available for inspection and/or purchase by members of the public.

The Information Statement can be published electronically on Council's website, as a stand-alone hard copy or incorporated into Council's Annual Report or a combination of all the options. A copy of the Information Statement must also be provided to the Information Commissioner when first produced and when any amendments are made.

Comment

Information Statements are an important part of FOI legislation. They assist members of the public to exercise their rights under the FOI Act, by describing the information and records available, together with a summary of the responsibilities and functions carried out by each agency.

It has been 12 months since the Information Statement's last review, however, there are only minimal changes proposed relating to workforce changes and Council structure. All the other sections remain relevant. Once adopted, the updated version will be sent to the Information Commissioner as per the *Freedom of Information Act 1992* and displayed on the website for public access.

Statutory Environment

Freedom of Information Act, 1992

s.94 Publication of information about agencies

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;*
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;*
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;*
- (d) a description of the kinds of documents that are usually held by the agency including —*
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and*
 - (ii) which kinds of documents can be purchased; and*
 - (iii) which kinds of documents can be obtained free of charge;*
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;*
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —*
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and*
 - (ii) the address or addresses at which access applications can be lodged;*
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —*
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and*

(ii) the address or addresses at which applications for amendment of personal information can be lodged.

s.96 Information statement, each agency to publish annually

1) *An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —*

- (a) within 12 months after the commencement of this Act; and*
- (b) at subsequent intervals of not more than 12 months.*

s.97 Information statement and internal manual, each agency to make available etc.

(2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.

Policy Implications

Nil

Financial Implications

There are costs associated with producing copies of the Information Statement, however the FOI Act allows Council to charge members of the public for a copy of the Information Statement and other documents that may be requested.

Fees and Charges relating to information requests are in accordance with the Freedom of Information Act 1992 or set annually as part of Council's Fees and Charges.

Strategic Implications

Community Strategic Plan:

Strategy 1.2.3 Provide sound corporate governance of Shire and create an attractive work environment

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

12.0 REPORTS BY THE FINANCE AND ADMINISTRATION MANAGER

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2019

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0304
Date:	5 December 2019
Author:	Jeremy Clapham – Finance Manager

Summary

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

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.6 - Resolution 20111907

Moved: Cr HR McTaggart

Seconded: Cr AR Smyth

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

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Attachment

Monthly Financial Report for period ending 30 November 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 as per bank statements – Shire of Mingenew as at 30 November 2019	
Municipal Funds	\$2,062,186
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 30 NOVEMBER 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – November 2019
Disclosure of Interest: Nil
Date: 5 December 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 November 2019 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.6 - Resolution 20111908

Moved: Cr HM Newton

Seconded: Cr CV Farr

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

\$8,788.01	Municipal Cheques;
\$226,592.47	Municipal EFT's;
\$27,983.95	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$21,009.05	Municipal Direct Debit Other;
\$1,541.95	Municipal Other Charges.

Totalling \$285,915.43 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$71,723.62

Total of all payments - \$357,639.05.

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

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

Nil.

15.0 CONFIDENTIAL ITEMS

Nil.

15.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 19 February 2020 commencing at 4.30pm.

16.0 CLOSURE

The meeting was declared closed at 4:51pm.

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

Signed _____
Presiding Officer

Date: _____