



AGENDA FOR THE ORDINARY COUNCIL MEETING

20 MAY 2020



Ordinary Council Meeting Notice Paper

20 May 2020

An Ordinary Meeting of Council is called for Wednesday, 20 May 2020, to be held in the Council Chambers at 21 Victoria Street, Mingenew commencing at 4.30 pm. Members of the public are most welcome to attend.

Nils Hay
Chief Executive Officer
14 May 2020

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

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

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

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

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

PROCEDURE FOR PRESENTATION

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

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

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

PROCEDURE FOR PETITIONS

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

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to two (2) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

- **During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**
- **Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**
- **Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS AT
21 VICTORIA STREET, MINGENEW ON 20 MAY 2020 COMMENCING AT 4.30PM**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at ____pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS

JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Town Ward
CV Farr	Councillor	Town Ward
HR McTaggart	Councillor	Rural Ward
HM Newton	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
AR Smyth	Councillor	Town Ward

APOLOGIES

STAFF

N Hay	Chief Executive Officer
J Clapham	Finance Manager (via teleconference)
R Brennan	Works Supervisor
E Greaves	Governance Officer

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME / PUBLIC STATEMENT TIME

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 15 APRIL 2020

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 15 April 2020 be confirmed as a true and accurate record of proceedings.

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 DECLARATIONS OF INTEREST

10.0 ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

10.1 CONFIDENTIAL ITEM AFFECTING STAFF

At the 15 April 2020 Ordinary Council Meeting it was resolved to lay Confidential Item 15.1 on the table. As the matter is a confidential matter affecting staff it is proposed that the item be returned to the table but the order of business be amended to consider the item at the end of the meeting under 16.0 CONFIDENTIAL ITEMS.

PROCEDURAL MOTION - ITEM 10.1

That the Confidential Item 15.1, as presented at the 15 April 2020 Ordinary Council meeting, be returned to the table for consideration and be discussed under Item 16.0 Confidential Items, in accordance with Clause 3.2 'Order of Business' and Clause 11.6 'The Motion (or Communication) Lie on the Table – Effect of Motion' of the Shire of Mingenew Standing Orders Local Law 2017.

11.0 RECOMMENDATIONS OF COMMITTEES

Nil.

12.0 CHIEF EXECUTIVE OFFICER REPORTS

12.1 ANNUAL REVIEW OF DELEGATIONS AND UPDATE OF REGISTER

Location/Address: Shire of Mingenew
 Name of Applicant: Shire of Mingenew
 File Reference: ADM0490
 Disclosure of Interest: Nil
 Date: 14 May 2020
 Author: Erin Greaves, Governance Officer
 Authorising Officer: Nils Hay, Chief Executive Officer
 Voting Requirements: Absolute Majority

Summary

In order to meet the local government’s statutory obligation to review its delegations at least once a year to facilitate effective and efficient decision making.

Key Points

- Local governments are required to review its delegations at least once every financial year
- The most recent Review was undertaken by Council in June 2019
- The Register provided, lists all delegations made from the state government to the local government, Council to Committees and Council to the Chief Executive Officer
- The CEO may delegate to any employee a power or discharge where appropriate

OFFICER RECOMMENDATION – ITEM 12.1

That Council adopts, by Absolute Majority, the updated Delegations Register (NLM201308) as presented in Attachment Booklet – May 2020, satisfying the requirement under s5.18 of the *Local Government Act 1995* to undertake an annual review of its delegations at least once every financial year.

Attachments

- 11.1 Proposed Updated Delegations Register v1.6 (NLM201308)
 11.2 Delegations Register adopted April 2019

Background

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per *Local Government Act 1995* s5.18 and s5.46. These delegations include those from Council to the Chief Executive Officer and Committees, and the Chief Executive Officer to other staff. Council has not yet reviewed the Register this financial year.

Relevant management staff were consulted in the lead up to the preparation of this report.

Comment

A summary of the changes is provided in the table below:

Delegation No.	Description of amendment	Page No.
General		
	<ul style="list-style-type: none"> • Formatting improvements made • Cross references with Policy, procedures etc have been updated • Update of position titles (where changed) • Minor grammatical amendments • Removed requirement for reporting of some delegations being exercised through monthly Council Forum (only where not considered practical or appropriate) 	
Part 2 Council Delegations to Committees		

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CDC01 Chief Executive Officer's Performance Appraisal	Only Committee delegation – no change proposed	17
Part 3 Council Delegations to the Chief Executive Officer		
CD01 Payments from Municipal or Trust Funds	The authority to make payments from the "trust fund" was excluded previously (this is believed to be an error)	19
CD03 Rates Recovery	Updated title to be more descriptive (CD03 Rates)	22
CD04 Expressions of Interest, Tenders and Tender Exempt Procurement	Minor wording change in Conditions to capture recent Purchasing Policy change	23
CD05 Disposal of Land (including Buildings) via Lease or License	Title change to better reflect intent of delegation – clarifying that property disposal for plant, equipment and abandoned goods to be dealt with in separate delegation.	25
CD11 Remove, Impound and Dispose of Uncollected Goods or Animals	Title change to better reflect intent of delegation – clarifying that property disposal in relation to land and buildings to be dealt with in separate delegation.	32
CD14 Powers and Duties under Local Planning Scheme No.4	Updated to reflect new Local Planning Scheme (existing delegation refers to LPS No.3) including title. Provides for the approval of development applications under certain conditions, as well as a number of functions as per the Scheme and legislation.	38
CD15 Designated Authorised Officers - Public Health Act 2016	Updated title to be more descriptive (from Public Health Act 2016). Included condition for CEO to be satisfied that an authorised person is suitably qualified and experienced.	38
CD16 Appoint Authorised Persons and Perform Certain Duties under the Food Act 2008	Updated title to be more descriptive (from CD16 Food Act 2008).	41
<i>CD17 Revoked</i>	Whilst revoked at the April 2019 meeting, I have added reference to it in the document to account for the numbering gap.	43
CD18 Certain Duties under the Dog Act 1976	Updated title and changed the provisions for reporting to Council. As good record keeping practice it is proposed that any waivers or discounts be applied with written notice. It was also considered appropriate that Council be advised of any enforcement proceedings, but it is not practical, efficient or necessary to report all dog registration or management activities every month.	44
CD19 Certain Duties under the Cat Act 2011	Updated title to be consistent with those that are similar. Also removed requirement to report the exercising of the Delegation to Council as it is impractical.	45
<i>CD21 Revoked</i>	Whilst revoked at the April 2019 meeting, I have added to reference to it in the document to account for the numbering gap.	47
CD23 Subdivision Applications (NEW)	Authority to give advice to WAPC with respect to subdivision applications and the clearance of conditions on the provision that it satisfies the Shire's and legislative planning requirements. Anything that does not comply would be referred to Council for a decision.	49
Part 4 Council / Chief Executive Officer Authorisations to Employees		
CA1 Authorised Persons under the Caravan Parks and Camping Grounds Act 1995	Minor wording amendment to holistically capture the intent of s.23 with regard to modifying or withdrawing infringements	52

Further comment on the planning related delegations has been provided below (based on advice from Simon Lancaster from the Shire of Chapman Valley, who provides planning advice and support to the CEO as per MOU arrangements):

CD14 Dealing with an Approving Development Applications

The purpose of this delegation is to streamline the development approval process for Shire landowners/ratepayers and ensure efficiency.

In instances where a development application proposes a land use that is listed in the Shire's Local Planning Scheme Zoning Table as 'P - Permitted', 'D - Discretionary', 'I - Incidental' or 'A - Advertising' and where that application meets all Scheme requirements relating to matters such as boundary setback, site coverage, appearance, car parking etc. then the application may be determined by the Shire CEO under delegated authority.

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The Shire CEO would not be bound by the delegation to have to determine all such applications and can refer any such application to Council for deliberation that may be considered contentious.

Similarly, applications that have been advertised and where objections have been received would be presented to Council for consideration.

Applications that propose development that do not meet the Scheme requirements cannot be determined under delegation and must be presented to Council for deliberation.

Applications for an 'X – not permitted' development cannot be determined under delegation and must be presented to Council for deliberation (with the expectation that the staff recommendation would be for refusal).

Applications for a land use that is not listed in the Scheme Zoning Table cannot be determined under delegation and must be presented to Council for deliberation.

Delegation CD14 does not extend to granting delegation to the Shire CEO to refuse applications and instead these must be presented to Council for deliberation. It was considered that an applicant (where the recommendation of Shire staff was for refusal) should be provided with the greater/fairer opportunity to have their application determined by Council and this also provides an opportunity for a deputation to be made to Council by the applicant to provide supporting background and answer questions of Council. It is also considered that when a refusal is issued that the ability to table an agenda report and Council determination is of assistance to the local government should that refusal be appealed at the State Administrative Tribunal. Whilst larger metropolitan and regional centre local governments with high volumes of development applications (and refusals) do extend this delegation to the Shire CEO it is considered that it would not present a significant inefficiency to withhold delegation of refusal in the Shire of Mingenew.

Should Councillors wish to view the Zoning Table in the Shire's Scheme, that provides the list of land uses, and what level of permissibility they each have within each zone, then a complete copy of the Scheme can be viewed at the following link, and pages 12-14 contains the Zoning Table:

<https://www.dplh.wa.gov.au/getmedia/88c8b95b-27d2-4ce0-82e2-30d62cb6d035/Mingenew-4-scheme-text>

CD20 Planning and Development Act – Illegal Development

The purpose of this delegation is to enable the Shire CEO to issue a written direction to cease/remove unauthorised development.

This delegation enables the Shire to respond efficiently where an unauthorised development is causing nuisance and/or it has received a complaint.

Where the written direction is complied with the matter would be reported to Council in a subsequent Concept Forum, where a written direction has not been complied with the Shire CEO would advise Council and legal action may commence.

CD23 Subdivision Applications

The purpose of this delegation is to streamline the subdivision approval process for Shire landowners/ratepayers.

Where the Western Australian Planning Commission (WAPC) receive a subdivision/amalgamation application and request advisory comment the Shire CEO would respond in instances where the application is considered minor and advise of the Shire's support or support subject to conditions (e.g. applications such as farm boundary realignment that did not create additional lots, lot amalgamations, servicing authority lot creation fronting the existing road network, subdivisions previously supported by Council that have not been completed within the previous WAPC approval timeframe etc.).

Applications that propose subdivision that do not meet the Shire's adopted statutory and strategic planning requirements must be presented to Council for deliberation.

Clearing of conditions relating to WAPC approved subdivisions would be undertaken by the Shire CEO, excepting where the subdivider considered the condition requirements unreasonable and the matter would then be presented to Council for deliberation (e.g. dispute over the appropriate subdivisional road construction standard).

Other than the Planning delegations listed above, there are no other significant changes proposed as a result of this review.

Should Council not agree with any of the proposed changes or additions, the Delegations Review may be resolved, subject to the exclusion or further amendment of certain delegations.

Consultation

Leadership Team (internal)

WALGA Templates

Simon Lancaster, Shire of Chapman Valley (Planning advice)

Dave Gibson, City of Greater Geraldton (Building advice)

Gordon Houston, EHO Consultant (Environmental Health advice)

Statutory Environment

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

(1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

(3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

(a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*

(b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*

(4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

(1) *A local government can delegate —*

(a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*

(i) *any power or duty that requires a decision of an absolute majority of the council; and*

(ii) *any other power or duty that is prescribed; and*

(b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*

(c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*

(i) *the local government's property; or*

(ii) *an event in which the local government is involved.*

(2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. Delegation of some powers and duties to CEO

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

- (a) *this Act other than those referred to in section 5.43; or*
- (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority of the council;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

(1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

(3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*

- (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
- (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*

(4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*

(5) *In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

5.45. Other matters relevant to delegations under this Division

(1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

- (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
- (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*

(2) *Nothing in this Division is to be read as preventing —*

- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
- (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- 1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- 2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

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- 3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Specific statutory requirements are outlined within the Register for each delegation made.

Policy Implications

The Delegations Register will link with and guide some Council and internal policies. Reference to the relevant Council Policy for each delegation is listed within the register.

Financial Implications

Delegations allow for a more streamlined and timely service for its ratepayers and stakeholders creating resourcing efficiencies, where Council oversight is not required as direction has been provided through the delegation, policy or other instrument, or an employee is suitably qualified and/or experienced to undertake the power/duty.

Strategic Implications

Community Strategic Plan:

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

12.2 PROPOSED LOT BOUNDARY RATIONALISATION

Location/Address:	Lot 200 Eleanor Street & Lots 545 & 547 Jacobs Road, Mingenew
Name of Applicant:	Cooperative Bulk Handling Ltd & KLK Farms Pty Ltd
Disclosure of Interest:	Nil
File Reference:	A518 and A517
Date:	4 May 2020
Author:	Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Senior Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking comment upon an application from CBH to acquire an adjoining area of land to amalgamate into its Mingenew site to allow for its further expansion. This report recommends that Council support the application.

Key Points

- CBH has reached agreement with the adjoining landowner to acquire an area of land to expand its Mingenew operations.
- The amended lot boundaries would provide CBH with direct frontage onto Mingenew-Morawa Road.
- The proposal would rationalise 3 lots into 2.

OFFICER RECOMMENDATION 12.2

That Council advise the Western Australian Planning Commission that it supports the boundary rationalisation of Lot 200 Eleanor Street & Lots 545 & 547 Jacobs Road, Mingenew (as shown upon Plan No.3244-23A-01).

Attachment

Attachment 12.2.1 - Copy of submitted subdivision application

Background

Lot 545 Jacobs Road is a vacant 53.9251ha property owned by KLK Farms Pty Ltd that is used for cropping purposes. The application proposes to excise a 21.8ha portion from the southern end of Lot 545 and amalgamate it into adjoining Lot 200, thereby reducing Lot 545 to a 32.1224ha lot.

Lot 547 is a vacant 0.3802ha property owned by KLK Farms Pty Ltd also used for cropping purposes. The application proposes to amalgamate Lot 547 into Lot 200. This action would resolve the current situation of a 'land-locked' (i.e. without road frontage) lot that is considerably smaller than the surrounding lots.

Lot 200 Eleanor Street is a 27.9636ha property owned by CBH that contains their grain handling and storage operations on the eastern side of the railway line and it is proposed that this lot would be enlarged through the abovementioned actions to create a 50.1465ha property that would allow for the future expansion of the CBH site. Lot 200 would also gain access to the north onto Mingenew-Morawa Road by means of a 20m wide, 631.3m long access leg.

The applicant's submitted supporting correspondence and subdivision plan, that elaborates further upon this proposal has been provided as **Attachment 12.2.1**.

Figure 12.2(a) – Existing lot layout overlaid upon aerial photo

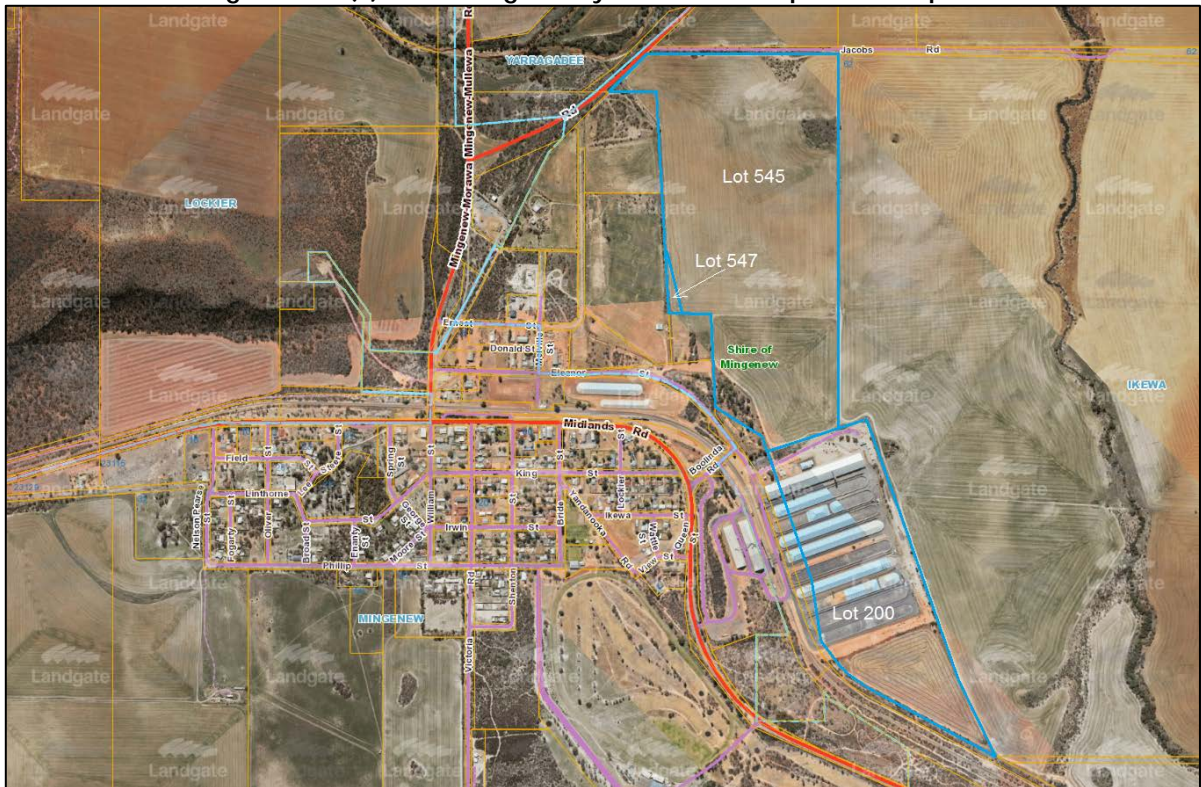
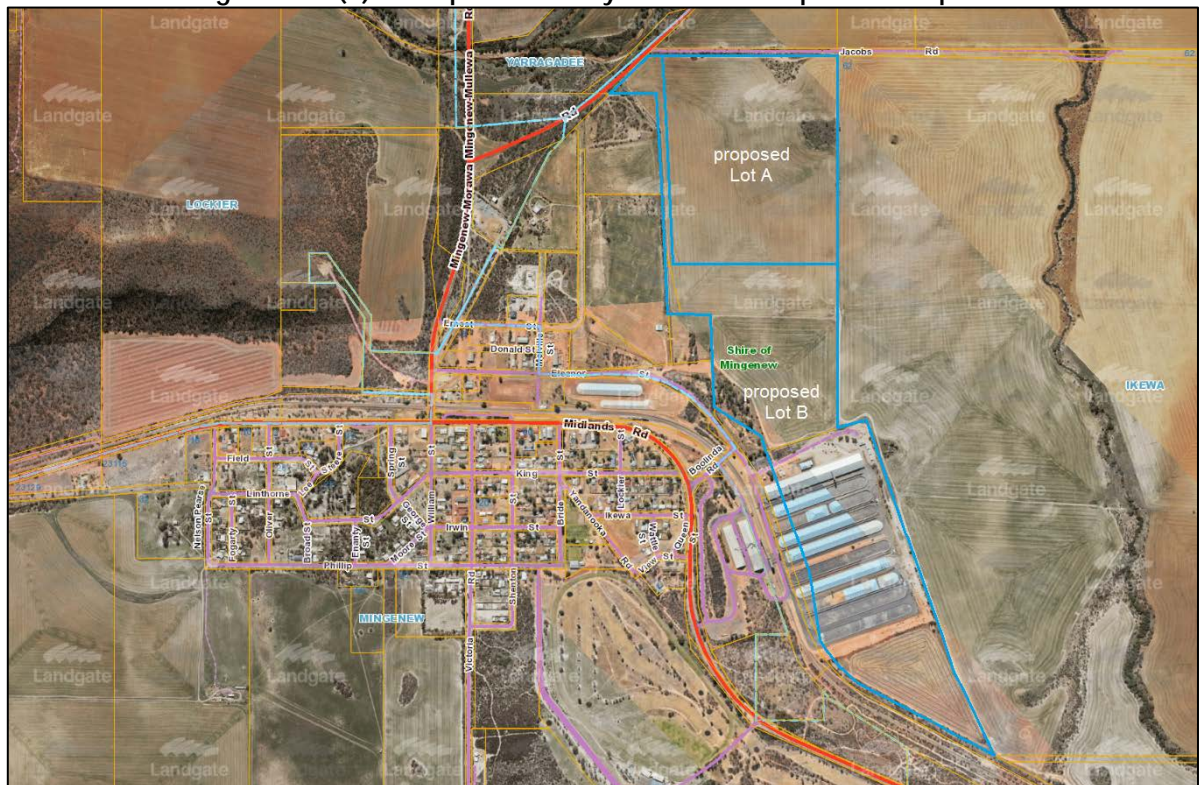


Figure 12.2(b) – Proposed lot layout overlaid upon aerial photo



Comment

The proposed boundary rationalisation would increase CBH's landholding by 22.1829ha and enable them to expand their grain handling operations into the future.

The proposal would also enable vehicle movements associated with CBH to gain direct access via Mingenew-Morawa Road in addition to the current frontage Lot 200 has onto Eleanor Street and via Boolinda Road.

The future construction of a vehicle access point onto Mingenew-Morawa Road would be required to be constructed to the requirements of Main Roads WA as this forms part of its managed road network.

Figure 12.2(c) – View of proposed Lot 200 frontage onto Mingenew-Morawa Road



Consultation

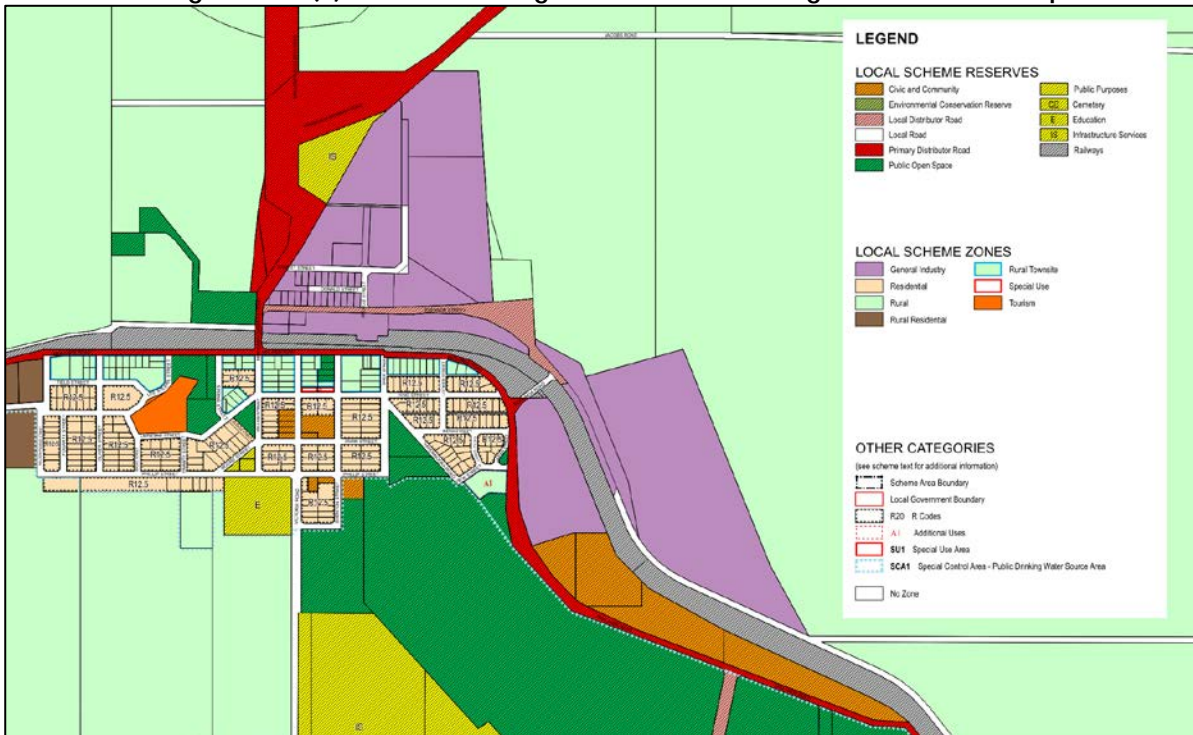
The WAPC is not obliged to undertake public consultation in its assessment of subdivisions and amalgamations but has referred this application out to the following agencies inviting comment prior to 28 May 2020:

- Shire of Mingenew;
- Department of Biodiversity, Conservation & Attractions;
- Department of Fire & Emergency Services;
- Main Roads WA;
- Public Transport Authority;
- Telstra;
- Water Corporation;
- Western Power; &
- Unexploded Ordnance Branch.

Statutory Environment

Lots 545 & 547 are zoned 'Rural' and Lot 200 is zoned 'General Industry' under the Shire of Mingenew Local Planning Scheme No.4 ('the Scheme').

Figure 12.2(d) – Shire of Mingenew Local Planning Scheme No.4 Map extract



Part 3 Section 16 of the Scheme lists the objectives of these zones as being:

Rural	<ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
General Industry	<ul style="list-style-type: none"> To provide appropriately located, accessible, serviced and level industrial land to cater for the needs of anticipated industrial development within the townsite area. To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. Seek to manage impacts such as noise, dust and odour within the zone.

The proposed boundary rationalisation would result in a lot becoming dual-zoned i.e. the southern portion of CBH's lot would be zoned 'General Industry' and the northern portion zoned 'Rural'.

However, it is noted that in the event that CBH lodge a development application for the extension of 'grain handling operations' upon the northern, currently vacant 'Rural' zoned portion of their property (that they would acquire through the boundary rationalisation application) that this could be deemed by Council as "use that is not specifically referred to in the zoning table and that cannot be reasonably be determined as falling within a use class referred to in the zoning table" and given further consideration.

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This consideration would be made with regard for the following as listed in Schedule 1 (3) Rural (2) of the Scheme:

"In considering an application for development approval in the Rural zone, in addition to the matters outlined in Clause 67 of the deemed provisions the local government will have due regard for the following:

- (a) any sensitive or incompatible uses and how the application has addressed minimisation of potential environmental and health impacts through separation distances and other measures;*
- (b) any wetland or remnant vegetation or other sensitive feature, and how the application has addressed the protection of the feature;*
- (c) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;*
- (d) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and*
- (e) proposals for treatment and disposal of waste products."*

As part of its assessment of a future development application Council might also require CBH to lodge a Scheme Amendment to rezone the acquired land area from 'Rural' to 'General Industry' to match the remainder of Lot 200.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

The Mingenew Townsite Local Planning Strategy notes the importance of the CBH operations to the Shire as follows:

"The agricultural industry is important to the local economy of the town, with the CBH Grain receival point to the east of the urban area a dominant feature in the townsite (Strategic Community Plan 2012). The CBH facility has the distinction of being the largest inland grower-fed grain receival point in the Southern Hemisphere. (page 3)

The Townsite Strategy also notes that

"Existing industrial development in proximity to the Mingenew townsite, particularly the CBH grain receival point, is considered by residents to have some off-site amenity impacts, such as noise and dust. As a result the vacant residential land south of Ikewa Street and north of View Street is not seen locally as being attractive for development." (page 32)

The expansion of CBH's operations northwards away from the residential area would assist in addressing this issue.

The Townsite Strategy also identifies that a potential long term strategic planning direction would be for the expansion eastwards of the industrial area and the future development of CBH operations on the land alongside this future industrial area is considered a compatible land use.

Council's Strategic Community Plan 2019 also identifies that:

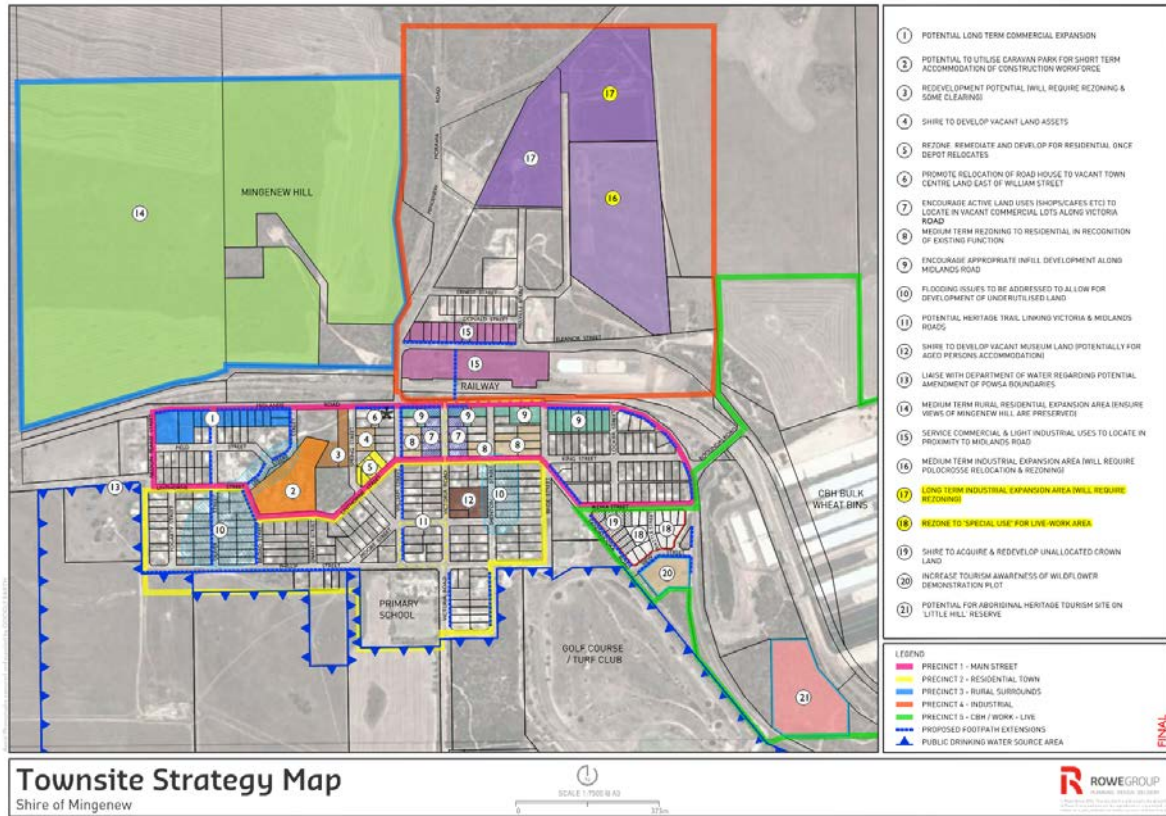
"Mingenew has comparative advantage in Agriculture, and is not necessarily utilising all its assets:

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- *Mingenew has the onshore largest grain receival facility in the southern hemisphere and hasn't been able to leverage this asset (noting that a strong relationship with CBH is critical to achieving this). Identify value adding opportunities for agriculture, particularly in relation to this asset."* (Page 11)

The expansion of CBH's operations northwards and the future development of value adding industry upon the adjacent land to the west would assist in addressing this strategic objective.

Figure 12.2(e) – Mingenew Townsite Local Planning Strategy extract





2 Abbotsford Street West Leederville WA 6007
PO Box 796 Subiaco WA 6904
+61 8 9382 1233 admin@cleplan.com.au

Our Ref: 3244Ltr26
Enquiries: Steve Carter

9 April 2020

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Nick Welch

Dear Nick

**RE: SUBDIVISION APPLICATION
CBH NETWORK STRATEGY IMPLEMENTATION PROJECT
LOTS 200, 545 & 547 (NO STREET ADDRESS), MINGENEW
SHIRE OF MINENEW**

Please find enclosed a subdivision (amalgamation) application to subdivide a portion of lot 545, and amalgamate it with lot 547 and lot 200, Mingenew.

The application consists of this letter and the following:

- Signed application form;
- Consent to sign letter;
- Application fee (\$3,487.00) – to be paid once remittance advice is issued;
- Subdivision Plan (CLE Ref. 3244-23A-01); and
- Copy of the Certificates of Title.

This application is lodged on behalf of the owners of Lots 545 and 547, KLK Farms Pty Ltd, and Lot 200, Cooperative Bulk Handling (CBH). CBH is Australia's largest co-operative and a leader in the Australian grain industry, with operations extending along the value chain from grain storage, handling, transport, marketing and processing.

BACKGROUND

CBH is currently reviewing, rationalising and expanding its network of existing grain storage and handling facilities across Western Australia. CBH intends to focus on maintenance and capital enhancement at CBH's top 100 grain receival sites, where over 90% of the grain is received, stored and handled for distribution to the ports and some domestic markets.

CBH has previously met with the Chair of WAPC, and officers of the Department of Planning, Lands and Heritage (DPLH) in order to discuss the benefits of the overall strategy to the State, and to identify the specific areas of focus. Both the WAPC and the DPLH are supportive of the overall strategy, and the DPLH has provided site-specific planning advice in relation to all of the sites identified in the network strategy.

In order to deliver CBH's network strategy, it is necessary to acquire additional land to expand specific grain storage and handling facilities across the State. This land is then required to be formally amalgamated into CBH's existing landholdings.

PROPOSAL

This application proposes to excise a 21.8ha portion from lot 545 (owned by KLK farms), and to amalgamate this portion with the existing lot 547 (also owned by KLK Farms) and lot 200 (owned by CBH) to form a consolidated parcel of 50.1ha. The balance of lot 545 remains a sizeable rural land parcel at 32.1ha. Both of the newly created lots will have legal road frontage, most notably by way of a 20m access leg to provide the consolidated CBH landholding with road frontage and legal access to Jacob Road.

The application will see CBH's landholding extend into land zoned 'Rural' in the Shire of Mingenew Local Planning Scheme 4 (LPS4). With the objectives of TPS4 providing for rural industries and non-rural land uses where they have benefit and are compatible with surrounding rural uses, the application does not prejudice the 'Rural' zone more broadly and is not a prerequisite to amalgamation.

It is noted that the southernmost portion of the application area is designated as Bushfire Prone pursuant to SPP 3.7. Notwithstanding the requirements of SPP 3.7, we do not believe that it is necessary to provide a Bushfire Management Plan or hazard assessment in this instance for the following reasons:

- The application is for an amalgamation of land and does not propose any development which may be impacted by bushfire.
- The application does not propose to create any residential or commercial lots which may be impacted by bushfire.
- The nature of the land uses within the application area will not result in any increased risk or exposure to bushfire hazard.
- The final land use and determination of any buildings / structures will be determined at a subsequent development application stage, at which point consideration of bushfire risk will be taken into account.

On this basis we submit that it is not necessary to provide a BMP or hazard assessment in support of this application.

The application does not prejudice the future use of either lot for rural purposes, and is consistent with clauses 5 and 6 of the WAPC's *D.C. Policy 3.4 – Subdivision of Rural Land* in that it does not propose to increase the number of rural lots, it enables efficient provision of State-significant rural infrastructure, and has no adverse impact on the environment, sites of cultural significance, or the amenity of surrounding areas.

Any necessary approvals for clearing of land, rezoning and / or changes to land use and development will be sought separately by CBH once the land parcels have been consolidated via this subdivision process.

On this basis we respectfully request the WAPC's approval of this application. Please do not hesitate to contact the undersigned should you wish to discuss any aspect of this correspondence.

Yours faithfully



STEPHEN CARTER
PRINCIPAL
CLE TOWN PLANNING + DESIGN

CC. Lee Nilan CBH Group

12.3 DROUGHT COMMUNITIES PROGRAMME PROJECT PRIORITISATION

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0546
Date:	8 May 2020
Author:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

We are required to submit our projects for the Drought Communities Programme (DCP). This paper seeks for Council to endorse a prioritised project list for submission.

Key Points

- \$500,000 of funding available; can be matched with other funding programs
- Must be expended by 30 June 2021
- All projects must be provided in single submission
- Work on projects cannot commence until projects are submitted and approved (approval takes approximately 4 weeks, typically)
- Projects based on Strategic Community Plan 2019-29 and Corporate Business Plan 2019-23

OFFICER RECOMMENDATION – ITEM 12.3

That Council:

- 1. Endorses the project prioritization as per the attached Project Prioritisation List**
- 2. Directs the Chief Executive Officer to submit the Shire's application on the basis of this prioritization.**

Attachment

12.3.1 DCP guidelines

12.3.2 Project prioritization list

12.3.3 Project plans

Background

Earlier this year the Shire of Mingenew was confirmed eligible for the Federal Government's Drought Communities Programme extension, \$500,000 of unmatched funding with the following funding targets:

- provide work for people whose employment has been impacted by drought
- stimulate local community spending
- use local resources, businesses and suppliers
- provide a long-lasting benefit to communities and the agricultural industries they depend on

Eligible projects must meet the project requirements outlined in the attached guidelines.

At the 15 April 2020 Concept Forum a draft project list was discussed with Council; that list has since been refined and prioritized. This paper seeks Council endorsement for that prioritization.

The prioritization has been made in consideration of the following factors:

- Alignment with Strategic Community Plan
- Inclusion in Corporate Business Plan (noting that this will be reviewed by July 2020)
- Contribution to economic activity (DCP criteria)
- Retention of business or facility (DCP criteria)

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- Accuracy of quotes/planning
- Ability to complete in FY20-21
- Likelihood of being able to seek external funding from other sources

Consideration has also been given to trying to maximise the number of projects put forward for the programme to provide greater flexibility to the Shire should adjustments of project costs (due to changing quotes or obtaining co-funding) be necessary.

As per the Project Prioritisation List, the following 12 projects have been recommended for submission to the program (the ID refers to the order the project appears in the attached booklet of project plans):

RANK	ID	Project
1	18	Mingenew Recreation Centre Water Storage Upgrade
2	17	Mingenew Recreation Centre Bore Installation
3	21	Rec Centre and Office Solar Power Installation
4	5	Child Care Centre Upgrade
5	6	Mingenew Communications Tower Upgrade
6	20	Remote Tourism Cameras
7	11	Mingenew Railway Station
8	15	Mingenew Youth Precinct
9	7	Co-working Space
10	3	Astrotourism project
11	13	Mingenew Tourist Centre
12	1	Renovation 33 Victoria Street

Comment

As quotes are being firmed and finalized the finished value of each project is not accurately known at this stage. That said, DCP have advised that due to the fact that (for the first time in the life of the Programme) they are requesting the full \$500,000 package be submitted in a single application that there is a degree of flexibility built into the program, this includes:

- Acceptance of cost estimates rather than hard figures
- Willingness to accept variations as projects are over/under-spent based on initial application estimates

To that end, this paper is seeking Council to endorse a list of priorities to be delivered – noting that some of the costs are estimates.

Even though projects are being put forward for DCP, this will also not preclude the Shire from seeking other matched funding from different sources to try to leverage the DCP funds as far as possible (indeed, in some cases the DCP funding will be deliberately used as a co-contribution). This applies particularly to some of the larger projects like the railway station and skate park, but also to the likes of the solar project – where we are already seeking partial external funding through the Department of Energy.

Given the timeframes involved (completion required by 30 June 2021), it is desirable to have the initial project list submitted and accepted in the near future and as projects are delivered (and hopefully co-funded elsewhere) we can seek variations to either increase scope or add additional projects to the mix, on the basis of Council's prioritisation.

Through this process, a number of projects have been roughly scoped, although they will obviously be unsuitable for the DCP project. They have been included nonetheless, so Council has some visibility over the current project

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pipeline. Those projects which miss out on DCP endorsement can continue to be developed in line with Council's Corporate Business Plan and Budget for FY20-21 and beyond.

It should also be noted that the delivery of these projects will require oversight and management on the part of the CEO, CDO and Works Supervisor (depending upon the project). The time of existing Shire employees is not an eligible project expense, so this cannot be claimed back. Likewise, there is no financial advantage for us to utilize existing Shire staff to complete these works – so contractors will generally be used.

Consultation

Drought Communities Programme project officers
Community Development Officer

Statutory Environment

Nil

Policy Implications

When conducting final procurement for projects, the Shire's Purchasing Policy requirements must be met. Multiple quotes have already been sought for many of the larger items.

Financial Implications

This funding will provide a \$500,000 to Council for project delivery in the 20-21 financial year. Council will have the opportunity to try to leverage some of that funding against other competitive grant programs to stretch it further. It is a very welcome grant and will assist with the delivery of a number of projects at no cost to the Mingenew ratepayer.

Salaries of existing Shire staff are not eligible expenses under the program.

Strategic Implications

See various SCP and BCP links on attached project prioritization list.

13.0 FINANCE AND ADMINISTRATION MANAGER REPORTS

13.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 APRIL 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 11 May 2020
Author: Jeremy Clapham – Finance & Administration Manager
Voting Requirements: Simple Majority

Summary

This report recommends that the Monthly Financial Report for the period ending 30 April 2020 as presented to the Council be received.

OFFICER RECOMMENDATION – ITEM 13.1

That the Monthly Financial Report for the period 1 July 2019 to 30 April 2020 be received.

Attachment

Monthly Financial Report for period ending 30 April 2020

Background

The Monthly Financial Report to 30 April 2020 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 April 2020	
Municipal Funds	\$454,333
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$164,067
Trust Fund	\$1
Reserve fund (3 Month Term Deposit) @ 2.50%	\$312,663

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.

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- (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

13.2 LIST OF PAYMENTS FOR THE PERIOD 1 APRIL 2020 TO 30 APRIL 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – April 2020
Disclosure of Interest: Nil
Date: 11 May 2020
Authorising Officer: Jeremy Clapham, Finance & Administration Manager
Voting Requirement: Simple Majority

Summary

This report recommends that Council receive the list of payments for period 1 April 2020 to 30 April 2020 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION – ITEM 13.2

That Council receive the attached list of payments for the period of 1 April 2020 to 30 April 2020 as follows:

\$716,491.85	Municipal EFT's;
\$71,409.75	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$20,039.59	Municipal Direct Debit Other;
\$1,405.28	Municipal Other Charges.

Totalling \$809,346.47 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$107,240.82

Total of all payments - \$916,587.29.

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

13.3 CREATION OF A TEMPORARY COVID19 EMERGENCY RESERVE

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	FM0005
Disclosure of Interest:	Nil
Date:	10 May 2020
Author:	Jeremy Clapham – Finance & Administration Manager
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Absolute Majority

Summary

In order to provide funding for emergency expenditure due to the Covid-19 pandemic, a temporary reserve is proposed, taking funds from some of the other reserves maintained by the Shire.

Key Points

- As part of its COVID-19 Relief strategy, Council committed to “Investigating the establishment of an Emergency Relief Reserve for the purpose of funding critical response and recovery activities related to a state-declared emergency impacting the Shire of Mingenew”
- The Shire of Mingenew has approximately \$310k set aside in 10 Reserve Accounts as at 30 April 2020.
- The implications of the Covid-19 pandemic may create a need for the Shire to provide emergency funding for a variety of needs.
- The Shire does not have a specific emergency reserve but can create a temporary reserve by moving some of the funds from some of the other reserves.

OFFICER RECOMMENDATION – ITEM 13.3

That Council, by Absolute Majority,

1. Endorses the establishment of a temporary COVID-19 Emergency Reserve for the purpose of funding critical response and recovery activities related to the COVID-19 state-declared emergency impacting the Shire of Mingenew;
2. Authorises the transfer of up to a total of \$80,000 from the following reserves as required:
 - \$40,000 from the Land & Building Reserve, leaving \$23,000.
 - \$10,000 from the Recreation Reserve, leaving \$3,000.
 - \$20,000 from the Insurance Reserve, leaving \$22,000.
 - \$10,000 from the Economic Development Reserve, leaving \$10,000.

Noting that any unspent funds following the COVID pandemic recovery will be returned to the original reserve accounts by 30 June 2021 or earlier as required.

Background

As part of its COVID-19 Relief strategy, endorsed at the April 2020 Ordinary Council Meeting, Council committed to “Investigating the establishment of an Emergency Relief Reserve for the purpose of funding critical response and recovery activities related to a state-declared emergency impacting the Shire of Mingenew”.

The implications of the Covid-19 pandemic may create a need for the Shire to provide emergency funding for a variety of needs, such as:

- Providing emergency relief to impacted staff (procedure to be developed)
- Fund increased overtime for staff to undertake critical works
- The hire or purchase of critical equipment

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- Co-contributions for externally funded projects that will provide further economic, financial and social relief to the community

To enable the Shire to fund these needs, a reserve can be created by taking funds from some of the other reserves, which currently have the following balances:

Reserve Name	YTD Actual (30/04/2020)
Land and Building Reserve	\$62,298
Plant Reserve	\$46,581
Recreation Reserve	\$12,915
Employee Entitlement Reserve	\$66,745
Aged Persons Units Reserve	\$12,521
Environmental Reserve	\$19,217
Industrial Area Development Reserve	\$5,651
RTC/PO/NAB Building Reserve	\$21,765
Insurance Reserve	\$42,341
Economic Development & Marketing Reserve	\$19,996

Comment

In creating a reserve of \$80,000, funds can be taken from other reserves as such:

- \$40,000 from the Land & Building Reserve, leaving \$23,000.
- \$10,000 from the Recreation Reserve, leaving \$3,000.
- \$20,000 from the Insurance Reserve, leaving \$22,000.
- \$10,000 from the Economic Development Reserve, leaving \$10,000.

Once the COVID19 pandemic (and related implications) are over, the remaining funds are to be transferred back to the reserves from whence they came.

Statutory Environment

Local Government Act 1995 Part 6.11 Reserve Accounts

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government –
 - (a) changes the purpose of a reserve account; or
 - (b) uses the money in a reserve account for another purpose,It must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) –
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
 - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Local Government (Financial Management) Regulations 1996 Part 2 General financial management

18. When local public notice not required for change of use of money in reserve account (Act s. 6.11(3)(b))

A local government is not required to give local public notice of a proposed change of use of money in a reserve account —

- (a) where the money is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c); or
- (b) where the total amount to be so used does not exceed \$5 000 in a financial year; or
- (c) where each of the following conditions is satisfied —
 - (i) a decision to change the use of the money is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
 - (ii) the local government considers that the change of use is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;
 - (iii) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.

Policy Implications

1.3.3 Investment of Surplus Funds Policy. 1.3.1 Purchasing Policy – Emergency Provisions. Report 11.2 Council Meeting 15 April 2020 – Community Relief During Covid-19 Public Health Emergency.

Financial Implications

Up to \$80,000 of reserve funds may be used to cover Covid-19 related emergency expenditure.

Strategic Implications

Community Strategic Plan:

Strategy 1.2.1 Manage organisation in a financially sustainable manner.

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

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

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

16.0 CONFIDENTIAL ITEMS

17.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 17 June 2020 commencing at 4.30pm.

17.0 CLOSURE

These minutes were confirmed at an Ordinary Council meeting on 17 June 2020.

Signed _____
Presiding Officer

Date: _____