



AGENDA FOR THE ORDINARY COUNCIL MEETING

21 OCTOBER 2020



Ordinary Council Meeting Notice Paper

21 October 2020

An Ordinary Meeting of Council is called for Wednesday, 21 October 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
16 October 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

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

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 October 2020

- 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 21 OCTOBER 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
HR McTaggart	Councillor	Rural Ward
HM Newton	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
AR Smyth	Councillor	Town Ward
CV Farr	Councillor	Town Ward

APOLOGIES

STAFF

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

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.0 PUBLIC QUESTION TIME / PUBLIC STATEMENT TIME

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 16 SEPTEMBER 2020

OFFICER RECOMMENDATION - 7.1

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 16 September 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 RECOMMENDATIONS OF COMMITTEES

10.1 BUSHFIRE ADVISORY COMMITTEE MEETING HELD 14 SEPTEMBER 2020

OFFICER RECOMMENDATION - 10.1

That the Minutes of the Bushfire Advisory Committee Meeting held on 14 September 2020 be received.

11 CHIEF EXECUTIVE OFFICER REPORTS

11.1 YANDANOOKA WATER RESERVE 18110 – WATER USE AGREEMENTS

Location/Address:	Reserve 18110, Yandanooka, Shire of Mingenew
Name of Applicant:	D & M Bagley Ikewa Grazing Company Beattie Peta SMSF Pty Ltd L Cocking
Disclosure of Interest:	Nil
File Reference:	ADM0256
Date:	24 June 2020
Author:	Erin Greaves, Governance Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To consider the renewal of Water Use Agreements that permit neighbouring landowners to access water from Yandanooka Reserve 188110 and authorise the preparation and execution of new water use agreements with the current property owners.

Key Points

- The Shire's current Water Use Agreements were last presented to Council in August 2015 for a 5-year term and expire 30 June 2020 (noting that RA Campbell's agreement was transferred to L Cocking in 2018).
- The Water Use Agreements were established to allow landowners neighbouring the Yandanooka spring located on Reserve 188110 to access water for certain purposes.
- The Agreements provide for prioritising water usage should the water availability or capacity diminish.
- Those who currently hold an agreement with the Shire have indicated they wish to continue under the same arrangements and propose no changes.

OFFICER RECOMMENDATION – ITEM 11.1

That Council;

1. Takes from the table Item 11.1 Yandanooka Water Reserve 18110 – Water Use Agreements, as presented at the 16 September 2020, to resume consideration of the item; and
2. Notes that s25(2) of the *Rights in Water and Irrigation Act 1914* outlines the conditions under which a Licence is not required for extracting water and that, should an alternative purpose such as activities of a commercial nature be required, the Grantee would need to obtain an appropriate Licence from the Department of Water and Environmental Regulation (DWER).

OFFICER RECOMMENDATION – ITEM 11.1

That Council:

1. Approves the 2020-2025 Water Use Agreement, as presented in attachment: 15.1.1- 15.1.4, for the purposes of regulating the drawing of water from the Yandanooka spring located on Reserve 18110;
2. Authorises the CEO and Shire President to execute the 2020-2025 Water Use Agreements on behalf of the Shire of Mingenew with the following landowners:
 - a) D & M Bagley as landowners of neighbouring land parcels
Victoria Location 9995
Victoria Location 9996
Victoria Location 9997

Victoria Location 9998;

b) Ikewa Grazing Company Pty Ltd as landowners of neighbouring land parcels

Lot 104 Yandanooka North East Road

Lot 107 Yandanooka North East Road

Lot 16, Victoria Location 1929

Lot 17, Victoria Location 1929;

c) Beattie Peta SMSF Pty Ltd as landowners of neighbouring land parcels

Lot 61, Victoria Location 1910;

d) L Cocking as the landowner of neighbouring land parcels

Lot 18, Victoria Location 1929

Lot 19, Victoria Location 1929.

Attachment

15.1.1 2020 – 2025 Water Use Agreement – D & M Bagley

15.1.2 2020 – 2025 Water Use Agreement – Ikewa Grazing Pty Ltd

15.1.3 2020 – 2025 Water Use Agreement – Beattie Peta SMSF Pty Ltd

15.1.4 2020 – 2025 Water Use Agreement – L Cocking [demonstrates tracked changes for Council to evidence the expired contract's content]

Background

The *Rights in Water and Irrigation Act 1914* provides the legislative basis for the planning, regulation, management, protection and allocation of water resources in Western Australia. The objectives of the legislation include providing for the management, sustainable use and development of water resources to meet the needs of current and future users, and for the protection of their ecosystems and the environment in which water resources are situated.

Whilst the *Rights in Water and Irrigation Act 1914* requires that a licence be obtained through the Department of Water and Environment Regulation (DWER) for the use of groundwater and the construction of a bore, the use / purpose for extracting water in these circumstances is exempt in accordance with s25(2), if the use meets the following criteria:

(a) for domestic and ordinary use; and

(b) for firefighting; and

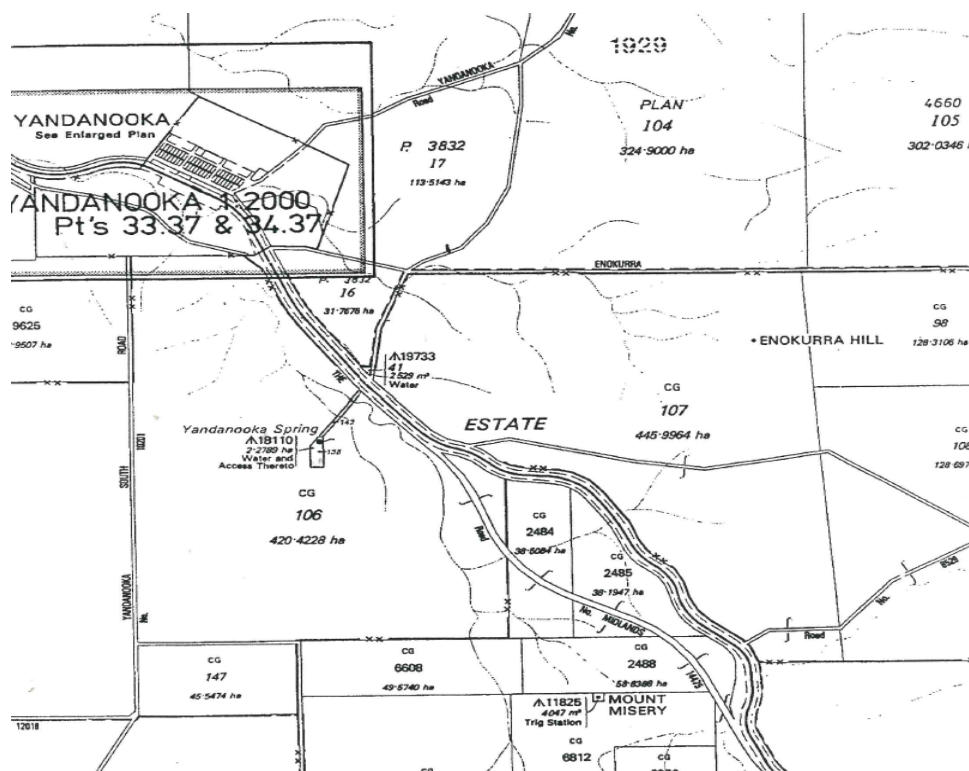
(c) for watering cattle or other stock, other than those being raised under intensive conditions as defined in section 21(4); and

(d) for any other purpose that is prescribed by a local by-law referred to in subsection (1).

The Yandanooka Reserve 188110 was originally vested with the Shire (formerly as the Mingenew Road Board) in 1938 for the public purpose of water supply. The spring has historically fed the Bundanoon area and Yandanooka townsite, and more recently neighbouring properties.

The 2015 – 2020 Water Use Agreements were considered and renewed by Council at the August 2015 Ordinary Council meeting which originally included RA Campbell for Lots 18 & 19, Victoria Location 1929. The Water Use Agreement with RA Campbell was then transferred to the new property owner (L Cocking) as a result of a Council decision at the November 2018 Council meeting (Resolution# 17101810).

The below map outlines the spring location and neighbouring land parcels:



Comment

All agreements, existing and proposed are identical in content. Attachment 15.1.4 demonstrates the proposed changes in the contract document whilst the other agreements (attachment 15.1.1-15.1.3) have the proposed changes incorporated and are the finalised version.

Changes to the existing contract proposed-

1. Amendment to clause 3.3

To accurately reflect the “Last On, First Off” concept, the priority of allocation / usage is to be amended to read as follows:

Priority Status	Grantee
1- First on	D & M Bagley
2- Second on	Ikewa Trading Company
3- Third on	Beattie Peta SMSF Pty Ltd
4- Last on	J. Cocking

It is worth noting that whilst the current agreement provides for the protection of water allocation in the case of natural diminution as above, there is no formal monitoring of water reserve levels being undertaken by, or required of, the Shire to provide oversight on water quantity levels.

2. Amendment to clause 6.1 & inclusion of clause 6.2

The permitted use under Clause 6.1 of the now expired agreement outlines “The Grantee may use the water from the Spring to water livestock, and for domestic, and commercial purposes.” DWER have provided the following advice regarding water usage and licences:

“No licences are required if water is only taken from the water table aquifer and is used for:

- Domestic purposes
- A garden up to 0.2 hectares
- Stock raised under non-intensive conditions

- *Fire fighting*

Only if the neighbouring landowners are considering doing something else with the land that needs water, then they would need licencing, or an agreement clause added to the Shire of Mingenew's existing groundwater licence."

Therefore, to provide clarity around acceptable water use under the agreement, the word 'commercial' has been removed and the criteria as provided by DWER inserted.

Additional Comments

Clause 6.2 has been amended to reflect the advice that a change to the usage of water (from the Reserve), could result in licencing requirements and additional conditions / monitoring requirements for the Grantee, and the Agreements require that the Shire be notified of any changes to water use. Clause 6.3 indemnifies the Shire from any costs associated with a Licence being granted / conditions imposed and protects other licence holders from being adversely affected.

Consultation

David and Justin Bagley
Peter Mills, Ikewa Grazing
Leonard Cocking
Rodney Beattie

Mick Major, Department of Water and Environment Regulations
Gary Little, WALGA – Environmental Division

Statutory Environment

Local Government Act 1995
Rights in Water and Irrigation Act 1914

Policy Implications

Nil.

Financial Implications

No fee has historically been collected for the Water Use Agreements.

The Shire incurs a minimal administration cost in the review and execution of the documents. If Council were to consider establishing a fee, it is recommended that the fee be paid upon renewal.

Strategic Implications

Strategic Community Plan 2019-2029

Strategy 1.4.1 Manage and protect water resources and infrastructure

11.2 VARIATION OF PTA LICENCE TO OCCUPY L4235 YANDANOOKA TO INCLUDE ASTROTOURISM PROJECT

Location/Address:	Lot 249 and 250, Yandanooka, Shire of Mingenew
Name of Applicant:	Public Transport Authority (PTA) Western Australia
Disclosure of Interest:	Nil
File Reference:	ADM0278
Date:	1 October 2020
Author:	Erin Greaves, Governance Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To consider a variation to the Shire's Licence to Occupy L4235 with the Public Transport Authority (PTA) that would extend the licence area that currently incorporates a small portion of Lot 250 Yandanooka to the north-west incorporating both L249 and the entire L250 to allow for public parking access and activities associated the Shire's proposed Astrotourism Project.

Key Points

- A project to install a stargazing platform and interpretive signage opposite the Yandanooka townsite was included in the Shire's submission for grant funding under the Drought Communities Programme (DCP)
- A request was made to the PTA to vary the current Licence to accommodate community use for the Shire's Astrotourism Project
- PTA have provided a letter to the Shire indicating agreeance to extend the Licence area of L4235 and Council endorsement is sought

OFFICER RECOMMENDATION – ITEM 11.2

That Council:

1. Endorses the variation of the Licence to Occupy L4235 Yandanooka with the Public Transport Authority to extend the licence area currently incorporating the siding shed on L250 on DP156168 (32m²) to the north-west incorporating both L249 and the whole of L250 (9,408m²) to allow for public parking access and activities associated with the Shire's proposed Astrotourism Project; and
2. Authorises the Shire President and Chief Executive Officer to execute the licence variation by signing and submitting the Letter of Variation provided by the Public Transport Authority.

Attachment

11.2.1 Letter of Variation and new PTA Plan for L4235 Yandanooka

Background

Lot 249 and Lot 250 Yandaooka form part of the Railway Reserve managed by ARC Infrastructure Pty Ltd and licensing of the land for community purposes is managed by the Public Transport Authority (PTA). At the 20 June 2018 Ordinary Council meeting, Council renewed the lease L4235 for the portion of Lot 250 Yandanooka that incorporates the siding shed that has been used as the Yandanooka Post Office / Mail Delivery Building (as labelled "Shed Area" in the image below).



The Licence to Occupy is a 5-year licence commencing in 2019, with an option to renew for a further 5 year period (expiring in September 2029).

Prior to the licence being issued, the proposal to consider the renewal of this Licence (L4235) and another Licence (L5846) relating to a loading ramp on the railway reserve, community consultation occurred to ascertain community interest in the area. At that time feedback (from two sources) was received indicating support to maintain interest in the land for community purposes due to historic and tourism value. No objections to the licence renewals were received at that time.

Comment

The Shire of Mingenew has been involved with Astrotourism WA since 2018 and to build on the success of that campaign to-date, the Shire is proposing to install new interpretive signage at the Yandanooka townsite (to the north-west of the siding shed shown in the image above, within the green rectangle indicating the new licenced area) and allocate space for parking and access. Signage will further promote stargazing and astrophotography at this key rest stop and will be enhanced with the provision of a telescope platform to be used by locals and visitors to enjoy. This is just one project that has been funded through the federal Drought Communities Program to contribute to increased economic activity within the Shire and region.

This proposed variation also provides appropriate Shire control over the current caravan parking area, and gives the Shire security of tenure over land for community purposes in Yandanooka following the recent Yamatji Land Settlement, which will see much of the vacant crown land in Yandanooka transferred to Native Title Holders.

In order for this project to proceed in this location, permission needs to be sought through the Public Transport authority to vary the Licence to Occupy. The project aligns with the PTA's definition of community purposes and they have indicated no objection to the proposal.

Consultation

Jim Mullins, Senior Property Manager (PTA) – Burgess Rawson

Statutory Environment

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

The licence is provided under a “peppercorn lease” arrangement, therefore the direct financial implication for the change is nil. However, an increase to the size of the licence area and new infrastructure at the site may increase minor administrative costs over the span of the licence term.

Strategic Implications

Strategic Community Plan 2019-2029

Strategy 4.3.3 Capture more value from tourism – build local experiences and products, including Astrotourism, farm tourism and food tourism

Corporate Business Plan 2019 – 2023

Project 2.3.2c Engage with tourism industry to support and encourage development of new local tourism products

Project 4.3.3b Maintain relationship with Astrotourism WA to assist to grow market in Mingenew

11.3 LOCAL GOVERNMENT ACT REVIEW PANEL REPORT RESPONSE

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0059
Date:	13 October 2020
Author:	Erin Greaves, Governance Officer
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To consider the Shire's response to the Local Government Act Review Panel report, and feedback provided by Western Australian Local Government Association (WALGA) and Local Government Professionals WA.

Key Points

- As part of the review of the Local Government Act, the WA Government constituted a review panel to provide a report on legislative reform
- At the most recent WALGA State Council Meeting, it was resolved that Local Governments prepare responses to the report recommendations by end of October
- Both WALGA and LG Professionals have prepared feedback on the Panel report and distributed to the sector
- The Panel recommendations were provided to Councillors at the September 2020 Council Forum, and during the meeting implications of the Panel recommendations were discussed. Feedback at that meeting has assisted in formulating the proposed responses that are presented

OFFICER RECOMMENDATION – ITEM 11.3

That Council endorses the prepared Shire of Mingenew response to the Local Government Act Review Panel Report, as presented in Attachment Booklet – October 2020, to be submitted as Council's formal feedback to the Western Australian Local Government Association (WALGA).

Attachment

11.3.1 Prepared submission in response to Panel Report

11.3.2 Local Government Act Review Panel Report (Full Report)

Background

Following the announcement in 2017, that a review of the *Local Government Act 1995* would be commenced, a significant course of consultation and reform has been undertaken to establish a more modern and relevant suite of legislation to better deliver for WA communities. The Government's vision is for local governments to be "agile, smart and inclusive".

Given the breadth of matters covered by the Local Government Act, a staged approach to the review has been adopted:

- Stage one: priority reforms
- Stage two: wide ranging reforms

The majority of the stage one priority reforms are now in place following the passage of the *Local Government Legislation Amendment Act 2019*. These reforms include:

- A new gift framework for elected members;
- A mandatory online induction for all candidates;

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- Universal training for elected members;
- Changes to the Standards Panel; and
- Easier access to information to provide greater transparency to the community.

The remaining priority reforms which are expected to be implemented later this year include:

- New mandatory code of conduct for elected members, committee members and candidates;
- Best practice standards for Chief Executive Officer (CEO) recruitment, performance review and early termination; and
- Further transparency measures.

Extensive community consultation was conducted on stage two topics between September 2018 and March 2019 by the Department of Local Government, Sport and Cultural Industries (the Department) with contributions from community members, ratepayer associations, industry groups, local governments, elected members, and peak bodies.

Since the 2019 consultations, a panel of experts have been formed to provide more detailed consideration and to develop policy responses to guide the development of the new Act. The role of the Panel was to guide the review's strategic direction and to consider and recommend high level guiding principles of the new Act. The attached Local Government Act Review Panel Report is a culmination of the work they have undertaken in reviewing the Act and feedback provided by stakeholders, with detailed recommendations now presented to the sector for further feedback.

The Panel proposes that in changing the Act to ensure it is relevant, fresh and reflects the objectives it set out to achieve, the following should be considered:

- Start with an introductory section that sets the tone, modelled on the Northern Territory Act
- Structure the new Act around strategic issues and the ways in which local government relates to its communities and partners, rather than the mechanics of local administration.
- Include sets of principles that offer guidance on how key objectives of the new Act should be pursued.
- Shorten the main text considerably (aim for at least a 50% reduction) by consigning regulatory detail to schedules or a separate 'operations' Act (the Panel was advised that extensive use of schedules may be inconsistent with current drafting practice).
- Incorporate new measures to expand self-regulation (notably independent Audit, Risk and Improvement Committees) as part of a flexible regulatory regime that can respond quickly to unexpected circumstances (such as COVID-19).
- Minimise the use of Regulations (which tends to enable more extensive and detailed oversight and intervention, and which requires time-consuming parliamentary drafting) by providing standardised guidelines and model codes, charters and local laws. Local governments could modify these 'minimum' provisions but would have to justify significant departures from them to the Joint Standing Committee on Delegated Legislation.

How the changes are to be structured and rolled out is still to be determined.

A copy of the Local Government Act Review Panel Report (Panel Report) and a proposed response was prepared and presented to Councillors for general comment and feedback at the September 2020 Council Forum in order to establish some guidance in preparing a final response for Council consideration.

Comment

Each prepared response has had consideration of the Panel's findings/comments, recommendations by WALGA and LG Professionals WA, and implications specific to the Shire of Mingenew.

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Whilst each recommendation has been responded to individually within the prepared response, there are a number of recommendations that could have negative implications for the Shire of Mingenew in terms of resourcing and capacity should requirements increase the administrative burden. The Panel Report outlines difficulty in applying a size and scale approach to obligations and requirements and instead recommends setting minimum standards that provide some flexibility in application.

Consultation

WA Local Government Association (WALGA)
Local Government Professionals WA

Statutory Environment

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan 2019-2029

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

12.0 FINANCE AND ADMINISTRATION MANAGER REPORTS

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2020

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0304
Attachment/s:	Monthly Financial Report – September 2020
Disclosure of Interest:	Nil
Date:	8 October 2020
Author:	Helen Sternick, Senior Finance Officer
Authorised by:	Jeremy Clapham, Finance & Administration Manager
Voting Requirement:	Simple Majority

Summary

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

Key Points

OFFICER RECOMMENDATION – ITEM 12.1

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

Attachment

Monthly Financial Report for period ending 30 September 2020

Background

The Monthly Financial Report to 30 September 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
- Bonds and Deposits
- Explanation of Material Variances

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 30 September 2020	
Municipal Funds	\$2,149,382.20
Cash on Hand	\$100
Restricted Funds – 6 Month Term Deposit @ 0.9%	\$164,613
Trust Fund	\$1
Reserve fund - 6 Month Term Deposit @ 0.9%	\$427,012

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 2020/21 financial year.

The Financial Report for the year ending 30 June 2020 has not yet been audited and is subject to change. The Opening Funding Surplus on 1 July 2020 is different to the Closing Funding Surplus at 30 June 2020. The reason for this is that the Closing Funding Surplus at 30 June 2020 was estimated in order to prepare the budget, due to the June 2020 accounts not yet being finalised. There were a number of adjustments made after year end, mainly to do with legislation changes (the treatment of income, the treatment of leases and the treatment of loss allowances). The largest of these adjustments was to do with the Bridge Funds received in 2016/17 but not yet spent, amounting to \$146,667. An adjustment was required as the funds received needed to be shown as a liability rather than as income. When the funds get paid to MRWA for the work done, they will be transferred back to income and increase the Funding Surplus once more.

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 1 SEPTEMBER 2020 TO 30 SEPTEMBER 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – September 2020
Disclosure of Interest: Nil
Date: 8 October 2020
Author: Helen Sternick, Senior Finance Officer
Authorised by: Jeremy Clapham, Finance & Administration Manager
Voting Requirement: Simple Majority

Summary

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

Key Points

OFFICER RECOMMENDATION

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

\$208,320.20 Municipal EFT's;
\$29,532.75 Municipal Direct Debit Department of Transport (Licencing) Payments;
\$72,986.78 Municipal Direct Debit Other;
\$2,476.31 Municipal Other Charges;
\$101,234.81 Net Salaries

Totalling \$414,550.85 as per attached list of payments.

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.

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

12.3 BUDGET AMENDMENT – OCTOBER 2020

Location/Address: Shire of Mingenew – 21 Victoria Street Mingenew 6522
Name of Applicant: Shire of Mingenew
File Reference: ADM0130
Disclosure of Interest: Nil
Date: 5 October 2020
Author: Jeremy Clapham – Finance & Administration Manager
Authorised by: Nils Hay – Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

Consideration is requested to amend the budget to cover the increase in cost of the replacement of the roof on the MIG Building and the purchase (and related costs) of a portion of land on 32 William St from the Catholic Church, to be offset by savings achieved in the replacement of plant.

Key Points

- It is estimated that an extra \$10,000 is required to replace the roof on the MIG Building;
- The purchase of the portion of land on 32 William St from the Catholic Church was not budgeted for and the price (including related costs) is estimated at \$5,000;
- The total amount of the above items will be offset by savings achieved in the replacement of the backhoe.

OFFICER RECOMMENDATION - ITEM 12.1

That Council authorises the reallocation of funds between accounts as listed below to amend the Budget for 2020/21:

<u>Details</u>	<u>A/C #</u>	<u>Amount</u>
Extra costs to be incurred:		
Roof replacement on MIG building - costs above estimated - capital	BC054	-\$10,000
Purchase of land - not budgeted for - capital	New	-\$2,000
Costs associated with purchase of land - not budgeted for - operating	2040285	-\$3,000
Total		-\$15,000
To be funded by:		
Savings achieved in the replacement of the backhoe	PE262	\$15,000
Total		\$15,000

Background

The budgeted amount to replace the roof on the MIG building was estimated at \$20,000 at the time that the budget was compiled. An accurate estimate has now been obtained, with the amount being approximately \$10,000 more than the amount that was budgeted for.

Consultation was entered into in regard to purchasing the portion of land on 32 William St containing a Shire owned leach drain from the Catholic Church in the 2018/19 financial year. This item was not budgeted for.

It is proposed that the expected savings from the backhoe replacement be utilised to fund this increase.

Comment

The quotes obtained for the replacement of the MIG building roof are \$29,778 and \$29,875 respectively. This is approximately \$10,000 more than the amount budgeted for. The amount of \$20,000 provided in the budget is an estimate only, as there was not enough time to get anybody to inspect the roof and provide an accurate quote. The quotes were received in August 2020.

The portion of 32 William St currently owned by the Catholic Church that contains the leach drain which is owned by the Shire and connected to 34 William St measures 350m² and is valued at \$2,000 (plus an estimated amount of \$3,000 for transfer, survey and other costs – the Shire will cover the costs of the Catholic Church).

Initial discussions with the Catholic Church were entered into in August 2019, and concluded in January 2020. An oversight, the cost was not taken into account when the budget for 2020/21 was prepared.

To offset the additional funds required for these two items, there will be savings on the replacement of the backhoe. The changeover for the backhoe replacement will be \$15,000 less than budgeted for (cost of approximately \$169,000 less trade in of \$29,000 instead of a cost of \$170,000 less trade in of \$15,000).

Consultation

CEO

Statutory Environment

Local Government Act 1995, Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

Funds will be reallocated between general ledger accounts, as outlined above, with the net effect on the budget bottom line being nil.

Strategic Implications

Community Strategic Plan

- Strategy 1.2.1 Manage organisation in a financially sustainable manner
- Strategy 1.2.4 Seek innovating ways to improve organisational efficiency and effectiveness.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 21 October 2020

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

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

15.0 CONFIDENTIAL ITEMS

16.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 18 November 2020 commencing at 4.30pm.

17.0 CLOSURE

These minutes were confirmed at an Ordinary Council meeting on 18 November 2020.

Signed _____
Presiding Officer

Date: _____