



MINUTES OF THE ORDINARY COUNCIL MEETING

14 DECEMBER 2022

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
14 DECEMBER 2022 COMMENCING AT 5.00PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5:00pm.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillors

Cr GJ Cosgrove	Shire President
Cr JD Bagley	Deputy President
Cr CV Farr	Councillor
Cr JR Holmes	Councillor
Cr HR McTaggart	Councillor
Cr AT Pearse	Councillor
Cr AR Smyth	Councillor

Staff

Mr Matt Fanning	Chief Executive Officer
Mr Jeremy Clapham	Finance and Administration Manager
Ms Erin Greaves	Governance and Community Manager

Gallery

Mr Ian Pulbrook,

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mrs Naomi Obst addressed Council as follows in relation to Energy Resources' activities within the Shire at the 19 October Ordinary Council meeting. A written response was provided to Mrs Obst on 15 November 2022, and the response to questions asked at the meeting are indicated below:

1. *Is there concern in regard to heavy vehicles at the entry and exit points to Strawberry North-East Road and the impact this has/will have on the road condition?*

As the matter to consider approval land development is before Council at this meeting for which the question relates, the Shire President advised that the question would be taken on notice.

Response: The Development Applications conditions of approval ensure that any damage done will be repaired to ensure an ongoing trafficable surface similar in standard to the non-affected road surface.

2. *It appears that vehicle activity along Strawberry North-East Road has already commenced, is Council aware of the current road condition?*

An inspection of the affected roads would be completed by the Shire tomorrow.

Response: The road was inspected the following morning and identified damage was then referred to the contractor performing works for the developer. The contractor immediately made good these repairs.

3. ***How will Council be enforcing an acceptable road standard? Are the current conditions proposed for the development approval adequate? What happens if the road condition is already poor?***

Through the President, the CEO advised that the road must be left in an “acceptable standard” and this is determined at the discretion of the Shire. The conditions provided in the Agenda Report capture this intent.

Response: The Council will work with the Company to ensure any excessive damage to the roads will be repaired by the Company to an acceptable standard.

4. ***Is it intended for the drill site to have flair offs? Mrs Obst raised concern regarding standing wheat crops and fire risk.***

The Shire President advised that the site would be subject to fire restrictions and conditions have been placed to ensure a satisfactory management plan is provided to the Shire addressing fire and emergency response.

Response: The Company will comply with shire fire break notices for the site. Energy Resources (the company) has obtained an exemption from DFES to continue operations to the extent the regulations permit during restricted or total fire ban periods. Any such operations will be conducted with the necessary controls in place, as required under the regulations, to undertake the work during restricted or total fire ban periods. In addition, the Company has an emergency response plan in place for the operations.

4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME

Mr Ian Pulbrook addressed Council, and his questions and responses provided are summarised below:

1. ***What are the Shire’s policy and procedures in relation to restoration of natural assets on road reserves? Mr Pulbrook indicated there are a number of locations where illegal dumping or clearing may have occurred.***

The Shire President advised that the Shire does have a ‘Rural Road Verge Vegetation Management’ Policy but this is something the CEO will be reviewing and bringing back to Council for consideration. He asked that if Mr Pulbrook is aware of any specific locations of concern, to notify the CEO and it will be investigated.

2. ***What is the chain of command / process for notifying and enforcing requirements for firebreaks and the clearing of road reserves beyond private fence lines?***

The Shire President took this question on notice but did indicate that the Shire will be providing landowners with educational material to ensure they are aware of requirements around maintaining firebreaks and clearing regulations in the new year.

Mr Pulbrook left the meeting at 5:08pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY COUNCIL MEETING HELD 19 OCTOBER 2022

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 19 October 2022 be confirmed as a true and accurate record of proceedings.

7.2 SPECIAL COUNCIL MEETING HELD 16 NOVEMBER 2022

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 16 November 2022 be confirmed as a true and accurate record of proceedings.

7.3 SPECIAL COUNCIL MEETING HELD 9 DECEMBER 2022

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 9 December 2022 be confirmed as a true and accurate record of proceedings.

OFFICER RECOMMENDATIONS AND COUNCIL DECISION ENBLOC - ITEMS 7.1, 7.2 & 7.3 - RESOLUTION# 01141222

MOVED: Cr AR Smyth SECONDED: Cr JD Bagley

That the Minutes of the:

7.1 Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 19 October 2022;

7.2 Special Meeting of the Shire of Mingenew held in the Council Chambers on 16 November 2022;
and

7.3 Special Meeting of the Shire of Mingenew held in the Council Chambers on 9 December 2022;

be confirmed as a true and accurate record of proceedings.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

Nil.

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 SHIRE OF MINGENEW AUDIT & RISK COMMITTEE

10.1.1 MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD 8 DECEMBER 2022

COMMITTEE RECOMMENDATION - 10.1.1

That the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 8 December 2022 be received.

10.1.2 ANNUAL REPORT, FINANCIAL REPORT AND INDEPENDENT AUDIT REPORT 2021/22

COMMITTEE RECOMMENDATION - 10.1.2

Council:

- a) By Absolute Majority, receives the Annual Report 2021/22 including the signed Annual Financial Report and Independent Auditor's Report for the 2021/22 financial year in accordance with s.5.54 of the *Local Government Act 1995*; and
- b) Notes the "moderate" finding and management response outlined within the Final Audit Exit Report.
- c) Holds its Annual Meeting of Electors on Monday, 6 February 2022 at 5:00pm to discuss the contents of the annual report and any other matters, in accordance with s5.27 of the *Local Government Act 1995* and Regulation 15 of the *Local Government (Administration) Regulations 1996*.

NOTE: The Final Annual Report 2021/22 will be provided as a late attachment prior to the meeting.

10.1.3 FINANCIAL MANAGEMENT REVIEW AND REGULATION 17 REVIEW

COMMITTEE RECOMMENDATION - 10.1.3

Council:

1. Receives the Financial Management Review 2022 and the Regulation 17 Review 2022 undertaken by Avant Edge Consulting on behalf of the CEO, in accordance with Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* and Regulation 17(1), (2) and (3) of the *Local Government (Audit) Regulations 1996*, and
2. Endorses the following proposed management actions in response to the consultant's recommendations (as outlined within the relevant reports attached):
 - a) from the Financial Management Review (FMR)
 - i) Development of a Contract Management Framework and Policy to appropriately govern procurement service contract management;
 - ii) Implement an annual stocktake process of all minor plant and equipment which may be termed as portable and attractive assets as detection control for theft;
 - iii) Formalises its ICT Strategy Plan and implements automatic screen locks on all Shire computers to mitigate data security risks;

- iv) Consistent oversight of PO approvals and tax invoice variations to adequately justifying the variance. It is noted that a new Procurement operating system (through Altus) has been ordered for implementation in 2023 and it is expected to incorporate adequate controls.
- b) From the Regulation 17 Review (Reg 17)
- v) Development of a Policy to formalise how fraud risks are identified and treated for the prevention of fraud and misconduct for endorsement by the Audit & Risk Committee;
- vi) Reviews the Shire's methods for identifying, assessing, treating and reporting risks, including the development of an effective and efficient Risk Register which is to be maintained as a standing item on the Audit & Risk Committee Agenda
- vii) Prepares a Legislative Compliance Policy and formally incorporates legislative compliance in the scope of all Internal Audits.
- viii) In consultation with the Audit & Risk Committee, clarifies expectations on the scope, methods and outcomes for Internal Audits.

COMMITTEE RECOMMENDATIONS AND COUNCIL DECISION ENBLOC - ITEMS 10.1.1 – 10.1.3 – RESOLUTION# 02141222

MOVED: Cr HR McTaggart

SECONDED: Cr JR Holmes

Council:

Item 10.1.1

Receives the Minutes of the Shire of Mingenew Audit & Risk Committee Meeting held on 8 December 2022 be received.

Item 10.1.2

- a) By Absolute Majority, receives the Annual Report 2021/22 including the signed Annual Financial Report and Independent Auditor's Report for the 2021/22 financial year in accordance with s.5.54 of the *Local Government Act 1995*; and
- b) Notes the "moderate" finding and management response outlined within the Final Audit Exit Report.
- c) Holds its Annual Meeting of Electors on Monday, 6 February 2022 at 5:00pm to discuss the contents of the annual report and any other matters, in accordance with s5.27 of the *Local Government Act 1995* and Regulation 15 of the *Local Government (Administration) Regulations 1996*.

Item 10.1.3

1. Receives the Financial Management Review 2022 and the Regulation 17 Review 2022 undertaken by Avant Edge Consulting on behalf of the CEO, in accordance with Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* and Regulation 17(1), (2) and (3) of the *Local Government (Audit) Regulations 1996*, and
2. Endorses the following proposed management actions in response to the consultant's recommendations (as outlined within the relevant reports attached):
 - a) from the Financial Management Review (FMR)
 - i) Development of a Contract Management Framework and Policy to appropriately govern procurement service contract management;
 - ii) Implement an annual stocktake process of all minor plant and equipment which may be termed as portable and attractive assets as detection control for theft;
 - iii) Formalises its ICT Strategy Plan and implements automatic screen locks on all Shire computers to mitigate data security risks;

- iv) Consistent oversight of PO approvals and tax invoice variations to adequately justifying the variance. It is noted that a new Procurement operating system (through Altus) has been ordered for implementation in 2023 and it is expected to incorporate adequate controls.

- b) From the Regulation 17 Review (Reg 17)
 - i) Development of a Policy to formalise how fraud risks are identified and treated for the prevention of fraud and misconduct for endorsement by the Audit & Risk Committee;
 - ii) Reviews the Shire's methods for identifying, assessing, treating and reporting risks, including the development of an effective and efficient Risk Register which is to be maintained as a standing item on the Audit & Risk Committee Agenda
 - iii) Prepares a Legislative Compliance Policy and formally incorporates legislative compliance in the scope of all Internal Audits.
 - iv) In consultation with the Audit & Risk Committee, clarifies expectations on the scope, methods and outcomes for Internal Audits.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

10.1.4 FRAUD AND MISCONDUCT MANAGEMENT POLICY

COMMITTEE RECOMMENDATION - 10.1.4

Council adopts the new Fraud and Misconduct Management Policy, as attached.

COMMITTEE RECOMMENDATION AND COUNCIL DECISION-ITEM 10.1.4- RESOLUTION# 03141222
MOVED: Cr HR McTaggart SECONDED: Cr CR Farr

Council adopts the new Fraud and Misconduct Management Policy, as attached.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

10.1.5 REVIEW OF SHIRE OF MINGENEW RISK REGISTER 2022/23

COMMITTEE RECOMMENDATION - 10.1.5

Council:

1. receives the updated Shire of Mingenew Risk Register (reviewed December 2022), as attached, and
2. reviews the Risk Register at each Committee meeting.

COMMITTEE RECOMMENDATION AND COUNCIL DECISION-ITEM 10.1.5-RESOLUTION# 04141222
MOVED: Cr HR McTaggart SECONDED: Cr CR Farr

Council:

1. receives the updated Shire of Mingenew Risk Register (reviewed December 2022), as attached, and
2. reviews the Risk Register at each Committee meeting.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

10.1.6 INTERNAL AUDIT PLAN – UPDATE DECEMBER 2022

COMMITTEE RECOMMENDATION - 10.1.1

Council endorses the updated Internal Audit Plan – December 2022.

COMMITTEE RECOMMENDATION AND COUNCIL DECISION - ITEM 10.1.6 – RESOLUTION# 05141222
MOVED: Cr AR Smyth SECONDED: Cr JR Holmes

Council endorses the updated Internal Audit Plan – December 2022.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

11.0 CHIEF EXECUTIVE OFFICER

11.1 RAV ACCESS APPLICATION – COALSEAM, MANARRA AND NARANDAGY-PINTHARUKA ROADS

Location/Address: Shire of Mingenew
Name of Applicant: Hobbs Logistics
File Reference: RD.PER.1
Disclosure of Interest: Nil
Date: 8 December 2022
Author: Matt Fanning, CEO
Voting Requirements: Simple Majority

Summary

Main Roads Western Australia (MRWA) has forwarded an application to have sections of Coalseam Road, Narandagy-Pintharuka Road and Manarra Road added to the Restricted Access Vehicle (RAV) network for Level 7 ("AAB" combination) for the haulage of 2,500 Tonne per annum.

This item is for Council to consider adding sections of Coalseam Road, Narandagy-Pintharuka Road and Manarra Road to the MRWA Level 7 (36.5) RAV network.

Council is requested to support the application by Hobbs Logistics as it will improve road freight efficiency within the Mingenew Shire and adjoining pastoral stations.

Key Points

- The roads requested are already on the RAV network of varying capacity
- Main Roads should the Council concur with the request must undertake a thorough assessment of the road to ensure that it meets the necessary guidelines prior to adding a road to that RAV category network.

AMENDED MOTION AND COUNCIL DECISION - ITEM 11.1 – RESOLUTION# 06141222

MOVED: Cr JR Holmes

SECONDED: Cr JD Bagley

That with respect to the application to add or amend the Restricted Access Vehicle Network on sections of Coalseam Road, Narandagy-Pintharuka Road and Manarra Road, Council support the application to add these sections to the Level 7 Restricted Access Vehicle network, the Shire of Mingenew supports the application for the above-mentioned roads to be included on the RAV 7 network on the basis that the roads have been thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and are subject to a CA07 condition that stipulates the following:

- Max Speed: 80km/hr for unsealed and Max Speed: 90km/hr for sealed roads
- Visibility: Lights must be turned on at all times
- All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.
- No operation on unsealed road segment when visibly wet, without the road owner's approval.
- Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40)
- Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

OFFICER RECOMMENDATION – ITEM 11.1

OVED: Cr AT Pearse SECONDED: Cr CV Farr

That with respect to the application to add or amend the Restricted Access Vehicle Network on sections of Coalseam Road, Narandagy-Pintharuka Road and Manarra Road, Council support the application to add these sections to the Level 7 Restricted Access Vehicle network, the Shire of Mingenew supports the application for the above-mentioned roads to be included on the RAV 7 network on the basis that the roads have been thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and are subject to a CA07 condition that stipulates the following:

- Max Speed: 70k/ph.
- Visibility: Lights must be turned on at all times
- All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.
- No operation on unsealed road segment when visibly wet, without the road owner’s approval.
- Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40)
- Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.

Attachments

- 11.1.1 RAV Application – Hobbs Logistics
- 11.1.2 Map of proposed Route
- 11.1.3 RAV network assessment guidelines
- 11.1.4 Prime Mover Trailer Combinations – Vehicle Categories

Background

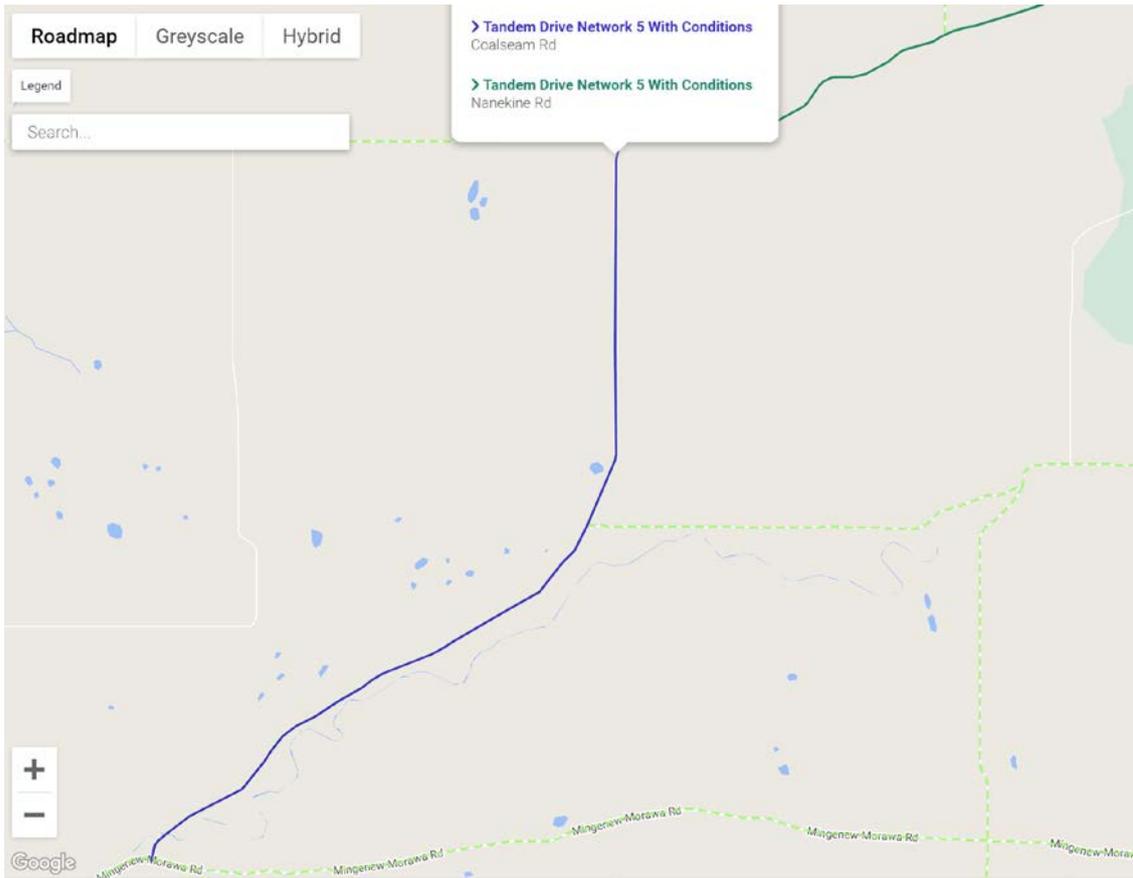
Hobbs Logistics applied to MRWA to amend the RAV network categories for sections of Coalseam Road, Narandagy-Pintharuka Road and Manarra Road. The applicant wishes for the sections to be increased to a RAV level 7.

The following table outlines Council’s most recently endorsed appointments:

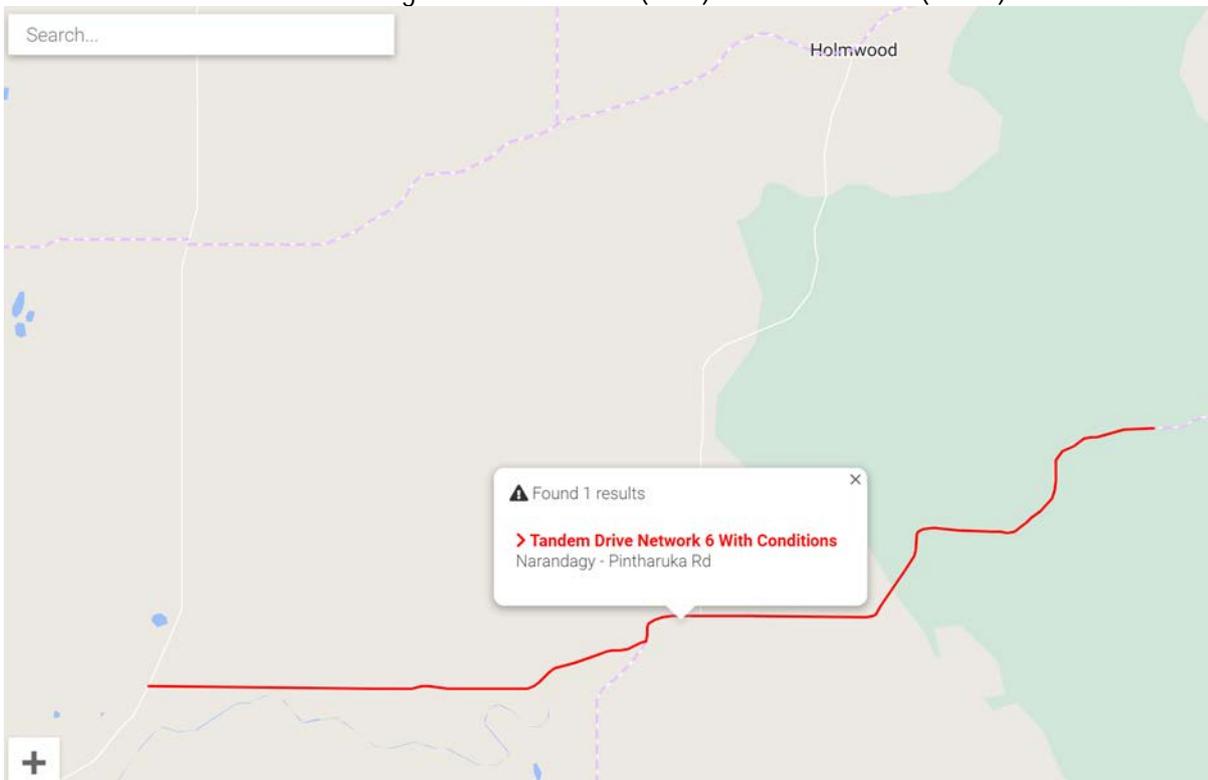
Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
5090003	Coalseam Rd	Mingenew Morawa Rd (0.00)	Nanekine Rd (14.25)	Tandem Drive Network 5	Tandem Drive Network 7
5090022	Narandagy-Pintharuka Rd	Yandanooka Melara Rd (6.60)	Manarra Rd (7.52)	Tandem Drive Network 6	Tandem Drive Network 7
5090020	Manarra Rd	Nanekine Rd (0.00)	Narandagy-Pintharuka Rd (8.25)	Tandem Drive Network 4	Tandem Drive Network 7

A copy of the proposed route application and map is attached as attachments 11.1.1 and 11.1.2 and presented below for ease of reference.

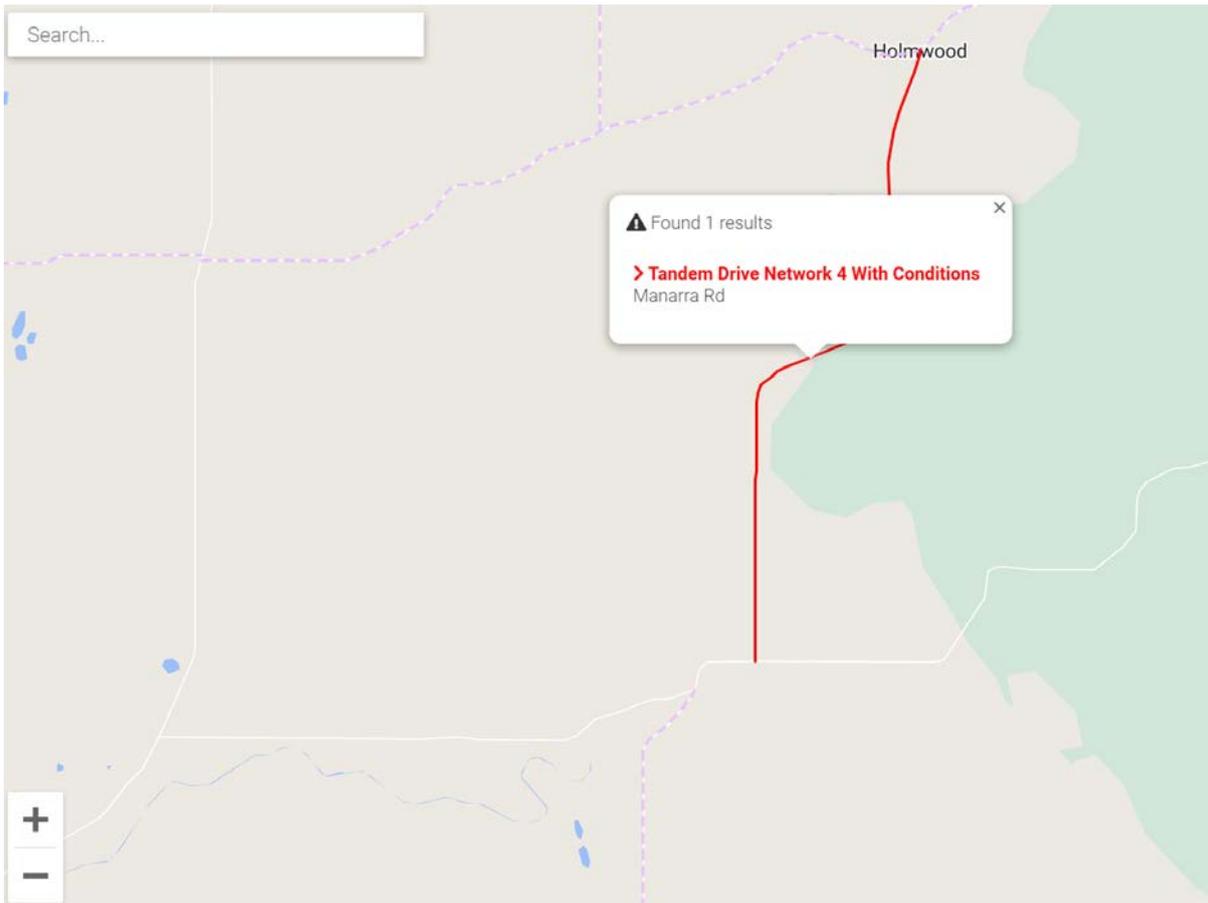
MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 14 December 2022



Coalseam Road – Mingenev Morawa Rd (0.00) to Nanekine Rd (14.25) – Current RAV 5



Narandagy-Pintharuka Rd – Yandanooka Melara (6.60) to Manarra Rd (7.52) – Current RAV 6



Manarra Rd – Nanekine Rd (0.00) to Narandagy-Pintharuka Rd (8.25) – Current RAV 4

Comment

It is important to ensure that the safety of other road users is considered when making comment on RAV applications. School bus routes, weather conditions and speed limits are generally requested to be placed on RAV approvals from Local Government.

The Standard condition placed by Local Government is termed a CA07 condition as follows:

The Shire of Mingenew supports the application for the above-mentioned roads to be included on the RAV 7 network on the basis that the roads have been thoroughly assessed by HVS and deemed to be suitable for the RAV access level in accordance with the Standard Restricted Access Vehicle Route Assessment Guidelines and are subject to a CA07 condition that stipulates the following:

- Max Speed: 70k/ph.
- Visibility: Lights must be turned on at all times
- All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.
- No operation on unsealed road segment when visibly wet, without the road owner's approval.
- Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40)
- Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/pick-ups have been completed on the road.

Statutory Environment

Road Traffic (Vehicles) Act 2012

Division 3 - Access restrictions on certain vehicles that comply with mass or dimension requirements.

Main Roads Western Australia administer the Restricted Access Vehicle (RAV) network. Should the application pertain to a local government controlled road, concurrence from the Council is sought.

The Council as the asset owner is requested to consider any restricted access vehicle (RAV) application and provide its consideration as to whether to include any proposed route onto the restricted access vehicle network.

The Council has the ability to place limited conditions onto a RAV approval. The standard local government condition used for these applications is the CA07 as follows:

Policy Implications

Nil

Financial Implications

The inclusion of a road onto the HVS RAV network may improve road freight efficiency. However, there is also the potential for additional road user damage especially at intersections and after wet events.

Strategic Implications

Strategic Community Plan 2019-2029:

1.1.1 Provide and support cost effective transport network

11.2 WALGA BEST PRACTICE GOVERNANCE REVIEW – FEEDBACK OPPORTUNITY

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: GR.LRL.4
Disclosure of Interest: Nil
Date: 24 October 2022
Author: Matt Fanning, CEO
Voting Requirements: Simple Majority

Summary

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

Governance model options: Presents four potential governance model options and the structure and roles associated with each option. The four options are:

- Option 1: Two tier model, existing zones
- Option 2: Board, regional bodies
- Option 3: Board, amalgamated zones
- Option 4: Member elected board, regional groups
- Option 5: Current model

Key Points

- Councils are requested to provide their preferred model by resolution prior to 23 December 2022. A report will be presented to the December OCM for the consideration of the Council.

AMENDED MOTION AND COUNCIL DECISION - ITEM 11.2 – RESOLUTION# 07141222

MOVED: Cr HR McTaggart **SECONDED:** Cr AR Smyth

Council supports the reduction of representation size for the WALGA Governance Model but outlines concerns with regard to the loss of regional representation which is not supported through model 1-4, therefore advise WALGA that its preferred model is option 5.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

OFFICER RECOMMENDATION – ITEM 11.2

MOVED: Cr CV Farr **SECONDED:** Cr AR Smyth

Council:

1. Writes to WALGA voicing its opinion that its preferred Governance model would be one which sought representation from its members by Council Band i.e. group 1 to 4 Councils. This would address the concern of the loss of regional representation.
2. Advises WALGA that should its preferred option not be available then it chooses option 5 the current model.

Attachments

- 11.2.1 WALGA Best Practice Background Paper
- 11.2.2 WALGA Best Practice Consultation Paper – Model Options

Background

The Western Australian Local Government Association (WALGA) is currently undertaking a governance review particularly focussed on organisation composition and structure. As a member of WALGA, the Council has been requested to provide its feedback on the proposed governance models provided in its consultation paper provided as attachment 11.2.2.

A Background Paper is attached in 11.2.1 to assist in Council’s understanding of the history and process.

Comment

There are five governance models presented in the Consultation Paper and they are best summarised by an extract from the Consultation Paper

Options and Current Model

Five options, including the Current Model, with details of each of their key governance bodies

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
 Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	 Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	 Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	 Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	 State Council (25 members) 24 State Councillors 1 President
 Policy Council (25 members) 24 members plus President	 Regional Bodies (4 metro, 4 country)	 Zones (6 metro, 6 country)	 Policy Teams / Forums / Committees	 Zones (5 metro, 12 country)
 Zones (5 metro, 12 country)	 Policy Teams / Forums / Committees	 Policy Teams / Forums / Committees	 Regional Groups	 Policy Teams / Forums / Committees

Option 1 – Two Tier Model, Existing Zones

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills based members. A Policy Council would be established under the same arrangements as State Council and the existing WALGA zones would be retained. This model is considered to be more of a contemporary Board arrangement with a focus on WALGA strategy. The representation across the Local Government sector is retained as part of the Policy Council and the WALGA Zones enable the necessary local input.

The Shire of Mingenew would retain direct representation as part of the Mid West Zone of WALGA as part of the third tier in the model.

Option 2 – Board, Regional Bodies

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills-based members. Differently this option creates four regional bodies with flexibility for individual Local Governments to join whichever body is most suitable for them. The third layer will be Policy Teams, Forums and Committees comprising membership from the Board, Regional Bodies and independent members. Whilst this model creates a contemporary Board structure it is a very significant shift away from State Council and WALGA zones.

This may lead to significantly less local and regional representation and for this reason alone is not supported.

Option 3 – Board, Amalgamated Zones

This option creates a Board comprising 15 members that includes 6 metropolitan and 6 country elected from zones and up to 2 independent skills based members. The President is to be elected by the Board. Zones are retained but are amended into 6 metropolitan and 6 country zones. The third layer will be Policy Teams, Forums and Committees comprising membership from the Board and independent members. Whilst this model creates a contemporary Board structure, this option will retain some local representation but will increase the size of the regions. This is considered very problematic due to the actual number of members and the vast distances between the grouping.

Option 4 – Member Elected Board, Regional Groups

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills based members. It also utilises Policy Teams, Forums and Committees comprising membership from the Board and independent members. The third layer relies on Regional Groupings of Local Governments of many characteristics to feed upward into the model. Again there is some concern that this model may reduce representation from individual Local Government organisations in addition to presenting a number of issues if local governments are unable to be part of effective regional groupings.

Option 5 – Current Model

Under this existing model, State Council comprises 24 members plus the President. Members of State Council are elected from the 5 metropolitan zones and the 12 country zones. 12 members from the metropolitan zones and 12 members of the country zones form the State Council plus the elected State Council President.

The current model utilises Policy Teams, Forums and Committees made up of State Council members and independent members as the third tier in the model. Generally, the current model works though it is likely that the State Council is unwieldy due to its membership size. However, given the number of Local Government organisations in Western Australia (139) covering vast areas with many different complex issues to navigate, the current membership at least enables very strong representation equitably for all.

Conclusion

It is considered that options 2, 3 and 4 have a greater chance of reducing local government representation on WALGA and are not supported. Option 5 being the current model is effective but it is far from contemporary and possibly unwieldy due to its size.

One option which has not been recommended is that representation be based on Council band grouping number. ie 1 to 4. This type of model would ensure representation from all local government sizes across the state.

Statutory Environment

WALGA is currently recognised by the Local Government Act 1995. Under current Local Government reform proposal it is likely that this recognition will be removed from the Act however, WALGA will still remain as the collective advocacy representative for Local Government members across Western Australia.

Policy Implications

The Shire of Mingenew is a shareholder and member of WALGA. It is important that peak industry groups such as WALGA exist so they can collectively represent the Western Australian Local Government sector.

Financial Implications

It is not known whether the financial model used by Walga will be modified subject to any new governance structure.

It is likely that under any Board structure as is proposed, Board members would receive fees for their services. This cost is not discussed in the consultation paper but could be in the order of \$50,000 to \$60,000 per

member and more for office bearers such as the Board Chair. Whilst this cost would be spread across the 139 member Local Governments in Western Australia, it still is a significant cost that currently is not recovered under the fee structure.

Strategic Implications

Strategic Community Plan 2019-2029:

- 1.2.2 Enhance open and trusting communication between Council and the Community, and deliver high quality services in partnership with external stakeholders

11.3 FINAL LOCAL HERITAGE SURVEY AND LOCAL PLANNING POLICY - HERITAGE

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	DB.REG.2
Date:	12 October 2022
Author:	Erin Greaves, Governance and Community Manager
Voting Requirement:	Simple Majority

Summary

Following community consultation, including liaison with the Mingenew Historical Society, a Final Local Heritage Survey, Heritage List and Local Planning Policy has been developed

Key Points

- Local heritage surveys (formerly local heritage inventories or municipal inventories) identify and record places that are, or that might become, of cultural heritage significance
- The Shire last undertook a review in 1996 when the Municipal Inventory of Heritage Places was developed
- The local heritage survey (LHS) is a starting resource for local heritage planning and in itself has no statutory role. The LHS helps local governments make decisions that reflect local heritage values and supports the creation of a heritage list or heritage areas, which identify places to be protected under the Local Planning Scheme.
- Having an updated Local Heritage Survey will demonstrate to funding providers the Shire's priorities in terms of cultural heritage and will assist in supporting future grant applications.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.3 – RESOLUTION# 08141222

MOVED: Cr HR McTaggart SECONDED: Cr CV Farr

Council:

1. Endorses the Report, Local Heritage Survey, Heritage List and associated appendices prepared by Heritage Advisor, Laura Gray of Heritage Intelligence (WA) in accordance with Part 8 of the *Heritage Act 2018* as attached;
2. Gives public notice of the proposed Local Planning Policy - Heritage as presented, in accordance with cl.4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and invites submissions to be made within at least 21 days of the notice being advertised;
3. Authorises the Chief Executive Officer to make necessary amendments from time-to-time to Local Heritage Survey for the purpose of correcting or providing additional relevant context to site historical data as information becomes available, where information can be verified from reputable sources. Any changes must be recorded;

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 6/0

OFFICER RECOMMENDATION – ITEM 11.3

MOVED: Cr JR Holmes SECONDED: Cr CV Farr

Council:

1. Endorses the Report, Local Heritage Survey, Heritage List and associated appendices prepared by Heritage Advisor, Laura Gray of Heritage Intelligence (WA) in accordance with Part 8 of the *Heritage Act 2018* as attached;
2. Gives public notice of the proposed Local Planning Policy - Heritage as presented, in accordance with cl.4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and invites

- submissions to be made within at least 21 days of the notice being advertised;
3. Authorises the Chief Executive Officer to make necessary amendments from time-to-time to Local Heritage Survey for the purpose of correcting or providing additional relevant context to site historical data as information becomes available, where information can be verified from reputable sources. Any changes must be recorded;
 4. Conducts a review of the Local Heritage Survey every 4 years.

Attachments

- 11.3.1 Local Heritage Survey 2022 Primary Report
- 11.3.2 Appendix 1 - Local Heritage Survey
- 11.3.3 Appendix 2 - Heritage List
- 11.3.4 Appendix 3 - Heritage Council Guidelines for Local Heritage Surveys 2022
- 11.3.5 Appendix 4 - Criteria for Assessment of Local Places and Areas
- 11.3.6 Appendix 5 - Burra Charter (for places of Cultural Significance)
- 11.3.7 Local Planning Policy - Heritage

Background

Laura Gray of Heritage Intelligence (WA) has been contracted to undertake a review of the 1996 Shire of Mingenew Municipal Inventory of Heritage Places (MI), with a view to forming a new Local Heritage Survey (LHS) that identifies and prioritizes places of local heritage significance. The LHS also includes a Heritage List that provides some protection and management guidance for the identified places under the Shire's Local Planning Scheme.

The review is undertaken in consideration of the Department of Planning, Lands and Heritage's guidelines, '*Criteria for the assessment of local heritage places and areas as recommended in 'State Planning Policy 3.5 Historic Heritage Conservation'*'.

Assessments determine levels of significance for each place in consideration of the overall context of the Shire's towns and district. The levels of significance are consistent with the required categories under the *Heritage Act 2018*, including aesthetic, historic, research and social value and considers rarity and representativeness (see pages 3-4 of the LHS for definitions).

Places considered for the Heritage List are split into categories of significance.

Category 1 places are those which are considered to have exceptional cultural heritage significance to the Shire of Mingenew and the State of Western Australia, with all development applications to be referred to the Heritage Council before any works commence. Any places proposed for the Heritage List that are considered.

Category 2 places will have protection and recognition through the Shire of Mingenew's Planning Scheme and will require a development application to be submitted prior to any works being undertaken.

Category 3 and 4 places have no constraints on development however minor requirements may apply if a planning application is submitted.

Ms Gray initially presented an overview of the LHS process to Councillors in July 2021 and discussed the implications associated with developing the Heritage List. Since then, a full review of the Municipal Inventory and associated records was undertaken. Laura then presented on the prepared draft Local Heritage Survey in March 2022. Further consultation has been undertaken with the Historical Society and other stakeholders to produce the final report.

Comment

105 places are recommended in the Local Heritage Survey, most of which were mentioned in the 1996 Municipal Inventory. Some places still require information to identify and/or inform of their history.

The LHS identifies 1 place of local and State significance (Category 1) to be included on the Heritage List; incorporating sites that form part of the Mingenew Police Station group (including the Police Station, old

Courthouse and Residence).

The LHS identifies a number of category 2 sites, which are considered by Laura Gray and/or the Historical Society as sites of historical significance:

- Mingenew Railway Station
- St Joseph's Church
- Mingenew war Memorial
- Greater Sports Ground
- National Bank (former)
- Mingenew Post Office and Quarters (former)
- Cecil Newton Park
- Midland Hotel (former) – Mingenew Commercial Hotel
- Erregulla Spring Reserve
- Littlewell Reserve
- Mingenew Spring
- Mingenew Masonic Lodge (former)
- Shire Hall
- Shire Office (former Agricultural Hall)
- Upper Irwin Road Board Office (former)
- Mingenew School (former)
- Church of the Resurrection (Anglican)
- Francis Burges Memorial
- Linthorne Residence (former)
- Mingenew Cemetery
- Mingenew Hill Cemetery (site)
- Enanty Homestead (barn and homestead ruin)
- Strawberry Catholic Cemetery
- Yandanooka Townsite
- Yandanooka Hall
- Yarragadee Homestead graves

Consultation

Laura Gray, of Heritage Intelligence (WA) has significant experience in heritage matters across WA, and specifically in the Midwest region. It is on this basis that the documents proposed for adoption by Council are based on her recommendation. Laura travelled to Mingenew on three occasions to present to Council and consult with stakeholders to establish the final report. In preparing the report, it was necessary for Laura to review the existing Municipal Inventory, transfer relevant data, verify new data, assess each site against the assessment criteria as per the guidelines and collate all the relevant information. Laura also assisted in providing a sample Planning Policy to guide the planning considerations where a development approval may be required category 1 or 2 sites.

Following endorsement of the Draft Local Heritage Survey and List in April 2022, the Shire undertook a community consultation period; writing to affected landowners, the Historical Society and general public. By the closing time of submissions, the Shire had received two submissions which included suggestion or detail on:

- Littlewell Reserve
- Cecil Newton Park
- Ferrell Cottage and Fickling Cottage
- Francis Carlton Burges Memorial Cairn

Ongoing liaison with the Mingenew Historical Society has led to a number of reviews. The Shire invited members of the Historical Society to meet with Laura Gray on Monday 3 October 2022 and discuss any final changes proposed. Attendees included Erin Greaves and Margaret Rowe from the Shire, Mrs Jill Thomas, Mrs Helen Newton, Mrs Jill Ward and Laura Gray, Heritage Consultant. The group ran through the list of sites identified in the Local Heritage Survey and a number of recommended changes were suggested by the Historical Society, most of which has been incorporated into the final LHS.

The Shire thanks members of the Historical Society for volunteering their time to collaborate and verify information included in the LHS.

Simon Lancaster, DCEO at Shire of Chapman Valley regarding Local Planning Policy

Statutory Environment

Local Government Act 1995

Heritage Act 2018 (Part 8)
Planning and Development Act 2005
State Planning Policy 3.5 Historic Heritage Conservation

Policy Implications

A Local Planning Policy relating to Heritage has been drafted to protect and conserve sites of significant cultural heritage value.

Financial Implications

The Shire received a grant of \$7,727 from the Department of Heritage, Planning and Lands to engage an appropriately qualified consultant to prepare the Local Heritage Survey, which is to be fully expended and acquitted following adoption of the Survey.

Strategic Implications

Strategic Community Plan 2019-2029:

- 1.1.3 Protect and promote the Shire's diverse culture and heritage
- 2.3.3 Enhance our natural and built environment and promote and protect the history and heritage within Mingenew

11.4 COMMUNITY ASSISTANCE SCHEME 2022 AND COMMUNITY POLICY REVIEW

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.POL.1
Date: 6 December 2022
Author: Erin Greaves, Governance & Community Manager
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider amendments proposed to the 'Supporting the Community' Policy which sets out how Council provides financial and in-kind support to the community. The Policy also sets out the terms and conditions for the Community Assistance Scheme.

Key Points

- The Shire's Community Policies were last reviewed in 2019
- Council's Policy Review schedule requires the Community Policies to be reviewed at least every three years
- There are no amendments proposed for the 'Community Engagement' policy and management procedures
- In response to feedback from previous grant applicants, the Shire has reviewed the structure and application process for the Community Assistance Scheme, therefore there are significant changes proposed for the 1.4.2 'Supporting the Community' Policy
- The 1.4.3 'Community Bus Hire' Policy was reviewed more recently in 2021, to reflect procedural changes and no further updates are proposed

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.4 – RESOLUTION# 09141222

MOVED: Cr HR McTaggart

SECONDED: Cr CV Farr

Council:

1. Notes the review of the 1.4.1 'Community Engagement' Policy in which no changes have been made;
2. Adopts the amended 1.4.2 'Supporting the Community' Policy incorporating the new Community Assistance Scheme guidelines, as presented in GCM Attachment Booklet – December 2022;
3. By Absolute Majority, grants the Chief Executive Officer delegated authority (the CEO may sub-delegate in writing) to grant funds under the Quick Response Fund (Community Assistance Scheme) in accordance with Council's 'Supporting the Community' Policy; and
4. Notes the review of the 1.4.3 'Community Bus Hire' Policy in which no changes have been made.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

Attachments

11.4.1 Policy 1.4.1 'Community Engagement' (no change)

11.4.2 Proposed amended Policy 1.4.2 'Supporting the Community'

11.4.3 Policy 1.4.3 'Community Bus Hire' (no change)

Background

Council's Policy Review Schedule outlines that its Community Policies will be reviewed every three years (due June 2022). The review process was delayed due to the CEO recruitment and change over processes but has since been completed.

Comment

Community Engagement Policy

Whilst the Community Engagement Policy has been reviewed, with no proposed amendments there are potential changes to Management Procedure that sits behind the policy which is administered by the CEO. Results of the recent Community Satisfaction Survey (MARKYT) will be used to guide any changes.

Supporting the Community Policy

The Shire is proposing to trial a new structure for the Community Assistance Scheme in 2022/23 which will see three funding categories:

Waiver/Concession of Fees & Charges – traditionally these requests are of a minor value and can be dealt with under delegated authority by the CEO (up to the value of \$1,000 per application). This includes consideration of requests to waive the hire of a community facilities for example.

Quick Response Fund – developed to support the timely delivery of projects, programs, events and activities where an established community/sporting group or organisation is not leading the project, support a small business start-up or provide the means for local youth to represent the community or region in a state sporting event. Grants under this category may be awarded up to the value of \$3,000. It is intended that the grants will be approved under delegated authority to be responsive to urgent needs or tight delivery schedules. Applications will be open year round.

Annual Community Grant Scheme – similar to the traditional Community Assistance Scheme (CAS), the annual grant scheme will provide up to 100% of project costs for projects valued at \$5,000 or under, and up to 75% of total project costs for projects valued over \$5,000, up to a total Shire contribution of \$8,000. Applications will be considered by the existing Community Assistance Scheme Panel. Applications will be open year round or until the allocated funds in that financial year have been granted.

Should the amended Policy be adopted, local notice will be provided to announce the scheme is open and to notify of the changes.

As the Policy and structure of the Scheme is new, the Policy and Council allocations to each category may require further review next year to determine effectiveness, measure take up and review community outcomes.

Community Bus Policy

The Community Bus Policy was last reviewed in August 2021, with some changes made. Therefore, no further amendments are proposed.

Consultation

Leadership Team

Community Assistance Scheme Panel / Policy Review Working Group

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*
- which is owed to the local government.*

* *Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

Policy Implications

Policy changes as proposed.

CD02 Debts, Waivers, Concessions, Write Offs and Recovery

The Chief Executive Officer as delegated authority to

1. *Waive a debt which is owed to the Shire of Mingenew [s6.12(1)(b)].*
2. *Grant a concession in relation to money which is owed to the Shire of Mingenew [s6.12(3)].*
3. *Write off an amount of money which is owed to the Shire of Mingenew [s6.12(1)(c)]*
4. *Recover debts*

Under the following conditions:

1. *Debts for rates and service charges may be written off up to the value of \$30 in accordance with s6.12(1)(c) and applicable Council Policies and procedures.*
2. *The power to waive a debt or grant a concession does not apply to debts which are prescribed as debts, that are taken to be a rate or service charge.*
3. *A debt may only be waived where:*
 - a) *in accordance with the Supporting the Community Policy, a local club and/or not for profit organisation submit in writing, an application to conduct activities that support the Shire's Community Strategic Plan; and*
 - b) *Does not exceed the value of \$1,000 per application and is subject to the confinements of the budgetary allocation as set by Council.*
4. *A concession may only be granted where:*
 - a) *In accordance with the Supporting the Community Policy a local club and/or not for profit organisation submit in writing, an application to conduct activities that support the Shire's Community Strategic Plan; and*
 - b) *Does not exceed the value of \$1,000 per application and is subject to the confinements of the budgetary allocation as set by Council.*
5. *A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Mingenew.*
6. *Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$100. Write off of debts greater than these values must be referred for Council decision.*
7. *Debt recovery is to be in accordance with the Shire's Internal Debt Recovery Policy and Procedures and subject to the provisions of the Local Government Act 1995.*
8. *Subject to the reporting of the exercise of this delegation to the Concept Forum each month.*
9. ** During a State-declared emergency, the CEO may waive, grant a concession or write off individual debts valued below \$500 or cumulative debts of a debtor valued below \$500 (excluding rates and rate interest), and, in the case of outstanding rates, write off up to the value of the total interest on rates incurred in the current year, provided the applicant satisfies the definition of financial hardship in accordance with Council's Financial Hardship Policy. Debts greater than these values must be referred for Council decision.*

Financial Implications

1.5% of the value of rates is dedicated to the Community Assistance Scheme each year. In 2022/23 the allocation is \$32,766. The total proposed distribution of funds for each funding category is:

- Annual Community Grants Scheme (\$22,936)
- Quick Response Fund (\$8,192)
- Waiver of Fees and Charges (\$1,638)

Strategic Implications

Strategic Community Plan 2019-29

2.4.1 Support community volunteers to maximise impact of their contributions

11.5 RECEIVING COMMUNITY DONATIONS (GOVERNANCE FRAMEWORK)

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.POL.1
Date: 5 December 2022
Author: Erin Greaves, Governance & Community Manager
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To consider an appropriate governance framework for receiving donations for community projects generally, and more specifically in response to the recent establishment of the grain grower account through CBH to receive donations towards the Mingenew Day Care Centre Redevelopment Reserve.

Key Points

- At the 16 November 2022 Special Council meeting, council endorsed the establishment of a special reserve to hold funds for the Mingenew Day Care Centre Redevelopment
- It is considered appropriate that a policy be created to guide how the funds would be received and distributed
- A draft 'Receiving Community Donations' has been prepared to address the above and give guidance for any other donations being made to the Shire

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.5 – RESOLUTION# 10141222

MOVED: Cr AR Smyth SECONDED: Cr AT Pearse

Council:

1. Adopts the new 1.4.4 'Receiving Community Donations' Policy, as presented in GCM Attachment Booklet – December 2022; and
2. By Absolute Majority, delegates authority to the Chief Executive Officer to approve or reject donation requests that are not exempt under the preapproved donations, in accordance with the 'Receiving Community Donations' Policy.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

Attachments

11.4.1 Policy 1.4.4 'Receiving Community Donations' Policy

Background

At a Special Council meeting on 16 November 2022, Council resolved to establish a special reserve account to hold funds for the future redevelopment of the Mingenew Day Care Centre.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 6.2 – RESOLUTION# 02161122S

Council, by Absolute Majority, endorses the creation of a Mingenew Day Care Centre Redevelopment fund raising program and establish a Reserve in line with Part 6.11 (1) of the Local Government Act – 1995 for the purposes of holding funds raised externally, to be used for the future redevelopment of the Mingenew Day Care Centre.

VOTING REQUIREMENTS:

CARRIED BY ABSOLUTE MAJORITY 6/0

The reserve allows Council to receive donations directly through the Shire or through other mechanisms such as its newly created CBH grain grower account, to help raise funds for the Day Care project. It was indicated at the meeting that a governance framework would need to be established to support this activity.

Comment

A governance framework has been developed in the form of a Council Policy. The Policy not only deals with receiving funds for projects, such as the Day Care redevelopment under a special reserve but considers all other donations.

The Policy sets out clarity to donors, how funds will be received, in what form and outlines necessary administrative processes to ensure Council has the capacity to take on the asset being donated or to deliver on the project for which funds are donated.

The Policy requires administrative oversight of any donations received, unless it is a “pre-approved donation” where the purpose and mechanism for donating has already been established by Council. For example, donations made through the CBH grain donation scheme, would not require a written application to the Shire.

All other donation requests should be submitted in writing and a form has been established to capture necessary information to make an informed decision.

Consultation

Leadership Team

Shire of Serpentine Jarrahdale – policy model

Statutory Environment

Local Government Act 1995

Policy Implications

As per proposed policy attached.

Financial Implications

Establishing a means for donations to be made to specific projects provides an income means, particularly for projects of a large scale with high community interest.

This Policy ensures adequate financial management controls are established for receiving and distributing funds.

Strategic Implications

Strategic Community Plan 2019-29

- 1.1.2 Provide buildings, facilities and services to meet community needs
- 2.1.2 Develop healthcare and recreation services for all the community to ensure the well-being and health of all age groups within the community
- 2.2.1 Develop childcare service to full time full day care model

11.6 COUNCIL POLICY REVIEW – ADMINISTRATION POLICIES

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: CM.POL.1
Date: 7 November 2022
Author: Erin Greaves, Governance & Community Manager
Authorising Officer: Matt Fanning, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

A review of the Shire of Mingenew's Administration policies (and Procedures) within Council's Policy Manual has been undertaken to ensure compliance and relevance to the community's current and future needs and is available for Council's consideration.

Key Points

- Council adopted a Policy Manual schedule in September 2019 that identified Administration Policies to be reviewed biennially and Finance Policies to be reviewed annually
- Administration Policies were reviewed in December 2020 and will be due for review in December 2022
- Policies within the Council Policy Manual may be reviewed and amended or revoked at any time by Council decision

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.6 – RESOLUTION# 11141222

MOVED: Cr CV Farr **SECONDED:** Cr JD Bagley

Council:

1. Notes the management review of Council's Administration policies and accepts the proposed amendments of the following policies, as presented in GCM Attachment Booklet – December 2022:
 - 1.2.1 Records Management
 - 1.2.3 Legal Representation – Costs Indemnification
 - 1.2.6 Gratuities Policy
2. Endorses the new 1.2.15 'Common Seal' Policy as presented in GCM Attachment Booklet – December 2022.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

Attachment

11.1.1 Council Policies – Administration (tracked changes)

Background

Whilst there is no statutory requirement for Council to review its Policy Manual (with the exception of certain elected member policies), it is considered best practice to ensure Council have a relevant and current policy stance that reflects the ongoing changes within local government and our community.

Many of the policies have been developed using WALGA's model policies or are based on other local government's policies that have been recognised for good governance. Some policies may have been developed or modified to suit our individual or local circumstances.

All of Council's policies may be accessed from the Shire's website <https://mingenew.wa.gov.au/council-and-staff/governance/> under the Council Policies.

Comment

The policies within the Policy Manual are strategic, outcome focused and set governing principles, guiding the direction of the organisation, and are to be considered for endorsement by Council.

The Shire’s Leadership Team and relevant staff have reviewed the policies any proposed changes are summarised below:

Policy Name	Proposed changes
1.2.1 Records Management	Clarification that policy applies to all “workers” (which may include employees, volunteers and contracts)
<i>1.2.2 Risk Management</i>	<i>Not included in review as was reviewed and amended by the Audit & Risk Committee and Council in October 2022</i>
1.2.3 Legal Representation – Costs Indemnification	Minor title changes
1.2.4 Temporary Employment or Appointment of CEO	No change (tested in June-July 2022 with no issue)
1.2.5 Work Health and Safety	No change (last updated April 2022)
1.2.6 Gratuities	Removed [optional] clause about applying an exclusion to the policy for contract employees (intentional copy from model policy) – policy to apply to all employees as has been common practice. Also notes that no delegation applies.
<i>1.2.7 Revoked</i>	<i>Policy transferred to internal HR Policies in 2019</i>
1.2.8 ICT	No change
1.2.9 Prequalified Suppliers	No change
1.2.10 Access and Inclusion	No change
1.2.11 Accessible Information	No change
1.2.12 Reasonable Adjustment	No change
1.2.13 Christmas Period Closure	No change
1.2.14 Public Interest Disclosures	No change
1.2.15 Common Seal	NEW – necessary to ensure the execution of documents is authorised and Common Seal is applied lawfully.

Council’s Policy Review Schedule outlines that its Administration Policies are to be reviewed at least every 2 years. Administration Policies were last reviewed in December 2020.

The management procedures included, following the relevant Council Policy, are developed for administrative and operational purposes and are to be endorsed by the Chief Executive Officer.

An updated version of the Policy Manual will be issued to Councillors following this meeting.

Consultation

Leadership Team

Statutory Environment

Local Government Act 1995

Policy Implications

As outlined.

Financial Implications

There are no direct financial implications.

Strategic Implications

Strategic Community Plan 2019-29

- 1.2.1 Manage organisation in a financially sustainable manner
- 1.2.3 Provide sound corporate governance of Shire and create an attractive work environment
- 1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness
- 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner

The Council Policy Manual has been developed to complement existing legislation and guide decision making. Guidance on local application is provided where required.

Background

At the 17 November 2021 Ordinary Council meeting, a Councillor motion was presented requesting a direction to the CEO to prepare a meeting schedule for 2022 to be based upon an intent to hold Ordinary Council meetings every two months. As such, Council agreed at the December 2021 Ordinary meeting, to trial the new model with a review proposed to be conducted in June 2022.

Council ultimately decided to continue with the bimonthly Council meeting model at the June Ordinary meeting.

Comment

Whilst Council has historically held 11 Ordinary Meetings per year, there is no proscriptive requirement under legislation or our Standing Orders Local Law to do so. Section 5.3(2) of the *Local Government Act 1995* requires Ordinary Meetings be held at least every three months and Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* require that Council's financial statements are brought to an Ordinary Meeting within two months of the end of the month they apply to. That said, the typical minimum number of Ordinary Meetings held by WA local governments is 10, with some small Shires holding no December or January meeting. At present, no Local Governments appear to meet less frequently than this.

The reduction in the number of Council meetings recognises the change in the way members of the public interact with Council and the Shire. Technology now provides for more timely contact through phone, email, social media and online meetings which ensures queries, suggestions and complaints can be dealt with within a reasonable timeframe and with sufficient governance oversight, without the need to await a monthly meeting. A majority of questions / deputations made at Council meetings by members of the public over the last two years have specifically related to a matter before Council at that meeting, and this opportunity would not be impacted by the schedule change.

As noted in the 2021 Council report, advice was sought from WALGA on the proposal to hold meetings every two months, with several potential risk areas identified and risk mitigation strategies developed, as outlined below.

Accessibility and Transparency:

Less frequent meetings provide less opportunity for the public to attend meetings and be heard on issues. Whilst this is a valid concern, in Mingenew over the previous few years there have been very few instances of public attendance at Council Meetings. The proposal would only reduce the number of meetings, not impact in any way the ability of members of the public to attend the meetings which do take place (or engage with the local government outside of these meetings).

Decisions with Statutory Timeframes:

Some decisions, particularly those related to planning matters, have statutory timeframes that Council is required to meet. Again, as a small rural Shire, these are infrequent in Mingenew and could be managed through Special Meetings as required. It is anticipated that the number of special meetings required in a given year to address these matters would be less than the 5 Ordinary Meetings that would be potentially reduced through this proposal. Council also has the ability to set decision-making parameters through delegations to the CEO and can call for Special meetings where the timeline of set meetings is not suitable.

In 2022, there were 5 Special meetings called (including the meeting proposed for 9 December 2022). The need to hold these special meetings is not considered to be caused by the bimonthly meeting scheduling but the urgent nature and timing of the matters for consideration, as outlined below:

2 May 2022 – commencement of the CEO Recruitment process

5 July 2022 – appointment of CEO

20 July 2022 – appointment of elected member, tenders and 2021/22 Budget (a special meeting was anticipated at the beginning of the year to consider adoption of the Budget)

9 December – consider approval for temporary land use by CBH (request received end November with response requested urgently from applicant)

Lead-time on Decisions:

There may be some items, without statutory timeframes, that could take longer to be resolved (especially where decisions are required at consecutive meetings). The Shire is not aware of any matters that have been impacted. Again, important matters could be managed through a Special Council Meeting if required.

Community Perception of Councillor Workload:

There is a reputational risk that such a move could be seen as Councillors attempting to abrogate their responsibilities (whilst still collecting their annual fees). In larger local governments where Councillors receive higher fees, this risk would be very real. In Mingenew, Councillor fees are set at around one-third of the maximum allowed by SAT for a Band 4 Council and the role is largely viewed as a voluntary service. That said, this proposal will only reduce the number of Ordinary Meetings, not the overall volume of meeting papers that Councillors will need to review and consider. Further, the proposal does not intend to reduce the number of Concept Forum meetings, which will still occur monthly and which Councillors will still be expected to attend.

Council Agenda Length and Councillor Workload:

In contrast to the item above, there is a risk that two-monthly meetings could result in unreasonably large agendas for Council to consider. This risk can be managed, in part, by administrative staff seeking to spread items – where possible – across the calendar year (as currently happens through the use of our Governance Calendar). It may also be possible to release agendas further in advance of meetings to provide greater preparation time.

Loss of Connection Between Council and the Administration:

Council meetings are an opportunity for Councillors and senior staff to check in and maintain positive working relationships, which are important to the effective operation of the Shire. Whilst the proposal will reduce the number of Ordinary Meetings, Councillors and senior staff will still meet monthly at Concept Forum meetings, so this risk is minimal.

Likely Efficiency Gains:

As previously noted, staff would still be required to prepare a similar number of reports for Council, however time would be saved through:

- Reducing the number of times staff are required to:
 - o Review, format and compile agendas and attachment booklets
 - o Distribute agendas to Councillors and post to the Shire website

It is also expected that there would be a small reduction in the overall amount of time Councillors and staff generally spend in meetings.

Summary:

The proposal would have some efficiency gains for both staff and elected members, but there are also some risks of decision-making timeframes increasing or a need for more frequent Special Meetings which may cancel out some of the efficiency savings.

The meeting schedule presented has been considered against statutory requirements, and the table below summarises them based on the proposed schedule:

Matter for Decision	Statutory Requirement / Better Practice
February	
Compliance Audit Return	Must be adopted and submitted by 31 March each year
Budget Review	Must be carried out between 1 January and 31 March

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 14 December 2022

Workforce Plan Review	Scheduled for annual review
Minutes of Annual Electors Meeting	Depending on when Electors Meeting held, must review outcomes of meeting at next ordinary meeting
Monthly Financials - December and January	Must be adopted within 2 months after the end of the month to which the statement relates
List of Payments - December and January	
April	
Works Policies Review	Policy Review Schedule determines triennial review of Works Polices
BFAC Appointments	Appointments for BFAC to be endorsed following AGM (March)
CAR Action Plan	Must consider any Action Plan developed in response to CAR outcomes
Sporting Club Fees & Charges Review	In preparation for Budget
Monthly Financials - February and March	Must be adopted within 2 months after the end of the month to which the statement relates
List of Payments - February and March	
Consider if differential rates apply	6.33 and FM Reg 52A
June	
Delegations Register Review	Must be reviewed at least once each calendar year
Monthly Financials - April and May	Must be adopted within 2 months after the end of the month to which the statement relates
List of Payments - April and May	
August	
WALGA AGM and Voting Delegates	
List of Payments - June and July	
October	
Review Finance Policies	Policy Review Schedule determines annual review of Finance Polices
Monthly Financials - August and September	Must be adopted within 2 months after the end of the month to which the statement relates
List of Payments - August and September	
December	
Review of Elected Member Policies	Policy Review Schedule set to follow Ordinary Local Government Elections (biennial)
Review Risk Management systems	As recommended by Audit & Risk Committee
Annual Report, Annual Financial Report and Electors Meeting	Annual Report must be adopted before 31 December - opportunity for Council to meet with Auditors
Monthly Financials - October and November	Must be adopted within 2 months after the end of the month to which the statement relates
List of Payments - October and November	

It is proposed that the adoption of the Budget occur as a separate, special meeting of Council. Calling a special meeting provides some flexibility to meet as the Budget is prepared and finalised.

July* - Special	<i>*additional to Ordinary meeting schedule, called as required</i>
5 Year Road Plan - Annual Review	Scheduled for Annual Review to inform the Budget
Corporate Business Plan Review	Scheduled for Annual Review to inform the Budget
Annual Budget adoption	Must adopt by Absolute Majority, between 1 June to 31 August

Consultation

WALGA

Statutory Environment

Local Government Act 1995

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.*
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

- (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.*

Policy Implications

Nil

Financial Implications

No direct financial savings are expected, however there will be some efficiency gains as noted above.

Strategic Implications

Strategic Community Plan 2019-29

1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness.

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 31 October 2022	
Municipal Funds – Corporate cheque account	\$2,256,242
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$563,254

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 2022/23 financial year.

The 2021/22 Annual Financial Report has not been audited and is subject to change, this may alter the opening surplus for the 2021/22 financial year.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

No financial implications are indicated in this report.

Strategic Implications

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

12.2 FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2022

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: FM.FRP
Attachment/s: Monthly Financial Report – November 2022
Disclosure of Interest: Nil
Date: 6 November 2022
Author: Helen Sternick, Senior Finance Officer
Approved by: Jeremy Clapham, Finance & Administration Manager
Voting Requirement: Simple Majority

Summary

This report recommends that the Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 November 2022 as presented to the Council be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 – RESOLUTION# 14141222

MOVED: Cr AR Smyth SECONDED: Cr HR McTaggart

That with respect to the Monthly Financial Report (containing the Statement of Financial Activity), Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity, and associated documentation for the period 1 July 2022 to 30 November 2022, as included at Attachment 12.2.1.

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

Attachment

12.2.1 Monthly Financial Report for period ending 30 November 2022

Background

The Monthly Financial Report to 30 November 2022 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 Nature or Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Lease Liabilities
- Reserve Accounts
- Other Current Liabilities
- Operating Grants, Subsidies and Contributions
- Non-operating Grants, Subsidies and Contributions
- Bonds and Deposits Held
- Budget Amendments
- Explanation of Material Variances

Comment

Summary of Funds as per bank statements – Shire of Mingenew as at 30 November 2022	
Municipal Funds – Corporate cheque account	\$2,210,983
Cash on Hand	\$100
Trust Fund	\$1
Municipal Funds – Business Maximiser	\$0
Term Deposit – Reserves	\$563,254

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 2022/23 financial year.

The 2021/22 Annual Financial Report has not been audited and is subject to change, this may alter the opening surplus for the 2021/22 financial year.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

No financial implications are indicated in this report.

Strategic Implications

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Strategic Community Plan 2019-2029 Strategies

1.2.1 Manage organisation in a financially sustainable manner

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

12.4 FINANCE POLICY REVIEW – NOVEMBER 2022

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: CM.POL.1
Disclosure of Interest: Nil
Date: 29 November 2022
Author: Jeremy Clapham, Finance & Admin Manager
Authorising Officer: Matt Fanning, CEO
Voting Requirements: Simple Majority

Summary

A review of the Shire of Mingenew's Finance policies (and Procedures) within Council's Policy Manual has been undertaken to ensure compliance and relevance to the community's current and future needs and is available for Council's consideration.

Key Points

- Council adopted a Policy Manual schedule in September 2019 that identified Finance Policies to be reviewed annually.
- Finance Policies were reviewed in November 2021 (except for 1.3.8 Employee Superannuation which was reviewed in October 2022) and are now due to be reviewed.
- Policies within the Council Policy Manual may be reviewed and amended or revoked at any time by Council decision, as required.

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.4 – RESOLUTION# 16141222
MOVED: Cr CV Farr SECONDED: Cr HR McTaggart

Council notes the review of Council's Finance Policies and accepts the following reviewed policies, as presented in the Attachment Booklet:

- a) 1.3.1 Purchasing Policy
- b) 1.3.2 Asset Management Policy
- c) 1.3.3 Investment of Surplus Funds Policy
- d) 1.3.4 Significant Accounting Policies Policy
- e) 1.3.5 Corporate Credit Card Policy
- f) 1.3.6 Related Parties Disclosure Policy
- g) 1.3.7 Regional Price Preference Policy
- h) 1.3.9 Debt Collection Policy
- i) 1.3.10 Fees and Charges Policy
- j) 1.3.11 Financial Hardship Policy

VOTING REQUIREMENTS:

CARRIED BY SIMPLE MAJORITY 7/0

Attachment

12.4.1 Amended and reviewed Finance Policies and relevant Management Procedures.

Background

Whilst there is no statutory requirement for Council to review its Policy Manual (with the exception of certain elected member policies), it is considered best practice to ensure Council have a relevant and current policy stance that reflects the ongoing changes within local government and our community.

Many of the policies have been developed using WALGA's model policies or are based on other local government's policies that have been recognised for good governance. Some policies may have been developed or modified to suit our individual or local circumstances.

Comment

The policies within the Policy Manual are strategic, outcome focused and set governing principles, guiding the direction of the organisation, and are to be considered for endorsement by Council.

The management procedures included, following the relevant Council Policy, are developed for administrative and operational purposes and endorsed by the Chief Executive Officer.

The following are the significant changes made to the Finance Policies (only changes not relating to grammar, spelling or titles are noted):

- 1.3.1 Purchasing Policy. Purchase value thresholds have been amended to achieve best value for money and efficiency in future purchasing activities
- 1.3.2 Asset Management Policy. Removed references Financial Ratios, as they are no longer required.
- 1.3.5 Corporate Credit Card Policy (Management Procedures). Added in reference to a Credit Card Purchase Request Form. This is a new form, added to increase Corporate Governance. It is to be completed by an Officer who does not hold a credit card, but requires a payment to be made by a Corporate Credit Card.

An updated version of the Policy Manual will be available for Councillors following this meeting.

Consultation

- CEO
- Governance and Community Manager

Statutory Environment

Local Government Act 1995

Policy Implications

As outlined.

Financial Implications

There are no direct financial implications.

Strategic Implications

Community Strategic Plan

Strategy 1.2.1 Manage organisation in a financially sustainable manner

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

Strategy 1.2.4 Seek innovative ways to improve organisational efficiency and effectiveness

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

The Council Policy Manual has been developed to complement existing legislation and guide decision making. Guidance on local application is provided where required.

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

15.0 CONFIDENTIAL ITEMS

Nil.

16.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 15 February 2023 commencing at 5.00pm.

17.0 CLOSURE

The meeting was closed at 5:40pm.

These minutes were confirmed at an Ordinary Council meeting on 15 February 2023.

Signed _____
Presiding Officer

Date: _____