



MINUTES FOR THE ORDINARY COUNCIL MEETING

17 JULY 2019

TABLE OF CONTENTS

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2.0	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
3.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4.0	PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	3
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	3
6.0	DECLARATIONS OF INTEREST	3
7.0	CONFIRMATION OF PREVIOUS MEETING MINUTES	4
7.1	ORDINARY MEETING HELD 19 JUNE 2019	4
8.0	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	4
9.0	DECLARATIONS OF INTEREST	4
10.0	REPORTS/MINUTES OF COMMITTEES	4
10.1	SHIRE OF MINGENEW AUDIT AND RISK COMMITTEE MEETING HELD 09 JULY 2019	4
11.0	REPORTS BY THE CHIEF EXECUTIVE OFFICER	5
11.1	NATIONAL REDRESS SCHEME.....	5
11.2	RFQ 2018/19(6) - PROVISION OF WASTE COLLECTION AND DISPOSAL SERVICES.....	11
11.3	CORPORATE BUSINESS PLAN 2019-2023.....	14
11.4	FIVE YEAR ROAD PLAN 2019-2024	17
11.5	ROAD CLOSURE POLICY	19
12.0	REPORTS OF ADMINISTRATION	22
12.1	FINANCIAL REPORT FOR THE PERIOD ENDED 30 JUNE 2019	22
12.2	LIST OF PAYMENTS FOR THE PERIOD ENDING 30 JUNE 2019.....	25
13.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING.....	27
13.1	REDUCTION OF SPEED LIMIT ON MIDLANDS RD.....	27
14.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	27
14.1	LATE ITEM - ADOPTION OF 2019/20 BUDGET	29
15.0	CONFIDENTIAL ITEMS	35
16.0	TIME AND DATE OF NEXT MEETING	35
17.0	CLOSURE.....	35



**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
17 JULY 2019 COMMENCING AT 4.30pm**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President HM Newton declared the meeting open at 4:30pm and welcomed all in attendance.

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

HM Newton	President	Town Ward
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
KJ McGlinn	Councillor	Town Ward
AR Smyth	Councillor	Town Ward

APOLOGIES

LM Eardley	Councillor	Town Ward
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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/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6.0 DECLARATIONS OF INTEREST

Nil.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY MEETING HELD 19 JUNE 2019

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 7.1 - Resolution 19071701

Moved: Cr Bagley Seconded: Cr Newton

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 19 June 2019 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

9.0 DECLARATIONS OF INTEREST

Nil.

10.0 REPORTS/MINUTES OF COMMITTEES

10.1 SHIRE OF MINGENEW AUDIT AND RISK COMMITTEE MEETING HELD 09 JULY 2019

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 10.1 - Resolution 19071702

Moved: Cr Newton Seconded: Cr Smyth

That the minutes of the Local Emergency Management Committee meeting of the Shire of Mingenew held in the Council Chambers on 9 July 2019 be received.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

11.1 NATIONAL REDRESS SCHEME

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0523
Date: 1 July 2019
Author: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

To seek Council feedback with regard to their preference and capacity to join the National Redress Scheme.

Key Points

- The Royal Commission into Institutional Responses to Child Sexual Abuse prompted the establishment of the National Redress Scheme
- Scheme to provide opportunity for victims of institutional child sexual abuse, outside of the civil litigation process, to apply for a direct personal response from the responsible institution, access counselling and psychological care and be compensated up to \$150,000
- The Royal Commission also recommended Local Governments establish Child Safety Officer functions within their workforce to foster ongoing child safety messaging and support
- Support conditional upon joining the scheme not resulting in an increased cost or administrative burden to local government
- Position endorsed by WALGA Northern Country Zone
- Local governments are asked to consider their capacity to: source and provide records within prescribed timeframes (further information on page 8 of WALGA Discussion Paper); deliver a Direct Personal Response in the requested manner (page 9); and, financially compensate the claim (page 10)
- LGIS Liability covers a member for '*all sums which the member shall become legally liable to pay for compensation.... in respect of ... personal injury*' (further information available on page 5 of LGIS Update)
- It is believed that the risk of exposure for Shire of Mingenew is relatively low and, as a result, joining the Scheme and showing support for it is desirable from both a financial and reputational standpoint

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 11.1 - Resolution 19071703

Moved: Cr Smyth Seconded: Cr Newton

That Council endorses the position of the Northern Country Zone of WALGA, and advises the Western Australia Local Government Association (WALGA) that it agrees to join National Redress Scheme as a State Government entity under the following conditions:

- 1. Local Governments Child Safety Officer positions from existing staff profiles:**
 - a) This position must be fully funded by the State and/or Commonwealth government and cost is not an imposition on the local government (i.e. not another costs-shifting exercise);**
 - b) A regional approach could be considered by a group of local government authorities if this is considered appropriate and effective, rather than expecting every individual local government authority to establish a new position, or incorporate the tasks required of the position into existing staff profiles;**
 - c) There must be stringent legal processes and protections in place to ensure the reporting officer is not exposed for not reporting an incident or reporting something which is false or vexatious.**
- 2. Areas of the local government to establish the Child Support Officer designation in supporting the community to create child safe environments:**

- a) There is no specific position in small local government authorities which is best suited to undertaking the role as a Child Safety Officer and this should be determined by the individual local government authority;
 - b) All sporting and recreation institutions, including arts, culture and hobby groups, that engage with or provide services to children should implement and comply with the Child Safety Standards including Working with Children Check requirements;
3. Training, resources and support required by the local government to successfully implement designated Child Safety Officers:
- a) Initial and ongoing training, resources and support of the local government authority and the proposed Child Support Officer needs to be fully funded by the Commonwealth and/or State government and not be at the cost of the local government;
 - b) Any agency established for administering the reporting requirements of local government authorities must be there to support the process, not simply a regulatory body with a focus on compliance by a local government authority;
 - c) Help desk, legal support and advice needs to be provided and readily available to the Child Support Officer and the local government authority, with this being the predominant purpose of any such agency.
4. Supporting local government with the implementation of Child Safety Officers:
- a) Any agency established for accepting and determining outcomes of matters reported by the local government should provide legal representation on behalf of the local government and any staff in the event of legal action taken against the Child Support Officer and/or local government. Any legal costs must not be the local government authority's responsibility;
 - b) Legislation introduced for the proposed reportable conduct scheme must incorporate stringent processes and protections in place to ensure the reporting officer and local government authority are not legally exposed for not reporting an incident, or reporting something, which is proven to be false or vexatious;
 - c) There must be strong legal processes and procedures in place to deal with the vexatious complainants creating issues based on conspiracy theories, rumour and innuendo and for those proven to have submitted complaints without basis dealt with under any proposed legislation (e.g. prosecution, infringement).
5. Source and Provide Records:
- Agree to being responsible for sourcing and providing records within prescribed timeframes under the condition such responsibility will not result in any additional resources being required of the Shire;
6. Deliver and Provide Personal Response:
- Agree to being responsible for delivery of a Direct Personal Response in the requested manner timeframes under the condition such responsibility will not result in any additional resources being required of the Shire;
7. Financially Compensate the Claim:
- The State Government is responsible for financial compensation of all claims;

8. Insurance:

The Local Government's insurance policies and premiums are in no way adversely affected by its agreement to join National Redress Scheme as a State Government entity.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Attachment

- 11.1.1 WALGA National Redress Scheme Discussion Paper
- 11.1.2 LGIS National Redress Scheme Update
- 11.1.3 Northern Country Zone of WALGA Minutes of meeting held 26 June 2019

Background

Western Australian Local Government Association (WALGA) has provided the following background on the National Redress Scheme (NRS):

"The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in January 2013, to investigate systemic failures of public and private institutions, and to protect, report and respond to child sexual abuse.

The Royal Commission released three reports throughout the inquiry: Working with Children Checks (August 2015), Redress and Civil Litigation (September 2015) and Criminal Justice (August 2017). The Final Report (Final Report) incorporated findings and recommendations of the previously released reports and was handed down on 15 December 2017.

The National Redress Scheme formally commenced operation on 1 July 2018 and involves:

- People who have experienced institutional child sexual abuse who can apply for redress*
- The National Redress Scheme team — Commonwealth Government staff who help promote the Scheme and process applications*
- Redress Support Services — free, confidential emotional support and legal and financial counselling for people thinking about or applying to the Scheme*
- Participating Institutions that have agreed to provide redress to people who experienced institutional child sexual abuse, and*
- Independent Decision Makers who will consider applications and make recommendations and conduct reviews.*

The National Redress Scheme offers eligible applicants three elements of redress:

- A direct personal response from the responsible institution, if requested*
- Funds to access counselling and psychological care, and*
- A monetary payment of up to \$150,000 (average payment expected to be approximately \$76,000).*

The Scheme is being administered by the Commonwealth Government and all State and Territory Governments have formally joined the Scheme. Institutions that agree to join the Scheme are required to adhere to the legislative requirements set out in the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).

The WA Parliament passed the legislation required to allow the Government and WA based non-government institutions to participate in the Scheme. The National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018 (WA) took effect on 21 November 2018.

The WA Government commenced participation in the Scheme from 1 January 2019.

The State Government's Redress Coordination Unit has been established within the Office of the Commissioner for Victims of Crime, Department of Justice and will:

- Act as the State Government's single point of contact with the Scheme
- Coordinate information from State Government agencies to the Scheme, and
- Coordinate the delivery of Direct Personal Responses (DPR) to redress recipients (at their request) by responsible State Government agencies to redress recipients.

State Government, through the Department of Local Government, Sport and Cultural Industries (DLGSC), with the support of WALGA, are consulting all Local Governments' on their preference and capacity to join the National Redress Scheme, with one option to join as a State Government agency under the definitions contained within the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).

In considering the preferred options there are three critical considerations for Council to be cognisant of in regarding the local government authorities' capacity as a participating organisation including:

1. Source and provide records within prescribed timeframes
2. Deliver a Direct Personal Response in the requested manner
3. Financially compensate the claim"

WALGA has provided the following list of Opportunities and Challenges regarding the chose to join, or not join the National Redress Scheme as a State Government entity:

Join Scheme (National Redress Scheme)	
Opportunities	Challenges
<ul style="list-style-type: none"> • Clearly defined eligibility criteria • Consistency and capping of compensation payments • Releases institution from civil liability • Minimising likelihood of re-traumatisation for victim/survivor • Increased perception of justice and procedural fairness is promoted provided protection for LGs • Display of accountability and transparency of Local Government • National consistency and legislative safeguarding • Supports the principle of accountability promoted by the Royal Commission 	<ul style="list-style-type: none"> • Ratepayers don't get a say • WA Criminal Code may produce conflicting complexity.

Do Not Join Scheme (Civil Litigation Process)	
Opportunities	Challenges
<ul style="list-style-type: none"> • Potential for negotiated settlement • Independence in achieving resolutions • Unlimited timeframes for action • WA Redress Scheme may have addressed some claims. 	<ul style="list-style-type: none"> • A potentially more difficult process for survivors/victims • Additional legal and other expenses • No capped financial claim amount (could exceed \$150k) • Eligibility criteria and standard of proof unrestricted • Unlimited timeframes for action therefore may incur higher legal fees • Potential for socio-political consequences.

The following is stated in the Department of Local Government, Sport & Cultural Industries' (DLGSC) Information and Discussion Paper – Local Government Summary (the Summary) in relation to the direct affect these recommendations are going to have on local government:

“Local Government

The Royal Commission made one key recommendation specifically for local government:

- *With support from governments at the national, state and territory levels, **local governments should designate child safety officer positions from existing staff profiles** to carry out the following functions:*
 - a) *developing child safe messages in local government venues, grounds and facilities;*
 - b) *assisting local institutions to access online child safe resources;*
 - c) *providing child safety information and support to local institutions on a needs basis;*
 - d) *supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds. This recommendation acknowledges local government as the closest tier of government to the community; one that frequently provides an expansive range of direct services, as well as information, support and guidance to community-based organisations and individuals.”*

Comment

It is recommended that the Shire provide conditional support for the National Redress Scheme, outlining:

- the lack of internal capacity to adequately resource a Child Safety Officer from the existing workforce;
- the expectation is that the position would be fully funded by the State and/or Commonwealth government including training and other resources;
- legal processes and protections need to be in place to prevent exposure to adverse risk resulting from false or vexatious claims;
- the support for maintaining the current requirements around Working with Children Checks and complying with the Child Safety Standards

At the Northern Country Zone of WALGA meeting held on 26 June 2019, local governments shared their concerns for resourcing the recommendations and developed a position to feedback through to WALGA and the Department as part of the consultation process. This included a proposal to approach the resourcing requirements regionally.

There was also strong support from other local governments for the establishment of an appropriate and legally sound reportable conduct scheme.

Recommendation 14.1 of the Paper states: *“All sporting and recreation institutions, including arts, culture and hobby groups, that engage with or provide services to children should implement the Child Safety Standards identified by the Royal Commission”*. Should there be any additional responsibilities as a result of this Scheme, there may be resourcing challenges for affected groups. I have therefore recommended that the status quo remain with regard to these requirements.

Consultation

WALGA

LGIS

Northern Country Zone of WALGA

Statutory Environment

National Redress Scheme for Intuitional Child Sexual Abuse Act 2018

Policy Implications

The Shire may wish to establish policies and procedures to support the legal obligations and resourcing arrangements once local government responsibilities have been clarified.

Financial Implications

WALGA has stated:

“There are no financial requirements to join the Scheme.

If the preferred recommendation is endorsed as a Statewide position of Local and State Government, there will be no requirement for the local government authority to provide a redress payment in the instance of a claim. There will however need to be a consideration into workforce requirements for the allocation of staff to source records within prescribed timeframes."

However; there may be a resource implication imposed on local government authorities if legislation imposes additional roles and responsibilities on local governments. What the extent of the resource requirements are is unknown.

Strategic Implications

Strategic Community Plan 2017-2027

Strategy 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.

11.2 RFQ 2018/19(6) - PROVISION OF WASTE COLLECTION AND DISPOSAL SERVICES

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: TEN017
Date: 8 July 2019
Author: Neil Hartley, Project Officer
Voting Requirement: Simple Majority

Summary

The existing contract for Mingenew's Waste Collection & Disposal Service is being provided by Avon Waste. The contract is to conclude on 20 September 2019. Requests for Quotation (RFQ) have been called and assessed and the purpose of this item is to propose that Council offer a three-year initial term (+ two-year option) to Cleanaway Operations Pty Ltd, for the provision of a rubbish collection services within the Shire of Mingenew.

Key Points

- Mingenew's current contract for waste collection and disposal services is due to conclude on 20 September 2019
- The new contract is proposed for a 3 year term with the option to extend for a further two years
- An addition to the new contract has been made to allow for the collection of public rubbish bins from Drover's Rest; Enanty Barn; Depot Hill; and Yandanooka Townsite.
- Tenders were invited through WALGA's *VendorPanel* Preferred Supplier Program service
- 3 x submissions were received – from Avon Waste, Cleanaway and Veolia
- The recommendation has been based on the Panel's evaluation (attached), with price being the key factor in determining the preferred contractor after all criteria has been considered
- If the officer's recommendation is to be accepted, Council need to consider a variation that allows for a self-insurance system for Workers Compensation (which the General Conditions of Contract stated would not be accepted)

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 11.2 - Resolution 19071704

Moved: Cr McGlinn Seconded: Cr Bagley

That Council:

1. **Accepts the tender from Cleanaway Operations Pty Ltd for provision of Waste Collection & Disposal Service for the estimated sum of \$42,337per annum (ex GST) and awards the contract for Waste Collection & Disposal Service (RFQ (2018/19) 6) to Cleanaway Operations Pty Ltd (ABN: 40 010 745 383) for a three year term from 21 September 2019 to 20 September 2022 (plus a two year option at the Shire's discretion);**
2. **Notes and accepts that Cleanaway Operations Pty Ltd holds a self-insurance licence authorising retention of liability and management of workers' compensation claims under the Commonwealth Safety, Rehabilitation and Compensation Act 1988;**
3. **Notes that the eventual fee paid to Cleanaway will be based on the actual number of bin services provided for, and the actual tonnage quantity of waste collected and disposed of;**
4. **Authorises the Shire President and/or Chief Executive Officer to sign the Contract and (if required) affix the Shire's Common Seal; and**
5. **Authorises the CEO to manage the Cleanaway contract, including the provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, and does not change the general scope of the contract).**

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Attachment

- 11.2.1 Request for Quotation
- 11.2.2 General Conditions of Contract
- 11.2.3 CONFIDENTIAL - Request for Quotation Assessment - Waste Collection & Disposal Service *provided under separate confidential cover in accordance with s5.23(2)(c) and (e) of the Local Government Act 1995.*

Background

The Shire of Mingenew entered into a Deed of Agreement (dated 30 November 2017) with Stondon Pty Ltd - trading as Avon Waste - for Refuse and Waste Disposal Services. The term on this contract was for two years commencing 21st September 2017. Whilst the option to negotiate a two-year extension was possible, it was deemed prudent to test the market at this time by calling for a new *Request for Quotation*, utilising the Western Australian Local Government Association's *VendorPanel Preferred Supplier Program* service.

Requests for Quotation (RFQ 2018/19(6) Waste Collection and Waste Disposal Services opened on Monday 20 May 2019 and closed at 9.00am on Friday 07 Jun 2019.

An assessment of the RFQ's was undertaken by Erin Greaves (Governance Officer) and Neil Hartley (Project Officer) – see report attached.

Comment

All three bidders are high quality operators with extensive service delivery history in the waste management services area. Whilst of different corporate sizes and make-ups, all three would be most capable of delivering the service desired by the Shire of Mingenew. Mingenew has in the past used both Veolia and Avon Waste. Price therefore, is the criteria that was the more significant component of the assessment that separated one of the three, from the remaining two.

Cleanaway is the lowest price option. It operates from a Geraldton base and therefore attracted the same Regional Price Preference consideration as Veolia (which also has a Geraldton base). Due to the price differential between Cleanaway and Veolia however, the Regional Price Preference was irrelevant to the outcome in this instance.

All three bidders had non-compliances within the compliance criteria set. Cleanaway, the proposed preferred bidder, has a self insurance system in place for its Workers Compensation and the Shire's Contract highlighted that self insurance was not to form part of the contract. Cleanaway Operations Pty Ltd holds a self-insurance licence authorising retention of liability and management of workers' compensation claims under the Commonwealth Safety, Rehabilitation and Compensation Act 1988 (SRC Act). Confirmation was therefore sought in regard to the acceptability of this matter. Contact was made with Local Government Insurance Services, the Shire's insurers, which advised "*Confirm no issues. There are some large employers around the country who have an exemption from the legislation to have a workers compensation insurance policy. Cleanaway is one of these organisation as is WA local governments. Much like what LGISWA does for the local government sector, Comcare will have been appointed by Cleanaway to manage their workers compensation claims on their behalf.*" The WALGA Vendor Panel also confirms that Cleanaway has the appropriate exemption to remain compliant with the Vendor Panel requirements. Notwithstanding, if Cleanaway is to remain as the preferred contractor, Council will need to endorse that variation component in light of it being a RFQ requirement.

An additional component was added to the RFQ on this occasion as an option. Namely, that the contractor also collects the public rubbish bins from sites external to Mingenew Townsite (namely, Drover's Rest; Enanty Barn; Depot Hill; and Yandanooka Townsite. The fee for this service is the same rate as for the townsite residential bins (\$1.52/week for collection + \$94/tonne for disposal) or estimated to be about \$1,000pa in total. This is considered to be excellent value and will save Shire resources being allocated to undertake this regular task. It might be that during busy tourist periods, some supplement of collection might be warranted by Shire staff/equipment, but that would be the case irrespective of which option for collection prevailed. 240lt bins will need to be positioned at the various pick up locations.

Consultation

WALGA Vendor Panel and Local Government Insurance Services.

Statutory Environment

The Local Government Act 1995 at S3.57(1) (tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which

another person is to supply goods or services. The Local Government (Functions and General) Regulations 1996 at Cl.11(1) (when tenders have to be publicly invited) clarifies that tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000.

Clause 11(2)(b) however, outlines that tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

Section 50 of the Waste Avoidance and Resource Recovery Act 2007 outlines that (subject to the Environmental Protection Act) a local government may provide or enter into a contract for the provision on its behalf of, waste services. Sections 66 and 67 provides the capacity for local governments to charge a fee for the service of waste collection and disposal.

Policy Implications

The Shire of Mingenew's Purchasing Policy requires three written quotations for an expected purchase in the range of \$40,000 - \$149,999 unless invitations to quote are lodged utilising the Western Australian Local Government Association's *VendorPanel* service. Requests for Quotation opened through the *VendorPanel* service on Monday 20 May 2019 and closed at 9.00am on Friday 07 Jun 2019.

Financial Implications

The Shire provides for an annual budget allocation to conduct its waste collection and disposal activities and charges an annual fee to its residents to fund that service. The anticipated 2018/19 cost for the current service will be about \$59,000, so if waste tonnages remain consistent with previous years, it is expected that there should even be an annual saving by adopting the approximately \$43,000 Cleanaway contract.

Strategic Implications

The Corporate Business Plan 2017-21 outlines that the Shire will have the objective of being "*A sustainable natural and built environment that meets current and future community needs*". This area addresses numerous waste type components (like the Transfer Station and recycling) but does not specifically outline an action/outcome in regard to the weekly refuse collection/disposal service.

11.3 CORPORATE BUSINESS PLAN 2019-2023

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0120
Date: 10 July 2019
Author: Nils Hay, Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

This report recommends the endorsement of the Shire of Mingenew's Corporate Business Plan 2019-2023

Key Points:

- Document is an operational plan designed to deliver, over 4 years, a portion of the recently adopted 10-year Strategic Community Plan
- Document is reviewed and revised annually
- Updated version of that provided to Councillors at May Concept Forum. Includes input from staff and Councillors from June Concept Forum and July 9 Budget Workshop
- Identifies key projects for next 4 years, responsible parties for delivery and considers resourcing of delivery (refer to page 21 of the Attachment)
- Key part of Integrated Planning framework – and should link back to Strategic Community Plan, Budget, Workforce Plan, Long Term Financial Plan and Asset Management Plan
- For more information, see <https://www.dlgsc.wa.gov.au/localgovernment/strengthening/Pages/Corporate-Business-Plan.aspx>

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 11.3 - Resolution 19071705

Moved: Cr Bagley **Seconded:** Cr McGlinn

That Council endorses the Shire of Mingenew Corporate Business Plan 2019 – 2023

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 5/1

Attachment

11.3.1 Draft Shire of Mingenew Corporate Business Plan 2019-2023

Background

The Corporate Business Plan ("CBP") is a key component of the Integrated Planning Framework. It is a local government's internal business planning tool that translates Council priorities into operations within the resources available. It details the services, operations and projects a local government will deliver over a defined period, the processes for delivering these and the resources to be utilised.

The Corporate Business Plan activates the Strategic Community Plan by responding to:

- Council's distillation and prioritisation of the community's short, medium, and long-term aspirations.
- Existing operational plans, priorities and external factors impacting on resourcing
- The assessment and integration of services and business area plans

The process through which the Corporate Business Plan is developed incorporates:

- Activating the Strategic Community Plan.
- Operations Planning - including:
 - Asset Management.
 - Financial Management.
 - Workforce Management.
- Annual reviews and reprioritisation of the Corporate Business Plan on the basis of:
 - Internal issues and performance.
 - External issues impacting in the near future.

Initial drafts of the 2019-2023 CBP were presented to Council at the May and June 2019 Concept Forums, the feedback from which was used to further develop the attached document.

Comment

The Corporate Business Plan outlines the priorities and strategies that Council will pursue over the next four years to deliver on the community vision documented within the Strategic Community Plan (SCP). Given the recent significant review of the SCP, the CBP has been rebuilt to align with Council's updated strategic direction.

This document has been developed concurrently with the 2019/20 Budget, and relevant allocations have been noted in the CBP as per the draft Budget following the 9 July 2019 Budget Workshop.

In future years, it will be a key input during the budgeting process to guide resource allocation for Council projects.

The CBP will continue to be reviewed annually, providing an opportunity to consider any change in priorities based on the circumstances that prevail at that time. Reporting against the measures will form part of Council's regular reporting systems, including the Chief Executive Officer's own KPI's, and also be included in the Annual Report.

Consultation

Leadership Team

Statutory Environment

Local Government Act 1995:

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - a. *a report from the mayor or president; and*
 - b. *a report from the CEO; and*
 - c. *[deleted]*
 - d. *[deleted]*
 - e. *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - f. *the financial report for the financial year; and*
 - g. *such information as may be prescribed in relation to the payments made to employees; and*
 - h. *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
 - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - hb. *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - i. *such other information as may be prescribed.*

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any reg*

Local Government (Administration) Regulations 1996

19CA. Information about modifications to certain plans to be included (Act s. 5.53(2)(i))

- (1) *This regulation has effect for the purposes of section 5.53(2)(i).*
- (2) *If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.*
- (3) *If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.*

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending*
- (1) 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications

Nil.

Financial Implications

The Plan is the key driver for the annual budget and the long-term financial plan. This linkage ensures that community priorities are adequately funded and that appropriate and endorsed rating strategies are in place to allow any financial impact on the community to be carefully considered.

The financial references in the draft CBP reflect those in the draft budget following the 9 July 2019 Budget Workshop.

Strategic Implications

The Corporate Business Plan has direct links to all of the following documents;

- Annual Budget
- Community Strategic Plan
- Long Term financial Plan
- Workforce Plan
- Asset Management Plan

11.4 FIVE YEAR ROAD PLAN 2019-2024

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0120
Date: 10 July 2019
Author: Nils Hay, Chief Executive Officer
Voting Requirements: Simple Majority

Summary

This report recommends the endorsement of the Shire of Mingenew's Five Year Road Plan 2019-2024.

Key Points:

- Non-statutory document, designed to identify and provide for resourcing of future road projects
- Seeks to support aims of Asset Management Plan and can help guide long term financial plan
- Provides guidance for key projects in current Financial Year
- Will be reviewed annually to ensure rolling five-year horizon
- Future years are somewhat aspirational, as will be dependent upon success of funding applications in the current year

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 11.4 - Resolution 19071706

Moved: Cr Smyth **Seconded:** Cr Bagley

That Council endorses the Shire of Mingenew Corporate Business Plan 2019 – 2023.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Attachment

11.4.1 Draft Shire of Mingenew Five Year Road Plan 2019-2024

Background

The 5 Year Road Plan has been developed over the recent months, following identification of key road works projects and submissions of road funding applications (primarily Black Spot funding).

It provides direction for key road projects in the current financial year, whilst also providing clear guidance and a plan to address other projects/priorities in future years. The draft presented to the Council Concept Forum in June has been updated to reflect feedback provided there.

Comment

Whilst this isn't a statutory document, it does support Council's legislated obligations to plan for the future. It will be reviewed and reported against annually. This will allow us to maintain a rolling five-year horizon of works. It's worth noting that, beyond the current budgeted year, the document is more aspirational – which is why it will be important to review it in line with the budget in the forward years.

In 20/21 and 21/22 the document includes current funding applications for Black Spot works on Yandanooka NE Rd (including the Mingenew-Morawa Road intersection). Naturally, if all these applications are not successful (and potentially even if they are, in terms of managing budgetary capacity and workload) we will be required to amend scopes and push works out to future years.

Likewise, the potential for the CBH Heavy Vehicle Access project has been reflected in forward years, but with no cost attached as it's not possible at this early stage to form a reasonable estimate.

This is a 'living document' and will be regularly reviewed to reflect Council's evolving financial position and priorities. As it gets used, it's expected that it will become better integrated with Asset Management Plan and Long Term Financial Plan, and that the predications contained therein become increasingly accurate.

Consultation

Leadership Team
Greenfield Consulting Engineers

Statutory Environment

Local Government Act 1995:

5.56. Planning for the future

- (3) A local government is to plan for the future of the district.*
- (4) A local government is to ensure that plans made under subsection (1) are in accordance with any reg*

Policy Implications

Nil

Financial Implications

The Plan for FY19/20 reflects what was endorsed at the 9 July 2019 Budget Workshop.

FY20/21 onwards will be dependent upon a number of factors, including:

- Success (or otherwise) of funding applications
- Available Council funds for future roadworks programs
- Changes in priority for various road projects

As such, the document will be reviewed – along with the budget – annually to ensure that it reflects our financial reality as closely as possible.

Strategic Implications

The Plan has links to the following documents;

- Long Term financial Plan
- Asset Management Plan

The Shire's Strategic Community Plan 2019-2029 includes the following Goals:

- 1.1.1 Provide and support cost effective transport networks
- 1.2.1 Manage organisation in a financially sustainable manner

11.5 ROAD CLOSURE POLICY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0489
Date:	11 July 2019
Author:	Nils Hay, Chief Executive Officer
Voting Requirements:	Simple Majority

Summary

To adopt a policy position with regard to closing Shire roads and issuing access permits to ensure safe road access and thoroughfare.

Key Points

- Section 5.30 of the Local Government Act provides local governments with the power to wholly or partially close roads
- The Shire does not currently have a Road Closure Policy; such a policy will give clarity to Council Officers and road users when it comes to the closure of roads and exemptions to any such closures
- The purpose of the proposed policy is to manage road closures in a manner that preserves the safety of road users and the lifespan of the Shire's road transportation network.
- A policy will guide the circumstances for which roads may be closed, the type/size of vehicle for which it applies and provide for any conditions and exemptions
- The Chief Executive Officer and Works Supervisor currently have delegated authority to close roads in accordance with s5.30 and s5.351 of the Local Government Act 1995 (Delegations CD09 and CEOD7 Closing of Thoroughfares).

OFFICERS RECOMMENDATION - ITEM 11.5

Moved: Cr McGlinn Seconded: Cr Smyth

That Council adopts the Shire of Mingenew Road Closure Policy 1.5.2 as provided under separate cover .

AMENDMENT – ITEM 11.5

Moved: Cr McGlinn Seconded: Cr Bagley

That the Road Closure Policy provides for a mandatory review time of any road closure and that the CEO gives consideration to animal welfare of livestock that may be in transit at the time of imposing a road closure.

SUBSTANTIVE MOTION AND COUNCIL DECISION – ITEM 11.5 - Resolution 19071707

That Council adopts the Shire of Mingenew Road Closure Policy 1.5.2 as provided under separate cover , subject to the following provisions being included within the Policy:

- **a mandatory review time be provided with any imposed road closure; and**
- **consideration be given to animal welfare of livestock in transit in issuing exemptions.**

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/1

Attachment

11.5.1 Proposed Road Closure Policy

Background

Currently Council does not have a policy to guide road closures.

The Chief Executive Officer has been granted delegated authority (Register of Delegated Authority v1.3 adopted 19 December 2018) to manage the closing of thoroughfares as follows:

Authority to:

- 1. Close a thoroughfare managed by the Shire (wholly or partially) for a period of less than four weeks [s3.50(1)];*
- 2. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles [s3.50(1), (1a) and (2)].*
- 3. Approve an application for an order for a road closure [for an event] [r4]*
- 4. Waive the payment of all or any of the costs referred to in sub regulation (2) [r9(3)].*

The Works Supervisor has sub-delegated authority (by the CEO) to:

- 1. Close a thoroughfare managed by the Shire (wholly or partially) for a period of less than four weeks [s3.50(1)];*
- 2. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles [s3.50(1), (1a) and (2)].*

Comment

A Road Closure Policy provides greater clarity and guidance with regard to managing road closures, allowing for:

- the circumstances under which a road may be closed;
- the type/size of vehicle for which a closure may apply
- conditions under which a permit may be issued; and
- any exemptions that may apply.

Consultation

Neighbouring local governments;

- Three Springs have a similar policy but for vehicles of 5t or more
- City of Greater Geraldton have a similar policy, but for vehicles of 3.5t or more
- Morawa have a similar policy, for vehicles of 4.5t or more

Statutory Environment

Local Government Act 1995 section 3.50(1)

3.50. Closing certain thoroughfares to vehicles

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
- [(3) deleted]*
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —*
 - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and*
 - (b) give written notice to each person who —*
 - (i) is prescribed for the purposes of this section; or*
 - (ii) owns land that is prescribed for the purposes of this section; and*
 - (c) allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*
- [(7) deleted]*
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.*

3.50A. Partial closure of thoroughfare for repairs or maintenance

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

- (a) is for the purpose of carrying out repairs or maintenance; and*
- (b) is unlikely to have a significant adverse effect on users of the thoroughfare.*

Policy Implications

This policy has been developed as a risk management tool for identifying and managing road risks.

Financial Implications

This policy may provide some savings if mitigating risks to road infrastructure and public safety.

Strategic Implications

The Shire has a core responsibility to ensure the safety and well-being of those within and travelling through the Shire's road networks.

12.0 REPORTS OF ADMINISTRATION

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 JUNE 2019

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

Summary

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

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.1 - Resolution 19071708

Moved: Cr Cosgrove Seconded: Cr Smyth

That the Monthly Financial Report for the period 1 July 2018 to 30 June 2019 be received.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Attachment

12.1.1 Monthly Financial Report for period ending 30 June 2019

Background

The Monthly Financial Report to 30 June 2019 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

Comment

SUMMARY OF FUNDS – SHIRE OF MINGENEW as at 30 June 2019	
Municipal Fund	\$530,714
Cash on Hand	\$100
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$551,945
Trust Fund	\$19,111
Reserve fund (3 Month Term Deposit) @ 2.50%	\$308,490

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 2018/2019 financial year.

The Monthly Financial Report for the period ending 30 June 2019 has not yet been audited and is subject to change. No significant changes are foreseen.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

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

(1A) In this regulation —

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

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

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

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

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

(3) The information in a statement of financial activity may be shown —

- (a) according to nature and type classification; or

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

Policy Implications

Nil

Financial Implications

No financial implications are indicated in this report.

Strategic Implications

Nil

12.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 30 JUNE 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – June 2019
Disclosure of Interest: Nil
Date: 11 July 2019
Authorising Officer: Jeremy Clapham, Finance Manager
Voting Requirement: Simple Majority

Summary

This report recommends that Council receive the list of payments for period ending 30 June 2019 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 12.2 - Resolution 19071709

Moved: Cr Cosgrove Seconded: Cr Bagley

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

\$20,485.90	Municipal Cheques 8604 to 8608;
\$997,012.18	Municipal EFT12516 to EFT12608;
\$11,143.88	Municipal Direct Debit Superannuation payments;
\$51,645.10	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$432.17	Municipal Direct Debit National Australia Bank Fees; and
\$12,532.20	Municipal Direct Debit Other.

Totalling \$1,093,251.43 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$70,602.76

Total of all payments - \$1,163,854.19.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

Attachment

12.2.1 List of Payments – June 2019

Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1996, Section 6.4

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

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

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

13.1 REDUCTION OF SPEED LIMIT ON MIDLANDS RD

COUNCIL DECISION - ITEM 13.1 - Resolution 19071710

Moved: Cr Newton Seconded: Cr McGlinn

That the Department of Main Roads, and/or the relevant authorities, be requested to reduce the speed limit on Midlands Road, between Spring Street and Lockier Street, from 50 kilometres per hour to 40 kilometres per hour.

VOTING DETAILS: (DELIBERATIVE VOTE 3/3) CARRIED BY PRESIDENT'S CASTING VOTE: 4/3

CEO Comment

This matter was flagged with Main Roads who indicated that they would be unlikely to support the request, based on the following:

- 40kph speed zones are generally only reserved for special purposes, and not recommended for thoroughfares like Midlands Road
- Implementation of a 40kph zone over this section would require rezoning the approaching sections also, as MRWA only alter zones by up to 30kph at a time (currently the speed limit transitions from 110kph to 80kph to 50kph).

Whilst this does not preclude the matter from being debated, it is likely that MRWA will require proof of exceptional circumstances to support a request of this nature.

The following written comment was received from Peter Herbert, Network Operations Manager, Central and Northern Regions / Mid West – Gascoyne:

"Hi Nils

I refer to your enquiry regarding the lowering of speed throughout the town centre of Mingenew.

Main Roads does not consider a 40km/h speed zone on Midlands Road throughout the town centre to be appropriate.

The use of 40km/h speed limits is generally restricted to school zones and locations where there is significant pedestrian activity, with frequent crossings being made both day and night during all days of the week.

I am aware that this is not the situation in Mingenew, with low pedestrian numbers during the day and reducing more outside of normal business trading hours.

The section of road currently has the state default 50km/h speed limit that applies in built up areas. This reduced speed limit is to allow for the conflict between through traffic, local traffic and pedestrians.

Experience has shown that the imposition of artificially low speed limits has little impact on the actual operating speed chosen by the majority of motorists. Reducing the speed limit in these circumstances could actually compromise safety because some motorists may ignore the reduced speed limit and not slow down while others expecting lower speeds, might exercise less caution, as a consequence, safety for pedestrians would diminish rather than enhanced.

As you are aware, enhanced enforcement by police is often the most effective means of reducing vehicle operating speeds through town sites and this is best achieved by engaging local police.

Pls contact if you require further comment"

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

14.1 PROPOSED LATE ITEM – ANNUAL BUDGET 2019/20

In accordance with Clause 3.12 of the *Shire of Mingenew Standing Orders Local Law 2017*, consent by the Presiding Member was given for a Late Item report and Annual Budget 2019/20 be presented at this meeting in order to deliver the Annual Budget 2019/20 within the statutory timeframe and commence with key projects as soon as possible.

14.1 LATE ITEM - ADOPTION OF 2019/20 BUDGET

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0130
Date: 15 July 2019
Author: Jeremy Clapham, Finance Manager
Voting Requirement: Absolute Majority

Summary

This report seeks Council adoption of the Shire of Mingenew 2019/20 Budget.

Key Points

- Balanced budget
- 1% rate increase
- No new borrowings proposed
- Where possible, fees and charges amended to better reflect actual cost

OFFICER RECOMMENDATIONS AND COUNCIL DECISION - ITEM 14.1

PART A – MUNICIPAL FUND BUDGET FOR 2019/20 FINANCIAL YEAR - Resolution 19071711

Moved: Cr Cosgrove Seconded: Cr Bagley

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in Attachment 14.1.1 of this Agenda for the Shire of Mingenew for the 2019/20 financial year which includes the following:

- Rates Setting Statement
- Statement of Cash Flows
- Comprehensive Income Statement by Program
- Comprehensive Income Statement by Nature/Type
- Notes to and Forming Part of the Budget
- Capital Works Program
- Road Program
- Plant Replacement Program

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 5/1

PART B – GENERAL AND MINIMUM RATES AND INSTALMENT PAYMENT ARRANGEMENTS - Resolution 19071712

Moved: Cr Smyth Seconded: Cr Cosgrove

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum payments on Gross Rental and Unimproved Values, as supplied by Landgate (as amended) as at 1 July 2019.

1.1 General Rates

- Mingenew & Yandanooka (GRV) 15.0276 cents in the dollar
- Rural & Mining (UV) 1.2915 cents in the dollar

1.2 Minimum Payments

- Mingenew & Yandanooka (GRV) \$707
- Rural & Mining (UV) \$1060.50

2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council provides the option for ratepayers to pay their rates as a single payment or by 4 equal instalments; and, in accordance with Section 6.50 of the Act nominates the following due dates for the payment in full or by instalments:
 - Full payment and 1st instalment due date 30 August 2019
 - 2nd quarterly instalment due date 19 October 2019
 - 3rd quarterly instalment due date 17 January 2020
 - 4th quarterly instalment due date 16 March 2020
3. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$15 for each instalment after the initial instalment is paid.
4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
6. Pursuant to section 6.47 of the Local Government Act 1995, Council grants a 50% concession on rates assessments issued to all properties rateable on the basis of Gross Rental Valuation in the Yandanooka Townsite with the object of recognising the reduced level of service provided to properties in Yandanooka Townsite as compared to Mingenew Townsite. Rates for A219 (Charitable property) are exempt and subject to a 20% voluntary contribution by the ratepayer.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 6/0

PART C – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2019/20 - Resolution 19071713

Moved: Cr McGlinn Seconded: Cr Cosgrove

1. Pursuant to Section 5.99 of the Local Government Act 1995, and regulation 30 of the Local Government (Administration) Regulations 1996, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

Shire President	\$6,384
Councillors	\$3,764
2. Pursuant to Section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Shire President	\$7,348
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3. Pursuant to Section 5.98A of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy Shire President	\$1,836
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VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 6/0

PART D – GENERAL FEES AND CHARGES FOR 2019/20 - Resolution 19071714

Moved: Cr Bagley Seconded: Cr Cosgrove

Pursuant to section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges as presented forming part of the 2019/20 Budget included as a separate Attachment to this Agenda.

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY: 6/0

PART E – OTHER STATUTORY FEES FOR 2019/20 - Resolution 19071715

Moved: Cr McGlinn Seconded: Cr Bagley

Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopt the following charges for the removal and deposit of domestic and commercial waste:

3.1 Residential Premises

- 240 Litre bin per weekly collection \$380 per annum

3.2 Commercial Premises

- 240 Litre bin per weekly collection \$380 per annum

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 6/0

PART F – MATERIAL VARIANCE REPORTING FOR 2019/20 - Resolution 19071716

Moved: Cr McGlinn Seconded: Cr Cosgrove

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019/20 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/1

Attached

14.1.1 2019/20 Annual Budget

Related Documents (circulated prior to Council Meeting)

2019/20 Budget Template

2019/20 Capital Expenditure

2019/20 Road Program

10 Year Plant Replacement Program

2019/20 Fees & Charges

Background

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of the Local Government Act 1995, to formally adopt its annual financial year budget to enable the administration to carry out the defined services and programmes and to raise revenue through rates and fees and charges.

Consistent with sections 6.2(4) of the Local Government Act 1995, the 2019/20 Budget for the Shire of Mingenew includes the following:

- Rates and Minimum Payments for 2019/20
- Capital Works
- Fees and Charges
- Concessions
- Allowances
- Borrowings

- Reserves
- Budget Estimates for Adoption

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The budget results in an estimated Unrestricted Cash balance of \$29,314 at 30 June 2020. It is very unlikely that this will happen in reality, as it is likely that there will be a prepayment of the Federal Assistance Grants in June 2020, and/or the full budget may not be spent, and an adjustment can be made if necessary when the Statutory Budget Review is done during the year.

It should also be noted that the 2018/19 Budget column in the statutory documents refers to the 2019/19 budget as adopted in August 2018, not any of the subsequently reviewed versions.

Rating & Minimum Payments

The raising of revenue via annual rates is an important source of funds for all Councils throughout Australia. The Local Government Act 1995 (the Act) empowers WA Councils to impose general rates and minimum payments.

Rate Modelling (2019/20):

The proposed rates model is based on the following:

- Annual UV & Mining valuations applied
- 1% average rate increase (2018/19: 2.5%)
- GRV Rate in the \$ - 15.0276c (2018/19: 14.9035c)
- UV Rate in the \$ - 1.2915c (2018/19: 1.3684c)
- Minimum Payments – UV - \$1,060.50 (2018/19: \$1,050)
- Minimum Payments – GRV - \$707 (2018/19: \$700)
- 50% concessions applied to Yandanooka Townsite
- 80% concession applied to A219 – charitable property
- No differential rates

Fees and Charges

The proposed fees and charges have increased by between 0% and 5%, depending on the type of fee and to compensate for the fact that most fees and charges were not increased in 2018/19. Some fees and charges have decreased, particularly in the Plant Hire Rates section. Sporting Club fees have increased by 1% and Rental Property Fees have also increased by 1%. Where possible, the actual cost of providing the service has been assessed, with provision for increases based on inflation and cost escalation where necessary.

Household and commercial waste removal charges have increased slightly, with a 240L bin now \$380 per week (2018/19: \$378)

Statutory fees and charges associated with town planning, health and building have been increased or remain unchanged as per relevant legislation that determines those fees and charges.

Concessions

A 50% concession will be available to persons owning rateable properties within the Shire that are rateable on the basis of Gross Rental Value (GRV) and are in the Yandanooka Townsite. The purpose of the concession is to recognise the reduced level of service provided to these ratepayers as compared to that provided to those in the Mingenew Townsite.

As per Council's resolution, application for rates exemption (with a 20% voluntary contribution by the ratepayer) under the Local Government Act 1995 for property A219 (charitable property) is proposed.

Borrowings

There are no new borrowings proposed in the 2019/20 budget.

Reserve Accounts

The following transfers to/from reserves for the financial year 2019/20 are proposed:

- Transfer to Land and Building Reserve for land development opportunities - \$10,000
- Transfer from Land and Buildings Reserve for 50% of the Town Hall Planning costs - \$5,000
- Transfer to Plant Reserve – surplus funds to balance the budget to \$0 - \$32,413
- Transfer from Environmental Rehabilitation Reserve for monitoring bores at the waste disposal site - \$10,000
- Transfer from RTC/PO/NAB Reserve for building work to prepare property for rent - \$10,000
- Transfer from Economic Development and Marketing Reserve for public wi-fi in Mingenew - \$10,000

Brought Forward Value

There is an estimated surplus of \$1,206,732 shown in the Budget as the brought forward amount from 30 June 2019. This figure is unaudited and may change with any adjustments to the opening position to be addressed during the year end and audit process.

Capital Works and Funding

Capital Works of \$2,937,402 are proposed in the 2019/20 financial year and these projects are itemised in the supplementary budget information.

A total of \$3,002,377 is budgeted for the Road Programme.

Funding sources allocated to the 2019/20 Road Programme include;

- \$728,000 – Main Roads Regional Road Group
- \$164,870 – Roads to Recovery
- \$ 325,487– Federal Assistance Grants
- \$894,432 – Local Government Commodity Freight Roads Fund

Elected Members Fees & Allowances

Elected Members Fees & Allowances were increased in February 2019 and are due to be reviewed during the budget review process in 2019/20 to ensure alignment with the Salaries and Allowances Act 1975 by.

President Allowance	\$7,348
Deputy President Allowance	\$1,836
Annual Meeting Fee – President	\$6,384
Annual Meeting Fee – Councillors	\$3,764

Consultation

While no specific community consultation has occurred during the compilation of the draft 2019/20 Budget, community consultation was previously undertaken during the development of the Community Strategic Plan.

There has been internal consultation with staff and elected members throughout the preparation of the budget and the budget meetings involving elected members.

Statutory Environment

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

In addition, Section 6.2 of the Local Government Act 1995 requires that in preparing its annual budget the Council is to have regard to the contents of its Plan for the Future, prepared in accordance with section 5.56. Under the Integrated Planning Framework for Local Government, that is the Community Strategic Plan in conjunction with the Corporate Business Plan.

The 2019/20 Budget as presented is considered to meet statutory requirements.

Voting Requirements:

Part A - Municipal Fund Budget for 2019/20 Financial Year - Absolute Majority

Part B - General and Minimal Rates and Instalment Payment Arrangements - Absolute Majority

Part C – Elected Members' Fees and Allowances for 2019/20 – Absolute Majority

Part D - General Fees and Charges for 2019/20 - Absolute Majority
Part E - Other Statutory Fees for 2019/20 - Simple Majority
Part F - Material Variance Reporting for 2019/20 - Simple Majority

Policy Implications

The 2019/20 Budget is prepared on the principles outlined within the Corporate Business Plan and other related documents.

Financial Implications

As detailed within the report and as per the attached 2019/20 Budget documentation.

Strategic Implications

The 2019/20 Budget will address Council's capacity to deliver on projects identified in the Community Strategic Plan, Corporate Business Plan, Long Term Financial Plan and other associated plans.

15.0 CONFIDENTIAL ITEMS

Nil.

16.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 21 August 2019 commencing at 4.30pm.

17.0 CLOSURE

The Presiding Member closed the meeting at 5.36pm.

These minutes were confirmed at an Ordinary Council meeting on 21 August 2019.

Signed _____
Presiding Officer

Date: _____