

AGENDA FOR THE ORDINARY COUNCIL MEETING 20 NOVEMBER 2019



Ordinary Council Meeting Notice Paper

20 November 2019

An Ordinary Meeting of Council is called for Wednesday, 20 November 2019, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm. Members of the public are most welcome to attend.

Nils Hay Chief Executive Officer 14 November 2019

DISCLAIMER

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

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

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

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

Petitions A formal process where members of the community present a written request to the Council. Deputations A formal process where members of the community request permission to address Council or Committee on an issue. **Presentations**

An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government

PROCEDURE FOR DEPUTATIONS

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

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

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

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

A Deputation invited to attend a Council meeting:

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

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

PROCEDURE FOR PRESENTATION

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

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

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

PROCEDURE FOR PETITIONS

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

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

- 1. Public Questions Time will be limited to fifteen (15) minutes.
- 2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
- 3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
- 4. Questions will be limited to two (2) per person.
- 5. Please state your name and address, and then ask your question.
- 6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
- 7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
- 8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
- 9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- 10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.
- During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.
- Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.
- Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

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AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON 20 NOVEMBER 2019 COMMENCING AT 4.30PM

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.
- 4.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
- 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES
 - 7.1 ORDINARY COUNCIL MEETING HELD 16 OCTOBER 2019

OFFICER RECOMMENDATION - ITEM 7.1

That the Minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 16 October 2019 be confirmed as a true and accurate record of proceedings.

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 DECLARATIONS OF INTEREST

10.0 RECOMMENDATIONS OF COMMITTEES

10.1 AUDIT & RISK COMMITTEE MEETING HELD 20 NOVEMBER 2019

The Audit & Risk Committee will be considering a number of items at its meeting that is to be held prior to the Ordinary Council meeting, which may result in recommendations to Council. However, the Minutes from the meeting will not be available for distribution at the time of publishing this Agenda.

11.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER

11.1 APPOINTMENT OF COMMITTEE DELEGATES

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0303
Disclosure of Interest:	Nil
Date:	6 November 2019
Author:	Erin Greaves
Authorising Officer:	Nils Hay, Chief Executive Officer
Voting Requirements:	Absolute Majority / Simple Majority

<u>Summary</u>

Council are asked to nominate and appoint members to Council's Committees and the various organisations that have Council representation.

Key Points

- The Shire President and Chief Executive Officer reserve the right to attend any meeting
- The Shire of Mingenew Executive Management Committee is the only committee of Council with delegated authority.

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OFFIC	ER RECOMMENDATION – ITEM 11.1	
That C	Council:	
1.	By Absolute Majority, appoints the following members to the Shire of Mingenew's Com Council:	mittees of
SHIRE	OF MINGENEW EXECUTIVE MANAGEMENT COMMITTEE	
Cr	and Cr, Cr	. and
	as proxy delegate.	-,
SHIRE	OF MINGENEW LOCAL EMERGENCY MANAGEMENT COMMITTEE	
Cr	and the Chief Executive Officer (or his/her nominee), and	
	as proxy delegate.	
2.	Delegates the following members to represent Council on community-run committees:	
MING	ENEW COMMUNITY RESOURCE CENTRE MANAGEMENT COMMITTEE	
Cr	and the Community Development Officer, and	
	as proxy delegate.	
MING	ENEW SILVER CHAIN BRANCH COMMITTEE	
Cr	and the Community Development Officer, and	
	as proxy delegate.	
MING	ENEW TOURIST AND PROMOTIONS COMMITTEE	
-	and the Community Development Officer, and	
	as proxy delegate.	

3. Delegates groups:	the following members to represent the	e Shire of Mingenew on external committees and
JOINT DEVELOP	IENT ASSESSMENT PANEL	
Cr	and Cr	, and
	and Cr	
MID-WEST REGIO	NAL ROAD GROUP	
Cr	and Cr	, and
	as proxy delegate.	
NORTHERN COUN	NTRY ZONE OF WALGA	
Cr	and Cr	, and
	as proxy delegate.	
WILDFLOWER CC	OUNTRY INC.	
Cr	and the Community Develo	opment Officer, and the Chief Executive Officer
as proxy delegate	·. ·	

NOTE: The Audit & Risk Committee appointments were made at the Special Meeting of Council held 20 November 2019 at 3:15pm.

Attachments

- 11.1.1 Local Emergency Management Committee Terms of Reference
- 11.1.2 Development Assessment Panels information booklet
- 11.1.3 Reference information for Elected Members on a Regional Road Group
- 11.1.4 Becoming a Zone Delegate or State Councillor

Background

Council appointed a majority of delegates following the 2017 local government ordinary election, and reviewed some appointments following a Councillor resignation in March 2019.

<u>Comment</u>

A summary of the purpose of each Committee is provided below:

Executive Management Committee (EMC)

The Executive Management Committee is purposed with coordinating and undertaking the CEO Performance Review each year. This Committee has delegated powers in accordance with s5.16 and s5.38 of the *Local Government Act* and R18D of the *Local Government (Administration) Regulations 1996* to *"Review the performance of the Chief Executive Officer at least once in relation to every year of employment."*. This authority is conditional on the following:

- 1. Authority is subject to the Local Government Act 1995 and its associated Regulations.
- 2. The review and report are to be presented to Council for acceptance [of the review], with or without modification, or to reject the review.

Council have authorised the Committee, in consultation with the CEO, to:

- Set the date of the Performance Review; and
- determine if an external facilitator is to be engaged to assist with future performance reviews and be involved in the selection of that third party.

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Local Emergency Management Committee

The Local Emergency Management Committee (LEMC) has been established in accordance with s38(1) of the *Emergency Management Act 2005* for the purpose of making the Shire of Mingenew a safe community by managing the risk of emergencies through the delivery and implementation of emergency prevention, preparedness, response and recovery strategies.

The Terms of Reference set out the specific objectives of the Committee and other management details.

Voting membership consists of one Councillor representative endorsed by Council.

Mingenew Community Resource Centre Management Committee (CRCMC)

The Mingenew Community Resource Centre (CRC) Management Committee overseas the management of the Mingenew CRC and is not a Committee of Council.

Council have previously provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Mingenew Silver Chain Branch Committee (MSCBC)

The Mingenew Silver Chain Branch Committee supports the local Silver Chain through in-kind and financial assistance to improve and renew equipment and services of the local branch.

Council have provided formal representation on this Committee to coordinate any projects and initiatives that require Council support or involvement.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Mingenew Tourist and Promotions Committee

The Mingenew Tourist and Promotions (T&P) Committee are a "not-for-profit organisation comprised of community-minded volunteers who take pride in the appearance of our town and work to ensure that it is an appealing place to live, work and visit."

This Committee has outlined a desire to work with the Shire to meet its strategic objectives and achieve its aim: "to put our Shire on the map by giving visitors a memorable experience while here and showcasing Mingenew as an appealing place to live. First impressions are the most lasting impressions, so the town's appearance has to be a top priority. We aim to promote our natural and manmade environment to attract visitors all year round not just during the wildflower season". The Committee have requested that a Councillor representative be appointed to the Committee to facilitate discussion at a Council level on projects and ideas.

Council representatives do not have voting power but can report back to the local government on any matters of interest or matters that are likely to require Council consideration. Council representatives may also update the Committee members on any matters that may impact them or require feedback on.

Joint Development Assessment Panel (JDAP)

A Joint Development Assessment Panel (JDAP) is made up of specialist and local government members and are established to determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region

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planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

There are 8 JDAPs in Western Australia with the Shire of Mingenew being members of the Midwest/Wheatbelt region. Local members are members of a local government council who are nominated by that local government to sit on a DAP. Local governments are required to nominate two councillors as local members, and two deputy local members to be called on if an issue of quorum arises. The Minister will appoint the local government representatives in accordance with the local government's nomination.

Should the local government fail to nominate four representatives, the Minister has the power to appoint two alternative community representatives to ensure local representation is always present on a panel. The regulations require that these alternate representatives are residents of the local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

An information booklet has been provided as an attachment should Councillors and members of the community wish to learn more about Development Assessment panels and their role.

Mid-West Regional Road Group

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA. RRGs are important in providing Local Government with a voice in how the State Government's contribution to local roads is spent. Regional Road Group members serve a vital and valuable role in ensuring that road funding decisions maximise community benefits and preserve and improve the road system across Western Australia. The RRG is also responsible for reviewing the Restricted Access Vehicle (RAV) network.

Most decisions of this Committee are made by consensus and only one Council representative has voting rights. Council representatives are expected to keep Council informed of the business and decisions made by the Regional Road Group.

Northern Country Zone of WALGA

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment. Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in developing policy and legislative initiatives for Local Government.

Zone delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level. In fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues. There is also an expectation that Zone delegates will report back to their Council about decisions made by the Zone.

Wildflower Country Inc.

Western Australia's Wildflower Country is the collective group of nine local government areas located just north of Perth in Western Australia; Carnamah, Coorow, Dalwallinu, Greater Geraldton – including Mullewa, Moora, Morawa, Mingenew, Perenjori and Three Springs.

The purpose of Wildflower Country Incorporated is to promote this beautiful region as a unique and captivating tourism destination, for the collective mutual benefit of the entire Wildflower Country region. Wildflower Country assists with collaborative destination marketing, and in producing memorable and positive visitor experiences, as well as assisting to develop the tourism industry within the area.

Each local government is entitled to one voting representative.

Statutory Environment

Local Government Act 1995 Local Government (Administration) Regulations 1996 Emergency Management Act 2005

Policy Implications

Nil

Financial Implications Nil

Strategic Implications

Community Strategic Plan: Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner Strategy 1.3.2 Provide services and processes to enhance public safety

12.0 FINANCE

12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 OCTOBER 2019

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

Summary

This report recommends that the Monthly Financial Report for the period ending 31 October 2019 as presented to the Council be received.

OFFICER RECOMMENDATION – ITEM 12.1

That the Monthly Financial Report for the period 1 July 2019 to 31 October 2019 be received.

<u>Attachment</u>

Monthly Financial Report for period ending 31 October 2019

Background

The Monthly Financial Report to 31 October 2019 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Trust Fund
- Explanation of Material Variances

Comment

Summary of Funds – Shire of Mingenew as at 31 October 2019		
Municipal Fund	\$2,264,099	
Cash on Hand	\$100	
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$147,814	
Trust Fund	\$1	
Reserve fund (3 Month Term Deposit) @ 2.50%	\$310,035	

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2019/20 financial year.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4 Local Government (Financial Management) Regulations 1996 Section 34

- 34. Financial activity statement required each month (Act s. 6.4)
 - (1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

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

Policy Implications

Nil

Financial Implications

No financial implications are indicated in this report.

Strategic Implications

Nil

12.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 31 OCTOBER 2019

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

<u>Summary</u>

This report recommends that Council receive the list of payments for period ending 31 October 2019 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

OFFICER RECOMMENDATION

That Council receive the attached list of payments for the month of October 2019 as follows:		
\$6,551.60	Municipal Cheques;	
\$224,243.23	Municipal EFT's;	
\$74,236.75	Municipal Direct Debit Department of Transport (Licencing) Payments;	
\$66,245.70	Municipal Direct Debit Other;	
\$1,426.61	Municipal Other Charges.	

Totalling \$372,703.89 as per attached list of payments. Net Salaries not included in the attached list of payments - \$102,494.50 Total of all payments - \$475,198.39.

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

- 12.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING
- 13.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
- 14.0 CONFIDENTIAL ITEMS
- **15.0 TIME AND DATE OF NEXT MEETING** Next Ordinary Council Meeting to be held on Wednesday 18 December 2019 commencing at 4.30pm.

16.0 CLOSURE

These minutes were confirmed at an Ordinary Council meeting on 18 December 2019.

Signed _

Presiding Officer

Date: _____