



**MINUTES FOR THE
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY**

20 April 2016

SHIRE OF MINGENEW



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SHIRE OF MINGENEW

MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN COUNCIL 20 April 2016 COMMENCING AT 4.30pm

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President, Cr Bagley, declared the meeting open at 4.30pm and welcomed all in attendance.

2.0 ATTENDANCE

MA Bagley	President	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
HM Newton	Councillor	Town Ward
LM Eardley	Councillor	Town Ward
MP Pearce	Councillor	Town Ward
KL Criddle	Councillor	Rural Ward

STAFF

MG Whitely	Chief Executive Officer
NS Jane	Deputy Chief Executive Officer

APOLOGIES

CR Lucken	Councillor	Town Ward
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3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

There being no members of public the President proceeded with the meeting allowing a period of 15 minutes for questions from the public up until 4:45pm

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 REQUEST FOR LEAVE OF ABSENCE – CR PEARCE

COUNCIL DECISION – ITEM 7.1

Moved Cr Cosgrove

Seconded Cr Eardley

That Cr Pearce be granted leave of absence for the ordinary council meetings to be held on 17 May 2016, 15 June 2016 and 20 July 2016.

CARRIED: 6/0

6.0 DECLARATIONS OF INTEREST

Disclosure of Financial and Proximity Interest Item 10.1 – Cr Eardley
Disclosure of Proximity Interest Item 9.1.2 – Cr Pearce

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY MEETING held 16 March 2016.

COUNCIL DECISION – ITEM 7.1

Moved Cr Pearce

Seconded Cr Newton

That the minutes of the ordinary meeting of the Shire of Mingenew held in the Council Chambers on 16 March 2016 be confirmed.

CARRIED: 6/0

7.2 SPECIAL MEETING - BUDGET REVIEW 2015/16 held 31 March 2016.

COUNCIL DECISION – ITEM 7.2

Moved Cr Cosgrove

Seconded Cr Eardley

That the minutes of the special meeting of the Shire of Mingenew held in the Council Chambers on 31 March 2016 be confirmed.

CARRIED: 6/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 CORPORATE BUSINESS PLAN 2015 - 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0120
Date: 7 April 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends the endorsement of the Shire of Mingenew's Corporate Business Plan 2015-2019.

Attachment

Corporate Business Plan.

Background

The Corporate Business Plan ("CBP") is a key component of the Integrated Planning Framework requirements that were introduced in 2012/13. The intent of the Integrated Planning Framework was to ensure improved strategic, financial and asset management planning across the WA local government sector.

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. During the recent review of the Plan, the strategies were amended to reflect a more current perception of the areas that would influence the Shire's direction and community expectations over the next few years. These were in turn assessed against available financial and workforce resources.

The priority for each action has been considered in accordance with available resources, but Council may decide to advance or push back tasks as part of the review of the Plan. The CBP will continue be reviewed annually at various workshops, thereby 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 and also be included in the Annual Report.

Council has the option of:

1. Endorsing the Corporate Business Plan 2015 - 2019 without amendment; or
2. Amending any part of the Corporate Business Plan to reflect a change in priorities.

A simplistic approach to the above is that the Corporate Business Plan is reviewed annually each year during the budget process with the adopted budget forming the outcomes to be achieved in the same corresponding year of the Corporate Business Plan with future years to be reviewed on an ongoing basis.

Consultation

Nita Jane, Deputy Chief Executive Officer

Statutory Environment

Section 5.56(1) and (2) of the Act requires that each local government is to plan for the future of the district, by developing plans in accordance with the regulations.

The new regulations also require each local government to include in its Annual Report any changes to either of the above plans.

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.

There is also an ongoing cost associated with the review of the Corporate Business Plan and reporting on the performance measures for each of the actions within the Plan.

Strategic Implications

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

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1
--

That Council;

1. Endorses the Shire of Mingenew Corporate Business Plan 2015 – 2019, and
2. Approves a local public notice being published in accordance with the requirements of the Local Government Act 1995 advising of the endorsement of the Corporate Business Plan.

COUNCIL DECISION – ITEM 9.1.1

Moved Cr Cosgrove

Seconded Cr Pearce

That Council;

1. Endorses the Shire of Mingenew Corporate Business Plan 2015 – 2019, and
2. Approves a local public notice being published in accordance with the requirements of the Local Government Act 1995 advising of the endorsement of the Corporate Business Plan.

CARRIED 6/0

9.1.2 POOL INSPECTION FEE

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0399
Date: 7 April 2016
Author: Martin Whitely, Chief Executive Officer

Disclosure of Financial Interest Item 9.1.2 – Cr Pearce

Prior to any consideration of Item 9.1.2, President Bagley advised the meeting that she had received a written disclosure of interest from Cr Pearce relating to this matter. Cr Pearce had disclosed a financial interest under the 'proximity' provisions of the Act as she jointly owns a property that has a swimming pool.

COUNCIL DECISION ON DISCLOSURE

Moved Cr Newton

Seconded Cr Cosgrove

That Cr Pearce be allowed to participate in discussion and decision making on this matter as it is felt that her interest is so insignificant that it will not influence her conduct in relation to consideration of Item 9.1.2.

CARRIED 5/0

Summary

This report recommends that Council adopt a new fee for the inspection of swimming pools.

Attachment

Nil

Background

The Shire is required by statute to inspect, once in every four year period, all private pools and spa barriers. The inspection is to ensure that the barrier meets the [minimum requirements of AS1926.1](#). Our records show that there does not appear to have been any pool inspections carried out in recent years. The pool inspections are carried out by the Shire of Irwin on behalf of the Council and currently there is no pool inspection fee listed within our current Fees & Charges Schedule.

Comment

Following a review of our building and health records it was found that there have not been any swimming pool inspections carried out within the Shire of Mingenew in recent years. As such all landowners with a pool have been contacted advising them that a pool inspection will be carried in the first 2 weeks of May 2016. It is a requirement for pool inspections to be carried out every 4 years.

The Shire of Mingenew currently doesn't have a pool inspection listed within our Fees & Charges for the 2015/16 financial year. Council are required to adopt a swimming pool inspection fee if they intend to recover the costs incurred by the relevant officer to carry out the pool inspections.

Looking at surrounding Shire's there is a wide range in the amount that is charged for conducting a swimming pool inspection. Some of these comparative charges are;

- City of Greater Geraldton \$56 per annum
- Shire of Carnamah \$67 per annum
- Shire of Irwin \$30 per annum
- Shire of Coorow \$50 per inspection

Most local government's now appear to charge a yearly amount which form part of the landowner's annual rate assessment. The alternative is to set a fee per inspection. The rationale I have used in setting the pool inspection fee is that Council look to recover the cost of the officers to perform the inspections.

The adoption of a swimming pool inspection fee requires an absolute majority of Council.

Consultation

Julie Borrett, Finance Officer

Statutory Environment

Australian Standard AS 1926.1 – 1993

Local Government Act 1995 Section 6.16 to 6.18 states

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

Policy Implications

Nil

Financial Implications

The adoption of a fee for the swimming pool inspections is intended to offset the cost of having the swimming pool inspections carried out.

Strategic Implications

Outcome 4.5.1 – Ensure compliance with local, town planning, building, health and all other relevant legislation.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.1.2

That Council;

Adopt a swimming pool inspection fee of \$120 (GST Inclusive) to be charged in yearly increments of \$30 a year which will form part of the landowner’s annual rate assessment.

COUNCIL DECISION – ITEM 9.1.2

Moved Cr Newton

Seconded Cr Eardley

That Council;

Adopt a swimming pool inspection fee of \$120 (GST Inclusive) to be charged in yearly increments of \$30 a year which will form part of the landowner’s annual rate assessment.

CARRIED 6/0

9.1.3 NORTH MIDLANDS FIXED WIRELESS NETWORK

Location/Address: Shire of Mingenew
Name of Applicant: Ted Jack, Community Development Officer, Shire of Coorow
Disclosure of Interest: Nil
File Reference: ADM0075
Date: 7 April 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council support an application for funding under the Royalties for Regions Regional Grants Scheme for the implementation of a fixed wireless network in the North Midlands servicing the Shires of Mingenew, Morawa, Perenjori, Three Springs, Coorow and Carnamah.

Attachment

Nil

Background

At the March Ordinary Council Meeting Council resolved to make a financial commitment of \$16,667 for a funding proposal submitted under the National Stronger Regions program for a series of towers constructed in the Shire's of Mingenew, Morawa, Perenjori, Three Springs, Coorow and Carnamah that would result in the delivery of much higher levels of data at a lower cost than will be on offer through the NBN Sky Muster satellite broadband service. Ted Jack from the Shire of Coorow also prepared and submitted an additional funding application under the Royalties for Regions Regional Grant Scheme as an alternative funding solution for the project in the event that that the funding application was unsuccessful under the National Stronger Regions program.

Comment

Feasibility studies conducted by Node 1 showed that a series of towers installed approximately every 25km's between the Shire's of Mingenew, Morawa, Perenjori, Three Springs, Coorow and Carnamah has the capacity to deliver far greater broadband data services at a much lower cost than the proposed NBN Sky Muster roll out. In addition to this the project cost of installing towers between the six Shire's is estimated to cost only \$400,000. This compares the cost of every NBN Sky Muster tower averaging approximately \$500,000 per tower.

A submission was made on behalf of the Shire's of Mingenew, Morawa, Perenjori, Three Springs, Coorow and Carnamah for funding under the National Stronger Regions program where Council resolved at the March 2016 Ordinary Meeting to allocate an amount of \$16,667 in the 2016/17 Draft Budget to contribute towards the project if funding was received through the National Stronger Regions program.

Ted Jack from the Shire of Coorow prepared a secondary and submitted this application under the Royalties for Regions Regional Grant Scheme as an alternative funding solution for the project in the event that that the funding application was unsuccessful under the National Stronger Regions program. In this submission the contribution from each of the Shire's was based on a \$1 for \$1 contribution from Royalties for Regions. As such Council's contribution if the project was to be funded through the Regional Grants Scheme would need to double to \$33,334.

Further enquiries have established that the initial capacity of the established network would be able to handle several years of growth before any new infrastructure would be required and the maintenance

costs for the towers is estimated to be between \$1,500 - \$3,000 per annum for each Shire. These maintenance costs would include cleaning & checking solar panels, much of which could be carried out by the individual Shire's.

The initial investment of \$33,334 still seems like reasonable value if the level of broadband data service capacity is as expected.

Consultation

Ted Jack, Community Development Officer, Shire of Coorow

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The funding submission under the Regional Grant scheme requires a contribution of \$33,334 from Council. No funds have been allocated in the 2015/16 Budget for the project. However, if the funding application was successful the project would be completed in the 2016/17 financial year which would allow Council to make provision for the contribution in the 2016/17 Budget. Ongoing maintenance costs for the upkeep of the infrastructure would also need to be provided for in the Shire's Asset Management and Long Term Financial Plans.

Strategic Implications

Community Strategic Plan

Outcome 1.5.3 – Improved Telecommunications

Outcome 1.5.4 – Lobby to secure the national broadband network in Mingenew

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.3
--

That Council;

- 1. Support the North Midland Fixed Wireless Network funding submission under the Royalties for Regions Regional Grants Scheme, and**
- 2. Commit to making a contribution of \$33,334 for the project in the 2016/17 Budget**

COUNCIL DECISION – ITEM 9.1.3

Moved Cr Newton

Seconded Cr Eardley

That Council;

- 1. Support the North Midland Fixed Wireless Network funding submission under the Royalties for Regions Regional Grants Scheme, and**
- 2. Commit to making a contribution of \$33,334 for the project in the 2016/17 Budget**

CARRIED 6/0

9.1.4 MINGENEW REFUSE SITE

Location/Address: Shire of Mingenew
Name of Applicant: Ian Watkins, IW Projects
Disclosure of Interest: Nil
File Reference: ADM0161
Date: 15 April 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that the tabled report on the Mingenew Refuse site is received by Council.

Attachment

Contaminated Site Assessment – Preliminary Site Investigation

Background

In October 2015 a letter was received from the Department of Environment Regulation (“DER”) advising that in June 2007 the Shire was notified that land located where the Mingenew Refuse site is operated had been classified as a potentially contaminated site and that further investigation of the site was required. There was no evidence that these investigations had been carried out so DER required an investigation to be carried out by a suitably qualified environmental consultant.

Comment

In January 2016 Mr Ian Watkins of IW Projects was engaged to complete a preliminary site investigation of the refuse site. IW Projects conducted a site visit on 2 February 2016 and the draft report was subsequently received on 11 April 2016 and is tabled for Council information.

The purpose of the investigation was to establish if there were any signs of contamination at the site and to prepare a report for DER.

The report found that based on the preliminary site investigation undertaken of the Mingenew Waste Management Facility, it has been concluded that it is extremely unlikely that the waste management activities on site will or would have had any negative impact to any adjacent human or ecological receptors.

IW Projects have requested some further information from the Shire before the report is finalised and forwarded to the DER for comment. DER will then advise the Shire if any further site investigations are required. The report from IW Projects recommends that no further site investigations are required.

If the Shire were instructed to carry out works directed by DER as a result of the findings, these costs would not be eligible to be claimed through the Shire’s Statutory Liability section of the Management Liability insurance cover.

Consultation

Mr Ian Watkins, IW Projects
Naomi Telford, Department of Environment

Statutory Environment

Contaminated Sites Act 2003

Environmental Protection Act 1986

National Environmental Protection (Assessment of Site Contamination) Measure 1999

Policy Implications

Nil

Financial Implications

There was a cost associated with engaging the consultant to prepare a report for DER and these costs are covered in our budget allocation for risk management.

Strategic Implications

Community Strategic Plan

Outcome 2.6.1 – Develop and implement a Waste Management Plan

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.4

That Council receive the tabled draft report.

COUNCIL DECISION – ITEM 9.1.4

Moved Cr Pearce

Seconded Cr Eardley

That Council receive the tabled draft report.

CARRIED 6/0

9.1.5 MINGENEW IGA

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0203
Date: 15 April 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council donate 5 x \$100 vouchers to the Mingenew IGA as a promotional tool to advertise the re-opening of the Mingenew IGA.

Attachment

Nil

Background

At the February 2016 Concept Forum it was discussed that the Shire liaises with Adrian Scatena at the Mingenew IGA to organise an opening / welcome event to promote the re-opening of the Mingenew IGA. Council also agreed to offer 5 x \$100 vouchers to the Mingenew IGA to be drawn over a period of 4 weeks for eligible customers spending over a certain amount during this period.

Comment

The Mingenew IGA officially opened for business on Monday 11 April 2016.

There could be the perception that other local businesses are not receiving the same benefit from Council so I thought I would formalise the decision made at the February 2016 Concept Forum.

Consultation

Adrian Scatena, Mingenew IGA
Ella Budrikis, Community Development Officer

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There are funds available in the budget for Council to provide vouchers for promotional activities.

Strategic Implications

Community Strategic Plan
Outcome 1.4.5 – Support a buy local policy

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.5

That;

1. Shire staff liaise with Adrian Scatena, Mingenew IGA to organise a welcome event to be held at the Mingenew IGA, and
2. Council provide 5 x \$100 vouchers, with the first \$100 voucher to be drawn at the opening event and the remaining 4 x \$100 vouchers to be issued in the next four weeks, where customers who spend more than \$50 in that week will be eligible to go into the draw.

MOTION

Moved Cr Pearce

Seconded Cr Eardley

That;

1. Shire staff liaise with Adrian Scatena, Mingenew IGA to organise a welcome event to be held at the Mingenew IGA, and
2. Council provide 5 x \$100 vouchers, with the first \$100 voucher to be drawn at the opening event and the remaining 4 x \$100 vouchers to be issued in the next four weeks, where customers who spend more than \$50 in that week will be eligible to go into the draw.

AMENDMENT

Moved Cr Pearce

Seconded Cr Eardley

That part 2 be amended by adding “excluding alcohol and tobacco” after \$50.

CARRIED 6/0

COUNCIL DECISION – ITEM 9.1.5

President Bagley put the amended motion:

That;

1. Shire staff liaise with Adrian Scatena, Mingenew IGA to organise a welcome event to be held at the Mingenew IGA, and
2. Council provide 5 x \$100 vouchers, with the first \$100 voucher to be drawn at the opening event and the remaining 4 x \$100 vouchers to be issued in the next four weeks, where customers who spend more than \$50 (Excluding alcohol and tobacco) in that week will be eligible to go into the draw.

CARRIED 6/0

President Bagley advised the meeting that the reason for the change would need to be recorded in the minutes.

Moved Cr Pearce

Seconded Cr Eardley

That the reason the officer recommendation was changed was because elected members felt that the \$50 spend should be focused on grocery lines.

CARRIED 6/0

9.1.6 LOCAL LAWS REVIEW

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0384
Date: 15 April 2016
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends a review of the Shire's Local Laws is conducted.

Attachment

Shire of Mingenew's Current Local Laws.

Background

The Local Government Act 1995 ("the Act"), requires that Council must every eight years after the adoption of any Local Law, or the last review, to conduct a review of the Local Law to ensure that it still retains currency.

Generally the first part of the review is to establish whether there were any Local Laws that were considered obsolete and consequently requiring repeal without being replaced.

There are two situations that may lead to the repeal of a Local Law;

1. Repealing a local law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices i.e. new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
2. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.

Section 3.16 of the Act provides the process to be followed for a review of Local Laws. It is appropriate to point out that any outcomes from a review that result in amendments to a Local Law must then be processed as though it was a change to the Local Law and the amendments formally adopted using section 3.12 of the Act.

This in effect means there are two distinct processes to follow - the first being a review and the second the implementation of the outcome of the review.

Comment

Currently there are 28 Shire of Mingenew Local Laws. There are a significant number of Local Laws that may longer not be relevant to the Shire. There are also some Local Laws that are currently not in place that may be required. It is intended that by reviewing the Local Laws Council adopt Local Laws suitable for the Shire.

It is proposed that the Shire conduct a review in accordance with section 3.16 of the Act of the Local Laws for Mingenew as per the **Shire of Mingenew's Current Local Laws** attachment. To commence the review process, Council is required to advertise state-wide its intention to review the Local Laws. A Discussion Paper outlining each Local Law and the subject of the review will need to be prepared as to what changes have been proposed as well as what other changes may be required for administrative or legal reasons along with suggested amendments to the level of penalties that may be applied in the event of a breach of the Local Law.

Consultation

To commence the review process Council is required to advertise state-wide its intention to review the Local Laws. The review will be advertised and the community will be able to access the information and make comments and submissions.

Statutory Environment

In relation the review of Local Laws the Local Government Act 1995 states;

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give Statewide public notice stating that —
 - (a) the local government proposes to review the local law; and
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
 - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.

The process for the adoption of Local Laws under the Local Government Act 1995 states;

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- and
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
- * *Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
- (a) stating the title of the local law; and
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
- making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Other relevant sections of the Local Government Act 1995 include;

- Section 2.7 – Role of the Council
- Section 3.1 – General Functions

Other relevant legislation is the Interpretation Act 1984.

Policy Implications

Nil

Financial Implications

There are funds available in the budget for Council to proceed with the review of the local laws.

Strategic Implications

Community Strategic Plan

Outcome 4.5.1 – Ensure compliance with local, town planning, building, health and all other relevant legislation

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.6
--

That Council

1. Proceed with the Review of the Shire of Mingenew Local Laws as per the Department of Local Government Laws Register in accordance with section 3.16 of the Local Government Act 1995, and
2. Advertise the Review of the current Local Laws as per the Department of Local Government Local Laws Register in accordance with section 3.16 (2) of the Local Government Act 1995.

COUNCIL DECISION – ITEM 9.1.6

Moved Cr Cosgrove

Seconded Cr Criddle

That Council

1. Proceed with the Review of the Shire of Mingenew Local Laws as per the Department of Local Government Laws Register in accordance with section 3.16 of the Local Government Act 1995, and
2. Advertise the Review of the current Local Laws as per the Department of Local Government Local Laws Register in accordance with section 3.16 (2) of the Local Government Act 1995.

CARRIED 6/0

9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MARCH 2016

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 12 April 2016
Author: Nita Jane, Deputy CEO
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 March 2016 is presented to Council for adoption.

Attachment

Finance Report for period ending 31 March 2016.

Background

The Monthly Financial Report to 31 March 2016 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	
Municipal Account	45,857
Business Cash Maximiser (Municipal Funds)	1,175,551
Trust Account	107,998
Reserve Maximiser Account	274,503

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 April 2016

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 31 March 2016:

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	(1,191)	1,053	0	1,345	1,207

Rates Outstanding at 31 March 2016 were:

	Current	Arrears	TOTAL
Rates	22,045	27,245	49,290
Rubbish	2,070	0	2,070
TOTAL	24,115	27,245	51,360

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2015/ 2016 financial year.

Consultation

Chief Executive Officer

Senior Finance Officer

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

Financial implications are outlined in comments.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.1
--

That the Monthly Statement of Financial Activity for the period 1 July 2015 to 31 March 2016 be received.

COUNCIL DECISION – ITEM 9.2.1

Moved Cr Newton

Seconded Cr Pearce

That the Monthly Statement of Financial Activity for the period 1 July 2015 to 31 March 2016 be received.

CARRIED 6/0

9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 MARCH 2016

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Disclosure of Interest: Nil
Date: 4 April 2016
Author: Julie Borrett, Senior Finance Officer
Senior Officer: Nita Jane, Deputy CEO

Summary

This report recommends that Council confirm the payment of creditors for the month of March 2016 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

Attachment

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.2

That Council

Confirm the accounts as presented for March from the Municipal Fund totalling \$313,918.08 represented by Electronic Funds Transfers of EFT9679 to EFT9752, Direct Deduction DD7546.1, 2 and 3, DD7562.1 2 and 3, Trust Cheque number 473 and Cheque numbers 8050 to 8056.

COUNCIL DECISION – ITEM 9.2.2

Moved Cr Cosgrove

Seconded Cr Criddle

That Council

Confirm the accounts as presented for March from the Municipal Fund totalling \$313,918.08 represented by Electronic Funds Transfers of EFT9679 to EFT9752, Direct Deduction DD7546.1, 2 and 3, DD7562.1 2 and 3, Trust Cheque number 473 and Cheque numbers 8050 to 8056.

CARRIED 6/0

9.3 ADMINISTRATION

9.3.1 RV FRIENDLY SITE – YANDANOOKA HALL

Location/Address: Yandanooka North Road, Yandanooka Hall
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0175
Date: 6 April 2016
Author: Ella Budrikis, Community Development Officer
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council approve the Yandanooka Hall site as an area suitable as an RV Destination.

Attachment

RV Destination Application and Site Plan

Background

At the September Council forum Council discussed the implementation of RV Destination sites being recognised in the Shire of Mingenew.

Comment

An expression of interest was made on the 3rd March 2016 to the Campervan and Motorhome club of Australia. The expression of interest was approved and the Campervan and Motorhome club inspected the site.

Feedback received was that Yandanooka Hall met the basic criteria of a RV destination site. As per the application it was indicated that travellers were able to stay at the site for no longer than 72 hours at no cost.

I have obtained pricing for signage, seating and bins that could be installed at the site. The costs of these items are;

RV Signs	\$280
Directional Signs	\$560
2 x Seats	\$1,032
Bin and Bin Command post	\$ 430
TOTAL SITE COST	\$2,302

The above exclude the costs associated with installing the bin, seats and signs.

Council now need to approve the site so that they can be registered with the Campervan and Motorhome Club of Australia. As part of this registration the Campervan and Motorhome Club will advertise and promote the Yandanooka Hall site. By approving this site the Shire will also be agreeing to purchase 4 RV Destination signs supplied by the Campervan and Motorhome Club of Australia.

Consultation

Emily Smith, Campervan and Motorhome Club of Australia
Kyran Thorpe, Main Roads
Nita Jane, Deputy Chief Executive Officer
Martin Whitely, Chief Executive Officer

Statutory Environment

Camping & Caravanning Grounds Act 1995

Policy Implications

Nil

Financial Implications

An allocation of \$5,000 was made in the 2015/16 Budget Review for the establishment of RV Friendly sites.

Strategic Implications

Community Strategic Plan

Outcome 1.1.1 – Provide good quality tourism facilities such as rest areas and toilet

Outcome 1.1.3 – Support and encourage tourism development

Outcome 1.1.7 – Instigate ‘Recreational Vehicle’ friendly town status

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.1

That Council

1. Approve the Yandanooka Hall site as an RV destination.
2. Council approve the installation of a bin, seating and signage at the site.

COUNCIL DECISION – ITEM 9.3.1

Moved Cr Pearce

Seconded Cr Cosgrove

That Council

1. Approve the Yandanooka Hall site as an RV destination.
2. Council approve the installation of a bin, seating and signage at the site.

CARRIED 6/0

9.3.2 RV FRIENDLY SITE – ENANTY BARN

Location/Address: Mingenew-Morawa Road, Enanty Barn
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0175
Date: 6 April 2016
Author: Ella Budrikis, Community Development Officer
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council approves the Enanty Barn site as an area approved as an RV Destination.

Attachment

RV Destination Application and Site Plan

Background

At the September Council forum Council discussed the implementation of RV Destination sites being recognised in the Shire of Mingenew.

Comment

An expression of interest was made on the 11th March 2016 to the Campervan and Motorhome club of Australia. The expression of interest was approved and the Campervan and Motorhome club inspected the site.

Feedback received was that the Enanty Barn site met the basic criteria of a RV destination site. As per the application it was indicated that travellers were able to stay at the site for no longer than 24 hours at no cost.

I have obtained pricing for signage and bins that could be installed at the site. The costs of these items are

RV Signs	\$280
Directional Signs	\$675
Bin and Bin Command post	\$ 430
TOTAL SITE COST	\$1,385

The above exclude the costs associated with installing the bin, seats and signs.

Council now need to approve the site so that they can be registered with the Campervan and Motorhome Club of Australia. As part of this registration the Campervan and Motorhome Club will advertise and promote the Enanty Barn site. By approving this site the Shire will also be agreeing to purchase 4 RV Destination signs supplied by the Campervan and Motorhome Club of Australia.

Consultation

Emily Smith, Campervan and Motorhome Club of Australia
Kyrán Thorpe, Main Roads
Nita Jane, Deputy Chief Executive Officer
Martin Whitely, Chief Executive Officer

Statutory Environment

Camping and Caravanning Grounds Act 1995

Policy Implications

Nil

Financial Implications

An allocation of \$5,000 was made in the 2015/16 Budget Review for the establishment of RV Friendly sites.

Strategic Implications

Community Strategic Plan

Outcome 1.1.1 – Provide good quality tourism facilities such as rest areas and toilet

Outcome 1.1.3 – Support and encourage tourism development

Outcome 1.1.7 – Instigate 'Recreational Vehicle' friendly town status

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.2

That Council

1. Council approve the Enanty Barn Site as an RV destination site.
2. Council approve the installation of a bin and signage at the site.

COUNCIL DECISION – ITEM 9.3.2

Moved Cr Eardley

Seconded Cr Criddle

That Council

1. Approve the Enanty Barn site as an RV destination.
2. Council approve the installation of a bin, seating and signage at the site.

CARRIED 6/0

10. ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 MIDLANDS ROAD KERBING

Location/Address: Shire of Mingenew
Name of Applicant: Leah Eardley, Palm Roadhouse
Disclosure of Interest: Nil
File Reference: A795
Date: 12 April 2016
Author: Martin Whitely, Chief Executive Officer

Disclosure of Financial Interest Item 10.1 – Cr Eardley

Prior to any consideration of Item 10.1, President Bagley advised the meeting that she had received a written disclosure of interest from Cr Eardley relating to this matter. Cr Pearce had disclosed a financial interest under the 'proximity' and "financial" provisions of the Act as she owns the business adjacent to the work request.

Cr Eardley left the meeting at 5.08pm and did not participate in any discussion or vote on this item.

Summary

This report tables a request from Cr Eardley to replace the kerbing to the entrance of the Palm Roadhouse on the Midlands Road, Mingenew.

Attachment

Nil

Background

An email was received from Cr Eardley on 12 April 2016 requesting "the viability for the shire to see if it's possible for the curbing to be removed and taken back as far possible from the front of the Palm Roadhouse on the midlands road. The curbing that is in place there at the moment is very difficult for trucks, cars caravans to drive over it and is a very steep drop. A mountable curbing would make such a difference for the public to come and go as they please or removed all together as this is a busy area for traffic and parking".

Comment

There is no Shire Policy relating directly relating to requests for kerbing. However, I have included a copy of the Shire's Policy for Crossings which is in some way similar to the recent request. This is shown under Policy Implications.

Approval from Main Roads would also be required to carry out any proposed works since the Midlands Road is a State road. I do not see this as being an issue if the Shire was not requesting the kerbing to be replaced by Main Roads.

There are no funds in the 2015/16 Budget to complete the works requested. If Council were to proceed with the request then an absolute majority of Council would be required to endorse the unbudgeted expenditure. An approximate cost for mountable kerbing is \$25 m² plus costs associated with the removal of the existing kerb and preparation for the kerbing to be installed.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

There is no Shire Policy on the treatment of requests for kerbing. The closest policy on such a request is for requests for crossings and the policy is shown below.

7002 CROSSINGS

Except in the case of a Government authority or department, where a proper work authority shall be sufficient, where Council agrees to undertake the construction of crossings it will require prepayment by the owner/occupier for their 50% contribution.

Crossings are to be constructed to the standard specifications as set out by Council. In the case of above standard crossings, prepayment of 75% of the additional cost estimate is required, with the balance being finalised on the completion of works. Council shall determine the number of crossovers it can cater for in any one year, dependent upon budgeting and works program restraints.

Council policy is to comply with requests for crossovers on a 'first come, first served' basis, within the budget constraints and consideration of Council's works program as determined by the CEO and/or Works Manager.

Where a second crossover is to be installed by the Council the total cost is to be met by the land owner.

This policy does not apply when crossovers are installed as part of Council's footpath installation program

Financial Implications

There are no funds allocated in the 2015/16 Budget for undertake the proposed works.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 10.1

That;

Council consider the request for kerbing on Midlands Road for entry to the Palm Roadhouse during the preparation of the 2016/17 Budget.

COUNCIL DECISION – ITEM 10.1

Moved Cr Cosgrove

Seconded Cr Criddle

That;

Council consider the request for kerbing on Midlands Road for entry to the Palm Roadhouse during the preparation of the 2016/17 Budget.

CARRIED 5/0

Cr Eardley returned to the meeting at 5.11pm and President Bagley advised her of the Council Decision.

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

10.1 ELECTED MEMBERS
Nil

11.2 STAFF
Nil

12.0 CONFIDENTIAL ITEMS

12.1 LOT 4 ERNEST STREET

COUNCIL DECISION – MEETING CLOSED TO PUBLIC

Moved Cr Pearce

Seconded Cr Newton

That the meeting be closed to members of the public in accordance with section 5.23(2)(e) of the Act to allow council to discuss a matter that concerns information that has a commercial value to a person or persons.

CARRIED 6/0

OFFICER

REPORT

The CEO tabled a confidential report on this matter and provided copies to each elected member. The report is dated 15 April 2016 and is located in the Confidential Items folder in the Council safe.

COUNCIL DECISION – ITEM 12.1

Moved Cr Pearce

Seconded Cr Newton

That Council:

1. Proceed with the subdivision of Lot 4 Ernest Street, Mingenew into two separate titles; and
2. On completion of the subdivision the two separate titles are advertised for sale by public tender in accordance with section 3.58 of the Local Government Act 1995; and
3. An amendment for the amount of \$30,000 is made to the 2015/16 Budget to reflect the cost of the subdivision; and
4. An amendment of \$30,000 is made to the 2015/16 Budget to reduce the transfer of funds at the end of the financial year to the Accrued Leave Reserve.

CARRIED 6/0

13.0 TIME AND DATE OF NEXT MEETING

That the next Ordinary Council Meeting be held on Wednesday 18 May 2016 commencing at 4.30pm.

14.0 CLOSURE

The Shire President thanked all for attending and declared the meeting closed at 5.25 pm.

These minutes were confirmed at an Ordinary Council meeting on 18 May 2016.

Signed _____
Presiding Officer

Date: _____