

**MINUTES FOR THE**

**ORDINARY COUNCIL MEETING**

**HELD ON**

**WEDNESDAY**

21 September 2016

**SHIRE OF MINGENEW**



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**SHIRE OF MINGENEW**

**MINUTES FOR ORDINARY MEETING OF COUNCIL**

**HELD IN COUNCIL 21 SEPTEMBER 2016 COMMENCING AT 4.30pm**

# DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

# 2.0 ATTENDANCE

HM Newton Councillor Town Ward

LM Eardley Councillor Town Ward

KL Criddle Councillor Rural Ward

CR Lucken Councillor Town Ward

MP Pearce Councillor Town Ward

GJ Cosgrove Councillor Rural Ward

**STAFF**

MG Whitely Chief Executive Officer

NS Jane Deputy Chief Executive Officer

**APOLOGIES**

MA Bagley President Rural Ward

**LEAVE OF ABSENCE**

Nil.

# RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

4.31pm - Mr Peter Baugh

Outlined his concerns about the increase in his rates (25% over last year).

Advised that his property is a flora and fauna sanctuary with a resident population of breeding echidna’s. It is a natural wetland area which he is rehabilitating with native vegetation.

Outlined the history of the property including the location of the fenceline which provides access to the landfill site for the shire and public and also access to yellow sand that has been used by the shire.

Requested council to consider some relief to the amount of rates charged.

Cr Newton advised that Mr Baugh’s question would be taken on notice, with a decision to be made at the October Council meeting.

Mr Baugh left the meeting at 4.39pm.

# 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

### 5.1 REQUEST FOR LEAVE OF ABSCENCE – CR LUCKEN

**COUNCIL DECISION – ITEM 5.1**

**Moved Cr Eardley Seconded Cr Pearce**

**That Cr Lucken be granted leave of absence for the ordinary council meetings to be held on 16 November 2016 and 21 December 2016.**

**CARRIED: 6/0**

### 

# 6.0 DECLARATIONS OF INTEREST

Nil.

# 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

### 7.1 ORDINARY MEETING HELD 17 AUGUST 2016.

**COUNCIL DECISION – ITEM 7.1**

**Moved Cr Eardley Seconded Cr Lucken**

**That the minutes of the ordinary meeting of the Shire of Mingenew held in the Council Chambers on 17TH August 2016 be confirmed.**

**CARRIED: 6/0**

### 

### 7.2 SPECIAL MEETING HELD 1 AUGUST 2016.

**COUNCIL DECISION – ITEM 7.2**

**Moved Cr Cosgrove Seconded Cr Pearce**

**That the minutes of the special meeting of the Shire of Mingenew held in the Council Chambers on 1st August 2016 be confirmed.**

**CARRIED: 6/0**

# 8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

# OFFICERS REPORTS

# CHIEF EXECUTIVE OFFICER

### 9.1.1 CORPORATE BUSINESS PLAN 2016-2020

**Location/Address**: Shire of Mingenew

**Name of Applicant**: Shire of Mingenew

**Disclosure of Interest**: Nil

**File Reference:** ADM0120

**Date:** 14 September 2016

**Author:** Martin Whitely, Chief Executive Officer

**Summary**

This report recommends the endorsement of the Shire of Mingenew’s Corporate Business Plan 2016-2020.

**Attachment**

Shire of Mingenew Corporate Business Plan 2016-2020.

**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 to 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 2016 - 2020 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.

With the Community Strategic Plan review to commence in October 2016 with a community briefing session, the outcomes from this review will need to be reflected in the Corporate Business Plan document.

**Consultation**

Nil

**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 2016 – 2020, 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 Eardley**

**That Council;**

**1. Endorses the Shire of Mingenew Corporate Business Plan 2016 – 2020, 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**

**Cr Pearce requested that the following amendment be made to the Corporate Business Plan document presented:**

**Page 9 – Amend “Continue to manage feral flora and fauna” to,**

**“Continue to manage feral fauna and noxious fauna”**

**Cr Pearce further requested that the development and implementation of a Tourism Plan be considered at a future meeting.**

### 9.1.2 TENDER – SUPPLY OF BLUE METAL & BITUMEN

**Location/Address**: Shire of Mingenew

**Name of Applicant**: Shire of Mingenew

**Disclosure of Interest**: Nil

**File Reference:** ADM0113

**Date:** 14 September 2016

**Author:** Martin Whitely, Chief Executive Officer

**Summary**

This report recommends the appointment of a suitably qualified contractor for the supply of bitumen and aggregate of the Shire’s 2016/17 road program.

**Attachment**

A copy of all the submissions received are tabled.

**Background**

Tenders were called for the supply of bitumen and aggregate of the Shire’s 2016/17 road program through WALGA eQuotes and closed on 15 September 2016.

**Comment**

In total five submissions were received and below is a summarised table of the submissions received;

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Bitutek** | **Boral** | **Downer** | **Fulton Hogan** | **Colas** |
| **Description of Road Projects to be Completed** |  |  |  |  |  |
| Depot Hill North Rd (1.2km crest seal) | 41,040 | 50,045 | 44,852 | 45,274 | 41,353 |
| Mingenew Mullewa Rd  (3km reconstruction 2 coat seal) | 102,600 | 111,290 | 107,595 | 113,184 | 103,383 |
| Depot Hill Rd (3.8km Reseal) | 90,288 | 108,408 | 101,273 | 98,222 | 86,629 |
|  |  |  |  |  |  |
| **TOTAL PRJECT COST** | **$233,928** | **$269,743** | **$253,720** | **$256,680** | **$231,365** |

Where submissions received listed separately costs for traffic management, mobilisation and demobilisation, these costs were apportioned to the three road projects on a pro rata basis based on the m2 required.

Bitutek were awarded the contract for the works completed in both the 2014/15 and 2015/16 financial years.

All submissions received were within the Shire’s budget allocation for the works to be completed.

**Consultation**

Warren Borrett, Works Manager

**Statutory Environment**

Local Government Act 1995

Local Government (Functions & General) Regulations 1996

**Policy Implications**

Policy No. 3007 – Purchasing Policy

**Financial Implications**

All submissions received were within the Shire’s budget allocation for the works to be completed.

**Strategic Implications**

Community Strategic Plan

Outcome 2.5.1 – Maintain and improve road assets.

**Voting Requirements**Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.2**

**That Council;**

**Award the supply of bitumen and aggregate of the Shire’s 2016/17 road program on a full contract basis for the amount of $233,928 to Bitutek Pty Ltd.**

**COUNCIL DECISION – ITEM 9.1.2**

**Moved Cr Eardley Seconded Cr Criddle**

**That Council;**

**Award the supply of bitumen and aggregate of the Shire’s 2016/17 road program on a full contract basis for the amount of $233,928 to Bitutek Pty Ltd.**

**CARRIED 6/0**

### 9.1.3 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

**Location/Address**: Shire of Mingenew

**Name of Applicant**: Shire of Mingenew

**Disclosure of Interest**: Nil

**File Reference:** ADM0147

**Date:** 14 September 2016

**Author:** Martin Whitely, Chief Executive Officer

**Summary**

This report recommends that Council appoints Bush Fire Officers for the Shire of Mingenew for the 2016/17 fire season.

**Attachment**

Nil

**Background**

The Mingenew Bush Fire Advisory Meeting is scheduled for Tuesday 20 September 2016. At this meeting the Bush Fire Advisory Committee will make recommendations for the appointment of Bush Fire Control Officers including the positions of Chief Fire Control Officer, Deputy Chief Fire Control Officer and Fire Weather Officer.

**Comment**

Since the meeting is yet to be held the recommendations for the office positions from the Bush Fire Advisory Committee are unknown. As a guide the current office bearers are as follows;

Chief Bush Fire Control Officer

Rob McTaggart

Deputy Chief Bush Fire Control Officer

Murray Thomas

Permit Issuing Officer

Rob McTaggart

Fire Weather Officer

Rob McTaggart

Bush Fire Control Office

Mingenew Town: Captain - Michael Beare

Yandanooka: Captain - Nick Duane & Deputy Captain - Justin Bagley

Lockier: Captain - Daniel Michael & Deputy Captain - Tim Dempster

Guranu: Captain - Murray Thomas & Deputy Captain - Ben Cobley

Mingenew North: Captain - Alex Pearse & Deputy Captain - Andrew Green

**Consultation**

Shire of Mingenew Fire Brigades

Rick Ryan, Community Emergency Service Manager

**Statutory Environment**

Bush Fire Act 1954

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Community Strategic Plan

Outcome 3.7.3 – Continuously improve emergency services

**Voting Requirements**Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.3**

**That Council endorse the recommendations of the Bush Fire Advisory Committee for the relevant Bush Fire Control Officer dignitaries.**

**The CEO advised the meeting of the following recommendations from the Bush Fire Advisory Committee:**

**Chief Bush Fire Control Officer**

Murray Thomas

**Deputy Chief Bush Fire Control Officer**

Nick Duane

**Brigade Bush Fire Control Officers**

**Yandanooka**

Captain: Nick Duane

Deputy: Justin Bagley

**Lockier**

Captain: Daniel Michael

Deputy: Tim Dempster

**Guranu**

Captain: Ben Cobley

Deputy: Gavin Elsegood

**Mingenew North**

Captain: Alex Pearse

Deputy: Andrew Green

**Mingenew Town**

Captain: Anthony Smyth

Deputy: Michael Beare

**Fire Weather Officers**

Murray Thomas

Nick Duane

Alex Pearse

Daniel Michael

Martin Whitely

**Harvest Ban Officer**

Murray Thomas

**Permit Issuing Officers**

Murray Thomas

Martin Whitely

**COUNCIL RESOLUTION – ITEM 9.1.3**

**Moved Cr Cosgrove Seconded Cr Pearce**

**That Council endorse the recommendations of the Bush Fire Advisory Committee for the relevant Bush Fire Control Officer dignitaries as follows:**

**Chief Bush Fire Control Officer**

Murray Thomas

**Deputy Chief Bush Fire Control Officer**

Nick Duane

**Brigade Bush Fire Control Officers**

**Yandanooka**

Captain: Nick Duane

Deputy: Justin Bagley

**Lockier**

Captain: Daniel Michael

Deputy: Tim Dempster

**Guranu**

Captain: Ben Cobley

Deputy: Gavin Elsegood

**Mingenew North**

Captain: Alex Pearse

Deputy: Andrew Green

**Mingenew Town**

Captain: Anthony Smyth

Deputy: Michael Beare

**Fire Weather Officers**

Murray Thomas

Nick Duane

Alex Pearse

Daniel Michael

Martin Whitely

**Harvest Ban Officer**

Murray Thomas

**Permit Issuing Officers**

Murray Thomas

Martin Whitely

**CARRIED 6/0**

### 9.1.4 DISPOSAL OF PROPERTY – LOT 4 ERNEST STREET

**Location/Address**: Shire of Mingenew

**Name of Applicant**: Shire of Mingenew

**Disclosure of Interest**: Nil

**File Reference:** ADM0257

**Date:** 14 September 2016

**Author:** Martin Whitely, Chief Executive Officer

**Summary**

This report recommends that Lot 4 Ernest Street, Mingenew be advertised for sale.

**Background**

At the February 2016 Concept Forum it was discussed that Mr Matt Burney had expressed an interest in establishing a business in Mingenew to compliment his existing business located in Walkaway. Mr Burney was enquiring into potential sites that would be suitable in Mingenew.

At the March 2016 Meeting Council resolved to obtain a land valuation for Lot 4 Ernest Street and enquire into the cost of subdividing Lot 4 Ernest Street into 2 separate titles. The CEO was also requested to speak with Paul & Kelli Starick who are currently utilising a portion of Lot 4 Ernest Street, Mingenew.

At the April 2016 Meeting Council resolved to proceed with the subdivision of Lot 4 Ernest Street with an allocation of $30,000 to meet the costs to subdivide the block.

**Attachment**

Map showing location of Lot 4 Ernest Street, Mingenew

**Comment**

Subsequent to the April 2016 Ordinary Meeting further investigation was carried out by the CEO which highlighted that the real cost to subdivide Lot 4 Ernest Street would be in the vicinity of $50,000 - $60,000. As Council’s intention was to recover the costs of the subdivision it was at this stage that plans to proceed with the subdivision were put on hold.

.

Lot 4 Ernest Street is 2.0344 hectares in area and a portion of the land is currently used by Starick Transport as a wash down area for their trucks. Starick Transport currently has a long standing agreement with the Shire to use Lot 4 Ernest Street as a wash down bay, although there does not appear to be any record of the agreement on file.

At the time of looking to subdivide Lot 4 Ernest Street Mr Burney, who operates as a mechanic in Walkaway, indicated that he was looking for a sizeable area to construct a shed and have plenty of room for vehicles to access the property. Mr Burney suggested that the location at Lot 4 Ernest Street would be suitable for his business and that if the block was to be subdivided then approximately 1 hectare of land would be more than sufficient for his business. Discussions with Mr Burney in August 2016 indicated that he is not currently in a position to expand his business into Mingenew at this point in time.

There are several options open to Council in relation to Lot 4 Ernest Street;

1. Council could proceed with the subdivision of the block
2. Council could use the allocated funds to subdivide Lot 4 Ernest Street to purchase another block in the industrial area should one become available
3. Council keep the block and take no further action, or
4. Council advertise the sale of the block

My recommendation is that Council advertise the sale of Lot 4 Ernest Street. If a suitable offer is made to Council then these funds could be allocated to the Shire’s Land & Building Reserve to use for the purchase of an alternate block in the industrial area. Alternatively the funds received from the sale of Ernest Street could be used to put towards the cost of developing the parcel of land on Eleanor Street where the proposed business incubator would be built.

If Council intend to keep the block then some agreement for the use of Lot 4 Ernest Street with Starick Transport would need to be formalised.

**Consultation**

Nil

**Statutory Environment**

**Section 3.58 of the Local Government Act 1995 relates to the disposal of property;**

##### 3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

(a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

**Policy Implications**

Nil

**Financial Implications**

There was no provision made for any sale proceeds, nor the subdivision of Lot 4 Ernest Street, Mingenew in the 2016/17 Budget.

**Strategic Implications**

Community Strategic Plan

Outcome 4.4.3 - Develop and implement Asset Management Planning

**Voting Requirements**Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.4**

**That:**

1. **Council gives local public notice of the proposed sale of Lot 4 Ernest Street in the prescribed form as outlined in Section 3.58 of the Local Government Act**
2. **That all submissions along with other details pertinent to the sale of the vehicle are tabled for Council consideration at the October 2016 Ordinary Council Meeting**

**MOTION**

**Moved Cr Pearce Seconded Cr Eardley**

**That:**

1. **Council gives local public notice of the proposed sale of Lot 4 Ernest Street in the prescribed form as outlined in Section 3.58 of the Local Government Act**
2. **That all submissions along with other details pertinent to the sale of the vehicle are tabled for Council consideration at the October 2016 Ordinary Council Meeting**

**AMENDMENT**

**Moved Cr Pearce Seconded Cr Cosgrove**

**That part 2 be amended by adding changing “vehicle” to “land”.**

**CARRIED 6/0**

**COUNCIL DECISION – ITEM 9.1.4**

**Deputy President Newton put the amended motion:**

**That:**

1. **Council gives local public notice of the proposed sale of Lot 4 Ernest Street in the prescribed form as outlined in Section 3.58 of the Local Government Act**
2. **That all submissions along with other details pertinent to the sale of the land are tabled for Council consideration at the October 2016 Ordinary Council Meeting**

**CARRIED 6/0**

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

**Moved Cr Pearce Seconded Cr Cosgrove**

**That the reason the officer recommendation was changed was because land is the correct description of the property for sale.**

**CARRIED 6/0**

### 9.1.5 LOCAL LAWS REVIEW

**Location/Address**: Shire of Mingenew

**Name of Applicant**: Shire of Mingenew

**Disclosure of Interest**: Nil

**File Reference:** ADM0384

**Date:** 14 September 2016

**Author:** Martin Whitely, Chief Executive Officer

**Summary**

This report provides an update to Council on the review of the Shire’s Local Laws being conducted.

**Attachment**

Proposed Draft 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 is still retains currency.

At the April 2016 Ordinary Meeting Council resolved to proceed with a review of the Shire of Mingenew Local Laws. The review has been ongoing since the April 2016 Meeting and attached for Council review are the four proposed draft Local Laws that have been completed to date.

**Comment**

The purpose of the Local Law review, apart from the requirement to do so under the Local Government Act, is that currently there are a significant number of Local Laws that may no longer be relevant to the Shire and/or other Local Laws may be required that are currently not in place. It is intended that by reviewing the Local Laws Council adopt Local Laws suitable for the Shire.

The four draft Local Laws deal with the following;

* Meeting Procedures
* Animals
* Health
* Waste

The above draft Local Laws deal with much of the every day business operations of the Shire. Local Laws are only necessary in situations where the Local Government Act 1995 and/or other statutory legislation in place do not meet the requirements of the Local Government. It is important to note that Local Laws can be either repealed or added at any time Council wish to do so as long as the procedures, advertising and community consultation requirements under the Local Government Act 1995 are followed.

I have tabled the draft Local Laws to allow Council the opportunity to review the documents with the view to advertising the proposed Laws and adopting them in the coming months.

**Consultation**

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 9.1.5**

**That the information be received.**

**COUNCIL RESOLUTION – ITEM 9.1.5**

**Moved Cr Cosgrove Seconded Cr Criddle**

**That the information be received.**

**CARRIED 6/0**

**Cr Pearce requested that the CEO investigate how to deal with sea containers in front yards in town whether through a local law or a council policy.**

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| FINANCE  |  | | --- | | 9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 AUGUST 2016 |   **Location/Address:**  Shire of Mingenew  **Name of Applicant:**  Shire of Mingenew  **Disclosure of Interest:** Nil  **File Reference:** ADM0304  **Date:** 9 September 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 August 2016 is presented to Council for adoption.  **Attachment**  Finance Report for period ending 31 August 2016.  **Background**  The Monthly Financial Report to 31 August 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 | 41,881 | | Business Cash Maximiser (Municipal Funds) | 758,925 | | Trust Account | 155,744 | | Reserve Maximiser Account | 309,092 |   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 August 2016:  **Current 30+ Days 60+ Days 90+ Days TOTAL**  Amount 32,639 13,990 0 1,870 48,499  Rates Outstanding at 9 September 2016 were:  **Current Arrears TOTAL**  Rates 1,671,354 43,939 1,715,293  Rubbish 51,469 2,070 56,539  ESL 21,149 675 21,824  Swimming Pool 570 0 570  **TOTAL 1,744,542 46,684 1,791,226**  The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2016/ 2017 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 —  (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 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 2016 to 31 August 2016 be received.**  **COUNCIL RESOLUTION – ITEM 9.2.1**  **Moved Cr Eardley Seconded Cr Pearce**  **That the Monthly Statement of Financial Activity for the period 1 July 2016 to 31 August 2016 be received.**  **CARRIED 6/0** 9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 AUGUST 2016 **Location/Address:** Shire of Mingenew  **Name of Applicant:** Shire of Mingenew  **File Reference:** ADM0042  **Disclosure of Interest:** Nil  **Date:** 4 August 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 August 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 August 2016 from the Municipal Fund totalling $401,923.25 represented by Electronic Funds Transfers of EFT 9986 - 10085, Direct Deduction DD7689.1, 2 and 3, DD7714.1 2 and 3, Trust Cheque numbers 476-480 and Cheque numbers 8074-8080.** |
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**COUNCIL DECISION – ITEM 9.2.2**

**Moved Cr Eardley Seconded Cr Criddle**

**That Council confirm the accounts as presented for August 2016 from the Municipal Fund totalling $401,923.25 represented by Electronic Funds Transfers of EFT 9986 - 10085, Direct Deduction DD7689.1, 2 and 3, DD7714.1 2 and 3, Trust Cheque numbers 476-480 and Cheque numbers 8074-8080.**

**CARRIED 6/0**

### 9.2.3 FINANCIAL MANAGEMENT REVIEW

**Location/Address:** Shire of Mingenew

**Name of Applicant:** Shire of Mingenew

**File Reference:** ADM00

**Disclosure of Interest:** Nil

**Date:** 4 August 2016

**Author:** Nita Jane, Deputy CEO

**Senior Officer:** Martin Whitely, CEO

**Summary**

This report recommends that Council receive the Financial Management Review report as tabled.

**Attachment**

Shire of Mingenew Financial Management Review – August 2016 (Butler Settineri)

**Background**

Local Government (Financial Management) Regulations, 5(2)(c), requires that the Chief Executive Officer is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four financial years) and report to the local government on the results of those reviews.

Local Government (Financial Management) Regulation 5(1) requires that the Chief Executive Officer establish efficient systems and procedures:

1. For the proper collection of money owing to the local government;
2. For the safe custody and security of all money collected or held by the local government
3. For the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);
4. To ensure proper accounting for municipal or trust:
   1. Income received or receivable;
   2. Expenses paid or payable
   3. Assets and Liabilities
5. To ensure proper authorisation for the incurring of liabilities and the making of payments
6. For the maintenance of payroll, stock control and costing records
7. To assist in the preparation of budgets, accounts and reports required by the Act or these regulations.

The previous review was undertaken by UHY Haines Norton Chartered Accountants in May 2012.

**Comment**

During June 2016 a detailed review of the Shire’s financial management systems and procedures was carried out including an examination of a number of financial transactions, records, registers, policies and month end reconciliations. The findings and recommendations resulting from this review are included in the attached Shire of Mingenew Financial Management Review August 2016 prepared by Butler Settineri.

**Consultation**

Nil

**Statutory Environment**

Local Government (Financial Management) Regulations 1996, Regulation 5(2)(c)

**Policy Implications**

Some new and amended policies are recommended in the report from Butler Settineri.

**Financial Implications**

Nil.

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.2.3**

**That Council receives the Shire of Mingenew Financial Management Review August 2016 as presented.**

**COUNCIL DECISION – ITEM 9.2.3**

**Moved Cr Cosgrove Seconded Cr Pearce**

**That Council receives the Shire of Mingenew Financial Management Review August 2016 as presented.**

**CARRIED 6/0**

Staff were directed to present an amended Corporate Credit Card Policy to the October meeting with changes regarding purchase of fuel.

## 9.3 ADMINISTRATION

NIL.

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| 9.4 TOWN PLANNING |

Nil

# 10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

# 12.0 CONFIDENTIAL ITEMS

Nil

# 13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 19th October 2016 commencing at 4.30pm.

# 14.0 CLOSURE

The Deputy President thanked all for attending and declared the meeting closed at 5.10 pm.

**These minutes were confirmed at an Ordinary Council meeting on 19 October 2016.**

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Presiding Officer**

**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**