



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

Wednesday 20 September 2017

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SHIRE OF MINGENEW

AGENDA FOR ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON 20 September 2017 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 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MA Bagley	President	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
KL Criddle	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward
CR Lucken	Councillor	Town Ward

STAFF

MG Whitely	Chief Executive Officer
D Ojha	Finance Manager
B Bow	Governance Officer
R Brennan	Works Manager
K Matthews	Locum Governance Officer

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 the public, the President proceeded with the meeting allowing a Period of 15 minutes for questions from the public up until 4:46pm

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

9.2.2- Cr Lucken declared a financial interest in the item, and as such would vacate the meeting during council consideration of item.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1.1 ORDINARY MEETING HELD 14 AUGUST 2017

COUNCIL DECISION – ITEM 7.1.1

Moved: Cr Eardley

Seconded: Cr Criddle

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 14 August 2017 be confirmed.

CARRIED 5/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 REVIEW OF DELEGATIONS REGISTER

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0342
Date: 14 September 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends the review and adoption of the Delegations Register.

Attachment

Register of Delegations

Background

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, as per Local Government Act 1995 sections 5.18 and 5.46. These delegations include those from Council to the Chief Executive Officer and Committees, and the Chief Executive Officer to other staff. Council last reviewed the Delegations Register in May 2017.

Comment

The purpose of the Review of the Delegations Register is to;

1. Show the addition of the Governance Officer to have the authority to authorise payments, and
2. Include the role of the newly appointed Ranger & Emergency Services Officer, and
3. Update the new logo, and
4. Make a minor grammatical change

The recommended changes to the Register of Delegations have been highlighted in yellow. A summary of the proposed changes are shown below and have been made to;

- Removal of old logo and addition of new logo
- Addition of "Governance Officer" as an authorised person for Delegation No. 1 "Payments from Trust and Municipal Funds".
- Wording amendment for Delegation No. 1 – Payments from Trust and Municipal Funds".
- Addition of Delegation No. 1 "Payments from Trust and Municipal Funds" in the Summary of Delegation to Officers for the Governance Officer
- Removal of all delegations to "Ranger" and "Community Emergency Services Manager" and replaced with "Ranger & Emergency Services Officer".
- All dates changed to reflect the date of review and to show when each delegation has been amended

Consultation

Durga Ojha, Finance Manager
Belinda Bow, Governance Officer

Statutory Environment

Local Government (Functions & General) Regulations 1996

Local Government Act 1995 states;

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

Policy Implications

Shire of Mingenew Register of Delegations and all policy associated with this document.

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

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

Outcome 4.5.2 - Maintain, review and ensure relevance of Council policies and local laws.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1

That Council;

1. Review and Adopt the amended Delegations Register as presented, and
2. The Chief Executive Officer to provide in writing powers and duties allocated to other persons as per section 5.44 (2) of the Local Government Act 1995

COUNCIL DECISION – ITEM 9.1.1

Moved: Cr Cosgrove

Seconded: Cr Eardley

That Council;

1. Review and Adopt the amended Delegations Register as presented, and
2. The Chief Executive Officer to provide in writing powers and duties allocated to other persons as per section 5.44 (2) of the Local Government Act 1995

CARRIED 5/0

9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 AUGUST 2017

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 14 September 2017
Author: Durga Ojha, Manager of Finance
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 2017 is presented to Council for adoption.

Attachment

Finance Report for period ending 31 August 2017

Background

The Monthly Financial Report to 31 August 2017 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 Fund	\$800,996
Restricted Funds (3 Month Term Deposit @ 2.45%)	\$750,000
Restricted Funds	\$0
Trust Fund	\$98,783
Reserve fund (6 Month Term Deposit) @2.55%	\$396,475

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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 2017:

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	42,699	287	0	56,838	98,838

Rates Outstanding at 31 August 2017 were:

	Current	TOTAL
Rates	1,798,785	1,798,785
Rubbish	70,850	70,850
ESL	26,482	26,482
TOTAL	1,896,117	1,896,117

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2017/18 financial year.

Consultation

Chief Executive 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 —
- 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
 - an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - such other supporting information as is considered relevant by the local government.

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

Policy Implications

Nil

Financial Implications

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 2017 to 31 August 2017 be received.

COUNCIL DECISION – ITEM 9.2.1

Moved: Cr Eardley

Seconded: Cr Lucken

That the Monthly Statement of Financial Activity for the period 1 July 2017 to 31 August 2017 be received.

CARRIED 5/0

9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 AUGUST 2017

Disclosure of Financial Interest Item 9.2.2- Cr Lucken

Prior to any consideration of Item 9.2.2, the Presiding Person advised the meeting that she had received a written disclosure of interest from Cr Lucken relating to this matter. Cr Lucken had disclosed a financial interest under the financial provisions of the Act as payment/s are to be received by his business.

4.38pm - Cr Lucken left the meeting and did not participate in discussion or vote on the matter.

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	ADM0042
Disclosure of Interest:	Nil
Date:	14 September 2017
Author:	Durga Ojha, Manager of Finance
Senior Officer:	Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council confirm the payment of creditors for the month of August 2017 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).

List of Payments
Licensing & Credit Card Payments

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 are 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 2017 from the Municipal & Trust Fund totalling \$233,373.96 represented by Electronic Funds Transfers of EFT 10986, 11021 and 11028 and 11030. Direct Deduction DD8203.1.1, 2, 3, 4, 5 & 6 , DD 8204.1, 2, 3, 4,&6, Municipal Cheque numbers 8520 to 8522.

COUNCIL DECISION – ITEM 9.2.2

Moved: Cr Eardley

Seconded: Cr Criddle

That Council confirm the accounts as presented for August 2017 from the Municipal & Trust Fund totalling \$233,373.96 represented by Electronic Funds Transfers of EFT 10986, 11021 and 11028 and 11030. Direct Deduction DD8203.1.1, 2, 3, 4, 5 & 6 , DD 8204.1, 2, 3, 4,&6, Municipal Cheque numbers 8520 to 8522.

CARRIED 4/0

4:41pm – Cr Lucken returned to the meeting

President Bagley read aloud for the benefit of Cr Lucken the Council decision for Agenda Item 9.2.2

9.3 ADMINISTRATION

9.3.1 FEES & CHARGES – AGED CARE UNIT RENT ADJUSTMENT

Location: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0291
Date: 12 September 2017
Author: Belinda Bow, Governance Officer

Summary

This report recommends that Council review and adopt the fees and charges associated with the Aged Persons Units as adopted in the 2017/18 budget.

Attachment

Department of Housing Rent to Income Policy
Harcourts Comparative Market Analysis & Property Appraisal Units 1-4 Victoria St
Public Housing Rent Calculations Changes

Background

The Government of Western Australia Housing Authority is committed to providing a rent setting method that is fair and equitable for all public housing tenants. As such, rent must be set using one of 2 methods-

- Tenants pay either 25% of the household income as rent, or
- The market rent for the property; whichever is the lesser amount.

Tenants who occupy their current rental property before 28 March 2016 will receive rent increases until they are paying 25% of the assessable household income as rent or the market rent. The rent increases will be staged with increased limits applied to reduce the impact of the changes for these tenants, the attachments for further information.

Previously, the Mingenew Shire has considered assessable income when setting rental rates for the aged persons units, however incorrect methodology has been applied and thus rent has been undercharged.

Furthermore, there has been no onsite market appraisal for the units in recent times. Consequently different rent rates are currently being charged between the 4 aged persons units and the Shire of Mingenew has been approached by a tenant seeking justification as to why this is occurring.

Comment

In response to this query the Shire of Mingenew in consultation with the Department of Housing, has organised an onsite property appraisal through Harcourts Dongara to determine the current market rate. The current market rate for the units is as follows (as per Harcourts report)-

- Units 1, 3 & 4 (2 bedroom)- \$125 to \$170 per week
- Unit 2 (1 bedroom)- \$105 to \$150 per week.

The assessable income of tenants has also been reviewed and the following rent charges have been set for the 2017/18 budget-

- Unit 1, 3 & 4 \$125 per week
- Unit 2 \$105 per week

Documentation informing tenants of rent increases have been issued in accordance with Department of Housing Guidelines. Tenants have been given 60 days notice of the rental increases that does not exceed rent increase limits of \$12 per week.

Consultation

Martin Whitely, Chief Executive Officer
Durga Ojha, Finance Manager
Department of Housing

Statutory Environment

Local Government Act 1995 section 6.16

(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.

Local Government Act 1995 section 6.19

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Residential Tenancies Act 1987 section 30

(1) Subject to this section and except where rent payable under a residential tenancy agreement is calculated by reference to the tenant's income, the rent payable under a residential tenancy agreement may be increased by the lessor by written notice to the tenant, in a form approved by the Minister, specifying the amount of the increased rent and the day as from which the increased rent becomes payable, being a day —

- (a) not less than 60 days after the day on which the notice is given; and
- (b) not less than 6 months after the day on which the tenancy commenced, or, if the rent has been increased under this section, the day on which it was last so increased,

but otherwise the rent shall not increase or be increased.

Policy Implications

Nil

Financial Implications

Variation to the 2017/18 budget fees and charges

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.3.1

That Council

- 1. Adopts the revised rental charges for the aged persons units of \$125 a week for the 2 bedroom units and \$105 a week for the 1 bedroom unit, and**
- 2. Gives local public notice of the revised rental charges for the aged persons in accordance with s6.19 of the Local Government Act 1995**

COUNCIL DECISION – ITEM 9.3.1

Moved: Cr Eardley

Seconded: Cr Lucken

That Council

- 3. Adopts the revised rental charges for the aged persons units of \$125 a week for the 2 bedroom units and \$105 a week for the 1 bedroom unit, and**
- 4. Gives local public notice of the revised rental charges for the aged persons in accordance with s6.19 of the Local Government Act 1995**

CARRIED 5/0

9.3.2 ADOPTION OF COUNCIL LOCAL LAWS

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0384
Date:	12 September 2017
Author:	Kelvin Matthews, Locum Governance Officer

Summary

This report recommends that Council consider comments made to its proposed local laws detailed in Appendix 1 as attached to this report for adoption in accordance with section 3.12 of the Local Government Act 1995.

Attachment

Local Laws Rubric Matrix

Submissions Received - Department of Local Government, Sport and Cultural Industries

Draft Local Laws incorporating submission comments

Background

Council resolved at its Ordinary Council Meeting (OCM) dated 19 July 2017 to advertise and invite submissions to the following draft proposed local laws in accordance with section 3.12 of the Local Government Act 1995;

- Repeal Local Laws 2017
- Standing Orders Local Law 2017
- Cemeteries Local Law 2017, and
- Extractive Industries Local Law 2017
- Health Local Law 2016,
- Animal, Environment and Nuisance Local Law 2016
- Waste Local Law 2013
- Fencing Local Law 2017

In accordance with legislative requirements a copy of the proposed local laws were advertised by state-wide public notice (Saturday 22nd of July 2017) and a copy of the local laws were provided to the Minister for Local Government. The Council was required to advertise the proposed local laws for a period of no less than six weeks pursuant to section 3.12 (3) (a) (iii) of the Local Government Act 1995 and to consider any submissions received in regards to the local laws at the close of this period. The only submission received was from the Department of Local Government, Sport and Cultural Industries (DLGSC).

Appendix 2 of the agenda report from the OCM dated 19 July 2017 provided a brief descriptive Rubric Matrix regarding the status of Councils local laws. In particular Councils attention was drawn to the following in regard to each local law:

- Repeal Local Law 2017 - required to repeal and amend existing local laws noting that research reveals approximately 45 obsolete Shire of Mingenew Local Laws (some formerly known as By-laws) still exist where the Local Laws Register does not record any repeal.

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- Standing Orders Local Law – required in accordance with Part 5, Division 2 of the Local Government Act 1995 and Part 2 of the Local Government (Administration) Regulations 1996 for the proper legislative conduct and procedure of Council (and Committee) Meetings. Council had previously considered a draft Meetings Procedure Local Law in 2016 and has a current Meetings Procedure Policy, however the draft Local Law was not formally adopted by Council and the Policy does not provide legislative compliance in the conduct of Council Meeting (and Committees) procedures.
- Cemeteries Local Law - the purpose of this local law is to provide for the control and regulation of Councils cemetery site for the benefit of the community within its district.
- Extractive Industries Local Law – the purpose of this local law is to provide for the control and regulation of the extraction of materials within the district, where and when applicable.
- Fencing Local Law - the purpose of this local law is to provide for the control and regulation of fencing in accordance with the Dividing fences Act 1961 within its district and has been updated from the gazetted local law of 1999. A building licence is not required for a fence on a rural lot in accordance with Part 3, clause 7 of the local law.
- Health Local Law – required to provide a legislative means of effectively controlling the possibility of health related issues that may adversely impact on the health and well being of the community of the district.
- Animal, Environment and Nuisance Local Law - required to provide a legislative means of effectively controlling the possibility of animal and nuisance related matters that may adversely impact on the health and well-being of the community of the district.
- Waste Local Law - the purpose of this local law is to provide for the control and regulation of Councils waste landfill site and the collection of domestic and commercial waste (putrescible and inert) within its district.

Comment

As noted above the only submission received were comments from the Department of Local Government, Sport and Cultural Industries (“DLGSC”) that suggested a number of changes and edits as detailed in the attached collated DLGSC Appendix 1. These changes and edits are highlighted in each local law for Councils reference and will be removed when the final copies of the local laws are sent to the State Government Gazette and the Committee Clerk of the Joint Standing Committee on Delegated Legislation. Following publication of the local laws in the Government Gazette, Council must comply with the requirements of the Minister’s Local Laws Explanatory Memoranda Directions 2010. That is Council must, within ten working days of the Gazetted publication date, forward the signed Explanatory Memoranda material to the WA Parliamentary Joint Standing Committee on Delegated Legislation at the following address –

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837

Consultation

- All councillors
- Public in accordance with section 3.12(2) of the Local Government Act 1995 whereby Statewide Public Notice calling for submissions was undertaken.

Statutory Environment

The legislative process required when adopting (or amending) local laws is prescribed in sections 3.12 – 3.16 of the Local Government Act 1995 as follows:

➤ **S3.12 - 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.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (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.*

➤ **S3.14 - Commencement of local laws**

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

➤ **S3.15 - Local laws to be publicised**

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

➤ **S3.16 – 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.*

All of the above local laws will ensure that Council is legislatively compliant in the manner in which it governs its district that simultaneously meets its local needs and circumstances.

Policy Implications

The review of Councils Policies is nearing completion that will simultaneously support Councils legislative local law requirements as well as meeting local needs and circumstances.

Financial Implications

Payment for advertising of the new local laws and for publication in the State Government Gazette, and is included in Councils 2017-18 budget.

Strategic Implications

- Shire of Mingenew Community Strategic Plan 2012 Outcome 4.5.1 – Ensure compliance with local, town planning, building and health and all other relevant legislation.
- Shire of Mingenew Community Strategic Plan 2012 Outcome 4.5.2 – Maintain, review and ensure relevance of Council policies and local laws.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.3.2

That Council adopt by **ABSOLUTE MAJORITY** the following Shire of Mingenew Local Laws in accordance with section 3.12 of the Local Government Act 1995:

- Repeal Local Law 2017
- Standing Orders Local Law 2017
- Cemeteries Local Law 2017
- Extractive Industries Local Law 2017
- Health Local Law 2017
- Fencing Local Law 2017
- Animal, Environment and Nuisance Local Law 2017, and
- Waste Local Law 2017

COUNCIL DECISION – ITEM 9.3.2

Moved: Cr Cosgrove

Seconded: Cr Lucken

That Council adopt by **ABSOLUTE MAJORITY** the following Shire of Mingenew Local Laws in accordance with section 3.12 of the Local Government Act 1995:

- Repeal Local Law 2017
- Standing Orders Local Law 2017
- Cemeteries Local Law 2017
- Extractive Industries Local Law 2017
- Health Local Law 2017
- Fencing Local Law 2017
- Animal, Environment and Nuisance Local Law 2017, and
- Waste Local Law 2017

CARRIED 5/0

9.4 TOWN PLANNING

9.4.1 PROPOSED STATE HERITAGE REGISTER LISTING - MINGENEW POLICE GROUP SITE

Location/Address:	Reserves 7422 & 24354 William Street, Mingenew
Name of Applicant:	State Heritage Council
Disclosure of Interest:	Nil
File Reference:	ADM0199
Date:	11 September 2017
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Senior Officer:	Martin Whitely, Chief Executive Officer

Summary

The State Heritage Council has written to Council seeking its comment on the proposed listing of the Mingenew Police Group site on the State Register of Heritage Places. This report recommends that Council advise it has no objection to the listing subject to the management authority's agreement.

Attachment

Copy of State Heritage Council submitted information (provided as separate attachment due to its size)

Background/Comment

Reserve 7422 on the corner of William Street and Phillip Street is a 2,067m² property that contains the former Mingenew Police Station and Residence built in 1897.

Reserve 24354 on the corner of Moore Street and William Street is a 1,014m² property that contains the Mingenew Police Station and former Courthouse built in 1964.

Figure 9.4.1(a) – Aerial Photograph of Reserves 7422 & 24354 William Street, Mingenew



In 1992 the State Heritage Council entered the former Mingenew Police Station and Residence on the State Register of Heritage Places on an interim basis. In its consideration in 2015 on entering the site

permanently onto the State Register, the State Heritage Council resolved to expand the site under consideration to include the current Mingenew Police Station and former Courthouse site to the north within the listing.

The State Heritage Council is inviting the Shire's comment upon this expanded site area prior to making its determination on this matter. The State Heritage Council's background information has been provided as **Attachment 9.1.1** (provided separately to the agenda due to its size).

Figure 9.4.1(b) – View of former Mingenew Police Station upon Reserve 7422 looking north-west from William Street with subsequent Mingenew Police Station in background



Figure 9.4.1(c) – View of Mingenew Police Station upon Reserve 24354 looking south-west from William Street with former Mingenew Police Station in background



Consultation

The State Heritage Office have sought the comment of the Shire of Mingenew, being the local government, and the WA Police, being the management authority for Reserves 7422 & 24354, in relation to this matter. The State Heritage Office advised the Shire on 16 August 2017 that it *“can now also*

confirm that WA Police has no objection to the proposed registration of Mingenew Police Group” and prior to that had advised that the Housing Authority, which manages the residence on behalf of WA Police, supported the registration.

Statutory Environment

Reserves 7422 & 24354 are zoned ‘Public Purposes’ under the Shire of Mingenew Local Planning Scheme No.3.

The Shire of Mingenew Municipal Inventory of Heritage Places was prepared in 1995 as a requirement of the *Heritage of Western Australia Act 1990* to record buildings within the district of heritage significance. The Inventory lists the former Mingenew Police Station and Residence as ‘Category 2 - High Level of High level of protection appropriate: provide maximum encouragement to the owner under the town planning scheme to conserve the significance of the place’. The Inventory does not include the existing Mingenew Police Station and former Courthouse.

The *Heritage of Western Australia Act 1990* makes separate provision for the protection of places listed on the State Register of Heritage Places. Entry of a place in the State Register of Heritage Places is official recognition by the State of its significance to the heritage of Western Australia and means that any changes or works proposed for the place need to be referred, usually by the responsible local government, to the State Heritage Office. At present the Mingenew Police Group is listed on the State Register on an interim basis, and there are no permanent entries in the Shire of Mingenew on the State Register.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Section 4.2.5 of the Shire of Mingenew Townsite Local Planning Strategy (2006) notes the following in relation to ‘Architectural Heritage’:

“Mingenew has a large number of important and picturesque heritage buildings. These buildings span various eras and styles and reflect the local building materials for this region. The buildings accommodate a range of uses from civic, retail and tourism, for example, Mingenew Commercial Hotel and the Shire Administration Office.

There is currently one building in Mingenew that is registered on the State Heritage Office’s State Register of Heritage Places – the Police Residence at 31 William Street. There are also numerous places of local significance which have been recognised through the Shire’s Heritage Inventory, with several of these also listed on the State Heritage Office’s InHerit database.

The Local Planning Strategy lists the following buildings as having State heritage significance (although with the exception of the Police Residence none of these are included on the State Register):

- *Commercial Hotel - Railway Street;*
- *Post Office Quarters - Railway Street;*
- *Church of the Resurrection - Victoria/Irwin Street;*
- *St Joseph’s Presbytery – William Street/Irwin Street;*
- *Shire Office and Former Hall – Victoria Road;*
- *Old Roads Board Office – Victoria Road; and*
- *Police Residence – William Street.*

The above-mentioned places are identified on Figure 6 which show that the majority are located in and around the historic centre of the town being Victoria Road and Midlands Road. These heritage places are extremely important as they provide a reference to the historic development of the town over time. The buildings are central to Mingenew's identity, are an integral part of the townscape and crucial to its sense of place and history. Regard to State Planning Policy 3.5 Historic Heritage Conservation should be given when making planning decisions that may affect heritage places.

Many of the most significant historic buildings are located on Victoria Road and visitors passing through Mingenew via the Midlands Road would generally not be aware of their presence. There is an opportunity to improve advertising along Midland Road as part of a tourism strategy for the town."

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.4.1

That Council advise the State Heritage Council that it has no objection to the inclusion of the Mingenew Police Group upon the State Register of Heritage Places, inclusive of both Reserve 7422 (former Mingenew Police Station and Residence) and Reserve 24354 (Mingenew Police Station and former Courthouse) providing that this is supported by the relevant management authorities, these being the WA Police and Government Regional Officer Housing.

COUNCIL DECISION – ITEM 9.4.1

Moved:Cr Lucken

Seconded: Cr Cosgrove

That Council advise the State Heritage Council that it has no objection to the inclusion of the Mingenew Police Group upon the State Register of Heritage Places, inclusive of both Reserve 7422 (former Mingenew Police Station and Residence) and Reserve 24354 (Mingenew Police Station and former Courthouse) providing that this is supported by the relevant management authorities, these being the WA Police and Government Regional Officer Housing.

CARRIED 5/0

9.5 BUILDING

Nil

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

Nil

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

11.1 ELECTED MEMBERS

11.1.1 PURCHASE OF MOTOR GRADER

President Bagley suggested that Council accept late business to finalise the purchase of a grader from the tenders submitted on 30 June 2017 following the successful completion of the demonstration of the John Deere 670B and Cat 12M graders on Monday 18 September 2017 as previously requested by Council.

COUNCIL DECISION 11.1.1

Moved: Cr Eardley

Seconded: Cr Lucken

That council consider the urgent business of finalising a grader purchase from tenders submitted.

CARRIED 5/0

In total there were only two submissions received and these were from Hitachi and Westrac. A summary of the tender submissions were included in the Tender Evaluation Matrix with pricing as below. All pricing is GST Exclusive;

Tenderer	Model	Purchase Price	Trade In	Options	Changeover	Comments
Hitachi	670B	\$321,000	\$48,000	\$22,000	\$295,000	Grade Pro cross slope comes as an additional item
Westrac	12M	\$344,800	\$57,000	\$0	\$287,800	Cross slope comes standard with the machine

As you will see from the attached documents the specifications and pricing for both graders are very similar in nature.

COUNCIL DECISION 11.1.2

Moved: Cr Cosgrove

Seconded: Cr Eardley

That council agree to the outright purchase of the John Deere 670GP Grader from Hitachi.

CARRIED 5/0

11.2 STAFF
Nil

12.0 CONFIDENTIAL ITEMS
Nil

13.0 TIME AND DATE OF NEXT MEETING
Next Ordinary Council Meeting to be held on Wednesday 18 October 2017 commencing at 4.30pm.

14.0 CLOSURE
The President thanked all for attending and declared the meeting closed at 4.55pm.

These minutes were confirmed at an Ordinary Council meeting on 18 October 2017

Signed _____
Presiding Officer

Date: _____