



**MINUTES FOR THE  
ORDINARY COUNCIL MEETING  
HELD ON  
WEDNESDAY  
10 February 2016**

**SHIRE OF MINGENEW**



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## SHIRE OF MINGENEW

### MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 10 February 2016 COMMENCING AT 4.00pm

#### 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President, Cr Bagley, declared the meeting open at 4.00pm 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
CR Lucken	Councillor	Town Ward

#### STAFF

MG Whitely	Chief Executive Officer
NS Jane	Deputy Chief Executive Officer

#### APOLOGIES

Nil

#### 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 of questions from the public up until 4:20pm

#### 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

#### 6.0 DECLARATIONS OF INTEREST

Cr Newton declared an interest in Items 9.1.6 and 9.1.7

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**7.1 ORDINARY MEETING HELD 16<sup>th</sup> December 2015**

**COUNCIL DECISION – ITEM 7.1**

Moved Cr Eardley

Seconded Cr Cosgrove

That the minutes of the ordinary meeting of the Shire of Mingenew held in the council chambers on 16<sup>th</sup> December 2015 be confirmed.

**CARRIED: 7/0**

**7.2 AUDIT COMMITTEE MEETING 16<sup>th</sup> December 2015**

**COUNCIL DECISION – ITEM 7.2**

Moved Cr Pearce

Seconded Cr Eardley

That the minutes of the audit committee meeting held in the council chambers on 16<sup>th</sup> December 2015 be confirmed.

**CARRIED: 7/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

**9.0 OFFICERS REPORTS**

## 9.1 CHIEF EXECUTIVE OFFICER

### 9.1.1 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:** 4 February 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 2015/16 road program.

#### Attachment

A copy of all submissions received are tabled.

#### Background

Tenders were called for the supply of bitumen and aggregate of the Shire's 2015/16 road program through WALGA eQuotes and closed on 29 January 2016.

#### Comment

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

	<b>Bitutek</b>	<b>Boral</b>	<b>Downer</b>	<b>Fulton Hogan</b>	<b>Colas</b>
<b>Description of Road Projects to be Completed</b>					
Depot Hill Rd (300m reconstruction)	6,750	24,038	8,405	7,009	7,278
Mingenew Mullewa Rd (4km reconstruction)	159,264	177,608	173,890	161,280	187,319
Nanekine Rd (1.9km reseal)	56,088	70,547	60,504	53,079	56,897
<b>TOTAL PRJECT COST</b>	<b>\$222,102</b>	<b>\$272,193</b>	<b>\$242,800</b>	<b>\$221,368</b>	<b>\$251,494</b>

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 m<sup>2</sup> required.

Bitutek were awarded the contract for the works completed in the 2014/15 financial year.

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

#### Consultation

Warren Borrett, Works Manager  
 Nita Jane, Manager Administration & Finance

#### 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 9.1.1**

**That Council;**

**Award the supply of bitumen and aggregate of the Shire's 2015/16 road program on a full contract basis for the amount of \$222,102 to Bitutek Pty Ltd.**

**COUNCIL DECISION – ITEM 9.1.1**

**Moved Cr Newton**

**Seconded Cr Criddle**

**That Council;**

**Award the supply of bitumen and aggregate of the Shire's 2015/16 road program on a full contract basis for the amount of \$222,102 to Bitutek Pty Ltd.**

**CARRIED 7/0**

## 9.1.2 REGIONAL GRANT SCHEME & COMMUNITY CHEST GRANT APPLICATIONS

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0222  
**Date:** 4 February 2016  
**Author:** Martin Whitely, Chief Executive Officer

### Summary

This report recommends a number of projects to be endorsed by Council to submit as suitable projects under the Royalties for Regions Regional Grants Scheme and Community Chest conducted by the Mid West Development Commission.

### Attachment

Nil

### Background

An announcement was released on the 21 December 2015 that the next round of funding for the Royalties for Regions Regional Grants Scheme and Community Chest conducted by the Mid West Development Commission ("MWDC") would open on 11 January 2016 and close on 17 March 2016. The Mid West Development Commission will receive \$1.67 million under the Regional Grants Scheme and \$556,000 for the Community Chest. The Community Chest threshold has been increased from \$20,000 to \$50,000 while the Regional Grants Scheme is for grant requests from \$50,000 - \$300,000.

### Comment

I met with Fiona Shallcross and Trish Palmonari at the MWDC following the December Ordinary Council meeting to discuss some possible projects that would be supported by the MWDC in the upcoming Regional Grants Scheme and Community Chest rounds. Following the meeting I forwarded through to Fiona a comprehensive list of possible projects for this round of funding and for future rounds. The projects that I submitted to the MWDC for review were projects that were either in our current Corporate Business Plan or were new projects that Council have recently discussed.

I received feedback from the MWDC on the possible projects that would be supported in the upcoming Regional Grants Scheme and Community Chest rounds. The MWDC are very supportive of all the projects that were put forward however we agreed that we look at submitting 1-2 projects under the Regional Grants Scheme and 3-4 projects under the Community Chest in this round of funding.

The projects identified are;

#### Regional Grants Scheme

- Business Incubator
- Aged Care / Independent Living Unit(s)

#### Community Chest

- Waste Transfer Station
- RV Friendly Site
- Childcare Centre Verandah

- Bride Street Recreation Space Area

### **Consultation**

Fiona Shallcross, Mid West Development Commission  
Trish Palmonari, Mid West Development Commission  
Scott Williams, Lotterywest  
Nita Jane, Manager Administration & Finance

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

The scope of the projects and the financial contributions made towards each project will have a direct impact on the Shire's capacity for project delivery in the 2016/17 and 2017/18 financial years.

### **Strategic Implications**

Community Strategic Plan

Outcome 1.1.7 – Investigate "Recreational Vehicle" friendly town status

Outcome 1.3.2 – Continue to lead by example to support business accommodation and investigate future

options to develop business incubators

Outcome 2.6.1 – Develop and implement a Waste Management Plan

Outcome 3.2.5 – Investigate and encourage youth facilities and services

Outcome 3.2.6 – Continue to support child care facilities

Outcome 3.4.2 – Provide accommodation for service workers and housing for seniors

Outcome 3.4.5 – Develop new housing for the aged care through a Joint Venture Program

Outcome 4.1.1 - Continue to provide quality local government services and facilities

Outcome 4.3.2 - Provide strong long term strategic leadership

### **Voting Requirements**

Simple Majority

<b>OFFICER RECOMMENDATION – ITEM 9.1.2</b>
--

**That Council;**

**Endorse the following projects to be submitted for funding under the Royalties for Regions Regional Grants Scheme and Community Chest conducted by the Mid West Development Commission;**

#### **Regional Grants Scheme**

- **Business Incubator**
- **Aged Care / Independent Living Unit(s)**

#### **Community Chest**

- **Waste Transfer Station**



- RV Friendly Site
- Childcare Centre
- Bride Street Recreation Space Area

**MOTION**

Moved Cr Cosgrove

Seconded Cr Pearce

That:

Council endorse the following projects to be submitted for funding under the Royalties for Regions Regional Grants Scheme and Community Chest conducted by the Mid West Development Commission;

**Regional Grants Scheme**

- Business Incubator
- Aged Care / Independent Living Unit(s)

**Community Chest**

- Waste Transfer Station
- RV Friendly Site
- Childcare Centre
- Bride Street Recreation Space Area

**AMENDMENT**

Moved Cr Cosgrove

Seconded Cr Pearce

That the following projects NOT be submitted for funding at this time:

- Aged Care/Independent Living Unit(s)
- RV Friendly Site
- Childcare Centre

**CARRIED 7/0**

**COUNCIL DECISION – ITEM 9.1.2**

The President put the amended motion:

That:

Council endorse the following projects to be submitted for funding under the Royalties for Regions Regional Grants Scheme and Community Chest conducted by the Mid West Development Commission;

**Regional Grants Scheme**

- **Business Incubator**

**Community Chest**

- **Waste Transfer Station**
- **Bride Street Recreation Space Area**

**CARRIED 7/0**

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

**Moved Cr Cosgrove**

**Seconded Cr Pearce**

That the reason the officer recommendation was changed was because elected members felt that alternative funding sources should be sought for the Aged Care/Independent Living Unit(s); that the cost of the RV Friendly site was minimal and could be met within the Shire budget; and that the Child Care Centre project be postponed until further investigation is done into alternative solutions.

**CARRIED 7/0**

### 9.1.3 CEO VEHICLE CHANGEOVER

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0342  
**Date:** 4 February 2016  
**Author:** Martin Whitely, Chief Executive Officer

#### Summary

This report recommends the changeover of the CEO vehicle into a different modelled vehicle.

#### Attachment

Quotations for the vehicle changeover are attached.

#### Background

The CEO Vehicle is a 2013 Toyota Prado. The vehicle changeover was scheduled in the 2014/15 financial year but carried forward to the 2015/16 financial year for the purpose of cash flow management.

#### Comment

I have made numerous enquiries into vehicle pricing for a like for like vehicle changeover and looking into moving into other various models. The two most prominent scenarios seem to be;

1. Buying another Toyota Prado, or
2. Moving into a Holden Caprice

The cost of buying another Prado is approximately \$15,000-\$20,000 while moving into a Caprice will be around \$7,000. I don't have a particular preference other than having a vehicle that can be changed over for low residual amount. An indicative changeover price on the Caprice at 15,000km's is approximately \$1,000, while an indicative changeover price on the Prado at 30,000km's is \$7,500.

For these reasons my recommendation would be to move into a Holden Caprice.

Provision of \$20,000 was made in the Budget for the changeover of the CEO vehicle. While the cost of moving from a Prado into a Caprice is only \$7,000, there is a variable of approximately \$12,000 between the outright purchase of a Prado (\$60,000) and a Caprice (\$48,000). For this reason my recommendation will include making a transfer to the Plant Replacement Reserve to ensure that Council have the option to move back into a Prado or similar vehicle should they wish to in the future.

#### Consultation

Ian Bunker, Young Motors  
Todd Lewis, Moora Toyota / Lewis Motors  
Jonathon Smith, Big Rock Toyota

#### Statutory Environment

Local Government Act 1995 states;

### 3.58 Disposing of property

(5) This section does not apply to —

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

Local Government (Functions & General) Regulations 1996 states;

### **30. Dispositions of property excluded from Act s. 3.58**

(3) A disposition of property other than land is an exempt disposition if —

- (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

In relation to the transfer of funds into a reserve account the Local Government Act 1995 states;

### **6.11. Reserve accounts**

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

#### **Policy Implications**

Policy No. 3007 – Purchasing Policy

#### **Financial Implications**

An allocation of \$20,000 was made in the 2015/16 Budget for the changeover of the CEO vehicle.

#### **Strategic Implications**

Nil

#### **Voting Requirements**

Simple Majority

<b>OFFICER RECOMMENDATION – ITEM 9.1.3</b>
--

**That Council;**

- 1. Trade in the 2013 Toyota Prado GXL to Young Motors for \$42,000 (GST Inclusive)**
- 2. Purchase a 2016 Holden Caprice V8 Sedan from Young Motors for \$48,777 (GST Inclusive), and**
- 3. Transfer an amount of \$13,000 in the Plant Replacement Reserve as provision for any future CEO vehicle model replacement**

<b>COUNCIL DECISION – ITEM 9.1.3</b>
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**Moved Cr Cosgrove**

**Seconded Cr Criddle**

**That Council;**

- 1. Trade in the 2013 Toyota Prado GXL to Young Motors for \$42,000 (GST Inclusive)**
- 2. Purchase a 2016 Holden Caprice V8 Sedan from Young Motors for \$48,777 (GST Inclusive), and**
- 3. Transfer an amount of \$13,000 in the Plant Replacement Reserve as provision for any future CEO vehicle model replacement**

**CARRIED 7/0**

#### **9.1.4 2015 COMPLIANCE AUDIT RETURN**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0057  
**Date:** 5 February 2016  
**Author:** Martin Whitely, Chief Executive Officer

##### **Summary**

This report recommends that Council review and adopt the 2015 Compliance Audit Return for the period 1 January 2015 to 31 December 2015.

##### **Attachment**

A copy of the completed Compliance Audit Return is attached for Council consideration.

##### **Background**

Every year local government is required to carry out a compliance audit for the period 1 January to 31 December.

Section 7.13 of the Local Government Act 1995 requires Council to complete the Compliance Audit Return in the form specified by the Department of Local Government and Communities and return by 31 March in the year that the Compliance Audit Return is completed.

##### **Comment**

The 2014 Compliance Audit Return identified a number of areas of non compliance. The areas of non compliance identified in the 2014 Return have been addressed and no areas of non compliance were identified during the completion of the 2015 Return.

##### **Consultation**

Nil

##### **Statutory Environment**

Local Government Act 1995  
Local Government (Functions & General) Regulations 1996  
Local Government (Administration) Regulations 1996  
Local Government (Audit) Regulations 1996  
Local Government (Elections) Regulations 1997  
Local Government (Rules of Conduct) Regulations 2007

##### **Policy Implications**

The Shire's Policy Manual should adhere with items contained within the Compliance Audit Return.

##### **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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.4**

**That Council;**

**Adopt the 2015 Compliance Audit Return for the period 1 January 2015 to 31 December 2015.**

**COUNCIL DECISION – ITEM 9.1.4**

**Moved Cr Pearce**

**Seconded Cr Newton**

**That Council;**

**Adopt the 2015 Compliance Audit Return for the period 1 January 2015 to 31 December 2015.**

**CARRIED 7/0**

### 9.1.5 WALGA ELECTED MEMBER TRAINING

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0387  
**Date:** 4 February 2016  
**Author:** Martin Whitely, Chief Executive Officer

#### Summary

This report recommends enrolling Councillors in a series of elected member training being conducted by WALGA in Geraldton in April 2016.

#### Attachment

Nil

#### Background

WALGA are conducting three separate elected member sessions in Geraldton during April 2016. The sessions being held include;

- Serving on Council & Meeting Procedures & Debating (Friday 1 April 2016)
- Land Use Planning (Thursday 14 April 2016)
- Strategy and Managing Risk (Friday 15 April 2016)

The training is subsidised and is only \$50 per course.

#### Comment

As the training is being held in Geraldton and is also heavily subsidised, these training sessions are a good opportunity for Councillors to participate in some elected training.

The first course being held on 1 April 2016, Serving on Council & Meeting Procedures & Debating, is recommended for both of our new Councillors and would also be beneficial for anyone that hasn't attended the session previously or would just like a refresher.

The Land Use Planning Session would be suitable as a general overview of land use planning procedures and is a timely opportunity to attend training given that the Shire's Townsite Expansion Strategy has recently been endorsed. It would also be beneficial for our two Development Assessment Panel representatives (President Bagley & Cr Cosgrove) to attend.

The final session, Strategy and Managing Risk, would also be valuable for all Councillors to attend.

Enrolment for each of the sessions can be completed online.

#### Consultation

Cr Michelle Bagley, President

#### Statutory Environment

Local Government Act 1995

#### Policy Implications

Nil



**Financial Implications**

There are sufficient funds allocated in the Budget for elected member training.

**Strategic Implications**

Community Strategic Plan

Outcome 4.2.2 – To be strong advocated representing the Shire's interests

Outcome 4.2.3 – Provide long term strategic leadership

Outcome 4.2.4 – Provision of professional development opportunities for councillors and staff

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.5**

That;

**Each of the councillors nominate the elected training sessions they would like to attend to enable the CEO to enrol them in these sessions.**

**COUNCIL DECISION – ITEM 9.1.5**

Moved Cr Newton

Seconded Cr Eardley

That;

**Each of the councillors nominate the elected training sessions they would like to attend to enable the CEO to enrol them in these sessions.**

**CARRIED 7/0**

### 9.1.6 MINGENEW CHILD CARE FACILITY

#### Disclosure of Impartiality Interest Item 9.1.6 – Cr Newton

Prior to any consideration of Item 9.1.6, Cr Newton declared an Impartiality Interest in this matter.

4.40pm – Cr Newton left the meeting and did not participate in discussion or vote on the matter.

**Location/Address:** 50 Midlands Rd, Mingenew  
**Name of Applicant:** Di Morgan, Mingenew Community Resource Centre  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0195  
**Date:** 4 February 2016  
**Author:** Martin Whitely, Chief Executive Officer

#### Summary

This report considers a proposal from the Mingenew Community Resource Centre to relocate the child care facilities from the Sister Cameron House to the Autumn Centre.

#### Attachment

A copy of the submission is attached.

#### Background

During the compilation of the 2015/16 Budget a submission was received from the Mingenew Community Resource Centre ("CRC") to enclose the verandah at the existing child care facility. A quote of \$14,125 was obtained to complete these works, as such provision of \$15,000 was made in the Budget to undertake these works on the basis of the CRC applying for a grant of \$10,000 and the Shire contributing \$5,000.

The submission received on Wednesday 3 February 2016 is now requesting that the child care facilities be relocated to the Autumn Centre and in addition that the CRC conduct various activities for the seniors.

The Sister Cameron House is a Shire building, as such any improvements will need to be endorsed by Council and the building is currently occupied by the child care for 4 days a week, while the other day the centre is utilised by playgroup.

#### Comment

I am concerned that the submission is lacking in detail to allow Council to make an informed decision. Some observations I have made from the submission include;

- The current capacity allows for 11 children. There are 11 children currently enrolled but what is currently the maximum number of children attending on any given day?
- The purpose of the original works was to increase the capacity to 15 children, is this sufficient and what would be the proposed capacity at the Autumn Centre?
- There is mention that the building supervisor has concerns over enclosing the verandah area, to my knowledge there has not been any site inspection undertaken

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- The existing facility is approved for child care use however the Autumn Centre is not. Making a facility compliant for day care involves undertaking an extensive review of the building and it unknown at this stage what costs will be involved in allowing this to happen
- The submission mentioned that they will be applying for a grant from the Mid West Development Commission for up to \$50,000, where will the CRC co contribution come from?
- There is no mention of what disruption having day care at the Autumn Centre will have on the other users currently utilising the building

I would like to see a much more detailed feasibility study of;

1. The cost required to enclose the verandah at the Sister Cameron House, and
2. A detailed scope of works and accompanying budget estimates for the Autumn Centre to be approved as a day care facility

The submission is obviously being rushed to allow a funding application to be made to the Mid West Development Commission which closes on 17 March 2016. Given that the next Council Meeting is scheduled for 16 March 2016, this is not going to allow the CRC enough time to obtain the information unless the funding submission is prepared on the basis of Council signing off on the proposal at the March Ordinary Council Meeting.

### **Consultation**

Di Morgan, Community Resource Centre  
Cr Helen Newton, Deputy President  
Ella Budrikis, Community Development Officer

### **Statutory Environment**

WA Child Care Regulations 2012

### **Policy Implications**

Nil

### **Financial Implications**

An allocation of \$15,000 was made in the 2015/16 Budget for improvements to the Sister Cameron Building. The allocation includes a \$5,000 cash contribution from Council.

### **Strategic Implications**

Community Strategic Plan  
Outcome 3.2.6 – Continue to support child care facilities

### **Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.6**

That Council;

1. That Council give in principle support for the Child Care services to be relocated to the Autumn Centre to allow a grant submission to be made to the Mid West Development Commission, and
2. That a further quotation is obtained to enclose the verandah at the Sister Cameron House that will comply with all Child Care, Building and other legislative requirements, and
3. A detailed scope of works to comply with the WA Child Care Regulations 2012 along with accompanying budget estimates to relocate to the Autumn Centre are submitted to Council following the funding submission, and
4. That any decision to relocate the Child Care services to the Autumn Centre will only be considered after further consultation has been carried out by the Shire

**MOTION**

Moved Cr Eardley

Seconded Cr Cosgrove

That Council;

1. That Council give in principle support for the Child Care services to be relocated to the Autumn Centre to allow a grant submission to be made to the Mid West Development Commission, and
2. That a further quotation is obtained to enclose the verandah at the Sister Cameron House that will comply with all Child Care, Building and other legislative requirements, and
3. A detailed scope of works to comply with the WA Child Care Regulations 2012 along with accompanying budget estimates to relocate to the Autumn Centre are submitted to Council following the funding submission, and
4. That any decision to relocate the Child Care services to the Autumn Centre will only be considered after further consultation has been carried out by the Shire

**AMENDMENT**

Moved Cr Eardley

Seconded Cr Cosgrove

That part 1. Of the motion be amended by inserting the word “investigation of”, and deletion of “to allow a grant submission to be made to the Mid West Development Commission”.

**CARRIED 6/0**

**COUNCIL DECISION – ITEM 9.1.6**

The President put the amended motion:

That Council;

1. That Council give in principle support for the investigation of Child Care services to be relocated to the Autumn Centre, and
2. That a further quotation is obtained to enclose the verandah at the Sister Cameron House that will comply with all Child Care, Building and other legislative requirements, and
3. A detailed scope of works to comply with the WA Child Care Regulations 2012 along with accompanying budget estimates to relocate to the Autumn Centre are submitted to Council following the funding submission, and
4. That any decision to relocate the Child Care services to the Autumn Centre will only be considered after further consultation has been carried out by the Shire

**CARRIED 6/0**

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

Moved Cr Eardley

Seconded Cr Cosgrove

That the reason the officer recommendation was changed was because elected members felt that further investigation of the options for the Child Care Centre is required prior to support being given.

**CARRIED 6/0**

4.45pm – Cr Newton returned to the meeting

### 9.1.7 MINGENEW IRWIN GROUP – WATER HARVESTING PROJECT

#### Disclosure of Impartiality Interest Item 9.1.7 – Cr Newton

Prior to any consideration of Item 9.1.7, Cr Newton declared an Impartiality Interest in this matter.

4.47pm – Cr Newton left the meeting and did not participate in discussion or vote on the matter.

<b>Location/Address:</b>	Midlands Rd, Mingenew
<b>Name of Applicant:</b>	Sheila Charlesworth, Mingenew Irwin Group
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0280
<b>Date:</b>	5 February 2016
<b>Author:</b>	Martin Whitely, Chief Executive Officer

#### Summary

This report considers a proposal from the Mingenew Irwin Group in relation to a grant application for a water harvesting project.

#### Attachment

Attachments include a summary of the GHD Report and grant application previously circulated to Councillors on 24 December 2015 as well as the full GHD Report.

#### Background

Council were first approached by the Mingenew Irwin Group (“MIG”) in September when Sheila Charlesworth attended the Concept Forum meeting on 14 September 2015. At that meeting MIG asked the Shire for their “in principle support” to conduct a feasibility study on the proposed water harvesting project and a letter of support was provided to MIG on 24 September 2015.

The CEO and Deputy CEO then met at the request of MIG with Sheila Charlesworth for an update on the project on 4 December 2015. It was at this meeting that Sheila mentioned that the recently completed GHD report had identified the Horse and Pony Club area as the favoured site to put the catchment dam and that there were long term plans for a nursery to be implemented, with the land owned by the Shire in the Industrial area one of MIG’s preferred site’s. It was clearly communicated at this meeting that any proposed use of Shire land would need to be endorsed by Council, if indeed it was an allowable use under the Shire’s Town Planning Scheme. It was at this meeting that the CEO suggested that Sheila attend the Concept Forum in December to provide Council with an update on the project.

Sheila attended the Concept Forum held on 16 December 2015 where an update was provided to Council. It was at this concept forum that a copy of the GHD report and grant application for the Community Water Supply Program were sighted by Council for the first time. It was also at this Concept Forum that Sheila requested Council to have the President and CEO sign the grant application on behalf of Council supporting the grant application.

The CEO was requested to read through the GHD Report and grant application and provide a summary to Council. This summary was completed and distributed to all Councillors on 24 December 2015.

**Comment**

While I think the concept is a great idea, especially if the project results in the addition of a nursery which has the ability to create additional employment within the community, I have a number of concerns that have come out of summarising the reports for Council. These concerns are demonstrated in detail in the summarised report.

**Consultation**

Sheila Charlesworth, Mingenew Irwin Group  
Nita Jane, Deputy Chief Executive Officer

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

There are potentially many financial implications for Council if the water harvesting project is to proceed, both in the initial completion of the project and the ongoing maintenance of the sit. However the total impact of these financial implications is unknown since more information from MIG on the project is still required to identify the full extent of these costs.

**Strategic Implications**

Community Strategic Plan

Outcome 1.4.3 – Encourage and support value adding industries

Outcome 1.5.2 – Efficient use of water resources within the Shire

Outcome 2.1.2 - Efficient use of water resources within the Shire

Outcome 2.6.3 – Investigate options for water harvesting

**Voting Requirements**

Simple Majority

<b>OFFICER RECOMMENDATION – ITEM 9.1.7</b>
--

**That Council;**

- 1. That Council give in principle support for the water harvesting project and proposed nursery, and**
- 2. That Council's preferred location for both the dam and nursery are within the East Basin & Central Basin reserves, and**
- 3. That any decision to allow a dam or nursery on Shire land can only be made after community consultation has been carried out by the Shire**

**MOTION**

Moved Cr Cosgrove

Seconded Cr Criddle

That Council;

1. That Council give in principle support for the water harvesting project and proposed nursery, and
2. That Council's preferred location for both the dam and nursery are within the East Basin & Central Basin reserves, and
3. That any decision to allow a dam or nursery on Shire land can only be made after community consultation has been carried out by the Shire

**AMENDMENT**

Moved Cr Cosgrove

Seconded Cr Criddle

That Part 2 of the motion be amended by deleting "both the dam and nursery are" and replacing with "the dam is".

CARRIED 6/0

<b>COUNCIL DECISION – ITEM 9.1.7</b>
--------------------------------------

The President put the amended motion:

That Council;

1. That Council give in principle support for the water harvesting project and proposed nursery, and
2. That Council's preferred location for the dam is within the East Basin & Central Basin reserves, and
3. That any decision to allow a dam or nursery on Shire land can only be made after community consultation has been carried out by the Shire

CARRIED 6/0

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

Moved Cr Cosgrove

Seconded Cr Criddle

That the reason the officer recommendation was changed was because adequate time for community consultation has not been allowed in relation to the location of a nursery.

CARRIED 6/0

4.50pm – Cr Newton returned to the meeting.



### **9.1.8 DEPUTY CHIEF EXECUTIVE OFFICER**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Mrs Nita Jane  
**File Reference:** ADM0253  
**Date:** 5 February 2016  
**Author:** Martin Whitely, Chief Executive Officer

#### **Summary**

This report considers a proposal from the CEO to amend the title of Mrs Nita Jane's position from Manager of Administration and Finance to Deputy Chief Executive Officer.

#### **Attachment**

Nil

#### **Background**

At the December Ordinary Council meeting there was discussion to change the title of Mrs Nita Jane's position from Manager of Administration and Finance to Deputy Chief Executive Officer. This item is to formalise those conversations.

#### **Comment**

Council previously elected at the October 2014 Ordinary Council Meeting to not make the role of Manager of Administration and Finance a senior officer position within the Shire of Mingenew. The changing of title to Deputy Chief Executive Officer will not impact on this previous decision of Council.

#### **Consultation**

All Councillors

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

There are no financial implications. .

#### **Strategic Implications**

Nil

#### **Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 9.1.8**

That;

The title of the position occupied by Mrs Nita Jane be changed from Manager of Administration and Finance to Deputy Chief Executive Officer.

**COUNCIL DECISION – ITEM 9.1.8**

Moved Cr Newton

Seconded Cr Lucken

That;

The title of the position occupied by Mrs Nita Jane be changed from Manager of Administration and Finance to Deputy Chief Executive Officer.

**CARRIED 7/0**

## 9.2 FINANCE

### 9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 DECEMBER 2015

<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM0304
<b>Date:</b>	5 February 2015
<b>Author:</b>	Nita Jane, Manager Finance and Administration
<b>Senior Officer:</b>	Martin Whitely, Chief Executive Officer

The Monthly Statement of Financial Activity report for the period ending 31 December 2015 is presented to Council for adoption.

#### Attachment

Finance Report for period ending 31 December 2015.

#### Background

The Monthly Financial Report to 31 December 2015 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

<b>SUMMARY OF FUNDS – SHIRE OF MINGENEW</b>	
Municipal Account	87,513
Business Cash Maximiser (Municipal Funds)	1,051,925
Trust Account	151,798
Reserve Maximiser Account	273,917

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 10 February 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 December 2015:

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	(1,138)	2,525	450	8,740	10,577

Rates Outstanding at 31 December 2015 were:

	Current	Arrears	TOTAL
Rates	186,240	28,245	214,485
Rubbish	2,115	0	2,115
<b>TOTAL</b>	<b>188,355</b>	<b>28,245</b>	<b>216,600</b>

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 —

- (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

<b>OFFICER RECOMMENDATION – ITEM 9.2.1</b>
--

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

<b>COUNCIL DECISION – ITEM 9.2.1</b>
--------------------------------------

**Moved Cr Eardley**

**Seconded Cr Pearce**

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

**CARRIED 7/0**

### 9.2.2 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 JANUARY 2016

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0304  
**Date:** 5 February 2015  
**Author:** Nita Jane, Manager Finance and Administration  
**Senior Officer:** Martin Whitely, Chief Executive Officer

The Monthly Statement of Financial Activity report for the period ending 31 January 2016 is presented to Council for adoption.

#### **Attachment**

Finance Report for period ending 31 January 2016.

#### **Background**

The Monthly Financial Report to 31 January 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**

<b>SUMMARY OF FUNDS – SHIRE OF MINGENEW</b>	
Municipal Account	64,815
Business Cash Maximiser (Municipal Funds)	1,053,011
Trust Account	135,905
Reserve Maximiser Account	274,200

## MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 10 February 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 January 2016:

Amount	Current	30+ Days	60+ Days	90+ Days	TOTAL
	(2,496)	742	580	8,815	7,638

Rates Outstanding at 31<sup>st</sup> January 2016 were:

	Current	Arrears	TOTAL
Rates	148,348	28,245	176,588
Rubbish	2,115	0	2,115
<b>TOTAL</b>	<b>150,458</b>	<b>28,245</b>	<b>178,703</b>

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 —

- (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

<b>OFFICER RECOMMENDATION – ITEM 9.2.2</b>
--

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

<b>COUNCIL DECISION – ITEM 9.2.2</b>
--------------------------------------

**Moved Cr Cosgrove**

**Seconded Cr Newton**

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

**CARRIED 7/0**



### 9.2.3 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 DECEMBER 2015

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Disclosure of Interest:** Nil  
**Date:** 5 February 2016  
**Author:** Julie Borrett, Senior Finance Officer  
**Senior Officer:** Nita Jane, Manager of Administration and Finance

Council to confirm the payment of creditors for the month of December 2015 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 9.2.3**

That Council confirm the accounts as presented for December 2015 from the Municipal Fund totalling \$345,509.88 represented by Electronic Funds Transfers of EFT 9374 to EFT9575, Direct Deduction DD7433.1, 2 and 3, DD7450.1, 2 and 3, DD7455 1 and 2, DD7464.1, 2 and 3, Trust Cheque number 467 and Cheque numbers 8024-8032.

**COUNCIL DECISION – ITEM 9.2.3**

Moved Cr Newton

Seconded Cr Eardley

That Council confirm the accounts as presented for December 2015 from the Municipal Fund totalling \$345,509.88 represented by Electronic Funds Transfers of EFT 9374 to EFT9575, Direct Deduction DD7433.1, 2 and 3, DD7450.1, 2 and 3, DD7455 1 and 2, DD7464.1, 2 and 3, Trust Cheque number 467 and Cheque numbers 8024-8032.

**CARRIED 7/0**

#### **9.2.4 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 JANUARY 2016**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Disclosure of Interest:** Nil  
**Date:** 5 February 2016  
**Author:** Julie Borrett, Senior Finance Officer  
**Senior Officer:** Nita Jane, Manager of Administration and Finance

Council to confirm the payment of creditors for the month of January 2015 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 9.2.4**

That Council confirm the accounts as presented for January 2015 from the Municipal Fund totalling \$141,513.03 represented by Electronic Funds Transfers of EFT 9576 to EFT9596, Direct Deduction DD7475.1, 2 and 3, DD7488.1, 2 and 3, Trust Cheque number 468 and Cheque numbers 8033-8035.

**COUNCIL DECISION – ITEM 9.2.4**

Moved Cr Cosgrove

Seconded Cr Lucken

That Council confirm the accounts as presented for January 2015 from the Municipal Fund totalling \$141,513.03 represented by Electronic Funds Transfers of EFT 9576 to EFT9596, Direct Deduction DD7475.1, 2 and 3, DD7488.1, 2 and 3, Trust Cheque number 468 and Cheque numbers 8033-8035.

CARRIED 7/0

## 9.2.5 RECOVERY OF RATES & CHARGES – POSSESSION OF LAND

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**Date:** 5 February 2016  
**Author:** Nita Jane – Manager Finance & Administration

### SUMMARY

To consider the transfer of a property to the shire which has rates in arrears by 3 or more years, and which has not sold at auction or following the listing with a selling agent.

### ATTACHMENT

Local Government Operational Guidelines Number 22  
 Council Minutes – November 2012

### BACKGROUND

There is currently a property that has rates outstanding by three or more years for which it has not been possible to enter into an acceptable and successful arrangement for the payment of the balance owing. In October 2012 Council resolved to sell by public auction this property, and recover from the proceeds of sale the outstanding balance. The auction was held on 15 February 2014, however there were no bids, and the property was passed in. Subsequently the property was listed with Ray White Dongara. In November 2015 contact was made with the owners' mother who holds Enduring Powering of Attorney for the owner. She advised there is no capacity to pay the debt and has requested that the property be transferred to the shire in settlement of the outstanding rates and charges.

Following is a brief history of collection actions taken to date:

Assessment	A353
Type/Zoning	Vacant Residential
Period Outstanding	2010/11 – 2015/16
Amount Outstanding	\$12,739.09 (at 6 January 2016)
Last Payment Received	30 <sup>th</sup> November 2009
Recovery Action	27 February 2012 – Referred to Dunn & Bradstreet for collection action. 28 February 2012 – Notice of demand sent to owner 10 April 2012 – E-Lodgement of claim queued with Court. 25 April 2012 – Claim filed with Court and summons sent for service. 4 May 2012 – Process server attended last known address and was notified owner no longer resident there. 27 August 2012 – Skip Trace performed, unable to locate current address for owner other than vacant lot in question. 23 January 2013 – Referred to Civic Legal for assistance with sale of land process 22 April 2013 – Letter from Civic Legal to owner with a Notification of Taking Possession of Land (Form 2) 8 November 2013 – Engagement of Agent/Auctioneer for property auction

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 10 February 2016

	<p>11 November 2013 – Preparation of Form 5                  20 November 2013 – Advertisement in West Australian Newspaper                  31 January 2014 – Preparation of Sale Contract                  13 February 2014 – Landgate advice of Memorial of the land advertised for sale in the West Australian Newspaper on 20 November 2013 and registered.                  15 February 2014 - Auction                  11 March 2014 – Listing of property with Ray White Dongara                  23 May 2014 – Advice received of current address for owner.                  23 May 2014 – Owners mother telephoned to advise owner has had a stroke and her contact details                  2 November 2015 – Telephoned owners mother. Mother advised she has Enduring Power of Attorney and would like to hand the block back to the shire as settlement of outstanding rates and charges.                  4 January 2016 – Received letter from owners mother with proof of Enduring Power of Attorney and requesting the property be handed to the Shire as settlement for outstanding rates and charges.                  4 January 2016 – Telephoned owners mother. Advised of receipt of letter and item to next council meeting in February 2016.</p>
Response	As outlined above.

A summary of the outstanding amount is:

2010/11 Rates & ESL	355.00
2011/12 Rates & ESL	385.00
2012/13 Rates & ESL	387.00
2013/14 Rates & ESL	390.00
2014/15 ESL Only	64.00
2015/16 Rates & ESL	704.00
Interest Charges	1,605.22
Legal Charges	8,848.87
<b>TOTAL</b>	<b>12,739.09</b>

**COMMENT**

There are three options available:

Option 1 – Exercise the provisions of Section 6.64 of the Local Government Act 1995

This empowers the sale of land in relation to unpaid rates and charges – applied by Council resolution in 2012, however property passed in at auction, with no bids offered.

Option 2 – Exercise the provisions of Section 6.74 of the Local Government Act 1995

Apply to the Minister to have the land re-vested in the Crown in the right of the State

It is suggested that that Council apply the provisions of Section 6.64 of the Local Government Act 1995 and make application for the land to be transferred to the local government.

**CONSULTATION**

Ning Yan, Senior Project Officer, Local Government Regulation and Support, Department of Local Government

Julie Knight, Senior Legislation & Strategy Officer, Local Government Legislation, Department of Local Government

Martin Whitely, Chief Executive Officer

## **STATUTORY ENVIRONMENT**

Local Government Act 1995, sections 6.64 states:

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and -
  - (a) from time to time lease the land;
  - (b) sell the land;
  - (c) cause the land to be transferred to the Crown; or
  - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

## **POLICY IMPLICATIONS**

Council Policy 3006 – Debt Collection

### **3006 DEBT COLLECTION**

The following shall be the normal procedures for rate/debt recovery:

#### **3006.1 RATES**

1. Rate Notices shall be sent out to all ratepayers as soon as possible after the budget has been set and Instalment Notices at the specified dates.
2. The Chief Executive Officer is authorised to undertake legal action after specific approval has been given by Council for the recovery of all current and arrears rates and charges remaining outstanding either after the 35 days where no instalment option has been implemented and where instalments are not adhered to, exercising discretion on the amount owed and /or term outstanding when initiating such legal action. Such legal action for rates recovery can be either through the local Court or by Council Solicitors or Collection Agents as the case may warrant when all other reasonable attempts at collection have been exhausted.
3. The CEO is to bring to Council's attention any rates which remain unpaid for three years for a determination on selling the land for the recovery of rates in accordance with the provisions of the Local Government Act.
4. On Council approval, CEO be authorised to issue a summons on offenders, utilising the local Bailiff, and incorporating the recovery of all outstanding rates, penalties, charges and cost incurred for the issue of such a summons.
5. Alternatively, upon Council's authorisation, the CEO be authorised to utilise the services of a Debt Collector for the recovery of all outstanding rates.

## **FINANCIAL IMPLICATIONS**

The current outstanding rates and charges on this property are \$12,739.09

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

<b>OFFICER RECOMMENDATION – ITEM 9.2.5</b>
--

1. That Council pursuant to Section 6.64 of the Local Government Act 1995, proceed to make application for the property, Assessment 353, which has rates in arrears for 3 or more years, to be transferred to the local government, and
2. That, once the property has been transferred to the Shire of Mingenew, Council pursuant to Section 6.12(1)(c) of the Local Government Act 1995, write off all outstanding rates and charges on Assessment 353.

<b>COUNCIL DECISION – ITEM 9.2.5</b>
--------------------------------------

1. That Council pursuant to Section 6.64 of the Local Government Act 1995, proceed to make application for the property, Assessment 353, which has rates in arrears for 3 or more years, to be transferred to the local government, and
2. That, once the property has been transferred to the Shire of Mingenew, Council pursuant to Section 6.12(1)(c) of the Local Government Act 1995, write off all outstanding rates and charges on Assessment 353.

**CARRIED 7/0**



**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 DONATION TO SHIRE OF HARVEY – YARLOOP FIRE RECOVERY**

The President advised the meeting that she sought leave to introduce an urgent item of business. The reason for the urgency was that it relates to the provision of a donation to the Shire of Harvey following the devastating fires in the region in recent weeks.

**COUNCIL DECISION – ITEM 11.1.1**

**Moved Cr Eardley**

**Seconded Cr Pearce**

**That the meeting consider the provision of a donation to the Shire of Harvey to assist with recovery efforts following fires in the area.**

**CARRIED 7/0**

**COUNCIL DECISION – ITEM 11.1.1**

**Moved Cr Cosgrove**

**Seconded Cr Pearce**

**That a donation of \$1,000 be made to the Shire of Harvey to assist with recovery efforts following the fires in the area.**

**CARRIED 7/0**

### 11.1.2 TELSTRA PIT – MIDLANDS ROAD

The President advised the meeting that she sought leave to introduce an urgent item of business. The reason for the urgency was a request from Mark Salt at Main Roads for council to consider a contribution to the removal of the Telstra Pit on Midlands Road adjacent to Palm Roadhouse.

<b>COUNCIL DECISION – ITEM 11.1.2 – New Business of an Urgent Nature – Telstra Pit – Midlands Road</b>
--

Moved Cr Newton

Seconded Cr Cosgrove

That the meeting consider the request for a contribution towards the removal of the Telstra Pit on Midlands Road adjacent to Palm Roadhouse be .

**CARRIED 7/0**

#### **Disclosure of Financial Interest Item 11.1.2 – Cr Eardley**

Cr Eardley declared a financial interest as she is the owner of Palm Roadhouse.

5.05pm – Cr Eardley left the meeting and did not participate in discussion or vote on the matter

<b>COUNCIL DECISION – ITEM 11.1.2 – New Business of an Urgent Nature – Telstra Pit – Midlands Road</b>
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Moved Cr Newton

Seconded Cr Cosgrove

That the Shire of Mingenew provides a \$5,000 contribution towards the cost of removing the Telstra Pit from Midlands Road verge adjacent to Palm Roadhouse on the condition that no further request is made of the Shire or Palm Roadhouse.

**CARRIED 6/0**

5.09 – Cr Eardley returned to the meeting.

**11.2 STAFF**  
Nil

**12.0 CONFIDENTIAL ITEMS**

Nil.

**13.0 TIME AND DATE OF NEXT MEETING**

That the next Ordinary Council Meeting be held on Wednesday 16th March 2016 commencing at 4.30pm.

Public Notice to be given of change of time.

**14.0 CLOSURE**

The Shire President then thanked all for attending and declared the meeting closed at 5.11 pm.

**These minutes were confirmed at an Ordinary Council meeting on 16th March 2016.**

**Signed** \_\_\_\_\_  
**Presiding Officer**

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