



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
21ST APRIL 2010



SHIRE OF MINGENEW
ORDINARY COUNCIL MEETING NOTICE PAPER
21ST APRIL 2010

Madam President and Councillors,

An ordinary meeting of Council is called for **Wednesday, 21st April 2010**, in the Council Chambers, Victoria Street, Mingenew, commencing at **2:30pm**.

Ian Fitzgerald
Chief Executive Officer
16th April 2010

MINGENEW SHIRE COUNCIL

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Mingenew Shire Council for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Mingenew Shire Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of Mingenew Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Mingenew Shire Council. The Mingenew Shire Council warns that anyone who has an application lodged with the Mingenew Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Mingenew Shire Council in respect of the application.

CHIEF EXECUTIVE OFFICER

16th April 2010

SHIRE OF MINGENEW

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

Chief Executive Officer

Shire of Mingenew

PO Box 120

MINGENEW WA 6522

Dear Sir

Written Declaration of Interest in Matter before Council

I, _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on _____

Agenda Item _____

The type of interest I wish to declare is Financial/Proximity/Indirect/Financial/Conflict (impartiality) pursuant to Section 5.65 of the Local Government Act 1995/Clause 1.3 of Councils Adopted Code of Conduct.

The nature of my interest is _____

I wish to be present and participate in any discussion and/or decision making procedure relating to the item and therefore would like Council to declare that my interest in the matter is

The extent of my interest is _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Financial Interest Register.

Yours faithfully,

Signed

Date

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- 1 OPENING**
- 2 RECORD OF ATTENDANCE/ APOLOGIES/ LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**
- 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4 PUBLIC QUESTION TIME**
- 5 APPLICATION FOR LEAVE OF ABSENCE**
- 6 PUBLIC FORUM (PETITIONS/ DEPUTATIONS/ PRESENTATIONS)**

Council conducts open Council meetings. Members of the public are asked that if they wish to address the Council they state their name and put the purpose of their address as precisely as possible. A maximum of 15 minutes is allocated for public forum. The length of time an individual can speak will be determined at the President's discretion.

- 7 CONFIRMATION OF PREVIOUS MEETING MINUTES**

That the Minutes of the Ordinary Council Meeting held on the 17th March 2010 be confirmed as true and accurate.

- 8 DISCLOSURES OF FINANCIAL AND OTHER INTERESTS**

Note: That under Section 5.65 of the Local Government Act 1995 care should be exercised by all Councillors to ensure that a "financial interest" is declared and that they refrain from voting on any matters which are considered that may come within the ambit of the Act.

- 9 REPORTS OF COMMITTEES AND OFFICERS**

- 9.1 HEALTH, BUILDING AND TOWN PLANNING**
- 9.2 WORKS AND SERVICES**
- 9.3 FINANCE AND ADMINISTRATION**
 - 9.3.1 Manager of Corporate Services**
 - 9.3.2 Sponsorship Agreement – Mingenew-Irwin Group**
 - 9.3.3 Mid West Regional Council – Winding up of**
 - 9.3.4 Delegations Register**
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- 9.3.8 Resource Sharing Committee**
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- 10 ANNOUNCEMENT BY PRESIDENT AND COUNCILLORS**
- 11 ELECTED MEMBERS/ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12 URGENT BUSINESS INTRODUCED BY DECISIONS OF THE MEETING**
 - (A) ELECTED MEMBERS
 - (B) OFFICERS
- 13 CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT S5.23 (2)**
- 14 CLOSURE**

9.3.1 MANAGER OF CORPORATE SERVICES

Agenda Reference: CEO 04/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11th April 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to accept the recommendation from the Chief Executive Officer that Mr Christopher Jackson be appointed to the Manager of Corporate Services position.

ATTACHMENT

Nil

BACKGROUND

Council has previously resolved to share a Deputy Chief Executive Officer (DCEO) position with the Shire of Three Springs and, more recently noted, the creation of a new position of Manager of Corporate Services.

COMMENT

The Local Government Act 1995 outlines a process that needs to be followed in the appointment of a new Senior Employee (this position is designated as a Senior Employee) and this is detailed below:

5.37. Senior Employees

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

The position was advertised both locally and in a local government job guide that goes to every local government in Australia.

A total of 5 applicants were received and from that a short list of 2 was selected for interview.

Following the interview process (with Councillors Bagley and Treloar) and reference checks Mr. Christopher Jackson was offered and subsequently accepted the position. Mr. Jackson will commence on Tuesday 27th April 2010 on a 3 year contract with an initial remuneration package of \$126,700. The appointment is subject to satisfactory completion of a 3 month probation period.

Mr Jackson has considerable experience in local government including some 13 years as a CEO and is seen as an ideal candidate for this position.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The remuneration package is within the budget provision for this position and will be met by the Shires of Mingenew and Three Springs.

STRATEGIC IMPLICATIONS

This position will concentrate on the administration and statutory compliance areas of Council's operations providing assistance to Councillors and the CEO.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.1

That Council accepts the recommendation from the Chief Executive Officer that Mr. Christopher Jackson be appointed to the Manager of Corporate Services position.

9.3.2 SPONSORSHIP AGREEMENT – MINGENEW IRWIN GROUP

Agenda Reference: CEO 04/10 - 02
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 12th April 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

The Sponsorship Agreement between the Shire of Mingenew and the Mingenew- Irwin Group Inc is due to expire on the 30th June 2010 and Council is requested to consider entering into a new 3 year sponsorship agreement.

ATTACHMENT

A copy of the existing agreement is attached.

BACKGROUND

Council entered into a formal 3 year sponsorship agreement with Mingenew-Irwin Group that commenced as from the 1st July 2007.

COMMENT

Council provides support to the Mingenew-Irwin Group in a number of ways including provision of the building, annual cash contribution and lease of a vehicle (fully funded by MIG). At times venues for various events are also provided free of charge.

The Sponsorship Agreement is working well with the Shire of Mingenew acknowledged as a Diamond level sponsor.

One change proposed from the existing agreement is the introduction of a new Platinum level sponsorship at a cost of \$30,000. This matter is currently being processed by MIG> The Shire of Mingenew would continue to be recognised as the major local government sponsor.

The agreement allows Council to nominate a representative to the Mingenew-Irwin Group Environmental Division Committee and currently nominates former Councillor McTaggart as that representative. It is suggested the new agreement would simply allow for a Council delegate to this committee rather than nominating a particular person. This would help avoid needing to amend the agreement should, for some reason, the nominated delegate no longer be available.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual \$3,000 cash contribution forms part of the shire's Annual Budget.

STRATEGIC IMPLICATIONS

The agreement demonstrates Council's commitment to the Mingenew-Irwin Group, agriculture research, and land care within the district.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.1

That Council;

- a) Agrees to renew their formal Sponsorship Agreement with the Mingenew-Irwin Group with Council to be recognised as a Diamond level sponsor.**
- b) Nominates Councillor _____ as their delegate to the Mingenew- Irwin Group Environmental Division Committee.**

9.3.3 MID WEST REGIONAL COUNCIL – WINDING UP OF

Agenda Reference: CEO 04/10 - 03
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th April 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to consider a request from the Shire of Mullewa to allow them to withdraw from the Mid West Regional Council (MWRC) with effect 30th June 2010 – 12 months ahead of the date permitted under the Establishment Agreement.

ATTACHMENT

Nil

BACKGROUND

Council has previously resolved to withdraw from the MWRC with effect 30th June 2011 – the earliest date permissible under the terms of the Establishment Agreement.

COMMENT

The Shires of Carnamah and Coorow have given notice of their withdrawal from the MWRC with effect 30th June 2010.

The proposed amalgamation of Mullewa with Geraldton – Greenough and the amalgamation of Mingenew, Morawa, Perenjori and Three Springs has raised the question of the need for the MWRC.

At this time the Shires of Mingenew, Mullewa and Three Springs have given notice of their withdrawal – all with effect 30th June 2011. The Shires of Morawa and Perenjori wish for the MWRC to continue.

At the recent MWRC meeting the possibility of allowing Mullewa to withdraw early was raised and it was requested this be taken back to the member shires for their consideration.

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The MWRC sought legal advice from the lawyer who drafted the Establishment Agreement as to the intent of the winding up clause. The response was that the winding up would be “by agreement” which meant all members would need to agree. This is in many ways contrary to the way local government normally operates where the majority vote prevails.

This prompted an independent legal opinion to be sought and this is copied below.



Our Ref ND:MING-26096

Your Ref

12 April 2010

Mr I Fitzgerald
Chief Executive Officer
Shire of Mingenew
PO Box 120
MINGENEW WA 6522

Dear Ian

WCRC – winding up provisions

Thank you for your instructions in your email of 7 April 2010.

You have sought my advice on whether the Wildflower Country Regional Council (**WCRC**) can be wound up by a majority vote of the Participants, or whether it would require a unanimous decision of the Participants.

1. Establishment Agreement and authorities

The relevant clause of the Establishment Agreement of the WCRC is clause 12.1 which states, simply –

‘The Participants may, by agreement, wind up the WCRC’.

Unfortunately, the terms in which clause 12.1 have been drafted leave this issue somewhat uncertain and open to contrary conclusions.

The relevant legal principles, in the context of the dissolution of an unincorporated association, were dealt with by the Supreme Court of Victoria in *Master Grocers' Association of Victoria v Northern District Grocers Co-operative Ltd* [1983] 1 VR 195. In the course of a detailed review of the relevant authorities, Justice Brooking stated –

‘Whether in the absence of some indication of intention derived from its rules an unincorporated association can be dissolved by the majority decision of the whole number of its members, or whether on the other hand the unanimous agreement of all members is required, is not clear on the authorities ...

A number of statements can be found supporting the view that unless the rules show a contrary intention, the members of a voluntary association cannot dissolve it by majority decision but only by unanimous agreement. ... The contract theory led Jessel, MR to deny the existence of any inherent power in a club to alter its rules by majority decision so as to provide for expulsion ... and led Wills, J. to conclude that the rules of a friendly society which contained no provision for alteration could not



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(26096-10 04 12-ND-Mingenew)

WCRC – winding up provisions

be altered without the consent of all members ... In Canada the same approach induced the Court of Appeal of Ontario to declare invalid an agreement to merge made between two trade unions on the ground that, since one union was a voluntary association the constitution of which made no provision for merger, the amalgamation could be effected only by the unanimous concurrence of all its members ... In New Zealand the contract theory has similarly led to the view that if the rules of an unincorporated association make no provision for their alteration, they can be altered only by unanimous agreement ...

There are a number of cases in which the power of a majority to bind the minority has been accepted. Where the rules of a benefit society provided that it should not be dissolved so long as three members were willing to hold the society, *Shadwell, V.-C.* was apparently of opinion that the majority of the members could none the less determine to dissolve it ... A dictum of Manning, CJ in *Amos v Brunton* ... suggests that on a winding up of an association its members can, by majority, resolve to distribute its assets among themselves. The Court of Appeal, invoking natural law, held that the majority of the whole body of members of a friendly society could determine to register it under the Friendly Societies Act ... More recently Lord Denning, MR has expressed the opinion that the rules of a club which contained no power of amendment could be amended or altered by a simple majority in general meeting ... In the same case, however, Cross LJ ... considered that the unanimous agreement of all members was necessary in the absence of ratification'.

2. Analysis

The contrary conclusions of these cases does little to assist the WCRC in determining the meaning of clause 12.1 of the Establishment Agreement. However, there is strong support in the cases, regardless of their conclusions, for the link between the power to amend the relevant constitution and the power to dissolve the body.

The power to amend the Establishment Agreement of the WCRC is contained in section 3.65(1) of the *Local Government Act 1995*. The participants have the power to amend the Establishment Agreement 'by agreement made with the Minister's approval'. Once again, 'agreement' is not defined. However, it is significant that, in order to establish a regional local government, an application for the Minister's approval must be 'accompanied by a copy of an agreement between the participants to establish the regional local government (section 3.61(2)(b)).

There is no question that 'an agreement between the participants to establish [a] regional local government' requires unanimous agreement. From this, in my view, a court would have little difficulty in concluding that any agreement required to effect an amendment to the Establishment Agreement must also be unanimous. These conclusions provide very strong, if not compelling, support for the proposition that the required 'agreement' in clause 12.1 of the Establishment Agreement of the WCRC also requires the unanimous agreement of all the participants.

I appreciate that there are negative practical consequences that follow from this conclusion, including the capacity for one or more participants, in effect, to veto a proposal to wind up the WCRC. However, in my view, these consequences are unlikely to dissuade a court from

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Shire of Mingenew
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concluding that 'agreement' in clause 12.1 should be construed the same way as similar references in sections 3.61 and 3.65 of the *Local Government Act*.

3. Conclusions

In my view, although the matter is open to some doubt –

- (a) the reference to 'agreement' in clause 12.1 of the Establishment Agreement of the WCRC is likely to be construed by a court to mean 'unanimous agreement'; and
- (b) it follows that the WCRC could not be wound up unless each of the Participants agree to the proposed winding up.

Please let me know if I can be of any further assistance.

Yours sincerely



Neil Douglas
Partner

Contact: Neil Douglas
Direct line: 9424 6210
Email: neil.douglas@mcleods.com.au

This makes it clear that the winding up needs to be supported by all members to allow it to proceed.

The other matter to consider is the financial implications of shires withdrawing. With the Shires of Carnamah and Coorow withdrawing the costs of the MWRC will need to be split between the remaining 5 shires. If Mullewa is permitted to withdraw early the cost will be split between the remaining 4 shires.

The 2010/2011 MWRC budget has not been prepared as yet but using the current budget as a starting point the Shire of Mingenew contribution for next financial year would increase in the order of \$10,000. If Mullewa was allowed to withdraw early the contribution would increase to over \$17,000.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual contribution to the MWRC will increase in 2010/11 by approximately \$10,000 to cover the withdrawal of Carnamah and Coorow and will further increase should Mullewa be allowed to withdrawal early.

STRATEGIC IMPLICATIONS

The MWRC will continue to operate, if in a reduced capacity, for another 12 months.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.3

That Council advises the Mid West Regional Council it does not support the early withdrawal of the Shire of Mullewa form the regional council unless it makes payment, in advance, of what would have been their 2010/11 financial contribution.

9.3.4 DELEGATIONS REGISTER

Agenda Reference: CEO 04/10 - 04
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th April 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to adopt the Delegations Register presented which has been amended to reflect the new staff appointments. There are no other changes to the register.

ATTACHMENT

A copy of the amended Delegations Register is attached to this item.

BACKGROUND

Nil

COMMENT

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.4

That Council adopts the revised Delegations Register as presented.

9.3.5 POLICY MANUAL – ANNUAL REVIEW

Agenda Reference: CEO 04/10 - 05
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11th April 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to review and adopt the revised Policy Manual as presented.

ATTACHMENT

A copy of the revised Policy Manual has been provided as a separate document with this agenda.

BACKGROUND

Council has previously resolved to adopt this Policy Manual at the June 2009 Council Meeting.

COMMENT

The only changes to the Policy Manual are changes to position titles to reflect the current titles – remove DCEO and insert MCS and the inclusion of reference to the Sports Advisory Committee.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Updated Policy Manual with corrected position titles and insertion of Sports Advisory Committee.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.5

That Council adopts the updated Policy Manual as presented.

9.3.6 GINDALBIE METALS LTD – LOCAL GOVERNMENT PARTNERSHIP

Agenda Reference: CEO 04/10 - 06
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11th April 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to consider adopting a Local Government/ Gindalbie Metals Ltd Partnership Specific Framework from which negotiations can commence to establish real goals and strategies for mining company involvement and community benefit into the future.

ATTACHMENT

Mining Development – Guiding Principles

BACKGROUND

At the October 2009 Ordinary Meeting, Council considered and adopted a set of Mining Development – Guiding Principles (copy attached). The purpose of adopting these guiding principles was to engage mining companies located within the region to establish a basis for establishing a minimum level of commitment going forward. The same guiding principles were considered and adopted by the Perenjori, Morawa and Three Springs Shire Councils.

Following Council's endorsement to the Guiding Principles, copies of the same were distributed to all miners located within the region. Gindalbie Metals Ltd represents the first mining company to respond and provide impetus for a possible take up of these principles.

COMMENT

Gindalbie Metals Ltd is proposing that the Mingenew Shire Council considers adoption of a specific framework agreement as provided. Gindalbie Metals Ltd basis for this proposal is to ensure that there is mutual intent by both parties to progress and deliver benefits for both the Karara project and the hinterland communities.

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The principle negotiations in relation to this revised agreement have been carried out by the Shire of Morawa CEO on behalf of the 4 councils. As part of that process Gindalbie Metals Ltd further proposes that the next steps in the process would be:-

- 1) Morawa Shire CEO to seek joint CEO endorsement of the 'draft' principles document as modified
- 2) Mr. Garret Dixon/ Mr. Steve Murdoch confirm 'acceptance' of the document
- 3) CEO's recommend that the document progress to the Council meetings April 2010 for respective Council endorsements
- 4) Joint community/ media promotion be undertaken facilitated by Gindalbie/ Shires in a similar vein to the TAFE Training partnership promotion
- 5) Gindalbie/ Karara and each Shire promote the agreement on their respective websites.

On this basis the same agenda item is being put to each of the 4 councils this month.

Following on from the above process, it is proposed that Gindalbie Metals Ltd Senior Executive Mr. Garret Dixon and Mr. Steve Murdoch meet with the Council CEO's, to identify and confirm mutual deliverables in respect of both the construction phase going forward, and also the operations phase of the project.

It is proposed that this phase of the process be facilitated in a workshop style of structure in which open dialogue can be conducted to identify and establish an agreed set of goals, commitments and strategies going forward. It is also acknowledged that this initial process is a preliminary phase only. As the project develops and other issues and initiatives are identified, the need for additional dialogue and negotiation will become necessary.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Gindalbie Metals Ltd maintains a preference for local governments to seek mining company financial assistance for actual community maintenance and capital infrastructure projects

based on forward submission of the same for due consideration. This aspect will need to be carefully considered by the Local Governments during the workshop phase of discussions/ negotiations. The benefit of such an approach is the ability to lever funds to contribute towards much needed community projects. The downside is that there is the potential for no funding to be provided if Gindalbie Metals opts not to support the project as submitted.

STRATEGIC IMPLICATIONS

The greatest challenge still presenting itself to the Local Governments impacted by Gindalbie Metals Ltd is the establishment of 'buy in' by the miner to the communities. All mining operations must be sustainable to become a viable project. To become sustainable, miners must deliver a balance between economic, environmental and social outcomes. It is the Local Government's role, as ambassadors of the community, to advance the social considerations in direct liaison with the proposed miners.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.6

That:

- 1) The draft Local Government/ Gindalbie Metals Ltd Partnership Specific Framework be accepted and adopted by the Shire of Mingenew**
- 2) A formal and joint press release be prepared and issued by Gindalbie Metals Ltd and the Shire of Mingenew to confirm this outcome**
- 3) Arrangements be made for the Shire of Mingenew to enter into discussions and negotiations with Gindalbie Metals Ltd to progress in achieving social sustainability outcomes for the community of Mingenew.**
- 4) The Chief Executive Officer and Shire President be confirmed as the Shire Mingenew's representatives for this negotiation process.**
- 5) The outcomes of the negotiation process be presented to Council for further consideration.**

9.3.7 MINGENEW HOTEL – GAMING PREMISES CERTIFICATE

Agenda Reference: CEO 04/10 - 07
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15th April 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to consider an application from the Mingenew Hotel to renew their Premises Gaming Certificate. The current approval certificate is due to expire on the 24th April 2010.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

The Mingenew Hotel holds an Approval of Premises Certificate from the Department of Racing, Gaming and Liquor. This certificate is not a gaming licence but authorises the premises to be used for gaming in conjunction with a valid gaming permit.

The current certificate is due to expire on the 25th April 2010 and allows for the premises to be used for Two-up.

The matter is brought before Council as a part of the process to renew the certificate of approval is for the local government to certify the premises confirms with the Health Act 1911 and use of the premises for gaming does not contravene the Town Planning Scheme. A valid gaming permit is required before any gaming can take place at an approved premise.

The premises conform with the Health Act and the proposed purpose does not contravene Council's Town planning Scheme.

It should be noted the renewal application is for the premises to be approved for Bingo, Two-up and Gaming – an extension of the current approval from just Two-Up.

The local Police have advised no objections to the premises being approved for gaming.

STATUTORY ENVIRONMENT

Local Government Act 1995

Health Act 1911

Gaming and Wagering Commission Act 1987

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.7

That Council advises the Department of Wagering, Gaming and Liquor that the Mingenew Hotel premises conforms with the Health Act 1911 and gaming activities do not contravene the Shire of Mingenew Town Planning Scheme.

9.3.8 RESOURCE SHARING COMMITTEE

Agenda Reference: CEO 04/10 - 08
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15th April 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to receive the minutes of the Resource Sharing Committee and adopt the recommendation in relation to the asset management project.

ATTACHMENT

Minutes of the Resource Sharing Committee Meeting held on the 14th April 2010.

BACKGROUND

Nil

COMMENT

The Joint Resource/ Management Committee met on Wednesday 14th April 2010 and a copy of the minutes are attached for Council's information.

There is one recommendation from the Committee that is brought forward for Council to consider and adopt in relation to asset management and an extract of the minutes is presented below;

ASSET MANAGEMENT

Both Councils made provision in this year's budgets to begin developing asset management programs. The start of these projects was delayed as the advice was the Department of Local Government was going to offer a grant or some funding to help local government develop asset management programs.

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 21st April 2010

Advice has just been received from the Department of Regional Development and Lands that the shires “are eligible to receive up to \$35,000 towards the preparation of forward capital works plans that relates to current or developing strategic and asset management plans”. This funding will come through the Royalties for Regions Country Local Government Fund.

The proposals need to be submitted to the Department by 30th April for funds to be released this financial year. It should also be noted that forward capital works plans will be pre-requisite for the shires to access our allocation of 65% of the 2010/11 Royalties for Regions allocations.

Both Councils have previously agreed to adopt the NAMS Plus Program for the development of asset management plans.

In addition to purchasing the program there is the need for staff to attend a series of workshops/ training sessions to learn how to develop detailed asset management plans. There will be 2 x 2-day workshops, held in Perth, spread over a 4 week period.

The cost of the program is \$2,500 and the \$1,000 per workshop (per person). Therefore if 3 people participate in the program and training, costs would be \$8,500 plus travel and accommodation, plus cost of staff time. It is not known how long it would take after the training to complete the initial asset management plans.

Recommendation:

That the Committee recommends to the Councils that an application for the \$35,000 (for each shire) funding be submitted on the basis that the 2 shires would work together using the NAMS Plus program to develop asset management plans.

Resolved:

That the Committee recommends to the Councils that an application for the \$35,000 (for each shire) funding be submitted on the basis that the 2 shires would work together using the NAMS Plus program to develop asset management plans.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The funding available from the Department of Regional Development and Lands will go a long way towards covering the cost of preparing the required asset management plans and may meet the full cash cost with Council contributing in-kind through staff time. This project was included in the 2009/10 budget so there should be savings to Council.

STRATEGIC IMPLICATIONS

This development of asset management plans will play a very important role in Council developing long term strategic plans. It should be noted that these plans are a requirement for Council to receive further funding under the Royalties for Regions arrangements.

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION – ITEM 9.3.8

That the Committee recommends to Councils that an application for the \$35,000 (for each shire) funding be submitted on the basis that the 2 shires would work together using the NAMS Plus Program to develop asset management plans.

9.3.9 ACCOUNTS DUE AND SUBMITTED FOR PAYMENT

Agenda Reference: AO 04/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 12th April 2010
Author: Julie Borrett

Signature of Author: _____

SUMMARY

Council to confirm the payment of creditors for the month of March 2010 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.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 14

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.9

That Council confirm the accounts as presented for March 2010 from the Municipal Fund totalling \$268,509.62 represented by Electronic Funds Transfers of EFT 3986 to EFT4083 and Cheque No's 7181 - 7194.