



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
17TH AUGUST 2011



SHIRE OF MINGENEW
ORDINARY COUNCIL MEETING NOTICE PAPER
12TH AUGUST 2011

Madam President and Councillors,

An ordinary meeting of Council is called for **Wednesday, 17th August 2011**, in the Council Chambers, Victoria Street, Mingenew, commencing at **2:00pm**.

Ian Fitzgerald
Chief Executive Officer
12th August 2011

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

12th August 2011

SHIRE OF MINGENEW

**AGENDA FOR ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON
17 AUGUST 2011 COMMENCING AT 2:00PM.**

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**
- 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4 PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
- 5 APPLICATIONS FOR LEAVE OF ABSENCE**
- 6 DECLARATIONS OF INTEREST**
- 7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**

That the Minutes of the Ordinary Meeting of Council held Wednesday 20th July 2011 be confirmed as a true and accurate record of proceedings.

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9 OFFICERS REPORTS

9.1 HEALTH, BUILDING AND TOWN

9.1.1 David Horwood Family Trust Sign Application

9.1.2 Erregulla Farm Sign Application

9.1.3 Existing Sign Application Mr Peter Mills

9.1.4 CBH Storage Facility – Planning Application

9.2 WORKS AND SERVICES

Nil

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 2011 / 12 Annual Budget

9.3.2 Lot 218 Railway Street Yandanooka

9.3.3 Application for Planning Approval – Karara Mining Ltd

9.4 CORPORATE SERVICES

Nil

9.5 COMMUNITY DEVELOPMENT

Nil

9.6 FINANCE

9.6.1 Financial Statements for Month Ending 31st July 2011

9.6.2 Accounts for Payment – July 2011

9.1 HEALTH, BUILDING AND TOWN

9.1.1 DAVID HORWOOD FAMILY TRUST SIGN APPLICATION

Agenda Reference: EHO 08/11 - 01
Location/Address: Vic Location 1774
Name of Applicant: David Horwood Family Trust
File Reference:
Disclosure of Interest: Nil
Date: 08.08.2011
Author: Trevor Brandy, EHO

Signature of Author: _____

SUMMARY

Council is in receipt of a Planning Application for an existing sign on Victoria Location 1774. The sign is a 2000 L fibre glass water tank placed on the rear of a farm ute. The application is for a period of 8 months.

ATTACHMENT

Nil

BACKGROUND

With Karara Mining Ltd proposing to remove 5.3 gigalitres from the Parmelia water basin a number of local farmers are voicing their opinion on whether the amount to be removed is sustainable. The Department of Water is in the process of considering Karara's application. Mr P Horwood, on behalf of the David Horwood Family Trust, has indicated the sign will be removed once the allocations have been distributed.

COMMENT

Although the proponent has a right to voice their concerns over a particular issue, the announcement or advertisement must comply with the requirements of the Town Planning Scheme in that the sign must be of a professional nature.

The David Horwood Family Trust application indicates Mr P Horwood may be in the process of having a sign professionally made to suit the requirements of the Scheme.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Mingenew Town Planning Scheme No3

POLICY IMPLICATIONS

Council has no formal policy on signs

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Should be assessed on a case by case basis

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION 9.1.1

- 1 That the David Horwood Family Trust be advised that Council is not in the position to approve the sign due to it not being up to the standard acceptable under the Shire of Mingenew Town Planning Scheme no3.**
- 2 That the David Horwood Family Trust also be advised that if the sign is more of a professional nature Council would consider a new application.**

9.1.2 ERREGULLA FARM SIGN APPLICATION

Agenda Reference: EHO 08/11 - 02
Location/Address: Victoria Location 1195
Name of Applicant: Mr Ben Cobley
File Reference:
Disclosure of Interest: Nil
Date: 08.08.2011
Author: Trevor Brandy, EHO

Signature of Author: _____

SUMMARY

Council is in receipt of another application, this one from Mr B Cobley for 9 signs that have been erected on managed property. As with Mr Horwood's application the signs are in protest to the amount of water applied for by Karara Mining Ltd.

ATTACHMENT

Nil

BACKGROUND

With Karara Mining Ltd proposing to remove 5.3 Gigalitres from the Parmelia water basin a number of local farmers are voicing their opinion on whether the amount to be removed is sustainable. The Department of Water is in the process of considering Karara's application. Mr Cobley has indicated the sign will be removed once the allocations have been distributed.

COMMENT

Although the proponent has a right to voice their concerns over a particular issue, the announcement or advertisement must comply with the requirements of the Town Planning Scheme in that the sign must be of a professional nature. Mr Cobley has indicated in his application that the sign will there for a period of 3 months

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Mingenew Town Planning Scheme No3

POLICY IMPLICATIONS

Council has no formal Policy on this type of sign application.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Should be assessed on a case by case basis

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION 9.1.2

- 3 That Mr B Cobley be advised that the sign does not comply with the Shire of Mingenew Town Planning Scheme No3 and will require removal.**
- 4 That Mr B Cobley also be advised that under the Town Planning Scheme provisions for only one sign of a professional nature be permitted on his property.**

9.1.3 EXISTING SIGN APPLICATION MR PETER MILLS

Agenda Reference: EHO 08/11 - 03
Location/Address: Location 10067 Midlands Road, Mingenew
Name of Applicant: Mr Peter Mills
File Reference:
Disclosure of Interest: Nil
Date: 08.08.2011
Author: Trevor Brandy, EHO

Signature of Author: _____

SUMMARY

Council is in receipt of a Planning application for an existing free standing sign on the location 10067 Midlands Road, Mingenew.

ATTACHMENT

Nil

BACKGROUND

With Karara Mining Ltd proposing to remove 5.3 Gigalitres from the Parmelia water basin a number of local farmers are voicing their opinion on whether the amount to be removed is sustainable. The Department of Water is in the process of considering Karara's application. Mr Mills has indicated the sign will be removed once the allocations have been distributed.

COMMENT

Although the proponent has a right to voice their concerns over a particular issue, the announcement or advertisement must comply with the requirements of the Town Planning Scheme in that the sign must be of a professional nature. Mr Mills has indicated in his application that the sign will there for a period of 6 months.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Mingenew Town Planning Scheme No3

POLICY IMPLICATIONS

Council has no formal policy on signs.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Should be assessed on a case by case basis.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION 9.1.3

- 1 That Mr P Mills be advised that the signs do not comply with the Shire of Mingenew Town Planning Scheme No3 and will require removal.**
- 2 That Mr P Mills also be advised that under the Town Planning Scheme provisions for only one sign of a professional nature be permitted on his property.**

9.1.4 CBH STORAGE FACILITY – PLANNING APPLICATION

Agenda Reference: CEO 08/11 - 02
Location/Address: CBH Mingenew – Boolinda Road
Name of Applicant: Co-operative Bulk Handling Limited
File Reference:
Disclosure of Interest: Nil
Date: 11th August 2011
Author: Ian Fitzgerald, Chief Executive Officer

Signature of Author: _____

SUMMARY

Council is in receipt of a Planning Application for an increase in grain storage and associated equipment at the CBH installation in Mingenew. The application is to install two new low steel frame open storage facilities, each with a 31,000 tonne capacity, and associated infrastructure.

ATTACHMENT

A copy of the proposed site plan is attached.

BACKGROUND

Nil

COMMENT

CBH have lodged an Application for Planning Approval to install additional grain storage and associated infrastructure. The proposal is to construct two open bulkheads, receival hopper and auger, ground conveyor, pavement and drainage.

A building licence application and stormwater design will be submitted once completed.

The appropriate planning fee has been paid.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Mingenew Town Planning Scheme No3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The planning fee of \$6,021 has been paid and a building licence fee will be payable when the required documentation is submitted.

STRATEGIC IMPLICATIONS

Agriculture is the mainstay of the local economy and with Mingenew being recognised as a major grain receival point by CBH they therefore require the appropriate storage and handling facilities to be available.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION 9.1.4

That Council grant planning approval to Co-operative Bulk Handling for two new open bulkheads and associated infrastructure at their Mingenew grain receival site.

9.3.1 2011 / 2012 ANNUAL BUDGET

Agenda Reference: CEO 08/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 10th August 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to adopt the 2011 / 2012 Annual Budget as presented.

ATTACHMENT

The 2011 / 2012 Budget in Statutory format, together with supporting notes, has been forwarded as a separate document with the Agenda.

BACKGROUND

Council discussed the draft budget at the Council Meeting on Wednesday 20 July, 2011 and agreed, in principle, on the budget and the increased rate revenue to be collected in 2011 / 2012 with any amendments/ corrections discussed at that meeting being included.

COMMENT

The budget has been amended to incorporate all the changes discussed by Council at the 20 July meeting with a few minor changes/ corrections to ensure the budget balances. This has included adjustments to the building programme with the removal of the fence at the Silver Chain residence and rate income adjustments caused by the removal of a number of active mining tenements. The increase in rate revenue as compared to the previous financial year has been held to 6.7% (less than provided for in the draft budget discussed by Council).

The Ranger Services budget amount has been reduced, as requested by Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Finance) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2011 / 2012 budget includes an increase in rate revenue of 6.70%. Council needs to adopt the annual budget to allow the rate notices to be issued and therefore provide a revenue stream to allow Council to operate.

CONSULTATION

Council, Senior Staff and the Finance Consultant

STRATEGIC IMPLICATIONS

The provision of services for 2011 / 2012 requires the adoption of the annual budget.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.3.1

That Council;

- 1. Adopt the 2011 / 2012 Annual Budget as presented, including the Schedule of Fees and Charges.**
- 2. Adopt the following rates levied on rateable properties in the Shire of Mingenew**

Gross Rental Valuations	9.7485 cents in the dollar
Unimproved Valuations	1.0634 cents in the dollar
Gross Rental Valuations	Minimum \$330.00
Unimproved Valuations	Minimum \$450.00
- 3. Interest and Administration Charges**

Interest Rate of 5.5%pa and an Administration Fee of \$15 is to be imposed on instalments; to apply to 2nd, 3rd, and 4th instalments. Penalty interest of 11%pa is to be imposed on all overdue rates.
- 4. Annual Refuse charges to be set at \$195.00 for the weekly removal of one 240L mobile garage bin and to be paid in full by 30 September, 2011.**
- 5. Due date for payment of Rates and Services levied for 201 / 2012 be:**

Date of issue to be 26 August, 2011

OPTION 1 – payment in full by a single instalment	30 September, 2010
OPTION 2 – payment by 2 installments	30 September, 2010
	2 December, 2011
OPTION 3 – payment by 4 installments	30 September, 2011
	2 December, 2011
	3 February, 2012
	27 April, 2012
- 6. That, for the purpose of monthly financial reporting, a percentage of 10% or \$5,000, whichever is greater, be adopted by Council for highlighting material variances in the 2011 / 2012 financial year.**

9.3.2 LOT 218 RAILWAY STREET YANDANOOKA

Agenda Reference: CEO 08/11 - 03
Location/Address: Lot 218 Railway Street Yandanooka
Name of Applicant: Country Women's Association of WA (Inc)
File Reference:
Disclosure of Interest: Nil
Date: 11th August 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Advice has been received from the Country Women's Association of WA (Inc) that the Yandanooka branch will be disbanding at the end of 2011.

Lot 218 Railway Street Yandanooka is owned by the CWA and it is currently used as a playground and it is proposed the land be gifted to the Shire of Mingenew for continued use as a playground.

ATTACHMENT

A map of the Yandanooka townsite with the lot in question highlighted is attached together with photographs of the site.

BACKGROUND

The land was gifted to the CWA in 1955 by Mr William Campbell to be used as a playground area.

COMMENT

The Yandanooka Branch of the CWA has decided to disband at the end of 2011 due to the lack of members. As a part of their winding up process they have requested Lot 218 be transferred to the Shire of Mingenew and the CWA State Management Committee has agreed to the request.

The proposal is for the land to be gifted to Council so no purchase cost will be incurred.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There will be minimal financial implications. The Lot is currently exempt from rates so there will be no lost income but Council will become liable for the ESL Levy which is currently \$55 per year.

CONSULTATION

Country Women's Association of WA (Inc)

Shire President

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION 9.3.2

That Council advise the Country Women's Association of WA it is willing to accept the gifting of Lot 218 Railway Street Yandanooka to the Shire of Mingenew.

9.3.3 APPLICATION FOR PLANNING APPROVAL – KARARA MINING LTD

Agenda Reference: CEO 08/11 - 04
Location/Address: Lot 303 Eleanor Street Mingenew
Name of Applicant: Karara Mining Limited
File Reference:
Disclosure of Interest: Nil
Date: 12th August 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Karara Mining Limited has submitted an Application for Planning Approval to establish a temporary iron ore stockpile and operations area adjacent to the railway line in Mingenew townsite.

ATTACHMENT

Due to the complex nature of the project a full copy of the submission has been provided to each Councillor with the Agenda.

BACKGROUND

Karara Mining Limited has had discussions previously on the carting of iron ore by road to Geraldton which has included passing through the Mingenew Shire and townsite.

At the July Council meeting Council very briefly discussed a proposal for iron ore to be carted into Mingenew and loaded onto trains.

COMMENT

A detailed proposal, including an Application for Planning Approval has been received.

The proposal outlines road train protocols, traffic and environmental management including noise and dust suppression.

This application is for the period September 2011 to April 2012 and allows for the stockpile to be removed by April 2012 (cartage to finish in March) by which time the Morawa – Geraldton rail line upgrade should be complete.

The proposal does not include any additional truck movements over that previously discussed with Council and provides for 30 vehicle movements into the Mingenew siding.

Karara Mining Limited has informally advised Main Roads WA and the Department of Transport of this proposal and, whilst not officially submitted, no adverse comments have been received to-date. This may change once a formal process is entered into.

The proposal is for 2 stockpiles of approximately 30,000 tonnes and will be 160 metres long, 65 metres wide and a maximum of 3 metres high. There will be a small operational area for ablutions, storage, light vehicle parking and vehicle refuelling etc.

There is no compensation outlined in the proposal but representatives from Karara Mining Limited will attend the meeting to make a short presentation, answering any questions Councillors may have and to discuss compensation options.

If the proposal does proceed Council may be able to provide water carting / dust suppression on a private works basis.

Staff have not had sufficient time to review the proposal as yet but preliminary investigations suggest the proposal is permitted within the Town Planning Scheme. More detailed analysis of the proposal will be conducted prior to the Council meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Mingenew Town Planning Scheme

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is the potential for Council and / or the community to receive some form of compensation for use of our land.

CONSULTATION

Council

Karara Mining Limited

STRATEGIC IMPLICATIONS

The proposal would see less truck movements on the Depot Hill Road controlled by the Shire of Mingenew as well as less on state controlled roads.

Support of the proposal would further enhance the relationship between the Mingenew Shire and Karara Mining Limited.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION 9.3.3

That Council:

Considers the Application for Planning Approval from Karara Mining limited and subject to;

- i) More detailed investigation by staff supporting the proposal,**
- ii) Issues raised by Council being adequately addressed,**
- iii) Suitable compensation arrangements being negotiated,**

grant Planning Approval for the iron ore stockpile and out-loading proposal for Lot 303 Eleanor Street Mingenew

9.6 FINANCE

9.6.1 FINANCIAL STATEMENTS FOR MONTH ENDING 31 JULY, 2011

Agenda Reference: SFO 08/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 8 August, 2011
Author: Kylie McGree, Senior Finance Officer

Signature of Author: _____

SUMMARY

The Monthly Statement of Financial Activity report for the month ending 31 July, 2011 is presented to Council for adoption.

ATTACHMENT

Finance Report ending 31 July, 2011

BACKGROUND

Financial Regulations require a monthly statement of financial activity report to be presented to Council.

COMMENT

Council's current operating surplus as at the 31 July, 2011 is \$437,125.00

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Account	\$120,682.39
Business Cash Maximiser (Municipal Funds)	\$235,160.99
Trust Account	\$85,314.10
Reserve Maximiser Account	\$525,593.75

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$81,210.76 remains outstanding as at 31 July, 2011 with

approximately \$10,000.00 outstanding for 90 days or more. The two major outstanding debtors being; Mingenew Community Resource Centre and Mid West Regional Council. A payment was supposed to have been received for the Mingenew Community Resource Centre after Ian Fitzgerald had followed up. Ian will again address this issue with them.

The total outstanding rates debt is \$16,528.32 as at 31 July, 2011. Julie Borrett will be following up on all outstanding rates.

It should be noted that Rates Outstanding as at end of July, 2010 was \$9,329.83.

The Statement of Financial Activities Report does not contain explanations of Councils variances for the 2011 / 2012 financial year as the budget has not yet been adopted.

CONSULTATION

No consultation required

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications are outlined in comments.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.6.1

That Council adopts the Monthly Statement of Financial Activity for the month ending the 31 July, 2011.

9.6.2 ACCOUNTS FOR PAYMENT – JULY 2011

Agenda Reference: AO 08/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11th August 2011
Author: Julie Borrett

Signature of Author: _____

SUMMARY

Council to confirm the payment of creditors for the month of July 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 1995, Section 6.4

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

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 9.6.2

That Council confirm the accounts as presented for July 2011 from the Municipal Fund totalling \$203778.47 represented by Electronic Funds Transfers of EFT5248 to EFT5307 and Cheque Nos 7399 – 7408.

- 10 ELECTED MEMBERS/ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
 - 11.1 ELECTED MEMBERS**
 - 11.2 STAFF**
- 12 CONFIDENTIAL ITEMS**
- 13 COUNCILLOR REPORTS**
- 14 TIME AND DATE OF NEXT MEETING**

OFFICER RECOMMENDATION – ITEM 13.1

That the next Ordinary Council Meeting be held on Wednesday the 21st of September 2011.

- 15 CLOSURE**