



MINUTES FOR THE
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
16TH FEBRUARY 2011



TABLE OF CONTENTS

PAGE NO.	AGENDA	ITEM	MINUTE NO.
5	7.1	Confirmation of Minutes from Previous Meeting	110201
7	9.1.1	Policy Change to Finished Floor Level (FFL)	110202
9	9.1.2	Application to Change Class of Building - Lot 50 (86) Midlands Road	110203
11	9.3.1	Annual Report 2009/10	110204
16	9.3.2	Main Roads Integrated Service Agreement	110205
18	9.3.3	MWRC – Withdrawal Of Carnamah & Coorow	110206
21	9.3.4	Forward Capital Works Plan	110207
25	9.3.5	Dry Seasons Grant – Allocation Of Funds	110208
28	9.3.6	Lot 100 Queen St Mingenew - Bishop	110209
32	9.3.7	Lease of Land for Horse Agistment - Charleson	110210
34	9.3.8	Provision of ADSL 2+ Services - Mingenew	110211
37	9.3.9	Provision of Medical Services to Mingenew	110212
39	9.3.10	Review of Regional Development Commissions	110213
42	9.3.11	Poll Provisions – Proposed Amalgamation	110214
45	9.3.12	Autumn Centre – Official Opening	110215
47	9.6.1	Financial Statements for Month Ending 31 December 2010	110216
49	9.6.2	Financial Statements for Month Ending 31 January 2011	110217
51	9.6.3	Accounts for Payment – December 2010 & January 2011	110218
52		Late Item	110219
56	9.3.13	Sinosteel Midwest – Trucking Proposal	110220
57	13.0	Councillor Reports	
59		Audit Committee Minutes	110221
59	14.0	Time & Date of Next Meeting	
59	15.0	Closure	

**SHIRE OF MINGENEW
MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS,
MINGENEW, ON WEDNESDAY THE 16TH FEBRUARY 2011**

1.0 DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr Michelle Bagley, declared the meeting open at 2:14pm.

2.0 ATTENDANCE

2.1 PRESENT

MA Bagley	President	Rural Ward
ET Hathaway	Deputy President	Town Ward
BP Horwood	Councillor	Rural Ward
JL Holmes	Councillor	Town Ward
PJ Ward	Councillor	Rural Ward
MP Pearce	Councillor	Town Ward
PJ Gledhill	Councillor	Town Ward

STAFF

IB Fitzgerald	Chief Executive Officer	
WL Borrett	Works Manager	3.44 – 3.58pm

GUESTS

Nil

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Donna Rayner – Mingenew Irwin Group 2.16 – 2.32pm

Donna Rayner introduced herself as the new member of the Mingenew Irwin Group team and outlined some of the NACC incentives currently in place including:

- a) Saline lands – increase groundcovers to help reduce wind erosion
- b) Tree crops – oil mallees, sandalwood etc as windbreaks
- c) Perennial pastures
- d) Strategic vegetation – windbreaks etc

A simple application form has been developed to try and make the process easy for landowners.

The annual fox shoot will be held on 25th March and arrangements were well under way. A funding application has been lodged for a control program for Patterson's Curse using a flea beetle – would take 5-6 years to get established.

Extension Hill P/L – Harry Goff & Cliff Harding 2.34 – 2.59pm

Mr Goff apologised that Mr Bill MacKenzie was unable to attend the meeting and then gave an update on their project. Approvals were in place and they are about to award a contract for a Project Management Contractor who will begin to finalise all the planning and begin the development phase of the project. It is anticipated that construction of the slurry pipeline will commence in the Mingenew Shire in 15-18 months time but the company will be approaching the shire for approval to cross shire roads before this.

The new name for the company managing this project is Asia Iron Australia Ltd. A handout was given to all Councillors.

Karara Mining Limited – Mark Gell & Lee Farrell 3.02 - 3.22pm

Karara Mining outlined their request seeking Council support for their proposal to truck ore from the mine site to the Geraldton Port, through Mingenew, using 27.5m vehicles whilst the railway line from Morawa to Mullewa is closed for upgrading. It is expected this will be between April and September 2011. A handout was given to all Councillors.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Nil

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

110201

MOVED: Cr JL Holmes

SECONDED: Cr PJ Gledhill

That the Minutes of the Ordinary Meeting of Council held on Wednesday, 15th December 2010, be confirmed as a true and accurate record of proceedings.

CARRIED

Voting 7/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 OFFICERS REPORTS

Afternoon Tea – meeting adjourned from 3.23pm – 3.44pm

Works Manager Warren Borrett joined the meeting. 3.44 - 3.58pm

Mr Borrett presented his report to Council. Additional items discussed included completion of the kitchen at the Recreation Centre, spraying of weeds around town, and sealing of the driveways at the Autumn Centre.

The formation of a Building Maintenance Committee was discussed with the Chief Executive Officer to prepare an agenda item for Council's consideration

9.1 HEALTH, BUILDING AND TOWN PLANNING

9.1.1 Policy Change to Finished Floor Level (FFL)

Agenda Reference: EHO 02/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 27th of January 2011
Author: Trevor Brandy

SUMMARY:

With the changes to weather patterns experienced in other parts of the state of Australia, it seems timely to reassess our own ability to handle extreme weather conditions. Currently there is no Council policy on Finished Floor Levels (FFL) in the Shire of Mingenew only that it is to be a minimum 0 to the crown of the road.

ATTACHMENT:

Nil

BACKGROUND:

To set an FFL at 300 millimetres above the crown of the road would not adversely affect the privacy of adjoining neighbours and give at least 300 millimetres flood buffer to a class one building.

COMMENT:

The added 300 mm FFL will also add to the efficiency for the building to handle the elasticity of soil in the Mingenew Shire.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Change to Council Building Conditions

FINANCIAL IMPLICATIONS:

The average cost to a home owner would be around \$500.00 to \$1000.00.

STRATEGIC IMPLICATIONS:

All future class 1 buildings to be 300 millimetres above the crown of the road

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1

That Council adopt a Policy that all class 1 buildings are at least 300 millimetres above the crown of the road at its nearest street frontage.

That the new policy be documented in the Shire of Mingenew standard list of building Conditions.

110202

COUNCIL RESOLUTION – ITEM 9.1.1

MOVED: Cr ET Hathaway

SECONDED: Cr PJ Gledhill

That the matter lay on the table.

CARRIED
Voting 7/0

9.1.2 Application to Change Class of Building

Agenda Reference: EHO 02/11 - 02
Location/Address: Lot 50 (86) Midlands Road
Name of Applicant: D & G O'Reilly
File Reference:
Disclosure of Interest: Nil
Date: 4th February 2011
Author: Trevor Brandy

SUMMARY:

Council is in receipt of an application to change a Class 6 Building (Service Station) to a Class 1 Dwelling.

ATTACHMENT:

Nil

BACKGROUND:

The building on the lot was originally the Caltex/Shell Service station up to around 15 years ago when it was converted to a 2nd hand store until its present situation of being used as a Dwelling.

The lot is registered as a possible contaminated site under the Department of Environment and Conservation Contamination Sites Act 2002 and it is a requirement under that Act that any potential purchaser be made aware of that fact.

COMMENT:

The Health Act and Town Planning Scheme give Council discretionary power to approve a change of classification if the premise have been inspected and would comply with the requirements for a Dwelling and does not affect the amenity of the area.

Lot 50 (86) Midlands Road is zoned Town Centre under the Scheme and is listed as an AA use giving Council discretion to approve.

The building has been inspected by Council Health/Building Officer and found to comply with the requirements to be classed as a Class 1 Dwelling.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT;

Health Act 1911

Shire of Mingenew Local Planning Scheme N03

Building Code of Australia

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Change of Gross Rental Value

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.2

- 1 That Council approve the application to change the Class of premises from Class 6 to a Class 1 Dwelling.
- 2 That the owners notify any prospective owners that the lot may be a contaminated site under The Contaminated Site Act 2002.

110203

COUNCIL RESOLUTION – ITEM 9.1.2

MOVED: Cr ET Hathaway

SECONDED: Cr BP Horwood

- 1 That Council approve the application to change the Class of premises from Class 6 to a Class 1 Dwelling.
2. That the owners notify any prospective owners that the lot may be a contaminated site under The Contaminated Site Act 2002.

CARRIED
Voting 7/0

9.3.1 2009/10 ANNUAL REPORT

Agenda Reference: CEO 02/11-1
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 9th February 2011
Author: Ian Fitzgerald

SUMMARY

The 2009/10 Annual Report is presented to Council for adoption. It is also necessary for Council to set a date for the Annual Electors Meeting.

ATTACHMENT

A copy of the 2009/10 Annual Report has been forwarded to Councillors with this Agenda.

BACKGROUND

Council has an obligation under the Local Government Act 1995 to prepare an annual report and to present the report to the community.

COMMENT

The Annual Report includes:

- Shire President's Report
- Chief Executive Officer's Report
- Works Manager's Report
- Environmental Health Officer's Report
- Statutory Compliance Report
- Audited Financial Statements
- Audit Reports (financial, Roads to Recovery, Royalties for Regions)

The reports outline activities undertaken during 2009/10 together with the financial position of the Shire of Mingenew as at 30th June 2010.

Council needs to hold an Annual Electors Meeting within 56 days of accepting the Annual Report. The last possible date for the meeting would therefore be Wednesday 14th April 2011. There is a requirement to give 14 days' public notice of the Annual Meeting of

Electors. It is proposed the Annual Electors Meeting be held following the March Council meeting scheduled for Wednesday 16th March 2011.

The delay in preparing the annual report and presenting to Council has been brought about by delays in having the annual audit of the finances completed and receiving the report from the Auditors.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 section 5.53, 5.54, 5.55

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION – ITEM 9.3.1

110204 MOVED: Cr MP Pearce
 SECONDED: Cr PJ Ward

That Council

- a) **Adopt the 2009/10 Annual Report as presented including the annual financial statements and Audit Reports**
- b) **Determine that the Annual General Meeting of Electors be held on Wednesday 16th March 2011 at 7.30pm in Council Chambers.**

CARRIED
Voting 7/0

Council changed time to 7.30pm as it was considered a more appropriate start time.

9.3.2 MAIN ROADS INTEGRATED SERVICE AGREEMENT

Agenda Reference: CEO 02/11-02
Location/Address: Shire of Mingenew
Name of Applicant: Main Roads WA / Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 9th February 2011
Author: Stan Scott / Ian Fitzgerald

SUMMARY

Main Roads WA has now executed the Mid West Local Governments Services Agreement, and the Governance Team has met for the first time. A transition Plan has been prepared and the implementation of the identified actions has commenced.

ATTACHMENT

A copy of version 4 of the Transition Plan has been provided separately to all Councillors.

BACKGROUND

Action to date can be summarised as follows:

Shires to nominate Governance Team Representatives [Clause 3.3] and Alternatives [Clause 3.6]

The Governance Team representatives have been appointed by the Shires as follows:

Local Government	Primary Representative	Alternative Representative
Shire of Coorow	Cr Moira Girando	Mr Mark Hook
Shire of Mingenew	Cr Michelle Bagley	Mr Ian Fitzgerald
Shire of Morawa	Cr Karen Chappel	Mr Gavin Treasure
Shire of Mullewa	Cr Nino Messina	Mr Tom Hartman
Shire of Perenjori	Cr Chris King	Mr Stan Scott
Shire of Three Springs	Cr Neil Hebiton	Cr Barry Burnett

MRWA to appoint Chairperson [Clause 3.4],

Mr John Marmion, Project Director of Operational Asset Management has been appointed by MRWA as the Chair of the Governance Team. Mr Marmion is a very experienced Main Roads executive and has also been designated as the Chair of some other ISA Governance Teams. Mr Rob Barnsley will Chair the Governance Team for the Midwest Gascoyne ISA.

Governance Plan to be completed within 3 months of first Governance Team Meeting [Clause 3.6],

The first meeting of the Governance Team was held on 2 February 2011. This means that the deadline for completion of the Governance Plan is 3 May 2011. A discussion draft was presented at the first meeting for consideration by the Governance Team, and will be circulated by MRWA when agreed revisions have been included.

Joint Process Management Team [Clause 4.1 and Schedule 3] nominated and approved by the Governance Team comprising best for network personnel,

The Roles and Responsibilities of the Joint Process Management Team (JPMT) are set out in Schedule 3 of the Agreement. The composition of the JPMT was approved by the February Meeting of the Governance Team.

Two Local government personnel [Clause 6] to be identified to coordinate the transition developed within the Management Plan [ref Clause 11.6],

The Local Government Personnel nominated for the purposes of this requirement are Mr Stan Scott, CEO Shire of Perenjori and Mr Mark Hook, CEO Shire of Coorow.

Annual Works Program produced promptly after commencement date and thereafter by 31st March each year [Clause 7.2],

This is the responsibility of the JPMT and is required to be completed by 31st March for each subsequent year, and promptly for the first year. Initially the AWP will only include the two full time inspectors and the two road maintenance teams.

Main Roads to approve sub-contractors and plant [Clause 11],

The main items of plant to be used exclusively on the delivery of the services under the agreement will be the dedicated routine maintenance trucks based in Perenjori and Leeman. Downer Mouchel is developing a specification for this type of vehicle for this network and the intent is to adopt that specification. A decision will be required from the Perenjori and Coorow Shires as to the best procurement model.

Other Shire plant will be available as required for use on the Network. Shires will be able to seek pre-approval of local contractors for sub-contract work that may arise from time to time.

Monthly report by Joint Process Management Team [Clause 13].

The MWRC has a Technical Advisory Group consisting primarily of CEO's but also including other senior officers when required. This group meets on the third Friday of each month. Given the similarity of the roles of the two groups and the need to provide information to and seek direction from the Governance Team a third Friday (in the month) Meeting schedule would make sense.

After several years the Autumn Centre is now complete and available for use.

At the last Council meeting a verbal report was presented on the discussions held with Home and Community Care representatives on the use of the facility.

COMMENT

Following the execution of the agreement there are a range of actions required to give effect to the agreement. These requirements and actions are set out in the Transition Plan.

Affected Local Governments will need to make decisions on how plant is acquired for the delivery of agreed services. The required acquisitions are set out below:

Requirement	Number	Shire	Recommendation
Purpose built road maintenance truck	1	Coorow	Lease DM
Purpose built road maintenance truck	1	Perenjori	Lease DM
Road inspection vehicle	1	Mingenew	Lease DM
Road inspection vehicle	1	Morawa	Lease DM

The intent in setting up the services is to mirror to the extent possible the service delivery by Downer Mouchel (DM), the ISP. DM has examined the configuration of Road Maintenance vehicles used for the South West and Metropolitan ISA and is preparing a specification for new trucks that it will use. It is proposed that the Mid West Local Government teams would use identical vehicles. The individual affected Shires must determine the approach that best suits their situation.

The options for procuring the trucks and light vehicles required are:

- Direct purchase using Shire capital;
- Finance lease – The vehicle becomes the property of the Shire at the end of the lease but the lease cost appears as a debt on the Shire's balance sheet;
- Operating Lease – The vehicle becomes the property of the lease company at the end of the lease period. It is possible to extend the lease or purchase the vehicle at market value at the end of the lease period. Maintenance may or may not be included in the leasing cost.
- Supplied by principal. Main Roads may consider the option of supplying the vehicles. This approach would allow an easy exit for all parties if the arrangement failed, but could be viewed as planning for failure.

Of these three options the most attractive is the operating lease. As there is full cost recovery under the Contract this arrangement is simpler and cleaner than the alternatives.

There are a number of alternatives for operating leases:

- There are 3 WALGA preferred suppliers. Leasing equipment through these suppliers allows Shires to enter into the lease without calling for tenders. The WALGA preferred suppliers are Capital Finance, Isis LG Finance and SGFleet;

- Downer Mouchel leases its equipment through Toyota Fleet and is confident that the finance cost is below that offered by the WALGA preferred suppliers. Downer Mouchel has indicated preparedness to on-lease equipment to Shires. As the supply would be an adjunct to the Agreement, tendering would not be necessary.
- Councils could tender for the best lease deal notwithstanding the WALGA preferred suppliers.

It is recommended that Councils negotiate to lease trucks from Downer Mouchel and lease light vehicles directly through the lease provider preferred by the respective Councils. Leases for light vehicles would probably fall below the tender threshold allowing Councils to approach Toyota Fleet as an alternative.

The Governance Team met in Mullewa on 2 February 2011, and the Governance Plan will be circulated for consideration at the March round of Ordinary Meetings.

CONSULTATION

Consultation for the development of this agreement has included officers, elected members, senior main roads personnel and even the former Minister for Transport.

STATUTORY ENVIRONMENT

Local Government Functions and General Regulations 1996 – Supply by Downer Mouchel would be exempt under Reg 11 (2) (e) or (f).

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The basic services covered by the agreement will generate \$7.5 Million in the first five years. Additional maintenance works such as shoulder grading and reconditioning, vegetation clearing, emergency response and minor improvement works are all additional to the \$1.5 million per year.

STRATEGIC IMPLICATIONS

This project has the capacity to increase the capability of local governments, increase our staffing and incrementally increase the amount of main roads work that is completed by member Councils

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION – ITEM 9.3.2

110205

MOVED: Cr JL Holmes

SECONDED: Cr PJ Gledhill

That Council:

- a) note the development of the Transition Plan; and
- b) obtain quotes from Toyota Fleet and two of the WALGA preferred suppliers for lease of the Road Inspection vehicle similar to those used by Downer Mouchel

CARRIED
Voting 7/0

9.3.3 MWRC – WITHDRAWAL OF CARNAMAH & COOROW

Agenda Reference: CEO 02/11-03
Location/Address: Shire of Mingenew
Name of Applicant: Mid West Regional Council
File Reference:
Disclosure of Interest: Nil
Date: 9th February 2011
Author: Ian Fitzgerald

SUMMARY

A resolution of each member Council is required to provide the MWRC the express authority to disburse funds payable as a result of the valuation of assets and liabilities on the withdrawal of the Shires of Carnamah and Coorow from the Mid West Regional Council.

ATTACHMENT

A copy of the calculation prepared by UHY Haines Norton is provided for each Councillor.

BACKGROUND

Mr David Tomasi from UHY Haines Norton was engaged to make the assessment on behalf of the MWRC as to the amount payable as at 30th June 2010.

COMMENT

Under the terms of the Establishment Agreement each member Council is required to provide written authorisation for the MWRC CEO to disburse funds to the withdrawing Councils.

The funds will be drawn from the carried forward surplus of the MWRC as at 30th June 2010.

CONSULTATION

Mr David Tomasi – UHY Haines Norton

Mr John Woodhouse – Woodhouse Legal

STATUTORY ENVIRONMENT

Mid West Regional Council Establishment Agreement.

Clause 12.2 of the Establishment Agreement states:

Division of Assets

If the MWRC is to be wound up and there remains, after satisfaction of all its debts and liabilities, any property and assets of the MWRC then the property and assets are to be realised and the proceeds along with any surplus funds are to be divided among each of the

participants in the same proportions as the contributions of a particular Participant to the assets of the MWRC bear to the total of such contributions by all Participants.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

THE MWRC 2010/11 MWRC Budget has fully provided for the payment to the Carnamah and Coorow Councils of \$21,678 each.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION – ITEM 9.3.3

110206

MOVED: Cr BP Horwood

SECONDED: Cr ET Hathaway

That Council:

- a) **Resolve that the appropriate methodology has been applied in the calculation of the funds to be dispersed to the Shires of Carnamah and Coorow**
- b) **Provide written authorisation for the MWRC to disburse the amount of \$21,678 to both the Shire of Carnamah and Shire of Coorow on their withdrawal from the MWRC effective from 30th June 2010.**

CARRIED

Voting 7/0

9.3.4 FORWARD CAPITAL WORKS PLAN

Agenda Reference: CEO0 2/11-04
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 8th February 2011
Author: Ian Fitzgerald

SUMMARY

As a part of the Royalties for Regions program Councils are required to prepare and lodge a Forward Capital Works Plan before any funding will be released. Council received funding to assist with this project and Morrison Low was engaged to prepare plans for the Shires of Mingenew, Morawa, Perenjori and Three Springs.

The plan was required to be submitted to the Department of Regional Development and Land by 31st December 2010. It was not received at this office until 23rd December so could not be presented to Council prior to lodging but is now presented to Council for their adoption.

ATTACHMENT

A copy of the Forward Capital Works Plan has been forwarded separately to all Councillors.

BACKGROUND

In the first year eligible Councils simply had to lodge a list of projects they wish to be funded by their allocated Royalties for Regions grant. For the second year of funding, the current year, the guidelines were changed to require the preparation of Forward Capital Works Plans for approval prior to funds being released.

COMMENT

Council is administering funds on behalf of the Shires of Mingenew, Morawa, Perenjori and Three Springs that were received to assist in the preparation of the Forward Capital Works Plans. Morrison Low was selected to carry out this task on behalf of the 4 councils because of the other work completed for the amalgamation project and their knowledge of the shires.

The Mingenew plan has been developed with the projects previously approved by Council for funding in 2010/11 through the Royalties for Regions scheme clearly identified. Council will have the option of re-assessing projects and priorities for out years.

Unfortunately there was a delay in receiving the plan and it was not possible to present to Council prior to the deadline for lodging with the Department of Regional Development and Lands. The plan was lodged prior to the deadline along with the audit of the previous royalties' allocation. (A copy of the audit has been included in the Annual Report).

It should also be noted that Mingenew, as the project host, prepared and lodged a business case for funding for the upgrading of the Depot Hill crossing. This project has been identified for funding through the regional project component of Royalties for Regions and was supported by Morawa, Perenjori and Three Springs Shires.

To date no formal response has been received to either submission but advice indicates letters will be send out by the Department in the near future. Morrison Low, as a part of their arrangement with the shires will amend the plans to meet any requirements set by the Department. Until approval is received the projects cannot commence.

CONSULTATION

Council

Morrison Low

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The projects identified in the Forward Capital Works Plan, and in particular for year 1, are those previously endorsed by Council and are included in the 2010/11 Budget. Should the funding not be forthcoming the projects will not proceed unless Council otherwise directs. The allocation for 2010/11 as advised by the Department of Regional Development and Lands is \$322,874.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION – ITEM 9.3.4

MOVED: Cr JL Holmes

SECONDED: Cr ET Hathaway

That Council adopt the Forward Capital Works Plan as presented.

PROCEDURAL MOTION:

110207

MOVED: Cr BP Horwood

SECONDED: Cr JL Holmes

That the matter lay on the table.

CARRIED
Voting 7/0

9.3.5 DRY SEASONS GRANT – ALLOCATION OF FUNDS

Agenda Reference: CEO 02/11-05
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 10th February 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to consider 2 formal applications, and 1 less formal application, received for the use of funds allocated to the Shire of Mingenew under the Department of Agriculture and Food's Dry Season Assistance Scheme. The Shire of Mingenew was allocated \$20,000 under the scheme.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

Council received advice in late November that we were eligible for a \$20,000 grant and all that was required was the signing of an application form which had already been completed by the Department.

The grant needs to be fully expended by 5th November 2011 or any unspent funds need to be returned.

The main condition of the grant as outlined in the documentation is copied below for Council's information:

The Shire is to spend the grant on one or more community events in the Shire that help maintain community spirit and welfare, although it may spend up to 10% of the grant on reasonable administration costs of those events. The Shire is to work with and encourage community groups and associations such as social support groups, service clubs, grower groups, farm organisations and church groups to join in organising and conducting those events. The Shire is to make all reasonable endeavours and arrangements to ensure the events are conducted safely, responsibly and appropriately.

The formal funding applications were received from the Mingenew Turf Club and the Mingenew Primary School Parents and Citizens Association.

Mingenew Turf Club

The annual Mingenew Races event is scheduled for Saturday 12th March and the Mingenew Turf Club has requested a grant of \$10,000 to help make the event a true family event with minimal expense to families. The breakup of their proposed costs is:

a) Free entry for Mingenew residents	\$3,000
b) Free sausage sizzle lunch for Mingenew residents	\$1,000
c) Free Bouncy Castle for all children	\$ 650
d) Free pony rides for all children	\$ 500
e) Free face painting for all children	\$ 500
f) Contribution towards the cost of fireworks	\$2,000
g) Contribution towards the cost of a band	\$2,350

The races are typically seen as a community event and the provision of free entry and lunch as well as activities for the children would enable all local residents who wish to attend to do so at no cost and therefore would meet the grant criteria.

Mingenew Primary School P& C Association

The P & C have indicated their requested is for \$5,000 to be used to foster music and art at the school which currently does not have access to specialist teachers in these fields.

Half of the funding would be allocated to allow music to be continued at the school using external expertise. The school choir/students regularly perform at various community events including the Mingenew Expo, Christmas Carols, Anzac Day and school assemblies.

The other half of the funding would be used on a visual arts project inviting visiting artists to visit the school and expand the imaginative side of the children and culminating in an art exhibition later in the year.

The school is a very important part of our community and both projects have merit and are supported; the question is whether the grant condition of “a community event that helps maintain community spirit and welfare” is met.

The less formal application was received by the Shire President from the Mingenew Irwin Group who sought a grant of \$5,000 to assist in the running of the bi-annual dinner. This request was circulated among Councillors during January with mixed response due to the narrow target audience that would benefit. It is the author’s understanding a subsequent request has been received for a \$5,000 grant with no specific event identified – possibly a men’s health day.

Council has time to explore further options for use of the funds as we have until November 2011 to fully expend the grant.

CONSULTATION

Shire President

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The \$20,000 grant has been received and it is proposed all funds be allocated to compliant projects with any administration expense absorbed by Council.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION – ITEM 9.3.5

That Council consider the funding requests received to date and determine the allocation of the Dry Season Community Services Grant funds.

COUNCIL RESOLUTION – ITEM 9.3.5

110208

MOVED: Cr PJ Gledhill

SECONDED: Cr PJ Ward

That Council:

- a) Allocate \$10,000 of the grant funds to the Mingenew Turf Club to provide free entry for Mingenew residents, free sausage sizzle lunch for Mingenew residents, free Bouncy Castle for all children, free pony rides for all children, free face painting for all children and a contribution towards the cost of fireworks and band for the evening entertainment at the 2011 Mingenew Races**
- b) Advertise the allocation of the moneys to the Mingenew Turf Club**
- c) Call for further submissions from community groups for funds to support activities/events that meet the grant guidelines with Council to consider all applications at their April 2011 meeting**
- d) Advise the Mingenew P&C Association that their submission would be re-considered at the April Council meeting**

CARRIED
Voting 5/2

9.3.6 LOT 100 QUEEN STREET MINGENEW - BISHOP

Agenda Reference: CEO 02/11-06
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 10th February 2011
Author: Ian Fitzgerald

SUMMARY

Council sold Lot 100 Queen Street Mingenew to P and W Bishop in July 2006 and they have advised they no longer require the land. One of the explicit conditions of the sale was that the land was to revert to Council at the original contract price should a suitable residence not be constructed within 3 years. The original contract price was \$9,500.

ATTACHMENT

A town map showing the location of Lot 100 is attached.

BACKGROUND

In April 2006 Council resolved to call tenders for the purchase of 4 lots within the townsite including Lot 100 Queen Street. At the June 2006 Council meeting a tender of \$9,500 from P & W Bishop for Lot 100 Queen Street was accepted.

COMMENT

The contract of sale has an explicit condition that “the purchasers are to complete suitable residential premises on the land within a period of three years. Failure to comply with this condition will see the land revert back to the Shire of Mingenew at the original contract price”.

Council has received correspondence from Mrs Bishop indicating they no longer require the land. In any event the condition sale has not been met in that a residential premises has not been constructed.

The options available to Council are to purchase the land back for the original price of \$9,500 or resolve to remove the condition requiring the land revert to Council and allow the Bishops to sell the land on the open market. If the land reverts to Council there will be potentially greater control over its use as it can either be used for a shire residence or on-sold with a building requirement as an explicit condition of sale. Council is proposing to build more housing in the future and does own some land but not a large number of lots. There is currently no development in Queen Street. If Council was to take Lot 100 back and then offer for sale there is potential for a profit as land values have increased since 2006. Any profit could be put towards constructing shire housing.

If Council was to purchase Lot 100 back this financial year it would be unbudgeted expenditure. Funds could be drawn from the Building Reserve and replaced should Council then decide to on-sell the land.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Financial Management Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The purchase price of \$9,500 would be unbudgeted expenditure and would require an Absolute Majority of Council. The funds could be drawn from the Building Reserve should Council wish to proceed.

STRATEGIC IMPLICATIONS

The purchase of the land would provide Council with another option for the siting of Shire housing.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 9.3.6

That Council:

- a) Resolve to re-purchase Lot 100 Queen Street from P & W Bishop as per the terms of the original Contract of Sale of June 2006 for \$9,500 with the funds to be drawn from the Building Reserve Account**
- b) Directs the administration to prepare a report for Council's consideration on the future use of the land – to be held for Council use or offered for sale.**

COUNCIL RESOLUTION – ITEM 9.3.6

110209

MOVED: Cr PJ Ward

SECONDED: Cr PJ Gledhill

That Council Resolve to re-purchase Lot 100 Queen Street from P & W Bishop as per the terms of the original Contract of Sale of June 2006 for \$9,500 with the funds to be drawn from the Building Reserve Account

CARRIED

Voting 7/0

ABSOLUTE MAJORITY

9.3.7 LEASE OF LAND FOR AGISTMENT OF HORSES

Agenda Reference: CEO 02/11-07
Location/Address: Shire of Mingenew
Name of Applicant: Ms. R Charleson
File Reference:
Disclosure of Interest: Nil
Date: 10th February 2011
Author: Ian Fitzgerald

SUMMARY

An application has been received from Ms Rebecca Charleson to lease a 0.2 ha area of Lot part 12093 for the purpose of stabling no more than two horses.

ATTACHMENT

Nil

BACKGROUND

At the October 2006 Council Meeting it was resolved;

061005 **Moved Cr RES McTaggart**
Seconded Cr ET Hathaway

That:

- 1. Council provide a 2.46 hectare portion of land from the existing Lot Pt 12093 (Lot 7 Ernest Street) for the purpose of stabling horses near the Townsite of Mingenew.***
- 2. An area of 0.2 hectares of land for each lessee be available to the Mingenew Townsite residents for the purposes of stabling horses, dependant on availability and Council approval.***
- 3. Council lease the land at nil cost to a lessee for a period of 2 years; the lease to be reviewed 6 months prior to lease expiry.***
- 4. The lessee is responsible for complying with the provisions of the Health Act 1911 and the Shire of Mingenew Health Model By-laws 1964 (adopted by Council and published in the Government Gazette 15 October 1964).***
- 5. In the event the lessee no longer has use for the area or leaves the district then the lessee is responsible for leaving the area in a clean and tidy state to the satisfaction of Council.***

6. In the event the lessee no longer has use of the lease area for stabling horses or leaves the district the lease reverts back to Council.

7. A lessee cannot sublease.

8. All fencing be to Council's satisfaction.

CARRIED

Voting 5/0

COMMENT

There are no leases current at present with all previous leases relinquished. It should be noted that some interest has been shown in the purchase of the horse paddock land for development for light industrial purposes. Councillor Ward may be in a position to provide further information on this matter.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 9.3.7

That Council agree to:

- 1 lease an area of 0.2 hectares of land for the purposes of stabling horses,**
- 2 Council lease the land at nil cost to the lessee, Ms R Charleson, for a period of 2 years; the lease to be reviewed 6 months prior to lease expiry.**
- 3 the lessee is responsible for complying with the provisions of the Health Act 1911 and the Shire of Mingenew Health Model By-laws 1964**
- 4 in the event the lessee no longer has use for the area or leaves the district then the lessee is responsible for leaving the area in a clean and tidy state to the satisfaction of Council.**
- 5 in the event the lessee no longer has use of the lease area for stabling horses or leaves the district the lease reverts back to Council.**
- 6 the lessee cannot sublease the land.**
- 7 all fencing be to Council's satisfaction.**

COUNCIL RESOLUTION – ITEM 9.3.7

110210

MOVED: Cr PJ Gledhill

SECONDED: Cr ET Hathaway

That Council agree to:

- 1 lease an area of 0.2 hectares of land for the purposes of stabling horses,**
- 2 Council lease the land at a cost of \$200 per annum, payable in advance, to the lessee, Ms R Charleson, for a period of 2 years; the lease to be reviewed 6 months prior to lease expiry.**
- 3 the lessee is responsible for complying with the provisions of the Health Act 1911 and the Shire of Mingenew Health Model By-laws 1964**
- 4 in the event the lessee no longer has use for the area or leaves the district then the lessee is responsible for leaving the area in a clean and tidy state to the satisfaction of Council.**
- 5 in the event the lessee no longer has use of the lease area for stabling horses or leaves the district the lease reverts back to Council.**
- 6 the lessee cannot sublease the land.**
- 7 all fencing be to Council's satisfaction.**

CARRIED
Voting 7/0

Council varied the Officer's Recommendation as it felt it appropriate to charge a fee to offset administration expenses incurred with arranging the lease.

9.3.8 PROVISION OF ADSL 2 SERVICES - MINGENEW

Agenda Reference: CEO 02/11-08
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew / MWDC
File Reference:
Disclosure of Interest: Nil
Date: 10th February 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to consider supporting a joint application, with the Mid West Development Commission and a number of neighbouring shires, for funding for the upgrade of various Telstra sites, including Mingenew, to ADSL 2+ for internet services. If the application is successful the approximate cost to Council would be \$20,000 and would be payable in the 2011/12 financial year.

ATTACHMENT

Nil

BACKGROUND

Council, with funding from the proposed amalgamation project, has supported the upgrade of the Mingenew exchange to BDSL. This has a limited number of users, estimated to be 8, and would come at a monthly cost that normal domestic users of the internet would not be able to justify.

COMMENT

The proposal received from the Mid West Development Commission would see up to 8 exchanges in the region upgraded to ADSL 2+ with the cost to be shared equally between the participating shires and the Mid West Regional Grant Scheme. The estimated cost for the Mingenew upgrade is \$40,000 (based on a group submission) to be funded 50% by grant and 50% by Council. It is estimated by submitting a group application savings of up to 10% on Telstra's normal costing may be achieved.

It is unlikely the Mingenew exchange would be upgraded in the foreseeable future unless Telstra receives external funding to help offset their costs due to the low population. Again, because of population numbers, the new National Broadband Network is unlikely to be of direct benefit to Mingenew in the foreseeable future.

One potential funding source for Council's contribution is the Royalties for Regions grants and a number of Councils have indicated this is the option they will be pursuing. Any shire contribution would not be required until the 2011/12 financial year. Mark Canny from the Mid West Development Commission will be preparing and lodging the grant application on behalf of the group.

CONSULTATION

Mark Canny – Mid West Development Commission

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There would be no impact on the current budget with Council able to determine the source of the required funding when considering the 2011/12 budget – subject to the grant application being successful.

STRATEGIC IMPLICATIONS

The provision of high speed internet would benefit the business and residential population of Mingenew.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION – ITEM 9.3.8

110211

MOVED: Cr JL Holmes

SECONDED: Cr BP Horwood

That Council support the lodging of a joint application to the Mid West Regional Grant Scheme for the upgrading of the Mingenew Telstra exchange to ADSL 2+ with provision of a \$20,000 shire contribution to be included in the 2011/12 budget, should the grant be approved.

CARRIED
Voting 7/0

9.3.9 PROVISION OF MEDICAL SERVICES TO MINGENEW

Agenda Reference: CEO 02/11-08
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 8th February 2011
Author: Ian Fitzgerald

SUMMARY

Following on from the departure of Dr Kent Morison, Mingenew has not had a regular visiting GP service. Dr Gyi provided a service, often on a weekend, for a short period but now has left the Dongara practice. Batavia Health will be taking over the practice in Dongara but have indicated that, at least in the short term, they will not be able to offer a visiting service to Mingenew.

The author has had preliminary discussions with Aero Medical who have indicated they may be in a position to offer a regular visiting service but it will come at a cost to the Shire of Mingenew.

ATTACHMENT

Nil

BACKGROUND

The people of Mingenew were very fortunate to have the service provided by Dr Morison and this was always going to be a very difficult service to provide for any new doctor coming in to replace him and this proved to be the case – unfortunately to the detriment of our residents.

COMMENT

Whereas Dr Morison provided a regular Wednesday morning surgery Dr Gyi opted for a weekend service on either a Saturday or Sunday and whilst it was a service unfortunately it did not suit a lot of residents.

Dr Gyi has now moved on from the Dongara practice and in the interim it is understood a service will only be available from the Dongara Accident & Emergency centre to be provided by a government doctor. This service will be for approximately 2 weeks until Batavia Health, the new Dongara practice owners, are able to supply a resident doctor.

Discussions with the Practice Manager from Batavia Health have indicated that due to the lack of doctors they will not be in a position to provide a visiting service to Mingenew for the foreseeable future.

The other options available are to have discussions with the Shires of Three Springs and Coorow on getting a regular service from the new doctor based in Three Springs. The existing arrangements with that practice see each shire pay a percentage of the costs in

providing that practice less any income earned. Coorow currently receive a half day visit per week and the CEO advises he estimates the cost this year will be in the order of \$50,000 for the year. Carnamah recently withdrew from the scheme, largely due to the cost. This option has not yet been discussed with Three Springs.

The other option that has been investigated, both by the author and the resident Silver Chain nurse, is the provision of a regular service by Aero Medical based out of Geraldton. Aero Medical provided the very successful recent skin clinic and follow up visit for treatment in Mingenew.

In my discussions with Aero Medical they have shown a strong interest in providing a regular service into Mingenew. As a part of this service there was a suggestion that on a regular basis, possibly quarterly, they would arrange to bring a range of specialist allied professionals to Mingenew. Again this would come at a cost but they are indicating they would use Council's cash contribution and letters of support to source additional matching grant funds.

Initially they are suggesting a fortnightly service, but have no problems up scaling to a weekly service should the demand warrant it. They do not want to jump in and put additional financial pressure on the shire or put unnecessary pressure on their doctors until the patient numbers warrant a more frequent service. They indicate they have additional doctors, including a female GP, joining their practice in early April 2011.

The cash contribution they are seeking from Council is \$500 per visit. If we received a service each fortnight the cost over a full year would be \$13,000. If the service ended up being a weekly visit the cost for a full year would be \$26,000 but this may be reduced if there were fewer visits over the December - January holiday period.

Working on the assumption this service is supported by Council and we have a start date of 1 March, with a fortnightly visit initially and then upping to a weekly service after a month, the cost to Council of providing the service for the remainder of the financial year would be approximately \$8,000. This would be unbudgeted expenditure and require an absolute majority decision of Council. A budget review has commenced but is not yet completed but there should be savings in the health area due to reduced EHO time and these savings should be sufficient to meet the costs for the remainder of this financial year – should Council agree to proceed with this option.

In the past Council has not contributed to the cost of providing medical services in Mingenew other than providing receptionist services for Dr Gyi at a cost of \$1,450 to date this financial year.

CONSULTATION

Shire President

Aero Medical

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has not previously provided a cash contribution for medical services to be available in Mingenew. Depending on the option adopted by Council the costs would vary between \$26,000 and an estimated \$50,000 over a full year.

Any contribution in the current year would require an absolute majority decision of Council as it would be unbudgeted expenditure.

STRATEGIC IMPLICATIONS

The provision of medical services has not been identified in any of Council's strategic plans but Council's involvement and contribution is likely to be supported by a large portion of the community

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 9.3.9

That Council discuss this matter and give staff direction as to what action to take in relation to the provision of a regular visiting medical service to Mingenew.

COUNCIL RESOLUTION – ITEM 9.3.9

110212

MOVED: Cr MP Pearce

SECONDED: Cr BP Horwood

That the Chief Executive Officer enters into negotiations with Aero Medical Group to provide medical services to Mingenew and bring a formal proposal back to Council for their consideration and endorsement.

CARRIED
Voting 7/0

9.3.10 REVIEW OF REGIONAL DEVELOPMENT COMMISSIONS

Agenda Reference: CEO 02/11-10
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 10th February 2011
Author: Ian Fitzgerald

SUMMARY

The State Government is currently undertaking a review of Regional Development Commissions and on the 14th December 2010 released a report - "Structuring Regional Development for the Future"

Comments were invited on the report with comments originally scheduled to be submitted by the 1st February but an extension has now been obtained because of the timing of the report's release. The proposed new structure is not good for the regions and this is outlined in a letter from the Shire of Perenjori – copy attached.

ATTACHMENT

A copy of the letter from the Shire of Perenjori on the review report is attached.

BACKGROUND

The Mid West Development Commission is a strong supporter of local government and works well with the Shire of Mingenew. A \$50,000 grant was received to assist with the fitting out of the Autumn Centre.

COMMENT

The review has suggested a centralisation of some of the functions of Development Commissions rather than strengthening their role in the region. Whereas the decisions are currently made locally by people who live in and understand the needs of a region it is proposed this be transferred to a bureaucracy based in Perth.

The comments in the Shire of Perenjori letter outline the impact the proposed structure is likely to have on the regional development commissions.

It is recommended a letter be forwarded to the Department of Regional Development and Lands strongly supporting the comments from Perenjori.

CONSULTATION

Shire President

Northern Country Zone of WALGA

Shire of Perenjori

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The removal of the local decision making ability of the Mid West Development Commission will lessen the opportunity for smaller local governments such as Mingenew to obtain support and grant funding for our local projects.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION – ITEM 9.3.10

110213

MOVED: Cr ET Hathaway

SECONDED: Cr JL Holmes

That Council send a letter to the Department of Regional Development and Lands strongly supporting the comments from the Shire of Perenjori on the proposed restructuring of the development commissions.

CARRIED
Voting 7/0

9.3.11 POLL PROVISIONS - PROPOSED AMALGAMATION

Agenda Reference: CEO 02/11-11
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 10th February 2011
Author: Ian Fitzgerald

SUMMARY

The proposed amalgamation of the Shires of Mingenew, Morawa, Perenjori and Three Springs has been advertised by the Local Government Advisory Board. It is now open for a poll of electors to be called.

In the event a poll is called Council needs to determine who will conduct the poll. As the closing date for the poll, 24th February 2011, is between normal Council meetings the matter is brought to this meeting for resolution thus averting the need for a Special Council meeting.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

The Local Government Advisory Board has now advertised the proposed amalgamation of the shires of Mingenew, Morawa, Perenjori and Three Springs which generates the poll provisions. A petition signed by not less than 10% of electors of an affected district can petition for a poll to be held. The relevant sections of the Local Government Act 1995 – Schedule 2.1 are inserted below:

Electors may demand poll on a recommended amalgamation

- (1) Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (*the districts*) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.
- (2) The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).
- (3) If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.

- (4) This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.

[Clause 8 amended by No. 64 of 1998 s. 52(3).]

9. Procedure for holding poll

- (1) Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —
- (a) the Advisory Board is to —
 - (i) determine the question or questions to be answered by electors; and
 - (ii) prepare a summary of the case for each way of answering the question or questions;
 - and
 - (b) any local government directed by the Minister to do so is to —
 - (i) in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and
 - (ii) subject to subclause (2), declare* the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll under Part 4, and return the results to the Minister.

** Absolute majority required.*

- (2) Before making a declaration under subclause (1)(b)(ii), the local government is to obtain the written agreement of the Electoral Commissioner.

In relation to paragraph 9.2 above a written request has been forwarded to the WA Electoral Commission requesting agreement prior to the Council Meeting.

CONSULTATION

Local Government Advisory Board

WA Electoral Commission

Project Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of conducting the poll falls to the Council where the poll is called. An estimate has been requested from the WA Electoral Commission but has not been received at the time of preparing this item. An indicative cost would be approximately \$6,000.

CEO verbally advised at the meeting that this figure had been confirmed as \$8,000 after the preparation of this item.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION – ITEM 9.3.11

110214 **MOVED: Cr JL Holmes**
SECONDED: Cr MP Pearce

That in the event that electors of the Shire of Mingenew request a poll on the proposal to amalgamate the Shires of Mingenew, Morawa, Three Springs and Perenjori, Council hereby declares the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll under Part 4 of the Local Government Act 1995, with the poll to be conducted as a postal vote.

This resolution will only be acted on if the Minister for Local Government receives a valid request for a poll from electors of the Shire of Mingenew and directs the Shire of Mingenew to conduct a poll.

CARRIED
Voting 7/0

ABSOLUTE MAJORITY

9.3.12 AUTUMN CENTRE – OFFICIAL OPENING

Agenda Reference: CEO 2/11-12
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11th February 2011
Author: Ian Fitzgerald

SUMMARY

Now that the Autumn Centre refurbishment has been completed it is appropriate to hold an official opening. As funding was received from the Commonwealth and the Mid West Development Commission representatives from those organisations will need to be invited to any function. HACC, as well as being users of the facility, have provided some of the furniture and equipment and an invitation will be forwarded to them also.

The date and nature of the event needs to be determined.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

After several years the internal refurbishment of the Autumn Centre has now been completed and the centre is being used. There is still some equipment that needs to be purchased and Community Development Officer Erin Greaves has submitted an application for grant funding to Lotterywest for the bulk of the requirements.

The bus bay is about to be completed and it is planned to have the driveways sealed in conjunction with our roadwork's program. Once this is completed some landscaping of the area can be planned and the community, and in particular the seniors, will have a centre they will be very proud of – a fact that is already coming through loud and clear. The Friday meet and greet sessions are very popular and the seniors and the HACC staff are very appreciative of the work Council has done on their behalf.

In relation to an official opening event there have been some preliminary discussions between the Community Development Officer and Councillor Pearce. The initial thoughts are to hold a morning tea and official opening event with the community invited to attend as well as representatives from the funding agencies and the contractors who have carried out the

refurbishment. A plaque has been arranged and will be unveiled on the day. It will be necessary to consider who should perform the unveiling – possible a female and male senior citizen who will be users of the facility. It may be appropriate to invite members of parliament to the event – possibly Minister Grylls who is responsible for the Mid West Development Commission – a contributor of funding to the project. If politicians are to be invited a Friday would be a better day as parliament does not normally sit on Fridays.

It is also proposed that the inaugural Senior Citizen of the Year be announced at this function. Nominations for this award have been advertised and at least one nomination has been received to date.

CONSULTATION

Shire President

Councillor Pearce

Community Development Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The funds for an official opening are available in the Refreshments and Receptions and Seniors Week areas of the budget.

STRATEGIC IMPLICATIONS

This facility will provide a great resource and meeting venue for the seniors of the district, a sector of the community Council places much emphasis on in their strategic planning.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION & COUNCIL RESOLUTION – ITEM 9.3.12

110215 **MOVED: Cr MP Pearce**
SECONDED: Cr JL Holmes

That Council:

- a) Hold a morning tea on arrival with a light luncheon following the official ceremony for the opening of the Autumn Centre**
- b) Hold the function on Wednesday 30th March 2011 commencing with morning tea at 10am**
- c) Send formal invitations to those agencies who provided funding for the refurbishment of the building, Geraldton Port Authority as donators of the building, Freeman of the Shire, former CEO, HACC Committee members, HACC Dongara, and Water Community Trust Committee members,**
- d) Re-activate the Autumn Centre Committee with Council representatives being Councillors Pearce and Gledhill**

CARRIED
Voting 7/0

9.6 FINANCE

9.6.1 FINANCIAL STATEMENTS FOR MONTH ENDING 31 DECEMBER, 2010

Agenda Reference: SFO 02/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 7 February, 2011
Author: Kylie McGree, Senior Finance Officer

SUMMARY

The Monthly Statement of Financial Activity report for the month ending 31 December, 2010 is presented to Council for adoption.

ATTACHMENT

Finance Report ending 31 December, 2010

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 December, 2010 is \$811,234.00

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Account	\$151,255.92
Business Cash Maximiser (Municipal Funds)	\$425,548.69
Trust Account	\$59,603.10
Reserve Maximiser Account	\$550,920.95

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$231,944.71 remains outstanding as at 31 December, 2010 with approximately \$30,000.00 outstanding for 30 days or more. Aimee Bendsdorp is following up on these outstanding debtors and will advise accordingly.

The total outstanding rates debt is \$114,552.53 as at 31 December, 2010.

It should be noted that Rates Outstanding as at end of December, 2009 was \$107,244.44.

The Statement of Financial Activities Report contains explanations of Councils variances for the 2010 / 2011 financial year.

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 & COUNCIL RESOLUTION – ITEM 9.6.1

110216

**MOVED: Cr PJ Ward
SECONDED: Cr ET Hathaway**

That Council adopts the Monthly Statement of Financial Activity for the month ending the 31 December, 2010

**CARRIED
Voting 7/0**

9.6.2 FINANCIAL STATEMENTS FOR MONTH ENDING 31 JANUARY, 2011

Agenda Reference: SFO 02/11 - 02
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 7 February, 2011
Author: Kylie McGree, Senior Finance Officer

SUMMARY

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

ATTACHMENT

Finance Report ending 31 January, 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 January, 2011 is \$841,446.00

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Account	\$77,612.51
Business Cash Maximiser (Municipal Funds)	\$477,089.77
Trust Account	\$59,638.10
Reserve Maximiser Account	\$553,143.49

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$197,604.89 remains outstanding as at 31 January, 2011 with approximately \$26,000.00 outstanding for 30 days or more. Aimee Bendsdorp is following up on these outstanding debtors and will advise accordingly.

The total outstanding rates debt is \$107,222.99 as at 31 January, 2011. Instalment notices have been issued for the third instalment of rates due 4 February, 2011.

It should be noted that Rates Outstanding as at end of January, 2010 was \$89,951.40.

The Statement of Financial Activities Report contains explanations of Councils variances for the 2010 / 2011 financial year.

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 & COUNCIL RESOLUTION – ITEM 9.6.2

110217

MOVED: Cr PJ Ward

SECONDED: Cr BP Horwood

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

CARRIED

Voting 7/0

9.6.3 ACCOUNTS FOR PAYMENT – DECEMBER 2010 & JANUARY 2011

Agenda Reference: AO 02/11 – 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 3rd February 2011
Author: Julie Borrett

SUMMARY

Council to confirm the payment of creditors for the months of December and January 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 & COUNCIL RESOLUTION – ITEM 9.6.3

110218 **MOVED: Cr JL Holmes**
SECONDED: Cr BP Horwood

That Council confirm the accounts as presented for December 2010 and January 2011 from the Municipal Fund totalling \$772,525.71 represented by Electronic Funds Transfers of EFT4717 to EFT4854 and Cheque No's 7298 – 7329 and 381 - 383

CARRIED
Voting 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

COUNCIL RESOLUTION

**110219 MOVED: Cr PJ Ward
SECONDED: Cr BP Horwood**

That Council agrees to receive and discuss the late agenda item 9.3.13 – Sinosteel Midwest – Trucking Proposal and also the request to truck ore presented to Council earlier in the meeting by Karara Mining.

**CARRIED
Voting 7/0**

9.3.13 SINOSTEEL MIDWEST – TRUCKING PROPOSAL

Agenda Reference: CEO 2/11-13
Location/Address: Shire of Mingenew
Name of Applicant: Sinosteel Midwest Corporation Limited
File Reference:
Disclosure of Interest: Nil
Date: 16th February 2011
Author: Ian Fitzgerald

SUMMARY

Sinosteel Midwest Corporation currently are trucking their iron ore from Koolanooka to Geraldton and have written to Council seeking support for an extension of their current licence and seeks Council consideration of a possible increase in vehicle size and change in route for cartage through Mingenew.

ATTACHMENT

A copy of the proposal from Sinosteel Midwest is attached for Councillors information.

BACKGROUND

Sinosteel currently transport their iron ore from Koolanooka through to Geraldton using 27.5m vehicles restricted to 55 tonne. The current route uses the Mingenew – Morawa Road (Main Roads road), the Mingenew – Mullewa Road for a short section (Shire road) and then onto the Midlands Road and Brand Highway (Main Roads roads) through to Geraldton. Council has negotiated a community trust fund with Sinosteel which paid \$30,000 in year one (2010) with \$25,000 payable for each year, or part thereof, for each subsequent year that they are carting through Mingenew.

COMMENT

The licence currently held by Sinosteel expires in June 2011 and they are looking at options available to them to continue to get their iron ore to Geraldton until the rail system, which is being upgraded, is ready for their use. They have an agreement with Karara Mining to use their rail spur to cart ore from Mungada which is the second phase of their project once Koolanooka ore stocks are exhausted. It is anticipated they will continue to truck ore through Mingenew until approximately mid 2012 by which time they will be mining at Mungada and the rail system upgrades would have been completed. Their mine/project life is relatively short with project completion planned for 2015.

Sinosteel, together with representatives from Main Roads WA met with the Shire President and Councillor Ward (our roads delegate) and the Chief Executive Officer on Tuesday 15th February to present their proposals.

The following is an extract from Sinosteel's proposal:

Interim Road Transport Task

Following discussions with Main Roads WA, SMC considers that there are three options for achieving the road transport task

Proposal 1

Existing 27.5m double road trains with concessional loading at the rate of 1.5 mtpa.

No changes to routing of road trains.

Proposal 2

Existing 27.5 m double road trains with concessional loading at the rate of 1.5 mtpa.

Empty trucks return to Koolanooka via the Allanooka Springs route.

Proposal 3

34.5 m B Double + Dog configured road trains with concessional loading at the rate of 1.5 mtpa.

Empty trucks return via the Allanooka Springs route.

Loaded trucks will travel to port via Midland Rd and Brand Hwy. Loaded trucks will need to use the rail crossing at the eastern end of Eleanor Street to ensure adequate stacking distance.

SMC will make a reasonable contribution to the upgrading of the Irwin River crossing 10 km from Mingenew.

The table below is a summary of truck movements as provided by Sinosteel.

	Tonnes PA	Concessional Loading	Truck Size	Trucks Per Day - Brand H'way	Trucks via Allanooka	Shire Implications
Current	1.0 MTpa	No	27.5m	100	Nil	Nil
Proposal 1	1.5 MTpa	Yes	27.5m	140	Nil	Nil
Proposal 2	1.5 MTpa	Yes	27.5m	70	70	Nil
Proposal 3	1.5 MTpa	Yes	34.5m	59	59	Trucks via Eleanor St, SMC to contribute Depot Hill crossing upgrade

The author believes that all three proposals will have implications for Council and shire residents contrary to Sinosteel's suggestion.

The extra vehicles through town will impact our residents and an extra 70 truck movements per day, even if unloaded, as per proposal 2 will have impacts on users of Depot Hill/Allanooka Springs Road as well as to the life of the road pavement.

Proposal 3 which would see 34.5m vehicles coming through the centre of Mingenew would greatly impact our residents and general road users. The trucks would have to use the Eleanor Street route and rail crossing as there is insufficient stacking distance at the rail crossing on Mingenew – Mullewa Road.

Their proposal outlines a number of protocols, particularly in relation to the use of the larger vehicles.

It should be noted that any proposal to use Allanooka Springs Road will need the support of the Irwin Shire and City of Geraldton – Greenough.

The proposed upgrade of the Depot Hill crossing has been estimated at around \$2.1m. To date only \$600,000 has been secured with a further \$335,000 from Royalties for Regions almost certain. That leaves a further \$1m to source and whether Sinosteel would meet this shortfall has not been discussed.

It is considered that any change in trucking movements should require Sinosteel to increase their contribution to the Community Trust Fund and additionally some maintenance agreement for Depot Hill Road will need to be negotiated if any new route includes this road.

CONSULTATION

Shire President

Councillor Ward

Sinosteel Midwest Corporation

Main Roads WA

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is the potential to source funds from Sinosteel to assist with the upgrade of the Depot Hill crossing. Council may incur additional maintenance costs if Depot Hill Road is used either by the 27.5m or 34.5m trucks. An increase in the contribution to the Community Trust

Fund should be negotiated as a part of any discussions on changing of the truck movements.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 9.3.13

That Council discuss the request the proposal from Sinosteel Midwest Corporation and determine which proposal or proposals they are willing to further investigate and to include what contributions are to be payable by Sinosteel to the Shire of Mingenew

COUNCIL RESOLUTION – ITEM 9.3.13

110220

MOVED: Cr MP Pearce

SECONDED: Cr PJ Gledhill

That Council:

- a) Support Sinosteel Midwest’s Proposal No. 2 including the use of Allanooka Springs/Depot Hill Road for trucks returning unloaded from the Geraldton port to the Koolanooka or Mungada mine sites**
- b) Negotiate a road maintenance contribution from Sinosteel Midwest of \$100,000 per annum or part thereof**
- c) Support the request from Karara Mining to truck iron ore from their mine site to the Geraldton Port through Mingenew whilst the railway line from Tilley Siding to Mullewa is closed for upgrading – approximately April to September 2011 with the trucks returning unloaded from the port to the mine site on Allanooka Springs/Depot Hill Road**
- d) Negotiate a road maintenance contribution from Karara Mining of \$50,000 per 6 months or part thereof with Council reserving to re-negotiate if the term extends beyond 6 months**
- e) Negotiate a \$30,000 per annum contribution from Karara Mining for a Community Trust Fund**

CARRIED
Voting 6/1

12.0 CONFIDENTIAL ITEMS

Nil

13.0 COUNCILLOR REPORTS

Cr MA Bagley

Meetings attended;

1 st February 2011	Structural Reform Working Group – Three Springs
2 nd February 2011	ISA Governance Team Meeting - Mullewa
7 th February 2011	Northern Country Zone of WALGA – Mingenew
10 th February 2011	Meeting with Deputy President
15 th February 2011	Sinosteel & MRWA – haulage routes – Mingenew

Cr Bagley advised she had received a letter from the MWRC requesting Council discuss what it sees as the future of the MWRC and Mingenew's possible involvement. Cr Bagley suggested the matter needed to be discussed after any decision on amalgamation was known and after the MWRC themselves had discussed their future.

Cr ET Hathaway

Meetings attended;

10 th February 2011	Meeting with Shire President
--------------------------------	------------------------------

Cr JL Holmes

Meetings attended;

1 st February 2011	Structural Reform Working Group Meeting
-------------------------------	---

Issues to be noted, from this meeting are as follows;

Ross Earnshaw and Meaghan Dwyer from the Local Government Advisory Board attended the meeting.

Linc (Consultants) provided drafts of newsletters that are to be sent out to the staff and community to try and sell the positives of amalgamation and respond to some myths being spread.

Any rate increases over 15% would be phased in over 3 years. The income from grants has been reassessed following advice it may be possible to limit the decrease in grants beyond year 5 to around %5 compared to the current maximum of 15%. This has shown a stronger position for the new entity beyond the years where grants are capped.

Need to ensure Valuer General revalue's the 4 shires at the same time in anticipation of the amalgamation.

Cr PJ Gledhill

20th December 2010 Community Sport & Recreation Meeting – draft recreation plan presented.

Raised concerns as to the quality of the carpet laying at the Autumn Centre – staff to check.

Cr MP Pearce

Meetings attended;

4th February 2011 Silver Chain Meeting – new ambulance entrance

Cr MP Pearce also raised:

Parking at the school – CEO advised no adverse comments from the Principal
School bus signs – no longer required signs still in place – CEO to follow up
Town standpipe – recording book and box still not in place – CEO to follow up
Old Railway Station maintenance – CEO advised grant applied for – provision to be made in coming budget for urgent maintenance
Town Hall – what is happening – CEO advised no decision had been made by Council as to future use or work on the hall – maintenance allowance within the budget. Community to be advised Council is considering options for future of the hall and will be considered at budget time.

Streetlights – CEO advised Western Power had been advised of faulty lights – CEO to follow up.

Bowling Club surrounds – what is happening – CEO advised that in discussions with Gary Cosgrove work was to be undertaken at the completion of the bowls season. CEO to follow up.

Cr PJ Ward

Meetings attended;

2nd February 2011 ISA Governance Team Meeting - Mullewa
14th February 2011 Expo Committee
15th February 2011 Sinosteel & MRWA – haulage routes - Mingenew

Cr BP Horwood

Meetings attended;

7th February 2011 Northern Country Zone of WALGA – Mingenew

Cr BP Horwood informed Council that matters discussed included sourcing funding for the erection of the northern barrier fence, biological control of cane toads, funding for rail and roads identified in the Grain Freight Network review, review of WALGA's structure, and review of State Development Commissions.

COUNCIL RESOLUTION – AUDIT COMMITTEE MINUTES

110221 **MOVED: Cr ET Hathaway**
SECONDED: Cr JL Holmes

That Council receive the minutes of the Audit Committee meeting held on Wednesday 16th December 2010.

CARRIED
Voting 7/0

14.0 **TIME AND DATE OF NEXT MEETING**

The next Ordinary Council Meeting to be held on Wednesday, the 16th March 2011 at 2:00pm.

15.0 **CLOSURE**

Shire President, MA Bagley declared the meeting closed at 6.58pm.

These minutes were confirmed at a meeting on 16th March 2011

Signed: _____

Presiding Officer

Date: 16th March 2011