



MINUTES FOR THE
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
21ST JULY 2010



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SHIRE OF MINGENEW
MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS,
MINGENEW, ON WEDNESDAY THE 21ST JULY 2010

1.0 DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr Michelle Bagley, declared the meeting open at 2:30pm.

2.0 ATTENDANCE

2.1 PRESENT

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

STAFF

IB Fitzgerald	Chief Executive Officer
CG Jackson	Manager of Corporate Services
KA McGree	Senior Finance Officer
TB Brandy	Environmental Health & Building Officer

Attending to present reports

WL Borrett	Works Manager
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COMMUNITY MEMBERS

P Blythe

2.2 APOLOGIES

Nil

3.0 DECLARATION OF INTEREST

Cr PJ Ward declared an interest in Item 12.1.1 Application for Planning Consent – Karara Mining Pipeline as he is a property owner affected by the pipeline.

4.0 **LEAVE OF ABSENCE**

Nil

5.0 **PUBLIC QUESTION TIME**

Nil

6.0 **VISITATIONS**

Nil

7.0 **CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

100701 **MOVED** CR JL Holmes
 SECONDED CR PJ Gledhill

That the Minutes of the Ordinary Meeting of Council held on Wednesday, 16th June 2010, be confirmed as a true and accurate record of proceedings.

CARRIED
Voting 7/0

8.0 **RECEIPT OF MINUTES FROM ANNUAL GENERAL MEETING OF ELECTORS**

Nil

9.0 **PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS**

Nil

9.3.1 SALE OF SURPLUS PLANT

Agenda Reference: CEO 07/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15 July, 2010
Author: Ian Fitzgerald

SUMMARY

Council has received an offer of \$15,000 plus GST for one of the tandem pig trailers currently stored at the depot.

ATTACHMENT

Nil

BACKGROUND

After Council purchased the tri-axle tipping trailer in 2006/07, a decision was made to advertise for sale one of the two tandem pig trailers.

Whilst there has been some interest shown to-date there has not been any formal offers received.

COMMENT

Council has received a formal offer from Mid Coast Civil, a Dongara based company, to purchase the tandem pig trailer for \$15,000 plus GST on an “as is” basis.

The trailer is surplus to Council’s requirements now that a tri-axle tipping trailer has been purchased which is used on major construction projects together with the second pig trailer owned by Council.

Chapman Valley Council recently sold a newer pig trailer for \$17,000. It is therefore considered the \$15,000 offered is a reasonable price.

CONSULTATION

Works Manager

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

No policy implications

FINANCIAL IMPLICATIONS

The sale proceeds will be used for future purchases of plant items, taking pressure off the Municipal account and the need to raise loans or increase rates. There will be minor savings in insurance and licensing costs.

STRATEGIC IMPLICATIONS

The trailer is surplus to Council's requirements and has previously been offered for sale. The sale will not affect Council's operations in any way.

VOTING REQUIREMENTS

Absolute Majority

100702

OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.1

MOVED Cr ET Hathaway
SECONDED Cr BP Horwood

That Council accepts the offer of \$15,000 plus GST from Mid Coast Civil for the tandem pig trailer on an "as is" basis.

CARRIED
Voting 7/0

9.3.2 SHARED COMMUNITY EMERGENCY SERVICES MANAGER

Agenda Reference: CEO 07/10 - 02
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15 July, 2010
Author: Ian Fitzgerald

SUMMARY

The Shire of Perenjori, on behalf of the four shires proposing to amalgamate, made an application to FESA for a Shared Community Services Manager. An offer has been received from FESA for such a position to be created within the four shires with the role funded 50% by FESA and 50% by the four shires.

ATTACHMENT

Sample Memorandum of Understanding and Business Plan

BACKGROUND

FESA is currently funding some 17 of these positions across the state but predominantly with larger shires and none in the Midwest region other than Geraldton.

COMMENT

The 2010/11 State Budget allows FESA to establish up to 20 more of these positions with our four shire grouping being offered one of the new positions.

This is the first time a position has been offered to a larger group of shires but FESA has acknowledged our proposed amalgamation and how closely the shires work together on many other issues. FESA has only worked with a maximum of two shires in a partnership arrangement previously.

The attached documents provide an indication of the role of Community Emergency Services Manager would play within the four shires. It is expected the position would greatly enhance the support to our emergency services volunteers which is currently limited due to the lack of resources. This is especially the case with the Local Emergency Management Committee (LEMC) which has not met for several years and is present in name only.

FESA advises the position incurs an annual cost of around \$120,000 with 50% of that coming from FESA and 50% from the shires. On the basis that the four shires agree to participate the cost per shire would be \$15,000 each.

This is seen as a minor cost to the shires but with the potential to greatly benefit Council and the community. Our ESL funds cannot be used for this position.

The Community Emergency Services Manager would be trained by FESA and have access to all of their resources but would be managed locally. Support would be provided as required, especially in the early stages of the project.

It is proposed that subject to housing being available, the person would be based in one of the four shires and would provide support to our Chief Bush Fire Control Officer and Volunteer Brigades.

CONSULTATION

FESA, Shires of Morawa and Perenjori Chief Executive Officers

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

No policy implications

FINANCIAL IMPLICATIONS

The proposed contribution of \$15,000 has been included in the draft 2010/2011 budget.

STRATEGIC IMPLICATIONS

The establishment of a Community Emergency Services Manager will greatly enhance the support to all of our emergency volunteers and in particular our bush fire brigades and LEMC Committee.

VOTING REQUIREMENTS

Simple Majority

100703

OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.2

MOVED Cr PJ Gledhill

SECONDED Cr MP Pearce

That Council agree to be a party to the Shared Community Emergency Services Manager with the Shire's of Morawa, Perenjori and Three Springs, and with FESA and allow \$15,000 in the 2010/2011 Budget as their contribution to the project.

CARRIED

Voting 7/0

9.3.3 2009/2010 END OF YEAR TRANSFERS

Agenda Reference: CEO 07/10 - 03
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15 July, 2010
Author: Ian Fitzgerald

SUMMARY

Council is requested to endorse the actions of the Chief Executive Officer in varying the budgeted end of year reserve transfers due to the stronger financial position than predicted at the time of adopting the 2009/10 annual budget.

ATTACHMENT

Nil

BACKGROUND

The adopted budget allowed for the following transfers from Reserve to the Municipal account:

\$27,500 from the Land and Building Reserve
\$65,000 from the Plant Reserve
\$10,000 from the APU Reserve
\$15,000 from the Rehabilitation Reserve
\$22,000 from the Industrial Land Reserve

No transfers to Reserve were budgeted for.

COMMENT

The stronger financial position at 30th June 2010 was due to a range of factors including;

- Better plant purchase prices
- Use of Royalties for Regions funds on house maintenance work
- Industrial land development not finalized
- Major refuse site rehabilitation work not completed
- More private works income than anticipated

The financial Position of the Shire of Mingenew allowed for less use of reserve funds.

The transfers that did take place were;

\$10,000	from the Plant Reserve
\$10,000	from the Industrial Land Reserve
\$5,000	from the APU Reserve
\$25,000	transferred to the Accrued Leave Reserve

The result of these transfers was to see a healthy reserve fund balance of \$538,418 as at the 30th June 2010. This will provide a funding source for some major projects in coming years.

CONSULTATION

No consultation required

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

No policy implications

FINANCIAL IMPLICATIONS

The variation in the Reserve transfers has helped strengthen the various Reserve Funds without adversely affecting the end of year position of the Municipal Account.

STRATEGIC IMPLICATIONS

The reserve funds being in a strong position helps strengthen the financial position of Council and will assist in funding major projects that Council may wish to proceed with.

VOTING REQUIREMENTS

Absolute Majority

100704

OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.3

MOVED Cr BP Horwood

SECONDED Cr MP Pearce JP

That Council endorses the actions of the Chief Executive Officer in verifying the transfers to and from reserve at 30th June 2010.

CARRIED

Voting 7/0

9.3.4 FINANCE REPORT FOR JUNE 2010

Agenda Reference: SFO 07/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15 July, 2010
Author: Kylie M^cGree, Senior Finance Officer

SUMMARY

The Monthly Statement of Financial Activities report for the month ending 30 June, 2010 is presented to Council for adoption.

ATTACHMENT

Monthly Statement of Financial Activities report for the month ending 30 June, 2010

BACKGROUND

Financial regulations require a monthly statement of financial activities report to be presented to Council.

COMMENT

Council's operating surplus as at the 30 June, 2010 is \$1,096,689.00

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Funds	\$139,427.01
Business Maximiser Fund (Municipal)	\$215,759.01
Trust Account	\$59,042.25
Reserve Account	\$538,418.15

Rates Outstanding	\$11,960.77
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It should be noted that Rates Outstanding as at end of June, 2009 was \$6,030.77.

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$930,627.60 was owing to Council as at 30 June, 2010 with a couple of Debtors 60 days or more. Aimee Bendsdorp is following up on these outstanding accounts.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2009 / 2010 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

No policy implications

FINANCIAL IMPLICATIONS

Financial implications are outlined in comments.

STRATEGIC IMPLICATIONS

No strategic implications

VOTING REQUIREMENTS

Simple Majority

100705 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.4

MOVED Cr ET Hathaway

SECONDED Cr PJ Gledhill

That Council adopts the Monthly Statement of Financial Activity for the month ending 30 June, 2010.

**CARRIED
Voting 7/0**

9.3.5 ACCOUNTS DUE AND SUBMITTED FOR PAYMENT

Agenda Reference: AO 07/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 7th July 2010
Author: Julie Borrett

SUMMARY

Council is requested to confirm the payment of creditors for the month of June 2010 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

ATTACHMENT

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13 (1).

BACKGROUND

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

COMMENT

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

100706 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.5

MOVED Cr ET Hathaway
SECONDED Cr PJ Ward

That Council confirms the accounts as presented for June 2010 from the Municipal Fund totalling \$470,049.92 represented by Electronic Funds Transfers of EFT4217 to EFT4290 and Cheque No's 7225 - 7236.

CARRIED
Voting 7/0

12.1.1 Application for Planning Consent – Karara Water Pipeline

Agenda Reference: CEO 07/10-01
Location/Address: Shire of Mingenew
Name of Applicant: Karara Mining Ltd
File Reference:
Disclosure of Interest: Nil
Date: 20th July 2010
Author:

SUMMARY

The purpose of this report is for Council to consider an application for planning consent from Karara Mining Ltd to install a section of the water pipeline and associated infrastructure within the Shire which runs from Lot 147 (Bundanoon Pty Ltd) to Lot 1786 KW Mutter) - a distance of 21 km. Also forming part of this application is a portion of the water bore field located on Lot 117 – Yandanooka West Road (Mullaloo Holdings Pty Ltd).

Works on the pipeline are scheduled to commence in the fourth-quarter 2010 and the construction duration is approximately 6 months.

ATTACHMENT

Applicant's Development Application Planning Report

Overall map – showing pipeline location in the Midwest Area

BACKGROUND

Council is in receipt of an updated application for planning consent from Karara Mining Ltd to install a section of the water pipeline and associated infrastructure within the Shire.

Council has given planning approval previously for a pipeline but the proposed bore location and subsequent pipeline route has altered.

The applicant has undertaken extensive consultation with those affected by the project, including individuals and landholders in the area of the mine site and bore field, and those residing in close proximity to the proposed infrastructure corridor. State Land Services, which has responsibility for Crown lands including road reserves, has also been closely involved with the discussions to determine the pipeline route. A copy of a consent letter for the Karara Mining Pipeline proposal has been received by Council for all affected landholders.

COMMENT

The applicant has undertaken extensive consultation with those affected by the project, including individuals and landholders in the area of the mine site and bore field, and those residing in close proximity to the proposed infrastructure corridor. State Land Services, which has responsibility for Crown lands including road reserves, has also been closely involved with the discussions to determine the pipeline route.

The application and documentation has been assessed. The information provided in the development application planning report details the Shire of Mingenew Local Planning Scheme Text No.3 (LPS3) requirement for the application to be considered by Council.

A water pipeline is a use not listed in the Rural-Mining Zone Table under the LPS3. Therefore Clause 4.4.2. of the Scheme provides the following provision for uses not listed:

“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or

determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”

The use is not listed under the Scheme, however Council may determine the Application after advertising has been undertaken for a period of 14 days.

Clause 9.4.3 of the LPS3 states:

The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways

notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day notice is served;

notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;

a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less 14 days from the day the notice is erected.

Council has received no letters with objections to the proposal.

A detailed traffic management plan has been provided with the application.

Council approval is recommended subject to conditions.

STATUTORY IMPLICATIONS

Shire of Mingenew Town Planning Scheme No3.Text

Local Government Act 1995

Planning and Development Act 2005

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Planning fee of \$7,900 has been paid.

STRATEGIC IMPLICATIONS

As detailed in the Development Application Planning Report.

VOTING REQUIREMENTS

Simple Majority

Councillor Peter Ward declared an interest in the item as he is a property owner affected by the pipeline and requested he be allowed to remain in the Chambers.

100707 COUNCIL RESOLUTION

MOVED Cr ET Hathaway

SECONDED Cr JL Holmes

That Councillor Peter Ward be allowed to remain in the Chambers but not vote on the item.

CARRIED
Voting 6/0

100708 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 12.1.1

MOVED Cr PJ Gledhill

SECONDED Cr MP Pearce JP

That Council:

Council grant approval to Karara Mining Limited (KML) to install the operational water pipeline and required infrastructure through private land and across shire road reserves as detailed in the provided infrastructure corridor and planning report subject to:

Karara Mining Ltd ensuring the content of the submitted application is complied with.

Karara Mining Ltd is to ensure development controls are in place to indicate the location of the pipe line corridor to safe guard against any adverse approvals being granted for any future boundary realignments or development that may occur.

Where the pipeline corridor crosses existing infrastructure Karara Mining Ltd is to ensure at least 7 days notice is given to affected landholders or agencies and shall reinstate the infrastructure in full.

Any damage to Shire or Main road's during the construction phase shall be reinstated to shire requirements.

CARRIED
Voting 4/2

10 ANNOUNCEMENT BY PRESIDENT AND COUNCILLORS

The Shire President requested direction for voting on the following items for the Annual General Meeting of WALGA to be held on the 7 August 2010. Cr Hathaway and Cr Bagley are Councils representatives.

Local Government Initiative on Climate Change-**Support**

Climate Change Risk Management-**Support**

Loss of rateable Income State Policy-**Support**

Elected Member Record Keeping-**Support**

GP Services to Rural & Remote Local Government- **Support**

Increased State Road Funding-**Support**

Bush Fire Management-**Support**

Industrial Land Strategy Perth & Peel-**Support**

Population 2050-**Support**

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

Nil

12 URGENT BUSINESS INTRODUCED BY DECISIONS OF THE MEETING

Nil

13 CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT S5.23 (2)

Nil

14 CLOSURE

The Shire President thanked all for attending and declared the meeting closed at 2.50pm.

These minutes were confirmed at a meeting on 18th August 2010

Signed: _____

Presiding Officer

Date: 18th August 2010