



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
19TH MAY 2009



SHIRE OF MINGENEW
ORDINARY COUNCIL MEETING NOTICE PAPER
19TH MAY 2010

Madam President and Councillors,

An ordinary meeting of Council is called for **Wednesday, 19th May 2010**, in the Council Chambers, Victoria Street, Mingenew, commencing at **2:30pm**.

Ian Fitzgerald
Chief Executive Officer
14th May 2010

MINGENEW SHIRE COUNCIL

DISCLAIMER

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

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

CHIEF EXECUTIVE OFFICER

14th May 2010

SHIRE OF MINGENEW

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

Chief Executive Officer

Shire of Mingenew

PO Box 120

MINGENEW WA 6522

Dear Sir

Written Declaration of Interest in Matter before Council

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

Agenda Item _____

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

The nature of my interest is _____

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

The extent of my interest is _____

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

Yours faithfully,

Signed

Date

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

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

- 7 CONFIRMATION OF PREVIOUS MEETING MINUTES**

That the Minutes of the Ordinary Council Meeting held on the 21st of April 2010 be confirmed as true and accurate.

- 8 DISCLOSURES OF FINANCIAL AND OTHER INTERESTS**

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

- 9 REPORTS OF COMMITTEES AND OFFICERS**

- 9.1 HEALTH, BUILDING AND TOWN PLANNING**

- 9.2 WORKS AND SERVICES**

- 9.3 FINANCE AND ADMINISTRATION**

- 9.3.1 Extension of Lease – National Australia Bank

- 9.3.2 Application for Planning Approval – Brindal

- 9.3.3 Application for Planning Approval – Pearse

- 9.3.4 Fraud and Error Assessment – Interim Audit

- 9.3.5 Finance Report for March & April 2010

- 9.3.6 Accounts Due & Submitted for Payment – April 2010

- 10 ANNOUNCEMENT BY PRESIDENT AND COUNCILLORS**
- 11 ELECTED MEMBERS/ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12 URGENT BUSINESS INTRODUCED BY DECISIONS OF THE MEETING**
 - (A) ELECTED MEMBERS
 - (B) OFFICERS
- 13 CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT S5.23 (2)**
- 14 CLOSURE**

9.3.1 EXTENSION OF LEASE – NATIONAL AUSTRALIA BANK

Agenda Reference: CEO 05/10-01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th April 2010
Author: Ian Fitzgerald, Chief Executive Officer

Signature of Author: _____

Summary

Council is requested to approve a three year lease extension for the National Australia Bank for a portion of Lot 73 Midlands Road being the premises currently operating as the National Australia Bank Mingenew Branch.

Attachment

Nil

Background

The original lease commenced in September 2004.

Comment

Council has received a request from Minter Ellison Lawyers acting on behalf of the National Australia Bank for a three (3) year extension to their lease – J011835 dated 4th September 2004. The lease fell due in September 2009 and the new extension will take the lease though until September 2012. The commencing rent will be \$2.00 per annum inclusive of GST.

The request for a lease extension is an indication that the National Australia Bank intends to continue to provide a banking service to the Mingenew community.

There have been no issues raised by either the bank or Council in relation to the existing lease.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

The extension of the lease indicates a commitment by the National Australia Bank to continue to provide a banking service in Mingenew.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.1

That Council:

- a) Agrees to the three (3) lease extension to the National Australia Bank of the portion of Lot 73 Midlands Road that is currently operating as a bank branch**
- b) Authorizes the Shire President and Chief Executive Officer to sign the lease documents once prepared**

9.3.2 APPLICATION FOR PLANNING APPROVAL - BRINDAL
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Agenda Reference: CEO 05/10-02
Location/Address: Strawberry North East Road - Shire of Mingenew
Name of Applicant: WA Planning Commission (Brindal)
File Reference:
Disclosure of Interest: Nil
Date: 14th May 2010
Author: Ian Fitzgerald, Chief Executive Officer

Signature of Author: _____

Summary

The Western Australian Planning Commission (WAPC) has received an application for planning approval (sub-division) – number 141885 from Mr. David Brindal and seeks comment from Council.

Attachment

A copy of the map submitted to the WAPC showing current boundaries and proposed boundaries is attached.

Background

Nil.

Comment

The application from the Brindal family involves lots 1, 2, 7, and 102 on Strawberry NE Road Mingenew.

The proposal is to create contiguous parcels of land – one on the NW side of Strawberry North East Road and a second on the SE side of the road. The attached map shows clearly the proposed boundary changes to the individual lots.

The proposal would see a rationalization of boundaries to create better farm management and has no affect on roads or neighbouring properties.

The planning application has also been forwarded to a number of other agencies for comment including Department of Environment and Conservation, Department of Water, Water Corporation, Telstra, and FESA.

Council has been invited to comment, provide information in relation to the application or submit recommended conditions to be placed on any approval to be given.

Statutory Environment

Local Government Act 1995

Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

Nil in relation to Council's own activities.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.2

That Council advises the Western Australian Planning Commission it has no objections to the proposed sub-division outlined in Application 141885 lodged by Mr. David Brindal.

9.3.3 APPLICATION FOR PLANNING APPROVAL - PEARSE

Agenda Reference: CEO 05/10-03
Location/Address: Depot Hill North Road - Shire of Mingenew
Name of Applicant: WA Planning Commission (Pearse)
File Reference:
Disclosure of Interest: Nil
Date: 14th May 2010
Author: Ian Fitzgerald, Chief Executive Officer

Signature of Author: _____

Summary

The Western Australian Planning Commission (WAPC) has received an application for planning approval (sub-division) – number 141865 from Hill, Thompson and Delfos on behalf of Mr. Alex Pearse and seeks comment from Council.

Attachment

A copy of the map submitted to the WAPC showing current boundaries and proposed boundaries is attached.

Background

Nil.

Comment

The application from the Hill, Thompson and Delfos involves lot 5 Depot Hill North Road (note the application refers to Depot Hill Road).

The proposal is to create two lots from the existing 2,421.3 ha – one lot of 118 ha and a second of the remaining 2,303.3 ha.

The attached map shows clearly the proposed boundary changes to allow creation of the individual lots.

The proposal would see a separate lot created for the satellite tracking station that Council has previously approved to be developed on the lot and allow for future expansion of the

tracking station. The Swedish Space Corporation is currently working with staff on a proposal that would see new buildings and satellite dishes being constructed on the site.

An existing paddock boundary has been chosen for the proposed sub-division and will not alter existing farming practices.

The planning application has also been forwarded to a number of other agencies for comment including Department of Environment and Conservation, Department of Water, Water Corporation, Telstra, and FESA.

Council has been invited to comment, provide information in relation to the application or submit recommended conditions to be placed on any approval to be given.

Statutory Environment

Local Government Act 1995

Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

Nil in relation to Council's own activities.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.3

That Council advises the Western Australian Planning Commission it has no objections to the proposed sub-division outlined in Application 141865 lodged by Hill, Thompson and Delfos on behalf of Mr. Alex Pearse.

9.3.4 FRAUD AND ERROR ASSESSMENT – INTERIM AUDIT

Agenda Reference: CEO 05/10-04
Location/Address: Shire of Mingenew
Name of Applicant: UHY Haines Norton – Council’s appointed auditors
File Reference:
Disclosure of Interest: Nil
Date: 14th May 2010
Author: Ian Fitzgerald, Chief Executive Officer

Signature of Author: _____

Summary

As a part of the normal audit process the auditors have requested a response from the Chair of the Audit Committee to a series of questions in relation to the risk that fraud could occur within the organization.

As Council forms the Audit Committee it felt appropriate to bring this matter to Council’s notice prior to the Chair (Shire President) completing the return. The Chief Executive Officer was required to also complete an assessment as a part of the risk of fraud assessment.

Attachment

Nil.

Background

Each financial year Council undergoes an audit process – an interim audit which looks mainly at systems and processes and then a final audit that looks mainly at the financial reporting of Council.

Comment

As a part of the interim audit process this year the Chair of the Audit Committee, with for the Shire of Mingenew the Audit Committee being made up of all of Council, has been asked to respond to the following questions:

To the Chair of the Audit Committee

re: Fraud and error assessment for the year ended 30 June 2010.

We are preparing to perform our Interim risk assessment of your Council in relation to the audit for the year ended 30 June 2010. In performing the engagement, the Australian Auditing Standards require us to consider the risk that fraud could occur within the organisation.

These standards require us to make enquiries of those charged with governance of the risk of fraud within the organisation.

We would appreciate you taking the time to briefly answer the following questions in the spaces provided, and return this letter.

- 1. Do you believe the policies and procedures in place within the organisation are adequate to minimise the risk of fraud to an appropriately low level? Please provide an explanation for the reasons for your answer.*
- 2. Are you aware of any instances where policies and procedures have not been adhered to which could have resulted in a fraud occurring? If yes please provide details.*
- 3. Have you, during the past year, become aware of or suspected fraud within the organisation? If yes please provide details.*
- 4. If there any concerns or questions you would like us to address during the course of our audit, please describe*

As Council in full forms the Shire of Mingenew Audit Committee it felt appropriate to bring this matter to Council's notice prior to the Chair (Shire President) completing the return. The Chief Executive Officer was also required to complete an assessment as a part of the risk of fraud assessment process.

In response to question 1 staff advise that it is considered the policies and procedures in place are adequate to minimize the risk of fraud. Procedures have been put in place to provide for the counter signing or authorising of financial transactions and this includes purchasing guidelines that limits individual purchasing limits. Over the past 3 years new procedures have been put in place to help protect both the individual and Council from the risk of fraud.

The independent financial management assessment conducted some 18 months ago identified no particular weaknesses in Council's financial management procedures.

In relation to questions 2 and 3 it is recommended a nil response be recorded.

Staff are not in a position to respond to question 4 as this is a matter that needs to be determined by Council but no matters have recently been raised by Council in relation to the risk of fraud.

Statutory Environment

Local Government Act 1995 and Final Management Regulations 2006

Policy Implications

Nil

Financial Implications

Nil.

Strategic Implications

Nil.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.4

That Council considers the questions asked by the auditors in relation to the risk of fraud and develop a response that can be signed off on by the Shire President as Chair of the Audit Committee.

9.3.5 FINANCE REPORT FOR MARCH & APRIL 2010

Agenda Reference: ASFO 05/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th May 2010
Author: Kylie McGree

Signature of Author: _____

SUMMARY

The Monthly Statement of Financial Activity reports for the months ending 31st March 2010 and 30th April 2010 are presented to Council for adoption.

ATTACHMENT

Finance Report for March 2010 and April 2010

BACKGROUND

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

COMMENT

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Financial Management Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As presented

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.5

That Council adopt the Monthly Statement of Financial Activity for the month ending the 31st March 2010 and 30th April 2010.

9.3.6 ACCOUNTS DUE AND SUBMITTED FOR PAYMENT – APRIL 2010

Agenda Reference: AO 05/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 14th May 2010
Author: Julie Borrett

Signature of Author: _____

SUMMARY

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

ATTACHMENT

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

BACKGROUND

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

COMMENT

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

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – ITEM 9.3.6

That Council confirm the accounts as presented for April 2010 from the Municipal Fund totalling \$394,861.64 represented by Electronic Funds Transfers of EFT4084 To EFT4140 And Cheque No's