



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
18TH MAY 2011



SHIRE OF MINGENEW
ORDINARY COUNCIL MEETING NOTICE PAPER
18TH MAY 2011

Madam President and Councillors,

An ordinary meeting of Council is called for **Wednesday, 18th May 2011**, in the Council Chambers, Victoria Street, Mingenew, commencing at **2:00pm**.

Ian Fitzgerald
Chief Executive Officer
13th May 2011

MINGENEW SHIRE COUNCIL

DISCLAIMER

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

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

CHIEF EXECUTIVE OFFICER

13TH May 2011

SHIRE OF MINGENEW

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

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**
- 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4 PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
 - Mingenew Turf Club Presentation
 - Suzanne Ward – Mid West Regional Council Presentation
- 5 APPLICATIONS FOR LEAVE OF ABSENCE**
- 6 DECLARATIONS OF INTEREST**
- 7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**

<p>That the Minutes of the Ordinary Meeting of Council held Wednesday 15th December 2010 be confirmed as a true and accurate record of proceedings.</p>

- 8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**
- 9 OFFICERS REPORTS**
 - 9.1 HEALTH, BUILDING AND TOWN**
 - 9.1.1 Nomination of Delegates to DAPS
 - 9.1.2 Extractive Industry Policy
 - 9.2 WORKS AND SERVICES**
 - Nil
 - 9.3 CHIEF EXECUTIVE OFFICER**
 - 9.3.1 Delegations Register
 - 9.3.2 Housing Tender
 - 9.3.3 Turf Club's Stewards Tower
 - 9.3.4 Local Government Week – Voting Delegates
 - 9.3.5 August Council Meeting – Change of Time

9.3.6 Mid West Regional Council

9.3.7 Mobile Telephone Tower – Yandanooka

9.3.8 Local Government Reform Options

9.3.9 Karara Mining Trucking Proposal

9.4 CORPORATE SERVICES

Nil

9.5 COMMUNITY DEVELOPMENT

Nil

9.6 FINANCE

9.6.1 Financial Statements for the Month Ending 30th April 2011

9.6.2 Accounts for Payment – April 2011

9.1 HEALTH, BUILDING AND TOWN

9.1.1 NOMINATION OF DELEGATES TO DAPS

Agenda Reference: EHO 05/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 29th April 2011
Author: Trevor Brandy, EHO

Signature of Author: _____

SUMMARY

Development Assessment Panels will commence operation on 1 July 2011 and some work is required in preparation.

Over the next few weeks a number of steps will occur towards the implementation of DAPs. The following milestones are relevant:

Date	Milestone
24 March 2011	Part 11A of the <i>Planning & Development Act 1995</i> takes effect, including the heads of power for creating DAPs.
24 March 2011	<i>Planning & Development (Development Assessment Panels) Regulations 2011</i> commence operation.
24 March 2011	<i>Planning & Development Regulations 2009</i> commence. Local Governments can no longer determine applications above the DAP threshold.
March 2011	Planning Bulletin 106/2011 published.
4 April 2011	Appointment of Specialist Members of DAP
2 May 2011	Ministerial Order formally creating 15 DAPs will be gazetted.
3 May 2011	Training of Local Government DAP delegates to commence
13 June 2011	Last day for Local Governments to submit DAP nominations
15 June 2011	Minister and Cabinet expected to approve local government nominations.

1 July 2011	DAPs commence operation.
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Local Governments are encouraged to nominate delegates as soon as possible.

Mingenew will be serviced by a Joint DAP. The DAP will consist of 3 specialist members (including the presiding member) and two local government members. Council is required to nominate two members and two deputy members. Members cannot sit on a DAP until they have completed training.

Members will be entitled to a sitting fee of \$400 and will also be paid this fee on completion of mandatory training. Members who are public employees will not be entitled to the fee.

ATTACHMENT

Letter from the Department of Planning

BACKGROUND

The Shire of Mingeneew and the Local Government industry participated in sector wide consultation on the introduction of DAPs in 2010. DAPs will determine, except for excluded applications:

- All applications for development with a constructed value of over \$7 Million;
- Applications with a value of more than \$3 Million and less than \$7 Million where the proponent opts for the matter to be considered by the DAP; and
- Applications with a value of more than \$3 Million and less than \$7 Million where the proponent has not opted for the matter to be considered by the DAP; but the Local Government decides to delegate its authority to the DAP.

The fee for a DAP application varies between \$3,376 and \$6,320 and is in addition to the application fee payable to the Local Government. Where the Local Government chooses to delegate an application to the DAP the Local Government will incur the DAP fee.

COMMENT

While Councils have until 13 June 2011 to finalise nominations the Department of Planning is encouraging Local Governments to make their nominations as soon as possible.

CONSULTATION

Department of Planning

STATUTORY ENVIRONMENT

On 24 March 2011:

- *Planning and Development Act 2005* - Part 11A commenced operation.
- *Planning and Development (Development Assessment Panels) Regulations 2011* took effect

- Amendments to the *Planning and Development Regulations 2009* took effect.

POLICY IMPLICATIONS

DAPs will consider applications that would otherwise be considered by Local Governments. As the threshold value is \$7 Million for automatic applications, and \$3 Million for optional applications, the most likely applications will be for mining infrastructure.

FINANCIAL IMPLICATIONS

The fees payable to Local Governments are not affected and are in addition to fees payable to Local Governments. The Shire is required to provide advice to the DAP, which may involve use of a town planning consultant.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1

That Council nominates the following to represent the Shire of Mingenew:

Two Members - _____ and _____

Two Deputy Members - _____ and _____

9.1.2 EXTRACTIVE INDUSTRY POLICY

Agenda Reference: EHO 05/11 - 02
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 29.04.2011
Author: Trevor Brandy, EHO

Signature of Author: _____

SUMMARY

An issue has arisen in another local authority where an Extractive Industry Licence was issued to remove sand for a period of up to 3 years at a licence fee of \$300.00. A dust complaint was received from a neighbour close to the licences area and upon further investigation it was noted that operator had exceeded his 20,000 m² as set down in his licence conditions. Council officers requested a legal interpretation from McLeod's Barristers & Solicitors on its position on the situation. Their response is as follows;

Typically Local Governments in Western Australia regulate the operation of extractive industries in two ways. The first is under a planning scheme, particular provisions relating to zoning and provisions requiring planning approval before an extractive industry can be commenced.

The second is under a local law or policy which contains detailed requirements including;

- 1) the requirement to obtain a licence
- 2) The power to impose a licence fee;
- 3) The power to impose licence conditions that must be complied with during the operation of the extractive industry; and
- 4) Enforcement provisions that enable the local government to ensure that the licence conditions are complied with.

ATTACHMENT

Proposed Policy

BACKGROUND

The Shire of Mingenew Town Planning Scheme No 3 contains few provisions relating to an extractive industry other than it identifies the use. To gain greater control of licence conditions and to set regulated fees Council needs to consider a policy.

COMMENT

A check of Council's policies indicates that no policy currently exists.

CONSULTATION

McLeod's Barristers & Solicitors

Department of Planning and Infrastructure

STATUTORY ENVIRONMENT

Extractive Industry Policy

Planning and Development Act

POLICY IMPLICATIONS

The adoption of an Extractive Industry Policy will allow Council to have greater control of licence conditions and to set regulated fees.

FINANCIAL IMPLICATIONS

Licence fees can now legally be raised

STRATEGIC IMPLICATIONS

To have some legal control over Extractive Industries

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.2

That Council;

- 1) Advertise the proposed Extractive Industry Policy in a local newspaper circulating within the area as set out in attachment 1 for a period of 21 days.**
- 2) That upon no response to the advertisement that Council adopt the Extractive Industry Policy.**
- 3) Include the new policy in Council's Policy Manual.**

9.3.1 DELEGATIONS REGISTER

Agenda Reference: CEO 05/11-01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 10th May 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

A revised Delegations Register which provides for the change raised at the April Council meeting in relation to road closures.

ATTACHMENT

A copy of the revised 2010/11 Delegations Register is attached to this item.

BACKGROUND

Council is required to review delegations at least once per financial year by the Local Government Act 1995 section 5.46(2) with the last review conducted in December 2010 as a result of changes in staffing arrangements.

COMMENT

The last review of the Delegations Register was conducted in December 2010 and adopted at the December 2010 Council meeting.

The revised delegations register clearly specifies the delegation to the Chief Executive Officer the authority to close Shire controlled roads in the event of wet weather. The previous Delegations Register provided the delegation for the Chief Executive Officer to close roads temporarily and this has now been amended to add the words “including due to wet weather” as was discussed at the April 2011 Council meeting.

A further review of the Delegations Register will be required once the new staffing arrangements are determined and the staff have been appointed.

CONSULTATION

Council

STATUTORY ENVIRONMENT

Local Government Act 1995 – section 5.46(2)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 9.3.1

That Council adopts the amended 2010/11 Delegations Register as presented.

9.3.2 HOUSING TENDER

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

Signature of Author: _____

SUMMARY

A copy of the draft tender documentation and specifications for the new staff house are presented to Council for consideration prior to advertising.

ATTACHMENT

A copy of the tender documentation is attached to this item.

BACKGROUND

Council has provided funds in the 2010/11 Budget for the construction of a new staff house.

COMMENT

The current budget provides for the construction of a new staff house to be funded in part through our Royalties for Regions allocation with the balance to come from the Land and Buildings Reserve account. The Royalties for Regions grant required to submit and have approved a Forward Capital Works Plan before the funds would be released. The Department of Regional Development and Lands have advised the Forward Capital Works Plan has been approved and a finance agreement has been received for Council to complete and submit.

The housing project could not commence until approval was received from the Department for Regional Development and Lands as funding cannot be provided retrospectively. We are now in a position to formally commence the project.

The value of the project will exceed \$100,000 and therefore Council is required to advertise calling for tenders for the construction of the new residence. A set of tender documentation has been prepared and is provided for Council's approval prior to advertising commencing.

It is proposed tenders be called for completion of the entire package including fencing, shed, landscaping, window treatments and floor coverings so that on hand-over Council will take ownership of a residence ready for occupation.

Council will need to determine the location of the new house with the options being:

- a) Lot 19 King Street (block is subject to minor flooding)
- b) Lot 100 Queen Street – block Council recently purchased back
- c) Lot 118, 119 or 120 Spring Street (next to Shire Depot)
- d) Lot 90 William Street – block previously partly prepared for a shire residence
- e) Lot 66 Shenton Street - (area of land next to the CEO's residence)

Council also has land in King Street/Shenton Street but this has been set aside for new aged persons units.

The Shire of Perenjori recently called similar tenders and received a very good response.

CONSULTATION

Council

Environmental Health/Building Officer

Shire of Perenjori

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions & General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2010/11 Budget makes provision of \$220,000 for the new house. These funds will need to be carried forward to the 2011/12 Budget by which time we will have a tender price to work on.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 9.3.2

That Council:

- a) adopts the tender specifications as presented**
- b) Authorises the calling of tenders for a new staff residence.**

NOTE: AS REQUESTED THIS ITEM IS BROUGHT BACK TO COUNCIL FROM THE APRIL MEETING – TURF CLUB REPRESENTATIVES HAVE BEEN INVITED TO ATTEND THE MEETING TO OUTLINE THEIR PROPOSAL AND ANSWER QUESTIONS FROM COUNCIL

9.3.3 TURF CLUB STEWARDS TOWER

Agenda Reference: CEO 5/11-03
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 10th May 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

A request, with preliminary sketch drawings, has been received from the Mingenew Turf Club seeking approval to replace the existing Stewards/Race Callers tower at the Mingenew recreation ground. The proposed new structure would be a new but modified container type structure.

ATTACHMENT

Sketch drawings received as a part of the request.

BACKGROUND

Nil

COMMENT

The existing tower has been deemed unsuitable by the stewards that visit Mingenew to officiate at our annual race meet. In addition the Turf Club has concerns as to the safety of the existing structure and its durability given its age.

The Turf Club has been able to attract grant funds from the Department of Racing and Gaming to assist in the supply and erection of a new facility.

The proposal is to replace the existing tower with a fully engineered, modified container set-up to be located in the same position as the existing tower. The end doors of the container would be removed and replaced with a solid wall complete with a window, a personal access door would be cut into the rear and there would be 2 roller doors installed across the front. New steps would be constructed to provide access to the tower. It is planned, at this stage, to use the top of the existing tower on top of the new container.

The new structure would be painted in the wheat and heritage red colour of the Turf Club Bar building to blend in.

The proposed new structure would be fully engineered to ensure all standards are fully met and there are no safety issues.

The Mingenew Turf Club has advised that when complete the new tower would be available to other sports and activities including Expo, football and cricket.

There has been no request for assistance from Council with this project.

CONSULTATION

Robert Newton – Mingenew Turf Club

The proposal has been discussed informally at the Sportsground Advisory Committee

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 9.3.3

That Council gives in principle approval for the installation of a new Stewards/Race Callers tower at the Mingenew recreation ground subject to:

- a) Engineered drawings and certification being received and**
- b) Formal support for the project being given by the Sports Advisory Committee**

9.3.4 LOCAL GOVERNMENT WEEK – VOTING DELEGATES

Agenda Reference: CEO 05/11 - 04
Location/Address: Shire of Mingenew
Name of Applicant: WA Local Government Association
File Reference:
Disclosure of Interest: Nil
Date: 10th May 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is required to nominate two voting delegates for the Annual General Meeting of WALGA to be held during Local Government Week 2011.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

Each member Council of WALGA is eligible to nominate two voting delegates for the AGM to be held on Saturday 6th August 2011.

All Councillors have been provided with the registration information for the 2011 Local Government Week Convention 4-6th August 2011.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Provision will be made in the 2011/12 budget for Councillors to attend the Local Government Week Convention. Accommodation has been reserved at the Parmelia Hotel.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.4

That Council nominate Cr _____ and Cr _____ as their voting delegates for the 2011 WALGA AGM.

9.3.5 AUGUST COUNCIL MEETING – CHANGE OF TIME

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

Signature of Author: _____

SUMMARY

Council has reserved a request from the Mingenew Golf Club to consider changing the time of their August Council meeting scheduled for Wednesday 17th August 2011 as it clashes with the Golf Club's Annual Industry Day.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

The Annual Industry Day is scheduled for Wednesday the 17th August which clashes with the August Council meeting.

The day will be an ambrose event with idea that all participants have fun and non-golfers can take part.

The request is for Council to consider changing from the normal afternoon meeting so as to allow interested Councillors and staff to take part in the golf which is due to commence at 12:30pm (names in by 11:30am).

It is too early to gauge what will be on the agenda for the August meeting but it is possible this will be the meeting the 2011/12 Budget is presented for Council's adoption. The 2009/10 and 2010/11 Budgets were both adopted at the August Council meetings.

Another possible option for Council to consider is granting a Leave of Absence to those Councillors who wish to participate in the Industry Golf Day.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.5

That Council considers changing the time of the August Council meeting currently scheduled for 2:30pm 17th August 2011, as requested by the Mingenew Golf Club.

9.3.6 MID WEST REGIONAL COUNCIL – FUTURE OF

Agenda Reference: CEO 05/11 - 06
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 10th May 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council to discuss their future involvement with the Mid West Regional Council.

Mrs Suzanne Ward – CEO of MWRC will be making a presentation to Council.

ATTACHMENT

As requested, an overview of three possible models of regional councils has been prepared and is attached to this item.

BACKGROUND

Council has been a member of the Mid West Regional Council since its inception in July 2006.

COMMENT

Council has discussed informally its future involvement with the Mid West Regional Council post the failure of the four shire amalgamation project.

As it stands at present, Council will be withdrawing from the MWRC as of 30th June 2011. If that decision stands the Shire of Mingenew will no longer be part of a formal regional organisation given the proposed four shire amalgamation will not be proceeding.

The draft models attached outline possible structures of a future regional council as well as the current structure.

I am aware other discussions are taking place in relation to possible alliances with neighbouring shires and the Shire President may be in a better position to advise more, post a scheduled meeting with the Minister for Local Government Hon. John Castrilli.

It is important Council begins discussions on their possible continued involvement with the MWRC so advice of Councils position on this matter can be passed on prior to the 30th June withdrawal.

The Shires of Mullewa and Three Springs are also withdrawing as of the 30th June. Three Springs may reconsider their position now the four shire amalgamation will not be proceeding but no advice has been received from them to-date.

CONSULTATION

Mingenew Shire Council
Mid West Regional Council

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council will need to allow any contributions to a regional council in the coming budget.

STRATEGIC IMPLICATIONS

As it stands, as of 1st July 2011 Council will not be party to any formal regional council structure but will remain a member of the Northern Country Zone of WALGA and be in a grouping with Morawa, Three Springs and Perenjori for Royalties for Regions and regional grants.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.6

That Council discuss their future involvement with the Mid West Regional Council or some other regional grouping of Council's.

9.3.7 MOBILE TELEPHONE TOWER – YANDANOOKA

Agenda Reference: CEO 5/11-07
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11th May 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

There has been renewed discussion on the lack of mobile coverage on Midlands Road between Mingenew and Three Springs with particular reference to the Yandanooka area. There is concern from the bushfire brigades as to the poor coverage of both mobile telephone and two-way in this area.

Council is requested to support an application being submitted for funding through the Royalties for Regions to allow a tower to be constructed in a strategically located site.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

The State Government announced in September last year that \$40 million had been allocated from the Royalties for Regions scheme to build and upgrade communications towers throughout the state to extend mobile phone coverage in remote areas. \$10 million was allocated for the 2010/11 financial year and the forward estimates show \$22.3 million for the next 3 years (this leaves \$7.6 million possibly unallocated).

The Midwest was identified as one of the areas to receive priority and this would strengthen any funding submission.

To further support any application it would be appropriate to work with Telstra, FESA, other emergency service agencies, local residents, Mid West Development Commission and the Shire of Three Springs to help ensure the strongest possible application is prepared as with limited funds available there will be strong competition for new towers to be constructed.

CONSULTATION

Bushfire Brigade

Shire of Three Springs

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.7

That Council gives in principle approval for the preparation of an application for the construction of a new mobile telephone tower in the Yandanooka area with a further report with project details to be presented to Council for endorsement prior to submission.

9.3.8 LOCAL GOVERNMENT REFORM OPTIONS

Agenda Reference: CEO 5/11-08
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11th May 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Following the voting out of the proposed 4 shire amalgamation between Mingenew, Morawa, Perenjori and Three Springs there has been some general conversations between Mingenew, Morawa and Three Springs on “where to from here”.

The Minister for Local Government has also been in contact with the three Shire Presidents encouraging them to consider other options for structural reform and offering support and financial assistance.

The matter is brought to Council for discussion and to allow some direction to be given to Councillors Bagley and Holmes as the appointed delegates to structural reform discussions.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

As Council is aware the proposed amalgamation of the Shires of Mingenew, Morawa, Perenjori and Three Springs is now not to proceed following the poll called by the Perenjori community.

Following that decision the Minister for Local Government approached the remaining Presidents offering support and financial assistance to investigate other opportunities. The 3 Presidents and Chief Executive Officers met recently and agreed to have a discussion with the Minister to begin to explore what he would be prepared to consider.

During a Local Government – Planning for Change forum called by the Minister for Shire Presidents and CEO’s the 3 Shire President’s and 2 of the CEO’s met with the Minister. He indicated he is willing to consider further to support the councils with studies/investigations into structural reform options but the Councils would need to put together a proposal with an indication of costs and forward to him.

Some of the ideas discussed included having a series of community meetings to discuss any possible structural reform options and to hold some form of survey to gauge community support for any proposal very early in the process rather than towards the end. It is possible that boundary adjustments could be included as a part of any new proposal. The Minister encouraged the Shire Presidents to consider all options including holding discussions with other shires.

The matter is brought to Council to allow open discussion on any possible options to be investigated including the option of doing nothing.

CONSULTATION

Minister for Local Government

Shires of Morawa and Three Springs

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 9.3.8

That Council:

- a) discuss options for future structural reform**
- b) authorises Councillors Bagley and Holmes to continue to represent the Shire of Mingenew in discussions on structural reform opportunities**

9.3.9 KARARA MINING TRUCKING PROPOSAL

Agenda Reference: CEO 5/11-09
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th May 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Further to the discussions and Council resolution from the February 2011 Council meeting a formal request has now been received from Karara Mining to truck ore from the mine to the Geraldton Port through the Shire of Mingenew.

ATTACHMENT

A copy of the submission and covering letter received from Karara Mining is attached to this item.

BACKGROUND

Council received a deputation from Karara Mining at their February Council meeting and subsequently resolved:

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

COMMENT

I represented Council at a joint meeting with Main Roads WA, Karara Mining and the Shires of Irwin and Geraldton-Greenough where the Karara Mining trucking proposal was discussed (Shire President was unavailable to attend). At that meeting I presented Council's position as resolved at the February meeting and there was general acceptance of Council's position.

The one issue of difference is in relation to the payment of the road maintenance levy. An arrangement has been negotiated by Karara Mining with Main Roads WA for a levy to be paid direct to Main Roads Wa who would distribute the funds upon application from shires for repairs to their road – either Allanooka Springs or Depot Hill Roads. I pushed strongly Council's view that this money should come direct to Council for use on the road as determined appropriate by Council. Main Roads WA can see Council's point on this matter and Council will need to negotiate an arrangement with Main Roads for these funds – possibly based on the length of shire road that will be impacted by the returning trucks.

The proposal received from Karara proposes:

- a) Payment of a 10 cent per tonne levy direct to the Shire of Mingenew
- b) Payment of a levy to a road maintenance fund to be held by Main Roads WA

A calculation based on the proposed tonnage to be carted per day and using the period June – October 2011 suggests Council would receive approximately \$31,000 towards the Community Trust Fund which meets Council's resolution part (e) copied above.

The road maintenance levy amount has been negotiated with Main Roads WA and the extent of that levy is not known but the Main Roads Regional Manager suggested it was not going to be a large amount. I t would therefore seem unlikely Council would receive the \$50,000 amount as per the resolution part (d) above. Based on the scenario outlined Council will need to negotiate with Main Roads WA for a portion of any road maintenance levy to come direct to Council. The length of road in the Shire of Mingenew that will be impacted is approximately 24.2km – out of a total of approximately 100km. (based on shire roads not state roads).

CONSULTATION

Main Roads WA

Karara Mining

Shire of Irwin and City of Geraldton - Greenough

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Community Trust Fund contribution would be additional revenue source for Council and the community as would be any road maintenance contribution. What is not known is the cost of any additional, if any, road maintenance as a result of the extra truck movements on Allanooka Springs/Depot Hill Road.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 9.3.9

That Council:

- c) Accept the short term trucking proposal from Karara Mining Limited**
- d) Negotiates with Main Roads WA for a proportion of any road maintenance fund contribution made by Karara Mining Limited to come direct to the Shire of Mingenew. This payment to be based on the percentage of Shire of Mingenew road impacted by the return trip to the mine using other than state controlled roads.**

9.6 FINANCE

9.6.1 FINANCIAL STATEMENTS FOR MONTH ENDING 30 APRIL, 2011

Agenda Reference: SFO 05/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 12 May, 2011
Author: Kylie McGree, Senior Finance Officer

Signature of Author: _____

SUMMARY

The Monthly Statement of Financial Activity report for the month ending 30 April, 2011 is presented to Council for adoption.

ATTACHMENT

Finance Report ending 30 April, 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 30 March, 2011 is \$777,981.00

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Account	\$61,077.16
Business Cash Maximiser (Municipal Funds)	\$132,134.66
Trust Account	\$85,357.50
Reserve Maximiser Account	\$559,502.29

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$630,716.35 remains outstanding as at 30 April, 2011 with

approximately \$50,000.00 outstanding for 30 days or more. Aimee Bendsorp is following up on these outstanding debtors and will advise accordingly. The bulk of the outstanding debtors is for Main Roads WA for private works.

The total outstanding rates debt is \$22,339.63 as at 30 April, 2011.

It should be noted that Rates Outstanding as at end of April, 2010 was \$18,840.78.

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 – ITEM 9.6.1

That Council adopts the Monthly Statement of Financial Activity for the month ending the 30 April, 2011.

9.6.2 ACCOUNTS FOR PAYMENT – APRIL 2011

Agenda Reference: AO 05/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 11th May 2011
Author: Julie Borrett

Signature of Author: _____

SUMMARY

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

ATTACHMENT

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

BACKGROUND

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

COMMENT

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4

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

POLICY IMPLICATIONS

Payments have been made under delegation

FINANCIAL IMPLICATIONS

Funds available to meet expenditure

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.6.2

That Council confirm the accounts as presented for April 2011 from the Municipal Fund totalling \$383,176.30 represented by Electronic Funds Transfers of EFT4991 to EFT5071 and Cheque Nos 7350 – 7361.

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

That the next Ordinary Council Meeting be held on Wednesday the 15th June 2011.

- 15 CLOSURE**