



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
19TH OCTOBER 2011



SHIRE OF MINGENEW
ORDINARY COUNCIL MEETING NOTICE PAPER
19TH OCTOBER 2011

Madam President and Councillors,

An ordinary meeting of Council is called for **Wednesday, 19th October 2011**, in the Council Chambers, Victoria Street, Mingenew, commencing at **2:00pm**.

Ian Fitzgerald
Chief Executive Officer
19th October 2011

MINGENEW SHIRE COUNCIL

DISCLAIMER

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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

19th October 2011

SHIRE OF MINGENEW

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

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
 - 1.1 SWEARING IN OF NEWLY ELECTED COUNCILLORS – BAGLEY,
COSGROVE, NEWTON & SOBEY**
 - 1.2 ELECTION OF SHIRE PRESIDENT**
 - 1.3 ELECTION OF DEPUTY PRESIDENT**
- 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**
- 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4 PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS /
SUBMISSIONS**
- 5 APPLICATIONS FOR LEAVE OF ABSENCE**
- 6 DECLARATIONS OF INTEREST**
- 7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**

**That the Minutes of the Ordinary Meeting of Council held Wednesday 21st September
2011 be confirmed as a true and accurate record of proceedings.**

- 8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**
- 9 OFFICERS REPORTS**
 - 9.1 HEALTH, BUILDING AND TOWN**
 - 9.1.1 Overview and Actions Associated with the New Building Act
 - 9.1.2 Temporary Building – 3 Broad St Mingenew
 - 9.2 WORKS AND SERVICES**

Nil
 - 9.3 CHIEF EXECUTIVE OFFICER**
 - 9.3.1 Council Committee Delegates
 - 9.3.2 Manager of Finance & Administration
 - 9.3.3 Christmas / New Year Office Closure

- 9.3.4 Royalties for Regions Review
- 9.3.5 Russell Goodrick's Best Country Towns Program
- 9.3.6 Small Business Centre – Proposed Rural & Regional Service Delivery Plan
- 9.3.7 Department of Water – Water Allocation Policy Review
- 9.4 CORPORATE SERVICES**
 - Nil
- 9.5 COMMUNITY DEVELOPMENT**
 - Nil
- 9.6 FINANCE**
 - 9.6.1 Financial Statements for Month Ending 30th September 2011
 - 9.6.2 Accounts for Payment – September 2011

9.1 HEALTH, BUILDING AND TOWN

9.1.1 OVERVIEW AND ACTIONS ASSOCIATED WITH THE NEW BUILDING ACT

Agenda Reference: EHO 10/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 3rd October 2011
Author: Trevor Brandy, EHO

Signature of Author: _____

SUMMARY

A new Building Act was passed on 23 June 2011 and will come into operation from 31 October 2011 with a proposed phased implementation over a period of 12 months.

The new Building Act has been developed to replace the *Building Regulations 1989* and parts of the *Local Government (Miscellaneous Provisions) Act 1960*. The *Building Act 2011* covers all building and the whole State of Western Australia, it introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process.

This report has been prepared to provide Councillors with an overview of the changes that are proposed in the new Building Act and also to seek its approval for a number of actions that the Shire needs to implement in order to ensure that the Building Section can continue to operate under the provisions of new Act to as close to the same extent as it currently does under the existing Act, including amendments to the schedule of fees and charges.

ATTACHMENT

Existing Delegations

Proposed Delegations and Proposed Fees

BACKGROUND

The Government has undertaken a Building Regulation Reform package that is planned to deliver the most significant transformation to Western Australian building legislation in over 50 years. The existing building approvals process was established by the Local Government Act of 1960, and reflects the way buildings were designed in the 1950's, relying on builders registered under the *Builders' Registration Act 1939*. Building policy and legislation has been fragmented between local and state government departments since then, with practitioner registration managed by individual boards. Reviews of building regulations undertaken by the former Housing and Works and Consumer Protection portfolios

recommended that the legislation be updated to reflect modern building practices in Western Australia. Reviews also suggested that the legislation be managed in one place, by a single entity, and as a result the Building Commission was established.

The Building Commission was established as a division of the Department of Commerce in July 2009 and brings together building practitioner registration, building standards, complaints processes and building policy and is leading the implementation of the Government's Building Regulation Reform package which comprises the following bills:

- [The Building Services \(Complaint Resolution and Administration\) Act](#)
- [The Building Services \(Registration\) Act](#)
- [The Building Services Levy Act](#), and
- [The Building Act](#)

This new legislation abolishes the Builders' Registration Board, the Painters' Registration Board, the Building Surveyors Qualifications Committee and the Building Disputes Tribunal and replaces them with a more streamlined and integrated system.

The Building Act, which has the most significant impact for Local Government was passed on 23 June 2011 and is planned to come into operation from 31 October 2011 with a proposed phased implementation over 12 months.

The new Building Act has been developed to replace the *Building Regulations 1989* and parts of the *Local Government (Miscellaneous Provisions) Act 1960*. The *Building Act 2011* covers all building and the whole State of Western Australia, it introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process, including:

- Whole of state coverage;
- All buildings to be covered, including those owned by the Crown;
- Giving a clearer definition of what constitutes a building and clear exemptions from the building permit process;
- Nominating Permit Authorities - confirms local government's role issuing building permits, also enables State Government or special permit authorities are able to issue building and occupancy permits and to enforce building control;
- Enables private registered building surveyors to certify design compliance;
- Introducing separate and streamlined processes for approving domestic and commercial buildings;
- Retaining the option for owners to use the current local government combined certification and permit issuing function for residential construction houses and minor building work (class 1 and 10);
- Taking a risk-based approach to inspection requirements so that registered building professionals require less independent checking than lay designers and owner-builders;
- Providing a clear end-point to the construction process, and certification that the building complies with the building permit issued;
- Registering a wider range of industry practitioners to certify compliance;
- Implementing a nationally agreed accreditation framework for building surveyors; and
- Implementing a process for the assessment and approval of building works carried out without a building permit.

The desired outcome of these reforms is intended to be a more responsive and modern building regulatory system that meets the changing needs and aspirations of all building industry participants and consumers.

These reforms are likely to have a significant impact on the operation of the Shire however these impacts are likely to occur over a 12-24 month period.

COMMENT

The Building approval process in Western Australia is about to undergo significant change. The changes have been talked about for many years however the Building Act has now been passed by the Government in June 2011 and is set to commence operation on 31 October 2011. The Regulations supporting this Act, (at the point of preparing this report) have not been released and are expected to be introduced at the beginning of October 2011 which has made it difficult to determine the full impact on Local Government. While this Act has been on the table for the last 20 years or so, the introduction of the current version of the Act and supplementary guidance information has been very quick. The speed with which it has been implemented and the lack of supporting information such as the Regulations has made it difficult to prepare this report in a timely fashion as we are still endeavouring to understand the full implications of the Building Act for Local Government.

One of the key factors of the new Building Act for Local Governments is that it enables privatisation of the Building Surveying function that was previously provided by Local Government. It is now open to competition from private approval providers which a relatively new industry in WA, though has been established in other states for some time. It is expected however, that in a short period of time this industry will grow rapidly and will have a greater impact on Local Government's ability to attract and retain suitably qualified personnel to undertake its statutory responsibilities, as well as have some expected impact in respect to income previously generated by Building applications as a greater percentage of these will be picked up by private certifiers.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Building Act sets up a different framework to the approvals process for building work than what was previously provided in the Local Government (Miscellaneous Provisions) Act. The Building Commission has produced a "Guide for Local Government Permit Authorities in Western Australia" which outlines the changes to the approvals process as well as the many other changes.

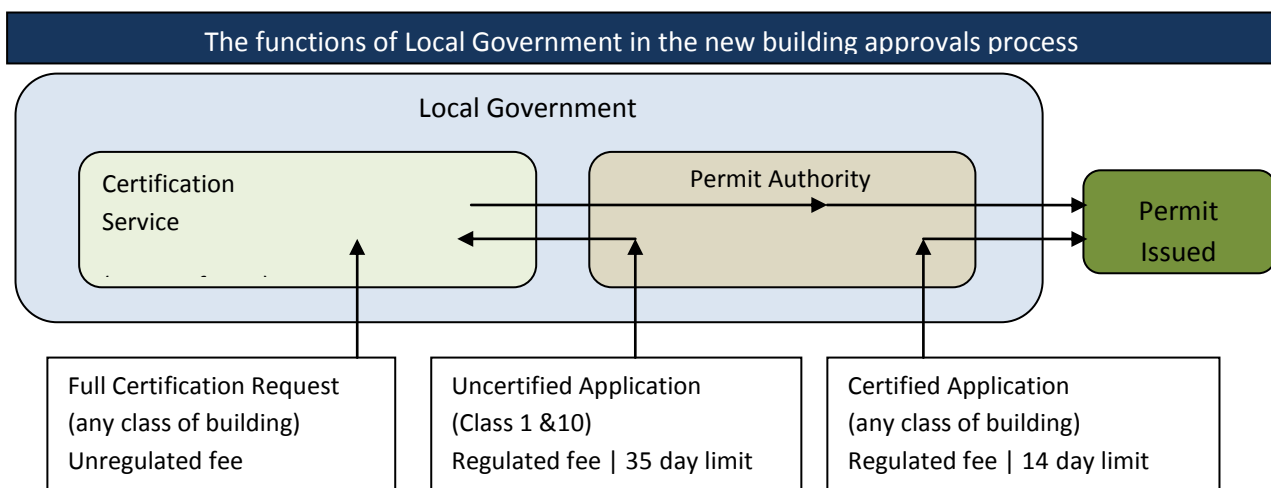
The minimum functions that Local Governments are required to perform under the Building Act include;

- Issue prescribed permits (Permit Authority)
- Ensure building works within its district achieve statutory compliance,
- Undertake assessment and issue Certificate of Design Compliance for class 1 (single houses) and 10 (sheds & patios etc)

The key change to the building approvals system is the introduction of the ability to have the building design certified by a building surveyor who no longer needs to be an employee of the local government within which district the building is proposed to be built.

Currently if someone undertakes building work within the district of the Shire, they have only one way to obtain a building permit and that is by submitting an application for building licence to the Shire. An appropriately qualified Building Surveyor employed by the Shire would then assess the application and once satisfied that the application satisfies the relevant legislation, a building licence can then be issued.

Under the proposed system, a person who is planning to build can seek the services of any qualified Building Surveyor who may be employed by the Shire, or a Private Building Surveyor or who may be employed by another local government or other agency. The Building Surveyor would then issue what is now to be called a “Certificate of Design Compliance”, (CDC). Once the owner or builder has obtained the CDC, they may then submit an application for a Building Permit that must include the CDC together with the necessary plans and specifications to the Local Government who then have 14 days in which to issue the “Building Permit”. The diagram below provides a summary of the new process.



While Local Governments only have to provide the minimum services specified above, they may also be able to consider providing other services and be able to charge a fee to recover the cost of those services. Before doing so, local governments will need to ensure they do not breach the provisions of the Local Government Act and other legislation such as the National Competition Policy. These other services might include:

- Provide Certificate of Design Compliance, (Certification Services for all classes of buildings)
- Provide Certificate of Construction Compliance, (Inspection and Certification of various portions of a building during construction work that is within the scope of skills and qualifications available)
- Provide Certificate of Building Compliance, (coordinate, inspect and certify that a completed building is compliant)

Shire Staff believe that to begin with it should endeavour to maintain the services to at least an equivalent level to that currently provided, but at the same time position itself to be able to either extend or contract that business over time (likely over the 2 years) as the development industry come to understand the systems provided by the Building Act.

In order to do this, there are two possible options provided under the Local Government Act that may be considered which include, the set up of a “business unit” under s3.59 of the Local Government Act or merely add it to the current service the local government provides, (an “adjusted services model”) as set out by s3.18 of the Local Government Act. The Shire staff are concerned that there may be some legal issues with both systems and will continue to seek surety from the Building Commission, Department of Local Government and if necessary, its own legal advice before commencing such operation.

There seems to be a view that little will change in the first 12-24 months as the building industry gains an understanding of the new system. At some point beyond 12 months we believe that competition will become quite aggressive as new businesses (private certifiers) claim their place.

It is likely that initially large projects will be sort after by the private certification industry in order to be profitable, and with time, residential buildings will be picked up by the private sector. Residential buildings are currently the Shires primary business, with 70 – 80% of income currently derived from this source, so if this portion of the work was to be picked up by private certifiers, it would have a significant impact on the income of the Shire’s Building Surveyor. The model and fee structure proposed by the Building Act does not appear to serve the project home market that well, and so it is anticipated that most residential applications will continue to be process by Local Governments unless regulatory changes are made. In any event, the Shire will ensure that it sets a fee structure for residential building work within Shire at the same rate as it is under the current Act to ensure as simple a transition as possible.

The Building Act now covers all work and provides that the Certificate of Design Compliance must be issued by a person who is not associated with the building owner. This means that State Buildings must be certified by a building surveyor who is not employed by the state, and also means that a building development proposed by a local government will no longer be able to be certified by the local government building surveyor. This means that we will now need to seek this certification externally from a private certifier or other permit authority. Local Governments will still need to issue a permit.

Delegations

The Shire currently has the following delegations under the provisions of the Local Government (Miscellaneous Provisions) Act 1960:

- Determination of Application for Building Licence and Building Approval Certificates
- Classification of Buildings
- Notices – Part XV Local Government (Miscellaneous Provisions) Act 1960
- Demolition Licences

With the full introduction of the Building Act 2011, the above delegations will become redundant in that the head of power will shift from the Local Government (Miscellaneous Provisions) Act 1960 to the Building act 2011.

New delegations are therefore needed under the Building Act 2011. Given the relevant provisions relating to delegations under the Building Act 2011 have not come into operation, the functions of the new delegations cannot be performed by officers until such time as the relevant provisions are proclaimed. It is therefore proposed that officers continue to perform such functions in accordance with existing delegations with Council adopting the new delegations to be implemented at such future time as these provisions are proclaimed. The ability to do this is referred to under section 25 of the Interpretations Act 1984.

Section 127 of the Building Act 2011 enables local governments the ability to delegate any powers or duties to an employee.

Council is requested to approve the following new delegations as provided under the following sections of the Building Act:

- s20 – Approve or refuse a Building Permit
- s21 – Approve or refuse a Demolition Permit
- s58 - Issue an Occupancy Permit and a Building Approval Certificate
- s65 - Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate.
- s110 - Issue Building Orders
- s117 - Revoke Building Orders

Authorisations

The Shire currently has one Authorisation under the Local Government (Miscellaneous Provisions) Act 1960, which provides Authority for its Building Surveyor to inspect private swimming pools within the Shire.

With the introduction of the Building Act 2011, existing authorisations will not be affected; however additional authorisations are needed for Officers to carry out the relevant provisions under the Building Act 2011. Given these relevant provisions have not yet come into operation; the new authorisations cannot be undertaken by officers until such time as this occurs. It is therefore proposed that Council appoint an authorised officer and adopt the new authorisations to be implemented at such future time as the relevant provisions of the Building Act are proclaimed.

Under s.96 of the Building Act 2011, permit authorities (local governments) may also designate employees as authorised persons.

The following new authorisations are therefore proposed under different sections of the Building Act:

- s100 - Entry Powers
- s101 - Powers after entry for compliance
- s102 - Obtaining information and documents

- s103 - Use of force and assistance
- s106 - Apply for an entry warrant

Revisions to Schedule of Fees and charges

Most of the fee changes are statutory changes that will be set by the proposed new Building Regulations to be adopted under the Building Act. These proposed statutory fees have been published in draft by the Building Commission to assist the Building Industry prepare for the implementation of the Act. These fees have been marked with a # on the attached proposed schedule of fees and charges, and since the regulations are only in draft may change, and will be revised on the Shire's Schedule of Fees and Charges accordingly.

Comments have been added against the other fee changes in the attached Schedule to provide explanation for their inclusion. Because of the implications of s3.18 of the Local Government Act, the proposed new fees have to be based on cost recovery only of the services that can be provided and as such are based on the fee's set under the Current Local Government (Miscellaneous Provisions) Act. Where a new service is proposed, it has been based on an hourly rate of the Shire's costs to employ an appropriately qualified person, including overheads.

Council are advised to consider the implications the Building Act 2011 will have on the Shire and support the directions the Shire proposing in this report.

Council are also requested to approve the new delegations needed to ensure that business can operate in the same manner that it currently does under the current Local Government (Miscellaneous Provisions) Act, and also to adopt the changes to the Schedule of Fees and Charges.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is expected that over time, the income generated within the Building Services will decrease relative to the level of building work conducted within the Shire. It is difficult to determine the staffing needs at this point given the lack of Regulations and response to the new provisions by the development industry and this will need to be carefully managed. It is likely, based on what has occurred in other states that have implemented similar Acts that the number of staff within the building section may also decrease to what has been required under the current Act, again relative to the volume of building work within the Shire.

STRATEGIC IMPLICATIONS

Depends on the future acceptance of the new Building Act

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.1.1

That Council:

- 1. Receive this report**
- 2. Support the directions set out in this report**
- 3. Revoke delegations shown in Attachment 1 and adopt new delegations as shown in Attachment 2 at such future time as the relevant provisions of the Building Act 2011 is proclaimed;**
- 4. Council adopts the new authorisations and appoint the relevant position to these authorisations as 'Authorised Officers' in accordance with s96 of the Building Act 2011 and as set out in Attachment 3.**
- 5. Approve the attached Schedule of Fees and Charges to be implemented at the commencement of the Building Act 2011.**

9.1.2 Temporary Building 3 Broad Street Mingenew

Agenda Reference: EHO
Location/Address: 3 Broad Street Mingenew
Name of Applicant: Mr Ben Christianson
File Reference:
Disclosure of Interest: Nil
Date: 03.09.2011
Author: Trevor Brandy, EHO

Signature of Author: _____

SUMMARY

Council is in receipt of an application from Mr B Christianson to place a temporary building on 3 Broad Street Mingenew. The purpose of the building is to provide an on-site toilet facility and storage whilst the main Dwelling is being constructed.

ATTACHMENT

Nil

BACKGROUND

Council has approved these types of applications in the past; providing the plans for the Dwelling are submitted before approval is given.

COMMENT

Nil

CONSULTATION

Owner Mr Ben Christianson.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

As per Council Policy on buildings permitted on town lots prior to Domestic Dwellings.

FINANCIAL IMPLICATIONS

Building and Health fees are applicable in this situation.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.2

That Mr B Christianson be granted approval to place a transportable building on 3 Broad Street, Mingenew for the purposes of providing a toilet and storage facilities.

That approval is grant upon receipt of the appropriate building plans and associated fees.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 COUNCIL COMMITTEE DELEGATES

Agenda Reference: CEO 07/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 12th October 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Following the recent Local Government Elections and with changes in Elected Members Council is required to appoint their delegates to the various committees.

ATTACHMENT

A copy of the current appointments listing is attached.

BACKGROUND

Nil

COMMENT

Nil

CONSULTATION

Councillors

STATUTORY ENVIRONMENT

Local Government Act 1995 – section 5.8 – 5.11

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Councillors receive a Sitting Fee payment for attendance at meetings where they are the nominated Council delegate. Provision is included in the budget for these payments.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.3.1

That Council appoint delegates to the various committees as listed below for 2011 – 2013;

COMMITTEE	DELEGATE	DELEGATE	PROXY	PROXY
Northern Country Zone of WALGA				
WALGA Conference				
Tourist & Promotions Committee				
Lions Expo Liaison Committee				
MRWA Regional Road Group				
Silver Chain Branch Committee				
Mid West Regional Council				
CRC Management Committee				
Autumn Centre Committee				
LEMC & Crime Prevention Committee				
LG Reform / Alliance Group				
Audit Committee	ALL OF COUNCIL			
Sports Advisory Committee				
MWLGSA Governance Team				
MIG Environmental Division Committee				
Executive Management Committee				
Development Assessment Panels				
Small Business Community Meetings				

9.3.2 MANAGER OF FINANCE AND ADMINISTRATION

Agenda Reference: CEO 10/11 - 02
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 12th October 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council is requested to accept the recommendation from the Chief Executive Officer that Mr Cameron Watson be appointed to the Manager of Finance and Administration position.

ATTACHMENT

Nil

BACKGROUND

Council has previously resolved to engage a full time senior finance person to fill the role previously filled on a part-time basis with most services provided remotely.

COMMENT

The Local Government Act 1995 outlines a process that needs to be followed in the appointment of a new Senior Employee (this position is designated as a Senior Employee) and this is detailed below:

5.37. Senior Employees

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

The position was advertised both locally and in a local government job guide that goes to every local government in Australia.

A total of 3 applications were received and from that a short list of 2 were selected for interview.

Following the interview process (with Councillor Bagley) and reference checks Mr Cameron Watson was offered and subsequently accepted the position. Mr Watson will commence on Monday 17th October 2011 on a 3 year contract with an initial remuneration package of \$119,900. The appointment is subject to satisfactory completion of a 3 month probation period.

Mr Watson has considerable experience in local government including some 10 years in senior finance roles and is seen as an ideal candidate for this position.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The remuneration package is within budget provisions

STRATEGIC IMPLICATIONS

This position will concentrate on the finance administration and statutory compliance areas of Council's operations providing assistance to CEO and Councillors.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.2

That Council accept the recommendation from the Chief Executive Officer that Mr Cameron Watson be appointed to the Manager of Finance and Administration position.

9.3.3 CHRISTMAS / NEW YEAR OFFICE CLOSURE

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

Signature of Author: _____

SUMMARY

Council approval is sought for the closure of the Shire of Mingenew office over the Christmas – New Year period.

ATTACHMENT

Nil

BACKGROUND

Council has, in previous years, permitted closure of the Shire Office over the Christmas – New Year period with staff utilising public holidays, days in lieu of Public Holidays, Rostered Days Off or Annual Leave to cover absences.

COMMENT

This year Christmas and New Year's days fall on a Sunday. The Public Holidays are;

Monday	26 th December 2011	Christmas Day Public Holiday
Tuesday	27 th December 2011	Boxing Day Public Holiday
Monday	2 nd January 2012	New Years Day Public Holiday

Normal work days would be;

Friday	23 rd December 2011
Wednesday	28 th December 2011
Thursday	29 th December 2011

Friday 30th December 2011

The period between Christmas and New Year is traditionally very quiet and Council has received no complaints due to office closures during this period. It is an opportunity for staff to have a break ready for the New Year.

It is proposed that this year the Shire Office close on Friday 23rd December 2011 at midday and re-open on Tuesday the 3rd January 2012.

Friday	23 rd December 2011	Office closes at midday
Monday	26 th December 2011	Public Holiday
Tuesday	27 th December 2011	Public Holiday
Wednesday	28 th December 2011	Office closed – day in lieu
Thursday	29 th December 2011	Office closed – staff RDO
Friday	30 th December 2011	Office closed – day in lieu
Monday	2 nd January 2012	Public Holiday

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 approve that the Shire office close at midday on Friday the 23rd December 2011 and re-open on Tuesday the 3rd January 2012 and that the appropriate advertising of closure be initiated by staff.

9.3.4 ROYALTIES FOR REGIONS REVIEW

Agenda Reference: CEO 10/11 - 04
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th October 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

The Minister for Regional Development and Lands has announced a review of the Country Local Government Fund component of the Royalties for Regions scheme. A submission has been prepared and is presented for Council's endorsement prior to being submitted.

ATTACHMENT

Shire of Mingenew submission to the Country Local Government Fund review.

BACKGROUND

Following the last state government election the Royalties for Regions grant scheme was announced. The Shire of Mingenew has received nearly \$1m from this scheme (including 2011/12 allocation) to assist in reducing the infrastructure backlog.

COMMENT

The Royalties for Regions scheme has provided great benefit to the shire and our community. With the funds allocated it has been possible to refurbish some of the public infrastructure including the sporting facilities.

The regional component of the Country Local Government Fund is about to be used to upgrade the Depot Hill Road crossing which will benefit all users of this road.

Whilst in the first year we received 100% of the allocation to spend on our projects however the scheme has changed to now having 50% received direct and the other 50% is allocated to regionally significant projects. Our regional group is Mingenew, Morawa, Perenjori and Three Springs, and projects such as the Depot Hill crossing, tourism trail and the new dental clinic in Three Springs have been funded. It may become more difficult in the future to find

projects that are truly regionally significant and is agreed upon by the four shires and the Department of Regional Development and Lands.

There has been some talk that the allocations in future years may become 100% for regional projects. It is important that clarification is given as part of this review for the importance of at least 50% of the allocation comes direct to the shire as it is these funds that will help to improve our infrastructure for the benefit of the community and without the need for major rate increases.

CONSULTATION

Members of our regional group

STATUTORY ENVIRONMENT

Royalties for Regions Act 2009

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The funds received through the Country Local Government Fund have assisted in addressing the infrastructure backlog and allowed for new projects to be progressed.

STRATEGIC IMPLICATIONS

The maintenance and refurbishment of our community infrastructure is a major and expensive component of Council's budget and the Country Local Government Fund has allowed for projects, such as; refurbishment of the recreation centre and tennis club and the re-roofing of the Sports Club, to proceed thus extending their lives and helping to reduce maintenance costs.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.4

That Council endorse the draft submission to the review of the Country Local Government Fund and approve its presentation to the Western Australian Regional Development Trust.

9.3.5 RUSSELL GOODRICK'S BEST COUNTRY TOWNS PROGRAM

Agenda Reference: CEO 10/11 - 05
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th October 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council has been invited to participate in Russell Goodrick's Best Country Towns television series which would help promote Mingenew. As well as airing on free-to-air television and Foxtel, a DVD would be provided that could be used for further promotional purposes.

ATTACHMENT

A brief outline of the program is attached.

BACKGROUND

An initial approach was received in August with a quoted cost of \$10,000 and was rejected due to the unbudgeted expense.

COMMENT

A revised proposal has now been received as they have located some excellent film vision on Mingenew which could be used to prepare a 3 – 4 minute segment for Russell Goodrick's Best Country Towns.

Council would work with the presenter to write the script and would be able to edit until 100% satisfied with the content.

A number of towns have already appeared on air and the presentation was professional and promoted the towns well.

The film segments can be viewed at;

www.youtube.com/user/MRGInternational

I have requested feedback from my colleagues at Narembeen and Goomalling, and hopefully will be able to present that to Council at the meeting.

The DVD that is provided would be added to our webpage and any visitors to the site would be able to view the 3-4 minute segment and it would hopefully encourage people to visit and stay longer in our community.

The latest proposal has been reduced in cost by nearly 50% and whilst still unbudgeted would be easier to find and has potential to provide benefit to our community and in particular our small businesses.

CONSULTATION

MRG TV

Goomalling and Narembeen CEO's

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This is an unbudgeted expense that could come from the Area Promotion area of the budget.

STRATEGIC IMPLICATIONS

Participation in the program and development of a DVD would help promote Mingenew as a great place to visit, work and live.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.3.5

That Council agree to participate in Russell Goodrick's Best Country Towns program at a cost of \$5,500.

9.3.6 SMALL BUSINESS CENTRE – PROPOSED RURAL & REGIONAL SERVICE DELIVERY PLAN

Agenda Reference: CEO 10/11 - 06
Location/Address: Shire of Mingenew
Name of Applicant: Small Business Centre – Mid West Office
File Reference:
Disclosure of Interest: Nil
Date: 13th October 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council has been requested to contribute \$13,000 per annum for a minimum of three years to support a proposed Rural & Regional Service Delivery Plan 2012 – 2014. The plan would see a greater presence of the Small Business Centre in Mingenew.

ATTACHMENT

A copy of the Proposed Rural & Regional Service Delivery Plan 2012 – 2014 as provided by the Small Business Centre (Mid West).

BACKGROUND

Council has been working with the local business community to try and build relationships and establish a small version of a Chamber of Commerce. A meeting was hosted by Council to initiate this process and was attended by representatives from the Mid West Chamber of Commerce and Industry and Small Business Centre.

COMMENT

Following that initial meeting hosted by Council there has been some minor contact from the Mid West Chamber of Commerce and Industry and the Small Business Centre.

The Community Resource Centre has agreed to take on the role of co-ordinating future meetings of the small businesses. Council, whilst fully supportive of this group, does not believe its role is to be the driver of this process.

Unfortunately a meeting scheduled for Wednesday the 12th October had to be postponed due to a lack of response from invited participants. It had been hoped to discuss the Small Business Centre proposal at this meeting to help inform this report to Council.

Mingenew has a limited number of small businesses and the benefit that could potentially be gained from participating in this proposal as compared to the cost is considered low. Colleagues in Morawa, Perenjori and Three Springs, who have received a similar request, are of the same mind.

This proposal was received through the mail without any prior discussion and also comes after Council has adopted their 2011/12 Budget. To find \$13,000 so early into the new financial year would be difficult.

CONSULTATION

Morawa, Perenjori and Three Springs CEO's

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has not previously been advised of this proposal and has not considered any contribution in the 2011/12 Budget.

STRATEGIC IMPLICATIONS

Council is keen to support and work with our local business community but benefits to be gained from participating in this proposal would likely be minimal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.6

That Council advise the Small Business Centre (Mid West) that, whilst it is supportive of the proposed Rural & Regional Service Delivery Plan, it is not in a position to financially contribute to the project.

9.3.7 DEPARTMENT OF WATER – WATER ALLOCATION POLICY REVIEW

Agenda Reference: CEO 10/11 - 07
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th October 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

The Minister for Water has announced a review of the current “first-in first-served” water allocation policy. During the discussions and debate on the Karara Mining application for a water licence, Council requested a review of the policy be undertaken. A draft submission on the review of the policy is attached for Council’s consideration.

ATTACHMENT

- 1) Extracts from the Department of Water Discussion Paper into the review of the water allocation policy
- 2) Draft submission to the review panel

BACKGROUND

There has been much public debate on the current water allocation policy as a result of the Karara Mining application for water licence and as a part of that debate Council requested a review of the policy.

COMMENT

The Karara Mining water licence application generated much discussion and debate within our community and attracted a great deal of media attention.

Whilst Council did not take a formal position on the Karara Mining application it did write to the Minister for Water and stated in the media the need for a review of the “first-in first-served” water allocation policy.

The discussion paper outlines alternatives and options for allocating water. A draft paper has been prepared addressing these issues and is presented for Council’s consideration.

CONSULTATION

Nil on this draft paper

STATUTORY ENVIRONMENT

Rights in Water and Irrigation Act 1914

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The methods of allocating water licences in the future may impact on Council who has a licence for water to irrigate recreation and parks and gardens facilities within our community.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.6

That Council submit the comments on the review of the “first-in first-served” water allocation policy to the Department of Water.

9.6 FINANCE

9.6.1 FINANCIAL STATEMENTS FOR MONTH ENDING 30th SEPTEMBER 2011

Agenda Reference: CEO 10/10 - 04
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 12th October 2011
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

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

ATTACHMENT

Finance Report ending 30th September 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 30th September 2011 is \$1,628,706

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Account	\$710,229.00
Business Cash Maximiser (Municipal Funds)	\$312,068.91
Trust Account	\$85,155.60
Reserve Maximiser Account	\$527,850.92

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$200,624.78 remains outstanding as at 10th October 2011, with

approximately \$33,000 outstanding for 30 days or more. The bulk of the outstanding debtors are Main Roads and Mid West Regional Council (Main Roads contract).

The total outstanding rates debt is approximately \$239,800 as at 30th September 2011 with good rates payments received during September.

The Statement of Financial Activities Report contains explanations of Council's adopted variances for the 2011 / 2012 financial year. It should be noted that due to the unavailability of finance staff not all internal re-allocations have been completed for September.

CONSULTATION

No consultation required

STATUTORY ENVIRONMENT

Local Government Act 1995

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 30th September 2011.

9.6.2 ACCOUNTS FOR PAYMENT – SEPTEMBER 2011

Agenda Reference: AO 10/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 14th October 2011
Author: Julie Borrett

Signature of Author: _____

SUMMARY

Council to confirm the payment of creditors for the month of September 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 September 2011 from the Municipal Fund totalling \$591,414.34 represented by Electronic Funds Transfers of EFT5428 to EFT5520 and Cheque Nos 7431 – 7447.

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

OFFICER RECOMMENDATION – ITEM 13.1

That the next Ordinary Council Meeting be held on Wednesday the 19th November 2011.

- 15 CLOSURE**