



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
22ND SEPTEMBER 2010



SHIRE OF MINGENEW
ORDINARY COUNCIL MEETING NOTICE PAPER
22ND SEPTEMBER 2010

Madam President and Councillors,

An ordinary meeting of Council is called for **Wednesday, 22nd September 2010**, in the Council Chambers, Railway Road, Three Springs, commencing at **2:30pm**.

Ian Fitzgerald
Chief Executive Officer
17th September 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

17th September 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 18th August 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**

- 9.1.1 Oversize Patio – Lot 2 Ernest Street, Mingenew

- 9.2 WORKS AND SERVICES**

- 9.3 FINANCE AND ADMINISTRATION**

- 9.3.1 Plan for the Future

- 9.3.2 Occupational Safety & Health Policies

- 9.3.3 Permit for use of 2.4-d Ethyl Ester

- 9.3.4 Finance Report for July 2010

- 9.3.5 Finance Report for August 2010

9.3.6 Accounts Due and Submitted for Payment

- 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**

9.1.1 OVERSIZE PATIO – LOT 2 ERNEST STREET, MINGENEW

Agenda Reference: EHO 09/10 - 01
Location/Address: Lot 2 Ernest Street, Mingenew
Name of Applicant: Mr Darren Mills
File Reference:
Disclosure of Interest: Nil
Date: 28th August 2010
Author: Trevor Brandy

Signature of Author: _____

SUMMARY

Council is in receipt of a building application to erect a 240m patio and shed on the above mentioned lot. The shed/ games room is 75m² and is positioned under the patio roof area. The applicant has indicated it will be used for the purpose of a games room.

ATTACHMENT

Nil

BACKGROUND

The Shire of Mingenew Town Planning Scheme No 3 part 5.17 (b)(iii) states;

In the residential town centre and special use zones where lot size is over 1500m²;

The area of an outbuilding of masonry construction, or of an outbuilding with walls constructed of the same materials and having the same appearance as an adjacent house on the lot, shall not exceed 200m².

Mr Mills' lot is over 1500m² with all setbacks compliant with the Scheme.

COMMENT

The lot in Ernest Street is subject to future sub division from General Farming to Special Rural Use and to this date, has not been finalised. To comply with the overall scheme text, only one dwelling unit may be permitted on the lot without prior approval from Council.

STATUTORY ENVIRONMENT

Shire of Mingenew Town Planning Scheme No3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Building fees are applicable.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1

That Mr D Mills be granted approval to build a 240m² patio at the rear of his premises on Lot 2 Ernest Street, Mingenew subject to;

- a) The games room not be used for any residential, commercial or industrial purposes.**
- b) That the external colour of the proposed games room be constructed of the same materials and having the same appearance as the adjacent house.**

9.3.1 PLAN FOR THE FUTURE

Agenda Reference: MCS 09/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 14th September 2010
Author: Chris Jackson

Signature of Author: _____

SUMMARY

For the adoption by Council of a revised Plan for the Future for the period 2010-2013.

ATTACHMENT

Revised Plan for the Future.

BACKGROUND

In May and June 2010 Council commenced the process of review of its Plan for the Future with advertisements being placed in the Mingenew Matters and on the Council webpage seeking input into a revised plan. The previous plan was adopted in July 2008 was for the period 2008 to 2010.

A number of submissions were received including input on the future of the Mingenew Main Hall. A summary of the submissions received is included in the revised plan. On the 18th August Councillors and staff conducted a workshop with a review of the submissions received and discussion on the final content of the plan.

COMMENT

The revised plan is now presented for adoption by Council. The plan has been developed by establishing community requirements in the service areas of Social, Economic, Environment and Governance.

Every effort has been made to keep the plan simple and achievable. The plan will be reviewed on a 6 monthly basis to ensure that the actions as set out in the plan are being achieved.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.56 and the Local Government (Administration) Regulations 1996. Details of the requirements are listed in the plan.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Details of financial comments are listed in the plan.

STRATEGIC IMPLICATIONS

The revised Plan for the Future contains Councils future strategic direction.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.1

That Council:

- 1. Adopt the revised Plan for the Future for the period 2010-2013 in accordance with Section 5.56 of the Local Government Act 1995 and that,**
- 2. Local public notice is given in accordance with section 19D of the Local Government (Administration) regulations that the revised plan has been prepared.**

9.3.2 OCCUPATIONAL SAFETY AND HEALTH POLICIES

Agenda Reference: MCS 09/10 - 02
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 14th September 2010
Author: Chris Jackson

Signature of Author: _____

SUMMARY

For the adoption by Council of new policies relating to occupational safety, health, injury management and rehabilitation.

ATTACHMENT

Nil

BACKGROUND

Following discussion with the Local Government Insurance Service Regional Risk Coordinator for the Midwest Region Brad Walkley an audit of Council work places was undertaken in June 2010. The audit management report dated June 2010 was then presented to the Shire of Mingenew Occupational Safety and Health committee in August 2010.

The Occupational Safety and Health committee had not met for some time and will now meet on a three monthly basis. Safety and health training together with working through the issues contained within the audit report will be a priority for this committee.

COMMENT

The report identified a number of key areas that needed improvement;

- Policy
- Planning
- Consultation, Communication and Reporting
- Health Identification, Risk Assessment and Control of Risks
- Management Review

To commence the process of improving safety and health for Council employees two new policies as set out below have been adopted titled “Occupational Safety and Health Policy” and “Injury Management and Rehabilitation Policy”.

1. Occupational Safety and Health Policy

The Shire of Mingenew regards the development and implementation of best practice Occupational Safety and Health systems as a common objective for the CEO, Managers, Supervisors, Team Leaders, Employees, Contractors and Volunteers.

The Policy of the Shire of Mingenew is to ensure that every employee works in an environment where every effort is made to prevent accidents, injury and disruption to employees' health from foreseeable work hazards.

The employer acknowledges a duty of care to:

- *Provide and maintaining a safe working environment.*
- *Providing adequate training, instruction and supervision to enable employees to perform their work safely and effectively.*
- *Investigating all actual and potentially injurious occurrences in order to identify and control the cause to reduce the level of risk in the workplace*
- *Comply with AS/NZS 4801-2001 Occupational Health and Safety Management Systems audit requirements.*
- *Compliance with current Occupational Safety and Health Act 1984, and Regulations 1996, relevant Australian Standards including AS/NZS ISO 31000, 2009, Codes of Practice and Guidance Notes.*

Employees have a duty of care to

- *Working with care for their own safety and that of other employees, contractors, volunteers and public who may be affected by their acts or omissions.*
- *Reporting hazards, accidents, incidents and near misses to their supervisor.*
- *Co-operating positively in the fulfillment of the obligations placed on their employer.*
- *Assisting in the reporting and investigation of any accidents with the objective of introducing and reviewing controls to prevent re-occurrence.*

A safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

Ian Fitzgerald

Chief Executive Officer

22nd September 2010

Cr Michelle Bagley

Shire President

2. Injury Management and Rehabilitation Policy

Policy Statement

It is a policy of the Shire of Mingenew:

- a) to make provision for the injury management and rehabilitation of all workers who have sustained a compensable work related illness, injury or disability.*
- b) to treat all workers with dignity and respect.*
- c) to guarantee that all information is treated with sensitivity and confidentiality.*
- d) to return the injured worker to the fullest capacity for gainful employment of which they are capable.*

Key Principles of Injury Management

Injury management is defined as “the management of workers’ injuries in a manner that is directed at enabling injured workers to return to work” (section 5 of the Act). Whilst the Act does not set out the principles of injury management, the legal provisions relating to injury management have been based upon the following key principles. How these principles can be incorporated by employers to facilitate compliance with the Act and Code is explained in further detail in this Guidance Note.

1. Within the workers’ compensation system, return to work is the most appropriate outcome. A return to work focus should be maintained whenever it is medically appropriate.

2. Injury management:

(a) provides physical, psychological and vocational benefits to workers;

(b) minimises disruption at the workplace; and

(c) contains workers’ compensation costs.

3. The employer, injured worker and treating medical practitioner are the key parties in injury management. Consultation and communication between the key parties should occur on a regular basis.

4. Timely and appropriate medical treatment should be sought and provided to injured workers.

5. Employers should be directly involved in the management of work injuries and ensure that injury management processes are started early.

6. Vocational rehabilitation is not required for all injured workers but where the key parties agree it is necessary, it should commence as soon as possible, be focused on achieving a return to work outcome and be subject to regular monitoring to ensure it is heading in the right direction.

7. The approved insurer (insurer) should provide effective claims management and active consultation about the direction of the claim with the key parties as required.

8. If an insurer discharges the employer's return to work obligations by acting on behalf of the employer, the insurer should ensure the employer is involved in all return to work decisions and activities.

Council currently annually reviews Occupational Safety and Health policies and as part of improvements in this area a review will be undertaken of all policies and procedures. The revised Occupational Safety & Health and Injury Management Manual will contain:

- A Safety Manual
- Occupational Safety and Health Policy (as presented today)
- Injury Management Policy (as presented today)
- Workers compensation and injury management procedures
- Induction and training resources
- Relevant health and safety forms

STATUTORY ENVIRONMENT

Occupational Safety and Health Act 1984 and Regulations 1996

Workers Compensation and Injury Management Act 1981 and Regulations 1982

POLICY IMPLICATIONS

New policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.2

That Council adopt the following new policies as presented above

- 1) Occupational Safety and Health Policy**
- 2) Injury Management and Rehabilitation Policy**

That these policies be displayed in the appropriate work place areas.

These adopted new policies will be contained within the Occupational Safety & Health and Injury Management Manual and be reviewed annually by Council

9.3.3 PERMIT FOR USE OF 2.4-D ETHYL ESTER

Agenda Reference: CEO 09/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15th September 2010
Author: Ian Fitzgerald

Signature of Author: _____

SUMMARY

Council has been requested to write a letter in support of the Australian Pesticides and Veterinary Medicines Authority (APVMA) issuing of a permit to allow the use of 2.4-D Ethyl Ester during the months of November 2010 to May 2011.

ATTACHMENT

A copy of the previous permit and associated restrictions is attached for Council's information.

BACKGROUND

The Shire of Mingenew has supported the issue of a permit for use of 2.4-D high volatile ester since 2006/07 and has not imposed any additional conditions.

COMMENT

The matter is brought back to Council to provide the opportunity to review the continuing the support for the issue of the permit and whether it wishes to apply any additional specific conditions for use within our shire.

All of our neighbouring shires have previously supported the issue of the permit for the use of the chemical during the period December to May – this year the suggestion is the permit will be for the period November 2010 to May 2011.

The Shires of Carnamah, Chapman Valley, and Irwin impose a condition not allowing the use of 2.4-D HVE within a certain distance of the townsite – ranging from 200 metres to 1km.

The APVMA has detailed conditions associated with the use of the chemical including where it may be used, application rates and methods of use, and maintain spray records.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Neighbouring Councils

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.3

That Council advises the Australian Pesticides and Veterinary Medicines Authority that it supports the issue of a permit for the use of 2.4-D Ethyl Ester within the Shire of Mingenew during the months of November 2010 to May 2011.

9.3.4 Financial Statements for Month Ending 31 July, 2010

Agenda Reference: SFO 09/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 16 September, 2010
Author: Kylie M^cGree, Senior Finance Officer

Signature of Author: _____

SUMMARY

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

ATTACHMENT

Monthly Statement of Financial Activities report for the month ending 31 July, 2010

BACKGROUND

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

COMMENT

Council's operating surplus as at the 31 July, 2010 is \$784,175.00

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Funds	\$116,088.90
Business Maximiser Fund (Municipal)	\$567,013.18
Trust Account	\$59,353.10
Reserve Account	\$540,409.55
Rates Outstanding	\$9,329.83

It should be noted that Rates Outstanding as at end of July, 2009 was \$5,620.56.

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$166,164.15 was owing to Council as at 31 July, 2010 with a couple of Debtors 60 days or more. Aimee Bendsorp is following up on these outstanding accounts.

The Statement of Financial Activities Report does not contain explanations of Councils variances, as the 2010 / 2011 Budget was not adopted until August, 2010.

CONSULTATION

No consultation required

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

No policy implications

FINANCIAL IMPLICATIONS

Financial implications are outlined in comments.

STRATEGIC IMPLICATIONS

No strategic implications

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - ITEM NO. 9.3.4

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

9.3.5 Financial Statements for Month Ending 31 August, 2010

Agenda Reference: SFO 09/10 - 02
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 16 September, 2010
Author: Kylie M^cGree, Senior Finance Officer

Signature of Author: _____

SUMMARY

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

ATTACHMENT

Monthly Statement of Financial Activities report for the month ending 31 August, 2010

BACKGROUND

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

COMMENT

Council's operating surplus as at the 31 August, 2010 is \$1,096,689.00

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Funds	\$74,138.08
Business Maximiser Fund (Municipal)	\$268,658.38
Trust Account	\$59,478.10
Reserve Account	\$42,541.57
Rates Outstanding	\$1,143,994.57

It should be noted that Rates Outstanding as at end of August, 2009 was \$1,068,812.40. Rate notices were issued on the 27 August, 2010 with payment due on 1 October, 2010.

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$66,907.81 was owing to Council as at 31 August, 2010 with a couple of Debtors 60 days or more. Aimee Bendsorp is following up on these outstanding accounts.

The Statement of Financial Activities Report contains explanations of Councils adopted 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

No policy implications

FINANCIAL IMPLICATIONS

Financial implications are outlined in comments.

STRATEGIC IMPLICATIONS

No strategic implications

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - ITEM NO. 9.3.5

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

9.3.6 ACCOUNTS DUE AND SUBMITTED FOR PAYMENT

Agenda Reference: AO 09/10 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 2nd September 2010
Author: Julie Borrett

Signature of Author: _____

SUMMARY

Council to confirm the payment of creditors for the month of August 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 August 2010 from the Municipal Fund totalling \$497,939.44 represented by Electronic Funds Transfers of EFT4397 to EFT4480 and Cheque No's 7249 - 7258.