



MINUTES FOR THE
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
21ST SEPTEMBER 2011



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SHIRE OF MINGENEW
MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS,
MINGENEW, ON WEDNESDAY THE 21ST SEPTEMBER 2011

1.0 DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr Michelle Bagley, declared the meeting open at 2:01pm.

2.0 ATTENDANCE

2.1 PRESENT

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

STAFF

IB Fitzgerald	Chief Executive Officer
E Greaves	Community Development Officer

2.2 APOLOGIES

BP Horwood	Councillor	Rural Ward
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2.3 LEAVE OF ABSENCE

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

2:03pm Murray Thomas, Kym McGlinn and Carol Farr

Murray Thomas summarised his proposal as presented in Item 9.3.3 to gain an Extra Mass permit to travel on Switchback Road throughout the year. Mr Thomas advised that 95% of travel on this road would be done at harvest time.

Cr MP Pearce suggested that neighbours be informed of truck movements on the road outside harvest time.

Cr PJ Gledhill suggested signage be erected at both ends of switchback advising road users that they are sharing the road with trucks and should drive appropriately.

Cr PJ Ward enquired as to the expected speed the trucks would travel. Mr Thomas advised that it would not exceed 70km due to load, truck capabilities and road conditions. Cr PJ Ward suggested that the overall suggested speed on the road should be limited.

Mr Thomas also expressed his ill favour towards the iron ore stockpile proposal due to the dust and CBH contamination issues as indicated in his letter. Mr Thomas advised that Council should ensure that they receive substantial payment from Karara for use of the land and increase the payment request should Karara go over the proposed timeline.

Cr PJ Ward asked Mr Thomas for an update on the progress of the Bio-Gene Project. Mr Thomas advised that there are plants in the ground now. Some are on trickle irrigation and some on seepage to measure best watering conditions. 100,000 plants should be planted in the seedhouse by the end of 2011. A water licence has been applied for as has a NACC grant to assist with funding the project.

Cr PJ Ward also enquired about the activities of the Mid West Water Action Group. Mr Thomas advised that a Water Action Group meeting had not been held since christmas time last year.

Mr Murray Thomas exited the meeting at 2:16pm.

Kym McGlinn and Carol Farr addressed Council in regards to closure of the Mingenew Lions Club and the desire to start up a Committee for the youth of Mingenew.

Mrs Farr expressed her passion for continuing activities for the youth and enquired as to whether there was a Youth Advisory Council still active. Cr MA Bagley advised that the Youth Advisory Council had closed several years ago however there are still funds held which could be made available.

Ms McGlinn enquired as to whether the Committee would be better formed independently of Council or under the Shire banner? The CEO advised that it would be easier to access funding if under Council. Cr MA Bagley also explained that this is a good way to lobby to Council for youth needs.

Ms McGlinn explained she had received feedback from the youth that they would like to see a new skatepark. The CDO had advised there is funding available to have a needs assessment done on facilities for such projects.

Cr MA Bagley advised Mrs Farr and Ms McGlinn to liaise with the Community Development Officer.

Ms McGlinn also advised Council of the poor condition of Midlands Rd approximately 5km out of town, towards Dongara on the Midlands Road. Council advised this is being addressed by Main Roads.

Ms McGlinn, as Expo Secretary, thanked Council and staff for their support over Expo, to Cr PJ Ward for manning the Shire site, the CDO for putting together the display and the Works crew for preparing the grounds. Ms McGlinn also advised that Total Toilets cleaned out the septic tank near the Sports Club and indicated that there are lots of roots in the tank that need to be removed.

Cr MA Bagley thanked Mrs Farr and Ms McGlinn for their attendance.

Carol Farr and Kym McGlinn exited the meeting at 2:23pm.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Nil

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

110901

MOVED: Cr PJ Gledhill

SECONDED: Cr PJ Ward

That the Minutes of the Ordinary Meeting of Council held on Wednesday, 17th August 2011, be confirmed as a true and accurate record of proceedings.

CARRIED

Voting 6/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 OFFICERS REPORTS

9.1 HEALTH, BUILDING AND TOWN

9.1.1 OVERVIEW AND ACTIONS ASSOCIATED WITH THE NEW BUILDING ACT

Agenda Reference:	EHO 09/11 - 01
Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	
Disclosure of Interest:	Nil
Date:	8 th September 2011
Author:	Trevor Brandy, EHO

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 Officer can continue to operate under the provisions of the new Act to as close to the same extent as currently under the existing Act, including amendments to the schedule of fees and charges.

ATTACHMENT

Nil

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;

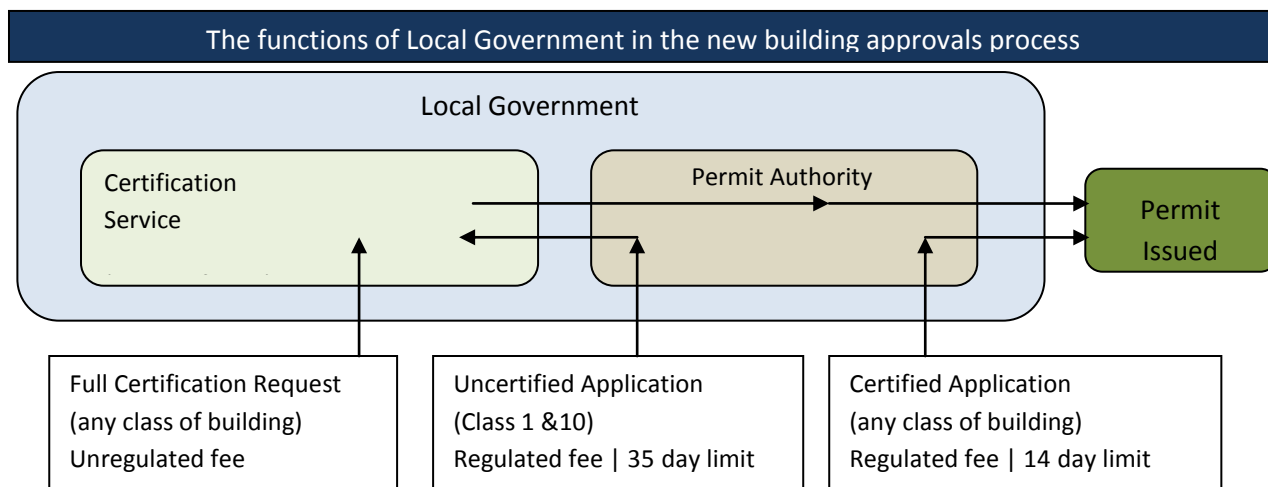
- Issue prescribed permits (Permit Authority)
- Ensure building works within its district achieve statutory compliance,
- Undertake assessment and issue Certificate of Design Compliance for class 1 (single houses) and 10 (sheds & patios etc)

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 assesses 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. The draft fee listing is attached to this item, and since the regulations are only in draft may change, and will be revised on the Shire's Schedule of Fees and Charges when confirmed.

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.

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 amount of staff time required 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

Simple majority

OFFICER RECOMMENDATION – ITEM 9.1.1

That Council:

- 1. receive this report**
- 2. support the directions set out in this report**
- 3. adopts the new authorisations in accordance with s96 of the Building Act 2011 and as set out in the attached revised Delegations Register at such future time as the relevant provisions of the Building Act 2011 is proclaimed**
- 4. approve the attached Schedule of Fees to be implemented and added to Council's Schedule of Fees and Charges on the commencement of the Building Act 2011.**

110902 COUNCIL RESOLUTION 9.1.1

MOVED: Cr ET Hathaway

SECONDED: Cr MP Pearce

That Item 9.1.1 lay on the table.

CARRIED

Voting 6/0

The Environmental Health Officer advised the CEO that clarification was required on some matters and recommended deferring the Item.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 2010/11 ANNUAL REPORT

Agenda Reference:	CEO 9/11-1
Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
File Reference:	
Disclosure of Interest:	Nil
Date:	12 th September 2011
Author:	Ian Fitzgerald

SUMMARY

The 2010/11 Annual Report is presented to Council for adoption. It is also necessary for Council to set a date for the Annual Electors Meeting.

ATTACHMENT

A copy of the 2010/11 Annual Report has been forwarded to Councillors with this Agenda.

BACKGROUND

Council has an obligation under the Local Government Act 1995 to prepare an annual report and to present the report to the community.

COMMENT

The Annual Report includes:

- Shire President's Report
- Chief Executive Officer's Report
- Works Manager's Report
- Environmental Health Officer's Report
- Statutory Compliance Report
- Audited Financial Statements
- Audit Report

The reports outline activities undertaken during 2010/11 together with the financial position of the Shire of Mingenew as at 30th June 2011.

Council needs to hold an Annual Electors Meeting within 56 days of accepting the Annual Report. The last possible date for the meeting would therefore be Wednesday 16th November 2011. There is a requirement to give 14 days' public notice of the Annual Meeting

of Electors. It is proposed the Annual Electors Meeting be held following the October Council meeting scheduled for Wednesday 19th October 2011.

Staff have been able to complete the annual financial report and have it audited much earlier this year as requested by Council and the community.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 section 5.53, 5.54, 5.55

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

<p>110903 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.1</p> <p><u>MOVED:</u> Cr MP Pearce <u>SECONDED:</u> Cr PJ Ward</p> <p>a) Adopt the 2010/11 Annual Report as amended, as noted by Cr ET Hathaway, including the annual financial statements and Audit Report</p> <p>b) Determine that the Annual General Meeting of Electors be held on Wednesday 19th October 2011 at 7.30pm in Council Chambers.</p> <p>Absolute Majority <u>CARRIED</u> <u>Voting 6/0</u></p>
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9.3.2 CHANGE OF PURPOSE – ACCRUED LEAVE RESERVE

Agenda Reference: CEO 9/11-2
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 12th September 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to change the purpose of the Accrued Leave Reserve. At present the Reserve Account is restricted to “be used to fund annual and long service leave requirements”. It is proposed the purpose be extended to include sick leave and any accumulated bonus payments.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

As a part of the resource sharing arrangements with the Shire of Three Springs it was agreed each shire would contribute to an annual loyalty bonus be paid to the Chief Executive Officer at the end of the contact. The funds were to be held in the Shire of Mingenew Accrued Leave Reserve Account and this took place. At the end of the arrangement with Three Springs the agreed amount was withdrawn and paid to the Chief Executive Officer.

There was also an instance during the 2010/11 financial year where funds were withdrawn from this reserve account to meet a request for payment of accumulated sick leave for a former employee.

During the recent audit it came to notice that whilst both of the above payments were legitimate expenses within the requirements of the Local Government Act 1995 they technically should not have come from the Accrued Leave Reserve Account.

Council has the ability to change the purpose of a reserve fund by giving 30 days public notice of the intended change. In this case it is more of an extension of the designated purpose of the reserve account rather than a complete change.

The payment of accumulated sick leave to a former employee is a rare occurrence in local government but should this request occur at some in the future with the proposed change in reserve purpose, it would provide Council with a source of funds to meet that request.

The payment of loyalty/retention bonuses is becoming more prevalent in local government but is still far from the norm. The inclusion of this form of payment as part of the purpose will address the matter raised by the auditors as well as covering any future payment of this nature.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 - section 6.11 (2)

Local Government Regulations (Financial Management) - Regulation 17

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

110904 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.2

MOVED: Cr PJ Gledhill

SECONDED: Cr PJ Ward

That Council

- a) resolve to change the purpose of the Accrued Leave Reserve to include the funding of annual, sick and long service leave and accrued staff bonuses**
- b) advertise the change in purpose as required by the Local Government Act 1995**

CARRIED

Voting 6/0

9.3.3 EXTRA MASS PERMIT – IB THOMAS & SON

Agenda Reference: CEO 09/11-03
Location/Address: Shire of Mingenew
Name of Applicant: IB Thomas & Son
File Reference:
Disclosure of Interest: Nil
Date: 12th September 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to formally approve the request from IB Thomas & Son for permission to use a 6 wheel truck and 10 wheel dog combination (21 metres) on Switchback Road for the carting of grain, lime and fertiliser. The request is to use the entire length of the road and is for a 12 month period.

ATTACHMENT

A copy of the letter of request is attached to this item.

BACKGROUND

Council at the November 2010 granted approval for IB Thomas & Son to use Switchback Road with this configuration.

101104 OFFICER RECOMMENDATION & COUNCIL RESOLUTION – ITEM 9.3.5

MOVED: Cr PJ Gledhill
SECONDED: Cr BP Horwood

That Council grant approval for IB Thomas & Son to access Switchback Road Mingenew with a 6 wheel truck and 10 wheel dog vehicle from late October to the end of December 2010 to allow the carting of grain from their property and during the year for transporting their trailer to their storage location as outlined in their detailed request.

CARRIED
Voting 7/0

COMMENT

Switchback Road is one of the poorer standard roads within the Shire of Mingenew with sections that are narrow and others with limited sight vision. It is for these reasons Council has previously not given open access to larger vehicles to the road.

The request is for greater access and use of Switchback Road than was granted by Council in November 2010.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.3

That Council:

- a) grant approval for IB Thomas & Son to access Switchback Road Mingenew with a 6 wheel truck and 10 wheel dog vehicle combinations for a 12 month period commencing 1st October 2011 to allow the carting of grain, lime and fertiliser to and from their properties.
- b) For use other than at harvest the applicant is to contact other property owners who adjoin and use this road and advise them in advance of the details of their intended usage

110905 COUNCIL RESOLUTION 9.3.3

MOVED: Cr JL Holmes

SECONDED: Cr MP Pearce

That Council:

- a) grant approval for IB Thomas & Son to access Switchback Road Mingenew with a 6 wheel truck and 10 wheel dog vehicle combinations with a length of 21m commencing 1st October 2011 to allow the carting of grain, lime and fertiliser to and from their properties which are landlocked.
- b) Restrict the speed of the truck to 70km per hour whilst travelling on Switchback Road.

CARRIED

Voting 6/0

NOTE:

Works Manager to be directed to inspect the culvert on Switchback Road to ensure it will allow the extra tonnage.

Appropriate signage be investigated for advisory speed signs to restrict all road users to 80kms per hour and to indicate long vehicles are using the road.

9.3.4 BUSHFIRE ADVISORY COMMITTEE

Agenda Reference: CEO 09/11 - 04
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th September 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to receive the minutes of the Bushfire Advisory Committee meeting held on the 8th September 2011 and adopt the recommendations contained therein.

ATTACHMENT

A copy of the meeting minutes and the draft Bushfire Notice are attached to this agenda item.

BACKGROUND

The Bushfire Advisory Committee meets at least annually and makes recommendations to Council in relation to the appointment of officers and setting firebreaks.

COMMENT

A number of recommendations have come from the September 8th meeting.

- 1) That the Committee recommends to Council that the Town Brigade be supported in their endeavour to be upgraded from a Bushfire Brigade to a Volunteer Fire Service Brigade.
- 2) That the Committee recommend to Council that installation of external boundary firebreaks of 2.4m only be compulsory in the Shire of Mingenew for the 2011/12 fire season.
- 3) That the Committee recommend to Council that the requirement for knapsacks on tractors or vehicles directly connected to fire control works only, be waived.
- 4) That the Committee recommend to Council that Mr R McTaggart be appointed as CBFCO
- 5) That the Committee recommend to Council that Mr K Boyland be appointed as DCBFCO.

More detail on what is involved in becoming a Volunteer Fire Service Brigade is attached.

CONSULTATION

Bushfire Advisory Committee

STATUTORY ENVIRONMENT

Bushfires Act 1933

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council receives funding through the ESL grant system to support the volunteer bushfire brigade.

STRATEGIC IMPLICATIONS

The support of an active bushfire brigade network helps provide protection to our community and the environment in the event of a bushfire.

VOTING REQUIREMENTS

Simple majority

110906 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.4

MOVED: Cr JL Holmes

SECONDED: Cr MP Pearce

That Council:

- a) Receive the minutes of the Bushfire Advisory Committee**
- b) Endorse the appointment of Mr R McTaggart as Chief Bushfire Control Officer**
- c) Endorse the appointment of Mr K Boyland as Deputy Chief Bushfire Control Officer**
- d) Adopts the Firebreak Notice recommended by the Bushfire Advisory Committee, including the waiving of the need for knapsacks on tractors or vehicles directly connected to fire control works**
- e) Support the Town Bushfire Brigade in its endeavour to become a Volunteer Fire Service Brigade.**

CARRIED
Voting 6/0

9.3.5 TRI-AXLE TRAILER PURCHASE

Agenda Reference: CEO 09/11 - 05
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th September 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to authorise the purchase of a new tri-axle side tipping trailer as included in the 2011/12 Budget.

ATTACHMENT

Nil

BACKGROUND

Council has previously endorsed the move from 6 wheel truck and trailer combinations to prime mover and tri-axle trailer combinations.

COMMENT

The 2011/12 Budget makes provision of \$100,000 for the purchase of a new tri-axle side tipper trailer.

As the proposed purchase price is less than \$100,000 there is no need to go to formal tender. The adopted Purchasing Policy requires 3 written quotes for items with a value just under the tender threshold.

The following quotes have been received for the purchase of a tri-axle trailer:

SUPPLIER	DETAIL	PRICE
Howard Porter	21 cubic metre 4mm plate 8m x 2.5m x 1.2m	\$85,000 + \$4,500 tarp system \$89,500
D - Trans	22 cubic metre 5mm plate floor 5mm discharge door 4mm plate ends & sides 8.5m x 2.3m x 1.1m	\$96,264 inc tarp
Dongara Body Builders	21 cubic metre 5mm plate 9m x 2.49m x 1.1m	\$95,563 inc tarp

The D-Trans and Dongara Body Builders units are constructed of heavier gauge material and the D-Trans unit has slightly larger capacity.

There would be an approximate lead time of 5 months before Dongara Body Builders would be able to deliver. The Works Manager after receiving the specifications prefers the D-Trans trailer.

The quoted cost o \$96,264 is within the Budget provision of \$100,000.

CONSULTATION

Works Manager and trailer manufacturers

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Councils' Purchasing Policy has been adhered to in obtaining 3 written quotes.

FINANCIAL IMPLICATIONS

The quotes are within the budget provision of \$100,000.

STRATEGIC IMPLICATIONS

The purchase of the new tri-axle side tipping trailer will assist the works crew in constructing and maintaining the Shires' road network.

VOTING REQUIREMENTS

Simple Majority

110907 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.5

MOVED: Cr PJ Gledhill

SECONDED: Cr PJ Ward

That Council accept the quote from D-Trans for a 22 cubic metre tri-axle side tipping trailer at the cost of \$96,264.

CARRIED
Voting 6/0

9.3.6 PRIME MOVER PURCHASE

Agenda Reference: CEO 9/11-6
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 13th September 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to authorise the purchase of two new prime mover trucks as included in the 2011/12 Budget.

ATTACHMENT

Nil

BACKGROUND

Council has previously endorsed the move from 6 wheel truck and trailer configurations to prime mover and tri-axle configurations.

COMMENT

The WA Local Government Association has developed a Preferred Supplier network for a range of goods and services including trucks. A local government can purchase from one of these suppliers without the need to go to tender.

Quotations have been sought from a number of suppliers for the new prime movers;

SUPPLIER	DETAIL	PRICE (\$)
Purcher International	Powerstar ISX Cummins ISX EGR Euro 5 Eaton 18 speed Road Ranger 485 hp GVM 24.5T GCM 90T	198,264 + on road
Westrac Pty Ltd	CT 610/A Highway Truck Cat C13 ACERT Fuller RT40 – 18918B – 18 speed 470 hp GVM 24.5T GCM 57T	199,050
Truck Centre (WA) P/L	Mack Granite 6 x 4 Rigid Mack MP8-435 hp Mack TmD12AD m Drive (Automated Manual Transmission) GCM 75T	215,790
Waltons	Freightliner CST 112 Detroit DD13 Eaton RTL018918B 18 speed 450 hp GCM 57T	205,000

NOTE: All suppliers are on the WALGA Preferred Supplier list which allows Council to purchase direct without going to tender. The Truck Centre Mack however is not the nominated truck with only UD's being listed. The Mack cannot be purchased without going to tender.

The current Powerstar trucks have given a fair amount of trouble and the backup service has been lacking at times. The Powerstar quoted has gone back to more of a conventional configuration but past history still raises concerns.

The support from Waltons for the new JCB Backhoe has also been lacking at times and several complaints have had to be lodged.

Westrac currently provide excellent support and backup to their graders and skid steer loader we have and this is a major consideration in any new purchase.

Two of our truck drivers have had the opportunity to test drive the Cat C610 and were very impressed with its performance.

CONSULTATION

WALGA Preferred Supplier Listed Companies

Works Manager

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Council's Purchasing Policy has been followed in obtaining written quotes.

FINANCIAL IMPLICATIONS

The budget allows \$210,000 for the purchase of each prime mover. The recommended vehicle is less than this budget amount.

It should be noted that due to the very low trade-in prices offered for the two 6 wheel Powerstar trucks it is proposed to go to auction with these vehicles.

STRATEGIC IMPLICATIONS

The purchase of the new prime movers together with the new tri-axle trailer will assist Council with the construction and maintenance of the road network.

VOTING REQUIREMENT

Simple Majority

110908 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.6

MOVED: Cr PJ Gledhill

SECONDED: Cr JL Holmes

That Council accept the quote from Westrac Pty Ltd for the supply of two (2) new Cat C610A prime movers at a cost of \$199,050 + GST each.

CARRIED

Voting 6/0

NOTE: Works Manager to ensure weight configurations are appropriate for Shire use.

3:05pm Meeting adjourned. New Silver Chain RAN – Justin Dohnt joined Council for afternoon tea.

3:40pm Meeting reopened.

Mr Ken and Mrs Michelle Boyland joined the meeting. Mr Justin Dohnt remained.

9.3.7 BUDGET REALLOCATIONS

Agenda Reference: CEO 9/11-7
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 14th September 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to approve a number of budget variations to correct allocations of expenditure. The changes do not have a monetary impact on the budget – all internal re-allocations from operating to capital expense or allocation of depreciation which is a non-cash item.

ATTACHMENT

Nil

BACKGROUND

Nil

COMMENT

The recommended budget re-allocations will allow the projects to be correctly recorded in the financial statements:

Decrease Job 1223 by \$162,000, Increase Job 1225 by \$162,000 – Coalseam Road Bridge

Decrease Job 1211 by \$200,000, Increase Job 1224 by \$200,000 – Mullewa Road Bridge

Decrease Job 0050 by \$50,000, Increase Job 1120 by \$50,000 – Recreation Centre Gazebo / Shade Shelter

Increase Account 166200 by \$860,000 – Depreciation (accounts for depreciation on road assets just bought to account).

All re-allocations do not have a cash impact on the budget.

CONSULTATION

Auditors

Financial Consultant

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

110909 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.7

MOVED: Cr ET Hathaway

SECONDED: Cr JL Holmes

That Council authorise the following budget re-allocations;

- **Decrease Job 1223 by \$162,000, Increase Job 1225 by \$162,000 – Coalseam Road Bridge**
- **Decrease Job 1211 by \$200,000, Increase Job 1224 by \$200,000 – Mullewa Road Bridge**
- **Decrease Job 0050 by \$50,000, Increase Job 1120 by \$50,000 – Recreation Centre Gazebo / Shade Shelter**
- **Increase Account 166200 by \$860,000 – Depreciation (accounts for depreciation on road assets just bought to account).**

Absolute Majority

CARRIED

Voting 6/0

9.3.8 SIGNIFICANT ACCOUNTING POLICIES – DEPRECIATION NON-CURRENT ASSETS

Agenda Reference: CEO 9/11-08
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 14th September 2011
Author: Ian Fitzgerald

SUMMARY

Council is requested to adopt a new depreciation schedule for Non-Current Assets and in particular roads.

The road network has been completely resurveyed and brought to account at present day values. This is a matter the Auditors have been requesting for several years and has been completed using government amalgamation grant funds and has resulted in a significant increase in value in the Balance Sheet. To keep the values realistic a new depreciation schedule is proposed.

ATTACHMENT

Nil

BACKGROUND

The Significant Accounting Policies, including depreciation rates, form part of the statutory budget and annual financial statements and have not changed for many years.

COMMENT

The proposed depreciation rates are;

Sealed Roads:

Clearing and earthworks - not depreciated

Construction Road Base - 50 years

Major Resurfacing – bitumen seals - 15 years

Major Resurfacing – asphalt – 15 years

Formed Roads (unsealed):

Clearing and earthworks - not depreciated

Construction Road Base - 50 years

Major Resurfacing – gravel - 15 years

Kerbing – 25 years

Drainage – 50 years

Bridges – 50 years

Airfields – 50 years

CONSULTATION

Auditors

Financial Consultant

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

This will form part of Council's Significant Accounting Policies

FINANCIAL IMPLICATIONS

Nil – depreciation is a non-cash item

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

110910 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.8

MOVED: Cr MP Pearce

SECONDED: Cr PJ Ward

That Council adopt the following Depreciation rates for Non-Current Assets – Roads:

Sealed Roads:

Clearing and earthworks - not depreciated

Construction Road Base - 50 years

Major Resurfacing – bitumen seals - 15 years

Major Resurfacing – asphalt – 15 years

Formed Roads (unsealed):

Clearing and earthworks - not depreciated

Construction Road Base - 50 years

Major Resurfacing – gravel - 15 years

Kerbing – 25 years

Drainage – 50 years

Bridges – 50 years

Airfields – 50 years

CARRIED
Voting 6/0

9.3.9 ROADS TO RECOVERY PROGRAM

Agenda Reference: CEO 9/11-09
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15th September 2011
Author: Ian Fitzgerald

SUMMARY

The Roads to recovery road funding program is due to end in 2014.

The Australian Local Government Association is co-ordinating a campaign by local governments across Australia to have the program continued.

ATTACHMENT

Nil

BACKGROUND

The Roads to Recovery Program commenced in 2000 after lobbying by local government and since then there has been two extensions to the scheme.

COMMENT

At present the annual distribution to all local governments is \$350 million and by the time the program ends in 2014 over \$4.5 billion in additional funding will have been provided for local roads.

A recent study has shown that across Australia there is a funding shortfall for local roads of approximately \$1.2 billion per annum. This demonstrates the continued need for the program.

The Shire of Mingenew receives approximately \$155,000 per year from the Roads to Recovery Program and used the funding on the Mingenew South Rd upgrade and this year will be gravel sheeting Boundary and Erangy Springs Roads using this program.

Council is requested to pass a resolution of support for the continuation of the Roads to Recovery Program.

CONSULTATION

Australian Local Government Association

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The funding from the Roads to recovery Program helps fund the annual works program and plays an important part in Council maintaining and upgrading their road network.

STRATEGIC IMPLICATIONS

The withdrawal of this funding will make it more difficult for Council to fund the annual works program.

VOTING REQUIREMENT

Simple Majority

110911 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.9

MOVED: Cr ET Hathaway

SECONDED: Cr MP Pearce

That Council calls on the Federal Government to;

- a) Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;**
- b) Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;**
- c) Continue the Roads to Recovery Program with the current administrative arrangements; and**
- d) Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

CARRIED

Voting 6/0

9.3.10 SINOSTEEL MIDWEST CORPORATION – ORE CARTAGE

Agenda Reference: CEO 9/11-10
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15th September 2011
Author: Ian Fitzgerald

SUMMARY

Sinosteel Midwest Corporation has been approved to cart ore from their Koolanooka / Blue Hills Project to the Geraldton port and their contractor – Patience Bulk Haulage, has been granted a Commercial Vehicle Goods licence. Council is requested to write a letter of support for Patience to obtain concessional loading.

ATTACHMENT

Nil

BACKGROUND

Council has previously approved Sinosteel Midwest carting ore through the Mingenew Shire and more recently the use of Allanooka Springs / Depot Hill Road for the return journey, unloaded, to the mine.

COMMENT

Council approved, earlier in 2011, Sinosteel Midwest continuing to cart ore through the Mingenew Shire from their mine to the Geraldton port including the use of shire roads for the return journey.

In return, Council receives a contribution of \$25,000 per annum into a Community Trust Fund and has access to a Road Maintenance Fund managed by Main Roads WA that Sinosteel Midwest is required to contribute to.

The terms of the recently granted Commercial Vehicle Goods licence include;

- Concessional Loading (previously Certified Weight Mass Management Scheme)
- 27.5m double dog configuration trucks
- Loaded route through Mingenew to Dongara
- Unloaded route via the Allanooka Springs Road
- Community contributions as agreed with the Mingenew Shire
- Road maintenance contributions paid to MRWA by SMC and dispersed according to need by MRWA
- All road haulage will cease at the end of 2015 when the Koolanooka / Blue Hills project is mined out

- Sinosteel will make every effort to migrate the haulage task to rail

Council is requested to write a letter of support for Patience Bulk Haulage’s application for concessional loading.

CONSULTATION

Sinosteel Midwest Corporation

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.10

That Council provide a letter of support to Patience Bulk Haulage for their application to obtain concessional loading with their cartage of ore from Sinosteel Midwest’s Koolanooka / Blue Hills mine to the Geraldton port.

110912 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.10

MOVED: Cr PJ Ward
SECONDED: Cr PJ Gledhill

That Council do not provide a letter of support to Patience Bulk Haulage for their application to obtain concessional loading with their cartage of ore from Sinosteel Midwest’s Koolanooka / Blue Hills mine to the Geraldton port.

CARRIED
Voting 5/1

Reason for Variation: Council is concerned with the deterioration of the roads being used and that extra mass may add to the problem.

9.3.11 SINOSTEEL MIDWEST CORPORATION – COMMUNITY TRUST

Agenda Reference: CEO 9/11-11
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 15th September 2011
Author: Ian Fitzgerald

SUMMARY

A draft agreement for the Sinosteel Midwest Community Trust Fund is attached for Council's consideration.

ATTACHMENT

Draft Community Trust Agreement

BACKGROUND

Council has now received 2 x annual payments from Sinosteel Midwest Corporation totalling \$55,000. The funds are held in Council's Trust account.

COMMENT

Due to the changes in staff at Sinosteel a formal agreement between the parties has never been entered into and therefore no agreement has been reached on the distribution of funds.

The attached draft agreement is based on the Shire of Morawa's agreement and provides some guidance on the distribution of funds.

Council is requested to review the draft document and recommend any changes before it is forwarded to Sinosteel Midwest for their consideration. One matter that Council may wish to consider is putting a cap on the grant that may be approved at any one time – to help distribute the funds to as many organisations / groups as possible.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

The adoption of an agreement that includes a framework for the distribution of the funds held in the Trust Fund could become a formal Council policy.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.11

That Council review the draft Sinosteel Midwest Corporation Community Trust Fund Agreement and make any recommendations for changes before submitting to Sinosteel for their consideration.

110913 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.3.11

MOVED: Cr MP Pearce

SECONDED: Cr JL Holmes

That Council adopt the draft Sinosteel Midwest Corporation Community Trust Fund Agreement as amended and submit to Sinosteel for their consideration.

CARRIED

Voting 6/0

9.6 FINANCE

9.6.1 FINANCIAL STATEMENTS FOR MONTH ENDING 31 AUGUST, 2011

Agenda Reference: SFO 09/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 7 September, 2011
Author: Kylie McGree, Senior Finance Officer

SUMMARY

The Monthly Statement of Financial Activity report for the month ending 31 August, 2011 is presented to Council for adoption.

ATTACHMENT

Finance Report ending 31 August, 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 31 August, 2011 is \$1,944,738.00

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Account	\$101,839.42
Business Cash Maximiser (Municipal Funds)	\$160,855.30
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. \$501,621.28 remains outstanding as at 31 August, 2011 with approximately \$60,000.00 outstanding for 30 days or more. The Mid West Regional Council has paid and the Mingenew Community Resource Centre has made a payment. The bulk of the outstanding debtors are for R4R and Main Roads.

It should be noted that Rates Outstanding as at end of August, 2010 was \$1,143,994.57.
Rate notices were issued on the 23 August, 2011 with payment due on 30 September, 2011.

The total outstanding rates debt is \$1,215,976.77 as at 31 August, 2011.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2011 / 2012 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

110914 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.6.1

MOVED: Cr ET Hathaway

SECONDED: Cr PJ Gledhill

That Council adopts the Monthly Statement of Financial Activity for the month ending the 31 August, 2011.

CARRIED
Voting 6/0

9.6.2 ACCOUNTS FOR PAYMENT – AUGUST 2011

Agenda Reference: AO 09/11 - 01
Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference:
Disclosure of Interest: Nil
Date: 8th September 2011
Author: Julie Borrett

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.

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

110915 OFFICER RECOMMENDATION & COUNCIL RESOLUTION 9.6.2

MOVED: Cr JL Holmes

SECONDED: Cr PJ Ward

That Council confirm the accounts as presented for August 2011 from the Municipal Fund totalling \$422,497.42 represented by Electronic Funds Transfers of EFT5308 to EFT5427 and Cheque Nos 7409 – 7430.

CARRIED
Voting 6/0

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

110916 COUNCIL RESOLUTION 12.1.1

MOVED: Cr ET Hathaway

SECONDED: Cr JL Holmes

That Council accept and discuss the late Agenda Item – Karara Planning Approval Application.

CARRIED

Voting 5/1

Cr PJ Ward declared an interest in Item 12.1.1 because of his association with Karara Mining Ltd and their water borefield.

110917 COUNCIL RESOLUTION 12.1.1

MOVED: Cr ET Hathaway

SECONDED: Cr PJ Gledhill

That Council allow Cr PJ ward to remain in Chambers and participate in discussion but not be allowed to vote on this matter.

CARRIED

Voting 5/0

12.1.1 APPLICATION FOR PLANNING APPROVAL – KARARA MINING LIMITED

Agenda Reference: CEO 09/11-01
Location/Address: Shire of Mingenew
Name of Applicant: Karara Mining Ltd
File Reference:
Disclosure of Interest: Nil
Date: 21st September 2011
Author: Ian Fitzgerald

SUMMARY

Following discussions at the August 2011 Council meeting Karara Mining Limited has submitted an Application for Planning Approval, with additional information, to establish a temporary iron ore stockpile and operations area adjacent to the railway line in Mingenew townsite.

ATTACHMENT

A copy of a material safety data sheet for Hematite as provided by Karara is attached for Council's information.

BACKGROUND

Council discussed the original application at their August Council meeting and also received a presentation from Karara Mining on the proposal and had the opportunity to ask questions and seek clarification on matters within the proposal. Council gave preliminary approval subject to further information being obtained and suitable compensation being negotiated. A copy of the resolution is copied below:

110810 COUNCIL RESOLUTION 9.3.3

MOVED: Cr PJ Gledhill
SECONDED: Cr PJ Ward

That Council:

Considers the Application for Planning Approval from Karara Mining limited and subject to;

- i) More detailed investigation by staff supporting the proposal,*
- ii) Issues raised by Council being adequately addressed,*
- iii) The proposal being advertised for public comment for a 14 day period,*

grant Planning Approval for the iron ore stockpile and out-loading proposal for Lot 303 Eleanor Street Mingenew

CARRIED
Voting 7/0

COMMENT

Karara were requested to address a number of issues including minimising any closure of the rail crossings whilst out loading, noise concerns, possible cross contamination of CBH products, and dust issues.

In addition the proposal was advertised and public comment invited.

A total of 12 written submissions were received from a mixture of town and rural residents. The issues raised included noise, dust, closure of the rail crossing, increases in traffic, contamination of CBH products and or the environment, and compensation. The bulk of these matters are addressed in the response copied below. The matter of compensation is a matter for Council to determine. At present the suggestion is 20 cents per tonne, 10 cents direct to Council, and 10 cents to a road maintenance fund held by Main Roads WA.

There have been a number of verbal comments made, both in support and against the proposal. When people have received more information after asking questions (not a lot of submission documents were requested) there was somewhat a softening of views. Several town residents indicated they put up with noise and dust from the CBH operations and this latest proposal would have little further impact on them especially as it is only a short term proposal.

A copy of responses received from Rhys Houlihan of Karara Mining via email on Wednesday 21st September is included below:

Comment	KML Response
<p>The loading of the trains and how this can be completed with no or absolute minimal disruption to the railway crossings. They are mindful we are going to have a bumper harvest and we cannot afford for the crossings to be closed. There is also the potential impact on Sinosteel cartage if the western crossing is closed. Associated with</p>	<p>KML has developed a proposed such that the over the period that the loading of the rail trains is undertaken, the Mullewa-Morawa Rd will be closed for 20 minutes in total, consisting of four lots of 5 minutes (excluding the original crossing).</p> <p>In summary:</p> <ul style="list-style-type: none"> • The train and wagons will be pulled into the siding location such that the last half of the train can be loaded. • The engine shall then travel through the CBH area and return on the main line, attaching itself to the end of the wagons (first crossing of

<p>this is the fact they do not want any additional trucks going through town.</p>	<p>the Mingenew-Mullewa Rd).</p> <ul style="list-style-type: none"> • The train will then be moved forward, and the loaded trains will be separated from the empty wagons. The loaded wagons will then be reversed onto the main line adjacent to the siding until the remaining wagons (second crossing) • Once the final wagons have been filled, the train (and first wagons) will be moved back to the siding and re-attached to the wagons – this will require crossing of the Mingenew-Mullewa Rd (Third Crossing). • Brake test and inspection will be completed, then the train will be able to return to Geraldton (final crossing).
<p>They would like confirmation that you have had discussions with CBH on your proposal and the possibility of contamination. One Councillor had rung Duncan Gray at CBH Geraldton who reportedly said he didn't know of the proposal.</p>	<p>KML and CBH had a meeting on the 30 August 2011 regarding the proposal. Main outputs of the meeting were:</p> <ul style="list-style-type: none"> • The Open pen at Mingenew will be tarped from West to East so the grain will not be left unexposed for long periods of time. • CBH will test the area for cross contamination 2 times a week at the Mingenew siding. • CBH will inspect the Tilley Siding operated by KML. <p>Since this meeting, CBH have visited the Tilley Siding and are confident that the dust management measures incorporated into the proposal will be sufficient for the management of contamination.</p>
<p>There was some concern as to what impact the weight of the stockpile would have on the water table – mass over volume? – as all of the town water run-off goes to the railway line.</p>	<p>Previous investigations undertaken by KML in the industrial area (as part of the Twin Hills water licence application) identified that the water table is approximately 30 - 50 metres deep in this area. The underlying water table is the Yarragadee formation, and considering the depth to water table and structure, no change to the water table is expected.</p>
<p>It was also asked if in the traffic management for the trucks if they could look at only using Eleanor Street one way and using a loop type circuit. I haven't had a chance to look at this but don't like our chances of getting this approved.</p>	<p>KML will take into account any recommendations from the council in regards to the best movement of road traffic.</p> <p>KML has made its application for an updated Commercial Vehicles Goods Licence to the Minister of Transport and is awaiting approval.</p>
<p>There was also the matter of Starick Tyres and the 2 houses being identified as sensitive receptors.</p>	<p>KML will incorporate and work with these locations in terms of monitoring and management.</p> <p>As previously discussed, KML will monitor Dust and Noise in accordance with the Planning Application to the shire, local and state government regulations.</p> <p>The Dust Monitoring systems that we are proposing have real-time monitoring for dust levels. These systems can be automated and will provide an SMS to the site supervisor when an exceedance of the dust levels occur.</p> <p>Note that the National Environmental Protection Measures (NEPM) guidelines for Dust (particulate matter – 10micron) states that a site can have no more than 5 days where the average dust material exceeds</p>

	<p>50µg/m3.</p> <p>From personal experience, I have installed the same dust monitoring measures as KML propose at large land development sites, in close proximity to houses and businesses. The monitoring system has allowed appropriate stockpile management of the material such that no exceedances occurred. This work was undertaken throughout Perth, including subdivisions in Churchlands, Byford, Wanneroo; Port Headland (within 25 metres of the nearest house), and for a large quarry in northern Perth, close to industrial and commercial premises.</p>
<p>Water management generally was also a bit of an issue</p>	<p>KML would like to formally approach the council to utilise a portion of its water allocation and shire water truck for dust suppression services. Could the shire provide details on its water licence to ensure that use is applicable.</p> <p>KML would be looking for approximately 350 kL/day over the proposal period being 63ML over the total proposal period. This value is based on the "worst-case scenario" for the project, and actual abstraction is considered to be lower than this.</p>

One other issue that was raised in several of the submissions received related to that of contamination. Therefore I have attached a copy of the Hematite Material Safety Data Sheet (MSDS) provided by Karara Mining. From this it can be seen that the material is basically inert, with some silicon. There is no lead or uranium within the product. As the material is natural material from the earth's crust, there is no contamination issues with discharge to the environment. However, Karara will run all the roads and stockpile to a sump located within the footprint. At completion of using the siding, Karara Mining will remove the sump and excavate the material around the sump to ensure no material is left *in situ*.

STATUTORY IMPLICATIONS

Local Government Act 1995

Shire of Mingenew Town Planning Scheme No.3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council would receive a payment for each tonne of ore delivered to the stockpile and have the opportunity to bid for road maintenance money as well. This would be unbudgeted income and come from external sources rather than from our own ratepayers.

STRATEGIC IMPLICATIONS

The receipt of external funds would help Council to provide services and facilities to the community without being financed directly by them. In addition it would help build a relationship with Karara Mining that could potentially bring benefits to the local businesses and community into the future.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM NO 12.1.1

That subject to Karara Mining Limited obtaining the required environmental, road transport and all other regulatory approvals and rental payments for use of the land being negotiated, Council grant planning approval for the Karara Mining Limited to establish a temporary iron ore stockpile on Lot 303 Eleanor Street Mingenew.

110918 COUNCIL RESOLUTION 12.1.1

MOVED: Cr PJ Gledhill

SECONDED: Cr ET Hathaway

- a) **That subject to Karara Mining Limited obtaining the required environmental, road transport and all other regulatory approvals and rental payments for use of the land being negotiated, Council grant planning approval for the Karara Mining Limited to establish a temporary iron ore stockpile on Lot 303 Eleanor Street Mingenew.**
- b) **As per their proposal, the land be cleared by 30th April 2012 and a penalty apply should it not be rehabilitated.**

CARRIED
Voting 4/1

Cr JL Holmes requested that her name be recorded as voting against this Item.

NOTE: A request be made to Karara Mining Ltd that notification of all approvals be provided to the Shire.

Cr PJ Ward requested that it be noted that he made contact with Sandra Mills regarding the proposal and she provided her disapproval of the project.

12.0 CONFIDENTIAL ITEMS

Nil

13.0 COUNCILLOR REPORTS

Meetings Attended

Cr MA Bagley

- 25/08/11 Mid West Development Commission Dinner at Three Springs
- 29/08/11 Structural Reform Working Group Meeting at Morawa
- 30/08/11 CLGF meeting hosted by MWDC in Morawa
- 14/09/11 Super Towns launch at Morawa
- 15 /09/11 Mingenew Lions Midwest Expo
- 16/09/11 Mingenew Lions Midwest Expo – radio interview
- 19/09/11 Strategic Community Plan Workshop
- 20/09/11 Western Power Community Update Meeting – new 330kv line

Cr ET Hathaway

- 23/08/11 Mid West Economic and Resource Summit
- 24/08/11 Mid West Economic and Resource Summit

Cr JL Holmes

- 22/08/11 CRC Meeting
- 19/09/11 Strategic Community Plan Workshop

Cr PJ Gledhill

- 06/09/11 Sports Advisory Committee Meeting

Cr MP Pearce

- 29/08/11 Mingenew Morawa Three Springs Alliance Meeting (as proxy)
- 03/09/11 Meeting with seniors at Autumn Centre – meeting with CEO
- 19/09/11 Strategic Community Plan Workshop
- 20/09/11 Western Power Community Update Meeting – new 330kv line

Mr Ken Boyland exited the meeting at 5:05pm

Cr PJ Ward

- 15/08/11 Mingenew Lions Midwest Expo Meeting
- 19/09/11 Strategic Community Plan Workshop
- 20/09/11 Western Power Community Update Meeting – new 330kv line

Mr Ken Boyland rejoined the meeting at 5:08pm

General Business

An Extraordinary Election Table was provided to each Councillor

Media Release regarding review of 'first in – first served' water policy. CEO advised an Agenda Item would be prepared for next meeting to provide a submission

The CEO provided a summary of his Information Report.

The CEO advised he is on leave for one week starting Monday 26th September 2011.

The CEO informed Council of some reticulation pipes being damaged during Expo and intention to bill Expo once costs are determined.

The race track automatic reticulation is due to start on Monday (installation)

Cr ET Hathaway enquired about having the mobile phone towers that are provided for Expo be fitted permanently by Telstra. The CEO advised that discussion with Telstra had occurred regarding the installation of two towers permanently however Council would be expected to make a significant contribution.

Cr MP Pearce enquired as to whether Council would be making a submission in regards to the review of the Country Local Government Fund. The CEO advised that a submission will be prepared and submitted.

Cr MP Pearce enquired as to whether the Depot Hill River Crossing Financial Assistance Agreement has been completed. The CEO advised it is almost complete.

Cr MP Pearce enquired as to whether we had any staff attending the State Library workshop. The CEO advised no.

Cr ET Hathaway requested an update on the Industrial Land projects by the CEO. The CEO advised;

- Those awaiting transfers are being processed with the settlement agency
- Western's, proposing to purchase property on Eleanor St, have indicated they would like to arrange a payment plan for payment over 3 months.
- Starick Tyres and Reliance require conditions of power supply to be addressed, water approval (by licenced plumber) and fencing, as required by the Public Transport Authority.

Cr JL Holmes requested Council consider the installation of a Water Park, as an alternative to swimming pool. Water is recycled and set on a timer. Local emblems or significant symbols can be incorporated into design. Bride St park would be an ideal location. Cost approximately \$250,000 to \$350,000. Cr JL Holmes urged Council to consider for 2012/13 Budget. The CEO advised there may be funding made available specifically for townscaping which could be utilised for such a purpose.

Mrs Michelle Boyland exited the meeting at 5:30pm

Cr JL Holmes requested that a "welcome package" be created for new comers to town. CDO to investigate and provide a sample pack for consideration.

Mrs Michelle Boyland returned to the meeting at 5:34pm

Cr JL Holmes enquired as to the whereabouts of the admin vehicle. The CEO advised that John Elliot was utilising it and it is expected to be returned this week.

Cr PJ Gledhill enquired as to whether discussions had been had in regards to fuel alternatives with Caltex. The CEO advised that two meetings had occurred with Mr Burrows however progress has not been successful to-date.

Cr PJ Gledhill enquired as to whether Reliance had been contacted in regards to a toilet being located at the fuel depot. Staff to investigate. Council to contribute a third of cost to installing a new toilet facility at Morawa Rd intersection – quote for full installation received at \$33,000.

Cr PJ Gledhill advised of dead trees located near dump point. Works Manager to address. Advertisement to go in newsletter advising of tree loppers coming to town.

Cr MP Pearce advised she had made contact with Mingenew NAB staff as to options for better access to bank entrance. Cr PJ Gledhill to look at options and provide potential plan.

Cr MP Pearce enquired as to whether there is a policy for spraying close to townsite. CEO advised that there is not one now but could investigate in preparation for next year's spray season.

Cr MP Pearce requested an update of Community Bus Project. The CEO advised that the MWDC had rejected the application for \$20,000 under their regional grants scheme. Awaiting advice from Lotterywest. Next option is to look at smaller or secondhand bus.

The CEO advised that 3 applications had been received for the Senior Finance / Admin Officer position. Cr MP Pearce enquired as to future use of house, just purchased in Field St if successful applicant not found. CEO advised this had not been addressed yet. Previous owners are currently renting property back.

Cr MP Pearce advised that the Amalgamation section on the website is out of date. Attempts have been made for now former Project Officer to provide update but none received. Cr MP Pearce also advised that NAB bank opening hours needs updating. CDO to amend.

Cr PJ Ward enquired as to progress of Karara housing project. The CEO advised information should be available for next meeting. Victoria Street subdivision blocks are proposed site.

Cr PJ Ward advised that he would like to see the Mingenew Wetlands become a protected area. Cr PJ Ward to investigate further with assistance from MIG (Dave Brindal).

Cr MP Pearce enquired if Council were liable if offering list of service providers who turn out to be unqualified for a service provided. The CEO advised that staff are not recommending a service only offering contacts and it is the responsibility of the person enquiring to investigate qualifications.

Cr ET Hathaway advised that negative feedback has been received regarding ill treatment of visitors by DEC caretakers at Coalseam Park. Staff to write a letter to DEC advising of complaints. Council to consider an overflow area for tourist season next year in collaboration with Caravan Park.

Cr MP Pearce advised Mrs Gina Gregory’s house won a design award. Staff to include a congratulatory note in Shire Notes – Mingenew Matters.

Cr ET Hathaway enquired as to whether a get well soon card was sent to Sharon Maggi. The CEO advised that a card was sent on behalf of Council.

The CEO advised of an up-coming training course for Integrated Planning and provided an information booklet for Councillors to read.

Cr MA Bagley thanked outgoing Councillors Cr ET Hathaway and Cr JL Holmes for their commitment and contributions provided during their time on Council and presented each with a gift.

14.0 TIME AND DATE OF NEXT MEETING

That the next Ordinary Council Meeting be held on Wednesday, the 19th October 2011 at 2:00pm.

15.0 CLOSURE

The Shire President thanked all for attending and declared the meeting closed at 6:00pm.

These minutes were confirmed at a meeting on 19th October 2011.

Signed: _____

Presiding Officer

Date: 19th October 2011