



**MINUTES FOR THE
ORDINARY COUNCIL MEETING
HELD ON**

Wednesday 20 June 2018

Shire of Mingenew

Ordinary Council Meeting Notice Paper

20 June 2018

Madam President and Councillors,

An Ordinary Meeting of Council is called for Wednesday, 20 June 2018, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm.

Neil Hartley
Acting Chief Executive Officer

15 June 2018

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

Table of Contents

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	4
2.0	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	4
3.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.0	PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	4
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.0	DECLARATIONS OF INTEREST	4
7.0	CONFIRMATION OF PREVIOUS MEETING MINUTES	4
	7.1.1 ORDINARY MEETING HELD 16 MAY 2018.....	4
8.0	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	5
9.0	OFFICERS REPORTS	5
9.1	CHIEF EXECUTIVE OFFICER.....	5
	9.1.1 YANDANOOKA RAILWAY LICENCE- COMMUNITY PURPOSE LOADING RAMP AND COMMUNITY POST OFFICE	5
	9.1.2 MOSQUITOES – MINGENEW TOWNSITE.....	9
	9.1.3 REGISTER OF DELEGATED AUTHORITY.....	13
	9.1.4 MINGENEW CHILD-CARE CENTRE	15
	9.1.5 MINGENEW COMMUNITY RESOURCE CENTRE – FUNDING/SERVICES CONTRACT	18
	9.1.6 YARAGADEE BRIDGE – APPROVAL FOR DETOUR.....	21
	9.1.7 ACQUISITION OF GRAVEL POLICY	23
9.2	FINANCE	27
	9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2018	27
	9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 MAY 2018.....	30
9.4	TOWN PLANNING	32
	9.4.1 PROPOSED AQUACULTURE DEVELOPMENT	32
9.5	BUILDING	38
10.0	ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	38
11.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	38
11.1	ELECTED MEMBERS	38
Nil	38	
11.2	STAFF	38
12.0	CONFIDENTIAL ITEMS.....	38
	12.1 TENDERS – WA NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS – FLOOD DAMAGE SUPERVISOR.....	38
13.0	TIME AND DATE OF NEXT MEETING	39
14.0	CLOSURE.....	39

SHIRE OF MINGENEW

MINTES FOR ORDINARY MEETING OF COUNCI HELD IN COUNCIL CHAMBERS ON 20 June 2018 COMMENCING AT 4.30pm

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President HM Newton declared the meeting open at 4.32pm and welcomed all in attendance.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE COUNCILLORS

HM Newton	President	Town Ward
CR Lucken	Deputy President	Town Ward
KJ McGlinn	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
JD Bagley	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward

APOLOGIES

Cr GJ Cosgrove

STAFF

N Hartley	Acting Chief Executive Officer
B Bow	Governance Officer
E Budrikis	Community Development Officer

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

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

Mark Conway- Mingenew Resident. Tabled item for consideration at agenda item 9.1.2.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Item 9.1.4- Pr HM Newton declared an Impartiality Interest given her position of Chair for the Community Resource Centre Board.

Item 9.1.4- Cr K McGlinn declared an Impartiality Interest given her position on the Community Resource Centre Board.

Item 9.1.5- Pr HM Newton declared an Impartiality Interest given her position of Chair for the Community Resource Centre Board.

Item 9.1.5- Cr K McGlinn declared an Impartiality Interest given her position on the Community Resource Centre Board.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1.1 ORDINARY MEETING HELD 16 MAY 2018

COUNCIL DECISION - ITEM 7.1.1

Moved: Cr K McGlinn

Seconded Cr R Newton

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 16 May 2018 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

CARRIED 6/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 YANDANOOKA RAILWAY LICENCE- COMMUNITY PURPOSE LOADING RAMP AND COMMUNITY POST OFFICE

Location/Address: Yandanooka Townsite
Name of Applicant: ARC Infrastructure Pty Ltd
Disclosure of Interest: Nil
File Reference: ADM0278
Date: 25 May 2018
Author: Neil Hartley (Acting Chief Executive Officer)

Summary

This report seeks consideration of whether the Shire wishes to retain two separate (expired) lease areas on rail corridor land within the Yandanooka Townsite.

Community consultation has occurred to ascertain community interest and one formal and one informal submission have been received, both supporting the retention of the leases.

It is suggested that both leases (for the Community Post Office and for the Community Purpose Loading Ramp) be re-established.

Attachment

ARC Infrastructure letter (10 April 2018)
Community Consultation article placed in Mingenew Matters Newsletters late April/early May 2018
Letter from Mrs Robyn Soullier
License Document
Site Map of License areas

Background

The Shire of Mingenew has two historic Peppercorn Rental Community Purposes leases with the Public Transport Authority of Western Australia (PTA) over rail corridor land at Yandanooka. One (Lease L5846 - Community Purpose Loading Ramp) was used as a loading platform (lease expired 2004), and other (Lease L4235 - Community Post Office) was used as a mail and courier delivery facility (expired 2007). Both leases "expired" several years ago but continue in a monthly renewal "holding over" classification.

Arc Infrastructure (previously Brookfield Rail) and the State Government requires the Shire of Mingenew to either formally enter into new arrangements if it still wishes to retain occupancy rights, or to formally advise that the leases are no longer required.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

Indications are that the loading ramp was installed by the State Government and the shed was originally CBH employee accommodation. Neither asset has been used by the Shire for many years.

ARC advises that PTA does not own the shed that has been used as a Post Office at Yandanooka (as past correspondence indicates that the lease is a lease of land only). Hence PTA believes the shed belongs to the Shire – and as such – should the Shire seek to terminate the lease – PTA would require the Shire to either demolish or relocate it and its contents.

PTA would not be able to grant a license to a community group (e.g. a Yandanooka community group). It can only offer Community Purpose peppercorn rental Licences to Local Governments. This is presumably why the existing lease is in the name of the Shire of Mingenew.

An invitation to provide community feedback was advertised in *Mingenew Matters* Newsletters late April/early May 2018, with responses due by 25 May 2018. One verbal response was provided and one written submission was received from Robyn Soullier (attached) outlining that there is “historic value” in both structures as they do reflect a part of Yandanooka’s history and also provide a talking point for the overnight free-campers that occasionally use the area.

Comment

Both leases have expired several years ago and ARC Infrastructure is required (as part of its agreement to operate) to address these matters so that land tenure/leases are accurately reflected on all rail corridor land. Interestingly, ARC has just recently also highlighted to the Shire that the leases have insurance requirements that must be met by the Lessee (the Shire) and has asked that the Shire forward a current *Certificate of Insurance Currency*. This is not an uncommon nor an expensive exercise as local governments enjoy very competitively prices for structural insurance, but it does highlight that ARC is committed to improving the management of its leases as part of its overall railway corridor management operations. This requirement will however, add a small administrative burden onto the Shire to better manage the Lessee responsibilities of the Leases.

Whilst difficult to ascertain “value”, the Shire itself has no need to access either facility and on balance therefore, it would seem doubtful that the costs are justified, at least from the perspective of the Shire’s operations. Community consultation has however, drawn out some support for the retention of the leases and this is expanded upon in the “Consultation” area of this report.

If community use is the predominant purpose ARC advises that the lease would be for a five year period with a five year option to renew. Costs of the lease documentation and annual lease fees will be kept to a minimum by ARC, however there is a one-off fee for preparation of the maps and documentation which is ‘reduced to \$1000 to Shires for community use leases’. Other particular clauses of note that the proposed License contains are -

- a) It is a License, not a Lease (that is, the Shire does not have tenancy rights);
- b) ARC will not maintain any of the existing infrastructure and takes no responsibility for any accident, injury or claim that might occur. The Shire needs to take on those responsibilities and to also indemnify ARC. This is the case for both the License areas and, includes any maintenance requirements of the Loading Ramp structure; and
- c) Specific insurance requirements (e.g. \$50m common law claims) are required.

If the two sites could be included in one single License, it might reduce the cost to one single \$1,000 fee.

Consultation

An invitation to provide community feedback was advertised in *Mingenew Matters* Newsletters late April/early May 2018, with responses due by 25 May 2018. One informal response has been received, seeking that the Shire maintain the storage shed lease on the basis it is occasionally used by the local farming community, and if the building is removed, deliveries will be left at alternative locations, causing confusion and opening

the opportunity for opportunistic theft. A second response (see letter attached) outlines that the facilities have heritage and tourist value.

Whilst the Shire itself does not utilise either facility any more, the cost to maintain the leases is not excessive either. Council could therefore conclude that the heritage and tourism value of the area does securing sufficient value to justify the Shire taking the position of retaining both sites for heritage/tourism purposes. The building seems structurally secure and might also have some future community use. The loading ramp however would require stabilisation before it could be used for its constructed purpose, but warning signage if only used as a “static display”, should be sufficient to protect against any Shire liability. It would therefore be possible to keep the leases purely for heritage/tourism viewing purposes only, with suitable signage to warn any visitors that they access the areas “at their own risk”.

Statutory Environment

The Shire would need to enter into a lease arrangement with Arc Infrastructure Pty Ltd to secure the right to occupy the property.

Policy Implications

Nil

Financial Implications

There will be some costs to establish the Licenses (most notably the “reduced” \$1,000 one-off fee/license area for preparation of the maps and documentation) and the Shire will need to include the building and the separate loading ramp/storage area as assets, and budget for regular maintenance and insurance. The old Mail Delivery Building is in reasonable condition, however the storage area/loading ramp is in need of repairs prior to anything other than very light use. Rebuilding costs for this facility for regular safe usage would be several thousands of dollars at least and is not recommended.

Initial warning signage would likely cost about \$500 installed, and an estimated ongoing budget allocation of \$500/year would be considered to be adequate as an annual maintenance/insurance premium contribution if the leases were taken up, although costs would be expected to vary from year to year.

Whilst not significant dollar items in themselves, it should not be forgotten that the above costs will accumulate to a proportion that will take up over 0.1% of the proposed rate increase for 2018/19 (or to put it another way, between about 5-10% of the suggested rate increase for next year will need to be allocated to this Yandanooka License Project).

Strategic Implications

The Corporate Business Plan 2011-21 outlines that the Shire should suitably recognise and retain places of heritage, and maintain and enhance existing historical infrastructure. Whilst these facilities are not likely to be categorised as item of “significant heritage infrastructure”, they none-the-less represent a part of the history of Yandanooka. The Plan also promotes that an effort should be made to increase the number of visitors and extend the tourism season within the region. It not considered that the two structures would be an attractor in themselves for tourists, but they do add to the “overall experience” of visiting the district.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION– ITEM 9.1.1

Moved: Cr J Bagley

Seconded: Cr C Lucken

That Council:

1. Notes the efforts made by local residents to offer their comments, and concurs that the relatively low initial and ongoing cost to the Shire justifies the community, tourism and historic benefits the two facilities might provide;
2. Advise ARC Infrastructure Pty Ltd that the Shire does wish to retain both Community Purpose peppercorn leases, L5846 - Community Purpose Loading Ramp, and L4235 - Community Post Office, on the rail corridor land within the Yandanooka Townsite on the following conditions –
 - a. The Shire's insurance policy can accommodate the clause #14 License requirements;
 - b. License establishment costs do not exceed \$1,000/License (noting that the Shire has a preference for one single License to cover both sites); and
3. Requires that the CEO progress the finalisation of the License(s) with the ARC Infrastructure Pty Ltd and authorises the President and/or CEO to execute the Licenses by signing them and applying (if required) the Shire's common seal.

With the consent of the Mover and Seconder, the motion was modified to read as follows:

That Council:

1. Notes the efforts made by local residents to offer their comments, and concurs that the relatively low initial and ongoing cost to the Shire justifies the community, tourism and historic benefits the two facilities might provide;
2. Advise ARC Infrastructure Pty Ltd that the Shire does wish to retain the Community Purpose peppercorn lease L4235 - Community Post Office, on the rail corridor land within the Yandanooka Townsite on the following conditions –
 - a. The Shire's insurance policy can accommodate the clause #14 License requirements;
 - b. License establishment costs do not exceed \$1,000; and
3. Requires that the CEO progress the finalisation of the License(s) with the ARC Infrastructure Pty Ltd and authorises the President and/or CEO to execute the Licenses by signing them and applying (if required) the Shire's common seal.

VOTING DETAILS:

CARRIED 6/0

REASON FOR CHANGING THE OFFICER RECOMMENDATION

The recommendation was amended to exclude the lease L5846- Community Purpose Loading Ramp, given concerns regarding the safety of the structure and a potential for Shire liability.

9.1.2 MOSQUITOES – MINGENEW TOWNSITE

Location/Address: Mingenew Townsite
Name of Applicant: Mr Mark Conway
Disclosure of Interest: Nil
File Reference: ADM0071
Date: 21 May 2018
Author: Neil Hartley (Acting Chief Executive Officer)

Summary

The issue of mosquitoes in Mingenew is seasonal and historic. The Shire has a mosquito control program in the form of “fogging”, however this report suggests that to address recent community input in regard to the use of chemicals and the potential impacts on community health, a broader control program be progressed, with fogging being only one of the control mechanisms. A Mosquito Management Program is suggested to be prepared, so that there is a planned and coordinated approach to reducing mosquito populations in the townsite. The programme to be designed to be environmentally and economically sustainable over the long-term, and to not rely solely on the aerial application of pesticides for mitigation.

Attachment

Attachment 1 Letter from Mr Mark Conway

Background

Mr Conway has written to the Shire (21 May 2018) in regard to mosquito spraying. He has also in the recent past, provided information on the same subject.

The Shire provides a mosquito control program in the form of “fogging”. This is a chemical based service and is undertaken on an “as needed” basis, generally driven by community comments about the level of mosquitoes in the vicinity.

Mr Conway advises that he has concerns for his health with regard to the current chemical based approach, and is of the belief that the Shire should modify its practices to better accommodate those in the community with health concerns and/or views that a chemical based fogging program should not occur.

The following actions have been undertaken by the Shire’s contracted Environmental Health Officer and Administration in regards to mosquito management in Mingenew in more recent times:

1. Conducted investigation of all known natural water sources (rivers, “lakes”, pools, soaks etc) within a 15km radius of the Mingenew Townsite;
2. Conducted a brief visual (drive-by) assessment of the state of properties around the townsite, looking for harbourage (e.g. open septic tanks, machinery and disused materials such as tyres, containers etc) in the Townsite;
3. Commenced research into the development of a Mosquito Management Program;
4. Developed a preferred fogging methodology – that is, two runs of the fogger through the townsite (one pass upwind across the top of town and then another pass through the middle of town, and then a thorough fog of heavily treed areas along the river and around the caravan park); and
5. Fogged Mingenew townsite on 18 May 2018 following discussions with Environmental Health Officer..

Mosquito Management Program (MMP): Research into the preparation of the MMP is underway and while it is yet to be completed and adopted, activities aligned with a MMP process have already been initiated.

A programme is being prepared so that there is a planned and coordinated approach to reducing mosquito populations in the townsite and therefore also reducing any related public health risk to the local residents. The programme will be designed to be environmentally and economically sustainable over the long-term,

and to not rely solely on the aerial application of pesticides for mitigation. It will have the following process steps:

- **Collect and collate existing information**
- **Conduct baseline mosquito surveys** - The EHO is organising a sampling (trapping) program to be conducted as soon as possible. Traps are being sourced from the Health Department and have been delivered to the Shire. The EHO has conducted training of identified staff on how to place, retrieve and empty the traps and store the collected specimens for identification. Once the mosquitoes are identified, their characteristics will provide an excellent understanding of where they are likely to be breeding (i.e. natural water source or man-made source) which will allow targeted investigations.

Once the trapping has occurred, likely sources of the breeding will be identified.

Often the source will be man-made (i.e. tyres, disused materials, containers, uncapped sewer vent pipes etc) so an inspection of the properties in town will be conducted to identify likely sites and owners/occupiers approached to conduct remediation works. This work will be preceded by an education campaign addressing this issue. Whilst not expected, if owners or occupiers do not assist, notices can be served under the Shire's Health Local Law or even the Health Act.

- **Determine mosquito management needs and options**
- **Address Operational Aspects**
 - Determine budget and resources
 - Approvals and collaboration
 - Public education, advice and warnings (e.g. preparation and dissemination of information brochures)
 - Measuring effectiveness of the program
- **Support and resource requirements**
 - Organisational commitment
 - Program funding
- **Document program activities and procedures**
- **Implementation**
- **Ongoing assessment and refinement of the program**

Comment

Fogging for mosquitoes is a somewhat divisive activity almost everywhere it occurs. People are rightly concerned about mosquitoes, as they can bring with them debilitating diseases like Ross River Virus, and rightly concerned about any chemicals that might be used to control these insects. Chemicals used inappropriately can cause health issues for operators and others in near proximity and a great deal of care should be taken when using them – which the Shire does.

Mosquito populations will fluctuate from year to year (as well as seasonally) in response to changing environmental conditions. The management of mosquitoes is therefore rarely as simple as taking one approach (for example, aerial spraying or the application of larvicide) to achieve an acceptable level of control. In general, to be effective, the mosquito management program will be based on an integrated approach which combines various methods to minimise interaction between mosquitoes and the public and reduce the risk of mosquito-borne disease transmission.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

One of the key operational aspects of implementing the MMP will be public education, advice and warnings. Residents have a key role and responsibility in the program with regards to managing their exposure to the insects and also managing their own environment to limit breeding. This work needs to start immediately.

To involve them, we can undertake some or all of the following activities:

- develop information displays and material for letter drops;
- undertake school and community education;
- promote the program and our key messages using local media;
- disseminate warnings when environmental and mosquito monitoring indicate a risk of mosquito-borne disease is increased;
- provide timely advice of planned chemical and physical mosquito control activities; and
- inform and educate residents about their responsibilities for personal preventive measures and backyard mosquito control, for example:
 - septic tanks;
 - rainwater tanks;
 - fish ponds;
 - roof gutters;
 - pot plant saucers;
 - tyres; and
 - other water-holding containers.

Consultation

Gordon Houston Environmental Health Officer

Statutory Environment

The Health Act requires every local government to conduct activities aimed at protecting the public health of its community.

Policy Implications

Nil

Financial Implications

The Shire budget includes a provision of \$5,992 for its fogging operations and a further \$5,000 for environmental health services (under a joint scheme with several neighbouring local governments).

While the existing arrangement for EHO services only allows for limited on-site attendance by the Consultant EHO, if the Shire determines that it would like additional support to conduct various parts of the Mosquito Management Program or indeed any other additional environmental consultancy works, it is able to source that support from the current incumbent outside of the existing servicing arrangement (at the same rates and arrangements per the existing EHO service MOU).

Strategic Implications

The Corporate Business Plan 2011-21 outlines that the Shire should work to improve community health and well-being. Also, to ensure compliance with any relevant health legislation. Mosquito control is a local government responsibility and the Shire's corporate plan highlights in a broad sense that the Shire plays an overarching role in providing a healthy place for our community to live.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.2

Moved: Cr L Eardley

Seconded: Cr K McGlenn

That Council:

1. Supports the development of an environmentally and economically sustainable Mosquito Management Program (MMP) which has a planned and coordinated approach to reducing mosquito populations and public health risk in the Mingenew Townsite, but does not rely solely on the aerial application of pesticides for mitigation;
2. Considers an allocation of \$5,000 in the 2018/19 budget to develop and implement a Mosquito Management Program for the Mingenew Townsite; and
3. Accepts that until a MMP can be completed, fogging is the preferred methodology of mosquito control, utilising (subject to suitable environmental conditions) two dusk time runs of the fogger through the Townsite (namely, one pass upwind across the top of town and then another pass through the middle of town, plus a comprehensive fog of heavily treed areas along the river and around the caravan park).

With the consent of the Mover and Seconder, the motion was modified to read as follows:

That Council (as varied):

1. Supports the development of an environmentally and economically sustainable Mosquito Management Program (MMP) which has a planned and coordinated approach to reducing mosquito populations and public health risk in the Mingenew Townsite, but does not rely solely on the aerial application of pesticides for mitigation;
2. Considers an allocation of \$5,000 in the 2018/19 budget to develop and implement a Mosquito Management Program for the Mingenew Townsite; and
3. Accepts that until a MMP can be completed, fogging is the preferred methodology of mosquito control, utilising (subject to suitable environmental conditions) two dusk time runs of the fogger through the Townsite (namely, one pass upwind across the top of town and then another pass through the middle of town, plus a comprehensive fog of heavily treed areas along the river and around the caravan park).
4. That council notes the submission made by Mr M. Conway and requires that the Mosquito Management Plan be referred back to Council for final endorsement prior to implementation.

VOTING DETAILS:

CARRIED 6/0

9.1.3 REGISTER OF DELEGATED AUTHORITY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0342
Date:	28 May 2018
Author:	Neil Hartley, Acting Chief Executive Officer

Summary

Council is required to undertake a review of all delegations each financial year. All existing delegations have been reviewed to ensure that the Chief Executive Officer/Authorised Officers have the necessary authority to exercise delegated authority under the relevant legislation. The proposed changes to the Delegation Register are reflected in Attachment 2 - 'Register of Delegated Authority.

Attachment

Attachment 1	Register of Delegations (Current) September 2017
Attachment 2	Register of Delegated Authority - Shire of Mingenew (Proposed Register).
Attachment 3	Summary of Proposed Amendments

Background

Sections 5.42 and 5.44 of the Local Government Act 1995 prescribes that Council may delegate certain powers and duties to the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers. A delegation authorises persons or a class of persons to exercise powers that the Council would ordinarily exercise.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. Without delegated authority, many decisions of the Shire would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allow day to day decisions to be made by the Chief Executive Officer, who in turn can sub-delegate to other staff as appropriate. This enables the administration to effectively manage the large volume of routine work of a local government and facilitates timely service delivery to the community. Furthermore, it allows Council to focus on policy development, representation, strategic planning and community leadership.

Delegations that are made by a delegator are required to be in writing and recorded within a register. Conditions can be set for the use of any delegation. The Act requires delegators to review the register once every financial year (s5.18, s5.46). The Shire of Mingenew Register of Delegated Authority was last reviewed by Council in September 2017.

Comment

The aim of this latest review has been to assess the suitability and relevance of the delegations held within the Register whilst also addressing the following:

- A revised layout for each instrument of delegation to improve ease of use;
- Improvements to the wording and referencing of individual delegations to ensure clarity; and
- New/modified scope of individual delegations to increase efficiency.

The proposed register has been condensed down from 42 to 20 delegations and grouped according to the head of power (legislative power that enables delegation). Given the large number of delegations that

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

extend from the Local Government Act, the relevant sections for delegation have been grouped by subject matter and titled by its common theme.

The proposed Register includes referencing to the specific sections of legislation that are proposed to be delegated to ensure clarity around scope of delegation for both Council and Officer. Conditions have also been suggested.

The summary of the changes that are being proposed to be made to the current Delegation have been detailed in attachment 3.

Consultation

Neil Hartley	Chief Executive Officer
Gordon Houston	Environmental Health Officer
Lloyd Evans	Senior Building Surveyor
Simon Lancaster	Town Planner

Statutory Environment

Local Government (Audit) Regulations 1996
Local Government (Functions & General) Regulations 1996
Local Government (Administration) Regulations 1996
Local Government (Rules of Conduct) Regulations 2007

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

This proposal will support the achievement of the following objectives and strategies detailed in the Community Strategic Plan:

Outcome 4.2.1 Continue to deliver quality local government services

Outcome 4.5.1 Ensure compliance with local, town planning, building and health, and all other relevant legislation

Voting Requirements

Absolute Majority.

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.3

Moved: Cr R Newton

Seconded: Cr C Lucken

That Council:

- 1. Revoke the Register of Delegations dated September 2017 (at Attachment 1) and revoke the Council Appointed Officers currently attached to the Register of Delegations titled September 2017 and listed within Attachment 1; and**
- 2. Authorise and grant the Delegated Authority as per Attachment 2, entitled “Shire of Mingenew - Register of Delegated Authority” and appoint Officers as per Attachment 2, entitled “Shire of Mingenew - Register of Delegated Authority”.**

VOTING DETAILS:

CARRIED BY ABSOLUTE MAJORITY 6/0

5.01pm - Whilst President Newton had not declared a financial interest, as the Chair of both the Shire and the CRC she felt her conflict was so significant that it required her to leave the Council Chamber whilst the meeting deliberated on these issues. Pr Newton exited the Council Chambers and the Deputy President Cr Cris Lucken assumed the role as Chair.

9.1.4 MINGENEW CHILD-CARE CENTRE

Location/Address: Phillip Street, Mingenew
Name of Applicant: Mingenew Community Resource Centre
Disclosure of Interest: Nil
File Reference: ADM0195
Date: 13 June 2018
Author: Neil Hartley (Acting Chief Executive Officer)

Summary

The Mingenew Community Resource Centre as the licence holders of the Mingenew Child Care Centre wish to access funds allocated in the Shire's 2017/18 budget, to undertake various renovation works, including asbestos removal at its Shire leased building. These funds were allocated to Child Care/Playgroup requests in the capital works expenditure budget.

The request is supported on the basis that the Mingenew Community Resource Centre (MCRC) has a long term lease of this Shire owned property, the works are due to commence imminently, and MCRC is a professionally managed organisation.

Attachment

Letter from Mingenew Community Resource Centre (8 June 2018)
Sister Cameron House Improvement Plan

Background

The December 2017 Concept Forum received a deputation from the Mingenew Child Care/Playgroup about a proposal to undertake renovations on the Sister Cameron Day-Care building on Phillip Street.

The deputation outlined the current state of the Day-Care premises, the importance of this service to the community and a summary of its value from a personal perspective, and sought in principal support for the renovation of Sister Cameron House (the Day Care premises).

The Forum acknowledged the importance of the day-car service for the community and that a report be presented to Council for it to consider support for a refurbishment project at the Sister Cameron building on the following conditions:

- That any proposal submitted to Council needs to be supported by the Lessee, the Mingenew Community Resource Centre (and its Board);
- Will need to meet current building standards and access conditions;
- Should be pre-endorsed by the relevant child care regulators to ensure it will pass an onsite audit; and
- That Council consider committing \$30,000 towards to the proposed works (on the basis of a 1/3, 1/3, 1/3 for the total project cost), noting that the present budget already includes \$20,000. If any application for supplementary grants were unsuccessful in then a separate request for Shire funds would be required.

The above proposal has since been modified by the MCRC, and replaced with the attached Sister Cameron House Improvement Plan (noting that this is a working document to assist in discussion and planning and keep all involved and informed). Works to be undertaken include:

- Removal of asbestos from Sister Cameron Building veranda;
- Installation of new ceiling on veranda;

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

- Installation of soft floor to the verandah;
- Enclosing of veranda from weather via zip track blinds and fly screens;
- Electrical works to increase available power points;
- Installation of new doors to veranda and building;
- Installation of new flooring to the interior in front room and kitchen laundry areas;
- Installation of new kitchen to include more storage options and modernised fittings; and
- Plumbing to the kitchen.

These works will be partly funded through the following sources:

- CBH funding received through Shire CDO to complete minor works on veranda;
- Donated goods (e.g. Flat pack kitchen and volunteer time to install); and
- Mingenew CRC and Playgroup funds.

Whilst the project and its funding are linked, the total works and related costs are not firm.

Comment

The applicants would like to commence works at the site in July and were seeking an assurance from Council that the \$20,000 will be available in the 2018/19 budget, and that the funds be made available in July 2018, upon the commencement of its upgrade works. As the Shire's budget is not settled until August, this option is somewhat problematic.

The Council could make that commitment, but on the basis that the MCRC has a long term lease of the property; the works are due to commence imminently and the property is owned by the Shire of Mingenew; and MCRC is a professionally managed organisation; the alternative would be to forward the funds directly to the MCRC now, and condition those funds suitably to protect the Shire's interests. This option is workable on the basis that further allocations of Shire funds are flagged as being required to complete upgrade works and therefore it will be in the MCRC's best interests to ensure that the project is managed well and the Shire's funds are efficiently and accountably spent.

Consultation

President (Mrs Helen Newton) Mingenew Community Resource Centre

Statutory Environment

Local Government Act Section 6.8 (Expenditure from municipal fund not included in annual budget) outlines that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution* (* *Absolute majority required*).

Policy Implications

The proposal is consistent with Council's policy 1.4.2 (Supporting the Community).

Financial Implications

The existing 2017/18 Budget contains an allocation of \$20,000 (made up of two components of \$10,000 each, for the Child Care Facility and the Playgroup).

Strategic Implications

The 2017 – 2021 Corporate Business Plan has a specific objective of maintaining the provision of high quality community infrastructure, with one of its specific actions being to continue to support child care facilities.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.4

Moved: Cr R Newton

Seconded: Cr J Bagley

That Council:

1. Commends and supports the Mingenew Community Resource Centre’s proposal for the upgrade of the Mingenew Child Care facility;
2. Agrees to forward the Shire’s 2017/18 budget allocation of \$20,000 to the Mingenew Community Resource Centre for the upgrade project on the condition it:
 - (a) secures and accounts for that funding separately within its own accounts until it is expended,
 - (b) provides a detailed list of upgrade works/Building Plan that the Shire’s funds will be allocated to and a construction timeline for those works, and that this plan be submitted to the CEO for his endorsement;
 - (c) completes the agreed upgrade works outlined in the Building Plan in a timely manner; and
 - (d) provides a detailed reconciliation of those funds by 31 December 2018 following completion of the project (including returning any unspent moneys to the Shire); and
3. Considers additional funding within the 2018/19 budget, but that it not be distributed to the Mingenew Community Resource Centre until after the reconciliation outlined above and a refined list of “stage 2” upgrade works/Building Plan has been submitted to the Shire.

With the consent of the Mover and Seconder, the motion was modified to read as follows:

That Council (as varied):

1. Commends and supports the Mingenew Community Resource Centre’s proposal for the upgrade of the Mingenew Child Care facility;
2. Agrees to forward the Shire’s 2017/18 budget allocation of \$20,000 to the Mingenew Community Resource Centre for the upgrade project on the condition it:
 - (a) secures and accounts for that funding separately within its own accounts until it is expended,
 - (b) provides a detailed list of upgrade works/Building Plan that the Shire’s funds will be allocated to and a construction timeline for those works, and that this plan be submitted to the CEO for his endorsement;
 - (c) completes the agreed upgrade works outlined in the Building Plan in a timely manner; and
 - (d) provides a detailed reconciliation of those funds by 31 December 2018 following completion of the project (including returning any unspent moneys to the Shire);
 - e) does not include “in-kind” a labour or plant contribution being provided by the Shire of Mingenew as part of the proposed work schedule; and
3. Considers additional funding within the 2018/19 budget, but that it not be distributed to the Mingenew Community Resource Centre until after the reconciliation outlined above and a refined list of “stage 2” upgrade works/Building Plan has been submitted to the Shire.

VOTING DETAILS:

CARRIED 5/0

9.1.5 MINGENEW COMMUNITY RESOURCE CENTRE – FUNDING/SERVICES CONTRACT

Location/Address:	Not Applicable
Name of Applicant:	Mingenew Community Resource Centre
Disclosure of Interest:	Nil
File Reference:	ADM0050
Date:	6 June 2018
Author:	Neil Hartley (Acting Chief Executive Officer)

Summary

On 10 July 2017, the State Government announced the Community Resource Centre (CRC) contracts were to be shortened to 18 months, with current contracts due to expire in March 2019. In MingeneW's case, its 2019/20 funding will be reduced to \$70,000pa (from \$92,000) a reduction of \$22,000.

The MingeneW Community Resource Centre has made application to the Shire for an allocation from the Shire's 2018/19 Budget. The allocation is for \$20,150 and is on the basis that the MCRC will (under the Shire's direction) undertake several community development activities, namely, Seniors Activities, Biggest Morning Tea, Anzac Service, Christmas Tree, and Community Activities.

It is proposed that the application be supported on the basis that it will enable a critical local service to survive, and that existing staff hours for Shire staff will be "freed up" to enable other important governance operations to be undertaken.

Attachment

Letter from MingeneW Community Resource Centre
Letter from Department of Regional Development (30 April 2018)

Background

On 10 July 2017, the State Government announced the Community Resource Centre (CRC) contracts were to be shortened to 18 months, with current contracts now due to expire in March 2019. Community Resource Centres across Western Australia are being put under duress by these reductions in State Government funding. In MingeneW's case, its funding will be reduced to \$70,000pa (from \$92,000) a reduction of \$22,000 in 2019.

The Hon. Alannah MacTiernan MLC has rejected Western Australian Local Government Association State Council's request to reverse the decision and WALGA has requested that CRCs in Local Governments are involved in the development of innovative service delivery models. The Department of Primary Industries and Regional Development (DPIRD) is producing an options paper to assist in identifying the best way forward.

The MingeneW Community Resource Centre (MCRC) was originally established to provide information technology, internet access and resources to the MingeneW community. It currently provides a number of services for local community members and business, like computer and internet for those without access. It also has a government computer for customers to use for any government related business, and is a Centrelink Access point. In addition, the MCRC runs the MingeneW Post Office and the MingeneW Education & Care Centre.

The MingeneW Community Resource Centre has made application to the Shire for an allocation from the Shire's forthcoming 2018/19 Budget. The allocation is for \$20,150 and is on the basis that the MCRC will (under the Shire's direction) undertake several community development activities, namely, Seniors Activities, Biggest Morning Tea, Anzac Service, Christmas Tree, and Community Activities.

Comment

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

The amount of the funding cut in the context of the State Government's budget is quite insignificant, however the impact on small local communities that have CRC's is going to be very detrimental.

In Mingenew's case, the MCRC cannot continue to provide its suite of services without that funding and it now seeks supplementary moneys from the Shire of Mingenew to maintain important local services that go to providing a basic quality of life for Mingenew residents.

Questions that need to be considered if the MCRC were to cease operating include, what will happen to the capacity of the Post Office to service its local clients, and will the Childrens' Day Care Centre survive? Also, will the Video Conferencing facilities be able to be maintained?

CRC's have historically provided key social impact items including programs, projects and events. These items should not go un-noticed. The social benefits from these activities greatly outweigh the dollar cost in rural and remote areas such as Mingenew, where social isolation contributes to multiple health related issues, including mental health disorders. CRC's such as Mingenew need to be able to continue to provide these key social services to the community.

Restoring the CRC funding will not make a significant adverse difference to the State's budget, but it will make a sizeable difference to family health and wellbeing in all rural communities.

Of the above for \$20,150 proposed funding, \$15,500 is already included as existing Shire costs for these activities. The nett effect of the above if funded, will be that the Shire's expenses will increase by \$4,650/annum, and that it will free up officer time (principally through the Community Development Officer) to undertake other governance activities.

Consultation

President (Mrs Helen Newton) Mingenew Community Resource Centre

Statutory Environment

Section 3.1. (General Function) of the Local Government Act outlines that the general function of a local government is to provide for the good government of persons in its district.

Section 6.2 (Local government to prepare annual budget) requires that local governments are to prepare and adopt an annual budget in the form and manner prescribed.

Policy Implications

Purchasing Policy (1.3.1).

Financial Implications

The Mingenew Community Resource Centre's application is for an allocation from the Shire's 2018/19 Budget. The allocation is for \$20,150 (made up of five allocations which require it to provide individual community development services, namely (Seniors Activities \$12,000, Biggest Morning Tea \$1,000, Anzac Service \$1,000, Christmas Tree \$3,900, and Community Activities \$2,250).

Of the above, \$15,500 is already included as existing Shire costs for these activities.

Xmas Tree	3900
ANZAC	1000
BMT	1000
Seniors activities	3600
Community Activities	5000
Community workshops and meetings	1000
Total	15500

The nett effect of the above if funded, will be that the Shire's expenses will increase by \$4,650/annum, and that it will free up officer time (principally through the Community Development Officer) to undertake other governance activities.

Strategic Implications

There is no mention of the Mingenew Community Resource Centre within the 2017 – 2021 Corporate Business Plan, however it does have a specific objective of developing a safe and welcoming community where everyone has the opportunity to contribute and belong, with specific actions to continue to develop senior's facilities and to continue to provide facilities to support local community organisations.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.5

Moved: Cr R Newton

Seconded: Cr K McGlenn

That Council:

1. **Acknowledges the historic support provided by the Mingenew Community Resource Centre to the Mingenew district's community;**
2. **Agrees to include in the 2018/19 budget for consideration, an allocation to the Mingenew Community Resource Centre of \$20,150 for the purposes of conducting a range of community development activities, namely:**
 - a) **Seniors Activities** \$12,000,
 - b) **Biggest Morning Tea** \$1,000,
 - c) **Anzac Service** \$1,000,
 - d) **Christmas Tree** \$3,900, and
 - e) **Community Activities** \$2,250.
3. **Requires the Chief Executive Officer to establish suitable control measures to ensure that the Shire funds allocation to the Mingenew Community Resource Centre are being accountably managed and are resulting valuable community service levels being achieved; and**
4. **Expresses its disappointment with the State Government for its decision to reduce funding and contracts with Community Resource Centres across Western Australia (as the costs saved by that decision will be felt disproportionately by rural communities and will lead to a lowering of the standard of living and the wellbeing of families across rural Western Australia) and asks that CRC funding across Western Australia be reinstated no later than in the 2019/20 budget, and earlier if state budget conditions improve sufficiently to do so.**

VOTING DETAILS:

LOST 2/3

5.35pm - Pr Newton returned to the Council Chamber and resumed as Chair.

9.1.6 YARAGADEE BRIDGE – APPROVAL FOR DETOUR

Location/Address: Mingenew/Mullewa Road
Name of Applicant: Main Roads WA (MRWA)
Disclosure of Interest: Nil
File Reference: ADM0436
Date: 7 June 2018
Author: Neil Hartley (Acting Chief Executive Officer)

Summary

Yaragadee Bridge is in need of replacement and Main Roads WA (MRWA) is working with the Shire to progress that outcome. MRWA requires the Shire to confirm the detour proposal, so that it can progress the funding application for the upgrade work.

Attachment

Bridge 0833 Traffic Control Diagram (MRWA)

Background

The Main Roads Asset Management Branch has identified that the Yaragadee Bridge (Main Roads Structure 0833) requires upgrading. Yaragadee Bridge abutment works were recently undertaken and require redoing at frequent intervals.

Earlier this year Shire and Main Roads representatives undertook a site visit of the bridge and various opportunities for the project and options for repairing or replacing the bridge were considered. The Shire also highlighted at the meeting, that increasing the Mingenew-Mullewa road from a RAV 5 route to RAV 7 would be advantageous.

At the site visit it was discussed that the detour used for previous abutment works (see attached) would allow the bridge to be replaced on the existing alignment.

The bridge location, including potential realignments, have now been investigated and MRWA has concluded that the existing bridge location is preferred as it allows the bridge to cross the river at a perpendicular angle. An aboriginal heritage survey has been undertaken and a waterways assessment will soon be commenced.

Funding to develop the project has been allocated in an arrangement of 1/3 contribution from Main Roads (\$81,667) and a 2/3 contribution from Shire of Mingenew (\$163,334) equating to a total of \$245,001. Once the aforementioned business case/ design development work has been undertaken, the ideal timing would be to replace the bridge before the abutment repairs are again required (thought to be required within the next two years).

Agreement of the Shire of Mingenew to use of the Depot Hill Road Detour is needed in order that MRWA can pursue funding through the WA Local Government Grants Commission for the bridge's construction. The following factors are relevant to the consideration of that decision:

1. Construction is likely to be for a period of approximately five months;
2. The timing of construction would be scheduled outside of the grain harvest to minimise disruption to carting;
3. Due to the depth of the Irwin River, constructing any alternative and shorter detour adjacent to the existing bridge would be at a significant cost (as a temporary bridge/culvert system would likely be required);
4. The new bridge will be designed and constructed to facilitate access for RAV 7 vehicles; and
5. It is understood that the landholder directly north of the Yaragadee bridge would have access, for light vehicles, through private property.

Comment

It is unfortunate due to prior commitments that MRWA representatives could not be available for the June Council Meeting to discuss the proposal, but if Council wished to defer the item until July, Mr Bernie Miller (Regional Manager – Midwest/Gascoyne) would be able to visit Mingenew to outline the research that has preceded its recommended detour route. It is not suggested that Mr Miller's attendance might draw out an alternative option for the by-pass, but it would enable Councillors to be fully conversant with the research that was undertaken which concluded that the proposed "Depot Hill Road Detour" is the most practical option.

Consultation

Whilst there might be a general awareness of the bridge's eventual replacement within the community, there has been no specific community consultation conducted in recent times, and particularly not in regard to the detour, which will be seen by many as being onerous, notwithstanding the long term benefits of having a functional bridge on this well used Mingenew Mullewa Road.

Council might like to consider at what level it wishes to consult with the stakeholders of the Mingenew/Mullewa Road in regard to these works. It would seem from discussions with MRWA that the bypass proposes is the most realistic option and if that is agreed, then timely and thorough informing of the community of the proposal will be the most appropriate course of action (as opposed to inviting the views of road users of the proposal, when the outcome is unlikely to be altered).

Statutory Environment

Nil.

Policy Implications

Policy 1.3.2 (Asset Management) outlines that the Shire is commitment to sustainable management of Shire's assets and its commitment in delivering service levels. Achieving this objective in an affordable and sustainable manner requires strategic and long-term approach to asset planning and management and part of that process includes community and key stakeholder consultation in regard to those expected levels of service.

Financial Implications

Whilst the Shire is making a commitment to the cost of the works, those funds are being sourced entirely from WA Grants Commission "Bridge Funding" moneys. Those funds are only available for bridge type works, and would not be otherwise available to Mingenew. There is therefore no cost to the ratepayers of the Shire.

Strategic Implications

The Corporate Business Plan 2011-21 outlines in one of its actions that the Shire needs maintain and improve road assets.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.6

Moved: Cr C Lucken

Seconded: Cr J Bagley

That Council:

- 1. Supports the replacement of the Yaragadee Bridge and endorses the "Depot Hill Road Detour" as outlined in the attachment of this item, in order that MRWA can pursue the necessary funding through the WA Local Government Grants Commission for the bridge's construction; and**
- 2. Requires that the Mingenew community be informed of this position and that when funding is approved, a widespread information campaign be progressed in cooperation with Main Roads WA.**
- 3.**

VOTING DETAILS:

CARRIED 6/0

9.1.7 ACQUISITION OF GRAVEL POLICY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	ADM0489
Date:	12 June 2018
Author:	Belinda Bow, Governance Officer

Summary

The Shire is finding it increasingly difficult to obtain gravel supplies for the construction and maintenance of its road programs and also, as more local governments across the region are offering royalty compensation for this resource, some landowners are now suggesting a similar benefit be introduced in Mingenew.

To address the aforementioned concerns and streamline the process of gravel procurement, Council is requested to consider the adoption of the proposed 'Gravel Acquisitions' Policy and set a standard compensation limit per cubic metre.

Attachment

- Attachment 1 Proposed 'Gravel Acquisitions' Policy
- Attachment 2 Main Roads Operational Guidelines 95
- Attachment 3 Shire of Dandaragan Minutes

Background

The Shire uses a significant amount of gravel as part of the construction and maintenance of its Capital Works Program. Historically this has been procured from landowners throughout the district in an informal manner based around the proximity of appropriate gravel sources to each specific capital works project location.

The Shire is finding it increasingly difficult for a variety of reasons, to obtain gravel supplies for the construction and maintenance of its road programs, namely:

- a) Differing gravel royalties being requested by landowners for access to gravel;
- b) The lack of incentives for land owners to assist in the supply of gravel to the Shire;
- c) An unclear position of the Shire on gravel acquisition; and
- d) The lack of consistency in the current gravel procurement process.

Gravel procurement has and is generally undertaken via the Works Manager/Supervisor identifying an appropriate location and source of gravel within the Shire and approaching the landowner with a request to donate/purchase a quantity of gravel for each specific project. However due to a lack of incentives for land owners to assist the Shire in securing gravel supplies and, a lack of understanding on both the Shire and landowners part, with regards to the powers afforded to the Shire under the local Government Act 1995, the Shire has on occasion paid landowners to secure supplies of gravel. Furthermore, the approach to payment of gravel has been inconsistent with the Shire paying varying amounts to landowners depending upon the outcome of negotiations.

The above circumstances have set a precedent and the Works Supervisor is now finding it increasingly difficult to obtain gravel supplies without some form of monetary compensation to the landowner being negotiated.

Comment

By Council adopting a policy on gravel acquisition to refine parameters of procurement, the process of securing gravel for use on public roads will be fair, equitable and transparent to all land owners within the district.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

A policy has been drafted for Council to review that is aligned with:

- a) The compensation rate and principals set by surrounding Shires of the region; and
- b) The compensation rate set by Main Roads (see attachment 2).

Also included at Attachment 3 is a report extracted from the Shire of Dandaragan's website which details the unit rates other Shires paid in 2014 for gravel, taken from a survey conducted by the Shire of Moora in 2014. This will give Council an overview of the level other Shires within the Region compensate landowners.

To further clarify for the benefit of Councillors the options the Shire currently has for acquisition of gravel, the powers afforded to the Shire by the Local Government Act 1995 (LGA) are clearly articulated within the proposed policy.

Under s3.27 of the LGA a Local Government, subject to the due process as prescribed by the Act, a local government can enter into private property within its district, without the landowners consent, to search for road building materials (Schedule 3.2 of the LGA). If located and an agreement cannot be negotiated with the land owner or his/her representative for extraction then a local Government, again subject to the due process as prescribed by the Act, is permitted to enter into the property and *"Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the Local Government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate"* (Schedule 3.2 of the LGA).

The proposed policy authorises the Chief Executive Officer to determine, if in the best interests of the public, when to proceed under the Local Government Act 1995 to secure gravel supplies. The proposed policy also stipulates the Shire's responsibilities under legislation in regards to damages sustained through the Shire's performance of its functions under the Local Government Act.

Consultation

Neil Hartley Chief Executive Officer
Rocky Brennan Works Supervisor

Statutory Environment

Local Government Act 1995

Section 3.27. Particular things a Local Government can do on land that is not Local Government Property

- (1) A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.
- (2A) In subsection (1) land includes Crown land the subject of a pastoral lease within the meaning of the *Land Administration Act 1997* section 3.
- (2) Schedule 3.2 may be amended by regulations.
- (3) If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as the site or curtilage of a building or has been developed in any other way, or is cultivated.
- (4A) For the purposes of subsection (3), planting pasture on land for grazing does not amount to cultivating the land.
- (4) Nothing in subsection (3) prevents regulations amending Schedule 3.2 from stating that subsection (3) applies, or excluding its application, in relation to a particular matter.

Section 3.36. Opening fences

- (1) This section applies only if it is expressly stated in Schedule 3.2.
- (2) Subsection (1) does not prevent regulations amending Schedule 3.2 from stating that this section applies, or excluding the application of this section, in relation to a particular matter.

- (3) If this section applies and it is not practicable to enter land that is fenced through the existing and usual openings in the fence, the local government may, on giving 3 days' notice in writing to the owner or occupier of the land that it intends to do so, open the fence.
- (4) If it opens the fence the local government is to provide at the opening an effective gate or, if the owner of the land agrees, a device across the gap in the fence that enables motor traffic to pass through the gap and prevents the straying of livestock through the gap.
- (5) If a gate is provided a person who, without the occupier's consent, leaves the gate open when it is not in use commits an offence.
- (6) If a gate is provided, when the local government no longer requires the opening, it is to immediately remove the gate and make good the fence unless the owner agrees to its retention.
- (7) The owner and occupier may, in a particular case, relieve the local government of any obligation that it has under this section.

Schedule 3.2 — Particular things local governments can do on land even though it is not local government property [Section 3.27(1)]

1. Carry out works for the drainage of land.
2. Do earthworks or other works on land for preventing or reducing flooding.
3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.
Section 3.36 applies.
Section 3.27(3) applies.
4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.
Section 3.36 applies.
Section 3.27(3) applies.
5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.
Section 3.36 applies.
Section 3.27(3) applies.
6. Place on land signs to indicate the names of public thoroughfares.
7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.

Policy Implications

Implementing a Gravel Supply Policy would result in an increase in the cost attributed to works as set by the current policy. However having a policy on gravel acquisition will allow some clarity and give guidelines to staff when dealing with landowners whilst trying to source sand.

The authority to administer this policy is provided by the delegations register.

Financial Implications

Any increase in the royalty to the landowners will affect the road works programme by increasing the cost of works. Quantities for individual projects are to be determined during the annual budget development process and costed using the proposed rate per cubic metre as decided upon by Council.

The annual gravel requirements of the Shire will vary, but an annual quantity of between 15,000m³-24,000m³ can be used as a guide (based on last 3 years figures). In dollar terms, this would equate to between \$30,000-\$48,000pa in royalty payments (depending on the quality of the gravel and the royalty price set by Council).

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

The Shire already pays for gravel but on an “ad-hoc” basis, with costs for the last two years being in the order of \$12'475pa; The anticipated increase in annual costs, exclusive of the costs to push up (\$3m3) and rehabilitate pits (\$1.50m3) will therefore be approximately \$35,525pa.

These royalty costs are charged against the roadworks project, some of which are grant funded, and some of which are ratepayer funded. The end result of now paying for a supply not historically paid for, means that less roadworks are achieved for the moneys historically available to undertake the job.

The other challenge is how does Council ensure equity across its ratepayers? Some landowners will not wish to provide gravel, even with a royalty, whilst others might not have gravel on their property, even if they would have been prepared to have provided it free of charge. It is suggested that to ensure that every ratepayer makes a contribution to the cost of the royalty payments, that the annual estimated royalty cost be included as a “specific” increase in the rates for 2018/19, which represents a rate increase of between approximately 0.6 and 1.7%. A single increase of say 1.5%, would greatly assist the Shire’s capacity to meet a royalty commitment, whilst still providing a reasonable level of roadworks asset management.

Strategic Implications

This proposal will support the achievement of the following objectives and strategies detailed in the Community Strategic Plan:

- Outcome 4.2.1 Continue to deliver quality local government services
- Outcome 2.5.1 Maintain and improve road assets.

Within the Corporate Business Plan, Project 11: Roads Program, which encompasses the upkeep and management of the Shire’s road program, has been deemed High Priority.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.7

Moved: Cr C Lucken

Seconded: Cr J Bagley

That Council:

- 1. Adopt the proposed ‘Gravel Acquisitions’ Policy as per Attachment 1, effective from July 1st 2018;**
- 2. Confirms that Council will pay all landowners for the supply of gravel, inclusive of landowners whose lands are situated outside of Shire boundaries, up to a maximum rate of \$2 per cubic metre, subject to provisions of the policy; and**
- 3. Includes in the 2018/19 budget, a specific 1.5% rate increase, to enable the equitable implementation of this Policy.**

With consent of the Mover and Seconder, the motion was modified to read as follows:

That Council (as varied)

- 1. Adopt the proposed ‘Gravel Acquisitions’ Policy as per Attachment 1, effective from July 1st 2018;**
- 2. Confirms that Council will pay all landowners for the supply of gravel, inclusive of landowners whose lands are situated outside of Shire boundaries, up to a maximum rate of \$2 per cubic metre, subject to provisions of the policy.**

VOTING DETAILS:

CARRIED 6/0

REASON FOR CHANGING THE OFFICER RECOMMENDATION:

Council to include the gravel cost projections within the 2018/19 budget and attempt to absorb the cost without a stipulated rate rise.

9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2018

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 14 June 2018
Author: Martin Whitely, Consultant
Senior Officer: Neil Hartley, Acting Chief Executive Officer

Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 May 2018 is presented to Council for adoption.

Attachment

Finance Report for period ending 31 May 2018

Background

The Monthly Financial Report to 31 May 2018 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

Comment

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Fund & Cash on Hand	\$904,652
Restricted Funds (Unspent Grants) – 3 Month Term Deposit @ 2.45%	\$583,500
Trust Fund	\$58,784
Reserve fund (6 Month Term Deposit) @ 2.55%	\$401,872

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 31 May 2018;

	Current	30+ Days	60+ Days	90+ Days	TOTAL
Amount	1,653	21,755	650	52,997	77,055

Rates Outstanding at 31 May 2018 were:

	May 2018	April 2018
Rates	49,330	111,182
Rubbish	3,981	10,187
ESL	1,948	2,415
TOTAL	55,259	123,784

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2017/18 financial year.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 20 June 2018

- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

Financial implications are outlined in comments.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.2.1

Moved: Cr R Newton

Seconded: Cr C Lucken

That the Monthly Statement of Financial Activity for the period 1 July 2017 to 31 May 2018 be received.

VOTING DETAILS:

CARRIED 6/0

9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 MAY 2018

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Disclosure of Interest: Nil
Date: 15 June 2018
Author: Martin Whitely, Consultant
Senior Officer: Neil Hartley, Acting Chief Executive Officer

Summary

This report recommends that Council confirm the payment of creditors for the month of May 2018 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).

List of Payments
Payroll, Licensing & Credit Card

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 1996, Section 6.4
Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM. 9.2.2

Moved: Cr C Lucken

Seconded: Cr J Bagley

That Council confirm the accounts as presented for May 2018 from the Municipal & Trust Fund totalling \$366,594.01 represented by Electronic Funds Transfers of EFT 11504 to 11604, Direct Deduction DD 8474.1, 2, 3, 4, 5 & 6, DD 8475.1, 2, 3, 4, 5 & 6, DD 8476.1, 2, 3, 4, 5 & 6 and Municipal Cheque numbers 8555 to 8555.

VOTING DETAILS:

CARRIED 6/0

9.3 ADMINISTRATION

Nil

9.4 TOWN PLANNING

9.4.1 PROPOSED AQUACULTURE DEVELOPMENT

Location/Address: 2200 (Lot 50) Midlands Road, Mingenew
Name of Applicant: I Pulbrook
Disclosure of Interest: Nil
File Reference: ADM0075
Date: 11 June 2018
Author: Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Senior Officer: Neil Hartley, Chief Executive Officer

Summary

Council is in receipt of an application to establish an aquaculture operation upon 2200 (Lot 50) Midlands Road, Mingenew. The application has been advertised for comment and this report recommends that Council grant conditional approval.

Attachment

Attachment 9.4.1(a) - Copy of submitted development application & site photographs

Attachment 9.4.1(b) - Copy of received submissions

Background

Lot 50 is a 181.1576ha property approximately 8km south-east of the Mingenew townsite, located on the eastern side of Midlands Road. The property contains a tree nursery and is also used to grow asparagus, jojoba and agist stock.

Figure 9.4.1(a) – Location Plan for 2200 (Lot 50) Midlands Road, Mingenew



The applicant has constructed a test pond and now seeks approval to operate a commercial aquaculture business that would consist of 10 freshwater aquaculture ponds approximately 25m x 40m, and 2.5-3.5m

deep for marron and perch. The development site would be to the immediate west of the existing tree nursery and would not require the clearing of remnant vegetation. The associated traffic movements would utilise the existing crossover/driveway location that would continue to only be used for private access (i.e. no public access to the site).

The submitted application, along with site photographs that elaborate upon this proposal have been provided as **Attachment 9.4.1(a)**.

Figure 9.4.1(b) – Aerial Photograph of 2200 (Lot 50) Midlands Road, Mingenew



Comment

Shire staff do not raise objection to the proposed aquaculture development on the following basis:

- the intended location for the aquaculture ponds is setback from the property boundary, with the closest pond approximately 200m away from the nearest (southern) property boundary, and the farming operations upon the neighbouring property are setback a further similar distance again;
- the applicant does not propose to alter or dam any watercourses;
- the applicant does not propose to permit public access to the dams and the anticipated traffic movements associated with the activities would not be a significant variation to those currently associated with the existing operations upon the property;
- whilst the issue of spray drift from surrounding properties has been raised as a potential concern it is considered that there is ability to successfully manage this through both the applicant maintaining screening landscaping and neighbouring landowners continuing to give regard for reasonable and practicable measures to limit the impact of chemical spray drift;
- the proposed development would provide further economic diversification within the Shire; &
- the proposed development would have limited visual impact given the site is not visible from Midlands Road and there would be no requirement for clearing of remnant vegetation.

Consultation

The Shire wrote to the landowners of the 5 surrounding properties, and also the Department of Primary Industries & Regional Development, Department of Water & Environmental Regulation, Department of Health and Main Roads WA inviting comment on 11 May 2018. At the conclusion of the advertising period on 1 June 2018, 3 submissions had been received, 1 being from a neighbouring landowner and 2 from government agencies (Department of Primary Industries & Regional Development and Main Roads WA) offering technical comment.

A copy of the received submissions have been provided as **Attachment 9.4.1(b)**.

In summary, the most significant issue raised during the submission period concerned the potential impact of spray drift upon the proposed aquaculture operation from surrounding broadacre farming operations.

A neighbouring landowner advised of their support for the proposed aquaculture development so long as it did not restrict their own farming practices, including the use of registered farm chemicals and fertilisers and their application methods e.g. boomsprays and aerial spraying.

The Department of Primary Industries & Regional Development also raised this issue noting:

“Depending on the crop, the time of the year and the management options, a range of sprays may be used for broadacre production. There can be bare earth applications at crop sowing; insect control may be needed in the spring time; there may also be a need for herbicides and fungicides. Many of the sprays are ground based, but if there are accessibility or biosecurity issues, aerial spraying may be used.

DPIRD believes that there is potential for significant conflict. Crustacea in particular can be very sensitive to insecticide, usually from overspray, rather than drift.

As most aquaculture ventures are new, they tend to have significant teething problems and these problems may be ascribed to chemical use by neighbours despite the real causes. However, it is likely that various people will be called in to assess any problems with production and this can be a time consuming exercise.

In the Great Southern region, there has been significant conflict between marron farmers and neighbouring grape growers. While the pesticide use in broad acre agriculture is much less, generally there should be few problems if applicators are aware of the risks to the aquaculture operation, follow the label instructions and apply other mitigating strategies.

DPIRD recommends that the aquaculture proponent discuss his plans with his neighbours and work together to reduce risk of conflict. He needs to consider the products that are currently used in the area. We suggest that various pond or production units are set back from the boundary by at least the largest buffer zone. Also consider creeks flowing through the property and where they will source their water from.

Lastly, DPIRD has the expectation that the proponent has an aquaculture licence and will be guided by current industry Environmental Code of Practice standards for land-based aquaculture industry.”

Statutory Environment

Lot 50 Midlands Road, Mingenew is zoned ‘Rural/Mining’ under the Shire of Mingenew Local Planning Scheme No.3 (‘the Scheme’).

Section 1.5(d) of the Scheme lists one of the purposes of the Scheme as being to “control and guide land use and development” whilst Section 1.6 lists one of the aims of the Scheme as being to “encourage new industries and businesses”.

Section 4.2 of the Scheme lists the objectives of the ‘Rural/Mining’ zone as being:

“The use of land in the Rural-Mining Zone shall be consistent with the following objectives:

- to provide for rights of vehicular access, unfettered as to time, location and circumstance, to any land subject of a planning approval;*
- to ensure the preservation of the rural character and appearance of land within the zone;*

- *to protect the economic viability of agricultural production via support only for subdivision or boundary relocation which retains or results in lot or location sizes which facilitate ongoing agricultural activity.*
- *to preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any planning consent issued, in order to assist in balancing the greenhouse effect, provide shade, prevent erosion, reduce salinity and provide habitats for native fauna.”*

The proposed use can be deemed to meet with the definition of both ‘agriculture-intensive’ and ‘aquaculture’ which are defined by the Shire of Mingenew Local Planning Scheme as follows:

“agriculture—intensive means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;*
- (b) the establishment and operation of plant or fruit nurseries;*
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or*
- (d) aquaculture”*

“aquaculture means any fish farming operations for which a fish farm licence issued pursuant of the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.”

The Scheme lists both ‘agriculture-intensive’ and ‘aquaculture’ as uses that must be advertised prior to Council’s determination.

Section 5.23.5 of the Scheme states that:

“In determining the establishment of intensive agricultural pursuits, and extractive industries on land zoned Rural/Mining, Council shall seek to ensure that the environment and landscape qualities of the locality are not detrimentally affected, that adequate provision is made for any intensive use of rural roads, and that there is no conflict with existing rural activities undertaken in the area.”

Policy Implications

The Western Australian Planning Commission have prepared Statement of Planning Policy 2.5 ‘Rural Planning’ which notes that:

“WAPC policy in regard to intensive agriculture is:

- (a) intensive agriculture is generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed;*
- (b) intensive agriculture sites of State significance should be protected from encroachment;*
- (c) in considering buffer distances between intensive agriculture and sensitive land uses, the requirements of clause 5.12 should be observed, and the following matters may also affect the buffer –*
 - (i) types of chemicals used and their method of application;*
 - (ii) the characteristics of the site/s, including vegetation, topography and prevailing winds;*
 - (iii) potential mitigation approaches, including fencing, vegetation buffers, open space, road reserves and other compatible uses; and*
 - (iv) potential staging and/or expansion intention of the intensive agriculture operator; and*

- (d) *where an intensive agriculture proposal may affect the nutrient load of a river, estuary or associated tributary and the system and/or its receiving water body has no further capacity to assimilate nutrients without an adverse impact on ecosystem health, a reduction in nutrient export is to be demonstrated.”*

Financial Implications

The application would not have a budgetary impact to Council.

Strategic Implications

The development of intensive agriculture and aquaculture, where not in conflict with existing agricultural operations, would assist in meeting the objective of the Shire of Mingenew Strategic Community Plan “to be a diverse and innovative economy with a range of local employment opportunities.”

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.4.1

Moved: Cr R Newton

Seconded: Cr J Bagley

That Council grant formal planning approval for the establishment of an aquaculture operation upon 2200 (Lot 50) Midlands Road, Mingenew subject to compliance with the following:

Conditions:

- 1 Development shall generally be in accordance with plans included within Attachment 9.1.1 to the Council Agenda report and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2 Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.**
- 3 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of waste product, nutrient, water, noise, odour or otherwise.**
- 4 The applicant shall maintain screening landscaping about the development to assist in reducing potential land use conflicts with surrounding agricultural land uses.**

Notes:

- (a) The applicant is advised that the proposed aquaculture development is located within a rural area where a range of sprays may be used for broadacre production. Whilst it is the expectation of all rural landowners to use best practice when undertaking spraying there remains the potential for the proposed aquaculture development to be impacted.**
- (b) Main Roads WA have raised no objection to the proposed development based on the access onto Midlands Road being for private access only associated with the aquaculture operations and farming activities within Lot 50. In the event that the landowner considers further use intensification of the site they are advised to contact Main Roads WA to discuss whether this may require further works or relocation of the access.**
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation from State Government agencies, including but not limited to the following where required, the Department of Primary Industries & Regional Development, the Department of Water & Environment Regulation, and the Department of Health. It is the applicant’s responsibility to obtain any additional approvals required before the development/use lawfully commences.**

- (d) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

VOTING DETAILS:

CARRIED 6/0

9.5 BUILDING

Nil

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

11.1 ELECTED MEMBERS

Nil

11.2 STAFF

Nil

12.0 CONFIDENTIAL ITEMS

12.1 TENDERS – WA NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS – FLOOD DAMAGE SUPERVISOR

5.53pm - COUNCIL DECISION - MEETING CLOSED TO THE PUBLIC

Moved: Cr R Newton

Seconded: Cr C Lucken

That the meeting be closed to members of the public in accordance with Section 5.23 of the Local Government Act to allow Council to discuss a matter that concerns a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

VOTING DETAILS:

CARRIED 6/0

COUNCIL DECISION – ITEM 12.1

Moved: Cr C Lucken

Seconded: Cr K McGlenn

That Council:

1. Accepts the tender from Remote Roads Pty Ltd with Malcolm Taylor being the proposed Supervisor to undertake the Flood Damage Supervisor responsibilities for the WANDRRA program of works, at the prices outlined in its tender, SUBJECT TO it (a) being able to provide confirmation of the required level of Professional Indemnity Insurance within the next seven days, and (b) providing a suitable disclosure regarding conflict of interest; and
2. Authorises the CEO to negotiate, execute and manage the Contract including and variations, provided those variations do not exceed the allocated budget provision, or significantly vary from the overall scope.
3. Further resolves that if Remote Roads Pty Ltd cannot accommodate the conditions as outlined in (1) above, then Council accepts the tender from Pro Earth Civil to undertake the Flood Damage Supervisor responsibilities for the WANDRRA program of works, at the prices outlined in its tender; and authorises the CEO to negotiate, execute and manage the Contract including and variations, provided those variations do not exceed the allocated budget provision, or significantly vary from the overall scope.

VOTING DETAILS:

CARRIED 6/0

5.58pm - COUNCIL DECISION - MEETING RE-OPENED TO THE PUBLIC

Moved: Cr R Newton

Seconded: Cr J Bagley

That the meeting be re-opened to members of the public and the resolutions passed be read out if there are any public attendees present.

VOTING DETAILS:

CARRIED 6/0

NOTE: No public were present when the meeting re-opened from behind closed doors.

13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 18 July 2018 commencing at 4.30pm.

14.0 CLOSURE

The President thanked all for attending and declared the meeting closed at 6.02pm.