



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

Wednesday 22 August 2018

PROCEDURE FOR PUBLIC QUESTION TIME, DEPUTATIONS, PRESENTATIONS AND PETITIONS AT COUNCIL MEETINGS

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

Petitions A formal process where members of the community present a written request to the Council.	Deputations A formal process where members of the community request permission to address Council or Committee on an issue.	Presentations An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government
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PROCEDURE FOR DEPUTATIONS

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business. Any person or group wishing to be received as a deputation by the Council shall send to the CEO an application:

- I. Setting out the agenda item to which the deputation relates;
- II. Whether the deputation is supporting or opposing the officer's or Committee's recommendation; and
- III. Include sufficient detail to enable a general understanding of the purpose of the deputation.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281192 or email governance@mingenew.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- I. is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- II. is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- III. additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

PROCEDURE FOR PRESENTATION

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281102 or email governance@mingenew.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received / awarded by the Shire President or an appropriate Councillor.

PROCEDURE FOR PETITIONS

Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

PROCEDURE FOR PUBLIC QUESTION TIME

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the Local Government Act 1995) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the Shire of Mingenew Standing Orders Local Law 2017:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to two (2) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

- During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.
- Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.
- Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

Table of Contents

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	5
2.0	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	5
3.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.0	PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	5
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	7
6.0	DECLARATIONS OF INTEREST	7
7.0	CONFIRMATION OF PREVIOUS MEETING MINUTES	7
	7.1.1 ORDINARY MEETING HELD 18 JULY 2018.....	7
8.0	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	7
9.0	OFFICERS REPORTS	7
9.1	CHIEF EXECUTIVE OFFICER.....	7
	9.1.1 MINGENEW NETBALL COURTS – DESIGN & CONSTRUCTION PLAN	7
	9.1.2 CREDIT CARD POLICY	11
	9.1.3 MINGENEW WASTE TRANSFER STATION – RESTRICTED ACCESS CONSIDERATION AND COMMUNITY CONSULTATION	13
9.2	FINANCE	18
	9.2.1 ADOPTION OF 2018/19 BUDGET	18
	9.2.2 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 JULY 2018	23
	9.2.3 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 JULY 2018.....	26
9.4	TOWN PLANNING	28
	9.4.1 PROPOSED OUTBUILDING EXTENSION, MINGENEW BAKERY	28
9.5	BUILDING	39
10.0	ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	39
11.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	39
11.1	ELECTED MEMBERS	39
11.2	STAFF	39
12.0	CONFIDENTIAL ITEMS.....	39
13.0	TIME AND DATE OF NEXT MEETING	39
14.0	CLOSURE.....	39

SHIRE OF MINGENEW

MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 22 AUGUST 2018 COMMENCING AT 4.30pm

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President HM Newton declared the meeting open at 4.25pm and welcomed all in attendance.

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

HM Newton	President	Town Ward
KJ McGlinn	Councillor	Town Ward
RW Newton	Councillor	Rural Ward
JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward

STAFF

N Hay	Chief Executive Officer
C Delmage	Finance Manager
B Bow	Governance Officer
E Budrikis	Community Development Officer

APOLOGIES

CR Lucken	Deputy President	Town Ward
LM Eardley	Councillor	Town Ward

VISITORS

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

The following question was submitted prior to the Council meeting for response.

4.1 Jenny Thomas, Mingenew

(as supplied)

Question 1

a) It has been noted that the advert for the Shire of Mingenew is currently being aired on TV during prime time television shows. Given this is an expenditure of rate payers money is a study being undertaken to determine the economic benefit back to:

- i. Businesses located within the town of Mingenew;
- ii. Mingenew Midwest Expo, a marquee event for the district; and
- iii. The Shire of Mingenew.

b) Will the results of the economic benefit analysis be made publically available to the community of Mingenew.

Response

Thank you for your question on this matter. Tourism development and promotion was identified as the #1 priority in the Shire's 2013-2017 Corporate Business Plan. This was reflected in the rebranding that has taken place in recent years, and the ongoing marketing and promotions in support of that. As part of a wider marketing

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

strategy for the Shire (which also includes digital media, billboards and other avenues) Council has, as you note, been undertaking television advertising.

In answer to your question: Council receives regular reporting on the performance of its advertising campaign and, through associated analytics as well as anecdotal sources, attempts to monitor the impact of this marketing on the Shire, local business and major local events (including Expo and the Races). The following is an excerpt from a recent report provided to Council by the company engaged to manage this process:

“In July, we used regional TV to reach out to regional Western Australia, and in particular the driving/wildflower market. The Mingenew brand reached a cumulative (surveyed) audience of 453,000 viewers and was seen 1.8 times per viewer.

Post analysis of the campaign to date - On GWN, 7Two & 7mate our paid spots all ran as booked and all of the bonus commercials ran as booked. GWN7 over-delivered on the anticipated audience by a significant margin. Add to that the number of people who saw the ads on 7Mate & 7Two and the result for the month was extremely cost efficient. On 9, GEM & Go, we essentially bought bonus fill, but because of our buying power managed to get excellent program exposure, audience reach and excellent frequency as a result of this strategy. Paid spots all ran as booked and audience delivery was five times greater than anticipated. WIN, One & 11 helped build frequency and further improve the cost efficiency of the campaign. Audience delivery was approximately four times higher than anticipated.”

Whilst a formal study has not been undertaken to quantitatively measure the economic impact of the marketing campaign, Council has been actively seeking feedback from local businesses. We are also working with the Visitor Information Centre to try to commence better capture data relating to visitor sources (i.e. “How did you hear about Mingenew?”)

Accurately measuring the direct economic impact of the television element of the campaign is obviously challenging, especially when it is a single element in a wider marketing mix. For example, we know that for the 2018 Expo, the digital marketing resulted in 331 clicks through to buy tickets online through online promotion (compared to 12 in 2017) – but what impact the supporting television advertising for the region may have had in this space is very hard to determine. 20% of the marketing of our current campaign has been put towards the promotion of the Expo and – while the event has only just finished – we believe that, in addition to ticket sales, there is anecdotal evidence that this work has provided outcomes above and beyond of what would have been otherwise achieved.

Council has also sought to ensure that its spend on television advertising is being maximised. Our total spend on television advertising to date has been \$12,726.00 (\$9,126.00 for advertising and \$ 3,600.00 for production). Our use of an external marketing company has given us access to media buy rates that are far more favourable than those which the Shire could access on its own. Likewise, whilst prime time advertising is paid for (The \$9,126.00 above), the vast majority of advertising outside this period is at no additional cost to Council, but merely an additional benefit of our current media spend.

We are presently working with the marketing company engaged to try to deepen the statistical reporting that they provide back to us, and I am generally comfortable with some of that reporting being made public through future Council meeting reports. I

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

should add that the ongoing marketing was a topic of some debate during the development of Council's 2018-19 Budget, and both Councillors and Council officers are acutely aware of the need to be able to measure our return on investment with regard to our marketing spend.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Nil

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1.1 ORDINARY MEETING HELD 18 JULY 2018

OFFICER RECOMMENDATION AND 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 18 July 2018 be confirmed as a true and accurate record of proceedings subject to the following correction:

1. Change the month listed within the Council resolution for item 9.2.2 to read June.

VOTING DETAILS:

CARRIED 5/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 MINGENEW NETBALL COURTS – DESIGN & CONSTRUCTION PLAN

Location/Address: Shire of Mingenew
Name of Applicant: Not Applicable
Disclosure of Interest: Nil
File Reference: ADM0074
Date: 7 August 2018
Author: Neil Hartley, Casual Project Officer

Summary

This report outlines the suggested construction proposal for the upgrade of the Mingenew Netball Courts and associated facilities.

The report outlines competing considerations, like risk, WANDRRA revenue opportunities, professional advice considerations, and projected budgets.

Attachment

Requests for Tender documents.

Background

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

Council at its 21 March 2018 meeting resolved that it would endorse the proposal from the Mingenew Netball Club to make a funding submission to the 2018 Community Sporting and Recreation Facilities Fund (CSRFF) funding round. It also agreed to provide a cash contribution of up to \$63,707 (GST Exclusive) towards the project; plus provide in-kind support for required site works, conditional on the Mingenew Netball Club contributing a minimum cash contribution of \$55,000 (GST Exclusive).

The grant application was submitted and was successful, and a grant for \$66,458 has been offered by CSRFF.

The two potential construction options presented to the July 2018 Council Meeting were –

1. Call tenders as soon as possible for a contractor who can undertake the entire works (less the “in-kind” component), giving them sufficient time to undertake the necessary planning prior to works commencing post the 2018 netball season; or
2. Secure the services of a project coordinator, who can coordinate the program as originally proposed, using several individual contractors.

In light of the above and the other information provided in the report, it was recommended that Council consider the following motion –

That Council authorise the calling of a “Design & Construct” tender, to invite interest in the construction of the new Mingenew Netball Court facility. Tenders to include the following critical aspects:

1. *That the design suitably reflects the intentions of the CSRFF grant application (attached);*
2. *The successful tenderer will need to provide engineering certification of proposed groundworks, structures and drainage;*
3. *Tenderer to work cooperatively with the Shire of Mingenew, the Mingenew Football Club, and the Mingenew Netball Club during the design and construction phases;*
4. *That prior to construction work commencing, finalised price estimates be provided to Council for its confirmation; and*
5. *Work to the timeline that the construction period will be limited to the “off netball season”.*

The Council after due consideration, resolved that the matter lay the table for reconsideration at the August 2018 Ordinary Meeting, to allow time to secure suitable engineering advice in regards to drainage and structure design for the project, including estimated construction costings.

Comment

Requests for quotation documents were prepared and forwarded to three organisations, however none chose to lodge a proposal. One advised they were unqualified and it is understood that the shortness of time to prepare a quotation and the lack of a dedicated budget were factors in the decisions of the remaining two organisations not committing to a preparing and providing a quotation. It was anticipated that quotations in the order of \$30-\$50,000 would have been forthcoming.

The challenge with this proposal is that the overall project cost estimate does not include any dedicated provision for preliminary investigations, or design. Also, that the estimated cost of this work would add between 10% and possibly 20% to the project cost. All this needs to be considered against the overall project's value, and the risk of an inadequate design causing a future failure of the pavement, or further drainage related structural damage or user inconvenience. A further but minor complication, is the need to prioritise the undertaking of the WANDRRA storm damage roadworks, which will limit Shire staff/plant availability at the Netball Courts.

Whilst the ideal outcome would be to have professional engineers undertake the above work and to research and design the best outcomes, that option is only available at a proportionately high cost to the project. Preliminary design would have for example, confirmed the adequacy of the electricity supply for the court lighting; considered how drinking water would be reticulated to the covered viewing area and the height of its new cement slab; considered whether one court should be lowered, or the other lifted; researched if there was any risk of underground water causing future court surface damage; considered

how the verandah wall of the Recreation Centre should be protected and drained; and measured and studied how best to deal with stormwater/run-off.

Without that work the project therefore has a high risk of not locating or foreseeing an engineering/construction problem, and also, the dollar and user inconvenience cost of that is difficult to estimate. A design, coordinate, and construct contractor for the project is still seen as the least risky option, but the expense will need to be determined through a Tender process.

Consultation

CEO

Antoinette Krause, GHD

Statutory Environment

The Local Government Act 1995 at S3.57(1) (Tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services. The Local Government (Functions and General) Regulations 1996 at Cl.11(1) (When tenders have to be publicly invited) clarifies that tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000.

This provision would only apply if the project was to be constructed as a single contract. If on the other hand, the project was to be managed by existing shire staff and several unrelated contracts/contractors, the Shire's Purchasing Policy provisions would prevail.

Policy Implications

The Shire of Mingenew's Purchasing Policy requires three written quotations for an expected purchase in the range of \$40,000 - \$149,999 and tenders to be called for projects with a cost exceeding \$150,000. If the project is to be managed by existing shire staff and several unrelated contracts/contractors, these provisions would prevail.

Financial Implications

The submission received from the Netball Club had a total budget cost of \$214,574. This was greater than the \$200,000 cut off for projects usually funded through the CSRFF grants program, however it was agreed to apply for the grant on the basis that eventual tender pricing could be lower than the quotes provided and that the Netball Club was keen to progress the funding application so that the project could be completed prior to the 2019 netball season.

The Netball Club advised that whilst it currently only has capacity to contribute an amount of up to \$55,000 (plus \$15,000 in-kind) the Club was actively pursuing other funding opportunities and that if required, it would look at taking out a self supporting loan from the Shire if this was requested by Council.

Should eventual costs be as originally predicted, and based on a 1/3rd, 1/3rd a 1/3rd basis, each party would contribute \$71,524 however due to the maximum \$200,000 project limit, the CSRFF grant offered was \$66,458. The Shire was therefore asked to contribute \$77,907 (\$63,707 cash and \$14,200 in-kind) and the Netball Club \$70,000 (which includes \$55,000 cash).

The total available funds will be sufficient to undertake the project so long as costs are consistent with estimates (or lower), no variations or contingencies are required, and the project is managed and coordinated "in-kind" by volunteers/the Shire. The risk of a cost over-run due to variations and contingencies is however, considered to be "high" for either option, due to the "unknowns" (e.g. what drainage complications lies below the existing courts). The project is though, a relatively low cost project so any over-runs in dollar terms should be manageable.

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

Should the value of the tender exceed the budgeted amount, Council will be faced with several options, or a potential combination of the below:

1. Reduce scope of the tender (placing greater responsibility on the Shire for project risk management and delivery)
2. Seek to reallocate budget funds
3. Seek additional funding avenues
 - a. Federal Community Sport Infrastructure Grants program has just opened and, in any event, will be targeted for co-contribution (however announcement will not be until November 2018 – after scheduled start date for works)
 - b. It is understood that the Mingenew Netball Club are also looking at additional grant opportunities

Strategic Implications

Community Strategic Plan

Outcome 3.2.3 - Maintain and further develop the recreation complex

Outcome 4.1.1 – Continue to support community groups.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.1

Moved: Cr R Newton

Seconded: Cr G Cosgrove

That Council authorise the calling of a “Design & Construct” tender, to invite interest in the construction of the new Mingenew Netball Court facility. Tenders to include the following critical aspects:

- 1. That the design suitably reflects the intentions of the CSRFF grant application (attached);**
- 2. The successful tenderer will need to provide engineering certification of proposed groundworks, structures and drainage;**
- 3. Tenderer to work cooperatively with the Shire of Mingenew, the Mingenew Football Club, and the Mingenew Netball Club during the design and construction phases;**
- 4. That prior to construction work commencing, finalised price estimates be provided to Council for its confirmation; and**
- 5. Work to the timeline that the construction period will be limited to the “netball off-season”.**

VOTING DETAILS:

CARRIED 5/0

9.1.2 CREDIT CARD POLICY

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	
Date:	09 August 2018
Author:	Belinda Bow, Governance Officer
Senior Officer:	Nils Hay, Chief Executive Officer

Summary

Council is requested to endorse the proposed 'Corporate Credit Card' Policy and note the Management Procedures that support the policy provision of effective and transparent procedures relating to procurement via credit card.

Attachment

- Attachment 1 Corporate Credit Card Management Procedure
- Attachment 2 Proposed Corporate Credit Card Policy

Background

Corporate credit cards can deliver significant benefits to local governments through improved administrative practices and effective cash management. However, they can also expose a local government to significant risks if not properly controlled and whilst local governments generally use credit cards for only a small proportion of their payments, it is important that they are effectively managed to reduce the risks of improper or unauthorised use.

The Corruption & Crime Commission (CCC) categorises the use of corporate credit cards as being high risk, given its prevalence within CCC investigations of local government officers for fraud and misconduct. The introduction of a Corporate Credit Card Policy and Management Procedure to complement the Shire's Procurement Procedures, Code of Conduct, Risk Management Policy and Framework and Public Disclosure Policy/Management Procedure, will assist in mitigating the risks associated with corporate credit cards.

Comment

The Shire currently uses corporate credit cards for transactions when the standard method of incurring liabilities, (raising a purchase order, receiving the invoices and the payment via manual EFT/cheque) is unavailable or impractical. Currently, the process governing corporate credit card systems is a CEO Management Procedure (attachment 1). Given the latest focus of external auditors on credit card risk mitigation and Council's legislative role of ensuring proper governance within the Shire, it would be prudent for Council to adopt a policy that outlines Council's expectations on corporate credit card reporting and set a facility credit limit in line with Council's risk appetite.

The policy, if adopted, details a statement of commitment from Council towards ensuring sound processes are in place for the management of corporate credit cards and for risk reduction. Within the context of the Risk Management Framework, which was adopted by Council in 2016, the policy facilitates:

- The quarterly internal risk analysis, reporting and monitoring by Staff with formal review of the Shire's risk profile to be done annually by the CEO;
- The inclusion of corporate credit card use and its associated risks within the biennial review of internal controls that is to be submitted to the Audit Committee and then Council;
- A limit to the amount of credit that the CEO can seek from financial institutions. It will then be the responsibility of the CEO to allocate credit amounts between cardholders, if it is the view of the CEO, that an officer would benefit from using this payment method;

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

- The submission of sufficient documentation to Council on a monthly basis to allow Council to substantiate cardholder expenditure; and satisfy r11(1)(a) the LGA 1995 (see below).

Consultation

Neil Hartley

Project Manager

Statutory Environment

Local Government Act 1995

Section 2.7(2)(a) and (b) of the Act requires the council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.

Section 6.5(a) of the Act requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

Local Government (Financial Management) Regulations

Regulation 11(1)(a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

Policy Implications

Having a policy on corporate credit cards will allow clarity as to the reporting expectations of Council and the facility credit limit. CEO management procedures have been adopted by the CEO to support the policy.

Financial Implications

Previously Council has determined the credit limit for each officer, with the CEO limit being \$7,500 and the Works Supervisor and Finance Manager allocated \$2000 each. However if the proposed policy is adopted then the CEO will determine credit card issue and credit limit, providing overall credit does not exceed the facility limit as set by Council.

Strategic Implications

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

Outcome 4.2 An open and accountable local government that is respected, professional and trustworthy.

Outcome 4.5.2 Maintain, review and ensure relevance of Council policies and local laws.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.2

Moved: Cr G Cosgrove

Seconded: Cr J Bagley

That Council:

1. Adopt the proposed 'Corporate Credit Card' Policy as attached; and
2. Notes the procedures associated with the aforementioned policy.

VOTING DETAILS:

CARRIED 5/0

9.1.3 MINGENEW WASTE TRANSFER STATION – RESTRICTED ACCESS CONSIDERATION AND COMMUNITY CONSULTATION

Location/Address: Mingenew Refuse Site/Transfer Station
Name of Applicant: Not Applicable
Disclosure of Interest: Nil
File Reference: ADM0441
Date: 15 August 2018
Author: Neil Hartley, Casual Project Officer

Summary

This report provides a background and progress report on the upgrade works at the Mingenew Refuse Site/Transfer Station, and outlines the suggested direction for the controlled management of the site.

Following a query from the Water Corporation to the Department of Environment about the potential of contamination of the Water Corporation's water supply bores in proximity to the Mingenew Refuse Site, the Shire sought advice from a professional consultant (which concluded there was no contamination) and also sought the assistance of a Mid West Development Commission via a grant to fund the construction of a new Transfer Station facility, and control fencing, which would provide contemporary level refuse disposal facilities and access controls.

Works have been progressing over the past couple of years and are now effectively completed. It is now appropriate to consider how best to manage the facility into the future, including the questions of controlling access days/times, setting fees and charges, and contracting the day-to-day management of the site.

Attachment

Nil

Background

The Shire engaged the services of IW Projects in January 2016 to complete a study of the current waste facility and the Shire's current practices for waste disposal. The study was to address any potential contaminated site concerns initiated from an enquiry by the Department of Water and to suggest ways in which the Shire could develop and implement a Waste Management Plan for the long term sustainability of waste services in the Shire of Mingenew. IW Projects (on the Shire's behalf) completed a site inspection on 2 February 2016 and its report on 2 June 2016. The report recommendations were –

Without there being any obvious potential contamination concerns, there are no remedial actions that would need to be immediately implemented as a result of the historical waste management activities on site.

The Shire is managing the facility in a neat and functional matter; however, there are a number of operational improvements that should be implemented to further improve the environmental performance of the facility and as a consequence, further protect against any potential future contamination. These activities include:

- *Relocation and upgrade of the waste transfer station;*
- *Restrict site access;*
- *Manning the facility;*
- *Implement an asbestos management procedure;*
- *Recycling activities to be relocated to a location adjacent to the new waste transfer station;*
- *DrumMuster and used motor oil drop-off facilities to be relocated to the waste management facility;*
- *All non-inert waste materials to be transferred through the transfer station and removed from site;*
- *Progressive closure of complete landfill areas;*
- *Installation of a lined liquid pond near the entrance to the site; and*

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

- *Decommissioning and rehabilitation of the old liquid waste pond.*

Based on the outcome of this preliminary site investigation, there is sufficient information available to conclude that there is no adverse impact to the environment as a result of the waste management activities; hence, it is not recommended that a detailed site investigation be undertaken.

A new waste transfer station (essentially an elevated concrete ramp for vehicle access with large waste bins for the placement of rubbish) was subsequently constructed on the existing waste facility located at Tip Road, Mingenew. The transfer station is now positioned at the front entrance to the existing landfill site. The waste precinct was designed to allow for better waste control and public safety, and support improved recycling and reduction of waste to landfill. The area was designed to promote the segregation of waste so that only waste remaining after recycling was disposed of in the bins provided at the transfer station. There will only be very limited access to the historic tip face, like for bulk loads of inert waste.

The Shire received a \$50,000 grant from the Mid West Development Commission to assist with the project and this was made up of the following components –

Component Description	Status
Retain consultants to plan site	Completed
Install new liquid waste disposal pond	Completed
Construct internal road network	Completed
Construct Caretaker's facility	Completed (but will need a water tank and generator positioned prior to the site being staffed).
Construct Transfer Station/Loading Bay	Completed
Install fencing	Completed
Provide Signage	Wording, number and location of signs being planned.
Project management	Progressing
Undertake audit of grant financials	To be undertaken upon completion of financial reconciliation.

The following grant KPI's were committed to as part of that grant –

Outcomes	Performance Measure	Performance Measure Method
Reduce the volume of waste to land fill	Increase in the volume of putrescible waste collected at the site	Measured by the volume of waste collected by Avon Waste on a fortnightly basis
Increase the volume of recycling received at the site	Increase in recycling from segregation of household waste and recycling collected on site	Measured by the increased volume of recycling collected from the site

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

Manage environmental risks associated with land fill	Reduction in waste collected at tip face and wind blow rubbish scattered at site	Compliance with the Waste Avoidance and Recovery Act 2007 and Waste Avoidance and Resource Recovery Regulations 2008
--	--	--

The project as far as the grant is concerned, is effectively completed. Signage design and installation will depend on the various zones that will be required for rubbish/recycling.

An asbestos management procedure has been prepared, however a strategy to rehabilitate the existing waste site will need to be developed and implemented. Rehabilitation can be undertaken progressively over coming years as plant and labour are available.

In regard to addressing the potential contamination issues that largely drove the overall refuse site upgrade, funds have been included in the 2018/19 budget for this work. It is proposed that one bore be located south/east of the existing refuse site, between the site itself, and the Water Corporation bore. The suggested location is designed to collect water from any plume in that direction and with regular (perhaps half yearly) monitoring, should give a clear indication of any leaching contamination, well before there is any possible impact on the Mingenew Townsite's domestic water source. The geology of the area is complex, characterised by faulting, folding, lithological variations and weathering. Due to this geology, the area of the Water Corporation's production bores are at different depths (see table below) and so the Shire's monitoring bore(s) should be able to take samples in the layer of the fractured rock. According to the consultant, none is expected, although future Shire budgets might wish to consider minimising its risk levels further by funding additional bores (and monitoring them) on the northern side of the tip, between it and the other Water Corporation bores.

Screened depth (m) below top of casing
30.0 – 36.0
31.1 – 43.1
28.4 – 40.2
16.31 – 33.96

As part of the fencing program, a fence across the entrance road to the Water Corporation's eastern bore site was also installed, this will eliminate any inappropriate access and illegal dumping to the rear areas of the Shire's old waste facility. The gate is "double locked" with Water Corporation/Shire padlocks so that approved access can be provided, including if necessary, for volunteers undertaking community cropping on the adjacent farmland.

The Department of Environment Regulation has been previously informed of the Shire's intention to construct a new transfer station facility and have the site manned as part of the Shire's Waste Management Plan for the sustainable provision of waste disposal services in the Shire of Mingenew.

Comment

Whilst the program of works relating to the grant has been completed, other logistical and policy issues to be addressed include -

- Confirm the protocols for DrumMuster. It is suggested that the DrumMuster program continue to operate from the Shire Depot as there is a currently secured enclosure in place. Some transportable fencing is available in the Shire's yard if an alternative location is considered preferable;

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

- The Oil Recycling tank at the Refuse Site needs to be relocated to its permanent location, however it is suggested that the existing (second) oil recycling facility at the Shire's yard should be retained where it is currently positioned, as it has a small crane to assist with larger drums;
- Supplementary internal fencing is required around the sewerage ponds to ensure optimum security/safety;
- A further (higher) fence might be warranted in the north east corner behind the transfer station/loading ramp if wind blown refuse consistently escapes from that area;
- Signage to highlight the new rubbish precinct dumping points is needed so that refuse site users can split their loads into various waste components (like metals, tyres, green-waste, other recyclables, and general waste);
- Community info sessions/newsletters are required to outline the changes proposed;
- Consideration of the question of tip opening hours and the setting of entrance fees is also required; and
- Advertising and selection of an attendant (if this is to be progressed) needs to be undertaken.

Consultation

The project now effectively completed, requires an implementation plan to activate the facility either as it was planned, or in some agreed modified form. Community consultation to both explain how the new facility was proposed to operate, and to revisit the question of access and facility managed through a controlled access environment, is considered to be a good way to move the project to its final stage.

Statutory Environment

The facility is licensed as per the license issued by the Department of Environment (dated 4 December 2000).

Whilst there is a requirement to suitably manage the site, there is no obligation to have a refuse site staffed or have its access hours restricted (although that would be a very effective way to manage the facility and is a trend that is becoming more common).

Policy Implications

Policy 1.4.1 Community Engagement, outlines a requirement to engage with the community and keep them appropriately informed.

Financial Implications

The last review of the Shire's Corporate Business Plan committed to bring forward this project into the 2016/17 financial year, and with a grant from the Mid West Development Commission, that work has progressed.

The new Transfer Station bins will be provided by Avon Waste as part of the existing contract, these are rented by the Shire from Avon waste. Removal of the bins occurs on a fortnightly basis (as per existing contract) – this may need to be renegotiated to weekly at some future point in time if refuse disposal at the transfer station exceeds historic levels. Removal and bin hire costs re as outlined in the Schedule of the Avon Waste

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.1.3

Moved: Cr R Newton

Seconded: Cr K McGlinn

That Council –

1. Notes the progress being made with the Mingenew Refuse Site upgrade;
2. Notes that (subject to a provision in the 2018/19 budget) a monitoring bore will be positioned by the Shire on the eastern side of the facility (between the facility and the nearest Water Corporation water production bore); and
3. Agrees in principle that a controlled waste precinct site is an ideal goal for waste management at the Mingenew Refuse Site, and to progress that consideration requires that a Community Consultation program be developed and implemented (to enable the Shire and the Mingenew Community to suitably engage in a discussion as to how it might occur, and when it might commence) - these discussions to include recycling opportunities, communications opportunities, fees and charges, and opening days/hours.

VOTING DETAILS:

CARRIED 5/0

9.2 FINANCE

9.2.1 ADOPTION OF 2018/19 BUDGET

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0130
Date: 16 August 2018
Author: Martin Whitely, Consultant

Summary

This report seeks Council adoption of the Shire of Mingenew 2018/19 Budget.

Attachment

2018/19 Budget Template
2018/19 Statutory Budget (to be circulated prior to the meeting)
2018/19 Capital Expenditure
2018/19 Road Program
10 Year Plant Replacement Program
2018/19 Fees & Charges

Background

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of the Local Government Act 1995, to formally adopt its annual financial year budget to enable the administration to carry out the defined services and programmes and to raise revenue through rates and fees and charges.

Consistent with sections 6.2(4) of the Local Government Act 1995, the 2018/19 Budget for the Shire of Mingenew includes the following:

- Rates and Minimum Payments for 2018/19
- Capital Works
- Fees and Charges
- Concessions
- Allowances
- Borrowings
- Reserves
- Budget Estimates for Adoption

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

Rating & Minimum Payments

The raising of revenue via annual rates is an important source of funds for all Councils throughout Australia. The Local Government Act 1995 (the Act) empowers WA Councils to impose general rates and minimum payments.

Rate Modelling (2018/19):

The proposed rates model is based on the following:

- Annual UV & Mining valuations applied
- 2.5% average rate increase (2017/18: 2.5%)
- GRV Rate in the \$ 14.9035c (2017/18:14.5400c)
- UV Rate in the \$ 1.3684c (2017/18: 1.3350c)
- Minimum Payments – UV - \$1,050 (2017/18: \$1,025)
- Minimum Payments – GRV - \$700 (2017/18: \$682)
- 50% concessions applied to Yandanooka Townsite
- No differential rates

Fees and Charges

The majority of the proposed fees and charges have remained the same as 2017/18. Where possible, the actual cost of providing the service has been assessed, with provision for increases based on inflation and cost escalation where necessary.

Household and commercial waste removal charges have been increased to allow for a higher level of cost recovery of these services, being \$378 per 240L bin per week (2017/18: \$369)

Statutory fees and charges associated with town planning, health and building have been increased or remain unchanged as per relevant legislation that determines those fees and charges.

Concessions

A 50% concession will be available to persons owning rateable properties within the Shire that are rateable on the basis of Gross Rental Value (GRV) and are in the Yandanooka Townsite. The purpose of the concession is to recognise the reduced level of service provided to these ratepayers as compared to that provided to those in the Mingenew Townsite.

Allowances

Allowances proposed for the President and Councillors for 2018/19 have been indexed as per the resolution passed by Council, Item 9.2.2 in May 2015, being Perth March CPI.

Borrowings

There are no new borrowings proposed in the 2018/19 budget.

Reserve Accounts

There are no new reserves proposed in the financial year 2018/19.

Brought Forward Value

There is an estimated surplus of \$1,491,985 shown in the Budget as the brought forward amount from 30 June 2018. This figure is unaudited and may change with any adjustments to the opening position to be addressed during the year end and audit process.

Capital Works and Funding

Capital Works of \$3,109,016 are proposed in the 2018/19 financial year and these projects are itemised in the supplementary budget information.

A total of \$1,396,347 is budgeted for the Capital Road Programme.

Funding sources allocated to the 2018/19 Road Programme include;

- \$544,674 – Main Roads Regional Road Group
- \$223,467 – Roads to Recovery
- \$45,210 – Main Roads Direct Grant
- \$139,866– Grants Commission Local Road Component

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

Elected Members Fees & Allowances

Elected Members Fees & Allowances for the 2018/19 financial year have been increased by the March 2018 Perth CPI.

President Allowance	\$7,288
Deputy President Allowance	\$1,822
Annual Meeting Fee – President	\$6,278
Annual Meeting Fee – Deputy President	\$4,168
Annual Meeting Fee – Councillors	\$3,700

Consultation

While no specific community consultation has occurred during the compilation of the draft 2018/19 Budget, community consultation was previously undertaken during the development of the Community Strategic Plan and the development of the Corporate Business Plan.

There has been internal consultation with staff and elected members throughout the preparation of the budget and the budget meetings involving elected members.

Statutory Environment

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

In addition, Section 6.2 of the Local Government Act 1995 requires that in preparing its annual budget the Council is to have regard to the contents of its Plan for the Future, prepared in accordance with section 5.56. Under the Integrated Planning Framework for Local Government, that is the Community Strategic Plan in conjunction with the Corporate Business Plan.

The 2018/19 Budget as presented is considered to meet statutory requirements.

Policy Implications

The 2018/19 Budget is prepared on the principles outlined within the Corporate Business Plan and other related documents.

Financial Implications

As detailed within the report and as per the attached 2018/19 Budget documentation.

Strategic Implications

The 2018/19 Budget will address Council's capacity to deliver on projects identified in the Community Strategic Plan, Corporate Business Plan, Long Term Financial Plan and other associated plans.

Voting Requirements

Part A- Municipal Fund Budget for 2018/19 Financial Year - Absolute Majority

Part B- General and Minimal Rates and Instalment Payment Arrangements - Absolute Majority

Part C- General Fees and Charges for 2018/19 - Absolute Majority

Part D- Other Statutory Fees for 2018/19 - Simple Majority

Part E- Material Variance Reporting for 2018/19 - Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION- ITEM 9.2.1

PART A – MUNICIPAL FUND BUDGET FOR 2018/19 FINANCIAL YEAR

Moved: Cr G Cosgrove

Seconded: Cr J Bagley

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in Attachment 9.2.1 of this Agenda for the Shire of Mingenew for the 2018/19 financial year which includes the following:

- Rates Setting Statement
- Statement of Cash Flows
- Comprehensive Income Statement by Program
- Comprehensive Income Statement by Nature/Type
- Notes to and Forming Part of the Budget
- Capital Works Program
- Road Program
- Plant Replacement Program

VOTING DETAILS:

CARRIED 5/0 BY ABSOLUTE MAJORITY

PART B – GENERAL AND MINIMUM RATES AND INSTALMENT PAYMENT ARRANGEMENTS

Moved: Cr G Cosgrove

Seconded: Cr J Bagley

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum payments on Gross Rental and Unimproved Values, as supplied by Landgate (as amended) as at 1 July 2018.

1.1 General Rates

- Mingenew & Yandanooka (GRV) 14.9035 cents in the dollar
- Rural & Mining (UV) 1.3684 cents in the dollar

1.2 Minimum Payments

- Mingenew & Yandanooka (GRV) \$700
- Rural & Mining (UV) \$1050

2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council provides the option for ratepayers to pay their rates as a single payment or by 2 or 4 equal instalments; and, in accordance with Section 6.50 of the Act nominates the following due dates for the payment in full or by instalments:

- Full payment and 1st instalment due date 5 October 2018
- 2nd half instalment due date 6 December 2018
- 2nd quarterly instalment due date 6 December 2018
- 3rd quarterly instalment due date 7 February 2019
- 4th quarterly instalment due date 8 April 2019

3. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$15 for each instalment after the initial instalment is paid.

4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

5. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

6. Pursuant to section 6.47 of the Local Government Act 1995, Council grants a 50% concession on rates assessments issued to all properties rateable on the basis of Gross Rental Valuation in the Yandanooka Townsite with the object of recognising the reduced level of service provided to properties in Yandanooka Townsite as compared to Mingenew Townsite.

VOTING DETAILS:

CARRIED 5/0 BY ABSOLUTE MAJORITY

PART C – GENERAL FEES AND CHARGES FOR 2018/19

Moved: Cr G Cosgrove

Seconded: Cr J Bagley

Pursuant to section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges as presented forming part of the 2018/19 Budget included as a separate Attachment to this Agenda.

VOTING DETAILS:

CARRIED 5/0 BY ABSOLUTE MAJORITY

PART D – OTHER STATUTORY FEES FOR 2018/19

Moved: Cr G Cosgrove

Seconded: Cr J Bagley

1. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopt the following charges for the removal and deposit of domestic and commercial waste:

3.1 Residential Premises

- 240 Litre bin per weekly collection \$378 per annum

3.2 Commercial Premises

- 240 Litre bin per weekly collection \$378 per annum

VOTING DETAILS:

CARRIED 5/0

PART E – MATERIAL VARIANCE REPORTING FOR 2018/19

Moved: Cr G Cosgrove

Seconded: Cr J Bagley

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

VOTING DETAILS:

CARRIED 5/0

9.2.2 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 JULY 2018

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 16 August 2018
Author: Martin Whitely, Consultant

Summary

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

Attachment

Finance Report for period ending 31 July 2018

Background

The Monthly Financial Report to 31 July 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	\$336,278
Restricted Funds (Unspent Grants) – 3 Month Term Deposit @ 2.50%	\$708,000
3 Month Term Deposit @ 2.50%	\$321,519
Trust Fund	\$56,370
Reserve fund (6 Month Term Deposit) @ 2.50%	\$406,162

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 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 July 2018;

	Current	30+ Days	60+ Days	90+ Days	TOTAL
Amount	\$55,874	\$1,969	\$860	\$6,054	\$64,757

Rates Outstanding at 31 July 2018 were:

	July 2018	June 2018
Rates	\$29,839	\$42,145
Rubbish	\$3,422	\$3,053
ESL	\$1,670	\$1,377
TOTAL	\$34,931	\$46,575

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2018/19 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 – 22 August 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 9.2.2

Moved: Cr R Newton

Seconded: Cr K McGlinn

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

VOTING DETAILS:

CARRIED 5/0

9.2.3 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 JULY 2018

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Disclosure of Interest: Nil
Date: 16 August 2018
Author: Martin Whitely, Consultant

Summary

This report recommends that Council confirm the payment of creditors for the month of July 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 9.2.3

Moved: Cr J Bagley

Seconded: Cr K McGlinn

That Council confirm the accounts as presented for July 2018 from the Municipal & Trust Fund totalling \$228,740.87 represented by Electronic Funds Transfers of EFT 11637 to 11684, EFT 11689 and 11719, Direct Deduction DD 8526.1, 2, 3, 4, 5, 6 & 7 and Municipal Cheque numbers 8560 to 8562.

VOTING DETAILS:

CARRIED 5/0

9.3 ADMINISTRATION

Nil

9.4 TOWN PLANNING

9.4.1 PROPOSED OUTBUILDING EXTENSION, MINGENEW BAKERY

Location/Address: 56 (Lot 38) Midlands Road, Mingenew
Name of Applicant: C & S Gammon
Disclosure of Interest: Nil
File Reference: A205
Date: 1 August 2018
Author: Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Senior Officer: Nils Hay, Chief Executive Officer

Summary

Council is in receipt of an application to extend an existing outbuilding at the rear of the Mingenew Bakery. This report recommends that Council grant conditional approval.

Attachment

Attachment 9.4.1(a) - Copy of submitted development application

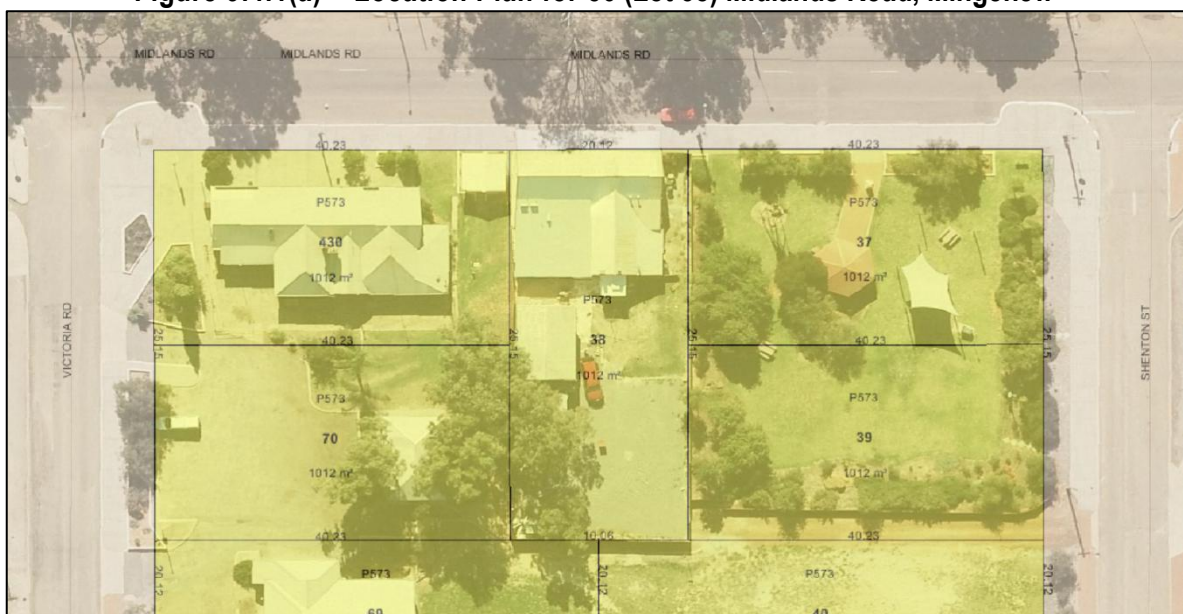
Attachment 9.4.1(b) - Extract from Shire of Mingenew Municipal Inventory of Heritage Places

Background

Lot 38 is a 1,012m² property that contains the Mingenew Bakery, and a 57.15m² outbuilding to the rear. The applicant is proposing to extend the outbuilding to the south by a further 60.83m² creating a 117.98m² total outbuilding.

The Shire of Mingenew Local Planning Scheme No.3 ('the Scheme') lists 75m² as being the maximum outbuilding area for the 'Town Centre' zone that Shire staff can approve under delegated authority and this application has therefore been presented to Council for its determination.

Figure 9.4.1(a) – Location Plan for 56 (Lot 38) Midlands Road, Mingenew



The shed extension would be open-sided on its eastern elevation and have a wall height of 3.7m and a roof gable height of 4.26m and be located 0.5m from the western side boundary.

The applicant's submitted site, elevation and floor plans are provided as **Attachment 9.4.1(a)**.

The applicant has also advised, in support of their application that:

“we plan to re-clad the existing shed from the 60's era with new iron stone walls with classic cream trim to match in with new shed and bakery. The only reason for the distance off the boundary of 500mm is to coincide with the existing shed.”

Figure 9.4.1(b) – Aerial Photograph of 56 (Lot 38) Midlands Road, Mingenew



Comment

Shire staff do not raise objection to the proposed outbuilding extension on the following basis:

- the applicant is seeking to use outbuilding materials and colours that are sympathetic to the main bakery building upon the property;
- the 0.5m side boundary setback distance being sought is to enable the extension to match with the existing outbuilding;
- the neighbouring property that might be considered as being most impacted by the proposed development is not a privately owned residential lot, but a Shire owned property that contains a car park and public ablution facility;
- the outbuilding would be obscured from Midlands Road by the bakery building and from Victoria Road by the existing ablution facility and from Cecil Newton Park by existing landscaping;
- Lot 38 contains a commercial operation and it is appropriate for a larger outbuilding to be sensitively developed upon the property; &
- the storage of vehicles and items within an extended outbuilding may be considered visually preferable to having them in the open about the property, and provides improved security and weather protection for the owner.

Consultation

Council is not required to undertake consultation for this application, however, Council does have the right to advertise the application under Section 9.4 of the Scheme should it wish to seek comment on the proposal and return the matter to a future meeting of Council for consideration of any received submissions, prior to making its determination.

Lot 38 is not located upon the State Register of Heritage Places, and the Shire is not therefore required to forward the application to the Heritage Council of Western Australia seeking comment prior to making its determination.

Figure 9.4.1(c) – View looking east at existing outbuilding on Lot 38 from adjoining Lot 70



Figure 9.4.1(d) – View looking west at existing outbuilding on Lot 38 from adjoining Lot 39



Statutory Environment

Lot 38 Midlands Road, Mingenev is zoned 'Town Centre' under the Scheme.

Section 4.2 of the Scheme lists the objectives of the 'Town Centre' zone as being:

- "The use of land in the Town Centre Zone shall be consistent with the following objectives:*
- to provide for the variety of predominantly commercial, service, social and administrative uses required to service the needs of local resident and visitor alike.*

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

- *the maintenance and centralisation of commercial, service and other permitted uses in a compact accessible centre.*
- *to encourage development in general compliance with the Mingenew Townscape Plan at Council's discretion.*
- *to provide for residential development in conjunction with commercial development. However, residential development without commercial uses is permitted at the discretion of Council.*
- *to provide for pedestrian movement and sheltered spaces relating to the same.*
- *to provide for the safe and efficient flow of traffic and the adequate provision of car parking facilities.*
- *to encourage the development of new building or the modification/restoration of existing buildings in a manner which is compatible with the existing streetscape in terms of scale, height, design and, materials, location and faced design.*
- *to restrict the use of the town centre for any industrial activity which is not of a low key or service nature and which does not provide for the storage of any unsightly goods from the public view."*

Section 5.17.1 of the Scheme requires that:

"Within all Residential, Town Centre or Special Use zoned land, Planning Consent will be granted to outbuildings appurtenant to any dwelling, provided all boundary setbacks and building separation requirements have been complied with, the building is of single storey construction, located behind any dwelling on site and provided the proposed development complies with the following—

- (a) *In the Residential, Town Centre and Special Use Zone of the Shire where the lot size is 1,500m² or less in area.*
 - (i) *The area of an outbuilding of zincalume construction shall not exceed 55m²;*
 - (ii) *An outbuilding of other than zincalume construction shall not exceed 75m², and shall have no parapet wall longer than 8m;*
 - (iii) *The wall height of any outbuilding, including any parapet walls, shall not exceed 3m. The building height for gable roof construction shall not exceed 4m and the maximum wall height is 3.3m, providing adjacent landowners give written approval where the wall height exceeds 3m;*
 - (iv) *A planning application will be required for parapet wall construction on any boundary. The applicant shall obtain written comments on the proposal from the adjacent landowners for the local government's consideration;*
 - (v) *An outbuilding will not be approved by the local government on a lot containing no dwelling.*
 - (vi) *Any development application which does not comply with the above, shall be referred to Council for consideration."*

As the application proposes a total outbuilding area of 117.98m² (this being greater than the Scheme requirement of 75m²), a wall height of 3.7m (this being greater than the Scheme requirement of 3m), and a total height of 4.26m (this being greater than the Scheme requirement of 4m) it exceeds the delegated authority of Shire staff and is required to be presented to Council for determination.

Section 5.17.1(c) of the Scheme also requires that:

- "(ii) Metal or Wood Framed Construction—Garages, Patios, Pergolas, sheds and all other outbuildings except Carports—*
 - (a) *In the Residential, Town Centre or Special Use Zones—*
 - *Garages, Sheds and all other outbuildings except Patios and Pergolas are to be detached from and at least 1.8m clear of the dwelling and any leach*

MINGENEW SHIRE COUNCIL ORDINARY MEETING MINUTES – 22 August 2018

drains. Clearance to side and rear boundaries and to any septic tanks onsite is to be at least 1.2m.

- *Patios and Pergolas are to be setback at least 1.2m from any lot boundary unless otherwise approved by Council.”*

As the application proposes a side boundary setback distance of 0.5m (this being less than the Scheme requirement of 1.2m) it exceeds the delegated authority of Shire staff and is required to be presented to Council for determination.

Section 5.23.1.5 of the Scheme requires that:

“All buildings shall be located, designed and constructed so that the external appearance arising from height, bulk, method of construction, materials used, colour and texture do not have an adverse impact on the locality.”

It is considered that the external appearance and location of the proposed outbuilding extension would not have an adverse impact on the surrounding amenity.

The Shire of Mingenew Municipal Inventory of Heritage Places was prepared in 1995 as a requirement of the *Heritage of Western Australia Act 1990* to record buildings within the district of heritage significance. Lot 38 is located upon the Heritage Inventory which notes that from 1900 the site was used as the K & M Store and T & D Store.

The Heritage Inventory describes the site as a small country store on the main road through town with living quarters at the back, built of asbestos cement and iron on a wooden frame with infill concrete blocks, and the site is noted as having some significance as the only store to retain its verandahs and original lines.

The proposed development would be separate from, and not impact upon, the former store building and is considered to be in harmony with the heritage aspects of the site.

The relevant extract from the Municipal Inventory has been provided as **Attachment 9.4.1(b)**.

Policy Implications

Nil.

Financial Implications

The application would not have a budgetary impact to Council.

Strategic Implications

Vehicle access to the outbuilding at the rear of the Mingenew Bakery is via a gravel track across the Shire owned Lot 39 that has been in existence for many years, this access is not contained within a formal easement and is at the grace of the Shire who own Lots 37 & 39 Shenton Street that comprise Cecil Newton Park.

It is suggested that this access arrangement should be continued as the width between the east side of the bakery and the Lot 38 boundary is not ideally suited to vehicles and may lead to damage to the historic building if utilised. It is also considered preferable for vehicles to access onto the side-street of Shenton Street rather than directly onto the busier Midlands Road.

Council may seek to formalise this access arrangement by agreeing to place a right-of-carriageway easement across Lot 39. Alternatively Council may wish to continue the current informal arrangement and retain the right to review this matter at some later time.

The second option would provide Council the flexibility to still consider in future the strategic direction as recommended in the Mingenew Town Centre Revitalisation Plan which suggests that the fence on the southern side of Cecil Newton Park could be removed and the park be extended further south to link with the skate park. In the event that this action was pursued, Council could still consider permitting access to the rear of Lot 38 via an alternative alignment across other titles under the Shire's ownership.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 9.4.1

Moved: Cr J Bagley

Seconded: Cr G Cosgrove

That Council grant formal planning approval for the proposed outbuilding extension upon 56 (Lot 38) Midlands Road, Mingenew subject to compliance with the following:

Conditions:

- 1 Development shall be in accordance with plans included within Attachment 9.4.1(a) 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 outbuilding shall be clad in colours and materials and to a finish that are complementary to the main building upon the property to the approval of the local government.**
- 4 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must not be used for habitation purposes. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.**
- 5 All stormwater is to be disposed of on-site to the approval of the local government.**
- 6 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.**

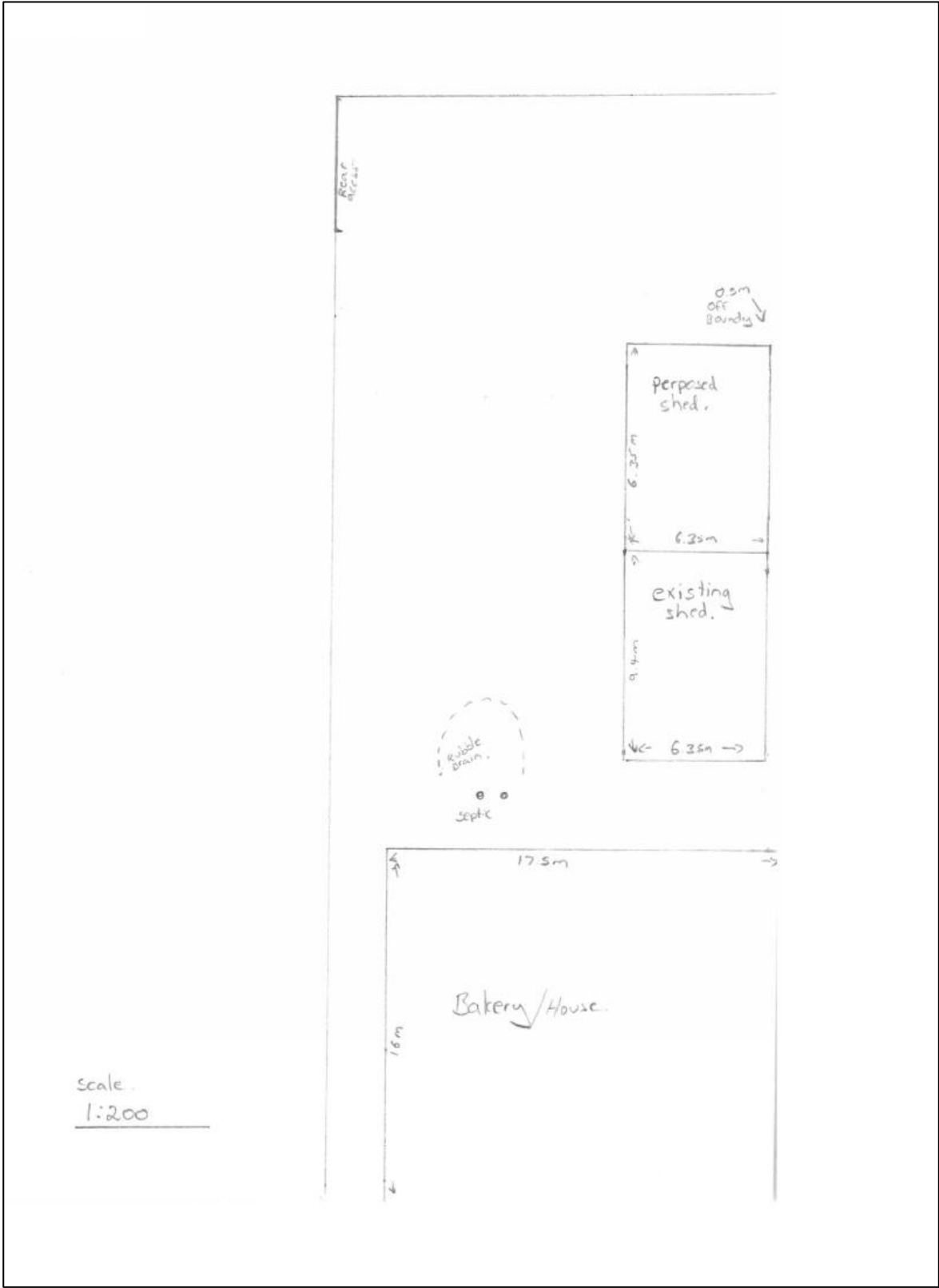
Notes:

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.**
- (b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.**
- (c) 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 5/0

ATTACHMENT 9.4.1A



FRAME ROOF PLAN

6350 O/A

9580 O/A

10°

ELEVATION GRID A

ELEVATION GRID B

ELEVATION GRID 1

ELEVATION GRID 2

ATTACHMENT 9.4.1B

Municipal Inventory Information

LOCATION

HCWA Reference Number	
LGA Reference Number	79/24
Name of Place	K & M Store
Other Names (1)	T & D Store
Location/Address	
Street Number	56
Street Name	Midlands Road
Suburb/Town	Mingenew Townsite
Local Government Authority	Mingenew
Map References	
Map Name	DOLA Cadastral (Mingenew S.E.)
Map Scale	1:25,000
Northing	6769500mN
Easting	348500mE
Area (ha)	0.1012

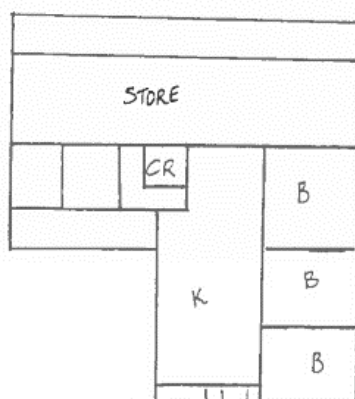
OWNERSHIP & LAND DESCRIPTION

<i>Owner</i>	<i>Address</i>	<i>Phone/fax</i>	<i>Status</i>	<i>Item No</i>
Ken & Michelle Boyland	56 Midlands Road, Mingenew		Freehold	1
<i>Reserve No.</i>	<i>Lot/Location No.</i>	<i>Plan/Diagram</i>	<i>Vol/Folio</i>	<i>Item No.</i>
	Lot 38			1

DESCRIPTION

Construction Date (1)	c 1900
Source/Details	Local knowledge
Site Type	Shop
Use(s) of Place	
<i>Original</i>	Shop & Dwelling
<i>Present</i>	Shop & Dwelling
Architect/Designer (1)	
Other Associated Persons (1)	
Construction Materials	
<i>Walls</i>	Originally corrugated iron, now corrugated iron, asbestos cement and concrete block
<i>Roof</i>	Corrugated iron
Modifications	Wall claddings, linings replaced
Condition	Fair
Integrity	
The building maintains its original lines.	
Description	
<p>A small country store on the main road through town with living quarters at the back, containing original large wood fired ovens. Built of asbestos cement and iron on a wooden frame, with infill concrete blocks.</p> <p>Full length verandah along frontage.</p>	

K + M. STORE.



SIGNIFICANCE

Historic theme (s)	Occupations - commerce
Statement of Significance	
The shop was built as a temporary structure before the main stone store (where Cecil Newton Park is) was built. After the main store was constructed, it became "The Tearooms" for many years. It became a store again in the 1960s. It is now the only store to retain its verandahs and traditionally all cake stalls are held there.	
Recommendation/Conservation Strategy	Significant but not essential to an understanding of the history of the district: photographically record the place prior to any major redevelopment or demolition.



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

Nil

13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 19 September 2018 commencing at 4.30pm.

14.0 CLOSURE

President Newton thanked all for attending and closed the meeting at 5.26pm.